

Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

Tracy Corr: Chair
Tom Beckius: Vice-Chair
Shams Al-Badry
Dick Campbell
Tracy Edgerton
Deane Finnegan
Cristy Joy
Cindy Ryman Yost
Dennis Scheer

PLANNING STAFF

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

May 13, 2020

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, May 13, 2020, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

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

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

***** 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, MAY 13, 2020

Approval of minutes, as amended, of the regular meeting held April 15, 2020.

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

ANNEXATIONS AND RELATED CHANGE OF ZONES:

- 1.1a ANNEXATION 20007, to annex approximately 19.15 acres, on property generally located at Northwest Dubois Street and West Big Sky Road.
Page **Staff recommendation: Approval**
01 **Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov**
- 1.1b CHANGE OF ZONE 20012, from AG (Agriculture District) to R-3 (Residential District) over approximately 19.15 acres, on property generally located at Northwest Dubois Street and West Big Sky Road.
Page **Staff recommendation: Approval**
01 **Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov**

1.2a ANNEXATION 20008, to annex approximately 49.32 acres, more or less, on property generally located at North 105th Street and Century Lane.
Page **Staff recommendation: Approval**
11 **Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov**

1.2b CHANGE OF ZONE 20013, from AG (Agricultural District) to R-3 (Residential District), on property generally located at North 105th Street and Century Lane.
Page **Staff recommendation: Approval**
11 **Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov**

CHANGE OF ZONE:

1.3 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 **Staff recommendation: Conditional Approval**
21 **Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov**

SPECIAL PERMITS:

1.4 SPECIAL PERMIT 1791A, to allow a residential healthcare facility, on property generally located at 1430 South Street. *****FINAL ACTION *****
Page **Staff recommendation: Conditional Approval**
35 **Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov**

1.5 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. *****FINAL ACTION *****
Page **Staff recommendation: Conditional Approval**
45 **Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov**

2. REQUESTS FOR DEFERRAL:

3. ITEMS REMOVED FROM CONSENT AGENDA:

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

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

SPECIAL PERMIT:

4.1 SPECIAL PERMIT 16021B, to allow for an amendment to current special permit, amending the number of events held per month, on property generally located at 12400 West Denton Road. *****FINAL ACTION *****
Page **Staff recommendation: Conditional Approval**
55 **Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov**

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

USE PERMIT:

- 4.2 USE PERMIT116A, to revise a portion of the commercial area to allow up to 180 multi-family dwelling units or 43,300 square feet of commercial floor area, and a revised commercial lot layout, with up to 216,000 square feet of total commercial floor area, on property generally located at North 84th Street and Northern Lights Drive. *****FINAL ACTION *****
- Page 65*
- Staff recommendation: Conditional Approval**
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

SPECIAL PERMIT 20005 HEARING POSTPONED – NO PUBLIC HEARING AT THIS TIME

SPECIAL PERMIT:

- 4.3 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 *****
- Staff recommendation: Conditional Approval**
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov
Special Permit 20005 will not have public hearing per directions from the Health Department, due to enhanced public interest on this application.

**FOR ANYONE WISHING TO SPEAK ON AN ITEM
NOT ON THE AGENDA, THIS HAS BEEN SUSPENDED UNTIL FURTHER NOTICE**

Adjournment

PENDING LIST: *None.*

Planning Department Staff Contacts:

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Allan Zafft, <i>Transportation Planner</i>	402-441-6369..	azafft@lincoln.ne.gov

* * * * *

**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

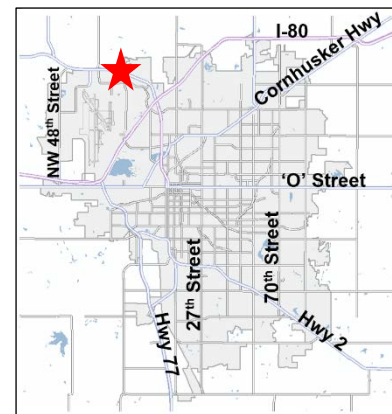
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Annexation #20007 and Change of Zone #20012	FINAL ACTION? No	DEVELOPER/OWNER Starostka-Lewis, LLC
PLANNING COMMISSION HEARING DATE May 13, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION NW Dubois Street and W. Big Sky Road

**RECOMMENDATIONS: ANNEXATION - APPROVAL
CHANGE OF ZONE - APPROVAL**

BRIEF SUMMARY OF REQUEST

This is a combined staff report for an annexation and change of zone from AG Agriculture District to R-3 Residential District for the Highland View development, generally located at N.W. 12th Street and Highway 34. The Highland View 1st Addition Preliminary Plat was last amended in 2018 and shows a single family residential lot layout for this area. The proposed annexation and change of zone will represent approximately 62 new lots.



JUSTIFICATION FOR RECOMMENDATION

The requested change of zone from AG to R-3 is consistent with the Future Land Use Map and the existing zoning to the south. The Growth Tier classification of this site is Tier I, Priority A because it has an approved preliminary plat. Based on the growth tier classification, this area is appropriate for annexation.

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 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 that are not yet annexed but which have approved preliminary plans such as preliminary plats. Priority A serves as the "future urban area" for purposes of annexation per state statute.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

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

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

P. 7.2 - Neighborhoods & Housing Guiding Principles

- Encourage public investment in neighborhood infrastructure and services such as parks, pools, libraries, and neighborhood business districts.
- Distribute and preserve affordable housing throughout the community to be near job opportunities and to provide housing choices within existing and developing neighborhoods.
- 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

- 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.

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 is a request to annex approximately 19.15 acres and a change of zone from AG to R-3 over the same area.
2. The application area is comprised of two irregular tracts. It is within the Highland View 1st Addition Preliminary Plat (Preliminary Plat #18003) which is approved for single family residential lots. The Highland View development is being annexed and final platted in phases. The land is contiguous to the City limits on the south and east sides.
3. The Future Land Use Map in the 2040 Comprehensive Plan identifies this area as future urban density residential. The proposed R-3 zoning will create residential density consistent with this designation.
4. The following describes the availability of utilities and services:
 - a. Water and Sanitary Sewer: Water and sanitary sewer connections are available in the existing residential area to the south.
 - b. Parks and Trails: No future trails or parks are planned for this area.
 - c. 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 nearest Lincoln Fire and Rescue Station is located at 5435 NW 1st Street.
5. The final platting of lots in Highland View is restricted based on providing permanent roads connecting the neighborhood to the external street network.

There was a restriction that no more than 115 lots could be final platted until Executive Orders were approved for construction of the first permanent access paved road from this development to a system of paved streets. The access road has now been completed (Aster Road between Highland View and Fallbrook). In addition, no more than 400 lots can be final platted until a second permanent access road is constructed.

173 lots have been final platted as of the date of this staff report publication. 38 more lots are proposed in the Highland View 5th Addition final plat which is under review. This proposed annexation and change of zone represent approximately 62 new lots. This would bring the total lots to 273.

6. 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.

EXISTING LAND USE & ZONING: Agriculture; AG

SURROUNDING LAND USE & ZONING

North: Agriculture; AG

South: Single family residential dwellings and vacant; R-3

East: Agriculture; AG

West: Agriculture, single family residential dwellings, and vacant; AG and R-3

APPLICATION HISTORY: See attached.

APPROXIMATE LAND AREA: 19.15 acres

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District 4

LEGAL DESCRIPTION: Lots 54 and 55 I.T., located in the NE ¼ of Section 33-11-6, Lancaster County, Nebraska.

Prepared by

Rachel Jones, Planner

Date: May 4, 2020

