Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

Tracy Corr: Chair
Tom Beckius: Vice-Chair
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Tracy Edgerton
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Cristy Joy
Cindy Ryman Yost
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PLANNING STAFF

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

April 1, 2020

NOTICE: **The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, April 1, 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.**

The Lincoln/Lancaster County Planning Commission will meet on Wednesday, April 1, 2020, at 12:00pm in the Council Chambers, for a pre-briefing on the Capital Improvement Program and Transportation Improvement Program.

****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.

***** In order to limit the number of people gathering at any one time and our effort to adhere to required "social distancing" protocols, we are staggering the times of various hearings over several hours. These times are identified in () next to each agenda item. We are encouraging attendees to arrive no more than 15 minutes before their scheduled hearing. An agenda item will not begin before the time posted. *****

AGENDA

WEDNESDAY, APRIL 1, 2020

Approval of minutes, as amended, of the regular meeting held March 4, 2020.

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

ANNEXATION AND RELATED ITEMS:

1.1a ANNEXATION 20001, to annex 49 acres, more or less, on property generally located at 40th Street and Rokeby Road.
Staff recommendation: Conditional Approval
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

1.1b CHANGE OF ZONE 20002, from AG (Agricultural District) to R-5 (Residential District) PUD (Planned Unit Development) and from AG (Agricultural District) to O-3 (Office Park District) PUD (Planned Unit Development), with associated waivers, on property generally located at 40th Street and Rokeby Road.
Page 01
Staff recommendation: Conditional Approval
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

1.2a ANNEXATION 20005, to annex approximately 34.89 acres, on property generally located at NW 12th Street and Aster Road.
Page 21
Staff recommendation: Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

1.2b CHANGE OF ZONE 05085C, from AG (Agriculture District) to R-3 (Residential District) PUD (Planned Unit District), on property generally located at NW 12th Street and Aster Road, for approval of a development plan which proposes modifications to the Zoning Ordinance and Land Subdivision Ordinance to allow approximately 100 new residential lots west of Tallgrass Parkway.
Page 21
Staff recommendation: Conditional Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

CHANGE OF ZONE:

1.3 CHANGE OF ZONE 08066A, from B-3 (Commercial District) Planned Unit Development (PUD) and from R-6 (Residential District) to R-6 PUD to add additional residential area, with waivers, for the expansion of the Antelope Village PUD, located on approximately 12.75 acres, more or less, on property generally located at North 24th and Q Streets.
Page 41
Staff recommendation: Conditional Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

1.4 CHANGE OF ZONE 20009, from R-3 (Residential District) to R-3 PUD (Planned Unit Development) to allow up to 130,000 square feet of commercial floor area and up to 322 single and multiple-family dwelling units with waivers to the zoning and subdivision regulations, on property generally located at South 59th Circle and Pine Lake Road.
Page 55
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

SPECIAL PERMIT:

1.5 SPECIAL PERMIT 20009, to allow for a 30,000-gallon propane tank, on property generally located at 1305 Broad Street, Lancaster County, Nebraska.
Page 69
***** FINAL ACTION *****
Staff recommendation: Conditional Approval
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

1.6 SPECIAL PERMIT 20010, to allow for on-sale alcohol associated with a restaurant, on property generally located at 6105 Havelock Avenue. *****FINAL ACTION*****
Page 77
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

TEXT AMENDMENT:

1.7 TEXT AMENDMENT 20001, amending Lincoln Municipal Code Section 27.72.120 Height and Lot Regulations for Accessory Buildings, to remove the condition that accessory buildings with a conditioned area shall be no taller than the main building on the same lot, and repealing said section as hitherto existing.
Page 89
Staff recommendation: Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

2. REQUESTS FOR DEFERRAL:

3. ITEMS REMOVED FROM CONSENT AGENDA:

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

(* 1:00 P.M. PUBLIC HEARING ITEMS ***)**

TEXT AMENDMENT:

4.1 TEXT AMENDMENT 20002, to amend the Lincoln Municipal Code Section 27.02 Definitions, 27.02.040(c) Campgrounds and 27.02.190(r) Recreational Vehicle, and amend Special Permit for Campgrounds per Section 27.63.270, and repealing said sections as hitherto existing.
Page 97
Staff recommendation: Approval
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

STREET & ALLEY VACATION:

4.2 STREET & ALLEY VACATION 20002, to vacate that portion of West Saunders Avenue lying west of the west line of NW 10th Street and east of the east line of Cornhusker Highway, generally located at 1010 West Cornhusker Highway.
Page 107
Staff recommendation: Does not conform to the Comprehensive Plan
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

(* 2:00 P.M. PUBLIC HEARING ITEM ***)**

SPECIAL PERMIT:

4.3 SPECIAL PERMIT 20008, to allow for the development of a CUP (Community Unit Plan) with up to 28 dwelling units, with requested waivers to lot dimensions, setbacks, and the Private Roadway Design Standards, on property generally located at Fletcher Avenue and Telluride Drive.
Page 119
Staff recommendation: Conditional Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

(* 3:00 P.M. PUBLIC HEARING ITEMS ***)**

SPECIAL PERMIT:

4.4 SPECIAL PERMIT 20005, to allow for an alternative-to-imprisonment facility with up to 6 persons in an existing residence, on property generally located at 420 South 28th Street. *****FINAL ACTION*****
Page 133
Staff recommendation: Conditional Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

ADMINISTRATIVE ADMENDMENT:

4.5 ADMINISTRATIVE ADMENDMENT 20007, an appeal to the Planning Director's denial to amend the land use/trip table for properties located within the Appian Way Regional Center Phase II commercial center, generally located at South 87th Street and Highway 2. *****FINAL ACTION*****
Page 145
Staff recommendation: Denial
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

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

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Adjournment

PENDING LIST: *Special Permit 15062A, to allow for the expansion of the sale of alcohol for consumption on and off the premises, on property, generally located at 925 Robbers Cave Road.*

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

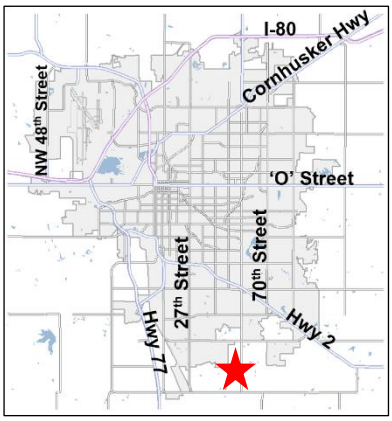
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Annexation 20001 CZ20002	No	Sundance, LLC
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
April 1, 2020	None	S. 40th Street & Rokeby Road

RECOMMENDATION: ANNEXATION #20001 **CONDITIONAL APPROVAL**
CHANGE OF ZONE #20002 **CONDITIONAL APPROVAL**

BRIEF SUMMARY OF REQUEST

This is a combined staff report for Annexation #20001 and Change of Zone #20002 for Grandale South Planned Unit Development (PUD). The annexation is approximately 49 acres and the PUD is approximately 52.53 acres. A change of zone is requested from AG Agriculture to R-5 Residential and O-3 Office Park Planned Unit Development



JUSTIFICATION FOR RECOMMENDATION

The property is contiguous to the City limits on the north. It is located in the Tier I, Priority B Growth Area which is appropriate for annexation. The proposed zoning conforms to the Future Land Use Map in the Comprehensive Plan. An annexation agreement will address transportation and utility improvements needed to serve this site.

APPLICATION CONTACT

List application contact phone and email here

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The requested annexation and change of zone are consistent with the 2040 Comprehensive Plan, which identifies future urban density residential and commercial land uses and classifies this site within Growth Tier I, Priority B. Priority B includes areas designated for development in the first half of the planning period (to 2026) and generally contiguous to existing development.

WAIVERS

1.	Block length for the O-3 PUD area.	Approval
2.	Increase height to 55 feet for the R-5 PUD and 65 feet for the O-3 PUD.	Approval
3.	Side lot lines at non-right angle to the street.	Not Necessary

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 5.5 – Commercial and Industrial Development Strategies:

It is the policy that Commercial and Industrial Centers in Lancaster County be located:

- Within the City of Lincoln or incorporated villages.
- Where urban services and infrastructure are available or planned for in the near term.
- In sites supported by adequate road capacity.
- In areas compatible with existing or planned residential uses.

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. 6.2-6.3 - Guiding Principles for Mixed Use Redevelopment

- Mixed Use Redevelopment Should:
  - Target existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and more efficiently utilize existing infrastructure.
  - Occur on sites supported by adequate road and utility capacity.
  - Be located and designed in a manner compatible with existing or planned land uses.
  - Enhance entryways when developing adjacent to these corridors.
  - Preserve existing affordable housing and promote the creation of new affordable housing throughout the community.
  - Provide a diversity of housing types and choices throughout each neighborhood for an increasingly diverse population.
  - Encourage substantial connectivity and convenient access to neighborhood services (stores, schools, parks) from nearby residential areas.
  - Create housing opportunities for residents with special needs throughout the city that are compatible with and integrated into residential neighborhoods.
  - Incorporate and enhance street networks with multiple modes of transportation in order to maximize access and mobility options.
  - Promote activities of daily living within walking distance, and provide sidewalks on both sides of all streets, or in alternative locations as allowed through design standards or review process.
  - Help to create neighborhoods that include homes, stores, workplaces, schools, and places to recreate.
  - Encourage residential mixed use for identified corridors and redeveloping Regional, Community, Neighborhood, and Mixed Use Office Centers identified as nodes.
  - Develop with substantial connectivity between developing or existing neighborhoods and developing or redeveloping commercial centers.
  - Be encouraged to make available opportunities for individuals and/or organizations to raise and market local food.
  - Encourage preservation or restoration of natural resources within or adjacent to mixed use redevelopment areas. Encourage public/private partnerships with housing entities such as Lincoln Housing Authority, Nebraska Housing Resource, and NeighborWorks.

P. 12.3 - this site is shown as future urban density 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.

Pg. 12.6/12.7- This site is shown in Tier One, Priority B on the Growth Tier Map. Areas designated for development in the first half of the planning period (to 2026) are generally contiguous to existing development and should be provided with basic infrastructure as they develop. Some of the infrastructure required for development may already be in place. Some infrastructure improvements may be made in the near term while others, such as road improvements that are generally more costly, may take longer to complete.

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

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

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

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

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

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

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

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

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

UTILITIES & SERVICES

A. Sanitary Sewer: Sewer is available on the north end of the site. Additional improvements will be addressed in the annexation agreement.

B. Water: A 16" water main is available on S. 40th Street. Extension of the water main will be addressed in the annexation agreement.

C. Roads: S. 40th St. is a 2-lane paved county road. Upon annexation S. 40th will become a city street. It is classified as a minor arterial.

Rokeby Rd. is classified as a Major Collector. Currently Rokeby Rd. does not exist.

D. Parks and Trails: There are no parks or future trails shown for this area.

E. Fire Protection: Fire protection shall be provided by Lincoln Fire Department upon annexation.

ANALYSIS

1. This request is to annex 49 acres and a change of zone from AG Agriculture to R-5 and O-3 Planned Unit Development (PUD) on 52.5 acres. The southern part of the PUD is designated in the 2040 Lincoln-Lancaster County Comprehensive Plan as a Mixed Use Office Center. Mixed Use Office Centers are defined as areas containing a mix of retail, office, service and residential uses with some light manufacturing and warehousing in selected circumstances. Other land uses such as child care centers, assisted living facilities, and recreational facilities should be integrated within the development.
2. The annexation area is contiguous to the City limits on the north. The proposed change of zone is in conformance with the future land use plan in the 2040 Comprehensive Plan which designates this area as urban density residential and commercial.
3. The subject area is within Tier I, Priority B. Growth Tier I reflects the "Future Service Limit" where urban services and inclusion in the City limits is anticipated within the 30-year planning period. Priority B Areas designated for development in the first half of the planning period (to 2026) are generally contiguous to existing development and should be provided with basic infrastructure as they develop. Some of the infrastructure required for development may already be in place.
4. The R-5 PUD is proposed for 180 dwelling units and 15,000 sq. ft. of commercial. Residential types include single family, townhomes, multiple family, elderly and residential health care facilities. The O-3 PUD is proposed for 350,000 square feet of commercial and health care facilities Bryan Health is proposing to build a 125,000 sq. ft building for Bryan Cancer Center with an additional 225,000 sq. ft of commercial is allocated for future expansion or other O-3 uses. All other provisions of the O-3 District apply except that the maximum height is proposed for 65 feet.
5. The subject property is located within the Southeast Rural Fire District #1. Under State law, the District can petition for compensation from the annexing municipality for lost revenue based upon the amount of service area annexed. For voluntary annexations such as this one, any costs due to the district are to be borne by the developer. In this case, staff has conducted the financial analysis and there should be no funds due to the District.
6. It is also the developer's responsibility to reach an agreement regarding any compensation due the Rural Water District #1 (RWD) as a result of the proposed annexation. This developer will need to demonstrate that all the property within the boundary of the proposed annexation has been released by the RWD, and that there will be no additional claim of reimbursement as a result of this annexation.
7. An annexation agreement will accompany the annexation request to City Council for their consideration. The agreement will include road and utility improvement. The agreement will also include that any cost to Lancaster County Rural Water District #1 will be paid by the developer.
8. The applicant has requested a waiver to block length for the O-3 area. The O-3 PUD area is proposed for a substantial medical office campus for Bryan Cancer Center which does not work for connecting a street to the east. This would result in a block length exceeding 1,320 feet.
9. The applicant is requesting to increase the maximum height from 35 feet to 55 feet for the R-5 PUD area and from 45 feet to 65 feet for the O-3 PUD area. The height waiver would allow up to 5 story residential on the R-5 PUD area and up to 6 story medical building in the O-3 PUD area.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: AG Agriculture Single family dwelling and farm ground

SURROUNDING LAND USE & ZONING

North:	R-3 Residential	Approved residential development for Grandale Addition.
South:	AG Agriculture	Farm ground
East:	AG Agriculture	Farm ground
	AGR Agriculture Residential	Acreage lots
West:	AG Agriculture	LES substation, farm ground and future school

APPROXIMATE LAND AREA: Annexation 49 acres, more or less
Change of Zone 52.5 acres, more or less

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District 2

LEGAL DESCRIPTION: See attached

Prepared by

_____
Tom Cajka, Planner

Date: March 18, 2020

Applicant: Sundance, LLC
5825 S. 14th St.
Lincoln, NE 68512
402-434-5450

Contact: Kent Seacrest
1128 Lincoln Mall, Suite 105
Lincoln, NE 68508
402-435-6000
kent@sk-law.com

Owner: Same as applicant

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CONDITIONS OF APPROVAL – ANNEXATION #20001

Before scheduling with the City Council:

The applicant signs the annexation agreement.

Provide documentation showing that Rural Water District #1 has approved release of the land.

CONDITIONS OF APPROVAL – CHANGE OF ZONE #20002

This approval permits 180 dwelling units and 15,000 square feet of commercial space in the R-5 PUD area with a waiver to increase the maximum height to 55 feet, block length and lots with non-right angle lot lines to the street. This approval also permits 350,000 sq. ft. of commercial space in the O-3 PUD area with a waiver to the O-3 District height from 45 feet to 65 feet and block length for the O-3 PUD area.

Site Specific Conditions:

1. The Developer signs an annexation agreement before the City Council approves the change of zone.

2. The City Council approves associated request:

   2.1 Annexation #20001

3. 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.

   3.1 Delete Notes 6,7,8 and 13 as these are not necessary.

   3.2 Add the following note, "Site plan is conceptual at this time. Future Administrative Amendment will provide grading and drainage, detention, street profiles and all other required information for a preliminary plat prior to final plat."

   3.3 Add a note that Right-of-Way shall be provided for roundabouts at both street access points on S. 40th Street.

   3.4 In the Legal Description and site plan change R-3 to R-5.

   3.5 Add label Future Public Street where there will be future streets.

   3.6 Correct the legal description for the annexation.

   3.7 Clarify the location of the pedestrian easement to the satisfaction of the Planning Director.

   3.7 In the PUD Notes revise Note #2 to read, "Prior to final plat or approval or building permit, the information required of a preliminary plat and use permit will be submitted to the City as a future administrative amendment. This will include all grading and drainage, detention, water quality and minimum corridor information."

3.8 In the PUD Notes revise Note #8 to add after “approval”. “for the commercial area, and prior to final plat approval for the residential area.”

3.9 In the PUD notes for R-5 specify that commercial uses are allowed per the B-2 District.

4. Before receiving building permits, the developer shall provide the following documents to the Planning Department:

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

5. Before issuance of building permits, final plat(s) shall be approved by the City.

Standard Conditions:

6. The following conditions are applicable to all requests:

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

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

6.3 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.

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

6.5 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.

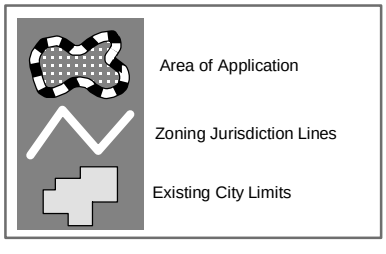
2018 aerial

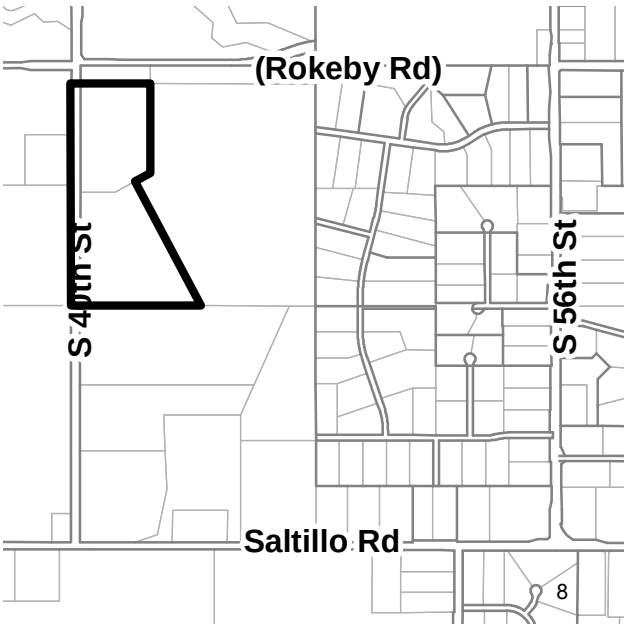
Annexation #: AN20001
Grandale South
S 40th St & Rokeby Rd

Zoning:

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

One Square Mile:
Sec.32 T09N R07E





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2018 aerial

Change of Zone #: CZ20002
Grandale South
S 40th St & Rokeby Rd

Zoning:

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

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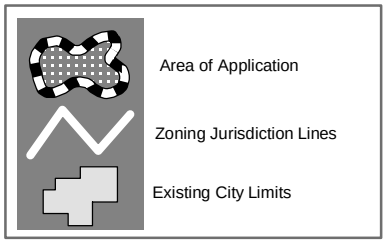
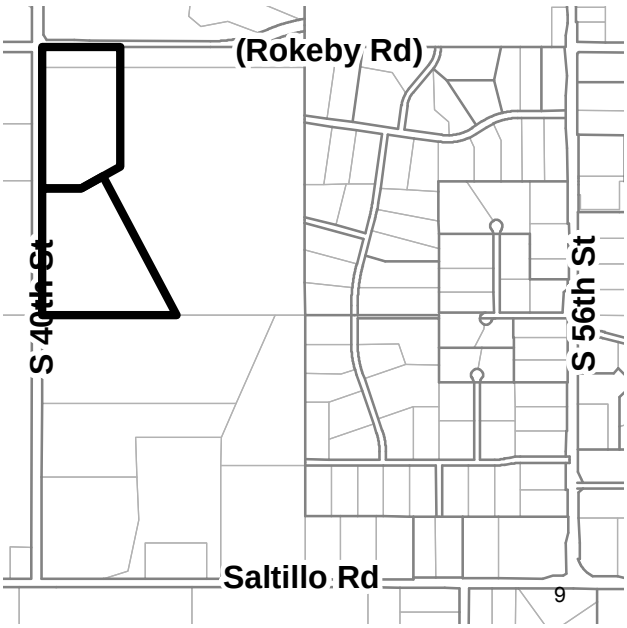
One Square Mile:
Sec.32 T09N R07E





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ANNEXATION LEGAL DESCRIPTION

PART OF LOT 72 AND ALL OF LOT 73 IRREGULAR TRACT AND ADJACENT SOUTH 40TH STREET RIGHT OF WAY, LOCATED IN THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 32; THENCE EASTERLY ON THE NORTH LINE OF SAID SECTION 32, ON AN ASSIGNED BEARING OF S 89°55'26"E A DISTANCE OF 50.00'; THENCE SOUTHERLY ON THE EAST RIGHT OF WAY LINE FOR SOUTH 40TH STREET ON AN ASSIGNED BEARING OF S 0°02'53"W A DISTANCE OF 200.00' TO THE POINT OF BEGINNING; THENCE EASTERLY AND PARALLEL TO THE NORTH LINE OF SAID SECTION 32, ON AN ASSIGNED BEARING OF S 89°55'26"E 768.00'; THENCE SOUTHERLY AND PARALLEL TO THE WEST LINE OF SAID SECTION 32, S 0°02'53"W 980.00'; THENCE SOUTHWESTERLY,
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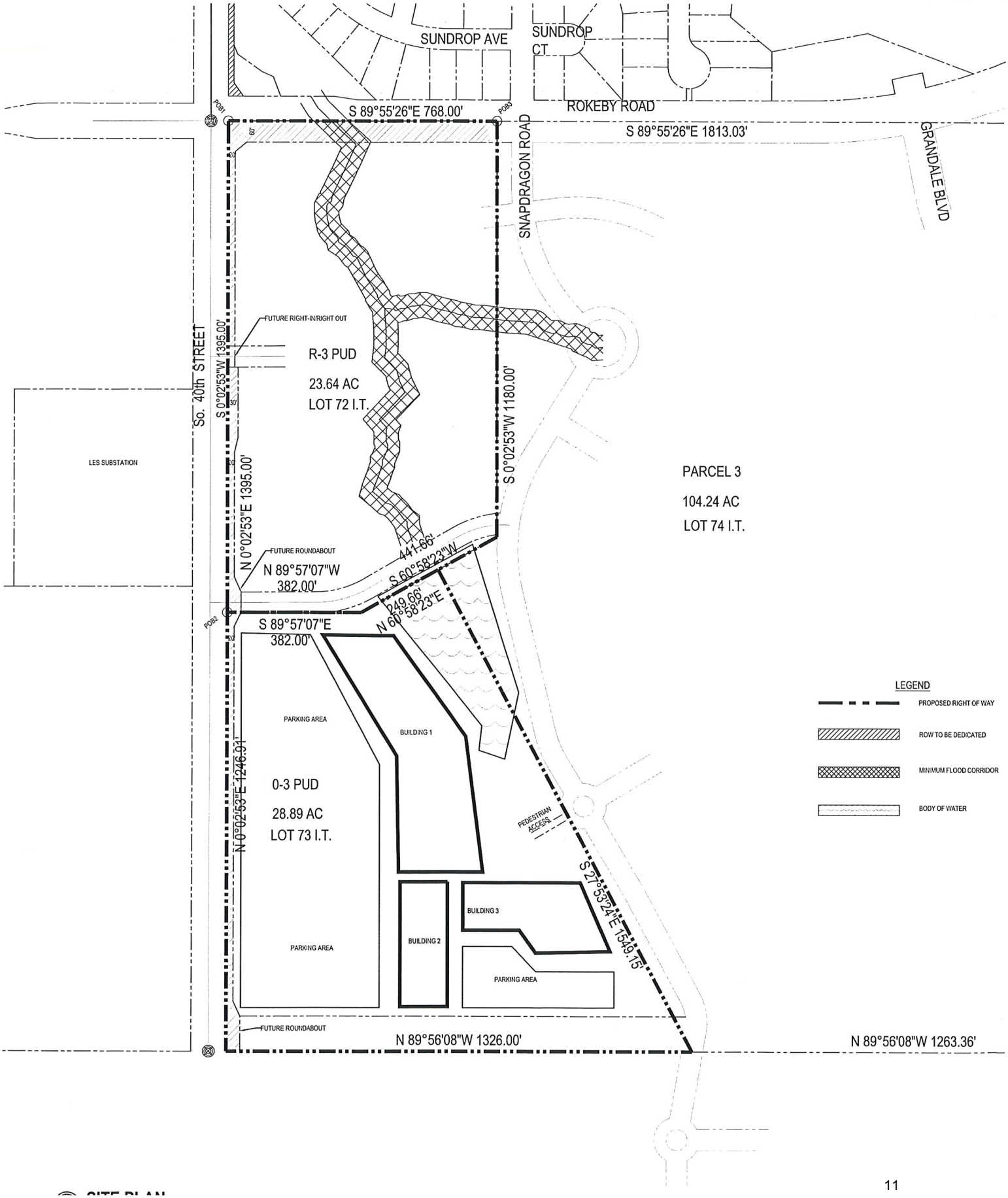
GRANDALE SOL



SITE PLAN

OWNERS & DEVELOPERS
SUNDANCE LLC
5825 S. 14TH STREET
LINCOLN, NE 68512

SAMPSON, A JOHN
5825 S. 14TH STREET
LINCOLN, NE 68512

ENGINEER & PREPARER
THE CLARK ENERSEN PARTNERS
1010 LINCOLN MALL, SUITE 200
LINCOLN, NE. 68508
CONTACT: TIM GERGEN
PHONE: 402-477-9291

The Clark Enersen Partners
Architecture
Landscape Architecture
Engineering
Interiors
www.clarkenersen.com
Lincoln, Nebraska
1010 Lincoln Mall, Suite 200
Lincoln, NE 68508-2883
402.477.9291 Fax 402.477.6542
Kansas City, Missouri
Fairway, Kansas

LEGAL DESCRIPTION

CHANGE OF ZONE FROM AG TO R-3 PUD

PARCEL 1
ALL OF LOT 72 IRREGULAR TRACT, LOCATED IN THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS;

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CHANGE OF ZONE FROM AG TO O-3 PUD

PARCEL 2
ALL OF LOT 73 IRREGULAR TRACT, LOCATED IN THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS;

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ANNEXATION LEGAL DESCRIPTION

PART OF LOT 72 AND ALL OF LOT 73 IRREGULAR TRACT AND ADJACENT SOUTH 40TH STREET RIGHT OF WAY, LOCATED IN THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS;

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GENERAL SITE NOTES

1. ALL SANITARY SEWERS & WATER MAINS TO BE PUBLIC.
2. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
3. DIRECT VEHICULAR ACCESS TO SOUTH 40TH ST. & ROKEBY ROAD IS RELINQUISHED EXCEPT AS SHOWN.
4. SIDEWALKS TO BE BUILT ALONG BOTH SIDES OF PUBLIC & PRIVATE STREETS.
5. ALL SIDEWALKS SHALL BE 4' WIDE MINIMUM AND ALL SIDEWALK EASEMENTS SHALL BE 10' WIDE. (UNLESS OTHERWISE NOTED)
6. ORNAMENTAL LIGHTING ALONG ALL PUBLIC STREETS SHALL BE IN ACCORDANCE WITH L.E.S. REGULATIONS.
7. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION AND FURTHER TO SUBMIT A SEEDING AND MAINTENANCE SCHEDULE BEFORE SITE GRADING IS COMPLETE.
8. THE DEVELOPER AGREES TO COMPLY WITH PROVISIONS OF THE LAND SUBDIVISION ORDINANCE REGARDING LAND PREPARATION.
9. CENTER ISLANDS IN CUL-DE-SAC'S, BOULEVARDS AND ROUNDABOUTS SHALL BE LANDSCAPED.
10. AN ASSOCIATION SHALL BE ESTABLISHED TO MAINTAIN ALL OPEN SPACE AREAS INCLUDING THE PRIVATE ROADWAYS, MEDIANS, ISLANDS, PEDESTRIAN EASEMENTS AND ROUNDABOUTS.
11. LOT DIMENSIONS ARE APPROXIMATE AND MAY VARY AT THE TIME OF FINAL PLAT.
12. DETAILS OF ALL SIGNS, INCLUDING TYPE, HEIGHT AND SIZE, WILL BE SUBMITTED SEPARATELY FOR REVIEW WITH THE SIGN PERMIT AND NEED NOT BE SHOWN ON THE PLAN, AND SHALL BE IN ACCORDANCE WITH LINCOLN MUNICIPAL CODE TITLE 27.69
13. ALL REQUIRED LANDSCAPING TO BE PROVIDED IN COMPLIANCE WITH THE CITY OF LINCOLN DESIGN STANDARDS. REQUIRED LANDSCAPING AND SCREENING TO BE REVIEWED AT THE TIME OF BUILING PERMITS. STREET TREES TO BE INSTALLED AS REQUIRED BY THE APPROVED FINAL PLAT.
14. THE YARD SETBACKS REGULATE STRUCTURAL WALLS ONLY AND DOES NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCOACHING INTO THE SETBACKS.

S 0°07'12"E 1320.35'

S 0°08'43"E 1321.05'

CHANGE OF ZONE FROM AG TO R-5 PUD

PARCEL 1
ALL OF LOT 72 IRREGULAR TRACT, LOCATED IN THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS;

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CHANGE OF ZONE FROM AG TO O-3 PUD

PARCEL 2
ALL OF LOT 73 IRREGULAR TRACT, LOCATED IN THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS;

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GRANDALE SOUTH PLANNED UNIT DEVELOPMENT NOTES

February 19, 2020

A. GENERAL CONDITIONS

1. The Grandale South PUD includes the requested modifications or waivers shown below to Title 26 and Title 27 of the Lincoln Municipal Code.

2. Prior to issuance of a building permit, the information required of a preliminary plat and use permit will be submitted to the City as a future administrative amendment accompanying.

3. Buildings, fences, trash enclosures, decorative structures and accessory buildings are not shown. Buildings may be located anywhere on the lot subject to setback limitations.

4. Any internal streets shown on the PUD Site Plan are illustrative only. Internal streets and future lot configurations shall be approved by administrative amendment.

5. Lots may be created with non-perpendicular lot lines.

6. Direct vehicular access to South 40th Street and Rokeby Road is relinquished except as shown.

7. A Homeowners and/or Property Owners Association shall be responsible for maintenance of all common areas and outlots including the boulevard medians within the public streets.

8. Post Construction Stormwater Quality Maintenance Agreement is required prior to building permit approval.

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

B. R-5 PUD RESIDENTIAL AREA (Parcel 1)

1. The provisions of R-5 Residential District shall apply to Parcel 1 except as noted below.

2. The R-5 PUD residential area may contain up to 180 dwelling units. Townhouses, Multiple Family Dwellings, Elderly and Retirement Housing, Dwellings for Non-Related Persons and Healthcare Facilities, Residential (independent, assisted, memory care dwellings) are permitted uses.

3. The R-5 PUD approves up to 180 dwelling units and up to 15,000 square feet of commercial uses.

4. Maximum Height = 55'

5. Setbacks, lot area, lot width and other zoning provisions may be adjusted by the Planning Director.

C. O-3 PUD COMMERCIAL AREA (Parcel 2)

1. Provisions of O-3 Office District shall apply to Parcel 2 except as noted below.

2. The following is an additional permitted use in the O-3 PUD:

    a. Health care facilities, Non-residential

3. Maximum Height = 65'

4. The O-3 PUD approves up to 350,000 square feet of commercial uses.

5. Title 27- Section 27.27.080 and Title 27- Section 27.64.010 Use Permit; Procedures and Requirements. These Sections are deleted in its entirety.

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

March 18, 2020

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

RE: Proposed Grandale South PUD and Annexation; revised submittal letter

Dear David:

Our office represents Sundance, LLC ("**Sundance**"), A. John Sampson ("**Sampson**") and Bryan Health ("**Bryan**"). The purpose of this revised letter is to follow up with additional information regarding our submittal made on January 8, 2020 and February 19, 2020. Sundance is the current owner of the following real estate described as Lot 72, I.T. which is described as Parcel ID: 1632100006000 ("**Parcel 1**"). Sampson is the manager and principal owner of Sundance. Subsequent to our January 8th submittal, Sundance distributed to Sampson Lot 73, I.T., which is described as Parcel ID: 1632100008000 ("**Parcel 2**"). The two parcels are currently zoned AG-Agriculture and are summarized below:

- Parcel 1 (Lot 72, I.T.; 23.64 AC) to be retained and owned by Sundance; and
- Parcel 2 (Lot 73, I.T.; 28.89 AC) formerly owned by Sundance and currently owned by Sampson; Sampson plans to gift Parcel 2 to Bryan.

The north 200 feet of Parcel 1 has previously been annexed. The proposed annexation and PUD zoning requests include the non-annexed portions of Parcel 1 and all of Parcel 2, which are described on the attached legal description.

The PUD requested submittal would allow (i) the northern portion of Parcel 1 to be residential and (ii) a small southern portion of Parcel 1 to allow residential and non-residential commercial uses. The proposed PUD would cap the permitted non-residential commercial uses on Parcel 1 at 15,000 SF or less of building area.

Sampson and Bryan are finalizing a gifting agreement whereby Sampson will donate Parcel 2 to Bryan, which will allow Bryan to complete its fundraising and to initially construct a new 125,000 SF (approximate) Bryan Cancer Center on Parcel 2. In subsequent phase(s), the requested PUD would allow Bryan to construct on Parcel 2 approximately 225,000 SF of additional future medical offices, health care facility—residential, health care facility--nonresidential and other related health care support uses.

1128 LINCOLN MALL, STE. 105; LINCOLN, NEBRASKA 68508 | PHONE 402.435.6000 | FAX 402.435.6100

Sundance, Sampson and Bryan are making the following applications and requests for development of Parcel 1 and Parcel 2:

1. Annexation: Of the remaining portion of Parcel 1 and all of Parcel 2 for a total of 49.0 acres.

2. Changes of Zone: For Parcel 1 (23.64 acres)--AG to R-5 PUD and for Parcel 2 (28.89 acres)--AG to O-3 PUD as shown on the updated PUD Map. The updated PUD Notes include modifications or waivers to Title 26 and Title 27 of the Lincoln Municipal Code.

The updated PUD Map and PUD Notes is requesting the following waivers:

a. **Block Size waiver**. Section 26.23.130 requires 1,320 feet block length, except where other man-made barrier, lake or other natural barriers forms one boundary of a block. The PUD Map shows an east-west pedestrian easement providing pedestrian access (but not vehicular traffic) across a natural waterway and connecting Parcel 2 with the future residential area located to the east. In addition, Bryan's master plan shows three proposed buildings, integrated into a campus setting. It is important that a street not be required to divide a major medical campus. Thus, Bryan believes it meets the exception described in Section 26.23.130.

b. **Height waivers**: The PUD Notes states a 55 feet maximum height for the R-5 PUD and 65 feet maximum height for the O-3 PUD. Section 27.72.020 and 27.72.030 states a maximum height of 35 feet for R-5 zone and 45 feet for O-3 zone, respectively. The height waivers would allow up to 5 story residential on the R-5 PUD area and up to 6 story medical building on the O-3 PUD area, assuming all the other PUD zoning setbacks and parking requirements would be met. Currently, the future residential area east of Parcel 2 is not yet developed with residential neighbors.

c. **Non-Right Angles**: The PUD seeks approval of non-right angles lot side lines to street or radial due to future large commercial lots being created around the natural features of the site. We believe this waiver under Section 26.23.140(c) will allow less grading and vegetation removal, better respect the topography and natural drainage features of the property, and provide a better street and lot layout. This request is common in developments with curved streets. The final design of any non-right angle lot side lines will still need to be approved by the Planning Department through the administrative amendment process to be sure the above objectives are being met.

We have previously provided you the following documents for the above-mentioned project:

(1) City Application Form for Changes of Zone with legal descriptions attached;
(2) Application fees in the amount of $4,283;

Tim Gergen with Clark Enersen Partners will submit (i) the updated Site Plan, (ii) updated PUD Notes and revised legal descriptions for the Annexation to ProjectDox upon notification from the Planning Staff. Olsson will submit a traffic study for the area under separate cover. The remaining engineering documentation for the grading, drainage, street profiles and additional site plan information will be submitted at later date via administrative amendment to the R-5 PUD and O-3 PUD once the site plans have been determined.

Sundance, Sampson and Bryan held a neighborhood meeting on January 2, 2020 at Horizons Community Church. No invited neighbors chose to attend the information meeting.

We appreciate your consideration of the above requests and look forward to working with you on this important mixed use health care development for the City. If you require further information or have any questions, please do not hesitate to contact Tim Gergen at 402.477.9291 or tim.gergen@clarkenersen.com or the undersigned.

Very truly yours,

Kent

KENT SEACREST
For the Firm

Enclosures

cc: Mayor Leirion Gaylor Baird, City of Lincoln
Councilman Richard Meginnis, Lincoln City Council
Steve Henrichsen, Planning Department
Dessie Redmond
John Sampson, Sundance
Cori Vokoun Sampson
Kent Endacott
Matt Graff
John Woodrich, Bryan Health
Bob Ravenscroft, Bryan Health
David Reese, Bryan Health
Tim Gergen, Clark Enersen
Brad Marshall, Olsson

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

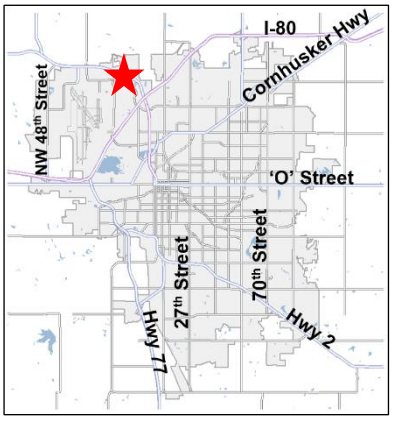
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Annexation #20005 and Change of Zone #05085C	No	Nebco, Inc.
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
April 1, 2020	None	NW 12th Street and Aster Road

RECOMMENDATIONS: APPROVAL – ANNEXATION
APPROVAL WITH CONDITIONS - CHANGE OF ZONE

BRIEF SUMMARY OF REQUEST

This is a combined staff report for an annexation and change of zone to amend the Fallbrook Planned Unit Development (PUD). The change of zone is requested from AG Agriculture District to R-3 PUD. The proposal is for approximately 100 new single family residential lots west of Tallgrass Parkway and north of Aster Road. The proposed annexation and change of zone comprise 34.89 acres and 36.61 acres, respectively.



JUSTIFICATION FOR RECOMMENDATION

The property is contiguous to the City limits on the north, south and east. It is located in the Tier I, Priority A Growth Area which is appropriate for annexation. The proposed zoning and site layout conform to the approved PUD, which conceptually identified this site for residential development.

APPLICATION CONTACT
Luke Summers, (402) 477-9291 or
luke.summers@clarkenersen.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The requested annexation and change of zone are consistent with the 2040 Comprehensive Plan, which identifies future urban density residential land uses and classifies this site within Growth Tier I, Priority A. Priority A includes areas with approved development plans eligible for immediate annexation.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

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

Pg. 1.10 - This site is shown in Tier I, Priority A on the Growth Tier Map.

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

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

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

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

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

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

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

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

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

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

ANALYSIS

1. This request is to annex 34.89 acres and a change of zone from AG Agriculture to R-3 PUD over 36.61 acres. A portion of the change of zone area is already within the City limits. The plans show approximately 100 new single family residential lots west of Tallgrass Parkway and north of Aster Road.

2. The annexation area is contiguous to the City limits on three sides. The proposed change of zone is in conformance with the future land use map in the Comprehensive Plan which designates this area for urban density residential uses. It also conforms to the approved PUD, which shows a conceptual single family layout for this area. The lots will take access to NW 12th Street and Aster Road through an internal network of public streets. Some of the lots will have rear alley access.

3. The Fallbrook PUD identifies several residential types with different standards for development. The proposed lots will follow Residential Types 1, 3, and 5. Residential Type 1 closely follows the R-3 zoning district standards. Residential Types 3 and 5 allow greater flexibility in lot sizes and setbacks.

4. The following describes the availability of utilities and services in this area:

    a. Water and sewer are available in the adjacent local streets abutting the application area.

    b. Emergency Services: This site is in the Raymond Fire District. After annexation, fire protection will be provided by Lincoln Fire and Rescue (LFR). There is no necessary reimbursement in order for the city fire department to serve this area after annexation. The closest City fire station is located at 5435 NW 1st Street.

    c. A future multi-use trail is planned on the north side of Aster Road.

    d. NW 12th Street will be constructed in the future as a minor arterial street. The Fallbrook developer is not responsible for improving NW 12th Street according to the previously approved Conditional Zoning and Annexation Agreement. Responsibility for improving the street lies with the City and the developer of Highland View to the west. Construction of NW 12th Street is not programmed or funded at this time, but the City places a high priority on closing the access from Highland View onto Highway 34, which is contingent upon creating another access into and out of Highland View.

    The natural next access point between Highland View and Fallbrook is at W. Missoula Street, which corresponds to the access point at NW 12th Street shown on this proposal. Until NW 12th Street is constructed from Aster Road north to W. Missoula, it is appropriate to allow Fallbrook's access at W. Missoula to be temporarily barricaded to discourage eastbound traffic from winding through the neighborhood after their access to Highway 34 is closed.

5. Growth Tier I reflects the "Future Service Limit" where urban services and inclusion in the City limits is anticipated within the 30-year planning period. Tier I includes three Priority Areas for phasing development. Priority A is comprised of undeveloped land within the City limits, as well as areas that are not yet annexed but which have approved preliminary plans such as preliminary plats, use permits, community unit plans, or planned unit developments. Priority A serves as the "future urban area" for purposes of annexation per state statute, and these areas are appropriate for immediate annexation upon final plat approval.

EXISTING LAND USE & ZONING: Vacant; AG

SURROUNDING LAND USE & ZONING

North: Agriculture and single family residential lots; AG and R-3 PUD
South: Commercial and assisted living/memory care facility; B-2 PUD
East: Single family residential dwellings and school; R-3 PUD
West: Single family residential dwellings; R-3

APPROXIMATE LAND AREA:

Annexation – 34.89 acres
Change of Zone – 36.61 acres

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District #4

LEGAL DESCRIPTIONS: See attached.

Prepared by

_____
Rachel Jones, Planner

Date: March 24, 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: Nebco, Inc.
1815 Y Street
Lincoln, NE 68508

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APPLICATION HISTORY

Mar. 2006 Change of Zone #05085 for the Fallbrook Planned Unit Development (PUD) was approved by the City Council to permit 1,767 dwelling units and 680,000 square feet of commercial floor area. Several administrative amendments were approved by the Planning Director to refine the land uses, lot and street layout, and sign requirements.

Jan. 2012 Annexation #11003 and Change of Zone #05085A were approved by the City Council to increase the commercial floor area to 900,000 square feet, annex and change the zoning from AG to B-2 PUD on approximately 10 acres. Several administrative amendments were approved by the Planning Director.

Mar. 2015 Annexation #15002 and Change of Zone #05085B were approved by the City Council to add 36 dwelling units and change the zoning from AG to R-3 PUD on approximately 10 acres. Several administrative amendments were approved by the Planning Director.

CONDITIONS OF APPROVAL – CHANGE OF ZONE #05085C

This approval permits up to 1,837 dwelling units and 900,000 square feet of commercial floor area together with prior approved waivers to the Zoning Ordinance, Subdivision Ordinance, and Design Standards.

Site Specific Conditions:

1. The City Council approves associated request:

   1.1 Annexation #20005

2. 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.

   2.1 Update the associated PUD Notes to match the approval if necessary.

   2.2 Add a note on the plan that reads, "Until NW 12th Street is constructed from Aster Road to W. Missoula Street, the access into Fallbrook at W. Missoula Street may be temporarily barricaded."

   2.3 Create a new sheet for Airport Zoning that specifies airport height permit requirements per the standards in Chapter 27.59 for those areas of the PUD that have not yet been final platted into buildable lots.

   2.4 Address the attached comments from Watershed Management to their satisfaction.

3. Before receiving building permits, the developer shall 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 planned unit development has been recorded.

   3.2 Verification that an avigation and noise easement to the Lincoln Airport Authority on all or that part of the land located within the Airport Environs Noise District has been received by the Lincoln Airport Authority.

4. Before issuance of building permits, final plat(s) shall be approved by the City.

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 shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

   5.3 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.

   5.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, 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 therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

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

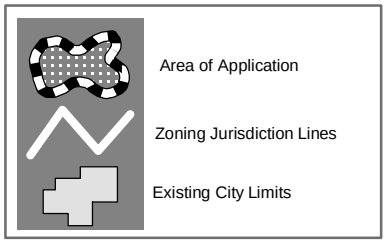
2018 aerial

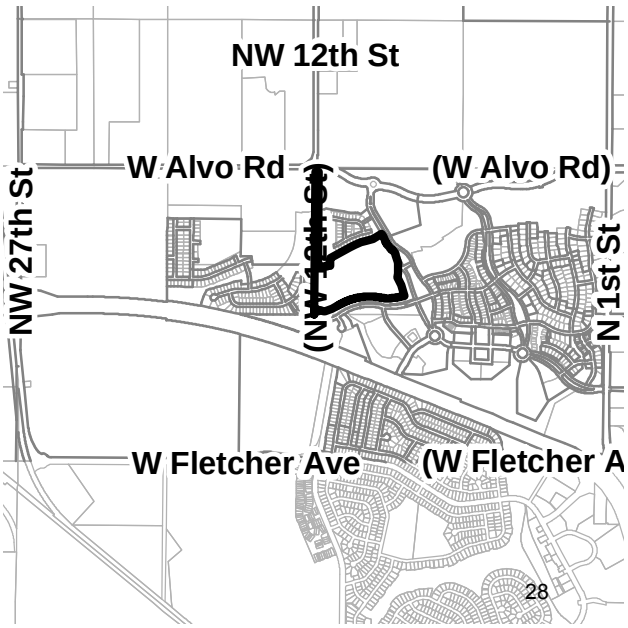
Annexation #: AN20005
Fallbrook
NW 12th St & Aster Rd

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.34 T11N R06E





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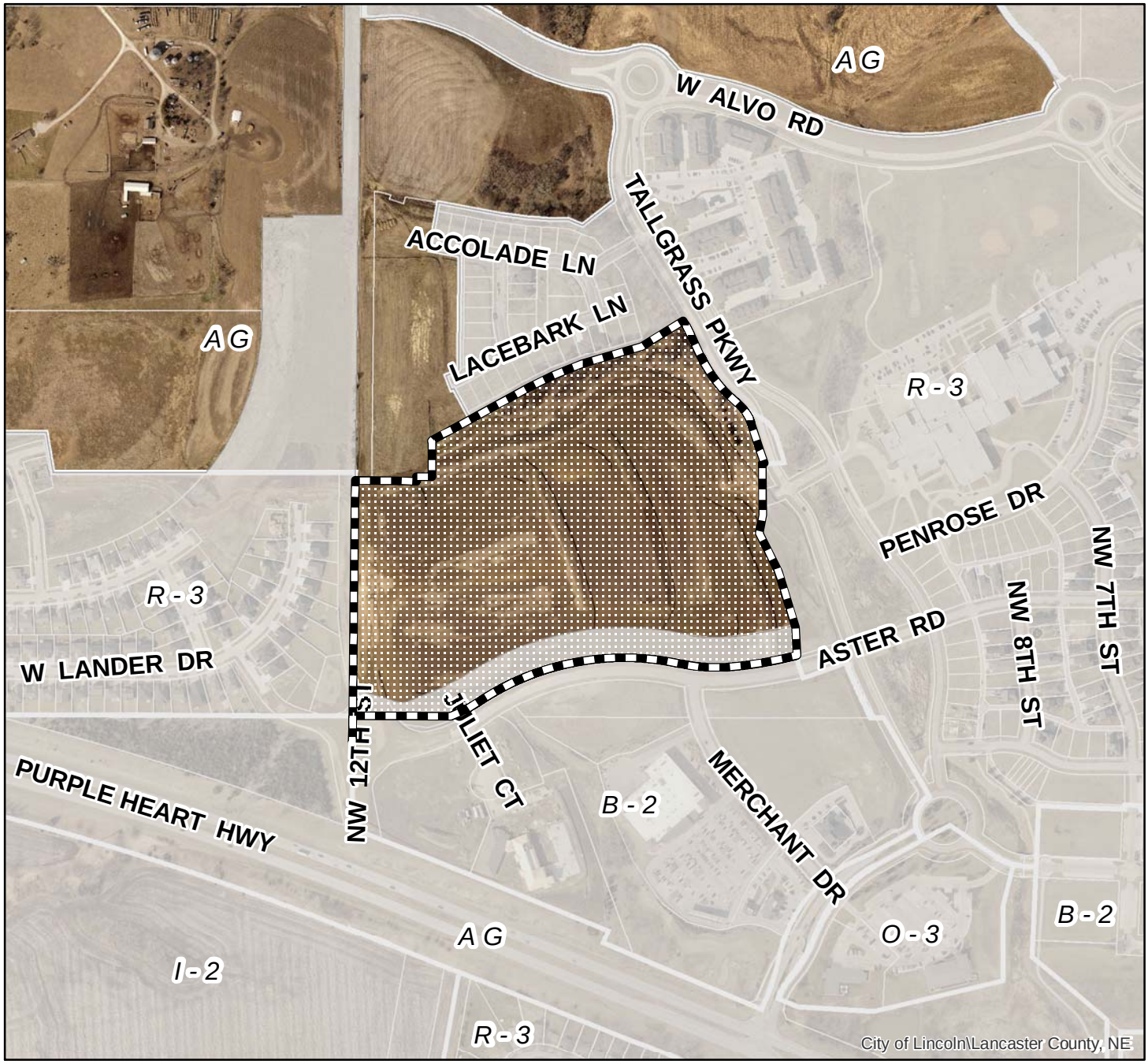


2018 aerial

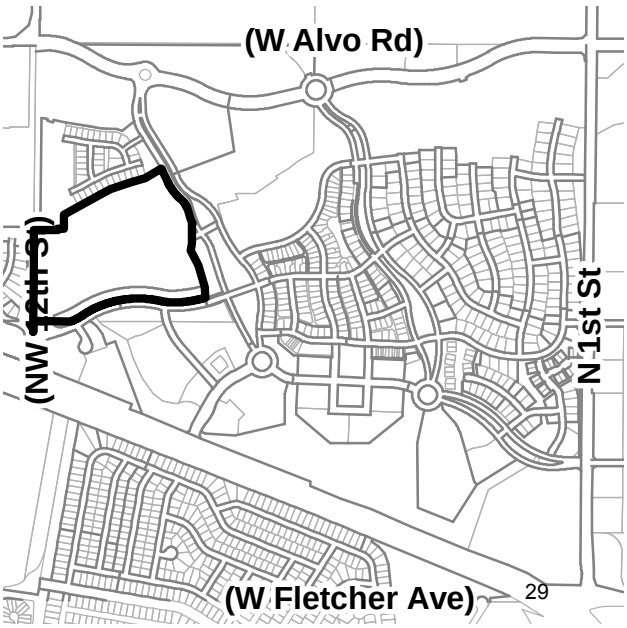
Change of Zone #: CZ05085C (AG to R-3 PUD)
Fallbrook
NW 12th S & Aster Rd

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.34 T11N R06E

Area of Application
Zoning Jurisdiction Lines
Existing City Limits



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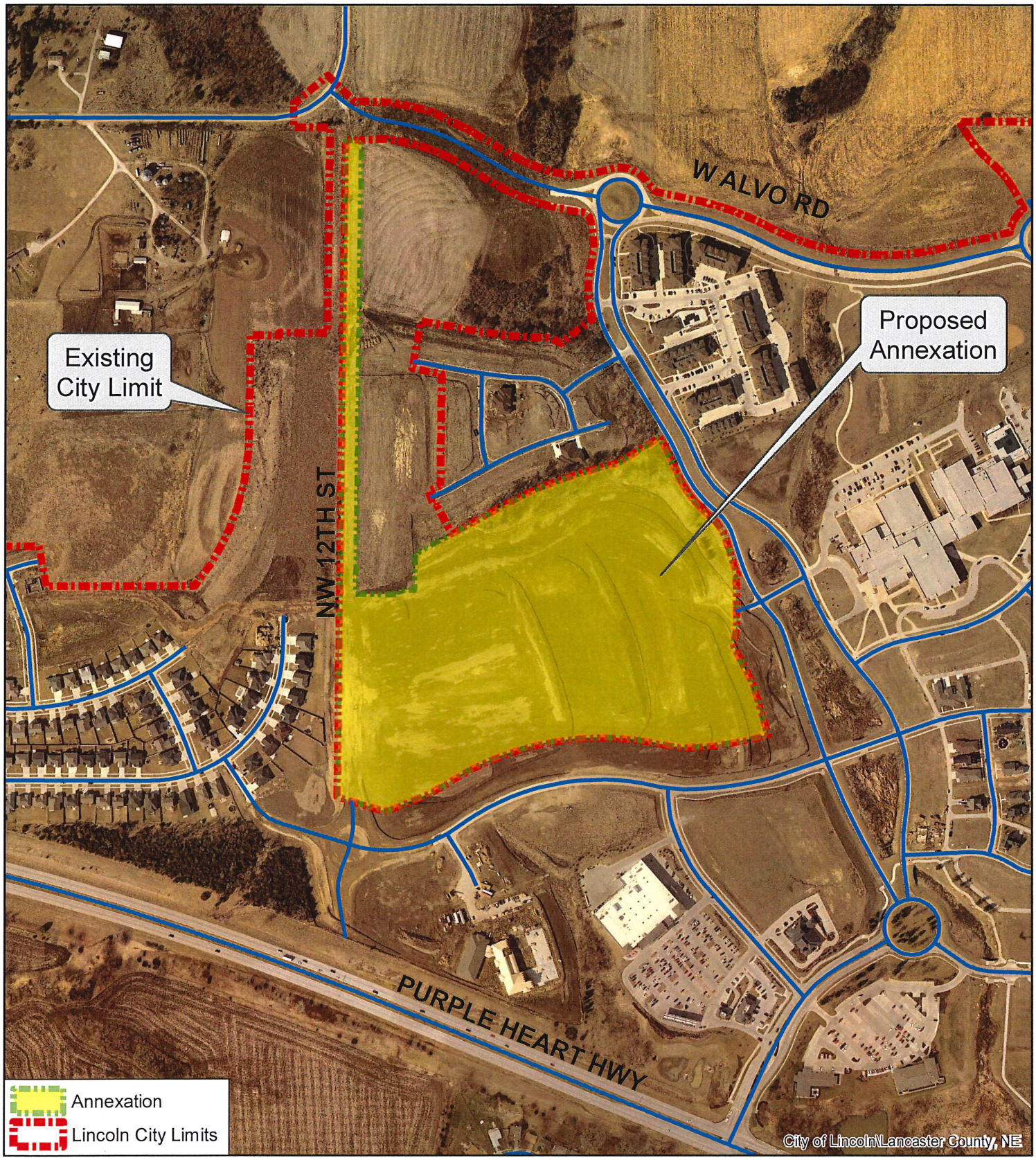

Lincoln Transportation & Utilities

FALLBROOK

AN20005

Mar 06, 2020

N
W E
S

0 300 600
Feet

LTU
CITY OF LINCOLN TRANSPORTATION AND UTILITIES

30

D:\Troy's Folder\mxd Templates\Land Base.mxd

Fallbrook P.U.D. Annexation

SCALE: 1"=300'

The Clark Enersen Partners
Architecture
Landscape Architecture
Engineering
Interiors
www.clarkenersen.com
Lincoln, Nebraska
1010 Lincoln Mall, Suite 200
Lincoln, NE 68508-2883
402.477.9291 Fax 402.477.6542
Kansas City, Missouri
Fairway, Kansas

BOUNDARY CURVE DATA

A
Δ=38°58'08"
R=41.75'
L=28.40'
CL=27.85'
T=14.77'
CB=N87°28'06"E

B
Δ=11°29'43"
R=441.75'
L=88.63'
CL=88.48'
T=44.46'
CB=N62°14'10"E

C
Δ=46°05'20"
R=1073.25'
L=863.33'
CL=840.24'
T=456.55'
CB=N79°31'59"E

D
Δ=16°43'06"
R=441.75'
L=128.90'
CL=128.44'
T=64.91'
CB=S85°46'54"E

E
Δ=11°28'11"
R=1341.75'
L=268.60'
CL=268.15'
T=134.75'
CB=N80°07'28"E

F
Δ=4°36'48"
R=556.00'
L=44.77'
CL=44.76'
T=22.40'
CB=N20°15'03"W

G
Δ=32°48'26"
R=169.00'
L=96.77'
CL=95.45
T=49.75'
CB=N34°20'52"W

H
Δ=26°09'04"
R=481.00'
L=219.54'
CL=217.64'
T=111.72'
CB=N37°40'33"W

I
Δ=7°05'26"
R=369.00'
L=45.67'
CL=45.64'
T=22.86'
CB=N28°08'44"W

J
Δ=8°04'08"
R=181.50'
L=25.56'
CL=25.54'
T=12.80'
CB=S03°25'28"E

K
Δ=7°51'40"
R=123.00'
L=16.88'
CL=16.86'
T=8.45'
CB=S10°02'28"E

S86° 48' 10"W
60.13
SUB ROW
WEST
S00° 36' 27"W
2458.13
N00° 36' 27"E
1701.38
LOT 41
OUTLOT 'F'
ACCOLADE
LANE
HERITAGE FALLS
BLOCK 1
BLOCK 2
BLOCK 3
BLOCK 4
BLOCK 5
OUTLOT 'E'
OUTLOT 'D'
OUTLOT 'B'
10TH ST.
FALLBROOK 33RD ADDITION
LACEBARK
TALLGRASS
PARKWAY
S74° 26' 31"W
127.60
S58° 18' 33"W
180.05
N31° 41' 27"W
11.28
N24° 36' 01"W
85.19
S73° 02' 34"W
99.74
S68° 20' 42"W
113.21
S63° 26' 12"W
105.04
S61° 28' 46"W
402.06
S00° 36' 36"W
108.49
N89° 23' 24"W
57.96
N89° 23' 24"W
166.64
LOT 20
N17° 56' 39"W
107.13
N00° 29' 43"W
191.03
N10° 51' 13"E
67.97
N89° 04' 50"E
8.44
N27° 08' 35"W
157.42
N16° 47' 00"W
202.96
OUTLOT 'F'
OUTLOT 'N'
PENROSE DRIVE
OUTLOT 'E'
POINT OF BEGINNING
S73° 02' 50"E
176.64
N67° 59' 02"E
139.06
OUTLOT 'B'
FALLBROOK 35TH ADDITION
OUTLOT 'B'
ASTER
ROAD
HIGHLAND VIEW 1ST ADDITION
OUTLOT 'B'
OUTLOT 'C'
ST.
N00° 36' 27"E
103.70
OUTLOT 'C'
OUTLOT 'C'
12TH
NW CORNER OF SW 1/4
SECTION 34, T11N, R6E
POINT OF COMMENCEMENT
JULIET CT.

Fallbrook P.U.D. Change of Zone

SCALE: 1"=300'

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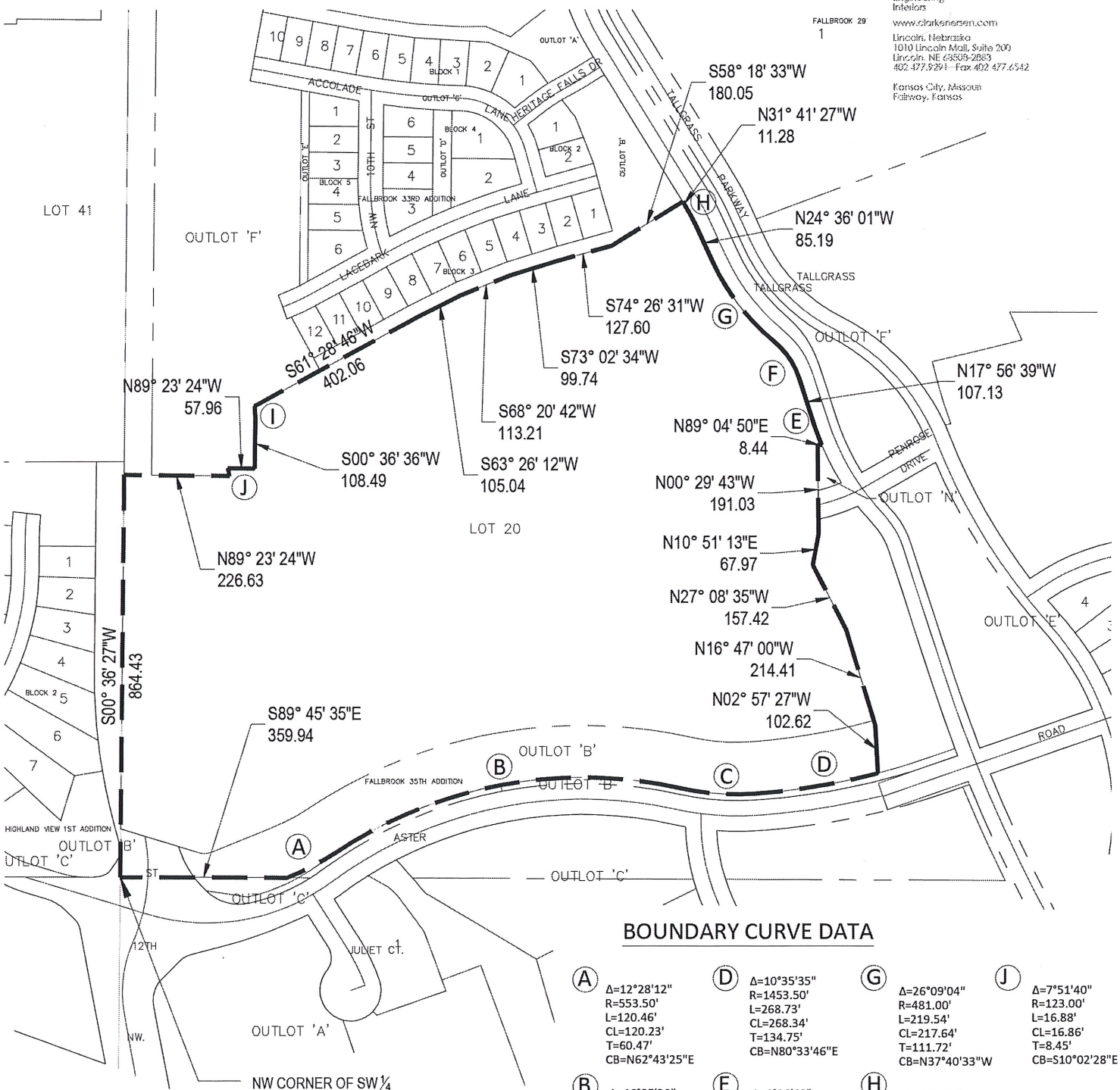

BOUNDARY CURVE DATA

A
Δ=12°28'12"
R=553.50'
L=120.46'
CL=120.23'
T=60.47'
CB=N62°43'25"E

B
Δ=46°05'20"
R=961.50'
L=773.43'
CL=752.75'
T=409.01'
CB=N79°31'59"E

C
Δ=16°43'06"
R=553.50'
L=161.50'
CL=160.93'
T=81.33'
CB=S85°46'54"E

D
Δ=10°35'35"
R=1453.50'
L=268.73'
CL=268.34'
T=134.75'
CB=N80°33'46"E

E
Δ=4°36'48"
R=556.00'
L=44.77'
CL=44.76'
T=22.40'
CB=N20°15'03"W

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CL=95.45
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J
Δ=7°51'40"
R=123.00'
L=16.88'
CL=16.86'
T=8.45'
CB=S10°02'28"E

Fallbrook P.U.D. Annexation Boundary
Legal Description

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 20 I.T., LOCATED IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., NORTHERLY ON SAID WEST LINE, N 0°36'27"E 103.70', TO THE SOUTHWEST CORNER OF LOT 20 I.T. AND THE POINT OF BEGINNING; THENCE ON THE SOUTH LINE OF SAID LOT 20 I.T. FOR THE NEXT TWELVE (12) COURSES, S73°02'50"E 176.64', TO A POINT ON A CIRCULAR CURVE TURNING IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 41.75', A CENTRAL ANGLE OF 38°58'08" AND AN ARC LENGTH OF 28.40'; THENCE ON SAID CURVE, HAVING A CHORD OF N 87°28'06"E 27.85'; THENCE N 67°59'02"E 139.06', TO A POINT ON A CIRCULAR CURVE TURNING IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 441.75', A CENTRAL ANGLE OF 11°29'43" AND AN ARC LENGTH OF 88.63'; THENCE ON SAID CURVE, HAVING A CHORD OF N 62°14'10"E 88.48', TO A POINT ON A CIRCULAR CURVE TURNING IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 1073.25', A CENTRAL ANGLE OF 46°05'20" AND AN ARC LENGTH OF 863.33'; THENCE ON SAID CURVE, HAVING A CHORD OF N 79°31'59"E 840.24', TO A POINT ON A CIRCULAR CURVE TURNING IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 441.75', A CENTRAL ANGLE OF 16°43'06" AND AN ARC LENGTH OF 128.90'; THENCE ON SAID CURVE, HAVING A CHORD OF S 85°46'54"E 128.44', TO A POINT ON A CIRCULAR CURVE TURNING IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 1341.75', A CENTRAL ANGLE OF 11°28'11" AND AN ARC LENGTH OF 268.60'; THENCE ON SAID CURVE, HAVING A CHORD OF N 80°07'28"E 268.15'; THENCE N16°47'00"W ALONG AN EAST LINE OF SAID LOT 20 I.T., A DISTANCE OF 202.96' TO A POINT, THENCE N27°08'35"W ALONG A EAST LINE OF SAID LOT 20 I.T., A DISTANCE OF 157.42' TO A POINT; THENCE N10°51'13"E ALONG A EAST LINE OF SAID LOT 20 I.T., A DISTANCE OF 67.97' TO A POINT, THENCE N00°29'43"W ALONG A EAST LINE OF SAID LOT 20 I.T., A DISTANCE OF 191.03' TO A POINT, THENCE N89°04'50"E ALONG A SOUTH LINE OF SAID LOT 20 I.T., A DISTANCE OF 8.44' TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF TALLGRASS PARKWAY, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 04°36'48", A RADIUS OF 556.00', AN ARC LENGTH OF 44.77' ALONG A EAST LINE OF SAID LOT 20 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 22.40', A CHORD LENGTH OF 44.76', AND A CHORD BEARING OF N20°15'03"W TO A POINT; THENCE N17°56'39"W ALONG A EAST LINE OF SAID LOT 20 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 107.13' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 32°48'26", A RADIUS OF 169.00', AN ARC LENGTH OF 96.77' ALONG A EAST LINE OF SAID LOT 20 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 49.75', A CHORD DISTANCE OF 95.45', AND A CHORD BEARING OF N34°20'52"W TO A POINT OF REVERSE CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 26°09'04", A RADIUS OF 481.00', AN ARC LENGTH OF 219.54' ALONG A EAST LINE OF SAID LOT 20 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 111.72', A CHORD DISTANCE OF 217.64', AND A CHORD BEARING OF N37°40'33"W TO A POINT; THENCE N24°36'01"W ALONG A EAST LINE OF SAID LOT 20 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 85.19' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 07°05'26", A RADIUS OF 369.00', AN ARC LENGTH OF 45.67' ALONG A EAST LINE OF SAID LOT 20 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 22.86', A CHORD DISTANCE OF 45.64', AND A CHORD BEARING OF N28°08'44"W TO A POINT; THENCE N31°41'27"W ALONG A EAST LINE OF SAID LOT 20 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 11.28 TO A POINT, THENCE S58°18'33"W, A DISTANCE OF 180.05' TO A POINT; THENCE S74°26'31"W, A DISTANCE OF 127.60' TO A POINT, THENCE S73°02'34"W, A DISTANCE OF 99.74' TO A POINT; THENCE S68°20'42"W, A DISTANCE OF 113.21' TO A POINT THENCE S63°26'12"W, A DISTANCE OF 105.04' TO A POINT, THENCE S61°28'46"W, A DISTANCE OF 402.06' TO A POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 08°04'08", A RADIUS OF 181.50', AN ARC LENGTH OF 25.56', A CHORD LENGTH OF 25.54', A TANGENT LENGTH OF 12.80', AND A CHORD BEARING OF S03°25'28"E; THENCE S00°36'36"W, A DISTANCE OF 108.49'; THENCE N89°23'24"W, A DISTANCE OF 57.96', SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 07°51'40", A RADIUS OF 123.00', AN ARC LENGTH OF 16.88', A CHORD LENGTH OF 16.86', A TANGENT LENGTH OF 8.45', AND A CHORD BEARING OF S10°02'28"E; THENCE N89°23'24"W, A DISTANCE OF 166.64', THENCE N00°36'27"E, A DISTANCE OF 1701.38', THENCE S86°48'10"W, A DISTANCE OF 60.13' TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., THENCE S00°36'27"W, A DISTANCE OF 2458.13' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 1,520,000.35 SQUARE FEET OR 34.89 ACRES, MORE OR LESS.

Fallbrook P.U.D. Change of Zone Boundary
Legal Description

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT B, FALLBROOK 35TH ADDITION; AND A PORTION OF LOT 20 I.T., LOCATED IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., THENCE S89°45'35"E ALONG A NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 359.94' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 12°28'12", A RADIUS OF 553.50', AN ARC LENGTH OF 120.46', A TANGENT LENGTH OF 60.47', A CHORD LENGTH OF 120.23', AND A CHORD BEARING OF N62°43'25"E TO A POINT OF REVERSE CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 46°05'20", A RADIUS OF 961.50', AN ARC LENGTH OF 773.43', A TANGENT LENGTH OF 409.01', A CHORD DISTANCE OF 752.75', AND A CHORD BEARING OF N79°31'59"E TO A POINT OF REVERSE CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 16°43'06", A RADIUS OF 553.50', AN ARC LENGTH OF 161.50', A TANGENT LENGTH OF 81.33', A CHORD DISTANCE OF 160.93', AND A CHORD BEARING OF S85°46'54"E TO A POINT OF COMPOUND CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE HAVING A CENTRAL ANGLE OF 10°35'35", A RADIUS OF 1,453.50', AN ARC LENGTH OF 268.73', A TANGENT LENGTH OF 134.75', A CHORD LENGTH OF 268.34' AND A CHORD BEARING OF N80°33'46"E TO A POINT; THENCE N02°57'27"W, A DISTANCE OF 102.62' TO A POINT, THENCE N16°47'00"W ALONG A EAST LINE OF SAID LOT 20 I.T., A DISTANCE OF 214.41' TO A POINT, THENCE N27°08'35"W ALONG A EAST LINE OF SAID LOT 20 I.T., A DISTANCE OF 157.42' TO A POINT; THENCE N10°51'13"E ALONG A EAST LINE OF SAID LOT 20 I.T., A DISTANCE OF 67.97' TO A POINT, THENCE N00°29'43"W ALONG A EAST LINE OF SAID LOT 20 I.T., A DISTANCE OF 191.03' TO A POINT, THENCE N89°04'50"E ALONG A SOUTH LINE OF SAID LOT 20 I.T., A DISTANCE OF 8.44' TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF TALLGRASS PARKWAY, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 04°36'48", A RADIUS OF 556.00', AN ARC LENGTH OF 44.77' ALONG A EAST LINE OF SAID LOT 20 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 22.40', A CHORD LENGTH OF 44.76', AND A CHORD BEARING OF N20°15'03"W TO A POINT; THENCE N17°56'39"W ALONG A EAST LINE OF SAID LOT 20 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 107.13' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 32°48'26", A RADIUS OF 169.00', AN ARC LENGTH OF 96.77' ALONG A EAST LINE OF SAID LOT 20 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 49.75', A CHORD DISTANCE OF 95.45', AND A CHORD BEARING OF N34°20'52"W TO A POINT OF REVERSE CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 26°09'04", A RADIUS OF 481.00', AN ARC LENGTH OF 219.54' ALONG A EAST LINE OF SAID LOT 20 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 111.72', A CHORD DISTANCE OF 217.64', AND A CHORD BEARING OF N37°40'33"W TO A POINT; THENCE N24°36'01"W ALONG A EAST LINE OF SAID LOT 20 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 85.19' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 07°05'26", A RADIUS OF 369.00', AN ARC LENGTH OF 45.67' ALONG A EAST LINE OF SAID LOT 20 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 22.86', A CHORD DISTANCE OF 45.64', AND A CHORD BEARING OF N28°08'44"W TO A POINT; THENCE N31°41'27"W ALONG A EAST LINE OF SAID LOT 20 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 11.28 TO A POINT, THENCE S58°18'33"W, A DISTANCE OF 180.05' TO A POINT; THENCE S74°26'31"W, A DISTANCE OF 127.60' TO A POINT, THENCE S73°02'34"W, A DISTANCE OF 99.74' TO A POINT; THENCE S68°20'42"W, A DISTANCE OF 113.21' TO A POINT THENCE S63°26'12"W, A DISTANCE OF 105.04' TO A POINT, THENCE S61°28'46"W, A DISTANCE OF 402.06' TO A POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 08°04'08", A RADIUS OF 181.50', AN ARC LENGTH OF 25.56', A CHORD LENGTH OF 25.54', A TANGENT LENGTH OF 12.80', AND A CHORD BEARING OF S03°25'28"E; THENCE S00°36'36"W, A DISTANCE OF 108.49'; THENCE N89°23'24"W, A DISTANCE OF 57.96', SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 07°51'40", A RADIUS OF 123.00', AN ARC LENGTH OF 16.88', A CHORD LENGTH OF 16.86', A TANGENT LENGTH OF 8.45', AND A CHORD BEARING OF S10°02'28"E; THENCE N89°23'24"W, A DISTANCE OF 226.63', TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., THENCE S00°36'27"W, A DISTANCE OF 864.43' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 1,594,530.18 SQUARE FEET OR 36.61 ACRES, MORE OR LESS.

BOUNDARY OF THE PLANNED UNIT DEVELOPMENT
10' X 10' BOX CULVERT/TRAIL CROSSING UNDER ALVO RD.
PEDESTRIAN UNDERPASS
MULTIFAMILY
BLOCK 1 LOT 1
OUTLOT "OO"
OUTLOT "PP"
OUTLOT "QQ"
10' PUBLIC TRAIL
OUTLOT "TT"
OUTLOT "SS"
OUTLOT "UU"
OUTLOT "LL"
WATER LINE EASEMENT
LOT 2 BLOCK 6
30' SEWER EASEMENT
MIN. DRAINAGE CORRIDOR
20' TRAIL EASEMENT
FUTURE PARK
FUTURE PARKING
LOT 1
SCHOOL SITE/PARK/YMCA
HIGHLAND VIEW DEVELOPMENT
OUTLOT "FFF"
BLOCK 41
OUTLOT "DD"
OUTLOT "CC"
LOT 3 BLOCK 34
LOT 5 I.T. RESERVED FOR FUTURE DEVELOPMENT
LOT 2 80,000 S.F.
BLOCK 33 LOT 2
LOT 4
OUTLOT "VV"
BLOCK 23
BLOCK 24 LOT 1
BLOCK 29
LOT 6
LOT 7
LOT 8
OUTLOT "J"
CONCEPTUAL LAYOUT OF PRIVATE TRAIL SYSTEM
BLOCK 31
BLOCK 30
BLOCK 14
LOT 10, BLOCK 35 & LOT 1 BLOCK 32 SHALL BE PERMITTED TO HAVE BUILDING OVERHANGS THAT EXTEND INTO THE PUBLIC ACCESS EASEMENT, BUT NOT PAST THE LOT LINE
PERMANENT EASEMENT
RESIDENTIAL 8 D.U. OR OFFICE USE OR DAYCARE
LOT 12
NON-SIGNALIZED RIGHT & LEFT IN/ RIGHT OUT INTERSECTION
U.S. HWY. 34
NORTH 1st STREET
25

NOTE:
THE LEFT-IN TURN IN FALLBROOK BLVD., LEADING INTO LOTS 1 & 2, BLOCK 34 MAY BE REMOVED BY THE CITY IF:

a.) SOUTHBOUND VEHICLE STACKING ONTO HWY. 34 IS ROUTINELY OBSERVED TO BE BLOCKING THE LEFT-IN TURN TO THE DRIVEWAY FOR LOTS 1 & 2, BLOCK 34 OR;

b.) NORTHBOUND VEHICLE STACKING FOR A LEFT TURN TO MERCHANT DRIVE OR TO THE LEFT-IN TURN FOR LOTS 1 & 2, BLOCK 34 IS OBSERVED ROUTINELY STACKING INTO A THROUGH LANE IN FALLBROOK BLVD. OR;

c.) IF TRAFFIC WARRANTS OR VEHICLE CRASHES CAUSED BY THE LEFT-IN TURN DEEM THE LEFT-IN TURN MOVEMENT REMOVAL IS ADVISABLE.

THE LOT OWNER OF LOT 2, BLOCK 34 WILL BE RESPONSIBLE FOR POSTING A $20,600 BOND EQUAL TO THE COST OF REMOVING THE LEFT-IN TURN LANE AT TIME OF FINAL PLATTING. THE LOT OWNER OF LOT 2, BLOCK 34 IS RESPONSIBLE FOR REMOVAL AND RECONSTRUCTION OF THE LEFT-IN TURN LANE WHEN NECESSARY.

NOTE:
LOTS 7 & 8 BLOCK 29 MAY EITHER BE FOR 34 TOWNHOUSE UNITS OR COMMERCIAL/OFFICE AREA

BOUNDARY CURVE DATA

[illegible]

ROADWAY CURVE TABLE

CURVE	LENGTH	RADIUS	TANGENT	CHORD	DELTA
C1	393.85	1500.00	198.06	393.72	15°2'38"
C2	175.48	800.00	88.38	174.98	12°45'20"
C3	509.59	915.50	316.65	500.40	31°09'26"
C4	360.41	800.00	183.08	357.38	25°48'49"
C5					
C6	132.94	500.00	66.88	132.15	15°11'57"
C7	268.93	450.00	139.31	275.08	34°14'26"
C8	93.98	300.00	47.37	93.50	17°56'42"
C9	172.00	500.00	66.90	171.23	19°42'08"
C10	356.78	500.00	186.17	349.26	40°53'03"
C11	195.87	511.00	99.21	194.77	21°58'25"
C12	89.36	556.00	44.57	89.62	09°20'57"
C13	208.87	1500.00	102.09	208.72	07°47'15"
D1	348.83	1200.00	175.83	347.80	16°39'19"
D2	301.86	200.00	188.95	276.91	86°28'25"
D3	406.51	788.00	208.14	401.78	30°19'37"
D4	450.78	2000.00	226.34	449.83	12°54'50"
D5	390.79	1000.00	199.33	391.39	21°54'19"
D6	374.58	500.00	196.57	365.88	42°55'26"
D7	121.62	1000.00	60.88	121.55	06°58'06"
D8	159.50	3000.00	79.77	159.45	03°02'46"
D9	88.73	1000.00	44.38	88.88	05°04'37"
D10	168.74	600.00	84.93	168.19	16°06'50"
D11	271.18	900.00	98.17	170.80	16°20'46"
D12	288.78	1000.00	206.93	286.48	15°03'46"
D13	129.47	450.00	65.39	129.03	16°29'06"
D14	148.02	1000.00	74.46	148.08	08°30'54"
D15	398.01	1000.00	200.68	395.69	22°48'16"
D16	95.57	400.00	48.77	95.77	13°52'26"

CURVE	LENGTH	RADIUS	TANGENT	CHORD	DELTA
E1	59.59	151.50	30.47	59.08	20°22'32"
E2	39.52	1000.00	19.76	39.51	2°15'51"
E3	317.00	150.00	263.50	261.22	121°05'10"
E4	525.00	1050.00	268.11	519.50	28°38'52"
E5	250.00	2000.00	125.16	249.84	7°09'44"
E6	198.83	575.00	100.61	197.62	21°51'49"
E7	349.03	1300.00	175.57	347.98	15°22'58"
E8	248.83	2200.00	124.54	248.88	6°28'48"
E9	250.00	350.00	130.82	244.72	40°55'32"
E10	200.00	350.00	114.03	183.81	36°23'40"
E11	249.41	525.00	127.10	247.07	27°13'08"
E12	262.29	150.00	178.36	178.36	100°11'32"
E13	615.00	8000.00	308.70	614.32	11°59'12"
E14	113.50	400.00	56.46	113.40	9°07'43"
E15	400.05	1500.00	201.18	398.87	15°10'44"
E16	109.75	575.00	55.08	109.58	11°50'40"
E17	73.53	525.00	36.83	73.47	8°01'30"
E18	175.00	525.00	88.22	174.19	19°05'55"

LEGEND

– – – W – – –	EXISTING WATER MAIN
——— W ———	PROPOSED WATER MAIN
– – – S – – –	EXISTING SANITARY SEWER
——— S ———	PROPOSED SANITARY SEWER
——○——— S —	SANITARY SEWER MANHOLE
○⧖—	FIRE HYDRANT
——⧖——	WATER VALVE
– – – 15" SS – – –	EXISTING STORM SEWER
——— 15" SS ———	PROPOSED STORM SEWER

ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME OR UNDER 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.

3-4-2020
DATE

TIMOTHY S. GERGEN E-10344

FALLBROOK

AMENDMENT TO THE PLANNED UNIT DEVELOPMENT COVER SHEET

ENGINEER & PREPARER
THE CLARK ENERSEN PARTNERS
1010 LINCOLN MALL, SUITE 200
LINCOLN, NE. 68508
PHONE: 402-477-9291

OWNER & DEVELOPER
NEBCO, INC.
1815 Y STREET
LINCOLN, NE 68508
PHONE: 402-434-1212

PUD LEGAL DESCRIPTION

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 18 I.T. AND A PORTION OF LOT 16 I.T., ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 6 EAST, LOT 1, BLOCK 1, THE REMAINING PORTION OF LOT 1, BLOCK 2, [illegible] ... TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF [illegible] SQUARE FEET OR [illegible] ACRES, MORE OR LESS.

CLARIFICATION OF THE COMPLIANCE WITH THE AIRPORT HEIGHT RESTRICTIONS:
(ALL ELEVATIONS ARE REFERENCED TO NAVD 1988 DATUM)

- ELEVATION AT THE END OF THE CLOSEST RUNWAY - 1218.7 AT THE NORTH END OF RUNWAY 17L
- MAXIMUM HEIGHT ALLOWED ABOVE END OF RUNWAY - 150'
- MAXIMUM HEIGHT ALLOWED FOR THAT PORTION OF FALLBROOK AS DESCRIBED ABOVE - 1218.7 + 150 = 1368.7
- HIGHEST ELEVATION AS SHOWN ON APPROVED GRADING PLAN - 1318
- MAXIMUM HEIGHT FOR BUILDINGS IN THAT PORTION OF FALLBROOK AS DESCRIBED ABOVE - 35 FEET TO THE AVERAGE HEIGHT OF THE HIGHEST GABLE OF ROOF.
- DISTANCE FROM THE AVERAGE MIDPOINT OF THE HIGHEST GABLE TO THE TOP OF THE ROOF - 10 FEET (CONSERVATIVE NUMBER). 1318+35+10 = 1363

BASED ON ALLOWABLE BUILDING HEIGHT CODES, THE LOTS AND DWELLING UNITS DESCRIBED HEREIN ARE BELOW THE ALLOWABLE HEIGHT FOR THE AIRPORT TURNING ZONE. THIS COVERS ALL EXISTING AND FUTURE SINGLE FAMILY DUPLEX AND TOWN HOUSE ADDITIONS TO FALLBROOK AS SHOWN ON THIS PUD. THIS DOES NOT COVER ANY AREAS ZONED FOR COMMERCIAL OR OFFICE USE.

The Clark Enersen Partners

Fallbrook P.U.D. Amendment

Lincoln, NE

TCEP No.: 512-093-18

March 4, 2020

Cover Sheet
1 of 19

REQUESTED WAIVERS

1. LOT AREA
2. LOT WIDTH
3. FRONT, SIDE AND REAR YARD SETBACKS.
4. PARKING REQUIREMENTS.
5. SECONDARY DWELLING UNITS ON THE SAME LOT AS THE MAIN DWELLING UNIT IN RESIDENTIAL TYPE 3 AREA.
6. FRONT YARD SETBACK FOR SIGNS.
7. CUL-DE-SAC DESIGN.
8. ROADWAY PLATFORM APPROACH ON BITTERSWEET ROAD AND HERITAGE FALLS DRIVE.
9. ALLOW SEWER AND WATER MAINS ON THE SAME SIDE OF THE STREET.
10. PEDESTRIAN WAY EASEMENTS.
11. ALLOW THE TRANSFER OF SANITARY SEWAGE FROM ONE DRAINAGE TO ANOTHER.
12. THAT LOTS FRONT UPON PUBLIC STREETS OR PRIVATE ROADWAYS.
13. THE REQUIREMENT THAT WHERE PUBLIC STREETS ARE CONTINUATION OF EXISTING STREET, THE EXISTING STREET NAME SHALL BE USED TO PERMIT THE STREET NAME OF FALLBROOK BLVD. WEST OF N. 1ST ST.
14. SIGN REGULATIONS AS IDENTIFIED IN THE NOTES.

FALLBROOK

AMENDMENT TO THE
PLANNED UNIT DEVELOPMENT
MASTER PLAN

FALLBROOK SCHOOL/YMCA PARKING GUIDELINES

FACUTY USER METHOD: FOR USE IN DETERMINING PARKING REQUIREMENTS ONLY

NATATORIUM:	LAP SWIMMERS	4
	SWIMMING LESSONS	36/2 = 18*
	WHIRLPOOL	4
	INSTRUCTORS	6
	LIFEGUARD	1
		33

* ASSUME 50% OF THE PARTICIPANTS ARE NOT OF DRIVING AGE.

GYMNASIUM*: TEAM MEMBERS		20
	COACHES	2
	OFFICIALS	3
	OBSERVERS	10 (50% of participants)
	TURNOVER	32 (teams and coaches waiting)
		67/3** = 23

* ASSIGNS 1 COURT TO THE YMCA DURING SCHOOL DAY. WHEN OTHER 2 COURTS ASSUME YMCA MANAGEMENT, ADDITIONAL LPS MIDDLE SCHOOL PARKING BECOMES AVAILABLE.
** USE CALCULATION METHOD 27.67.040

AEROBICS (3 ROOMS):	PARTICIPANTS	60
	INSTRUCTORS	3
	TURNOVER	60 (participants waiting)
		123/3* =41
		17

* USE CALCULATION METHOD 27.67.040(b).

CLASSROOMS	NONE
CHILD WATCH & PRESCHOOL: INSTRUCTORS	2
GENERAL BUILDING SERVICES: INCLUDES LOCKER ROOMS, OFFICE, STAIR, CORRIDOR, CONTROL DESK, SOCIAL AREA, REST ROOM, LAUNDRY	14,250 SF 1 STALL/ 300 SF = 48
MECHANICAL:	1

EXERCISE AREA: 7962 X 60%= 4775F/100/MACHINE*= 48
* ASSUME 40% IS AREA BETWEEN MACHINES
* ALLOW 100 SF AVERAGE AREA PER MACHINE
* ASSUME 1 USER FOR EACH MACHINE

RECREATION PARKING TOTAL	196
TOTAL EDUCATION STALLS	+150
TOTAL PARKING	346 (SHARED PARKING WILL BE UTILIZED FOR BOTH RECREATIONAL AND EDUCATIONAL USE)

P.U.D. RESIDENTIAL DENSITY ALLOWED

Residential Acres	302
Max. Density Units / Acre	6.96
Maximum Residential Units	2,102

P.U.D. RESIDENTIAL DENSITY UTILIZATION
As Shown on Plan

P.U.D. Designation	Units
Residential Type 1	304
Residential Type 2	0
Residential Type 3 - Primary Res	202
Residential Type 3 - Secondary Res	210
Residential Type 4	28
Residential Type 5	43
Residential Type 6	42
Residential Type 7	38
Multi Family	557
Town Center Residential	30
Town Center Lofts	90
MarketPlace	30
Subtotal	1,569
Unassigned	533
Planned Residential Units	2,102

ANTICIPATED USE FOR OUTLOTS

OUTLOT	COMMON ACCESS	PED. WAY	BLANKET UTILITY EASEMENT	GREEN SPACE	DRAINAGE EASEMENT	PUBLIC PARK	PUBLIC UTILITY EASEMENT
A			X	X	X		
B			X				
C		X	X			X	
D			X	X	X		
E			X	X			
F			X	X			
G			X	X	X		
H		X	X	X			
I			X	X			
J		X	X	X	X		
K			X	X			
L			X	X			
M			X	X			
N		X	X	X	X		
O	X		X				
P	X		X				
Q		X	X	X	X		
R		X	X				
S			X	X	X		
T			X	X	X		
U			X				
V		X	X				
W	X		X				
X	X		X				
Y	X		X				
Z	X		X				
AA			X			X	
BB	X		X				
CC			X	X	X		
DD			X	X	X		
EE			X	X	X		
FF	X		X				
GG	X		X				
HH	X		X				
II		X	X				
JJ			X	X	X		
KK			X	X			
LL			X	X			
MM	X		X				X
NN	X		X				X
OO		X	X				
PP			X	X			
QQ			X	X	X		
RR			X	X			
SS			X	X			
TT			X	X			
UU			X	X	X		
VV							
WW	X		X				
XX	X		X				
YY	X		X				
A1	X		X				
B1	X		X				
C1	X		X				
D1	X		X				
E1	X		X				
F1	X						X
G1				X	X		
H1				X	X		
I1				X			
J1				X			

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Fairway, Kansas

Fallbrook P.U.D. Amendment

Lincoln, NE

TCEP No.: 512-093-18

March 4, 2020

Master Plan

2 of 19

Plot Time/Scale: 3/4/2020 10:43:47 AM
File Location/Name: \\Clarkenersen-dat\1000-9999\512-093-18 Madison (Fallbrook West) (05) ArchCAD\Amendment to the PUD\24x36.dwg

FALLBROOK

AMENDMENT TO THE PLANNED UNIT DEVELOPMENT ZONING/CHANGE OF ZONE MAP

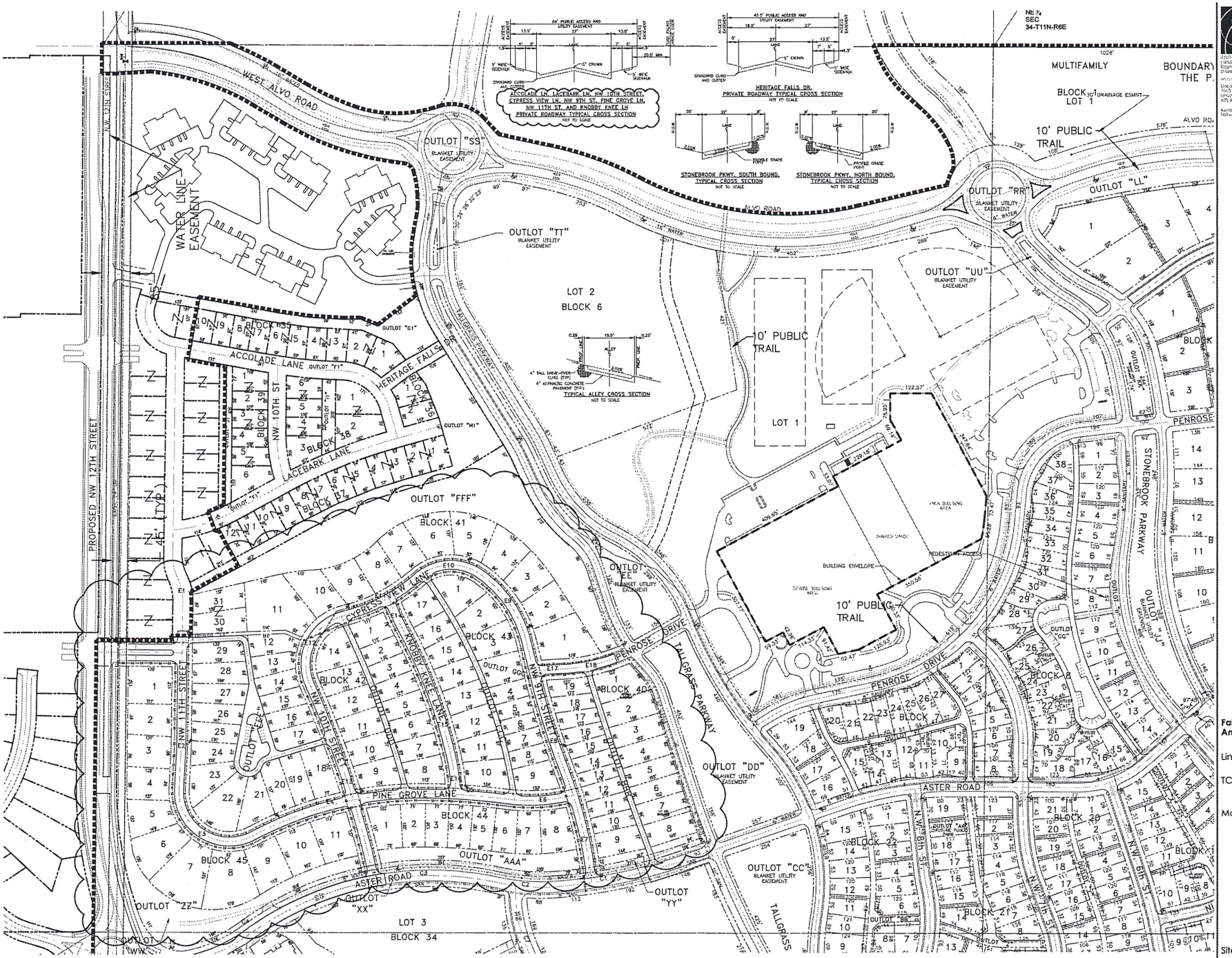
AG TO R-3 PUD LEGAL DESCRIPTION

LEGAL DESCRIPTION
CHANGE OF ZONE

FROM AG TO R-3 PUD

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPRISED OF A PORTION OF OUTLOT B, FALLBROOK 18TH ADDITION, AND A PORTION OF LOT 20 I.T., LOCATED IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M.; THENCE S89°42'33"E ALONG A NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 333.34' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A 4,261.18' RADIUS AND A CHORD OF S1°38'32"E, A DEGREE OF 1°00'32", AN ARC LENGTH OF 125.48', A TANGENT LENGTH OF 62.74', A CHORD LENGTH OF 125.47', AND A CHORD BEARING OF N82°18'28"E TO A POINT OF REVERSE CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 40°55'13", A RADIUS OF 88.38', AN ARC LENGTH OF 63.11', A TANGENT LENGTH OF 32.93', A CHORD LENGTH OF 61.77', AND A CHORD BEARING OF N41°13'59"E TO A POINT OF REVERSE CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION IN A PAIR A CENTRAL ANGLE OF 1°43'58", A RADIUS OF 583.00', AN ARC LENGTH OF 353.29', A TANGENT LENGTH OF 61.27', A CHORD LENGTH OF 347.88', AND A CHORD BEARING OF N20°48'54"E TO A POINT OF COMPOUND CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 10°30'58", A RADIUS OF 1,453.00', AN ARC LENGTH OF 266.74', A TANGENT LENGTH OF 134.72', A CHORD LENGTH OF 266.36', AND A CHORD BEARING OF N02°30'49"E TO A POINT; THENCE N02°37'27"W ALONG A EAST LINE OF LOT 20 I.T., A DISTANCE OF 103.62' TO A POINT; THENCE N14°47'09"W ALONG A EAST LINE OF S-40 I.T. OF 20 I.T., A DISTANCE OF 214.47' TO A POINT; THENCE N72°08'15"W ALONG A EAST LINE OF S-40 I.T. OF 20 I.T., A DISTANCE OF 213.13' TO A POINT; THENCE N02°37'27"W ALONG A EAST LINE OF S-40 I.T. OF 20 I.T., A DISTANCE OF 99.97' TO A POINT; THENCE N89°22'33"E ALONG A SOUTH LINE OF SAID LOT 20 I.T., A DISTANCE OF 1,320.75' TO A POINT; THENCE N89°22'33"E ALONG A SOUTH LINE OF SAID LOT 20 I.T., A DISTANCE OF 6.46' TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF TALLGRASS PARKWAY, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 94°18'48", A RADIUS OF 154.00', AN ARC LENGTH OF 46.77' ALONG A EASTLINE OF SAID LOT 20 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 33.49', A CHORD LENGTH OF 46.76', AND A CHORD BEARING OF N02°31'05"W TO A POINT; THENCE N07°39'39"W ALONG A EAST LINE OF SAID LOT 20 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 327.22' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 57°48'35", A RADIUS OF 169.00', AN ARC LENGTH OF 98.57' ALONG A EASTLINE OF SAID LOT 20 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 49.79', A CHORD DISTANCE OF 94.49', AND A CHORD BEARING OF N36°29'57"W TO A POINT OF REVERSE CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 26°19'04", A RADIUS OF 441.00', AN ARC LENGTH OF 202.54' ALONG A EASTLINE OF SAID LOT 20 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 103.12', A CHORD DISTANCE OF 200.74', AND A CHORD BEARING OF N52°40'23"W TO A POINT; THENCE N65°50'51"W ALONG A EASTLINE OF SAID LOT 20 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 85.19' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 07°25'39", A RADIUS OF 459.00', AN ARC LENGTH OF 59.51' ALONG A EAST LINE OF SAID LOT 20 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 29.80', A CHORD DISTANCE OF 59.47', AND A CHORD BEARING OF N62°08'32"W TO A POINT; THENCE N58°25'42"W ALONG A EASTLINE OF SAID LOT 20 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 11.28' TO A POINT; THENCE S31°34'18"W, A DISTANCE OF 120.00' TO A POINT; THENCE S74°36'27"W, A DISTANCE OF 57.49' TO A POINT; THENCE S15°50'36"W, A DISTANCE OF 96.34' TO A POINT; THENCE N68°24'42"W, A DISTANCE OF 113.22' TO A POINT; THENCE S71°51'19"W, A DISTANCE OF 108.04' TO A POINT; THENCE N65°38'44"W, A DISTANCE OF 403.34' TO A POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 08°09'44", A RADIUS OF 283.50', AN ARC LENGTH OF 40.40', A CHORD LENGTH OF 40.37', AND A CHORD BEARING OF N21°56'26"E; THENCE N17°51'34"E, A DISTANCE OF 84.00' TO A POINT; THENCE S72°08'26"E, A DISTANCE OF 10.00' TO A POINT; THENCE N17°51'34"E, A DISTANCE OF 96.00' TO A POINT; THENCE N72°08'26"W, A DISTANCE OF 10.00' TO A POINT; THENCE N17°51'34"E, A DISTANCE OF 84.00' TO A POINT; THENCE N72°08'26"W, A DISTANCE OF 10.00' TO A POINT; THENCE N17°51'34"E, A DISTANCE OF 96.00' TO A POINT; THENCE S72°08'26"E



The Clark Enersen Partners

Fallbrook P.U.D. Amendment

Lincoln, NE

TCEP No.: 512-093-18

March 4, 2020

Site Plan

5 of 19

The Clark Enersen Partners

March 4, 2020

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

RE: Amendment to the Fallbrook P.U.D., Annexation and Change of Zone

Dear Mr. Cary:

On behalf of the Developer, Nebco, Inc, 1815 Y Street, Lincoln, NE 68508, we are requesting an Amendment to the Fallbrook Planned Unit Development to expand the limits of the Fallbrook development to include new residential lots west of Tallgrass Parkway.

The submittal includes a request for annexation and a change of zone from AG to R3 PUD.

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

1. Zoning Application
2. Application Fee ($4,283)
3. Annexation/Change of Zone Legal Exhibit

The following will be uploaded to ProjectDox when the project has been set up:

1. Cover Sheet
2. Master Plan
3. Zoning/Change of Zone Map
4. Site Plan
5. Drainage & Grading Plan (2 sheets)
6. Street Profiles (2 sheets)

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

Sincerely,

Luke Summers

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

ProjectDox

Department Review Status Report

Project Name: AN20005

Cycle	Department	Reviewer	Email	Status	Reviewer Comments
	LTU - Watershed Management	Tim Zach	TZach@lincoln.ne.gov	Corrections Required	1. Set minimum opening elevations for all lots adjacent to the open drainage ways or basins at 1 ft above the 100-year water surface elevation or the roadway overtopping elevation, whichever is higher (i.e. Block 4). 2. Detention for this addition to the Fallbrook PUD has been confirmed by the applicant's engineer to have been accounted for with the original drainage report and provided in the detention area adjacent to Hwy 34. 3. Submit the Water Quality Request for Alternative form along with the proposal to meet water quality. The proposal should include the treatment volume for each BMP, along with the volume draining to each BMP to verify the BMP will function as intended. Once this form and calculations are received, a determination will be made if the proposed alternative is acceptable. 4. Submit a separate plan sheet showing the grading and drainage just for the area of this annexation for ease of review. It's difficult to see all line work, especially subarea delineation. Once a new clearer sheet is submitted, a complete review can be completed. 5. Show the existing and proposed grading for all areas adjacent to this annexation to verify there are no issues. 6. Future submittals may be subject to addition comments and revisions.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

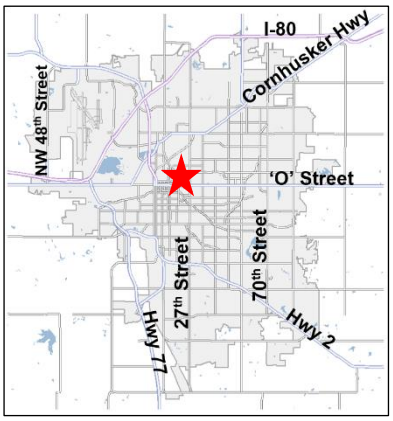
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Change of Zone 08066A	No	Hepburn Properties, LLC
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
April 1, 2020	CPC20004	N. 24th & Q Streets

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from R-6 (Residential) to R-6 Planned Unit Development (PUD) that will expand the existing Antelope Village PUD by 1.04 acres to accommodate a planned 12-unit apartment building project at the northeast corner of N 24th Street and Q Street. In addition to the R-6 PUD expansion area, it is proposed at the request of the Planning Department to include residential properties located on the Northeast, Southeast and Northwest corners of 23rd and Q Streets. These properties will be rezoned from B-3 (Commercial) PUD to R-6 PUD to reflect existing redeveloped residential use.



JUSTIFICATION FOR RECOMMENDATION

This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan. This request is associated with Comprehensive Plan Conformance 20004 which is the amendment to the Antelope Valley Redevelopment Plan for the Hepburn Square Redevelopment Project. The Project will incorporate affordable housing along with market rate housing.

APPLICATION CONTACT
Ann Post, Baylor Evnen, LLP
(402) 475-1075
apost@baylorevnen.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This property is designated as Residential – Urban Density. The proposed zoning is R-6 PUD. This is consistent with the Comprehensive Plan, Downtown Master Plan and Antelope Valley Redevelopment Plan which support urban density residential redevelopment as part of the Greater Downtown and Antelope Valley.

WAIVERS

The R-6 PUD expansion area will utilize the 1:1 parking waiver and setbacks which apply to the Residential Area that was previously established with CZ08066 for Antelope Village PUD.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

p. 1.9 The area is shown as Urban Density Residential on the Future Land Use map.

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. 2.7 Lincoln will continue to have managed and contiguous growth, including strengthening our Downtown core.

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. 5.4 The City should preserve and enhance Downtown's role as...A major focus for new residential reuse, infill, and redevelopment.

p. 6.1 The primary focus for new dwelling units is the "Greater Downtown" which includes Downtown proper, Antelope Valley, the Haymarket, South Haymarket, Telegraph District and Innovation Campus.

p. 6.3 Support development and implementation of the Downtown Master Plan, South Haymarket Neighborhood Plan and the Antelope Valley Redevelopment Plan.

p. 6.3 Strategies for Greater Downtown...Maintain the urban environment, including a mix of land uses with a major focus on residential uses.

P. 7.2 - Neighborhoods & Housing Guiding Principles
- Continue policies such as landmark districts and down-zonings that maintain a mix of single-family and multi-family housing and support home ownership and the preservation and enhancement of historic properties.
- Promote sustainability and resource conservation by preserving and improving housing in existing 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.

P. 7.8 - Currently, there are roughly 333 acres of vacant residentially-zoned land in the existing built-out portion of the City. Some of the land is in the floodplain and lots scattered throughout the City. The Plan envisions a portion of this land will be utilized by 2040 since it has access to urban services today.

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

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.

ANALYSIS

1. This is a request for an amendment to the Antelope Village PUD to include the south half of the block bounded by Q and R Streets and 24th and 25th Streets by changing the zoning from R-6 to R-6 PUD. This expansion area includes approximately 1.04 acres and is in connection with the proposed Hepburn Square Redevelopment Project. The Project contemplates construction of a 12-unit apartment building located generally at the northeast corner of N. 24th and Q Streets. This housing project will include an affordable housing component and will accept housing vouchers.

2. The expansion of the Antelope Village PUD is proposed to include the properties east of N. 24th to allow the proposed redevelopment project to follow the 1 to 1 parking ratio for the required parking in lieu of the standard 1.75 required stall per dwelling unit for R-6 zoning and also follow the setbacks as established in the existing Antelope Village PUD. The Residential Area within the existing PUD already has the parking requirement at one stall per dwelling unit. Also, the Residential Area allows setbacks for all uses of 10' front yard, 5' side yard or 0' on party wall, rear yard 10'.

3. In addition to the R-6 PUD, it is proposed at the request of the Planning Department to include residential properties located on the Northeast, Southeast and Northwest corners of 23rd and Q Streets to be rezoned from B-3 PUD to R-6 PUD. Previously the B-3 PUD designation was to allow the flexibility for possible commercial redevelopment. However, all the lots involved are new housing units and are not in commercial use. The commercial zoning is a holdover and is not consistent with the current use nor the use allowed in the PUD.

4. The Antelope Village PUD was approved in February, 2009. The purpose of the PUD is to foster a transitional area of residences and other compatible uses between the urban mixed use areas of Downtown/Antelope Valley and O Street and the residential neighborhoods to the north and east. It is also intended to encourage high quality development, especially in the vicinity of Union Plaza.

5. The PUD is divided into three areas: mixed-use, neighborhood business, and residential (see exhibit). The Residential Area including the new expansion is the largest of the three areas and includes the majority of the north side of Q Street and east of N. 23rd Street. The Mixed Use Area includes most of the area west of N. 23rd Street and South of Q Street with a limited area at the north east corner of N. 22nd Street and Q Street. The Neighborhood Business Area encompasses the southwest corner of N. 23rd Street and Q Street.

6. The Neighborhood Design Standards, except as modified by the PUD, apply throughout the PUD area. The Antelope Village PUD is designed so that a building permit may be issued if the applicant meets the requirements of the PUD. The Planning Director may approve minor modifications to the PUD.

7. Related Comprehensive Plan Conformance 20004 is for the amendment to the Antelope Valley Redevelopment Plan to incorporate the proposed redevelopment project. This Project includes the redevelopment of the vacant property at the northeast corner of N. 24th Street and Q Street.

8. This amendment to the Antelope Village PUD is to allow for flexibility for urban density residential redevelopment for a project that will include an affordable housing component and is consistent with the goals of the Comprehensive Plan, Downtown Master Plan and Antelope Valley Redevelopment Plan which encourages a variety of housing types in close connectivity to Downtown Lincoln.

CONDITIONS OF APPROVAL: See attached

EXISTING LAND USE & ZONING: Vacant, Apartments; R-6

SURROUNDING LAND USE AND ZONING:

North:	Apartments	R-6 Residential District
South:	Apartments, Duplex, Single Family	R-6 Residential District
East:	Single Family	R-6 Residential District
West:	Apartments, Single Family	R-6 Planned Unit Development

APPLICATION HISTORY:

September, 2017	Administrative Amendment 17043 was approved to the Antelope Village PUD to add 14 residential lots to the site plan and modify setbacks.
February, 2009	Change of Zone 08066 Antelope Village PUD was approved to foster a transitional area of

residences and other compatible uses between the urban mixed use area of Downtown/Antelope Valley and O Street and the residential neighborhood to the north and east. The PUD was divided into three areas: mixed use, neighborhood business, and residential.

APPROXIMATE LAND AREA: 1.04 acres (R-6 o R-6 PUD area); 12.75 acres (total PUD area)

LEGAL DESCRIPTION: See attached.

CONDITIONS OF APPROVAL:

1. Correct Change of Zone title to 08066A.
2. Delete "Of 4" and "Of 5" Sheet references from PUD plan.
3. Add note to Sheet 3 that Front Yard setback on N. 25th Street is 20 feet or less as shown on the site plan.

Prepared by:

_____

George Wesselhoft, Planner
(402) 441-6366 Date: March 18, 2020

Applicant/ Owner: Hepburn Properties, LLC
2039 Q Street
Lincoln, NE 68503

Contact: Ann Post, Baylor Evnen, LLP
1248 O Street
Suite 600
Lincoln, NE 68508

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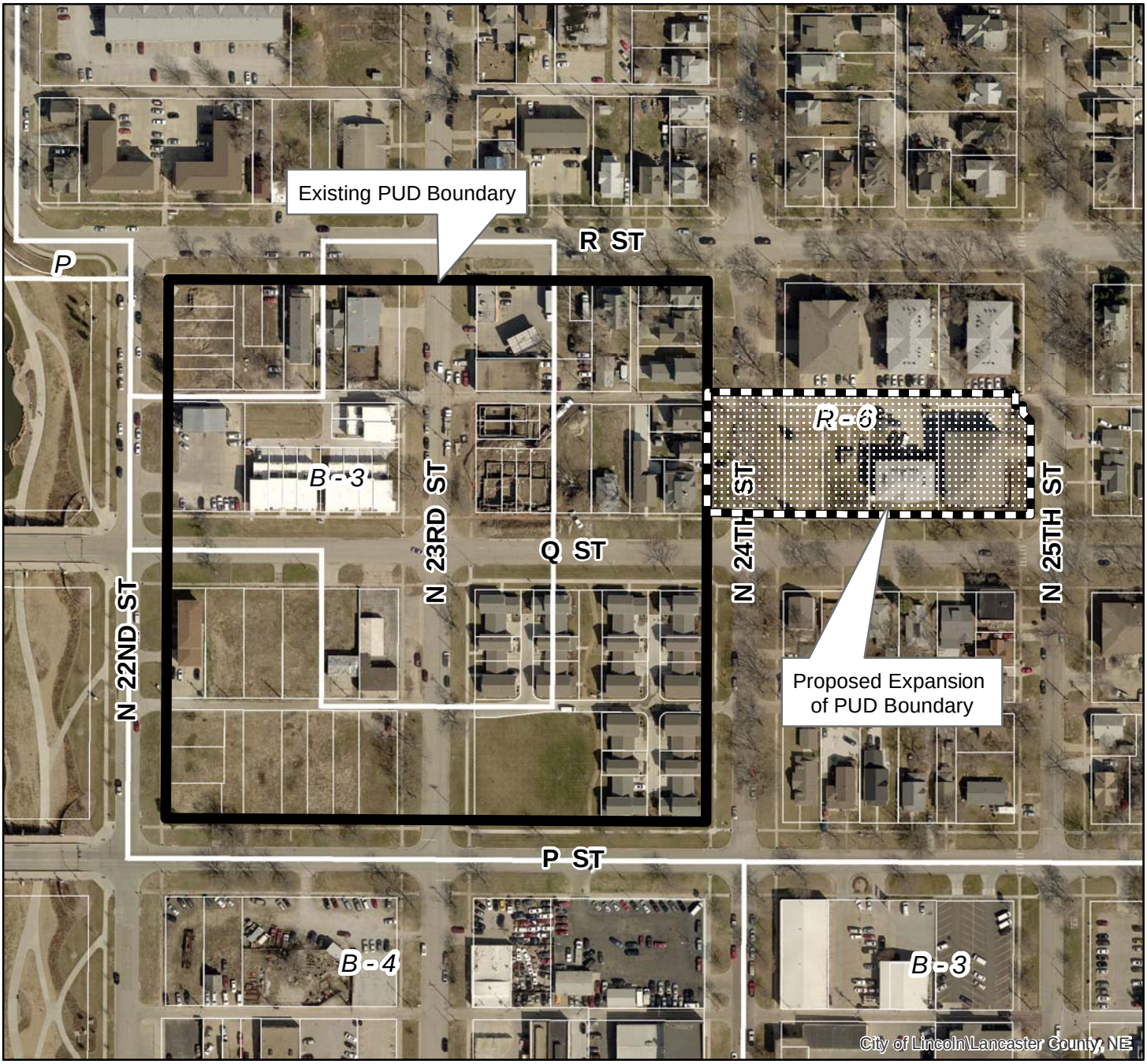


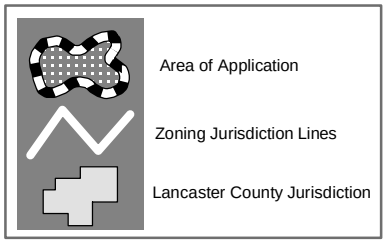
2018 aerial

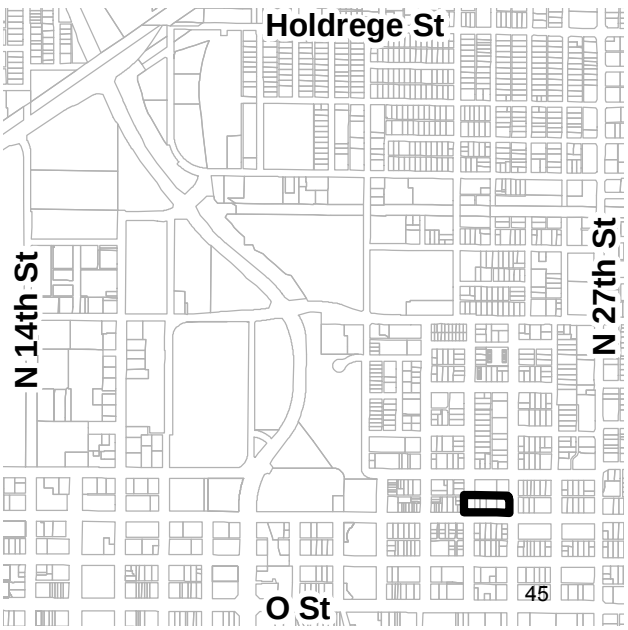
Change of Zone #: CZ08066A
Antelope Village PUD
N 24th St & Q St

Zoning:

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

One Square Mile:
Sec.24 T10N R06E





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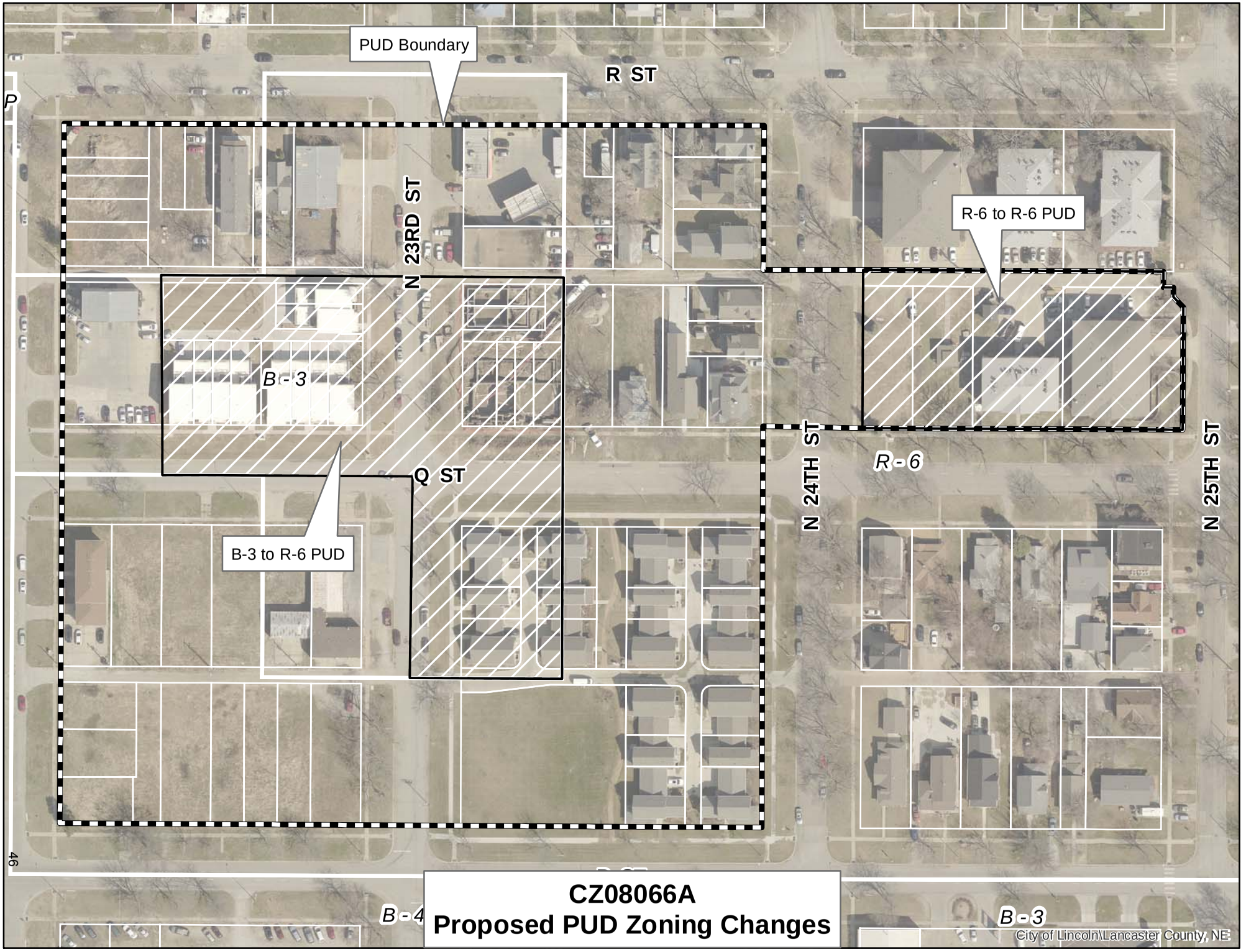

PUD Boundary
R ST
P
N 23RD ST
R-6 to R-6 PUD
B - 3
Q ST
N 24TH ST
R - 6
N 25TH ST
B-3 to R-6 PUD
46
B - 4
B - 3
CZ08066A
Proposed PUD Zoning Changes
City of Lincoln\Lancaster County, NE

BAYLOR EVNEN

Dallas D. Jones
David A. Dudley
Brenda S. Spilker
Timothy E. Clarke [IA]*
Robert S. Lannin [KS, MO]*
Jenny L. Panko

Caroline M. Westerhold [IA]*
Jarrod P. Crouse
Jennifer S. Caswell [CO]*
Paul T. Barta [IA]*
Torrey J. Gerdes [IA]*
Emily R. Motto [IA]*

Thomas B. Shires [IA]*
Kate Q. Martz [IA]*
Michael D. Reisbig [IA]*
Susan M. Foster
Andrew D. Weeks
Ann K. Post

Christopher M. Schmidt
Jenna M. Christensen
J. Michael Hannon
Micah Hawker Boehnke [IA only]

Of Counsel:
Robert T. Grimit
Donald R. Witt
Walter E. Zink II
W. Scott Davis
Peter W. Katt
Mark A. Hunzeker
Randall L. Goyette [IA]*
Stephen S. Gealy

March 3, 2020

Mr. David Cary
Planning Department, City of Lincoln
555 S. 10th Street, Ste. 213
Lincoln, NE 68508

RE: Antelope Village P.U.D. Amendment and Change of Zone

Dear Mr. Cary:

On behalf of the Owner, Hepburn Properties L.L.C. we are requesting an amendment to the Antelope Village P.U.D. which will expand the area of the P.U.D. to include south half of the block bounded by Q and R Streets and 24th and 25th Streets changing the zoning from R-6 to R-6 P.U.D.

Hepburn Properties L.L.C. is requesting this amendment to expand the area of the Antelope valley P.U.D. by approximately 1.15 acres in connection with the proposed Hepburn Square Redevelopment Project. This project contemplates construction of a 12-unit apartment building located generally at 2400 Q Street, which will incorporate affordable housing units and accept housing vouchers. This change of zone is required to establish parking ratios at one stall per residential unit and to adopt necessary setback requirements.

Concurrently, the Urban Development Department of the City of Lincoln is submitting an amendment to the Antelope Valley Redevelopment Plan proposing incorporation of this project into the Antelope Valley Redevelopment Plan.

In addition, at the request of the Planning Department, this application requests residential properties located on the Northeast, Southeast, and Northwest corners of 23rd and Q Streets be rezoned from B-3 P.U.D. to R-6 P.U.D.

Enclosed please find the following:

1. Application for Amendment of the Antelope Village P.U.D.
2. Application Fees ($1,177.75)

Baylor Evnen, LLP
Wells Fargo Center
1248 O Street, Suite 600, Lincoln, NE 68508
Phone 402.475.1075 | Fax 402.475.9515
Syracuse Office
Phone 402.269.3200

Exhibits including a site plan will be uploaded via ProjectDox. If you require further information or have any questions, please contact me at apost@baylorevnen.com or 402-475-1075.

Sincerely,

Ann K Post

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

APO/apo

CC: Civil Design Group, Inc.
Hepburn Properties LLC
Jon Newcomer

2873243

ANTELOPE VILLAGE P.U.D.
CHANGE OF ZONE 0866A

INDEX OF SHEETS	
SHEET NO.	SHEET TITLE
SHEET 1	COVER
SHEET 2	SITE PLAN - SEE A.A. 17043 FOR THIS SHEET
SHEET 3	SITE PLAN - SEE A.A. 17043 FOR THIS SHEET
SHEET 4	GRADING AND DRAINAGE PLAN - SEE SHEET A.A. 17043 FOR THIS SHEET
SHEET 5	SITE PLAN

OWNER
NEIGHBORWORKS LINCOLN
2121 NORTH 27TH STREET
LINCOLN, NE 68503
PHONE: 402.477.7181

DEVELOPER
NEIGHBORWORKS LINCOLN
2121 NORTH 27TH STREET
LINCOLN, NE 68503
PHONE: 402.477.7181

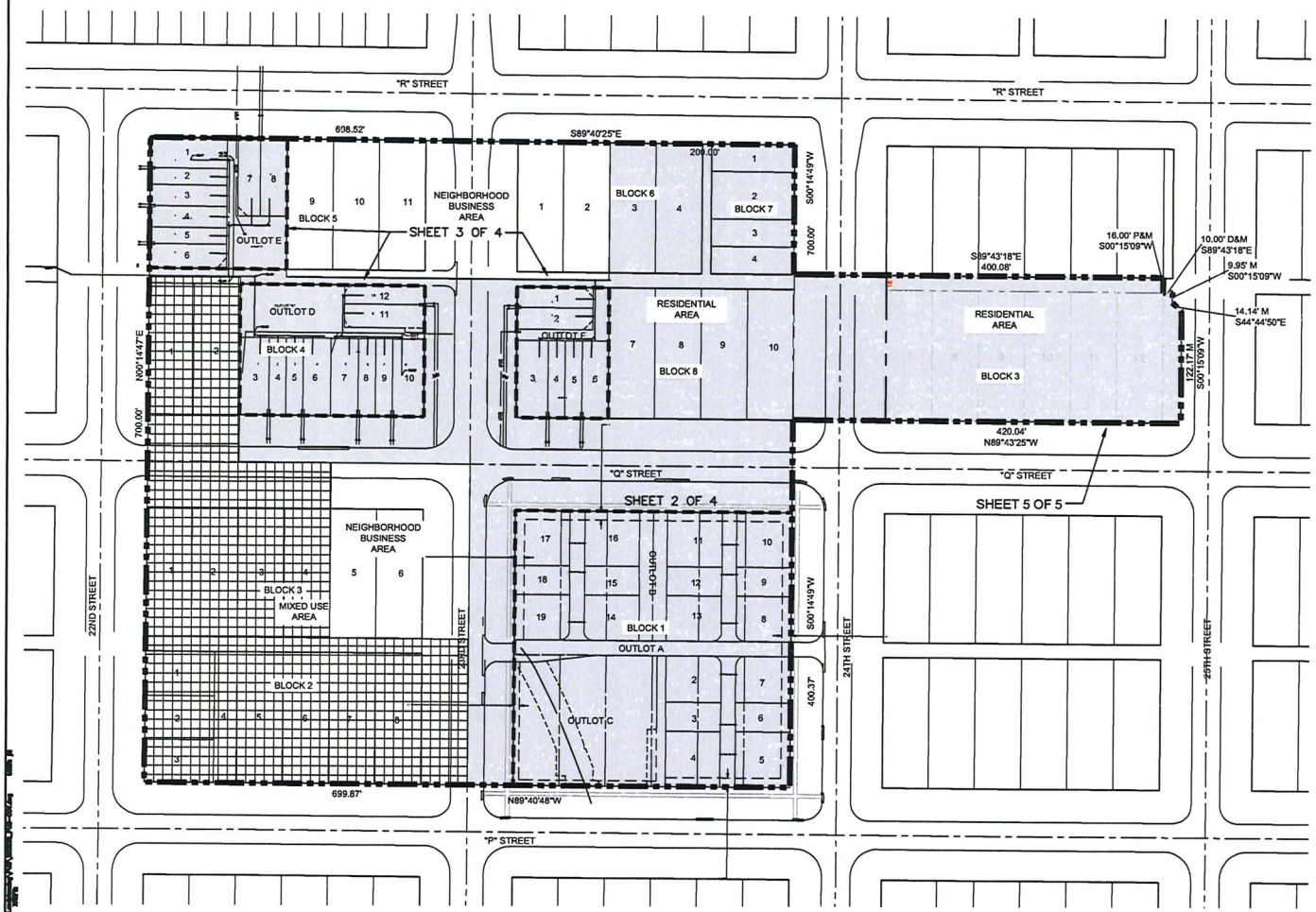
ENGINEER & PREPARER
OLSSON ASSOCIATES
601 P STREET
LINCOLN, NE 68508
CONTACT: BRAD MARSHALL, P.E.
PHONE: 402-458-5672

AMENDMENT BY
CIVIL DESIGN GROUP, INC.
8535 EXECUTIVE WOODS DRIVE
SUITE 200
LINCOLN, NE 68512
PHONE: 402-434-5494

P.U.D. LEGAL DESCRIPTION

Lots 1-8, Block 1; Lots 1-6, Block 2; and Outlot 'A' & 'B', Antelope Square 1st Addition
Lots 1-10 and Outlot 'A', Antelope Square Addition
Lots 3- 6, 9 - 12, Block 4, Kinneys 'O' Street Addition
Lots 1 -3 and Lots 7-8, Block 5, Kinneys 'O' Street Addition
Lots 1--4, 9-12, a portion of Lot 8, Block 16, Kinneys 'O' Street Addition
Lots 7-10 and the vacated East-West Alley Adjacent to Lots 1-12, Block 3, Kinneys 'O' Street Addition
Lot A and Lot B, Stewarts (Willard) Subdivision
Lot 1, Willard Stewarts 1st Addition
Lot A, B and C, Websters Subdivision
Lots 2-19 and Outlots A and B, Antelope Creek Village Addition
Outlot 'A', Antelope Creek Village 1st Addition

VICINITY MAP
NOT TO SCALE



GENERAL SITE NOTES

1. ALL SANITARY SEWERS TO BE PUBLIC UNLESS OTHERWISE NOTED. BRANCHED WATER AND SEWER SERVICES FOR LOTS 2-19, BLOCK 1
2. EACH LOT SHALL HAVE PROVISIONS FOR MAINTENANCE OF COMMON SERVICES FOR BRANCH WATER AND SEWER SERVICES. BRANCH SERVICE MAINTENANCE PROVISIONS SHALL BE RECORDED WITH THE DEED FOR EACH LOT.
3. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES..
4. ALL ELEVATIONS ARE BASED ON NAVD 1988.
5. AN ASSOCIATION SHALL BE ESTABLISHED TO MAINTAIN ALL OPEN SPACE AREAS. BLOCK 3, LOTS 7 THROUGH 12 WILL HAVE THERE OWN ASSOCIATION.
6. OUTLOT AND BLOCK DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY.
7. ALL STREET DIMENSIONS ARE TO BACK OF CURB.
8. EXISTING AND PROPOSED EASEMENTS TO BE IDENTIFIED AND SHOWN AT TIME OF FINAL PLATTING.
9. EXACT LOCATIONS OF WATER, SEWER, DRAINAGE AND PAVING WILL BE SUBMITTED WITH INDIVIDUAL SITE PLANS AT TIME OF BUILDING PERMIT IN ACCORDANCE WITH CITY OF LINCOLN DESIGN STANDARDS.
10. THE YARD SETBACKS REGULATES STRUCTURAL WALLS ONLY AND DOES NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCROACHING INTO THE SETBACKS.
11. DETAILS OF ALL SIGNS, INCLUDING TYPE, HEIGHT AND SIZE, WILL BE SUBMITTED SEPARATELY FOR REVIEW WITH THE BUILDING PERMIT AND NEED NOT BE SHOWN ON THE PLAN. THEY WILL BE DESIGNED IN ACCORDANCE WITH THE ANTELOPE VILLAGE P.U.D. AND CITY OF LINCOLN STANDARDS.
12. FINAL SITE LAYOUT AND INDIVIDUAL LANDSCAPE PLANS FOR COMMERCIAL BUILDINGS TO BE SUBMITTED AT TIME OF BUILDING PERMIT.
13. FENCES, DUMPSTERS, DECORATIVE STRUCTURES AND ACCESSORY BUILDINGS ARE NOT SHOWN ON THIS PLANS IF THEY ARE 1000 SQUARE FEET OR SMALLER AND ARE OUTSIDE OF THE SIGHT TRIANGLES AND SETBACKS AND ARE IN CONFORMANCE WITH ALL APPLICABLE ORDINANCES AND CODES.
14. STREET TREES TO BE REVIEWED AT TIME OF FINAL PLAT AND ASSIGNED BY PARKS AND RECREATION.

THE FOLLOWING APPLIES THROUGHOUT THE ANTELOPE VILLAGE PUD

1. ANY REQUIREMENT IN THE ANTELOPE VILLAGE PUD, EXCEPT FOR NON-PERMITTED USES, MY BE AMENDED BY ADMINISTRATIVE AMENDMENT APPROVED BY THE PLANNING DIRECTOR. A SITE PLAN IS REQUIRED WITH THE ADMINISTRATIVE AMENDMENT
2. THE PLANNING DIRECTOR MAY WAIVE BY ADMINISTRATIVE AMENDMENT THE REQUIREMENT THAT LOTS HAVE FRONTAGE AND ACCESS TO A PUBLIC OR PRIVATE STREET.
3. THE NEIGHBORHOOD DESIGN STANDARDS APPLY EXCEPT:
   A. PITCHED ROOFS ARE NOT REQUIRED
   B. ROOFS MAY BE CONCEALED BY PARAPETS
   C. PORCHES ARE NOT REQUIRED ON NON-RESIDENTIAL PROPERTY
   D. NON-RESIDENTIAL PROPERTIES SHALL MEET THE REQUIREMENT FOR AN ENTRANCE AND WINDOWS ORIENTED TO THE STREET
   E. HEIGHT REGULATIONS OF THIS PUD SUPERCEDE THOSE OF THE NEIGHBORHOOD DESIGN STANDARDS
   F. MECHANICAL EQUIPMENT ON ROOFTOPS SHALL BE ARCHITECTURALLY SCREENED WITH MATERIALS COMPATIBLE WITH THE MAIN WALLS OF THE BUILDING SO THEY ARE NOT VISIBLE FROM ADJACENT STREETS
4. IN CASE ANY CONFLICTS ARISE BETWEEN DOWNTOWN DESIGN STANDARDS AND THE NEIGHBORHOOD DESIGN STANDARDS, OR OTHER ZONING REQUIREMENTS AND THE REQUIREMENTS OF THE PUD, THE MORE SPECIFIC REQUIREMENT APPLIES

WAIVER REQUEST

1. ~~FRONT YARD SETBACK REDUCED TO 0 FEET FOR LOT 1, BLOCK 1, ANTELOPE GREEN VILLAGE ADDITION.~~
2. INTERNAL SETBACKS REDUCED TO 0' FOR LOTS 2-19, BLOCK 1, LOTS 3-12 BLOCK 4, LOTS 1-6, BLOCK 5, AND LOTS 1-6 BLOCK 6.
3. AN OPEN, UNENCLOSED PORCH MAY PROJECT INTO A REQUIRED FRONT YARD FOR A DISTANCE NOT EXCEEDING 8 FEET.
4. ~~PERMIT PARKING BETWEEN THE BUILDING AND THE STREET FOR LOT 1, BLOCK 1, ANTELOPE GREEN VILLAGE ADDITION.~~
5. WAIVER TO REQUIRE ALL LOTS TO FRONT UPON AND HAVING ACCESS TO A PUBLIC STREET OR PRIVATE ROADWAY.
6. PERMIT MINIMUM LOT DEPTH REDUCED TO 55 FEET FOR LOTS 2-19, BLOCK 1.
7. ~~PERMIT WIND ENERGY CONVERSION SYSTEMS (WECS) HEIGHT LIMIT FROM 30 FEET TO 80 FEET FOR LOT 1.~~
8. SIDE YARD SETBACK REDUCED TO 2' FOR LOT 12, BLOCK 4.
9. SIDE YARD SETBACK REDUCED TO 0' FOR LOT 11, BLOCK 4.
10. NO BUILDING SHALL BE ALLOWED TO BE CONSTRUCTED ON OUTLOT 'D'. PROPERTY LINES FOR OUTLOT 'D' SHALL NOT BE ALLOWED TO BE MOVED SUCH THAT THE PROPERTY LINES BECOME CLOSER TO ANY STRUCTURES WITHIN THE ANTELOPE SQUARE ADDITION IN PERPETUITY OF ANTELOPE VILLAGE PUD.
11. SIDE YARD SETBACK REDUCED TO 2' FOR LOT 6-7, BLOCK 5 AND LOT 5-6, BLOCK 8.

THE FOLLOWING APPLIES TO THE NEIGHBORHOOD BUSINESS AREA:

THE REGULATIONS OF THE B-3 DISTRICT SHALL APPLY EXCEPT WHERE MODIFIED BY THE PUD AS FOLLOWS:

1. LAND USE MODIFICATIONS SHALL REFERENCE THE ANTELOPE VILLAGE P.U.D. APPROVED DOCUMENT.
2. SIGNS:
   THE REGULATIONS FOR SIGNS PER LMC 27.69.050 SHALL APPLY TO ALL USES EXCEPT SINGLE FAMILY AND TWO-FAMILY AND WHERE MODIFIED BY THE PUD AS FOLLOWS:
   A. POLE SIGNS ARE PROHIBITED
   B. OFF-PREMISES SIGNS ARE PROHIBITED
   C. PERMITTED GROUND SIGNS SHALL NOT EXCEED 8' IN HIGHT OR 50 SQUARE FEET IN TOTAL AREA
3. THE PARKING REQUIREMENTS OF THE B-3 DISTRICT SHALL APPLY.
4. HEIGHT AND AREA:
   A. ALL USES: FRONT YARD 10', SIDE YARD 0' OR 5' ON PARTY WALL, REAR YARD 10'.
   B. HEIGHT LIMIT OF 45'
   C. THE MINIMUM LOT AREA SHALL BE 1,000 SF PER DWELLING UNIT

THE FOLLOWING APPLIES TO THE RESIDENTIAL AREA:

THE R-4 AREA SHALL COMPLY WITH THE R-4 ZONING DISTRICT EXCEPT WHERE MODIFIED BY THE PUD AS FOLLOWS:

1. HEIGHT AND AREA:
   A. ALL USES: FRONT YARD 10', SIDE YARD 5' OR 0' ON PARTY WALL, REAR YARD 10', EXCEPT AS REVISED IN WAIVER REQUEST SECTION.
   B. HEIGHT LIMIT OF 35'
   C. THE MINIMUM LOT AREA FOR A SINGLE FAMILY DWELLINGIS 4,000 SF.
   D. THE MINIMUM LOT AREA SHALL BE 1,100 SF FOR TWO-FAMILY DWELLING, TOWNHOUSES AND MULTIPLE DYELLINGS.
2. PARKING SHALL BE ONE STALL PER DWELLING UNIT.
3. AN OPEN, UNENCLOSED PORCH MAY PROJECT INTO THE REQUIRED FRONT YARD FOR A DISTANCE NOT EXCEEDING 8 FEET.

THE FOLLOWING APPLIES TO THE MIXED-USE AREA:

THE REGULATIONS OF THE B-3 DISTRICT SHALL APPLY EXCEPT WHERE MODIFIED BY THE PUD AS FOLLOWS:

1. LAND USE MODIFICATIONS SHALL REFERENCE THE ANTELOPE VILLAGE P.U.D. APPROVED DOCUMENT.
2. SIGNS:
   A. POLE SIGNS ARE PROHIBITED
   B. OFF-PREMISE SIGNS ARE PROHIBITED
   C. PERMITTED GROUND SIGNS SHALL NOT EXCEED 8' IN HIGHT OR 50 SQUARE FEET IN TOTAL AREA
3. NO PARKING LOT SHALL BE ADJACENT OR TAKE ACCESS TO N. 22ND STREET
4. HEIGHT AND AREA:
   A. ALL USES: FRONT YARD 10', SIDE YARD 0' OR 5' ON PARTY WALL, REAR YARD 10'.
   B. HEIGHT LIMIT OF 45'
   C. THE MINIMUM LOT AREA SHALL BE 1,000 SF PER DWELLING UNIT
5. THE LINCOLN DOWNTOWN DESIGN STANDARDS SHALL APPLY TO THE MIXED USE AREA. THE FRONTS OF THE BUILDINGS MUST BE ORIENTED TO N. 22ND STREET. IF THE PROPERTY HAS FRONTAGE TO N. 22ND STREET

LEGEND

- PROPOSED BOUNDARY
- NEIGHBORHOOD BUSINESS AREA
- RESIDENTIAL AREA
- MIXED USE AREA

Civil Design Group, Inc.
8535 EXECUTIVE WOODS DR., SUITE 200
LINCOLN, NEBRASKA 68512
Ph. 402-434-5494 Fax 866-215-5717
www.civildg.com
CONSULTING ENGINEERS ● LAND USE PLANNERS
CIVIL DESIGN ● SITE DEVELOPMENT ● PLANNING AND ZONING

NO.	DATE	REVISIONS DESCRIPTION

COVER SHEET

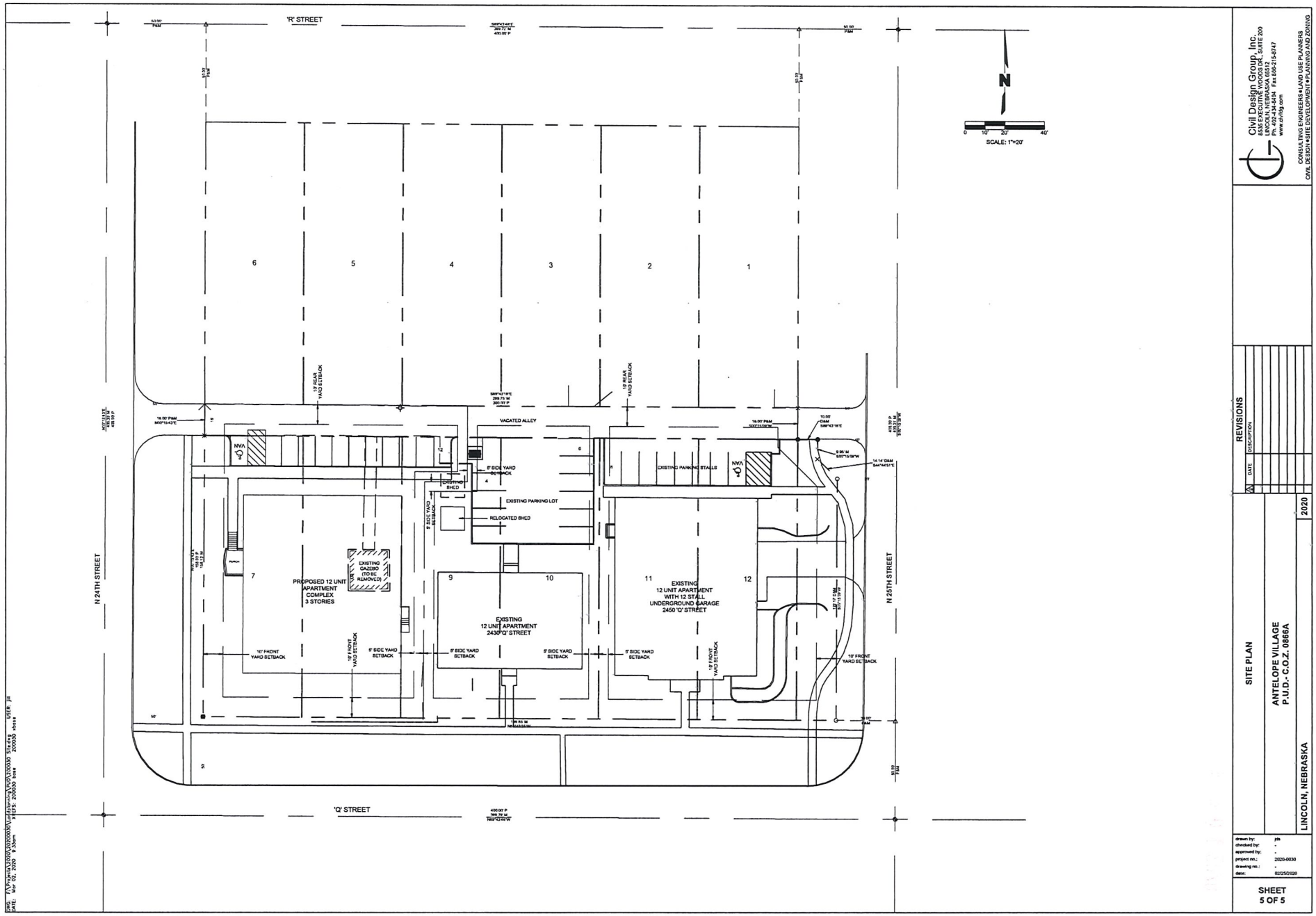
ANTELOPE VILLAGE
P.U.D.- C.O.Z. 0866A

LINCOLN, NEBRASKA

2020

drawn by:	JPA
checked by:	-
approved by:	-
project no.:	2020-0030
drawing no.:	-
date:	02/05/2020

SHEET
1 OF 5



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REVISIONS

DATE	DESCRIPTION

SITE PLAN

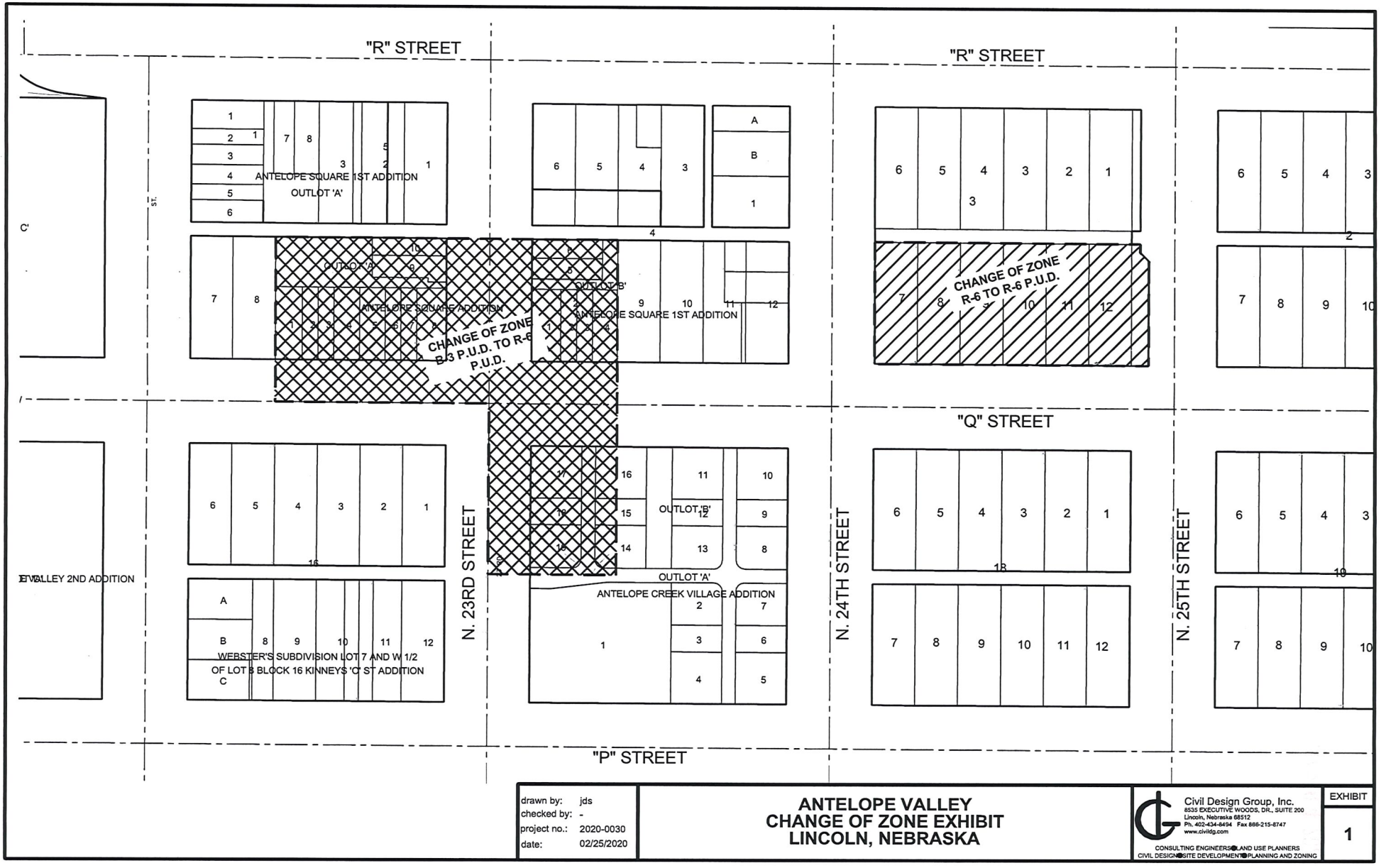
ANTELOPE VILLAGE
P.U.D.- C.O.Z. 06066A

LINCOLN, NEBRASKA

2020

drawn by: jds
checked by: -
approved by: -
project no.: 2020-0030
drawing no.: -
date: 02/25/2020

SHEET 5 OF 5


"R" STREET
"R" STREET
"Q" STREET
"P" STREET
N. 23RD STREET
N. 24TH STREET
N. 25TH STREET
ANTELOPE SQUARE 1ST ADDITION
OUTLOT 'A'
ANTELOPE SQUARE ADDITION
OUTLOT 'A'
OUTLOT 'B'
ANTELOPE SQUARE 1ST ADDITION
CHANGE OF ZONE B-3 P.U.D. TO R-6 P.U.D.
CHANGE OF ZONE R-6 TO R-6 P.U.D.
OUTLOT 'B'
OUTLOT 'A'
ANTELOPE CREEK VILLAGE ADDITION
WEBSTER'S SUBDIVISION LOT 7 AND W 1/2 OF LOT 8 BLOCK 16 KINNEYS 'C' ST ADDITION
ANTELOPE VALLEY 2ND ADDITION
drawn by: jds
checked by: -
project no.: 2020-0030
date: 02/25/2020
ANTELOPE VALLEY
CHANGE OF ZONE EXHIBIT
LINCOLN, NEBRASKA
Civil Design Group, Inc.
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CONSULTING ENGINEERS • LAND USE PLANNERS
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EXHIBIT
1

LEGAL DESCRIPTION FOR ANTELOPE CREEK P.U.D.

Lots 1-8, Block 1; Lots 1-6, Block 2; and Outlot 'A' & 'B', Antelope Square 1st Addition

Lots 1-10 and Outlot 'A', Antelope Square Addition

Lots 3- 6, 9 – 12, Block 4, Kinneys 'O' Street Addition

Lots 1 -3 and Lots 7-8, Block 5, Kinneys 'O' Street Addition

Lots 1—6, 9-12, a portion of Lot 8, Block 16, Kinneys 'O' Street Addition

Lots 7-12 and the vacated East-West Alley Adjacent to Lots 1-12 along with the vacated North 25th Street right of way adjacent to Lot 12, Block 3, Kinneys 'O' Street Addition

Lot A and Lot B, Stewarts (Willard) Subdivision

Lot 1, Willard Stewarts 1st Addition

Lot A, B and C, Websters Subdivision

Lots 2-19 and Outlots A and B, Antelope Creek Village Addition

Outlot 'A', Antelope Creek Village 1st Addition

ANTELOPE VILLAGE C.O.Z. LEGAL DESCRIPTIONS

R-6 to R-6 PUD

LOTS 7-12 AND THE VACATED EAST-WEST ALLEY ADJACENT TO LOTS 1-12 ALONG WITH THE VACATED NORTH 25TH STREET RIGHT OF WAY ADJACENT TO LOT 12, BLOCK 3, KINNEYS 'O' STREET ADDITION

B-3 PUD to R-6 PUD

OUTLOT 'A', ANTELOPE SQUARE ADDITION
LOT 10, ANTELOPE SQUARE ADDITION
LOT 9, ANTELOPE SQUARE ADDITION
LOT 1, ANTELOPE SQUARE ADDITION
LOT 2, ANTELOPE SQUARE ADDITION
LOT 3, ANTELOPE SQUARE ADDITION
LOT 4, ANTELOPE SQUARE ADDITION
LOT 5, ANTELOPE SQUARE ADDITION
LOT 6, ANTELOPE SQUARE ADDITION
LOT 7, ANTELOPE SQUARE ADDITION
LOT 8, ANTELOPE SQUARE ADDITION

LOT 6, BLK 2, ANTELOPE SQUARE 1ST ADDITION
LOT 5, BLK 2, ANTELOPE SQUARE 1ST ADDITION
OUTLOT 'B', ANTELOPE SQUARE 1ST ADDITION
LOT 1, BLK 2, ANTELOPE SQUARE 1ST ADDITION
LOT 2, BLK 2, ANTELOPE SQUARE 1ST ADDITION
LOT 3, BLK 2, ANTELOPE SQUARE 1ST ADDITION
LOT 4, BLK 2, ANTELOPE SQUARE 1ST ADDITION

LOT 17, ANTELOPE CREEK VILLAGE ADDITION
LOT 18, ANTELOPE CREEK VILLAGE ADDITION
LOT 19, ANTELOPE CREEK VILLAGE ADDITION
WEST 25' OF LOT 16, ANTELOPE CREEK VILLAGE ADDITION
WEST 25' OF LOT 15, ANTELOPE CREEK VILLAGE ADDITION
WEST 25' OF LOT 14, ANTELOPE CREEK VILLAGE ADDITION
A PORTION OF OUTLOT 'A', ANTELOPE CREEK VILLAGE ADDITION
AND THE ADJACENT RIGHT OF WAYS OF 'Q' STREET AND N 23RD STREET

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Change of Zone #20009	No	Tuscany Homes, Perry Family Real Estate, and Shari True
PLANNING COMMISSION HEARING DATE	RELATED APPLICATIONS	PROPERTY ADDRESS/LOCATION
April 1, 2020	None	South 59th Street and Pine Lake Road

RECOMMENDATION: CONDITIONAL APPROVAL

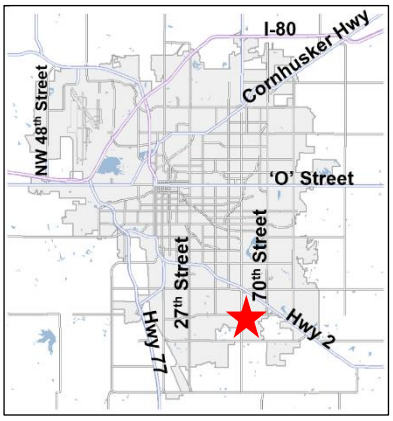
BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from AGR and R-3 to R-3 Planned Unit Development (PUD). Not associated with the PUD but also part of this request, is a proposal to re-zone several parcels belonging to the City for park and open space from AGR and R-3 to P.

The PUD development plan is intended to create a basic zoning framework for more detailed plans that will follow at such time as individual owners are ready to proceed.

The plan establishes the zoning regulations for three distinct areas within the PUD – Area 1 for commercial (O-3 Office) uses; Area 2 for attached/detached single family dwellings (R-3 Residential); and Area 3 for multiple-family dwellings (R-5 Residential).

The re-zoning to P Public for the City-owned parcels is partly to correct the irregular zoning district boundaries in this area, and also to reflect their public ownership.



JUSTIFICATION FOR RECOMMENDATION

This is an area consisting of an older acreage development that has been annexed since 1999. Once at the edge of the city, it is now surrounded on three sides by more intense, urban density development. Redevelopment with a mix of uses in a manner that is more consistent with surrounding development makes more efficient use of the land while protecting adjacent land uses.

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 is already zoned R-3, and the residential components of the PUD are consistent with that zoning. Area 1 allows for limited commercial uses, where the underlying O-3 zoning district regulations are designed as a transitional zoning district to be compatible with residential uses. Redevelopment of acreage subdivisions allows for more dense residential uses and a more efficient use of the land and public infrastructure. Redevelopment like this is consistent with the goals of the Comprehensive Plan.

Waivers:	To height in Area 1 from 45' to 55' (LMC 27.72.030)	Recommend Approval
	To height in Area 3 from 35' to 55' (LMC 27.72.030)	Recommend Approval
	To allow parking in the side yard in Area 1 (27.67.030)	Recommend Approval

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

P. 1.2 - Quality of Life Assets:

- The community continues its commitment to strong, diverse neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies.
- 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. 6.2-6.3 - Guiding Principles for Mixed Use Redevelopment

- Mixed Use Redevelopment Should:
    - Target existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and more efficiently utilize existing infrastructure.
    - Occur on sites supported by adequate road and utility capacity.
    - Be located and designed in a manner compatible with existing or planned land uses.
    - Enhance entryways when developing adjacent to these corridors.
    - Preserve existing affordable housing and promote the creation of new affordable housing throughout the community.
    - Provide a diversity of housing types and choices throughout each neighborhood for an increasingly diverse population.
    - Encourage substantial connectivity and convenient access to neighborhood services (stores, schools, parks) from nearby residential areas.
    - Promote activities of daily living within walking distance, and provide sidewalks on both sides of all streets, or in alternative locations as allowed through design standards or review process.
    - Help to create neighborhoods that include homes, stores, workplaces, schools, and places to recreate.
    - Develop with substantial connectivity between developing or existing neighborhoods and developing or redeveloping commercial centers.
    - Be encouraged to make available opportunities for individuals and/or organizations to raise and market local food.
    - Encourage preservation or restoration of natural resources within or adjacent to mixed use redevelopment areas. Encourage public/private partnerships with housing entities such as Lincoln Housing Authority, Nebraska Housing Resource, and NeighborWorks.

P. 7.2 - Neighborhoods & Housing Guiding Principles

- 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.
- Preserve areas designated for multi-family and special needs housing in approved plans to support a distributed choice in affordable housing.
- Provide safe and decent affordable and special needs housing for low- and moderate-income households.

ANALYSIS

1. This change of zone requests has two parts. The first seeks to rezone approximately 36.13 acres from AGR and R-3 to R-3 PUD for the South 59th Street Coalition PUD. The second part seeks to rezone the adjacent open space park land from AGR and R-3 to P at the request of the City.
2. The PUD proposes up to 130,000 square feet of commercial floor area, and up to 322 dwelling units. The site plan designates three separate areas with different zoning regulations. Area 1 is the commercial component where the O-3 office regulations apply. Area 2 is the single-family residential area (up to 108 units) where the R-3 zoning regulations apply. Area 3 is the multiple-family residential (up to 214 units) area where the R-5 zoning regulations apply.
3. The intent of the PUD at this point is to establish the development rules for the various areas, and to show the plan for the internal street network. It is a coalition of the property owners involved, some of which have no intent to develop at this time. As a result, the details of the overall grading, drainage and utility plans are not provided. That level of detail will be provided as part of administrative amendments approved by the City prior to each phase of development. The developers of each individual phase will be required to submit the necessary information to the satisfaction of the City prior to approval of final plats.
4. The area of the PUD consists primarily of an older acreage development that was annexed into the City in 1999. Acreage owners under similar circumstances often attempt to redevelop their properties on an individual basis. Doing so while attempting to meet the applicable development regulations can be challenging, and it can be difficult to achieve unified, cohesive developments.
5. The approach taken here is to establish the basic 'ground rules' for future redevelopment, but delaying the requirement to submit the detail necessary for platting until individual owners are ready. This approach is supported and recommended by the City in this case.
6. One of the owners involved intends to build a dance academy in Area 1. Because that use is a special permitted use in the O-3 zoning district, it needs to be stated as part of the zoning development plan that it is a permitted use within Area 1 of the PUD.
7. Beal Slough extends along the east the edge of the development, and a result there are significant areas of floodplain. The floodplain should not be designated for development, and where it exists in Areas 1 and 3 the floodplain should be shaded another way to clearly delineate them as undevelopable.
8. Special permits for a dance academy and early childhood care facility were approved in the vicinity of the proposed South 61st Street. If this PUD is approved, those permits should be rescinded by the owner.
9. Several waivers are requested:

    1. To height in Area 1 (the O-3 area) 45' to 55' (LMC 27.72.030) – This request seeks to adjust the height from 45' to 50' for commercial buildings, and to 55' if the commercial area alternately develops with multiple family dwellings. This is consistent with the height waiver for the R-5 area. This site is adjacent to and with direct to access to a major street, is near a major intersection, and across the street from a neighborhood commercial center and is an appropriate site for increased density and height.

    2. To height in Area 3 (the R-5 area) from 35' to 55' (LMC 27.72.030) – This allows the multiple-family buildings to constructed up to four stories in height with underground parking. The increased height allows for a higher density that is appropriate.

    3. To allow parking in the side yard in Area 1 (the O-3 area) (LMC 27.67.030) – This provides adjacent commercial the ability to place parking and drive aisles in the side yard. In a unified development such as this it is appropriate to allow neighboring commercial users to have cross-parking arrangements and share parking if desired.

10. The proposed street layout means that at some point during future redevelopment, and street addresses will necessarily change for some existing dwellings. This will include any buildings addressed off of Pine Lake Road. At such time as the internal street network is extended to those dwellings, the owner will need to request a new address.

11. The various property owners created this template to guide development. It defines street and land use patterns that will guide future redevelopment, which provides some certainty for the owners involved. A higher density, mixed use development is appropriate at this location. Subject to the recommended conditions of approval, this request complies with the requirements of the Zoning Ordinance and is consistent with the Comprehensive Plan.

CONDITIONS OF APPROVAL: See attached.

HISTORY:

Oct 1997 – The final plat of Tara Hill Addition was approved.
Mar 2008 – Preliminary Plat #08003 for Tara Hill was approved.
Mar 2008 - Special Permit #08013 for an early childhood care facility was approved.
Mar 2008 - Special Permit #08014 for a private school (dance academy) was approved.

EXISTING LAND USE & ZONING: Acreage Residential — AGR, R-3

SURROUNDING LAND USE & ZONING

North:	Open Space, Residential	AGR, R-3
South:	Residential, Commercial	R-3(PUD, B-3(PUD)
East:	Open Space, Residential	AGR, R-3
West:	Residential	R-3

APPLICATION HISTORY

APPROXIMATE LAND AREA: Approximately 36.13 acres (for the R-3PUD) more or less.

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: City Council District #2

LEGAL DESCRIPTION: See attached legal description.

Prepared by

_____
Brian Will, bwill@lincoln.ne.gov
402-442-6362
March 19, 2020

Applicant/
Contact: Mike Eckert
Civil Design Group
8535 Executive Woods Drive
Lincoln, NE 68512

Owner: See attached owner's list

CONDITIONS OF APPROVAL – CHANGE OF ZONE #20009

This approval permits up to 130,000 square feet of commercial floor area and up to 322 dwelling units with waivers to height to 55' in Area 1 (the O-3 area) and Area 5 (the R-5 area) and to allow parking in the side yard in Area 1 (the O-3 area).

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 Remove the residential and commercial hatching from the floodplain areas.

    1.2 Provide the approximate dimension for Area 2 south of South 59th Street Circle and Tara Hill Lane.

    1.3 Add a note which states once internal streets are platted, readdressing will be required for the affected properties with the costs to be paid for by the owners.

    1.4 Delete Note #19, and delete Note #17 or revise it to the satisfaction of the Planning Director.

    1.5 Add a note which states that multiple-family dwellings are also allowed in Area 1, but that the total number of multiple-family dwelling units or commercial floor area within the PUD will not exceed the maximum numbers shown.

    1.6 Revise the Height and Area Table to state that the height in Area 1 (the O-3 area) is adjusted to 55'.

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.

3. Before issuance of building permits, final plat(s) shall be approved by the City.

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

Before the approval of a final plat, the public streets, 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.**

Before a final plat may be approved, Developer agrees, as subdivider, must enter into an agreement with the City whereby Developer agrees:

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

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

to complete the installation of sidewalks along Pine lake Road as shown on the final plat within two (2) years following the approval of this final plat.

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

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

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

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

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

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

to complete the planting of street trees along Pine Lake Road as shown on the final plat within two (2) years following the approval of this 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 timely complete any other public or private improvement or facility required by the Land Subdivision Ordinance 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 ***Planned Unit Development***.

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 facilities which have common use or benefit in good order and condition and state of repair, including the routine and reasonable preventive maintenance of the private improvements, 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 constructed within the development and that these additional maintenance issues or costs are the responsibility of the developer.

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

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

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

to inform all purchasers and users of land located within the 100 year floodplain and that the grading of the lots and outlots within the 100 year floodplain shall be in conformance with the grading plan approved with the PUD 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 PUD.

to relinquish the right of direct vehicular access to Pine Lake Road except a shown.

Standard Conditions:

4. The following conditions are applicable to all requests:

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

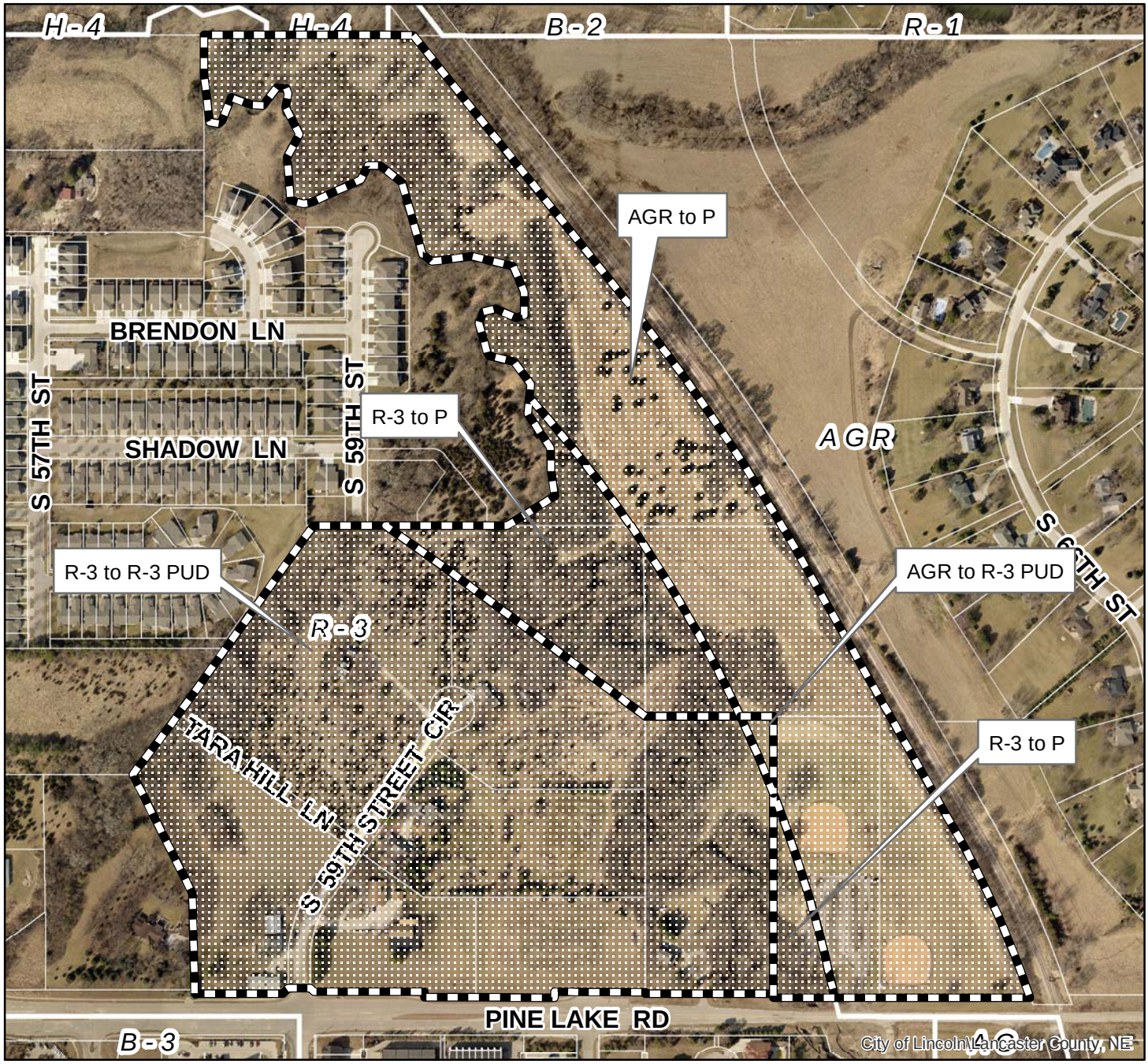
4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

4.3 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.

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

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

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



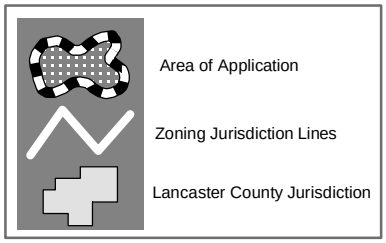
2018 aerial

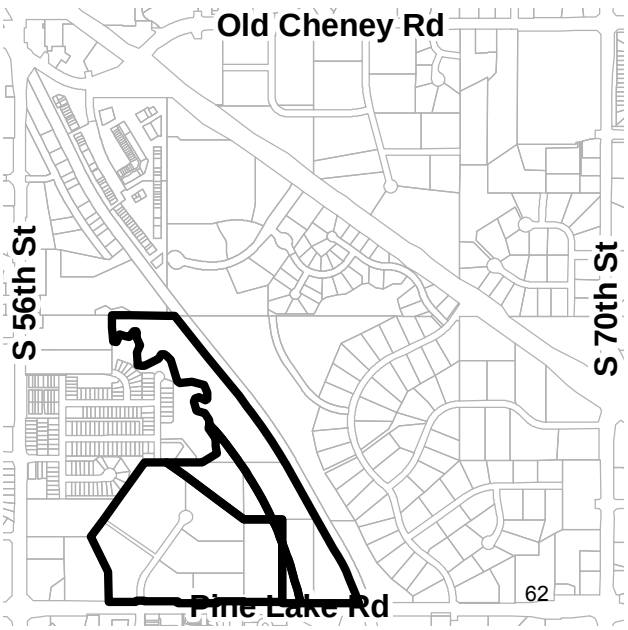
Change of Zone #: CZ20009
South 59th Street Coalition PUD
S 59th St & Pine Lake Rd

Zoning:

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

One Square Mile:
Sec.16 T09N R07E





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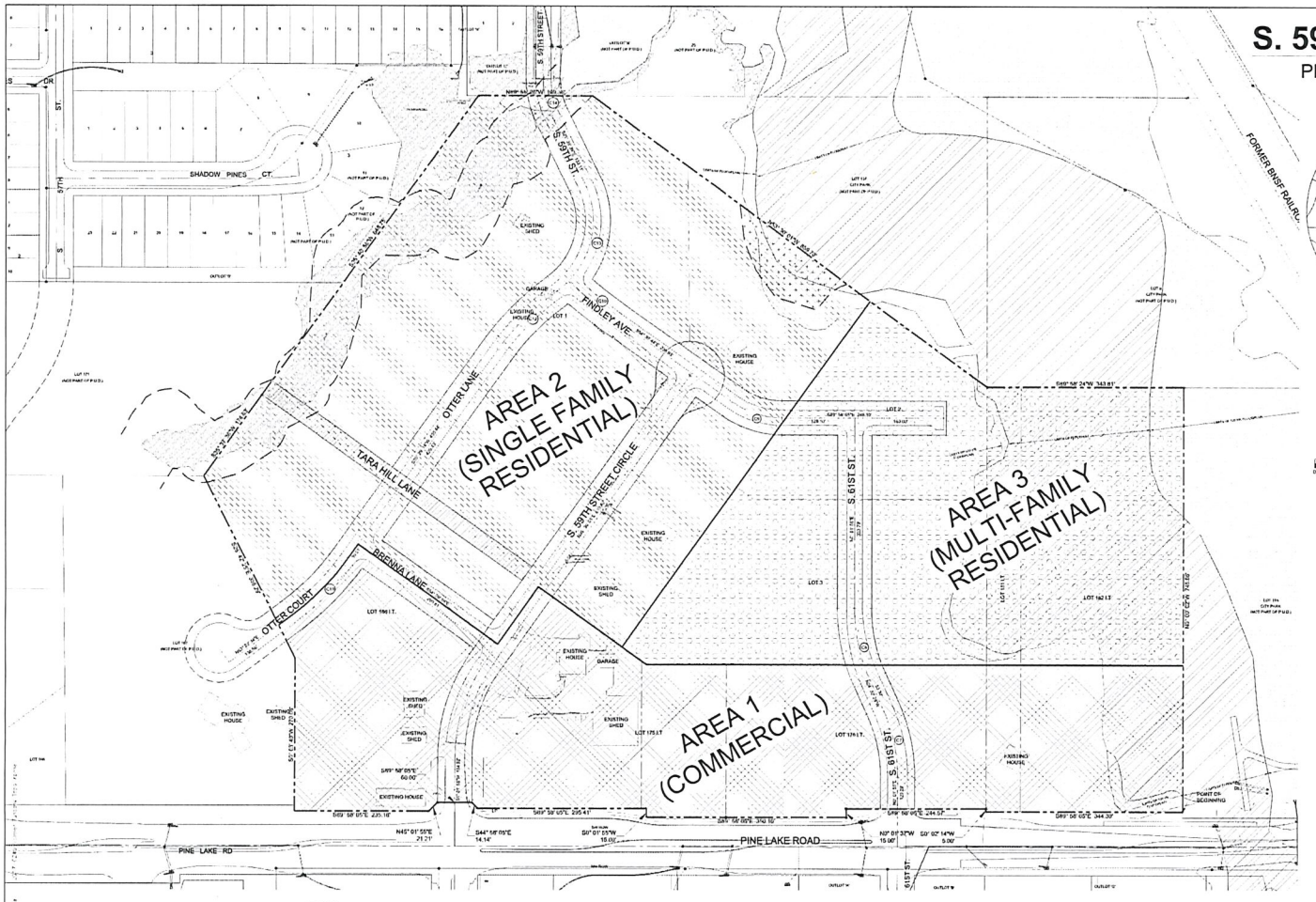
S. 59TH STREET COALITION

PLAN UNIT DEVELOPMENT #____


AREA 2
(SINGLE FAMILY
RESIDENTIAL)
AREA 3
(MULTI-FAMILY
RESIDENTIAL)
AREA 1
(COMMERCIAL)
S. 59TH STREET CIRCLE
TARA HILL LANE
OTTER LANE
BRENNA LANE
OTTER COURT
FINDLEY AVE
SHADOW PINES CT.
S. 61ST ST.
PINE LAKE ROAD
PINE LAKE RD
POINT OF BEGINNING
EXISTING HOUSE
EXISTING SHED
GARAGE
LOT 1
LOT 2
LOT 3
LOT 162 I.T.
LOT 166 I.T.
LOT 175 I.T.
N45° 01' 55"E
21.21'
S44° 58' 05"E
14.14'
S0° 01' 55"W
15.00'
N0° 01' 37"W
15.00'
S0° 02' 14"W
5.00'
S89° 58' 05"E 244.57'
S89° 58' 05"E 344.32'
S89° 58' 05"E 235.16'
S89° 58' 05"E 235.41'
S89° 58' 05"E
60.00'
N89° 58' 05"W 343.81'
N0° 01' 55"E 746.86'
S0° 01' 55"W 746.86'
S89° 58' 05"E 344.19'
S0° 01' 55"W 1321.72'
S0° 01' 55"W 1321.72'
N0° 01' 55"E 1321.72'
S89° 58' 05"E 1321.72'
S89° 58' 05"E 1321.72'
S89° 58' 05

Civil Design Group, Inc.

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

March 4, 2020

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

Re: A R-3 Planned Unit Development (PUD) Change of Zone for 36.13 acres of land at S. 59th Street & Pine Lake Rd.

Dear Mr. Cary:

On behalf of Tuscany Townhomes, LLC, Perry Family Real Estate, LLC and Shari True we submit the enclosed application for S. 59th Street R-3 PUD covering 36.13 acres of land on S. 59th St Circle and Pine Lake Road. The PUD contains areas designated for O-3 zoning uses, R-3 uses and R-5 uses.

The use of the PUD overlay for these in-fill urban acreages provides a great tool for allowing the seven existing lots owners to come forward with development plans on their own timelines under the guiding parameters of the PUD. The PUD shows a general street network, the three use areas, the floodplain/floodprone areas and minimum corridor protection areas.

We are requesting the following waivers:

1. To Title 27-Section 27.67.030 to allow parking in the required side yard for Area 1, except when abutting a residential district and to allow cross parking between lots located in the Area 1 to meet minimum parking requirements.
2. To increase the allowed height from 45' to 55' in the Area 1 (Commercial) and from 35' to 55' in Area 3 (Multi-family residential).

With this application we submit the following items:

Application for a Change of Zone (PUD)
Change of Zone Fee of $4,283.00
All plan sheets, uploaded via Project Dox

Contact us at 402.434.8494 • 8535 Executive Woods Dr., Suite 200 • Lincoln, NE 68512 • Fax 866.215.8747 • civildg.com

I hope that this letter in conjunction with the plans assists you in reviewing this application. 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:

CHANGE OF ZONE LEGAL DESCRIPTION

From R-3 to R-3 PUD for Lots 1-3, Block 1, Tara Hill Addition, and Lots 166, 175, 176 and 181, and that portion of Lot 182 zoned R-3; and from AGR to R-3 PUD for that portion of Lot 182 zoned AGR; and from AGR to P for all Lot 165, the remaining portion of Lot 23, and those portions of Lots 8, 115 and 137 zoned AGR; and from R-3 to P for Lots 8, 115, 137, and that portion of Lot 165 zoned R-3; all located in the S 1/2 of Section 16-9-7, Lincoln, Lancaster County, Nebraska, generally located at South 59th Circle and Pine Lake Road.

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P.U.D. Legal description

Legal description for a P.U.D. being comprised of Tara Hill Addition and Lots 166, 175, 176, 181, 182 of Irregular Tracts located in the South half of the Southwest Quarter of Section 16, Township 9 North, Range 7 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Beginning at the Southeast corner of said Lot 182, said point also being the Southwest corner of Lot 115 of Irregular Tracts, said point being located 284.47' West of the East line of the South half of the Southwest Quarter of said Section 16 and on the Northerly 60.00' Right-of-Way line of Pike Lake Road; thence in a Northerly direction on the Easterly line of said Lot 182 and on the Westerly line of said Lot 115 and on an assumed bearing of N 00 00'02" W, for a distance of 746.66' to the Northeast corner of said Lot 182 and the Northwest corner of said Lot 115;

Thence S 89 58'24" W on the Northerly line of said Lots 182 and 181, for a distance of 343.81' to the Northwest corner of said Lot 181, said point also being the Northeast corner of Lot 2, Tara Hill Addition and the Southeast corner of Lot 137 of Irregular Tracts;

Thence N 53 30'01" W on the Northeasterly line of said Tara Hill Addition and on the Southwesterly line of said Lot 137, for a distance of 859.70' to the Northwest corner of said Lot 137, said point being located on the North line of the South half of the Southwest Quarter of said Section 16;

Thence N 89 55'26" W on the North line of the South half of the Southwest Quarter of said Section 16 and on the most Northerly line of Lot 1, Tara Hill Addition, for a distance of 199.36' to the Northwest corner of said Lot 1, Tara Hill Addition;

Thence S 35 40'56" W on the Northwesterly line of said Tara Hill Addition, for a distance of 648.75' to the most Westerly corner of said Tara Hill Addition, said point also being the most Northerly corner of said Lot 166;

Thence S 35 37'36" W on the Northwesterly line of said Lot 166, for a distance of 174.63' to the most Westerly corner of said Lot 166, said point also being the Northeast corner of Lot 167 of Irregular Tracts;

Thence S 26 42'25" E on a line common to said Lots 166 and 167, for a distance of 356.29';

Thence S 00 03'40" W on a line common to said Lots 166 and 167, for a distance of 270.08' to the Southwest corner of said Lot 166, said point being located on the Northerly 60.00' Right-of-Way line of Pine Lake Road;

Thence S 89 58'05" E on the Northerly 60.00' Right-of-Way line of Pine Lake Road and on the Southerly line of said Lot 166, for a distance of 235.18' to the Westerly Right-of-Way line of South 59th Street;

Thence N 45 01'55" E on the Westerly Right-of-Way line of South 59th Street and on the Easterly line of said Lot 166, for a distance of 21.21' to point 75.00' North of the South line of the South half of the Southwest Quarter of said Section 16 and on the Westerly 30.00' Right-of-Way line of South 59th Street;

Thence S 89 58'05" E on a line 75.00' North of and parallel to the South line of the South half of the Southwest Quarter of said Section 16, for a distance of 60.00' to the Easterly 60.00' Right-of-Way line of South 59th Street said point also being on the Westerly line of said Lot 175;

Thence S 44 58'05" E on the Easterly Right-of-Way line of South 59th Street and on the Southwesterly line of said Lot 175, for a distance of 14.14' to a point on the Northerly 65.00' Right-of-Way line of Pine Lake Road;

Thence S 89 58'05" E on the Northerly 65.00' Right-of-Way line of Pine Lake Road and on the Southerly line of said Lot 175, for a distance of 295.41';

Thence S 00 01'55" W on the Southerly line of said Lot 175, for a distance of 15.00' to a point on the Northerly 50.00' Right-of-Way line of Pine Lake Road;

Thence S 89 58'05" E on the Northerly 50.00' Right-of-Way line of Pine Lake Road and on the Southerly line of said Lots 175 and 176, for a distance of 350.10';

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

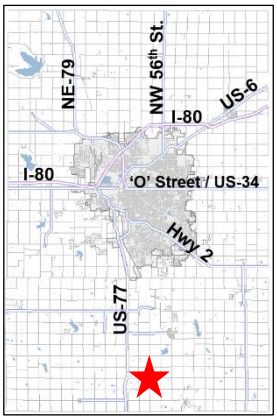
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Special Permit #20009	Yes	Farmer's Cooperative
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
April 1, 2020	None	1305 Broad St. Princeton, NE

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request per Article 13.022 for an industrial special permit to allow a 30,000 bulk propane tank. The tank will be used to load propane bobtails to deliver propane to our customers in the area.



JUSTIFICATION FOR RECOMMENDATION

The proposed location of the propane tank is located more than 300 feet to the east from the nearest residential dwelling. The area to the east and south of the tank are agriculture with no dwellings.

APPLICATION CONTACT
Roger Kreifels 402-641-3863
rkreifels@farmersco-operative.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed use is in conformance with the existing zoning and the Future Land Use Plan in the 2040 Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

p. 5.4 – farms are an important part of the history and economy of the region.

p. 5.4 – Agriculture is the dominant land use in Lancaster County, accounting for roughly ¾ of all land.

ANALYSIS

1. This is a request to allow a 30,000 gallon bulk propane tank. The property is currently being used as a farmer's co-operative. The propane tank would be used to store and distribute propane to customers in the surrounding area.
2. The applicant's site plan shows a 90' x 30' pad for the propane tank. The pad is 100 feet from the east property line and approximately 235 feet from the south lot line. There are several houses on the west side of Highway 77.The nearest house is approximately 535 feet from the pad site.
3. The applicant is required to have approval from the Nebraska State Fire Marshall. The Fire Marshall will also complete an on-site inspection to determine compliance with applicable regulations.
4. Lincoln-Lancaster County Health Department recommends approval of this application.
5. The Future Land-Use Plan in the 2040 Comprehensive Plan shows this property as Industrial. The above ground propane tank is an appropriate industrial use at this location, given the separation from dwellings.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: I-Industrial Farmers cooperative.

SURROUNDING LAND USE & ZONING

North:	I-Industrial and AG-Agriculture	Grain bins, silo and farm ground
South:	AG-Agriculture	arm ground
East:	AG-Agriculture	Farm ground
West:	R-Residential	Single family dwellings

APPROXIMATE LAND AREA: 3.18 acres, more or less

LEGAL DESCRIPTION: Lot 22 in the NW and SW ¼ of Section 13, Township 7 North, Range 6 East, Lancaster County, NE

Prepared by

_____
Tom Cajka, Planner

Date: March 16, 2020

Applicant: Roger Kreifels
1305 Broad Street
Martell, NE 68404
402-641-3863
rkreifels@farmersco-operative.com

Contact: Same as applicant

Owner: Farmer's Cooperative
PO Box 283
Dorchester, NE 68343
402-641-3863

F:\DevReview\SP\20000\SP20009 propane tank.tjc.docx

CONDITIONS OF APPROVAL – SPECIAL PERMIT #20009

Per Section 13.022 this approval permits a 30,000 gallon propane tank.

Site Specific Conditions:

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

    1.1 Add a dimension from the south lot line to the pad site.

    1.2 Identify the pad site as "Building Envelope"

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

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

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

    3.4 The applicant shall sign and return the letter of acceptance to the County Clerk. This step should be completed within 60 days following the approval of the special permit. The Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.

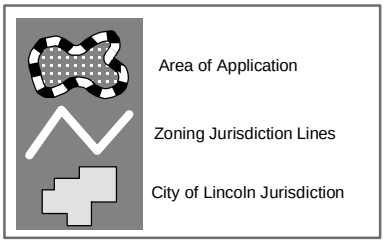
2018 aerial

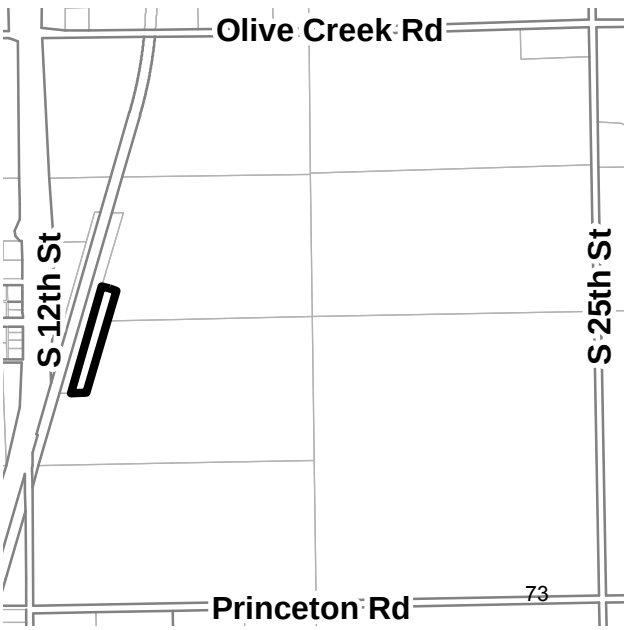
Special Permit #: SP20009
S 12th St & PrincetonRd

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.13 T07N R06E





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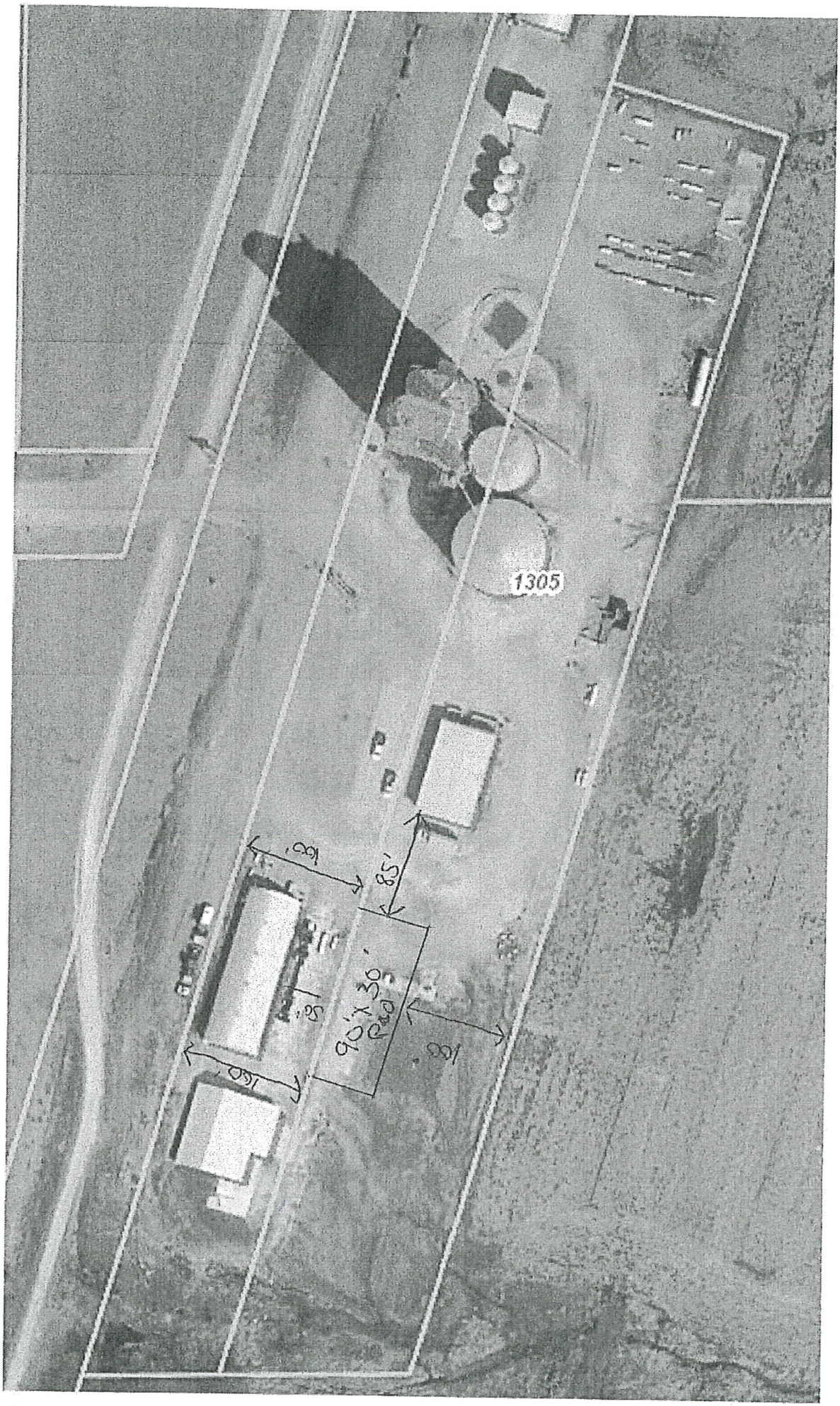


↑
North

30,000 gallon Propane tank to be installed on pad.

Farmers Cooperative
208 West Depot Street
P.O.Box 263
Dorchester, Nebraska 68343-0263
Phone: 402-946-2211 Fax: 402-946-2062
Toll Free: 1-800-642-6439
www.farmersco-operative.com

March 4th, 2020

To whom it may concern,

Farmers Cooperative of Dorchester NE is submitting this application to install a 30,000 bulk propane tank on our property located at 1305 Broad St. Princeton NE. This tank will be used to load propane bobtails to deliver propane to our customers in this area.

The approximate tank dimensions are 9' in diameter X 66' long. The system will be installed per the latest NFPA 58 edition requirements or better. In addition to this, we are required to submit a permit application to the Nebraska State Fire Marshall who will then inspect it to make sure it meets all code requirements.

If you have any questions or need additional information please feel free to contact me by phone at 402-641-3863, or email at rkreifels@farmersco-operative.com

Thank you,

Roger Kreifels

Roger Kreifels
Propane Manager
Farmers Cooperative of Dorchester NE
1305 Broad St
Martell NE 68404
402-641-3863
rkreifels@farmersco-operative.com

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

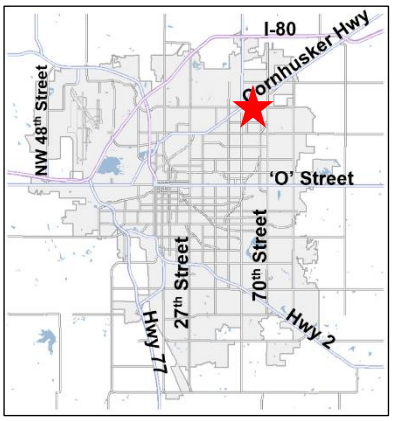
APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Special Permit #20010	Yes	The Pasta Place
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
April 1, 2020	None	6105 Havelock Avenue

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a special permit to allow the consumption of alcohol on the premises associated with a restaurant. The proposed premises is The Pasta Place restaurant, located on Havelock Avenue in Havelock. The commercial strip fronting Havelock Avenue in this area is zoned B-3, as is this property.

The sale of alcohol is allowed by special permit in the B-3 zoning district. Instead of the 100' separation that applies to most on-sale uses, a reduced separation of 25' is allowed for a restaurant.



JUSTIFICATION FOR RECOMMENDATION

Provided an executed lease agreement for additional parking stalls is provided, this request complies with all applicable criteria for a special permit for the sale of alcohol for consumption on the premises in a restaurant.

APPLICATION CONTACT
Donald Mayhew
(402)-730-0370
don.mayhew@gmail.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This allows a restaurant tenant in an older, well-established commercial center which has had restaurants for decades. Restaurants located in older commercial centers help the centers remain viable and provide services to residents living nearby, which increases convenience and reduces vehicle trips. The ability to serve alcohol as part of full-service menu provides something customers expect and accept as normal and customary. Helping the older commercial centers in the core of the city redevelop and remain viable so they can continue to serve nearby residents with the goods and services they expect is consistent with the goals of the Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

Pg 1.9 – The Future Land Use Map of the Comprehensive Plan designates commercial land uses for this site.

Pg. 5.14 - Strategies for Commercial Infill
-Discourage auto-oriented strip commercial development and seek opportunities for residential mixed use -- redevelopment and/ or transit oriented development of existing commercial strips.
-Develop infill commercial areas to be compatible with the character of the area.
-Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.
-Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses, and take steps to ensure expansions are in scale with the adjacent neighborhood, are properly screened, fulfill a demonstrated need and are beneficial to health and safety.
-Ensure the priority in older areas is on retaining areas for residential development. Prior to approving the removal of housing in order to provide for additional parking to support existing centers, alternatives such as reduced parking requirements, shared parking, additional on-street parking, or the removal of commercial structures should be explored.

ANALYSIS

1. On-sale alcohol is allowed in the B-3 zoning district by special permit, subject to the requirements of the special permit. Additionally, on-sale alcohol is allowed in in the B-3 zoning district in conjunction with a restaurant subject to a less stringent set of criteria, including a reduced separation from 100' to 25' to a residential district. This use is evaluated against those criteria below from Lincoln Municipal Code (LMC) Section 27.63.280.

   (b) In addition, a special permit may be granted to allow alcoholic beverages to be sold for consumption on the premises of a restaurant in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, I-2, and I-3 districts subject to the requirements of the respective districts, all applicable ordinances, and the following conditions:

   The Permittee as the holder of any liquor license issued on the premises pursuant to a special permit for the sale of alcoholic beverages for consumption on the premises of a restaurant shall agree in writing to voluntarily surrender and consent to the cancelling of the liquor license in the event the special permit is revoked by the City. If the Permittee is not the holder of the liquor license, the Permittee shall require such holder to agree in writing to voluntarily surrender and consent to the cancelling of the liquor license in the event the special permit is revoked by the City. In addition, the City shall request that the Nebraska Liquor Control Commission issue the liquor license contingent upon the premises having such special permit.

   The applicant has agreed to this requirement in the application letter. It is also included as a condition of approval.

   -The restaurant shall be located at least 25 feet away from a residential zoning district.

   The proposed licensed premises fronts onto Havelock Avenue, and is part of the larger commercial district which is zoned B-3. However, characteristic of the older commercial areas, the residentially-zoned neighborhood partially surrounding the Havelock commercial center abuts the B-3 to the east, south and west. In this case, the nearest residential zoning is R-6 located approximately 110' away southwest of the restaurant.

   -Gross sales from the sale of alcoholic beverages shall not exceed forty percent (40%) of the gross sales of food and beverages. Upon request of the City, the license holder/ operator shall provide sales receipts for the past six (6) months for the purpose of demonstrating that no more than 40% of the restaurant's gross sales are derived from the sale of alcohol.

   The applicant has agreed to this in the application letter. It is also included as a condition of approval.

   -The restaurant shall serve full-course meals as defined by *Neb. Rev. Stat.*§ 53- 123.04(c)(3) during the hours of operation.

   The restaurant features sit-down dining with the use of tableware, and includes ordering from a menu.

-Hours of operation must not commence prior to 8:00 a.m. and shall end no later than 11:00 p.m.

The applicant states that the hours of operation are from 11:00 a.m. to 2:00 p.m., and from 5:00 p.m. to 9:00 p.m. Monday through Saturday.

-Hours of outdoor operation must not commence prior to 8:00 a.m. and shall end no later than 10:00 p.m.

There is no outdoor seating area.

-The restaurant shall not have any gaming devices or self-serve vending. Gaming devices include pool tables, dart boards, keno. Self-serve vending includes candy machines and drink machines that use electricity.

No such gaming devices are proposed.

-No drive-through windows shall be allowed.

A drive-through window is not proposed.

-The sale of alcoholic beverages for consumption off the premises shall not be permitted without issuance of a separate special permit under Section 27.63.685 of this code.

This request is only for on-sale, and does not include off-sale.

For the purposes of this subsection (b), restaurant shall mean any place (i) which is kept, used, maintained, advertised, and held out to the public as a place where meals are served and where meals are actually and regularly served; (ii) which has no sleeping area; and (iii) which has adequate and sanitary kitchen and dining room equipment and capacity and a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests.

2. The Zoning Ordinance requires that parking be provided at the rate of one space per 200 square feet of floor area. At approximately 1,300 square feet, the restaurant is required to have 7 off-street parking stalls. Two of the stalls can be provided in the rear with access off the adjacent alley. The remaining five are to be provided via a lease with the owner of parking lot southeast of the restaurant across the alley. The B-3 zoning district allows required parking to be provided on-site or within 300' of the property. This parking lot meets the criteria, and an executed lease between the applicant and owner is required to demonstrate that the use of the spaces is allowed. The requirement to provide evidence of this lease is included as a recommended condition of approval.

3. Subject to the conditions of approval, this request complies with all the criteria for the sale of alcohol for consumption on the premises associated with a restaurant. This request complies with the Zoning Ordinance and the Comprehensive Plan, and is an appropriate use of land at this location.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Commercial B-3

SURROUNDING LAND USE & ZONING

North:	Commercial	B-3
South:	Residential	B-3
East:	Commercial	B-3
West:	Commercial	B-3

LEGAL DESCRIPTION: East 22' of Lot 11, Block 32, Havelock, Lancaster County, Nebraska.

Prepared by

_____
Brian Will
bwill@lincoln.ne.gov or at
402-441-6362
March 18, 2020

Owner: Eliro Properties
1845 Pawnee Street
Lincoln, NE 68502
jfroelich@naifma.com
402-570-9991

Applicant/
Contact: Donald Mayhew
5041 South 30th Street
Lincoln, NE 68516
don.mayhew@gmail.com
402-730-0370

Insert path and filename

CONDITIONS OF APPROVAL – SPECIAL PERMIT #20010

This approval permits the sale of alcohol for consumption on the premises associated with a restaurant per LMC Section 27.63.680.

Conditions:

Site Specific:

1. The permittee shall submit two copies of the approved site plan to the Planning Department which includes the following change:

   1.1 Add shading/cross-hatching to the area designated as the 'Licensed Premises'.

2. Prior to the sale of alcohol:

   2.1 Provide the City with a copy of the executed lease agreement for the required minimum number of parking spaces.

3. The applicant agrees:

   3.1 The Permittee as the holder of any liquor license issued on the premises pursuant to a special permit for the sale of alcoholic beverages for consumption on the premises of a restaurant agrees to voluntarily surrender and consent to the cancelling of the liquor license in the event the special permit is revoked by the City. If the Permittee is not the holder of the liquor license, the Permittee shall require such holder to agree in writing to voluntarily surrender and consent to the cancelling of the liquor license in the event the special permit is revoked by the City. Also, the City shall request that the Nebraska Liquor Control Commission issue the liquor license contingent upon the premises having such special permit.

   3.2 Gross sales from the sale of alcoholic beverages shall not exceed forty percent (40%) of the gross sales of food and beverages. Upon request of the City, the license holder/ operator shall provide sales receipts for the past six (6) months for the purpose of demonstrating that no more than 40% of the restaurant's gross sales are derived from the sale of alcohol.

   3.3 Hours of indoor operation must not commence prior to 8:00 a.m. and shall end no later than 11:00 p.m., and hours of outdoor operation must not commence prior to 8:00 a.m. and shall end no later than 10:00 p.m.

Standard:

4. The following conditions are applicable to all requests:

   4.1 Before the sale of alcohol for consumption on the premises, all development and construction is to substantially comply with the approved plans.

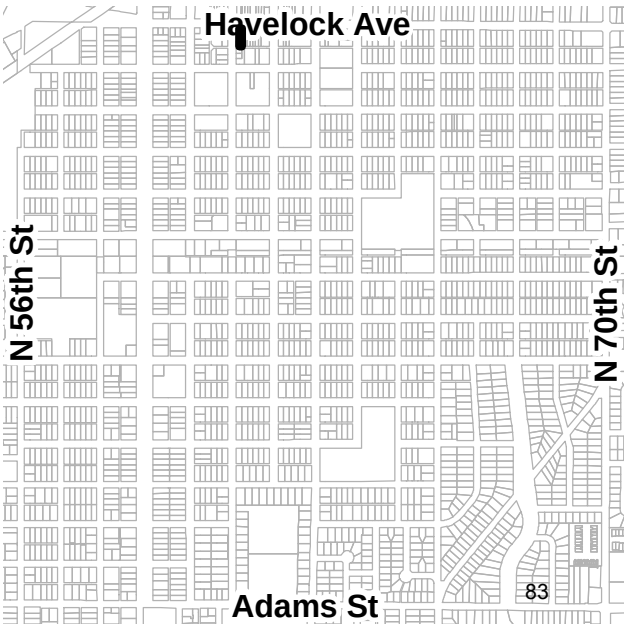
   4.2 The physical location of setbacks, yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.

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

4.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefore to be paid in advance by the applicant. The sale of alcohol is not authorized unless the letter of acceptance has been filed.

2018 aerial

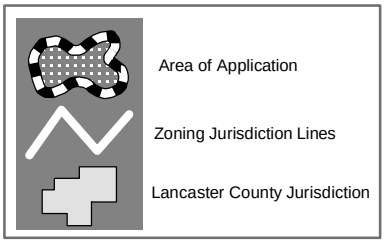
Special Permit #: SP20010
N 61st St & Havelock Ave



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.09 T10N R07E



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File: F:\DevReview\PlannerPacket\MXD\Agendadrawings.mxd (SP20010)

March 4, 2020

To Whom It May Concern:

Please accept this statement in support of my application for a special permit for a liquor license for the Pasta Place at 6105 Havelock Ave.

The Pasta Place has been in operation for a year. We make fresh pasta every day and offer a choice of sauces and toppings. We would like to be able to offer wine to our customers, as that is on of the requests we hear the most.

In regards to parking, we have two spots on our lot and the dedicated use of five spots in the Pinnacle Bank parking lot, behind our building across the alley to the southeast (please see attached site plan). I am attaching documentation from Pinnacle Bank showing our agreement.

Our restaurant is more than 25 feet from residential zoning, which has been described to be me by city staff as being the requirement for our restaurant.

We serve full course meals. Our hours of operation are 11-2 and 5-9 Monday through Saturday. We anticipate alcohol sales to be about 25% of total revenue. We do not have gaming devices or a drive through window.

Thank you for very much for your consideration!

Donald Mayhew
Owner
The Pasta Place

Pinnacle Bank

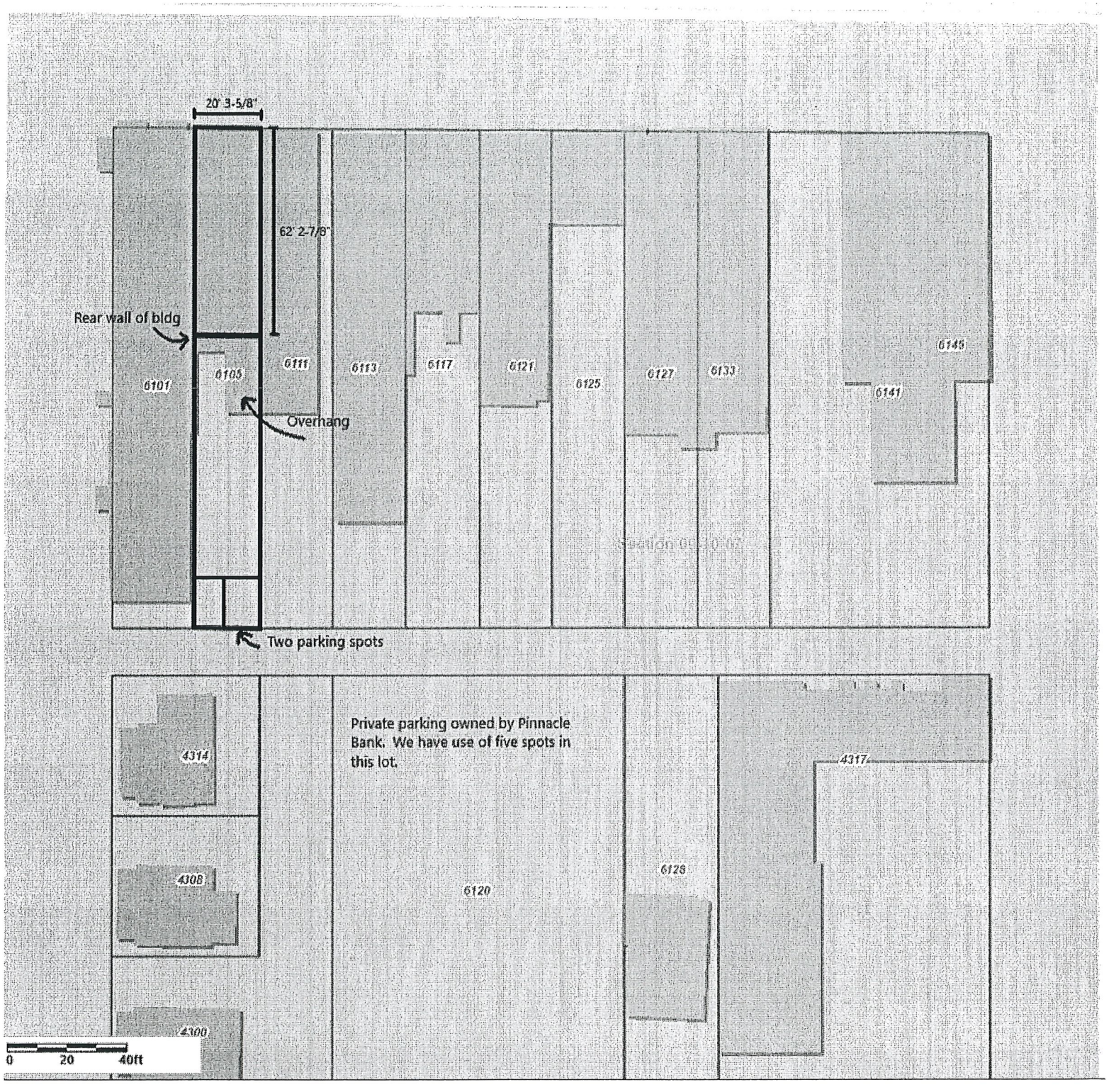
March 4, 2020

To whom it may concern:

This letter authorizes the Pasta Place to have access to five parking spots in the Pinnacle Bank private parking lot for their customers at any given time. If there are any questions, feel free to contact Kristi Molacek at 402-434-3194.

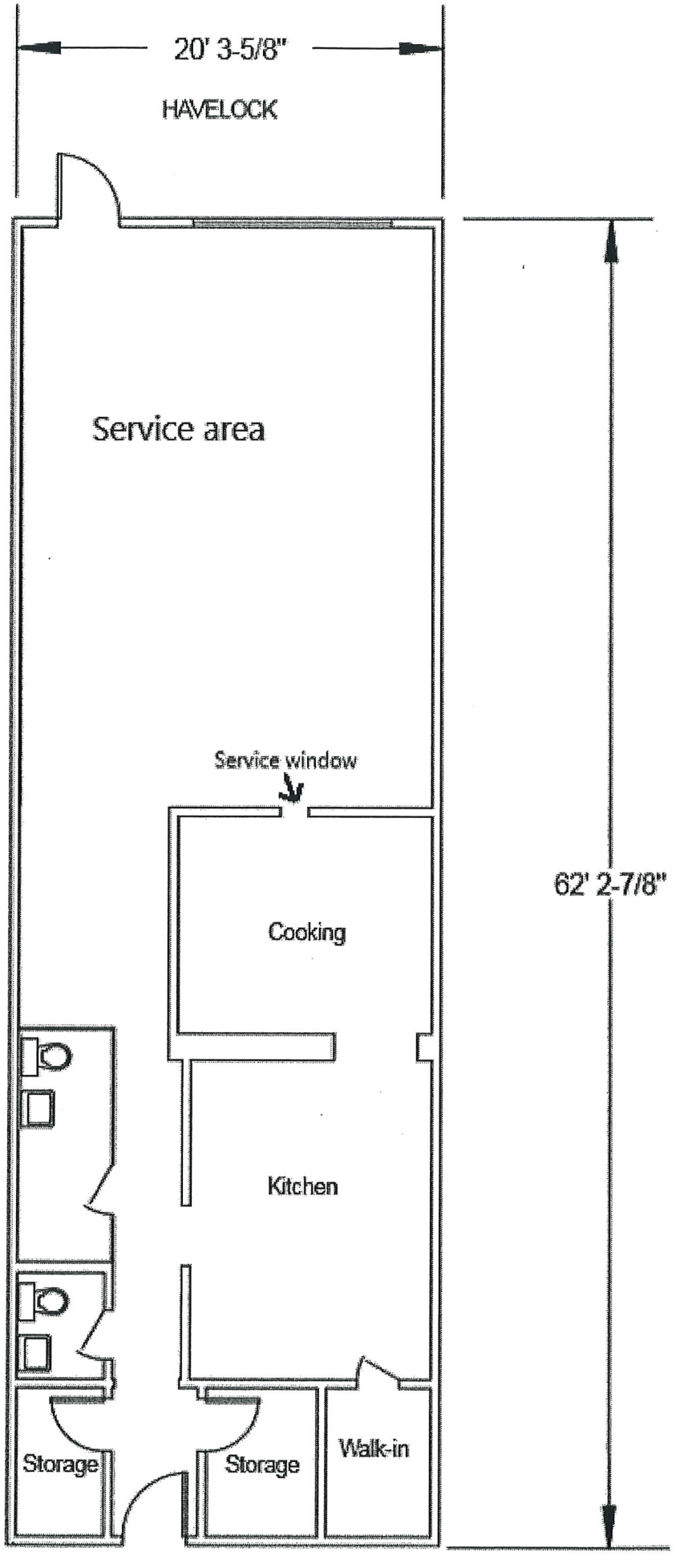
Kristi Molacek

Pinnacle Bank, Branch Manager/Officer


20' 3-5/8"
62' 2-7/8"
Rear wall of bldg
6101
6105
6111
6113
6117
6121
6125
6127
6133
6141
6145
Overhang
Two parking spots
Private parking owned by Pinnacle Bank. We have use of five spots in this lot.
4314
4308
4300
6120
6126
4317
0
20
40ft

North

*One floor only.



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER
Text Amendment #20001

FINAL ACTION?
No

PLANNING COMMISSION HEARING DATE
March 18, 2020

RELATED APPLICATIONS
None

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

A text amendment is proposed on behalf of Jonathan Henning and Kathryn Duncan to remove the requirement that separate conditioned accessory buildings can be no taller than the main building. Conditioned accessory buildings will still be required to remain out of the main building setbacks.

JUSTIFICATION FOR RECOMMENDATION

This proposed amendment will make the standards for conditioned accessory buildings more consistent with the allowances for regular living space within the main building. Conditioned accessory buildings would still be required to meet the setbacks of the main building, so the change should not create a significant negative effect on surrounding properties.

APPLICATION CONTACT
Kent Seacrest, (402) 435-6000 or
kent@sk-law.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This text amendment conforms to the Comprehensive Plan goal of improving predictability for residential neighborhoods by creating consistent allowances for accessory buildings.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 7.2 - Neighborhoods & Housing Guiding Principles

- Strive for predictability for neighborhoods and developers for residential development and redevelopment.

ANALYSIS

1. Kent Seacrest on behalf of Jonathan Henning and Kathryn Duncan proposes a text amendment to Section 27.72.120 that would allow conditioned accessory buildings to extend up to the maximum required height of the main building (i.e., the maximum applicable height of the zoning district) rather than being no taller than the main building. Conditioned accessory buildings would continue to remain outside of all main building setbacks.

2. The request was submitted in conjunction with a building permit for an accessory barn at 1035 Hilltop Road. The proposed barn would be several feet taller than the main building.

3. "Conditioned space" is floor area that is generally provided in a separate accessory building that has heating and/or cooling systems. Accessory conditioned space often contains uses typically found in a house such as a recreation room or craft room.

4. Currently, conditioned accessory buildings cannot be taller than the main building. In this way, they are treated differently than unconditioned accessory buildings, which can built up to the maximum zoning height applicable to the main building as long as they are outside the setbacks of the main building. Otherwise, unconditioned accessory buildings can extend into the side and rear yards but can be no taller than 15 feet.

5. In December 2017, the City Council approved Text Amendment #17015 that increased the allowances for accessory dwellings and allowed detached conditioned area in an accessory building within the setback and height restrictions of the main building. However, there was a stipulation that the accessory building can be no taller than the main house. The intention with Text Amendment #17015 was to treat accessory conditioned space similarly to living space in a main dwelling. The intention with limiting the conditioned accessory building height to that of the main building was to prevent it from visually looming over the main structure.

6. It has become clear that the height restriction is inconsistent with what could otherwise be done by right within the building envelope. The accessory building will still be required to remain outside of the main setbacks like any main building addition. Therefore, this change would not alter what could potentially be constructed from a building mass standpoint.

7. This proposed text change would allow the standards for conditioned accessory buildings to correspond to the allowances for living space that is part of the main building. Since an addition to the main building could be extended out to the setback lines and follow the maximum zoning district height, there is no functional reason why a conditioned accessory building could not do the same.

8. The following text amendment was determined in cooperation between the applicant and City staff:

27.72.120 Accessory Buildings

e. Accessory buildings having a conditioned area shall~~:~~

~~1. Comply with the height regulations of the district the accessory building is located in, but shall be no taller than the main building on the same lot, and~~

~~2. Meet the required setbacks~~ comply with the applicable height restrictions and setback requirements of the main building.

Prepared by

_____
Rachel Jones, Planner

Date: March 10, 2020

Applicant: Jonathan Henning and Kathryn Duncan
1035 Hilltop Road
Lincoln, NE 68521
(402) 202-8871 or henning.jonathan@gmail.com

Contact: Kent Seacrest
1128 Lincoln Mall, Suite 105
Lincoln, NE 68508
(402) 435-6000 or kent@sk-law.com

F:\DevReview\TX\20000\TX20001 Conditioned Accessory Buildings.rkj.docx

20-XX Introduce: x-xx-20
TX20001

ORDINANCE NO. _____

AN ORDINANCE amending Section 27.72.120 to remove the condition that accessory buildings with a conditioned area shall be no taller than the main building on the same lot and repealing Section 27.72.120 of the Lincoln Municipal Code as hitherto existing.

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

Section 1. That Section 27.72.120 of the Lincoln Municipal Code be amended to read as follows:

27.72.120 Accessory Buildings.

(*Only applies to accessory structures associated with a main dwelling)

(a) Accessory buildings which are attached to or not located more than (1) six feet from the main building in the R-1 through R-8, O-1*, B-1*, and B-3* zoning districts and (2) 10 feet from the main building in the AG, AGR, O-2, O-3, B-4, B-5, all H, and I-2 zoning districts shall be considered a part of the main building and shall comply with the height, front, side, and rear yard requirements of the main building, except that an accessory building attached to the main building by an unenclosed deck or walkway shall not be considered part of the main building, nor subject to the height and yard requirements of the main building.

(b) In all commercial and industrial zoning districts, accessory buildings shall not extend into any required yard, except as otherwise stated in this chapter.

(c) Accessory buildings which are not a part of the main building:

(1) May, if located not less than sixty feet from the front lot line, extend into the required side yard though not closer than two feet to the side lot line in the R-1 through R-8, O-1*, O-2, O-3, B-1*, B-3*, B-4, all H, and the I-2 zoning districts, provided that such accessory buildings shall not be more than fifteen feet in height.

(2) May be located in the required rear yard, provided that such accessory buildings:

(i) Shall not be nearer than two feet to the side or rear lot line in the AG, AGR, R-1 through R-8, O-1*, O-2, O-3, B-1*, B-3*, B-4, B-5, all H, and the I-2 zoning districts.

(ii) Shall not occupy more than the following percent of the required rear yard:

- Forty percent in the R-1 through R-6, O-1*, B-1*, and B-3* zoning districts.
- Thirty percent in the AG, AGR, R-7, R-8, O2, O3, B-4, B-5, all H, and the I-2 zoning districts.

(iii) Shall not be more than fifteen feet in height in the R-1 through R-8, O-1*, O-2, O-3, B-1*, B-3*, B-4, B-5, all H, and the I-2 zoning districts;

(iv) Notwithstanding the above, an accessory building used as a garage and taking access from an alley shall not be located closer than ten feet to the alley line in the R-1 through R-8, O-1*, O-2, O3, B-1*, B-3*, B-4, B-5, all H, and the I-2 zoning districts.

(v) Shall not abut a residential district in the O-2, O-3, B-5, H-4, and I-2 zoning districts.

(vi) Shall not be nearer than a distance equal to ten percent of the average lot width from the side lot line in the AG zoning district on lots 20 acres or more.

(3) May be located in the required front yard on double-frontage lots where at least one frontage is along a major street in R-1, R-2, and R-3, provided such accessory buildings:

(i) Shall not occupy any portion of any required front yard along the local street.

(ii) Shall not be closer than two feet to the side lot line, closer than two feet to the front lot line along the major street, or closer than two feet to an area specified as a building line district.

(iii) Shall not occupy any portion of the required front yard along any major street except when a landscape screen is located along all front lot lines of such lot adjacent to any major street in conformance with the "Design Standards for Screening and Landscaping" adopted by the City of Lincoln.

(iv) Shall not have direct vehicular access from any major street along any major street frontage in the block.

(v) Shall not occupy more than 100 square feet for buildings and 600 square feet for structures of the required front yard along the major street.

(vi) Shall not exceed fifteen feet in height and any accessory building or portion thereof within twenty feet of the front lot line along the major street shall not exceed eight feet in height.

(4) Accessory buildings in the AG and AGR districts are not permitted in the side yard unless also located in the rear yard.

(d) Maximum and expanded maximum cumulative allowable area for all accessory buildings on single family or two family residential lots or tracts in AG, AGR, and R-1 to R-8 zoning districts:

(1) The maximum and the expanded maximum cumulative allowable area for all accessory buildings are as set out in Table 27.72.120(d) below. The applicable maximum cumulative allowable area may be increased up to the expanded maximum allowable area as provided in Table 27.72.120(d) Notes *1-4 below:

Table 27.72.120(d)

Maximum and Expanded Maximum* Cumulative Allowable Area for Accessory Buildings on Single Family or Two Family Residential Lots or Tracts

*#Expanded Maximum only applies in accordance with the applicable Note *# below (e.g. *1)

		Lot or Tract Size			
		less than 7,500 sq. ft.	7,500 sq. ft. to less than 20,000 sq. ft.	20,000 sq. ft. to less than 1 acre	1 acre or more
R1- R-8 Accessory Building sq. ft.	Maximum	1,000	1,500	2,000	2,000
	Expanded Maximum	1,500*1	3,000*2	3,000*2	5,000*3

		less than 1 acre	1 acre to less than 2 acres	2 acres to less than 4 acres	4 acres to less than 10 acres	10 acres or more
AGR Accessory Building sq. ft.	Maximum	2,000	2,000	2,000	2,000	2,000
	Expanded Maximum	3,000*2	6,000*4	8,000*4	20,000*4	No maximum*4
AG Accessory Building sq. ft.	Maximum	2,000	2,000	2,000	2,000	No maximum
	Expanded Maximum	3,000*2	6,000*4	8,000*4	20,000*4	

Notes:

*1. In the R-1 to R-8 zoning districts, for lots or tracts less than 7,500 square feet in size, the maximum cumulative square footage of all accessory buildings may be increased up to the above expanded maximum square feet provided:

i. Total square footage for all accessory buildings does not exceed the total square footage, excluding basement, of the main building.

ii. The total square footage for all accessory buildings does not exceed a cumulative total of 500 square feet in the side, rear, and front yard setbacks.

*2. In the R-1 to R-8 zoning districts for lots or tracts 7,500 square feet to less than 1 acre in size, and in AG and AGR zoning districts for lots or tracts less than 1 acre in size, the maximum cumulative square footage for all accessory buildings may be increased up to the above expanded maximum square feet provided:

i. The total square footage for all accessory buildings shall not exceed the total square footage, excluding basement, of the main building.
ii. The total square footage for all accessory buildings does not exceed a cumulative 250 square feet in the side, rear, and front yard setbacks.
iii. Any individual accessory building over 250 square feet in area must be located outside of the side, rear, and front yard setbacks.

*3. In the R-1 to R-8 zoning districts, for lots or tracts of 1 acre or larger in size, the maximum cumulative square footage for all accessory buildings may be increased up to the above expanded maximum square feet provided:

i. The total square footage for all accessory buildings does not exceed a cumulative total of 250 square feet in the side, rear, and front yard setbacks.
ii. Any individual accessory building over 250 square feet in area must be located outside of the side, rear, and front yard setbacks.

*4. In the AG zoning district for lots and tracts 1 acre to less than 10 acres, and in the AGR zoning district for lots or tracts 1 acre or greater, the maximum cumulative square footage for all accessory buildings may be increased to the above expanded maximum square feet provided that the total square footage of all accessory buildings does not exceed a cumulative total of 2,000 square feet in the side and rear setbacks.

(e) Accessory buildings having a conditioned area shall~~:~~

~~(1) Comply with the height regulations of the district the accessory building is located in, but shall be no taller than the main building on the same lot, and~~

~~(2)~~ ~~Meet the required setbacks~~ comply with the applicable height restrictions and setback requirements of the main building.

Section 2. That Section 27.72.120 of the Lincoln Municipal Code as hitherto existing be and the same is hereby repealed.

Section 3. This ordinance shall be published, within fifteen days after the passage hereof, in one issue of a daily or weekly newspaper of general circulation in the City, or posted on the official bulletin board of the City, located on the wall across from the City Clerk's office at 555 S. 10th Street, in lieu and in place of the foregoing newspaper publication with notice of passage and such posting to be given by publication one time in the official newspaper by the City Clerk. This ordinance shall take effect and be in force from and after its passage and publication or after its posting and notice of such posting given by publication as herein and in the City Charter provided.

Introduced by:

_____

Approved as to Form & Legality:

_____
City Attorney

Approved this ___ day of _____, 2020:

_____
Mayor

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

February 17, 2020

Mr. David Cary, Director of Planning
Lincoln-Lancaster County Planning Department
555 S. 10th Street, Room 213
Lincoln, NE 68508

RE: Zoning Text Amendment for Accessory Buildings per Section 27.72.120

Dear David:

Our law firm represents Paige Duncan and Dr. Jonathan Henning. On their behalf, our law firm is submitting the enclosed zoning text application to amend the Accessory Building provisions in Section 27.72.120, Lincoln Municipal Code.

Under the current Zoning Ordinance, an unconditional area accessory building can be "taller" than the main building upon the same lot. However, the current Zoning Ordinance does not allow a conditional area accessory building to be taller than the main building. We believe there is no public policy reason that should allow an accessory building with unconditional area to be taller than an accessory building with conditional area. Under the attached zoning text amendment, both types of accessory buildings would still need to meet the height and set back requirements of the underlying zoning district.

In conjunction with this submittal the following information is enclosed:

Change of Zoning Text Application
Zoning Text Amendment
Zoning Text Fee: $412.00

Please contact me with any questions you may have or if you need additional information.

Very Truly Yours,

Kent

KENT SEACREST
For the Firm

Enclosures

cc: Paige Duncan
Dr. Jonathan Henning
Lance Garvin
Tim Gergen

1128 LINCOLN MALL, STE. 105; LINCOLN, NEBRASKA 68508 | PHONE 402.435.6000 | FAX 402.435.6100

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Text Amendment #20002	FINAL ACTION? No
PLANNING COMMISSION HEARING DATE April 1, 2020	RELATED APPLICATIONS None

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This proposed text amendment was submitted by Kent Seacrest on behalf of David and Jolene Queen to amend the City of Lincoln Zoning Regulations by amending Chapter 27.02 Definitions and Chapter 27.63 Special Permit for campgrounds. The proposed changes would allow more types of camping, designate setbacks for the campground from lot lines, allow a caretaker or owner to live on site year round and require the campground to take access to a paved road.

JUSTIFICATION FOR RECOMMENDATION

The proposed text change will better define what a campground is and provide appropriate conditions. The proposed conditions will help offset impacts to surrounding properties.

APPLICATION CONTACT

Kent Seacrest, 402-432-9600 or kent@sk-law.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed text is in conformance with the Comprehensive Plan by establishing conditions for campgrounds that help encourage recreational activities, while still protecting the surrounding properties.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

p. 9.3- Public and private partnerships are important in the development of recreational opportunities and the preservation of environmental resources that bring a high quality of life to the City and County.

ANALYSIS

1. This proposed text amendment is to amend the definitions for campground and recreational vehicle. The proposal also amends the conditions for campgrounds. Campgrounds are allowed in the AG and AGR Districts by special permit.
2. The proposed text amendment is a result of Dave and Jolene Queen (Queens) looking to find a new site for their current campground, Camp A Way. The Queens lease the land from the City. The City has notified the Queens that the City desires to retain the use of the land upon lease expiration. The applicant's proposed purpose is to provide campground operators regulations for a financially viable and quality campground.

3. Proposed amendment to Section 27.02 Definitions are:

27.02.040 Campground : Campground shall mean a parcel of land intended for temporary occupancy by, but not limited to, any of the following: tent, cabins, tent trailer, ~~or~~ recreational vehicle and other recreational accommodations.

Today's quality campgrounds offer many new types of camping. Adding cabins and other recreational accommodations to the definition allows for new types of camping.

4. **27.02.190 Recreational Vehicle:** Recreational vehicle shall mean a vehicular unit ~~not exceeding forty feet in overall length, eight feet in width, or twelve feet in overall height,~~ primarily designed as temporary living quarters for recreational camping, recreational accommodations or travel use having either its own motive power or designed to be mounted on or drawn by a motorized vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, park model RV and fifth wheel. ~~This definition shall include a boat mounted on a trailer, together not exceeding forty feet in body length, eight feet in width, or twelve feet in overall heig~~ht.

The limit on size of a recreational vehicle is not needed as this condition does not impact the use to surrounding properties. Adding recreational accommodations and "park model RV" allows for greater options.

5. Proposed amendments to Section 27.63.270 for campgrounds are:

Campgrounds ~~for tents, tent trailers, and recreational vehicles, park model recreation vehicles and specialty camping facility collectively "campsites")~~ may be allowed by special permit in the AG and AGR zoning districts under the following conditions:

a. There shall be a minimum of forty (40) campsites in the campground. Each campsite shall contain at least 2,500 square feet. ~~The campsite shall be so designed that the required 2,500 square feet can be enclosed within a rectangle of which one side shall not exceed three times any other side~~.

Requiring a minimum of 40 campsites prevents allowing a property to have a few cabins or recreational vehicle pads. The number provides flexibility in the size of campgrounds. The applicant stated that the average number of campsites in Nebraska is around 70.

b. A side yard and rear yard of ~~fifty~~ sixty feet and a front yard of ~~100~~ 50 feet shall be maintained on the campground~~; provided, however, that the 100-foot front yard requirement may be waived if the front yard abuts on a public street which has a right-of-way width of 200 feet or more~~.

The proposed setbacks will provide a buffer to adjacent properties. The zoning regulations for the AG District for all uses require a 50' front, 60' side and 100' rear yard setback. A 60' setback on the side and rear lot lines provides a sufficient setback to adjacent properties and provides for a uniform setback. The 50 feet front yard matches the AG and AGR Districts. The Planning Commission could require screening from the campground to adjacent properties if deemed appropriate.

c. The ~~primary access to~~ public roads and highways providing primary access to the campground shall be paved. ~~or surfaced in a similar manner to the adjacent public roads, and shall be approved by the city.~~

Requiring campgrounds to take access to a paved road will eliminate dust from vehicles impacting adjacent properties. It will also reduce maintenance costs to the public that would be needed with a gravel road.

d. Internal ~~Access~~ roads shall be provided to each campsite and all ~~access~~ internal roads shall have a minimum unobstructed width of fourteen feet for all one-way roads, and twenty feet for all two-way roads.

This clarifies that this condition applies to roads within the campground.

e. No campground may be occupied by the same person or persons more than thirty-one days in any one calendar year. However if the campground provides recreation and support facilities including but not limited to a swimming pool, convenience goods shop, and office, then up to thirty-five (35) percent of the campground campsites may be occupied by the same person or persons between thirty-two (32) days and for no more than one hundred eighty (180) days in a three hundred and sixty-five (365) day period.

Campgrounds are typically for persons staying less than 30 days. There are situations where a person may need to stay for more than 30 days. This could include a worker that does not live in the area and is on a project that lasts more than 30 days or someone who parks a recreational vehicle and leaves it during the football season. Other situations could include someone building a house and needs a temporary place to live or is visiting a family member for an extended time. The support facilities are required, if the campground allows stays over 31 days. The number of campsites for stays up to 180 days is limited to 35% when the support facilities are included. The support facilities provide for a full service campground that will provide needed amenities for campers wanting an extended stay.

f. One dwelling unit, campground site or mobile home occupied by the owner or caretaker year round is permitted.

Often times a campground will have someone live on site year round. This will allow the owner or caretaker to have a permanent residence at the campground

g. ~~All special permits issued under this section are temporary and valid only during the period that the campground and associated facilities comply with the provisions of this title and all other applicable ordinances and regulations~~. The sale of alcoholic beverage within the campground shall be prohibited.

The strike out text is not necessary. All special permits must conform to the conditions of that particular special permit. Prohibiting the sale of alcohol will help to keep a family friendly campground and will reduce conflicts with neighbors. This condition does not prohibit persons from bringing in their own alcohol.

h. Signs are allowed within the front yard setback.

Allowing signs in the front yard setback will allow greater visibility for travelers. Most users of the campground are not from the area and allowing the sign closer to the street will help in locating the campground.

g. Screening or fencing of the campground may be required.

There may be situations where screening of fencing is needed to offset the impact to adjacent property.

6. A text amendment to add conditions for campgrounds in the Lancaster County Zoning Regulations was submitted in November 2019 by this applicant. The text amendment was withdrawn by the applicant due to large opposition from county residents to their special permit at the southeast corner of Highway 77 and Davey Road.

Prepared by

_____

Tom Cajka, Planner

Date: March 16, 2020

Applicant: David and Jolene Queen
200 Campers Circle
Lincoln, NE 68521
402-476-2282
davidlqueen@gmail.com

Contact: Kent Seacrest
1128 Lincoln Mall, Suite 350
Lincoln, NE 68508
402-432-9600
kent@sk-law.com

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LINCOLN MUNICIPAL CODE

TITLE 27 ZONING

Chapter 27.02 DEFINITIONS

27.02.040 C.

Campground Campground shall mean a parcel of land intended for temporary occupancy by, but not limited to, any of the following: tent, cabins, tent trailer, ~~or~~ recreational vehicle and other recreational accommodations.

27.02.190 R.

Recreational Vehicle Recreational vehicle shall mean a vehicular unit ~~not exceeding forty feet in overall length, eight feet in width, or twelve feet in overall height,~~ primarily designed as temporary living quarters for recreational camping, recreational accommodations or travel use having either its own motive power or designed to be mounted on or drawn by a motorized vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, park model RV and fifth wheel. ~~This definition shall include a boat mounted on a trailer, together not exceeding forty feet in body length, eight feet in width, or twelve feet in overall height.~~

LINCOLN MUNICIPAL CODE

TITLE 27 ZONING

Chapter 27.63 SPECIAL PERMITS

27.63.270 Campgrounds.

Campgrounds ~~for tents, tent-trailers, and recreational vehicles, park model recreation vehicles and specialty camping facility collectively "campsites")~~ may be allowed by special permit in the AG and AGR zoning districts under the following conditions:

a. There shall be a minimum of forty (40) campsites in the campground. Each campsite shall contain at least 2,500 square feet. ~~The campsite shall be so designed that the required 2,500 square feet can be enclosed within a rectangle of which one side shall not exceed three times any other side~~.

b. The campground shall be supplied with a water supply and sewage disposal facilities, including washing, toilets, and similar facilities, all of which meet all applicable city codes and regulations.

c. A side yard and rear yard of ~~fifty~~ sixty feet and a front yard of ~~100~~ 50 feet shall be maintained on the campground~~; provided, however, that the 100-foot front yard requirement may be waived if the front yard abuts on a public street which has a right-of-way width of 200 feet or more~~.

d. The ~~primary access to~~ public roads and highways providing primary access to the campground shall be paved. ~~or surfaced in a similar manner to the adjacent public roads, and shall be approved by the city.~~

e. Internal ~~Access~~ roads shall be provided to each campsite and all ~~access~~ internal roads shall have a minimum unobstructed width of fourteen feet for all one-way roads, and twenty feet for all two-way roads.

f. No campground may be occupied by the same person or persons more than thirty-one days in any one calendar year. However if the campground provides recreation and support facilities including but not limited to a swimming pool, convenience goods shop, and office, then up to thirty-five (35) percent of the campground campsites may be occupied by the same person or persons between thirty-two (32) days and for no more than one hundred eighty (180) days in a three hundred and sixty-five (365) day period.

g. One dwelling unit, campground site or mobile home occupied by the owner or caretaker year round is permitted.

h. ~~All special permits issued under this section are temporary and valid only during the period that the campground and associated facilities comply with the provisions of this title and all other applicable ordinances and regulations~~. The sale of alcoholic beverage within the campground shall be prohibited.

i. All campground operators shall keep accurate records as to the length of time a person stays in the campground, and shall make said records available to any city official upon request. (Ord. 14469 §1; August 18, 1986: prior Ord. 12571 §330; May 8, 1979).

j. Signs are allowed within the front yard setback.

k. Screening or fencing of the campground may be required.

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

February 17, 2020

Mr. David Cary, Director of Planning
Lincoln-Lancaster County Planning Department
555 S. 10th Street, Room 213
Lincoln, NE 68508

RE: Zoning Text Amendment for (i) definitions of Park Model Recreational Vehicle, Recreational Vehicle, and Specialty Camping Facility per Chapter 27.02 and (ii) Special Permit for Campgrounds per Section 27.63.270

Dear David:

On behalf of Dave and Jolene Queen ("Queens"), we submit the enclosed City of Lincoln zoning text amendment application for the following:

(i) Definitions of (a) Campground and (b) Recreational Vehicle; and

(ii) Special Permit for Campgrounds per Section 27.63.270.

As background, the Queens are the current operator of the Camp A Way campground facility located at 200 Campers Circle in Lincoln. The Camp A Way location is operated under a lease between Queens as tenant and the City of Lincoln as landowner. The City of Lincoln has provided the Queens with notice that the City desires to retain the use of the land upon lease expiration and therefore the Queens need to relocate their campground facilities.

As you know, the Queens were unsuccessful recently in trying to relocate and build a new campground in the north portion of the County (east side of Hwy 77 and south of Davey Road). Many of the County residents suggested that Queens find a new site closer to Lincoln--within the City of Lincoln or its three mile zoning jurisdictional area. Meanwhile, two North County residents have filed a complaint charging that Camp A Way is not complying with its current Special Permit regarding the 30 day visitation limitation provision. The Queens have self-reported this matter to the City in the past--in 2007 and 2019.

The Queens believe that the current City zoning requirements for campgrounds contain requirements that are out of date and/or discourage a campground owner from properly investing and building a modern day and excellent campground facilities. Today's quality campgrounds offer many more amenities, conveniences, and services, including offering many new types of camping and seasonal visitation and recreational accommodations.

1128 LINCOLN MALL, STE. 105; LINCOLN, NEBRASKA 68508 | PHONE 402.435.6000 | FAX 402.435.6100

The Queens believe the proposed text amendment for Section 27.63.270 would both remedy the complaint at Camp A Way as well as allow zoning regulations that would assist them (or other future campground operators) to identify and operate a viable and quality campground site within the City's zoning jurisdiction.

In conjunction with this submittal the following information is enclosed:

- Change of Zone Text Application
- Zoning Text Amendment (marked and clean versions)
- Zoning Text Fee: $412.00

Please contact me with any questions you may have or if you need additional information.

Very Truly Yours,

KENT SEACREST
For the Firm

Enclosures

cc: Dave & Jolene Queen
Chris Queen
Mike Eckert, Civil Design Group
Steve Henrichsen, City County Planning Department
Tom Cajka, City County Planning Department

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

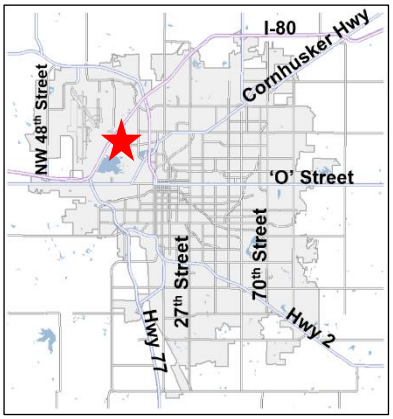
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	AFFECTED OWNERS
Street and Alley Vacation 20002	No	John Galt Development c/o Mark Becher
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY LOCATION**
April 1, 2020	None	West Saunders Avenue and Cornhusker Highway

RECOMMENDATION: DOES NOT CONFORM TO THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

This is a request to vacate a portion of West Saunders Avenue at the point where it intersects Cornhusker Highway. The petitioner owns the land adjacent to it, and proposes to use it in conjunction with the adjacent auto sales facility. Owning it would allow for the area to be graded and more easily maintained. The area to be vacated is approximately 0.08 acres in area.



JUSTIFICATION FOR RECOMMENDATION

West Saunders Avenue is not improved to Cornhusker Highway, and only extends to Northwest 10th Street, both of which are gravel streets in this area. Cornhusker Highway is an entryway corridor into the city, and significant improvements in the roadway have been made in recent years. Any public improvements, zoning changes or other similar actions should advance the goal of continuous improvement and redevelopment in the area. This action by itself will not have that effect. Rather, as part of a larger redevelopment effort of this approximately two-block area, it may be warranted. A realignment of access points onto Cornhusker Highway, including the potential extension of Northwest 10th Street and closing of Northwest 9th, coupled with a consolidation of properties could yield a significant benefit for both the petitioner and the public. But until it can be determined that the subject right-of-way will not be needed as part of a redevelopment effort, this request is premature.

APPLICATION CONTACT
Mark Becher, (402)432-5850 or
mark@sarktile.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This portion of public right-of-way may be needed for a street extension in support of future redevelopment in the area. If vacated, it may be necessary to reacquire some of the right-of-way now proposed to be vacated to support that effort. It is possible that there is a potential use or future need for some of the existing right-of-way, and it should not be vacated until it is fully determined that it will not be needed. To vacate this right-of-way at this time is premature and would not be consistent with the Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 8.2 – Encourage cooperative planning and site development between the City and public and private institutions.

P. 10.14 – Cornhusker Highway is shown as a major arterial on the Functional Street and Road Classification plan, West Saunders Avenue is a local street and is not shown.

ANALYSIS

1. This is a request to vacate an approximate 0.08 acre portion of the West Saunders Avenue right-of-way. West Saunders Avenue has not been improved in the area proposed for vacation, and so it does not intersect with Cornhusker Highway. Rather, it intersects with Northwest 10th Street which extends to the north.
2. The applicant owns both adjacent properties to the north and south. There is an auto repair/sales facility located on the property to the north (1010 Cornhusker Highway), while the southern triangular-shaped parcel is undeveloped.
3. As background, the applicant recently approached the City seeking help in developing the adjacent south property. He purchased it in the late 1990's as surplus property left over from the Cornhusker Highway realignment. As it was no longer needed for the road project, the State deeded it to the City which in turn sold it as surplus property.
4. Prior to the sale being finalized, the south parcel was rezoned to R-4. This was done to be consistent with the larger goal of improving the character of Cornhusker Highway in this area as an entryway corridor. Instead of the adjacent H-3 Highway Commercial zoning, it was hoped the R-4 Residential would encourage less intensive uses as part of future redevelopment efforts.
5. There are impediments to developing the south parcel. It has a 30'-wide public sanitary sewer main extending across a portion of the property. The sanitary sewer main is located in an easement which prohibits buildings from being located on it. Combined with the setbacks of the zoning district there is a significant portion of the site that cannot be developed.
6. The applicant has stated he is not interested in developing residential uses, and instead is seeking commercial zoning. However, simply rezoning to allow commercial uses does little to improve the neighborhood or the entryway corridor.
7. In addition to the two properties adjacent to the subject right-of-way, the applicant owns property east of Northwest 9th Street (2340 Northwest 9th) and another property further to the north (1025 West Dawes). Given the ownership pattern, there is opportunity to consolidate parcels in combination with some right-of-way vacation to encourage redevelopment to the benefit of both the applicant and the public. See attached Exhibit A for graphic of properties owned by the applicant.
8. One option to gain access to the applicant's parcels while limiting commercial traffic into the surrounding neighborhood is by extending Northwest 10th Street and vacating that portion of Northwest 9th Street south of West Saunders Avenue. This would also mean the driveway to 1010 Cornhusker Highway would be removed and then take access to Northwest 10th Street. See Exhibit A.
9. There are challenges to working out a solution acceptable to the applicant and that also provides a public benefit. The City is willing to continue to work to help solve the issues presented so the applicant can continue to maintain his properties and achieve more benefit, but that point has not been reached yet. Given that, it is possible that a solution may be found that requires a portion of the subject right-of-way for a new street extension. In the absence of agreement between the applicant and the City with respect future zoning and redevelopment, it is not possible to determine that the subject right-of-way is excess and not needed.
10. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council in the event it is approved.
11. The Planning Department recommends denial of this request. Given the potential for enhanced redevelopment in this area which may require some of the right-of-way proposed for vacation, this request is premature and should be denied. It is not evident that the right-of-way is excess or unnecessary, and so this request is not consistent with the Comprehensive Plan. In the event that the City Council should decide to approve the request, recommended conditions of approval are provided.

CONDITIONS OF APPROVAL: See attached.

SURROUNDING LAND USE & ZONING

North:	Commercial	H-3
South:	Vacant	R-4
East:	Residential, Commercial	R-4, H-3
West:	Cornhusker Highway	

APPROXIMATE LAND AREA: Approximately 3,485 square feet, or 0.08 acres more or less

LEGAL DESCRIPTION: A tract of land composed of that portion of West Saunders Avenue lying west of the west line of Northwest 10th Street, and east of the east line of Cornhusker Highway, all located in the NW ¼ of Section 15, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska.

Prepared by

_____

Brian Will, bwill@lincoln.ne.gov
402-442-6362
March 18, 2020

Applicant/
Contact:

Mark Becher
John Galt Development, LLC
1901 West O Street
Lincoln, NE 68528
mark@sarktile.com
402-432-5850

Add path and filename

If the Planning Commission and City Council choose to approve this request, the following are recommended conditions of approval.

CONDITIONS OF APPROVAL – STREET AND ALLEY VACATION 20002

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

1. The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.
2. Include retention of blanket utility easement by City with deed transfer for vacation area for Lincoln Electric System (LES) and Black Hills Energy facilities or in the alternative relocate said facilities to the satisfaction of LES and Black Hills Energy.

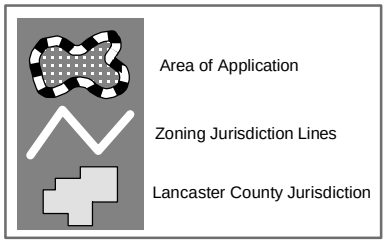
2018 aerial

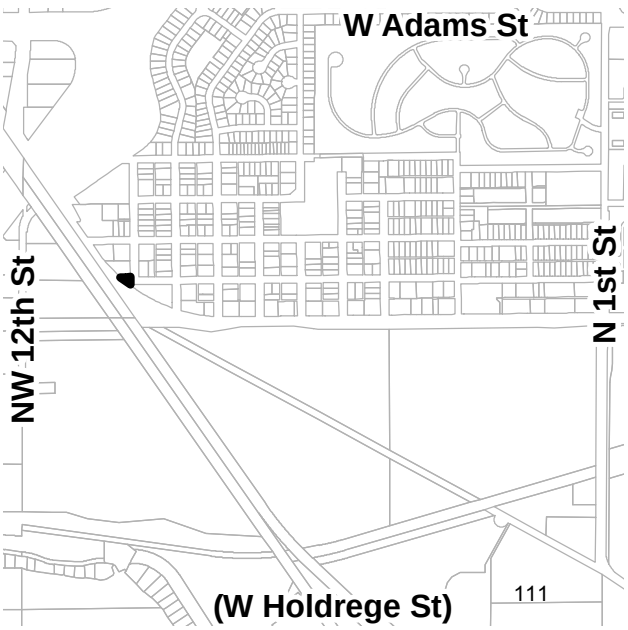
Street and Alley Vacation #: SAV20002
NW 10th St & W Cornhusker Hwy

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 R06E





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INFORMATION SHEET

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

1. Name of Petitioner (Current Titleholder/s): John Galt Development

   If more than one individual, indicate if you are:

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

2. Petitioner's Address: 1901 West ~~Cornhusker Hwy~~ O street
   Lincoln, NE 68528

3. Petitioner's Telephone Number [redacted]

4. Name of street, alley, or other public way sought to be vacated: That property South of 1010 W Cornhusker, west of NW 10th, East of Cornhusker Hwy. Please see attached

5. Legal description of Petitioner's property which abuts the public way sought to be vacated:
   1st Add to west Lincoln block 31 lots 7-10 ex street & S ½ Vac E-W alley adj.

6. Why are you seeking to have this street, alley, or other public way vacated?
   I am the adjacent property owner & I maintain it anyway. I also own the other neighboring property. I would like to level & clean property so it can be mowed easily & safely.

7. What use or uses do you propose to make of the public way should it be vacated?
   Ease of grounds keeping.

8. Do you intend to purchase that portion of the vacated public way which abuts your property as described in the **Petition to Vacate Public Way** and/or other portions of the vacated public way?

   X YES ____ NO

9. Name and address of person to whom tax statement should be sent:
   John Galt Development
   1901 west O St.
   Lincoln, NE 68528

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

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

PETITION TO VACATE PUBLIC WAY
with
RELEASE AND WAIVER OF RIGHTS AND TITLE,
AND QUITCLAIM DEED TO CITY OF LINCOLN

TO THE HONORABLE CITY COUNCIL OF THE CITY OF LINCOLN, NEBRASKA:

The undersigned property owner(s) hereby petition you to vacate the following street, alley, or other public way, commonly known as: *(i.e.: Elm Street from 1st to 2nd St.* or *East-west alley, from the north line of 1st St. to the south line of 2nd St.)*

That property south of 1010 W Cornhusker Hwy, west of NW 10th, & East of Cornhusker Hwy.

in the CITY OF LINCOLN, NEBRASKA, with the City reserving in said street, alley, or other public way such title, rights, easements, and privileges as it may deem necessary. In consideration of the vacation of the above-described street, alley, or other public way, we, and each of us, for ourselves, our heirs, personal representatives, successors, and assigns, hereby waive and release any and all claims, causes of action, rights of access, and demands of every nature, known or unknown, which may accrue to us, or which we now have, or which we may hereafter have as a result of such vacation; and hereby quitclaim unto the City of Lincoln, Nebraska, and to its successors and assigns forever, all right, title, interest, estate, and demand, both at law and in equity, in and to all of said street, alley, or other public way.

TO HAVE AND TO HOLD the above-described street, alley, or other public way together with all tenements, hereditaments, and appurtenances thereto belonging unto the City of Lincoln, Nebraska, and to its successors and assigns forever.

The undersigned hereby represent(s) that he, she, they, or it is(are) the owner(s) of the following described property in Lincoln, Lancaster County, Nebraska, abutting on said street, alley, or other public way: ***(Legal description from deed or abstract NOT street address, i.e. Lot 10, Block 500 Boardwalk Addition NOT 4500 Park Place Blvd.)***

1st Add to West Lincoln Block 31 lots 7-10 ex street & S 1/2 vac E-W alley adj.

DATED this 14 day of February, 2020.

John Galt Development, LLC
[Name of Titleholder]

By: _____
Managing Member

(ALL TITLEHOLDERS OF THE REAL ESTATE DESCRIBED ON THE PRECEDING PAGE MUST SIGN THIS PETITION BEFORE A NOTARY PUBLIC)

STATE OF Nebraska)
) ss.
Lancaster COUNTY)

The foregoing instrument was acknowledged before me on this 14 day of February, 2020, by Mark Becher, managing member of John Galt Development on behalf of said limited liability company.

(Seal)

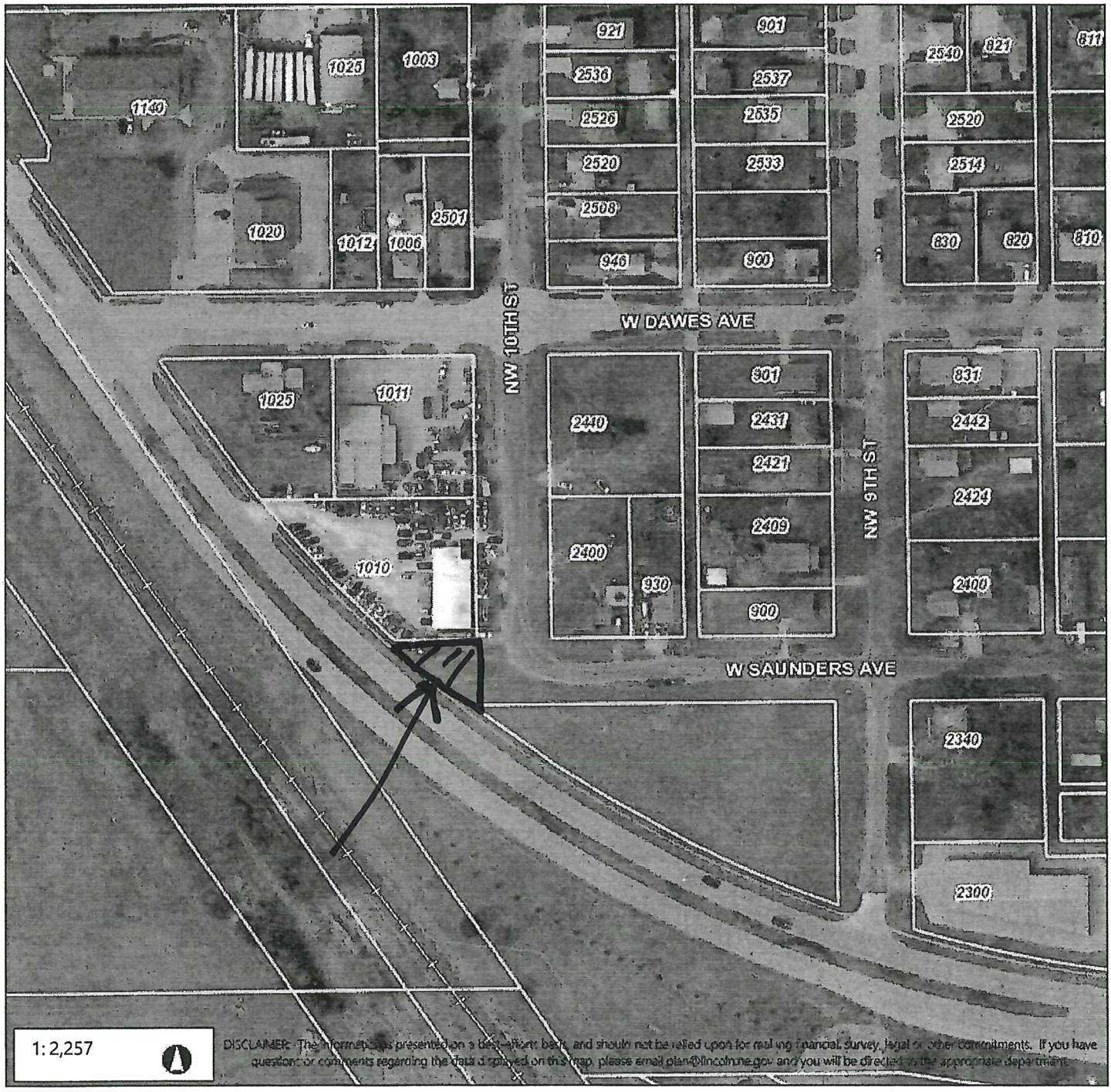
GENERAL NOTARY-State of Nebraska
TERESA A McKINSTRY
My Comm. Exp. May 17, 2022

Teresa A McKinstry
Notary Public

SIGNATURE PAGE FOR LIMITED LIABILITY COMPANY

Development Viewer
CITY OF LINCOLN - LANCASTER COUNTY, NE

Lincoln / Lancaster County Planning



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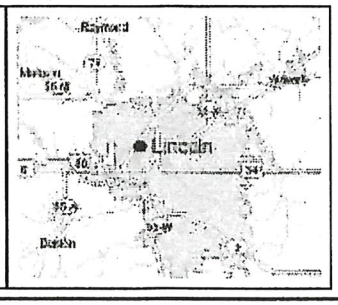
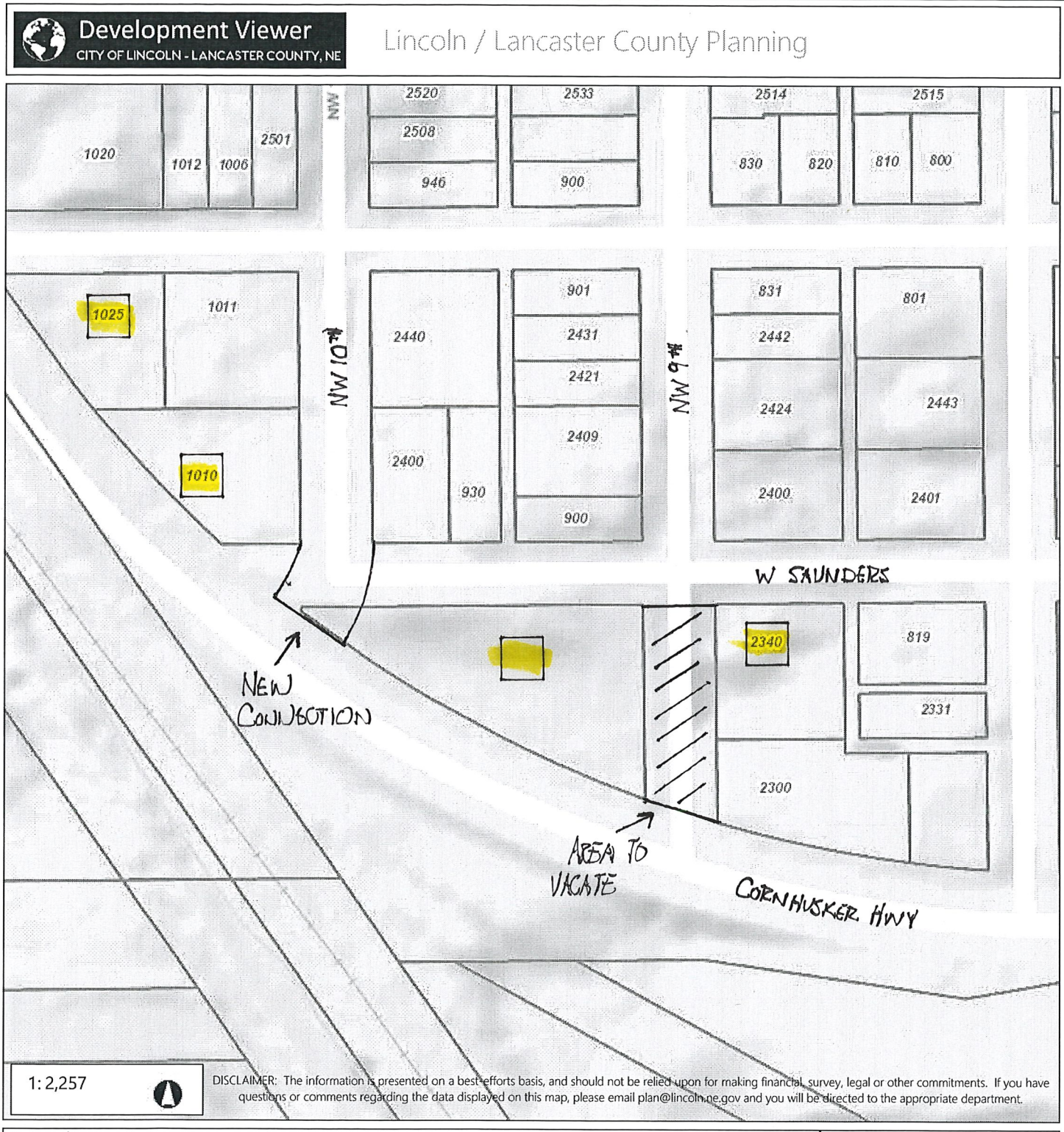
Address Labels

Parcels_Aerial




Development Viewer
CITY OF LINCOLN - LANCASTER COUNTY, NE
Lincoln / Lancaster County Planning
1020
1012
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NEW CONJUGTION
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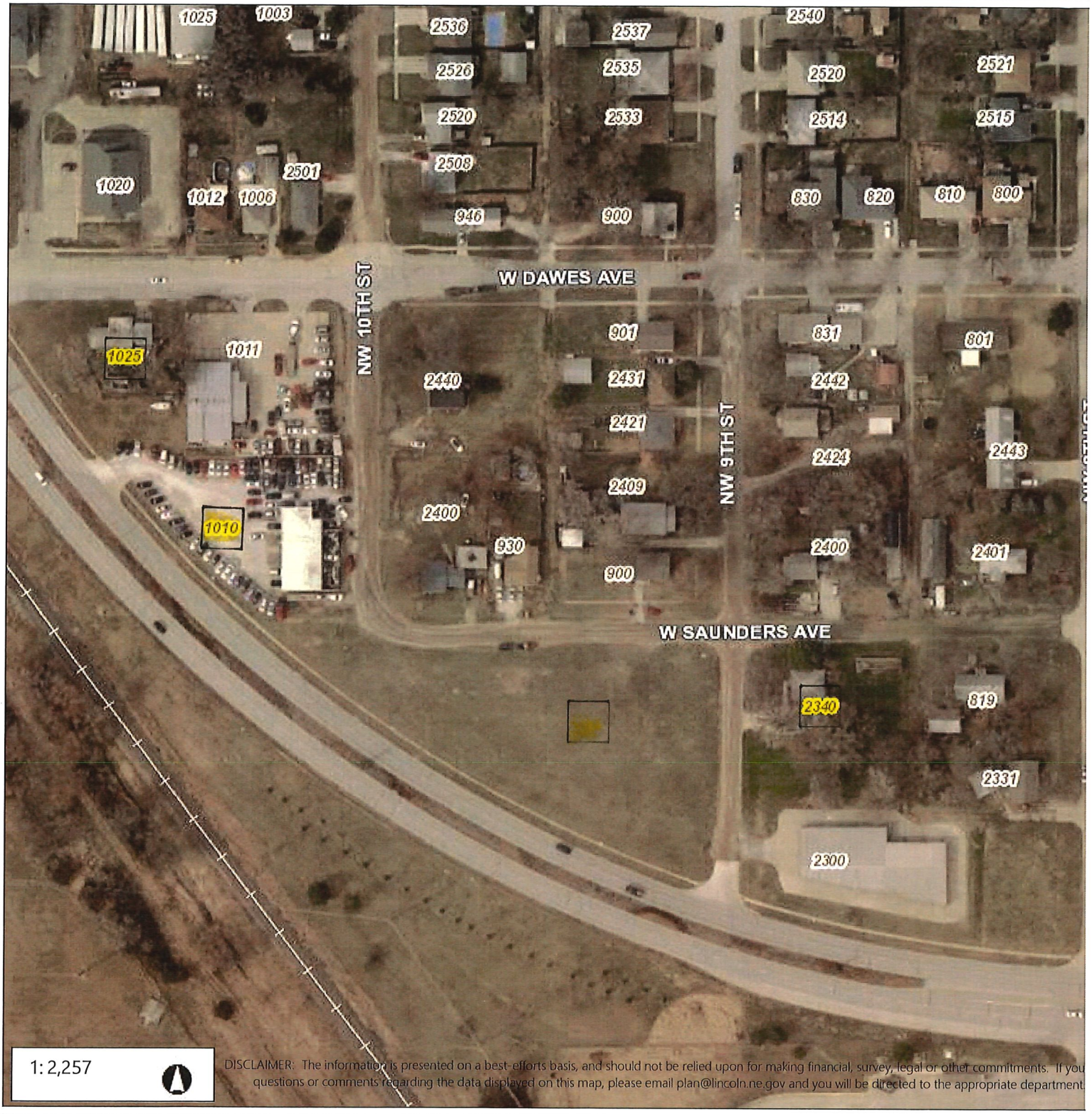
1: 2,257
DISCLAIMER: The information is presented on a best efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email plan@lincoln.ne.gov and you will be directed to the appropriate department.
Legend
Address Labels
Parcels_Street
EXHIBIT A
Lincoln

Development Viewer
CITY OF LINCOLN - LANCASTER COUNTY, NE

Lincoln / Lancaster County Planning



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DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you questions or comments regarding the data displayed on this map, please email plan@lincoln.ne.gov and you will be directed to the appropriate department.

Legend

Address Labels

EXHIBIT A

(AERIAL)

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

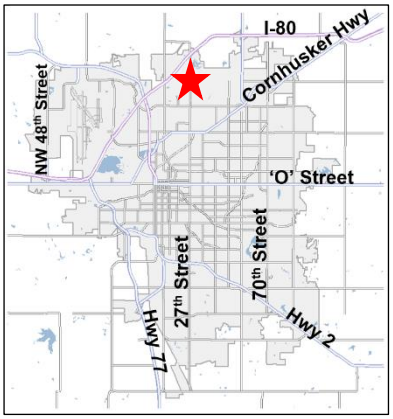
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Special Permit #20008	Yes	Tucker Mountain, LLC
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
April 1, 2020	None	2340 Telluride Circle (Telluride Drive and Fletcher Avenue)

RECOMMENDATION: APPROVAL WITH CONDITIONS

BRIEF SUMMARY OF REQUEST

This is a request for a Community Unit Plan (CUP) to develop 28 dwelling units in the North Creek neighborhood on a site formerly approved for an assisted living facility and daycare. The applicant proposes seven 4-plex buildings that will take access via Telluride Circle and a new private roadway. The CUP will use the existing R-4 Residential District zoning.



JUSTIFICATION FOR RECOMMENDATION

Multi-family residential is an appropriate land use for this site. The zoning density allowed by the CUP will not be exceeded. The character of the units will be similar to those around them in the sense that they will be attached single family dwellings although constructed at a higher density. Subject to the conditions of approval, this proposal is in conformance with the Comprehensive Plan.

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

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The request is consistent with the 2040 Comprehensive Plan, which identifies future urban density residential land uses for the site and supports a mix of housing types to serve a diverse population. The proposed development provides for approximately 8.1 dwelling units per acre, which is an appropriate urban density.

WAIVERS

1. Allow the intersection centerline separation between Kokomo Drive and Telluride Circle to be less than 120 feet. (Recommend Approval)
2. Allow a centerline street radius of less than 150 feet on Kokomo Drive. (Recommend Approval)
3. Reduce the minimum lot area to 2,200 square feet. (Recommend Approval)
4. Reduce the minimum average lot width to 25 feet. (Recommend Approval)
5. Reduce the minimum lot depth to 70 feet. (Recommend Approval)
6. Reduce the reduce the front yard setbacks as shown on the approved site plan as long as there is a minimum of 22 feet from the garage faces to the back of sidewalk. (Recommend Approval)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

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

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

P. 7.2 - Neighborhoods & Housing Guiding Principles
- 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.

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.
- Incorporate interconnected networks of streets, transit, trails, and sidewalks with multiple connections within and between neighborhoods and commercial centers to maximize access and mobility to provide alternatives to and reduce dependence upon the automobile.
- Provide sidewalks on both sides of all streets, or in alternative locations as allowed through design standards or review process.

P. 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 is a request for a CUP to develop 28 multi-family dwelling units (townhouses) on property at 2340 Telluride Circle. The proposal is to construct seven 4-plex buildings. The development would be located on a vacant lot located one block west of N. 27th Street and Fletcher Avenue. The CUP will use the existing R-4 Residential zoning.

2. The Design Standards for Community Unit Plans allow up to 13.93 dwelling units per acre in the R-4 zoning district. Based on the application area size of 3.44 acres, a maximum of 47 dwelling units are allowed. The site plan shows 28 dwelling units. The applicant requests to reserve the remaining 19 units as unassigned.

3. Access to this development will be provided from Telluride Drive and Telluride Circle. A new private roadway, Kokomo Drive, would connect to both existing streets. Guest parking stalls are proposed along a portion of Kokomo Drive. Sidewalks are shown along both sides of all streets.

4. This proposal is for four-attached single family dwellings as compared to the surrounding two-attached single family dwellings. Although this site is proposed to be developed at a higher density than its surroundings, the units are still considered attached single family and fit within the character of the area. In addition, this parcel has frontage on Fletcher Avenue, a minor arterial street, which makes it appropriate for higher density development.

5. A future multi-use trail is planned on the south side of Fletcher Avenue. Currently there is a sidewalk along Fletcher but it will someday be converted to a trail. Additional right-of-way for the trail is required as a condition of approval to the satisfaction of the Parks and Recreation Department. The condition is written in order to provide flexibility, as Parks anticipates the additional right-of-way needed is 6 feet but may need less. As a

consequence, the front yard setback reduction waiver along Fletcher Avenue is identified "as shown on the approved site plan" because the exact setback to the buildings is not known at this point.

6. Waivers are requested to the Zoning and Subdivision Ordinances and the Design Standards:

   Waiver to Design Standards Chapter 2.25, Private Roadway Design Standards, Section 3.3.1(b) to allow the intersection centerline separation between Kokomo Drive and Telluride Circle to be less than 120 feet.

   This waiver allows for a second ingress and egress to the development, reducing the traffic load onto Telluride Circle and increasing pedestrian circulation and emergency access. The waiver is supported by the Transportation and Utilities Department.

   Waiver to Design Standards Chapter 2.25, Private Roadway Design Standards, Section 23.3.2(a) to allow a centerline street radius of less than 150 feet on Kokomo Drive.

   This waiver allows greater design flexibility for the private roadway and is supported by the Transportation and Utilities Department.

   Waivers to Section 27.72.020, Height and Lot Regulations R-1 through R-8 Zoning Districts: Reduce the minimum lot area to 2,200 square feet, reduce the minimum average lot width to 25 feet, and reduce the minimum lot depth to 70 feet. In addition, reduce the front yard setbacks as shown on the approved site plan as long as there is a minimum of 22 feet from the garage faces to the back of sidewalk.

   The waivers to lot dimensions allow flexibility in site design for this infill site, particularly in relation to the private roadway. The City requested that the private roadway connect to both Telluride Drive and Telluride Circle for circulation and emergency access reasons, therefore additional land was taken for the roadway. The requested waivers are necessary to meet the design needs of both the City and developer.

   The front yard reductions are for the lot frontages on their driveway sides as well as for those lots that will back onto Fletcher Avenue. The waiver is described "as shown" on the approved site plan to allow flexibility and because additional right-of-way on Fletcher is required to be dedicated as a condition of approval, but the exact area to be dedicated will be determined by the Parks and Recreation Department to allow for the future trail. Parking in driveways is only allowed as long as there is at least 22 feet of distance from the garage front to the back of the sidewalk. To ensure the 22 feet is preserved, this distance was listed in the waiver as needing to be met with any front yard setback reduction.

7. The parking requirement is 2 stalls per dwelling unit. Guest parking is also required for this development at the ratio of 1 off-premises guest parking stall per 2 dwelling units. 14 guest parking stalls would be required, and more than that amount has been provided.

   The attached single family residential lots on the south side of Telluride Circle adjacent to the proposed development area were approved in 2004 with the North Creek 1st Addition Preliminary Plat. Their approval pre-dated the guest parking requirement, and there is very little on-street parking on the south side of Telluride Circle due to the proximity of the driveways to one another. The residents of those dwellings use the north side of the street adjacent to the vacant lot for their guest parking. With the proposed development, on-street parking on the north side will be reduced by the driveways for the new units. While this will reduce the overall amount of on-street parking on Telluride Circle, the proposed development will meet its own guest parking requirements internally. It would not be appropriate to require this new development to address parking issues for existing lots outside of its boundary.

8. Fire protection will be provided by Lincoln Fire and Rescue (LFR). The closest City fire station is located south of N. 24th and Superior Streets.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Vacant; R-4

SURROUNDING LAND USE & ZONING

North: Commercial; H-3
South: Attached single family residential dwellings; R-4
East: Attached single family residential dwellings; R-4
West: Attached and detached single family residential dwellings; R-3 and R-4

APPROXIMATE LAND AREA: 3.44 acres

LEGAL DESCRIPTION: See attached.

Prepared by

_____
Rachel Jones, Planner

Date: March 24, 2020

Owner/Applicant: Tucker Mountain, LLC
5555 South Street
Lincoln, NE 68506

Contact: Mike Eckert
Civil Design Group, Inc.
8535 Executive Woods Drive, Suite 200
Lincoln, NE 68512
(402) 434-8494 or meckert@civildg.com

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APPLICATION HISTORY – SPECIAL PERMIT #20008

Feb. 2000	The City Council approved Special Permit #1828 to develop 140 elderly care dwelling units, an assisted living facility for 205 persons, and a child care facility for 120 children.
Aug. 2003	Administrative Amendment #03053 was approved by the Planning Director to rescind Special Permit #1828.
Mar. 2004	The North Creek 7th Addition final plat was approved by the Planning Director.
Jul. 2013	Administrative Amendment #13019 to the North Creek 7th Addition final plat was approved by the Planning Director to extend the time to install sidewalks and street trees on Telluride Drive, Telluride Circle, and Fletcher Avenue.
Aug. 2015	Administrative Amendment #15045 to the North Creek 7th Addition final plat was approved by the Planning Director for an additional time extension to install sidewalk on Telluride Circle.

CONDITIONS OF APPROVAL – SPECIAL PERMIT #20008

Per Section 27.63.320 this approval permits a Community Unit Plan for up to 28 dwelling units, with 19 unassigned dwelling units, with waivers to allow the intersection centerline separation between Kokomo Drive and Telluride Circle to be less than 120 feet, allow a centerline street radius of less than 150 feet on Kokomo Drive, reduce the minimum lot area to 2,200 square feet, reduce the minimum average lot width to 25 feet, reduce the minimum lot depth to 70 feet, and reduce the front yard setbacks as shown on the approved site plan as long as there is at least 22 feet from the garage faces to the back of sidewalk.

Site Specific Conditions:

1. Before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:

    1.1 Add "Special Permit" after "C.U.P" in the sheet title.

    1.2 Rename Cypress View Lane to avoid confusion with the existing Cypress Lane.

    1.3 Revise the waivers to match them as listed in the staff report.

    1.4 Correct the section reference in Waiver #6 to 26.23.140.

    1.5 Delete General Note 7 as the public access easements will be granted at time of final plat, not with the special permit.

    1.6 Provide an additional 6 feet of right-of-way along Fletcher Avenue to the satisfaction of the Parks & Recreation Department.

    1.7 For Sheet 3, Post-Developed Drainage Plan, provide a pipe sizing chart including existing pipe capacity.

    1.8 Revise the utility easements according to the attached markup from L.E.S.

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

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

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

Standard Conditions:

4. The following conditions are applicable to all requests:

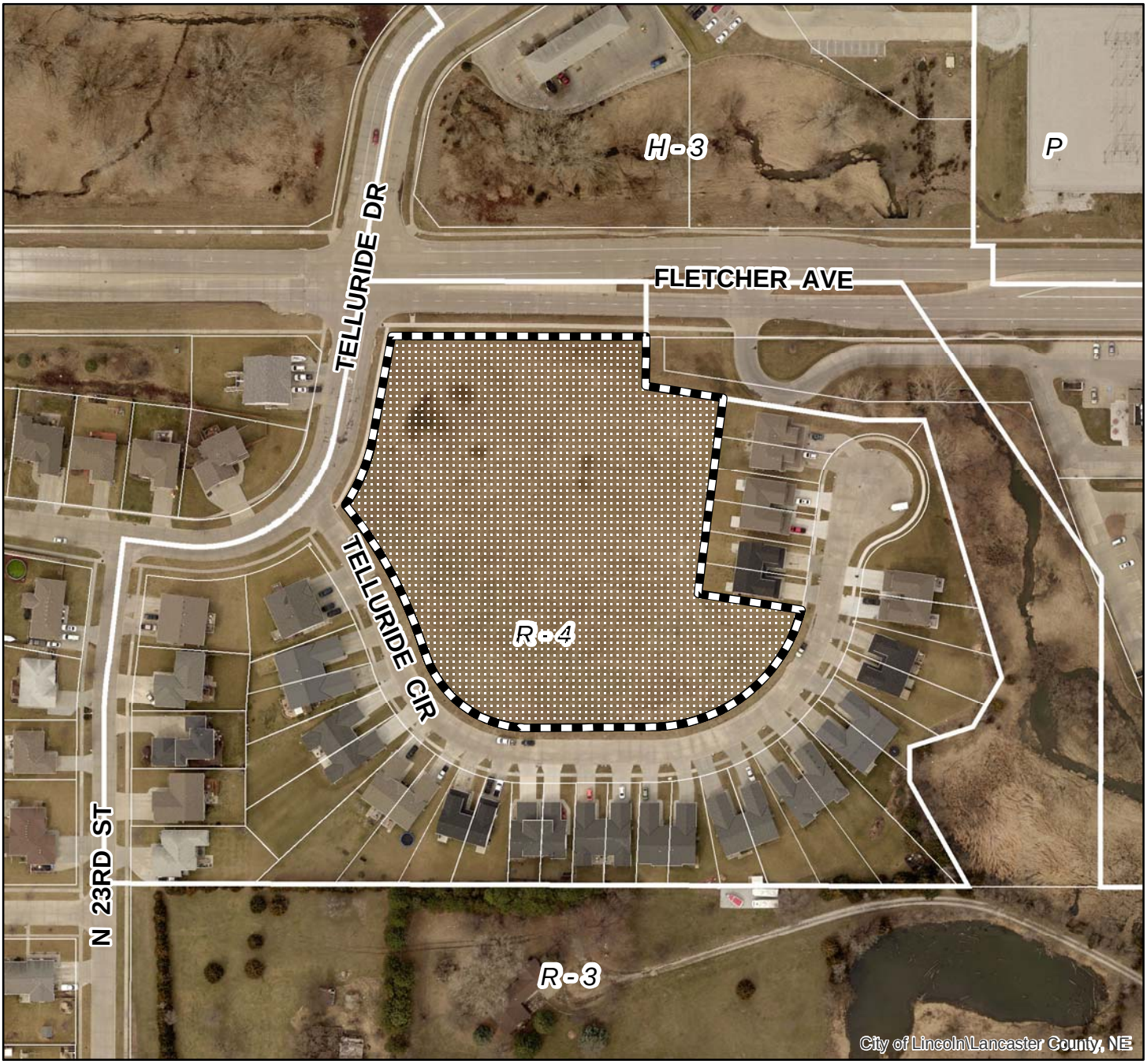
    4.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.

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

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

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

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



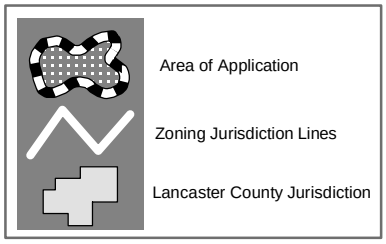
2018 aerial

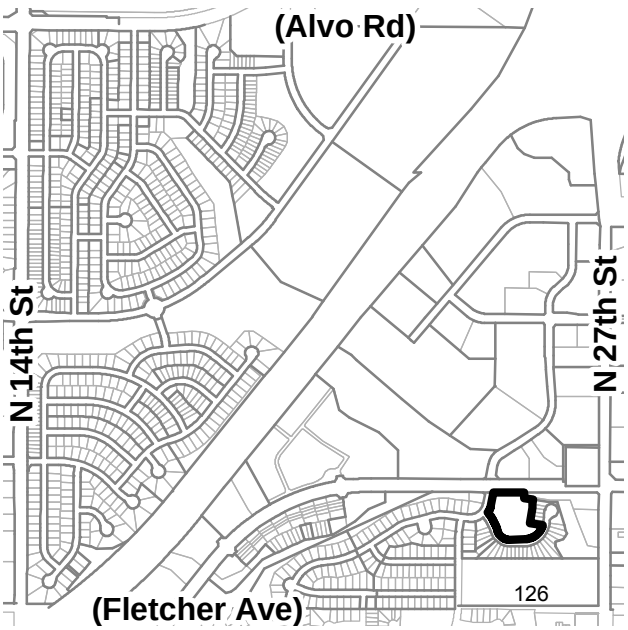
Special Permit #: SP20008
North Creek Addition CUP
Fletcher Ave & Telluride Dr

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.36 T11N R06E





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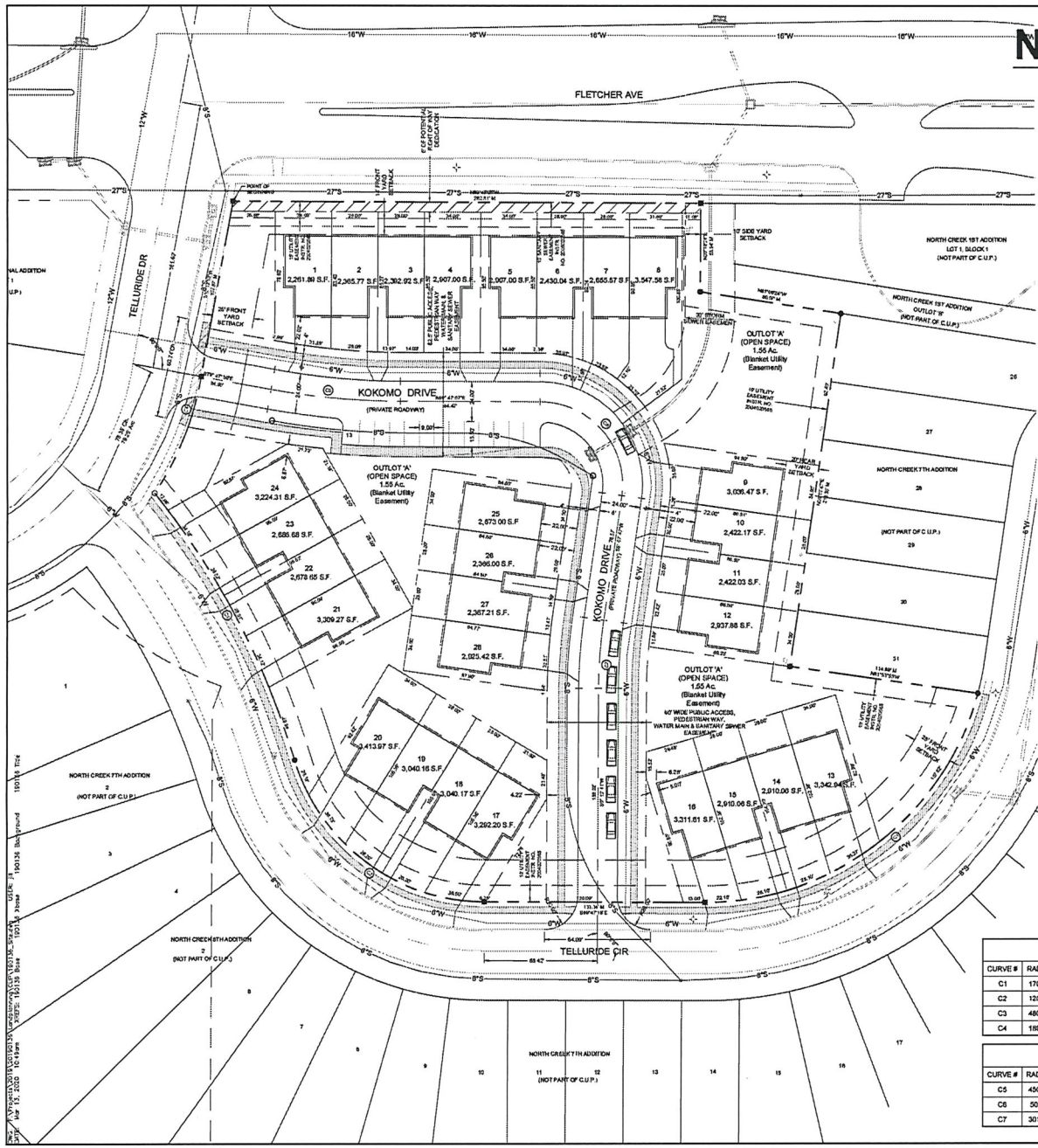
NORTH CREEK ADDITION
C.U.P. #20008



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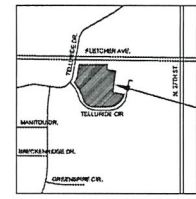
SCALE: 1"=30'



VICINITY MAP
NO SCALE

GENERAL SITE NOTES

1. THIS SPECIAL PERMIT CONTAINS A TOTAL OF 28 DWELLING UNITS.
2. THE CURRENT ZONING IS R-4.
3. THE DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES.
4. PRIVATE ROADWAYS (KOKOMO DRIVE) SHALL BE 24 FEET IN WIDTH (BACK TO BACK OF CURB), UNLESS OTHERWISE SPECIFIED AND SHALL BE SURFACED WITH 6" OF PORTLAND CEMENT OR 5" OF PORTLAND CEMENT BASE AND 2½" OF ASPHALTIC CONCRETE SURFACE WITH ROLL-OVER CURB.
5. PUBLIC SIDEWALKS SHALL BE INSTALLED AS SHOWN ALONG TELLURIDE DRIVE AND KOKOMO DRIVE. SIDEWALKS SHALL BE 4 FEET IN WIDTH AND SHALL BE 4" THICK AND 5" THICK AT DRIVEWAY CROSSINGS.
6. ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
7. PUBLIC ACCESS EASEMENTS ARE HEREBY GRANTED OVER ALL PRIVATE ROADWAYS AND SIDEWALKS AS SHOWN.
8. IN ADDITION TO WHAT IS ALLOWED BY 27.71.110 UNENCLOSED DECKS MAY EXTEND MORE THAN THREE FEET ABOVE OR BELOW THE ADJACENT GROUND LEVEL AND MAY PROJECT IN TO A REAR YARD PROVIDED THIS PROJECTION BE AT LEAST 10 FEET FROM SAID REAR LOT LINE AND PROVIDED THE REAR LOT LINE ABUTS A LOT OR OUTLOT RESERVED FOR OPEN SPACE.
9. EXISTING TOPOGRAPHICAL CONTOURS ARE IN NORTH AMERICA VERTICAL DATUM (NAVD) 1988.
10. OUTLOT 'A' TO BE MAINTAINED BY THE DEVELOPER AND/OR FUTURE HOMEOWNERS ASSOCIATION.
11. "ATTACHED SINGLE FAMILY" LOTS SHALL HAVE A ZERO SETBACK ALONG THE COMMON WALL/PROPERTY LINE, AND 5-FOOT SIDE YARD SETBACK OPPOSITE THE COMMON WALL/PROPERTY LINE. THESE SETBACKS SHALL REGULATE STRUCTURAL WALLS ONLY AND SHALL NOT RESTRICT OVERHANGS, PATIOS, DECKS, DOOR SWINGS OR WINDOW SWINGS FROM ENCROACHING INTO THE SETBACKS. ENCROACHMENTS ARE NOT ALLOWED OVER PROPERTY LINES AND MUST CONFORM TO BUILDING AND LIFE SAFETY CODES.
12. LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY AT THE TIME OF FINAL PLAT.
13. THE PRINCIPAL STREET FACADE OF EACH DWELLING SHALL HAVE AT LEAST ONE DOOR. THE PRINCIPAL STREET FACADE OF EACH DWELLING SHALL ALSO HAVE A MINIMUM OF ONE WINDOW PER STORY ORIENTED TO THE STREET. IF THE DWELLING IS TWO STORIES IN HEIGHT, BOTH REQUIRED WINDOWS MAY BE LOCATED ON THE SECOND FLOOR. THE MINIMUM GLAZED AREA OF THE WINDOW SHALL BE FIVE SQUARE FEET.

LEGEND

- C.U.P. BOUNDARY
- PROPOSED LOT LINE
- PROPOSED STREET CENTERLINE
- PROPOSED BUILDING ENVELOPE
- PROPOSED EASEMENTS
- EXISTING WATER MAIN
- EXISTING SAN. SEWER
- PROPOSED WATER MAIN
- PROPOSED SANITARY SEWER
- PROPOSED FIRE HYDRANT
- PROPOSED SANITARY MANHOLE

CURVE DATA - BOUNDARY

CURVE #	RADIUS	ANGLE	TANGENT	LENGTH	CH DIST	CH BRG
C1	170.00'	75°19'01"	131.19'	223.47'	207.72'	N52°34'09"E
C2	120.00'	73°11'04"	89.09'	153.25'	143.07'	S53°14'03"E
C3	480.00'	21°57'47"	93.14'	184.00'	182.87'	S27°37'48"E
C4	189.00'	23°11'18"	38.78'	76.49'	75.97'	S21°47'31"W

CURVE DATA - CENTERLINE

CURVE #	RADIUS	ANGLE	TANGENT	LENGTH	CH DIST	CH BRG
C5	450.00'	9°59'17"	39.32'	78.45'	78.35'	S84°47'28"E
C6	50.00'	97°54'54"	57.43'	85.45'	75.42'	S40°49'40"E
C7	301.50'	7°59'06"	20.87'	41.67'	41.63'	S04°10'14"W

LEGAL DESCRIPTION

Meets and Bounds description of Lot 32, North Creek 7th Addition, located in the Southeast Quarter of Section 26, Township 11 North, Range 6 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Beginning at the Northwest corner of said Lot 32, said point being located on the Easterly 42.00' Right-of-Way line of Telluride Drive and on the Southerly 60.00' Right-of-Way line of Fletcher Avenue; thence in a Southwesterly direction on the Easterly 42.00' Right-of-Way line of Telluride Drive and on the Westerly line of said Lot 32 and on an assumed bearing of S 10°12'10" W, for a distance of 107.57';

Thence continuing Southwesterly on the Westerly line of said Lot 32 and on the Easterly Right-of-Way line of Telluride Drive and on a curve turning to the right with an arc length of 75.49', a radius of 186.00', a chord bearing of S 21°47'31" W, for a chord length of 75.97' to a point on the Northerly 30.00' Right-of-Way line of Telluride Circle;

Thence in a Southeasterly direction on the Southerly line of said Lot 32 and on the Northerly 30.00' Right-of-Way line of Telluride Circle and on a curve turning to the right with an arc length of 184.00', a radius of 480.00', a chord bearing of S 27°37'48" E, for a chord length of 182.87';

Thence continuing in a Southeasterly direction on the Southerly line of said Lot 32 and on the Northerly 30.00' Right-of-Way line of Telluride Circle and on a curve turning to the left with an arc length of 153.25', a radius of 120.00', a chord bearing of S 53°14'03" E, for a chord length of 143.07';

Thence S 89°47'19" E on the Southerly line of said Lot 32 and on the Northerly 30.00' Right-of-Way line of Telluride Circle, for a distance of 123.24';

Thence Northeasterly on the Southerly line of said Lot 32 and on the Northerly 30.00' Right-of-Way line of Telluride Circle and on a curve turning to the left with an arc length of 223.47', a radius of 170.00', a chord bearing of N 52°34'09" E, for a chord length of 207.72' to the Southeast corner of Lot 31, North Creek 7th Addition;

Thence N 81°53'56" W on the South line of said Lot 31, for a distance of 114.89' to the Southwest corner of said Lot 31;

Thence N 00°07'47" E on the West line of Lots 28 thru 31, North Creek 7th Addition, for a distance of 218.36' to the northwest corner of said Lot 28, said point also being located on the Westerly line of Outlot B, North Creek 1st Addition;

Thence N 81°09'24" W on a line common to said Outlot B, North Creek 1st Addition and said Lot 32, North Creek 7th Addition, for a distance of 56.07';

Thence N 00°19'24" E on a line common to said Outlot B, North Creek 1st Addition and said Lot 32, North Creek 7th Addition, for a distance of 53.94' to the Northwest corner of said Outlot B, North Creek 1st Addition, said point also being located on the Southerly 60.00' Right-of-Way line of Fletcher Avenue;

Thence N 89°47'07" W on the Southerly 60.00' Right-of-Way line of Fletcher Avenue and on the most Northerly line of said Lot 32, for a distance of 282.51' to the POINT OF BEGINNING and containing a calculated area of 149860 square feet or 3.44 acres, more or less.

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

SURVEYOR'S CERTIFICATE

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

Date Richard Kingman L.S. #695

WAIVERS

1. TO DESIGN STANDARD SECTION 3.3.1 (b) TO ALLOW THE CENTERLINE SEPARATION BETWEEN TELLURIDE CIRCLE AND KOKOMO DRIVE TO BE LESS THAN 150 FEET.
2. TO DESIGN STANDARD SECTION 3.3.2 (a) TO ALLOW THE CENTERLINE RADIUS OF KOKOMO DRIVE TO BE LESS THAN 150 FEET.
3. TO ZONING CODE 27.72.020(a) TO ADJUST THE MINIMUM LOT AREA OF 6,000 SQUARE FEET TO 2,200 SQUARE FEET.
4. TO ZONING CODE 27.72.020(a) TO ADJUST THE FRONT YARD SETBACK FROM 25 FEET TO 14 FEET TO ALL LOTS EXCEPT LOTS 16, 17 AND 24 THOSE SHALL BE 4 FEET TO KOKOMO DRIVE.
5. TO ZONING CODE 27.72.020(a) TO ADJUST THE AVERAGE LOT WIDTH FROM 60 FEET TO 28.52'
6. TO ZONING 26.23.140 TO ADJUST THE MINIMUM LOT DEPTH OF 90 FEET TO 72 FEET.

DENSITY CALCULATIONS

3.44 AC. X 13.09 (R-4) = 47.91 UNITS PERMITTED

28 UNITS SHOWN
19 UNASSIGNED UNITS

SHEET INDEX

SITE & UTILITY PLAN	1
PRE-DEVELOPMENT & POST-DEVELOPMENT DRAINAGE PLAN	2
PRELIMINARY GRADING & DRAINAGE PLAN	3

DEVELOPER:

TUCKER MOUNTAIN, LLC
C/O: ROGER FREDSTROM
6565 SOUTH STREET
LINCOLN, NE 68506

PROPERTY OWNER:

TUCKER MOUNTAIN, LLC
C/O: ROGER FREDSTROM
6565 SOUTH STREET
LINCOLN, NE 68506

ENGINEER:

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

SURVEYOR:

ALLIED SURVEYING & MAPPING
8536 EXECUTIVE WOODS DRIVE
SUITE 200
LINCOLN, NE 68512
PHONE: (402) 434-2686

Civil Design Group, Inc.
8535 EXECUTIVE WOODS DR., SUITE 200
LINCOLN, NEBRASKA 68512
Ph. 402-434-8494 Fax 402-315-8747
www.civildg.com

CIVIL ENGINEERS ▲ LAND USE PLANNERS
CIVIL DESIGN ▲ SITE DEVELOPMENT ▲ PLANNING AND ZONING

REVISIONS

NO.	DATE	DESCRIPTION

SITE & UTILITY PLAN

NORTH CREEK ADDITION
COMMUNITY UNIT PLAN #20008

LINCOLN, NEBRASKA

2020

drawn by: jda
checked by: -
approved by: jsb
project no.: 2019-0136
drawing no.: -
date: 09/03/2020

SHEET
1 OF 3

LEGAL DESCRIPTION

Meets and Bounds description of Lot 32, North Creek 7th Addition, located in the Southeast Quarter of Section 36, Township 11 North, Range 6 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Beginning at the Northwest corner of said Lot 32, said point being located on the Easterly 42.00' Right-of-Way line of Telluride Drive and on the Southerly 60.00' Right-of-Way line of Fletcher Avenue; thence in a Southwesterly direction on the Easterly 42.00' Right-of-Way line of Telluride Drive and on the Westerly line of said Lot 32 and on an assumed bearing of S 10°12'10" W, for a distance of 107.87';

Thence continuing Southwesterly on the Westerly line of said Lot 32 and on the Easterly Right-of-Way line of Telluride Drive and on a curve turning to the right with an arc length of 76.49', a radius of 189.00', a chord bearing of S 21°47'31" W, for a chord length of 75.97' to a point on the Northerly 30.00' Right-of-Way line of Telluride Circle;

Thence in a Southeasterly direction on the Southerly line of said Lot 32 and on the Northerly 30.00' Right-of-Way line of Telluride Circle and on a curve turning to the right with an arc length of 184.00', a radius of 480.00', a chord bearing of S 27°37'48" E, for a chord length of 182.87';

Thence continuing in a Southeasterly direction on the Southerly line of said Lot 32 and on the Northerly 30.00' Right-of-Way line of Telluride Circle and on a curve turning to the left with an arc length of 153.28', a radius of 120.00', a chord bearing of S 53°14'03" E, for a chord length of 143.07';

Thence S 89°47'19" E on the Southerly line of said Lot 32 and on the Northerly 30.00' Right-of-Way line of Telluride Circle, for a distance of 133.34';

Thence Northeasterly on the Southerly line of said Lot 32 and on the Northerly 30.00' Right-of-Way line of Telluride Circle and on a curve turning to the left with an arc length of 223.47', a radius of 170.00', a chord bearing of N 52°34'08" E, for a chord length of 207.72' to the Southeast corner of Lot 31, North Creek 7th Addition;

Thence N 81°53'55" W on the South line of said Lot 31, for a distance of 114.89' to the Southwest corner of said Lot 31;

Thence N 08°07'47" E on the West line of Lots 26 thru 31, North Creek 7th Addition, for a distance of 216.35' to the northwest corner of said Lot 26, said point also being located on the Westerly line of Outlot B, North Creek 1st Addition;

Thence N 81°09'24" W on a line common to said Outlot B, North Creek 1st Addition and said Lot 32, North Creek 7th Addition, for a distance of 86.07';

Thence N 00°19'24" E on a line common to said Outlot B, North Creek 1st Addition and said Lot 32, North Creek 7th Addition, for a distance of 53.94' to the Northwest corner of said Outlot B, North Creek 1st Addition, said point also being located on the Southerly 60.00' Right-of-Way line of Fletcher Avenue;

Thence N 89°47'07" W on the Southerly 60.00' Right-of-Way line of Fletcher Avenue and on the most Northerly line of said Lot 32, for a distance of 282.51' to the POINT OF BEGINNING and containing a calculated area of 149860 square feet or 3.44 acres, more or less.

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

Civil Design Group, Inc.

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

March 23, 2020

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

Re: A R-4 CUP for 3.44 acres of land located at Telluride Circle and Fletcher Avenue.

Dear Mr. Cary:

On behalf of Tucker Mountain, LLC we submit the enclosed application for North Creek Addition CUP on 3.44 acres of between Telluride Circle and Fletcher Avenue. This lot was shown as a church in the original CUP and is now proposed to be developed as seven 4-plex units. The R-4 density allows 47.91 units and we are proposing 28 units with 19 unassisgned units.

We have worked extensively with Planning and LTU staff to maximize the density of this in-fill project. To this we are requesting a series waivers related to the design of Kokomo Drive, the minimum lot area, the front yard setbacks, average lot width and mimum lot depts. When combined, these six waivers serve the goals of having Kokomo Drive provide supplment parking stalls, reducing the traffic load onto Telluride Circle and increasing overall pedestrian circulation in the CUP. Those specific waiver requests are as follows:

1. To Design Standards Section 3.3.1(b) to allow the intersection centerline separation between Kokomo Drive and Telluride Circle to be less than 150'.
2. To Design Standards Section 3.3.2(a) to allow a centerline street radius of less than 150' on a private roadway (Kokomo Drive).
3. To Zoning Code 27.72.020(a) to adjust the minimum lot area of 5,000 sq feet to 2,200 sq ft.
4. To Zoning Code 27.72.020(a) to adjust the front yard setback from 25' to 14' to all lots except Lots 16, 17 and 24, those lots shall be 4' to Kokomo Drive.
5. To Zoning Code 27.72.020(b) to adjust the average lot width from 50' to 25.5'
6. To Zoning Code 26.23.140 to adjust the minimum lots depth of 90' to 72'

With this application we submit the following items:

Application for a Special Permit
Special Permit review Fee $1,555.60
All plan sheets, uploaded via Project Dox

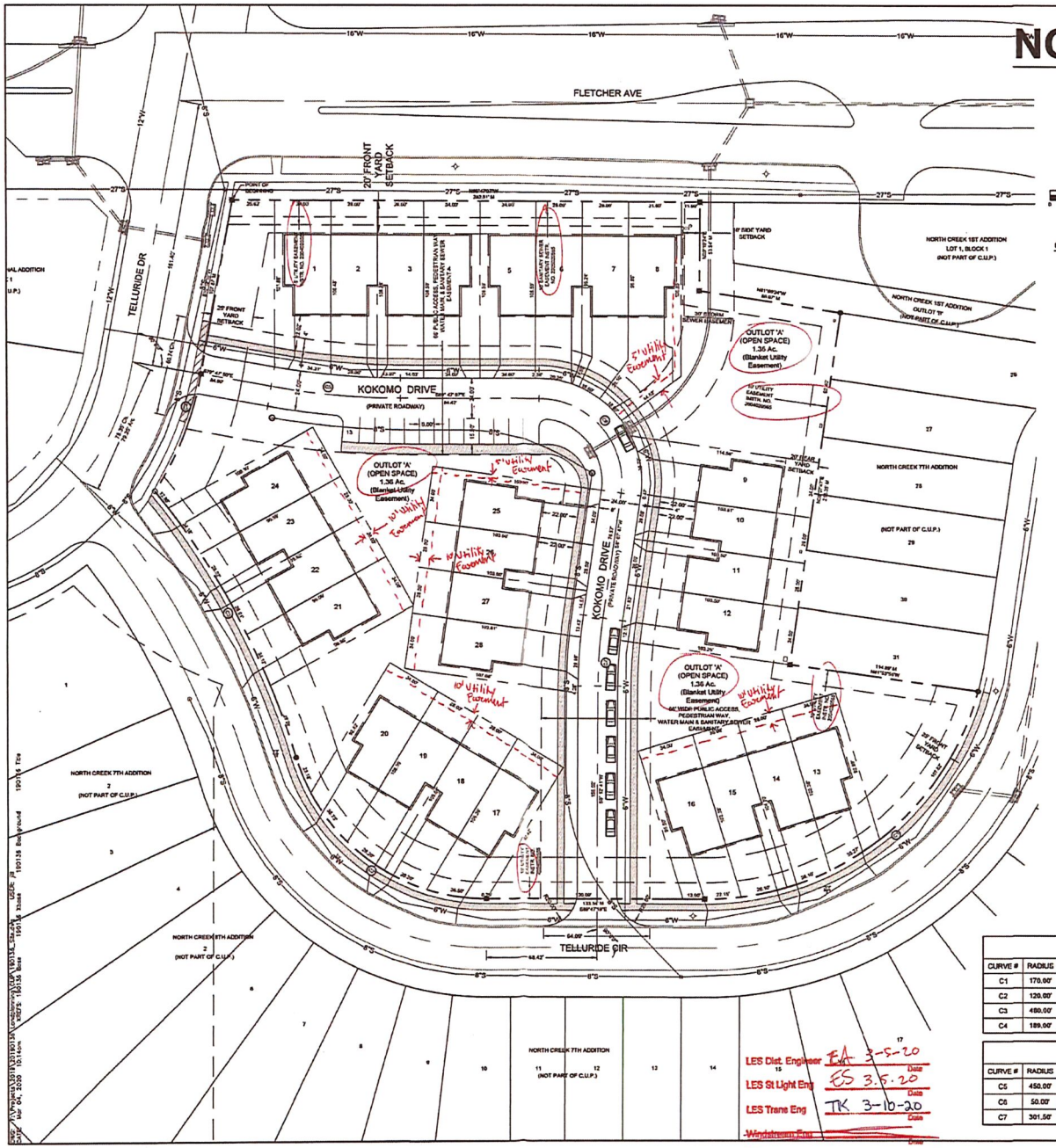
Contact us at 402.434.8494 • 8535 Executive Woods Dr., Suite 200 • Lincoln, NE 68512 • Fax 866.215.8747 • civildg.com

I hope that this letter in conjunction with the plans assists you in reviewing this application. 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: Tucker Mountain, LLC



NORTH CREEK ADDITION
C.U.P. #_____

SCALE: 1"=30'

GENERAL SITE NOTES

1. THIS SPECIAL PERMIT CONTAINS A TOTAL OF 28 DWELLING UNITS.
2. THE CURRENT ZONING IS R-4.
3. THE DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES.
4. PRIVATE ROADWAYS (KOKOMO DRIVE) SHALL BE 24 FEET IN WIDTH (BACK TO BACK OF CURB), UNLESS OTHERWISE SPECIFIED AND SHALL BE SURFACED WITH 6" OF PORTLAND CEMENT OR 6" OF PORTLAND CEMENT BASE AND 2½" OF ASPHALTIC CONCRETE SURFACE WITH ROLL-OVER CURB.
5. PUBLIC SIDEWALKS SHALL BE INSTALLED AS SHOWN ALONG TELLURIDE DRIVE AND KOKOMO DRIVE. SIDEWALKS SHALL BE 4 FEET IN WIDTH AND SHALL BE 4" THICK AND 6" THICK AT DRIVEWAY CROSSINGS.
6. ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
7. PUBLIC ACCESS EASEMENTS ARE HEREBY GRANTED OVER ALL PRIVATE ROADWAYS AND SIDEWALKS AS SHOWN.
8. IN ADDITION TO WHAT IS ALLOWED BY 27.71.110 UNENCLOSED DECKS MAY EXTEND MORE THAN THREE FEET ABOVE OR BELOW THE ADJACENT GROUND LEVEL AND MAY PROJECT IN TO A REAR YARD PROVIDED THIS PROJECTION BE AT LEAST 10 FEET FROM SAID REAR LOT LINE AND PROVIDED THE REAR LOT LINE ABUTS A LOT OR OUTLOT RESERVED FOR OPEN SPACE.
9. EXISTING TOPOGRAPHICAL CONTOURS ARE IN NORTH AMERICA VERTICAL DATUM (NAVD) 1988.
10. OUTLOT 'A' TO BE MAINTAINED BY THE DEVELOPER AND/OR FUTURE HOMEOWNERS ASSOCIATION.
11. "ATTACHED SINGLE FAMILY" LOTS SHALL HAVE A ZERO SETBACK ALONG THE COMMON WALL/PROPERTY LINE, AND 5-FOOT SIDE YARD SETBACK OPPOSITE THE COMMON WALL/PROPERTY LINE. THESE SETBACKS SHALL REGULATE STRUCTURAL WALLS ONLY AND SHALL NOT RESTRICT OVERHANGS, PATIOS, DECKS, DOOR SWINGS OR WINDOW SWINGS FROM ENCROACHING INTO THE SETBACKS. ENCROACHMENTS ARE NOT ALLOWED OVER PROPERTY LINES AND MUST CONFORM TO BUILDING AND LIFE SAFETY CODES.
12. LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY AT THE TIME OF FINAL PLAT.
13. THE PRINCIPAL STREET FACADE OF EACH DWELLING SHALL HAVE AT LEAST ONE DOOR. THE PRINCIPAL STREET FACADE OF EACH DWELLING SHALL ALSO HAVE A MINIMUM OF ONE WINDOW PER STORY ORIENTED TO THE STREET. IF THE DWELLING IS TWO STORIES IN HEIGHT, BOTH REQUIRED WINDOWS MAY BE LOCATED ON THE SECOND FLOOR. THE MINIMUM GLAZED AREA OF THE WINDOWS SHALL BE FIVE SQUARE FEET.

LEGEND

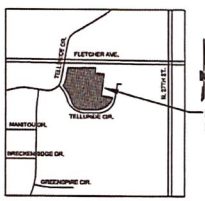
- C.U.P. BOUNDARY
- PROPOSED LOT LINE
- PROPOSED STREET CENTERLINE
- PROPOSED BUILDING ENVELOPE
- PROPOSED EASEMENTS
- W — EXISTING WATER MAIN
- S — EXISTING SAN. SEWER
- W — PROPOSED WATER MAIN
- S — PROPOSED SANITARY SEWER
- PROPOSED FIRE HYDRANT
- PROPOSED SANITARY MANHOLE

CURVE DATA - BOUNDARY

CURVE #	RADIUS	ANGLE	TANGENT	LENGTH	CH DIST	CH BRG
C1	170.00'	75°19'01"	131.19'	223.47'	207.72'	N52°34'08"E
C2	120.00'	73°11'04"	89.09'	153.28'	143.07'	S63°14'03"E
C3	480.00'	21°57'47"	93.14'	184.00'	182.87'	S27°37'46"E
C4	189.00'	23°11'18"	38.78'	76.49'	75.97'	S21°47'31"W

CURVE DATA - CENTERLINE

CURVE #	RADIUS	ANGLE	TANGENT	LENGTH	CH DIST	CH BRG
C5	450.00'	9°59'17"	39.32'	78.45'	78.35'	S84°47'28"E
C6	50.00'	97°54'54"	57.43'	85.45'	75.42'	S40°49'40"E
C7	301.50'	7°55'06"	20.87'	41.67'	41.63'	S04°10'14"W



VICINITY MAP
NO SCALE

LEGAL DESCRIPTION

Metes and Bounds description of Lot 32, North Creek 7th Addition, located in the Southeast Quarter of Section 26, Township 11 North, Range 6 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Beginning at the Northwest corner of said Lot 32, said point being located on the Easterly 42.00' Right-of-Way line of Telluride Drive and on the Southerly 60.00' Right-of-Way line of Fletcher Avenue; thence in a Southeasterly direction on the Easterly 42.00' Right-of-Way line of Telluride Drive and on the Westerly line of said Lot 32 and on an assumed bearing of S 16°12'10" W, for a distance of 107.67';

Thence continuing Southeasterly on the Westerly line of said Lot 32 and on the Easterly Right-of-Way line of Telluride Drive and on a curve turning to the right with an arc length of 76.49', a radius of 186.00', a chord bearing of S 21°47'31" W, for a chord length of 75.97' to a point on the Northerly 30.00' Right-of-Way line of Telluride Circle;

Thence in a Southeasterly direction on the Southerly line of said Lot 32 and on the Northerly 30.00' Right-of-Way line of Telluride Circle and on a curve turning to the left with an arc length of 223.47', a radius of 480.00', a chord bearing of S 27°37'46" E, for a chord length of 182.87';

Thence continuing in a Southeasterly direction on the Southerly line of said Lot 32 and on the Northerly 30.00' Right-of-Way line of Telluride Circle and on a curve turning to the left with an arc length of 153.28', a radius of 120.00', a chord bearing of S 63°14'03" E, for a chord length of 143.07';

Thence S 89°47'15" E on the Southerly line of said Lot 32 and on the Northerly 30.00' Right-of-Way line of Telluride Circle, for a distance of 133.34';

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

SURVEYOR'S CERTIFICATE

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

Date Richard Kingman L.S. #586

WAIVERS

1. TO DESIGN STANDARD SECTION 3.3.1 (b) TO ALLOW THE CENTERLINE SEPARATION BETWEEN TELLURIDE CIRCLE AND KOKOMO DRIVE TO BE LESS THAN 150 FEET.
2. TO DESIGN STANDARD SECTION 3.3.3 (a) TO ALLOW THE CENTERLINE RADIUS OF KOKOMO DRIVE TO BE LESS THAN 150 FEET.

DENSITY CALCULATIONS

3.44 AC. X 13.03 (R-4) = 47.91 UNITS PERMITTED
28 UNITS SHOWN
19 UNASSIGNED UNITS

SHEET INDEX

SITE & UTILITY PLAN 1
PRE-DEVELOPMENT & POST-DEVELOPMENT DRAINAGE PLAN 2
PRELIMINARY GRADING & DRAINAGE PLAN 3

DEVELOPER:
TUCKER MOUNTAIN, LLC
C/O: ROGER FREDSTROM
5565 SOUTH STREET
LINCOLN, NE 68506

PROPERTY OWNER:
TUCKER MOUNTAIN, LLC
C/O: ROGER FREDSTROM
5565 SOUTH STREET
LINCOLN, NE 68506

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

SURVEYOR:
ALLIED SURVEYING & MAPPING
8535 EXECUTIVE WOODS DRIVE
SUITE 200
LINCOLN, NE 68512
PHONE: (402) 434-2686

LES Dist. Engineer EA 3-5-20 Date
LES St Light Engr ES 3.5.20 Date
LES Trane Eng TK 3-10-20 Date
Windstream Date
Other
LES Land Mgmt SLS - 3-11-2020 Date

Civil Design Group, Inc.
8535 EXECUTIVE WOODS DR., SUITE 200
LINCOLN, NEBRASKA 68512
Ph: 402-434-8494 Fax 402-315-5747
www.civildg.com
CONSULTING ENGINEERS • LAND USE PLANNERS
CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING

REVISIONS

NO.	DATE	DESCRIPTION

SITE & UTILITY PLAN

NORTH CREEK ADDITION
COMMUNITY UNIT PLAN #_____

LINCOLN, NEBRASKA

2020

drawn by: pjs
checked by: -
approved by: jdc
project no.: 2019-0126
drawing no.: -
date: 03/03/2020

SHEET
1 OF 3

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

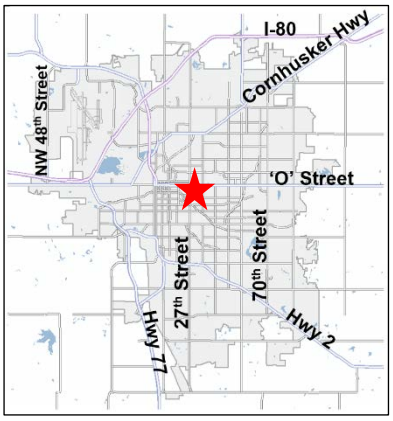
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Special Permit 20005 Connecting Links Transitional Living with Programming	Yes	Tom & Tina Arsiaga
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
March 18, 2020	None	420 S. 28th Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a special permit for an alternative to imprisonment facility on the east side of S. 28th Street just south of L Street. The proposal is for up to 6 women to reside in an existing residence. The women are being released from state prisons or county jails under post release supervision provided by 1-2 staff at a time. The intent is to provide transitional housing for up to 3 months so the women can reintegrate into society.



JUSTIFICATION FOR RECOMMENDATION

The proposal for an alternative to imprisonment facility with up to 6 persons is appropriate for this location. The external land use effects are not any more significant than those of a duplex. The existing house will retain its appearance and can be converted back to a single family residence if the use would discontinue.

APPLICATION CONTACT
Tina Arsiaga, (402) 310-3816 or tarsiaga@icloud.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposal, subject to conditions of approval is compatible with the Comprehensive Plan which notes diversity of land uses including commercial and special needs housing and safe residential dwelling for all citizens, as it represents an alternative group living use.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.9 – The 2040 Lincoln Area Future Land Use Plan identifies the property as urban density residential.

P. 7.2 – Diversity of land uses, including commercial and special needs housing, is important provided the use fits within the character of the block and neighborhood.

p. 7.2 - Make available a safe residential dwelling for all citizens.

ANALYSIS

1. LINCOLN MUNICIPAL CODE (LMC) 27.63.750 provides that an alternative to imprisonment facility may be allowed upon approval of a special permit in the AGR and R-1 through R-8 residential zoning districts. The property in question is zoned R-2 Residential and is located in a residential neighborhood west of Woods Park on S. 28th Street south of L Street.

2. Chapter 27.02 Definitions includes a specific definition for alternative to imprisonment facility: "Alternative to imprisonment facility shall mean a facility in which more than three but less than sixteen persons who are unrelated by blood, marriage, or adoption reside under a supervised program of alternatives to imprisonment including, but not limited to, pre-release, work-release, and probationary programs. Such facilities shall be licensed or approved by the State of Nebraska or other appropriate agency if so required".

3. Text Amendment 04062 approved by City Council in May, 2005 made several changes to the Lincoln Municipal Code Title 27 Zoning and Title 1 General Provisions related to group living. As part of these text changes, new special permits were added including one for alternative to imprisonment facilities in residential districts. This permit did not include any specific conditions, however, it was noted that the Planning Commission will act pursuant to their authority to impose such conditions as are appropriate and necessary to ensure compliance with the Comprehensive Plan and protect the health, safety and general welfare. Prior to this amendment alternative to imprisonment was under the definition for group home and was allowed as a conditional use. It was noted at that time for Text Amendment 04062 that a lot of the changes moved the categories around to make the regulations more in compliance with Federal Law as it pertains to persons with disabilities.

4. The 2005 text amendment for group living was done due to concern about litigation with respect to the definition of group home and persons with disabilities. Children's Home and Alternative to Imprisonment Facilities were two specific uses established and permitted by Special Permit as part of the text amendment. It should be noted that since the text amendment ordinance was adopted in 2005 there have been no applications submitted for either of these Special Permit uses. SP20005 is the first Special Permit application for Alternative to Imprisonment Facilities.

5. The applicant proposal is for up to 6 women maximum within the existing residence. Previously the applicant had proposed 8 women. One to two employees will be staffed at one time during the day/night with one staff person on the premises from 7am-11pm.

6. The women that will reside at the facility are being released from state prisons or county jails. They are currently on post release supervision or probation. The purpose of the facility is to provide housing for women in a sober and safe environment where they can succeed with reintegration into society. The proposed facility would house the women from 1 to 3 months.

7. According to the applicant's information, Nebraska State Probation has identified a lack of access to transitional housing and funding for appropriate residential reentry options. Referrals come from Probation Officers and Navigation Officers who have been trained and are activity making referrals to transitional living facilities. The applicant notes that the transitional living does not have to be licensed by the State. The applicant provided documentation that notes the facility does not need a license for a halfway house. However, there would be regular reporting to Nebraska State Probation.

8. In this case, while the use is not a group home, in terms of potential external land use effects, it is similar. Like a

group home, there will be persons living on the property. There will also be employees or service providers. The number of persons that may reside on the premises is also similar to group homes (more than three but less than sixteen persons) though in this case the limitation would be six persons. This number of persons as additional land use comparison would be similar to a duplex where there are two dwelling units and up to three unrelated persons living in each unit for a total of six unrelated persons.

9. LMC 27.67 Parking does not provide a specific standard for alternative to imprisonment facilities. However, parking is one aspect that may be reviewed as part of the general Special Permit review noted above. There is an existing detached garage in the rear of the property with two parking spaces. As part of this permit, the applicant proposes to add two additional spaces for a total of four parking spaces. In addition, while it is not required additional stacking space is provided to allow additional room for parking. Given the number of proposed residents (up to 6) and the number of staff (1-2) this is an appropriate amount of parking. By comparison, group homes are required one space per three client or employee residents, plus two spaces per three nonresident employees on the largest shift. In other words, group homes do not have to provide parking on a 1:1 basis but rather a percentage of the total persons living and coming to the property. Access for all these parking spaces will be from the alley in the back of the property.

10. The proposed location for the facility is in an urban residential neighborhood with nearby services that are within walking distance. Nearby StarTran bus routes includes Route 53 along Randolph Street and Route 44 along O Street. The applicant notes in the application letter that most of the women will utilize bus passes given by probation.

11. As a condition of approval, change in layout of the floor plan and exterior will require an administrative amendment and review by the Historic Preservation as the property is located in a historic landmark district. This condition is so the house will look the same and will not look on the outside as institutional. This review is beyond the typical requirement of a local landmark district, but is being required to make sure the Special Permit is compatible with the neighborhood. The inside will remain the same as per the layout, and if the use discontinues the structure could be converted back to a single family use. The residence has three floors. The first floor will including living, dining, and kitchen spaces with bedrooms on the second and third levels.

12 As a condition of approval, any lighting on the property shall meet Design Standards for Zoning Regulations for Outdoor Lighting. These standards require that all lighting shall meet luminaire, shielding, placement and aiming to minimize light trespass and glare. Specific provisions include that no more than 2.0 foot-candles is measured on a vertical plane located at the property line of the adjacent property. This pertains to outdoor lamps that exceed 4050 lumens. In addition, it is a condition of approval that the applicant submit a lighting plan that conforms to the Design Standards for Outdoor Lighting prior to receiving a building permit.

13. The applicant presented at the February 11, 2020 meeting of the Woods Park Neighborhood Association. There were approximately 30 persons in attendance at this meeting.

14. The proposal with conditions is consistent with the Comprehensive Plan which includes diversity of land uses, including commercial and special needs housing, and safe residential dwelling for all citizens.

15. Additional information provided by the applicant is available on line at https://www.lincoln.ne.gov/aspx/city/pats/ by typing in the Application Number (SP20005). This additional information includes a Client Handbook and Program outline.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & EXISTING ZONING: Single Family Home & R-2 Residential District

SURROUNDING LAND USE & ZONING

North:	Single Family Residential	R-2 Residential District
South:	Single Family Residential	R-2 Residential District
East:	Single Family Residential	R-2 Residential District

West: Single Family, Two Family Residential R-2 Residential District

APPROXIMATE LAND AREA: 0.16 acres

LEGAL DESCRIPTION:
Lot 22, Block 2, Elm Park, located in the NW 1/4 of Section 30-10-7, Lincoln, Lancaster County, Nebraska.

Prepared by

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

Date: March 5, 2020

Owner:	Tom & Tina Arsiaga 420 S. 28th Street Lincoln, NE 68510 (402) 310-3816 dutter.emily@gmail.com	Applicant/ Contact:	Tina Arsiaga 6111 Rolling Hills Blvd Lincoln, NE 68572 (402) 310-3816 tarsiaga@icloud.com

F:\DevReview\SP\20000\SP20005 Connecting Links Transitional Living.gjw.docx

CONDITIONS OF APPROVAL – SPECIAL PERMIT 20005

Per Section 27.63.750 this approval permits an alternative to imprisonment facility with up to 6 persons.

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 Sheet A1.1 shall be retained as part of the site plan with a note added to the main site plan sheet requiring that any changes to the internal layout as a single-family home or to the exterior appearance of the house visible from S. 28th Street cannot be carried out unless reviewed by the Historic Preservation Commission and approved by Administrative Amendment.

    1.2 Add note to site plan that any lighting on the property shall meet Chapter 3.100 Design Standards for Outdoor Lighting.

    1.3 Add Special Permit 20005 to the title block.

    1.4 Provide parking table information that lists existing and proposed parking of 4 spaces.

    1.5 Show new parking in conformance with minimum 5' side yard setback.

    1.6 Show front yard, side yard and rear yard setbacks on the site plan.

2. Before receiving building permits provide the following documents to the Planning Department:

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

    2.2 Submit a lighting plan that conforms to the Design Standards for Outdoor Lighting.

Standard Conditions:

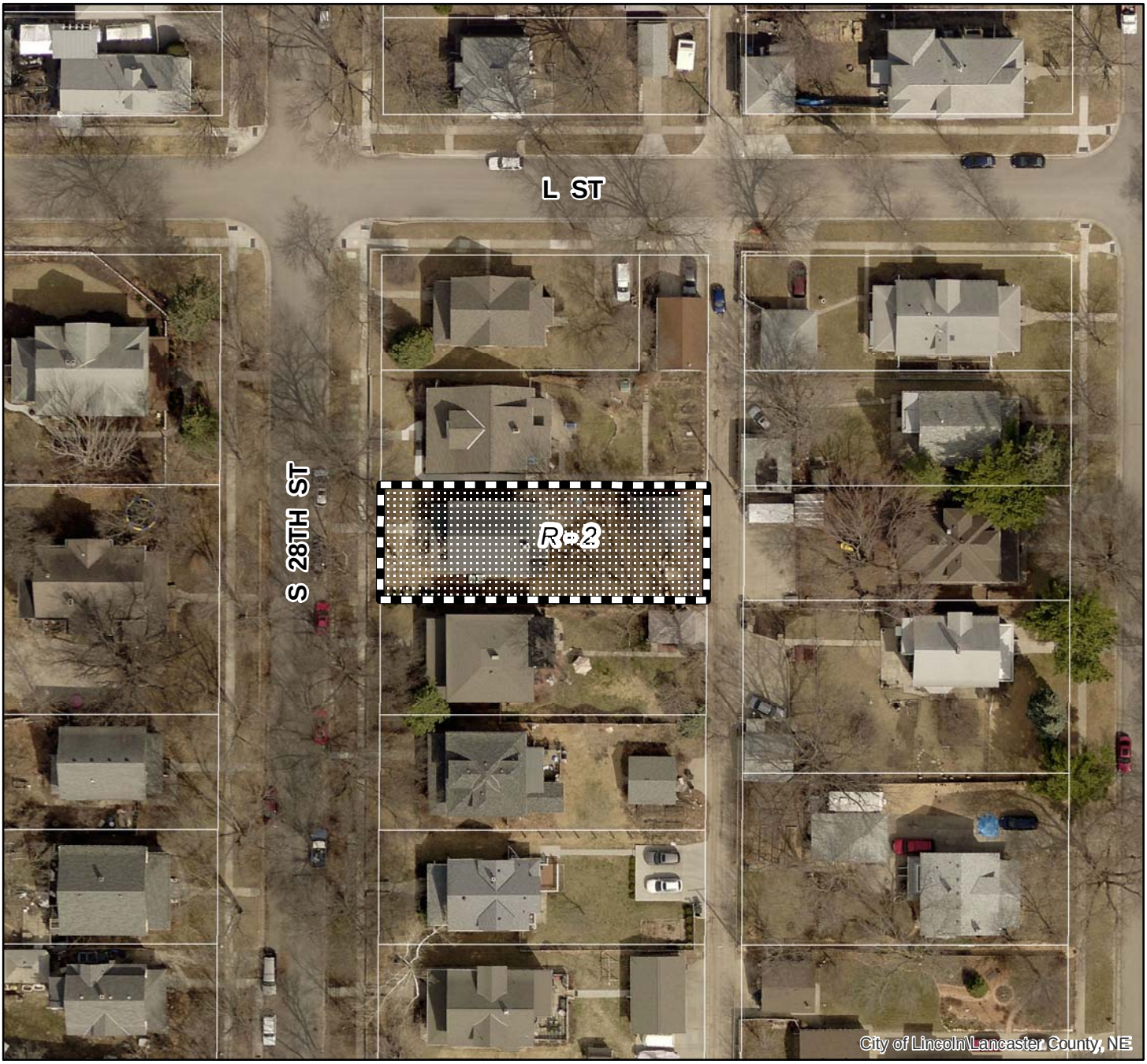
3. The following conditions are applicable to all requests:

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

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

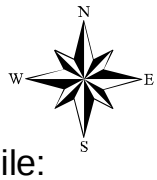
    3.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

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

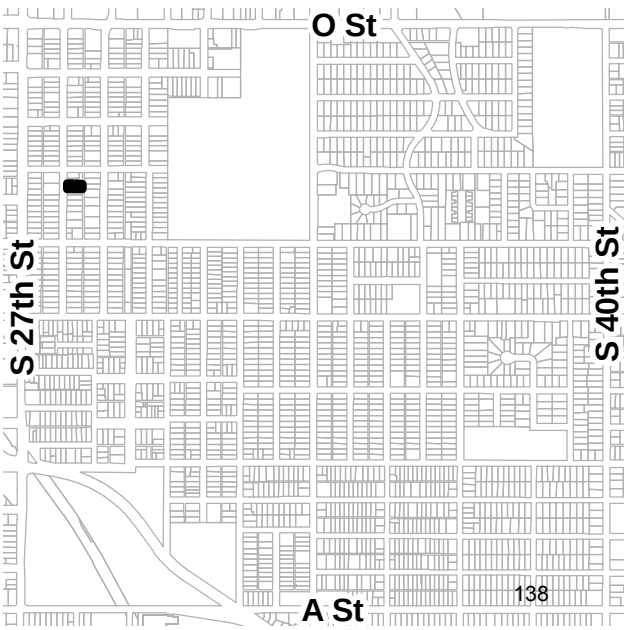


2018 aerial

Special Permit #: SP20005
S 28th St & L St

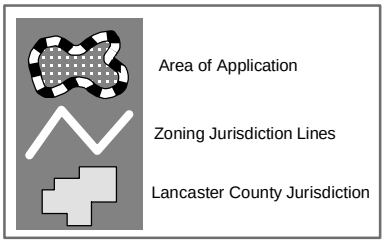


One Square Mile:
Sec.30 T10N R07E



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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File: F:\DevReview\PlannerPacket\MXD\Agendadrawings.mxd (SP20005)

Connecting Links
Residence

Vicinity Plan
North

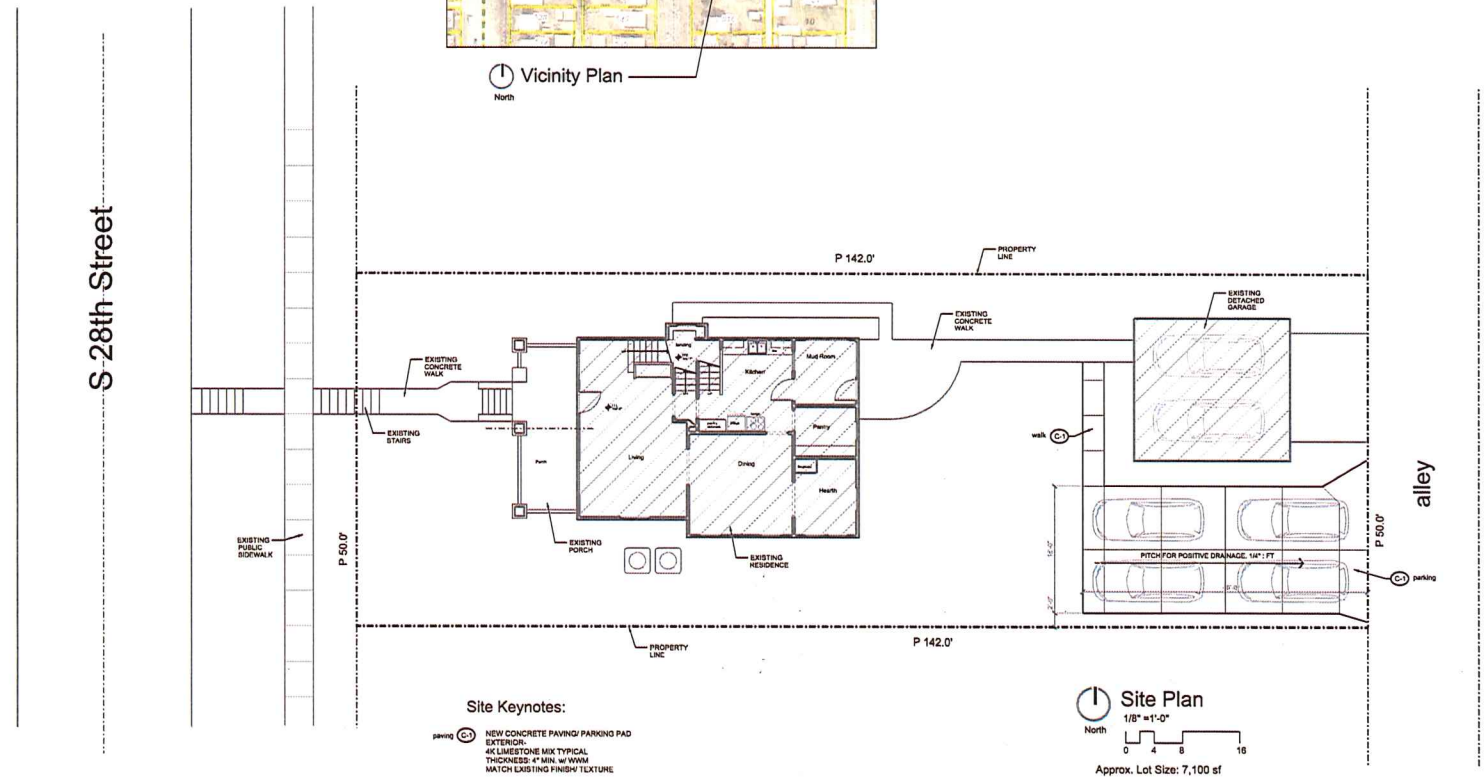
Drawing Index:

G1.1 Cover Sheet, Site Plan
A1.1 Floor Plans

PEACE STUDIO ARCHITECTS

Architect
Peace Studio Architects, Inc.
1835 Kings Hwy, Suite B
Lincoln, NE 68502
402. 217. 1830
www.peacestudioarch.com

Zoning: R2
Year Built: 1920



Site Keynotes:

paving C-1 NEW CONCRETE PAVING/ PARKING PAD
EXTERIOR-
4K LIMESTONE MIX TYPICAL
THICKNESS: 4" MIN. w/ WWM
MATCH EXISTING FINISH/ TEXTURE

Site Plan
North
1/8" =1'-0"
0 4 8 16

Approx. Lot Size: 7,100 sf

Connecting Links Residence
Renovations
420 S 28th Street
Lincoln, NE

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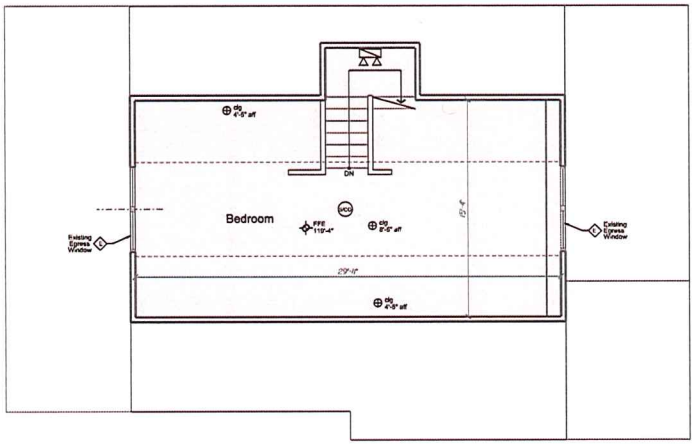
Existing Conditions
See Drawings for proposed minor modifications

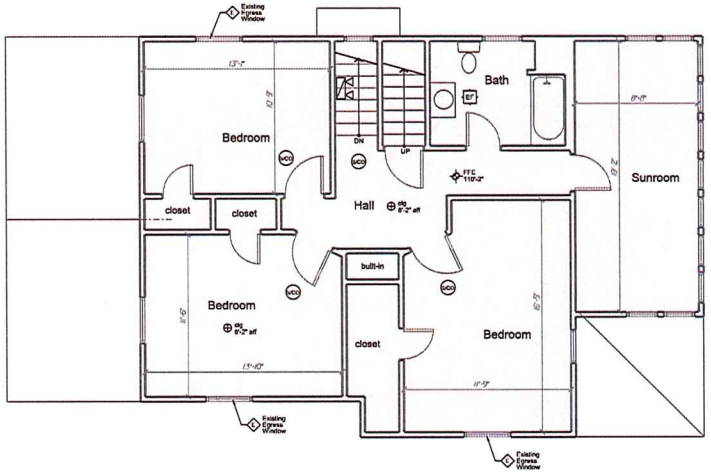
Job Number: 20007.ars
Date: 4 February 2020

G1.1



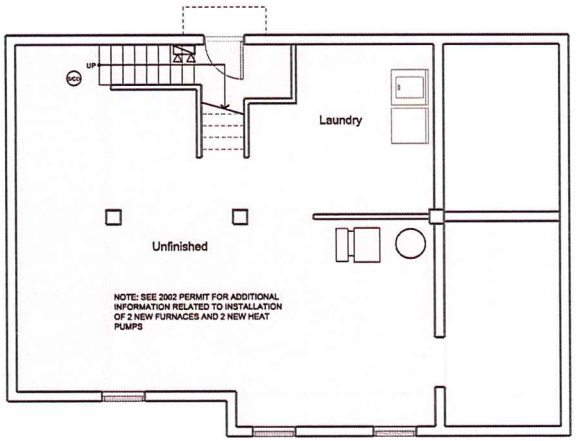
Third Floor Plan
1/4" =1'-0"
Plan North
0 2 4 8

Approximate Useable Floor Area: 450 sf

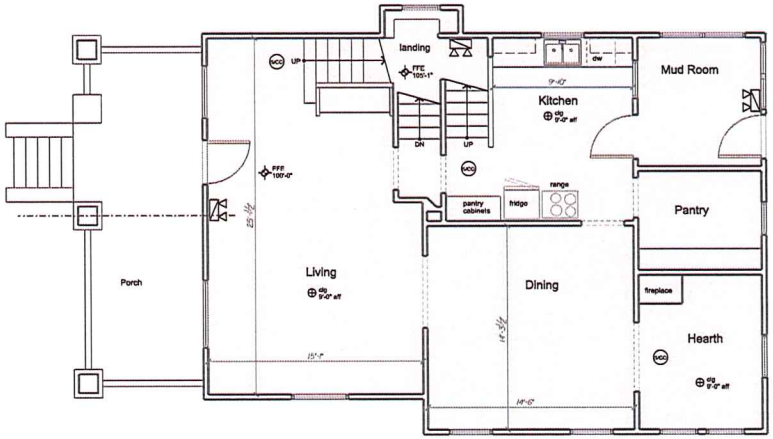


Second Floor Plan
1/4" =1'-0"
Plan North
0 2 4 8

Approximate Useable Floor Area: 920 sf



Lower Level Plan
1/4" =1'-0"
Plan North
0 2 4 8



First Floor Plan
1/4" =1'-0"
Plan North
0 2 4 8

Approximate Useable Floor Area: 1,050 sf

PEACE STUDIO ARCHITECTS

Architect
Peace Studio Architects, Inc.
1835 Kings Hwy, Suite B
Lincoln, NE 68502
402. 217. 1830
www.peacestudioarch.com

Drawing Symbols

PROVIDE:

EF — EXHAUST FAN- FLUSH CEILING INSTALLATION DUCTED DIRECTLY TO THE EXTERIOR. WHERE INDICATED ON THE DRAWINGS

S — COMBINATION CARBON MONOXIDE/ SMOKE DETECTOR, HARD-WIRED SMOKE DETECTOR AT ALL BEDROOMS, EACH STAIR LANDING, AS REQUIRED BY CODE AND WHERE INDICATED ON THE DRAWINGS.

HARD WIRED EMERGENCY LIGHT W/ BATTERY BACK-UP

Connecting Links Residence

Renovations

420 S 28th Street
Lincoln, NE

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Existing Conditions
See Drawings for proposed minor modifications

Job Number: 20007.ars
Date: 4 February 2020

A1.1

Planning Committee

Re: Connecting Links Transitional Living with Programming

To be considered as zoned Alternatives to Imprisonment

Application to be Special Permitted

Site Plan by Architect – Gill Peace

Floor Plan by Architect –Gill Peace

Special Packet further explaining the details of the Transitional Living Program

Date: 02/02/2020

Program Plan Purpose: To provide structured, sober, safe living environment for women that offers peer support as women continue to work towards their recovery efforts.

For women specifically discharged from Post Release Legislative Bill (LB) 605&1094 (Expands the use of probation in lieu of incarceration.)

Nebraska Revised Statue 28-105 (New Felony offense classification requiring post release supervision)

Nebraska's Revised Statute 29-2260 (Cases requirement a determinate sentence of post release supervision.)

Nebraska Supreme Court Rule 6-1904 (Rules of post release supervision)

Since the passage of LB605 in August 2015, Nebraska probation has been entrusted with the responsibility of supervising clients within the community who have been released from the Nebraska Department of Correctional Services or local county jails under a term of Post Release Supervision. Presently, Nebraska Probation has identified a lack of access to transitional housing and funding for appropriate residential reentry options.

Service Description: To Provide Housing for women in a sober and safe environment where they can succeed with re-integration into society. This is specific to women who are transitioning from an incarcerated state (structured environment) to a sober living environment for the purpose of providing these women an environment that is safe, sober and structured. This type of sober environment will allow women to establish themselves as a part of the reintegration process to the community as they continue to work towards self-sustainment and continued recovery efforts. To ensure the stabilization within the community which encompasses the holistic picture of all entities; treatment providers, probation officers, the housing unit, work environment all working together collaboratively to ensure that efforts are concentrated on the stabilization of the women back to the community sober. As a part of this reintegration back to their community sober it will be expected they find full time employment, schooling, treatment, probationary requirements to regain their independence such as paying bills, budgeting, checking accounts, abiding by the house rules, child rearing, education with drugs and alcohol/relapse prevention, etc each week requirements with house programming.

Transitional Living is to increase successes for probation, post release, and problem solving court individuals while also reducing recidivism. Transitional Living provides Short Term, stable housing for

individuals at high risk to reoffend while increasing community safety. The program places probationers, post release and problem solving court individuals in supportive, environment enabling them to concentrate on treatment and or employment, reintegrating into the community and ultimately becomes self-sufficient. Simultaneously, this provides a greater ability to know the whereabouts of individuals under court ordered supervision.

Transitional Living Facility offers in house programming. Supportive, temporary housing while includes; (employment, financial, management) to facilitate the transition to independent living. Housing is short term from 1 to 3 months.

Referrals come from Probation Officers and Navigation Officers who have been trained and are actively making referrals to Transitional Living Facilities already having an impact on probationers with unsupportive housing.

Target Population:

Women who are being release from state prisons or county jails. These post release Supervision (PRS) clients expecting significant obstacles upon their release, specifically a lack of housing or sober living options.

Assessed at high risk to reoffend

Cannot immediately afford to pay services on their own

Must have unsupportive housing upon release from jail or person

Or must be in need of therapeutic housing for support.

Discharging from jail or prison to post release supervision

Currently on post release supervision

Currently on probation or under problem solving court supervision

1-2 workers staffed at one time during the day/night hours at most.

2 stall garage in the back and 2-3 parking slabs will be added south of the already existing double stall garage giving the house 4-5 parking places behind the house (See Site Plan for extra parking stall provisions); however 2 out of the 8 women will have vehicles as most women will utilize bus passes for transport given by probation.

This transitional living is

Also, the transitional living does not have to be licensed by the state. Please see email in the packet given by Mark Luger; Program Manager II- Public Health (Contact Number 402-471-4975) stating that this facility does not need a license for the halfway house. Please see the regulations below:

http://www.nebraska.gov/rules-and-regs/regsearch/Rules/Health and Human Services System/Title-175/Chapter-19.pdf

and

http://www.nebraska.gov/rules-and-regs/regsearch/Rules/Health and Human Services System/Title-175/Chapter-18.pdf

Also, I am currently scheduled to attend the Woods Neighborhood Association Meeting on February, 11, 2020 at 7pm. I will be there to further explain the program to the neighborhood Association and any neighbors who have questions and want to know more about this program and the population it is serving. I also plan to find out the neighbors within 200 feet in all directions from the parcel to connect with and see if they would like a meeting at a local library to talk further about the program and questions.

Thank You for time looking over this program plan. Please let me know what I need to add or take out to make this a better program proposal.

Sincerely,

Tina Arsiaga; M.A., LMHP 402-310-3816

Tina Arsiaga, MA LMHP

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

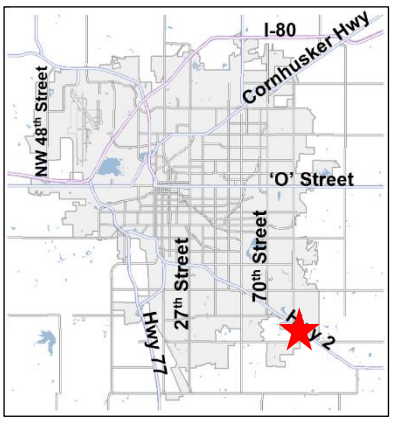
APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Administrative Amendment #20007	Yes	FAA Properties, LLC
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
March 20, 2020	None	Southeast of the intersection of Highway 2 and South 84th Street

RECOMMENDATION: DENIAL OF AA#20007

BRIEF SUMMARY OF REQUEST

This is an appeal of an administrative amendment denied by the Planning Director on February 21, 2020. The administrative amendment was submitted to revise the land use/trip generation table contained on the site plan for Use Permit #150B. The applicant disputed information contained in the table and the amendment was submitted to revise it.

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



JUSTIFICATION FOR RECOMMENDATION

The developer of the Appian Way Phase II Shopping Center submitted Use Permit #150C and Special Permit #2046B where the land use/trip generation table was found. The amendments were submitted to delete the table entirely from the permits because it proved an impediment to development and no longer served a purpose. The amendments to both permits were approved by the Planning Commission on March 4, 2020, and the decision was not appealed to the City Council. With the approval now effective, the table no longer exists on the permits, therefore this appeal the revise the table is moot.

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 #20007 is being forwarded to the Planning Commission as the result of an appeal from David Fiala. AA#20007 was submitted by Mr. Fiala to change the land use/trip generation table for Use Permit #150 (covers the area zoned B-5), and also Special Permit #2046 (covers the H-4 area). 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 is attached to this report.
2. AA#20007 was denied by the Planning Director for two reasons. First, it sought to change the land use and trip generation rates on properties not owned by the applicant. Typically, administrative approvals require the acknowledgement of the owners affected and not just the applicant. In this case, it seemed highly unlikely that Mr. Fiala would be able to get the permission from eight other owners to modify the table. Second, the center's developer had submitted applications seeking to amend the permits to delete the table, an action supported by the City.
3. Recall the applicant also appealed Administrative Amendment #19070 originally approved on December 19, 2019. That amendment which was submitted by Barry Fowler of Gotcha Covered 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. Mr. Fiala appealed the amendment to both the Planning Commission and the City Council, where both bodies subsequently approved the administrative amendment consistent with the Planning Director's original approval.
4. In recognition of the fact that the land use/trip table had outlived its useful life and now served as an impediment to development, the center's original developer, Eiger Corp., applied for amendments to both Use Permit #150 and Special Permit #2046. The amendments were submitted to delete the land use/trip generation table from the permits altogether. Those amendments required Planning Commission action, and after a public hearing on March 4, 2020, the Commission voted to approve the amendments deleting the table from both permits.
5. The Planning Commission's approval was not appealed to the City Council, and so now is effective. As a result, the land use table is no longer a part of the use permit or special permit and therefore the table cannot be amended. The deletion of the table makes this appeal moot. For this reason this appeal should be denied and the Planning Director's decision affirmed.
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 action is voided. Once referred to the Planning Commission on appeal, it is up to the Commission to act on the request.

Prepared by

_____
Brian Will
March 20, 2020

Applicant/
Owner/
Contact: David Fiala
FAA Properties, LLC
PO Box 83821
Lincoln, NE 68501
402-434-2170
fiala@futuresone.com

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2018 aerial

Administrative Amendments #: AA20007
APPIAN WAY REGIONAL CENTER PHASE II
S 84th St & Hwy 2

Zoning:

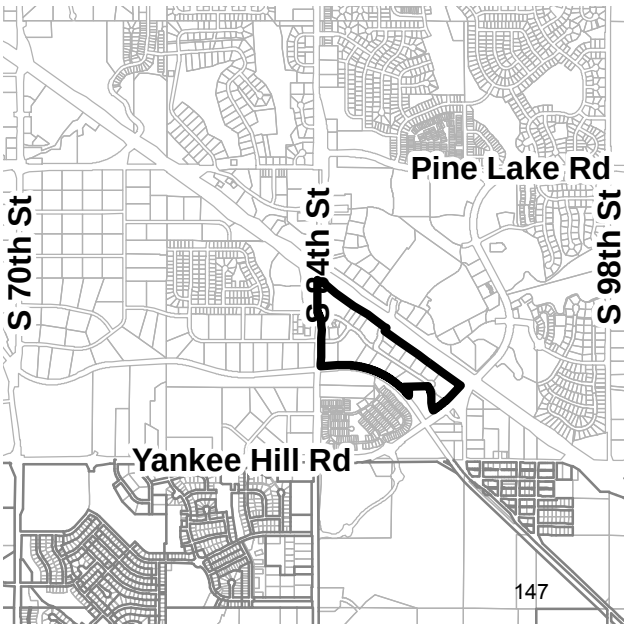
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	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

Two Square Miles:
Sec.22 T09N R07E
Sec.23 T09N R07E

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



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F.A.A. Properties LLC

March 6, 2020

Mr. David Cary / Geri Rorabaugh
Planning Department, City of Lincoln (to be shared with the City Council)
555 S. 10th Street #213
Lincoln, NE 68508

RE: Appeal of the *partial, yet full* denial of Administrative Amendment by the City of Lincoln Planning Department, and Notice of the believed **Unauthorized status of activity by DeNay Kalkowski / Eiger Corp** for – Appian Way Regional Center Phase II, stating that since approximately Feb 28th, 2008 the development is governed by an owner-member Nebraska Nonprofit: Prairie Lake Plaza South Business Association Inc., which has authority to remove tables upon an 80% vote of the members.

Please accept this notice of appeal of the Planning Department improper denial of Administrative Amendment #20007 to Use Permit #150B. The amendment is simply correcting wrong ITE 6th Edition P.M. Peak Hour data from the ITE publication, along with a few corrections on the calculated square footage of the existing uses or correct represented improvements on a few of the lots in this small nonprofit association development. City Planning has expressed knowledge these miss statements have had a financial impact on property owners of property in Lincoln, therefore no vested interest of the city should be to deny corrections on represented incorrect ITE data, or improvements on property/lots,

No actual use changes were a part of the amendment #20007. It is only a corrective amendment due to discovered fraud upon audit to harm property owners in Lincoln. The fraud, in addition to the fraud itself, was due to individuals representing Eiger Corp, representing the information in the calculations in the trip table came from the City of Lincoln. This has not been supported. The City of Lincoln Planning Department has made it clear via Brian Will and Steve Henrichsen of the City Planning Department that they did not even have the 6th Edition ITE book to verify, or did they verify, the information provided by Eiger representatives to the City of Lincoln on the uses and ITE, Institute of Transportation Engineers, published data, or verify the actual improvements on the property.

Other than some clerical nonmaterial numbers, no disagreement with the actual ITE 6th edition pages that contain the data, has been brought forward to dispute amendment #20007, which included notice to owners in the development/Association. Therefore, City Planning has no basis to deny the amendment, nor the people of the City of Lincoln have a vested interest in the fraud, embezzlement and extortion to continue to encourage the unlawfully appearing activity. Notice of this appeal can again be provided to property owners that can bring forward any believed ITE pages for P.M. Peak Hour trips, or improvements on their property if they believe the amendment does not accurately reflect the improvements. These can be brought at the appeal hearing.

Any questions: 402 434 2170 office, 402 304 0200 cell, or fiala@futuresone.com

David Fiala, for F.A.A. Properties LLC

Attached: Copy of February 25th, 2020 mailed response to Ad. Amend. #20007 to Use Permit #150B

CITY OF LINCOLN NEBRASKA

LAW DEPARTMENT
555 South 10th Street, Suite 300, Lincoln, NE 68508
402-441-7281 lincoln.ne.gov
Jeffery R. Kirkpatrick, City Attorney Christopher J. Connolly, Chief Assistant
Jessica A. Kerkhofs, Chief Prosecutor Tonya L. Peters, Police Legal Advisor

CIVIL DIVISION
Don W. Taute
Steven J. Huggenberger
Margaret M. Blatchford
Jocelyn W. Golden
Timothy S. Sieh
Elizabeth D. Elliott
Abigail F. Littrell
Richard W. Tast, Jr.

PROSECUTION DIVISION
Patrick A. Campbell
Christine A. Loseke
Connor L. Reuter
Rob E. Caples
Marcee A. Brownlee

Mr. David Fiala
F.A.A. Properties, LLC
VIA EMAIL: fiala@futuresone.com

Re: Planning Commission Appeal AA20007

Dear Mr. Fiala,

The City is in receipt of your appeal of the denial of your application for an administrative amendment to Use Permit #150B (AA20007). You will receive correspondence from the Planning Department shortly advising you that the matter will be scheduled for public hearing before the Planning Commission on April 1, 2020.

The Planning Commission on March 4, 2020, approved Use Permit 150C and Special Permit 2046C which do not include the trip table. That resolution is attached for your convenience. Because the trip table is no longer part of Use Permit, it will be the position of the Law Department and Planning Department that the appeal of your administrative amendment denial is moot. Because the trip table is no longer included on the Use Permit, it cannot be amended.

You are encouraged to present your position to the Planning Commission in writing prior to the public hearing so they are fully informed of your position prior to your appearance.

Regards,

/s/ Abigail F. Littrell
Assistant City Attorney

CITY OF LINCOLN NEBRASKA

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

LANCASTER COUNTY NEBRASKA

February 21, 2020

David Fiala
PO Box 83821
Lincoln, NE 68501

RE: Administrative Amendment #20007 to Use Permit #150B
Appian Way Regional Center Phase II
Generally located southeast of South 84th Street and Highway 2

Staff have reviewed your request for an administrative amendment to amend the site plan by revising the land use/trip generation table. There were several items noted that would have had to have been corrected before the amendment could have been approved.

Those items included revising the land use table to state the use type category being referenced from the ITE manual, correcting Lot 1B, Block 4 which lists a trip rate of 4.38 but is actually 4.36 (based upon the ITE 6th Addition data provided as part of the application), correct the acreage for Lot 5, Block 2 which is 3.32 acres and not the 1.32 stated on the table, and updating the site plan for UP#150B which needs to be updated to reflect the revised table.

Because the proposed changes affect multiple owners beyond your own by adjusting their trip generation rates upward, letters of no objection to the proposed changes from the affected owners would also need to be submitted as part of the application to be approved.

Given that it is very unlikely you would get the approval of nine other people, and because there are amendments scheduled on the Planning Commission agenda March 4, 2020 to delete the land use/trip generation table from both Use Permit #150 and Special Permit #2046, this amendment is being denied. The Planning Department believes that the deletion of the land use/trip generation table is the best resolution overall.

You may appeal this denial to the Planning Commission within 14 days of the date of this letter. 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
Director of Planning

xc: Eiger Corp.
File

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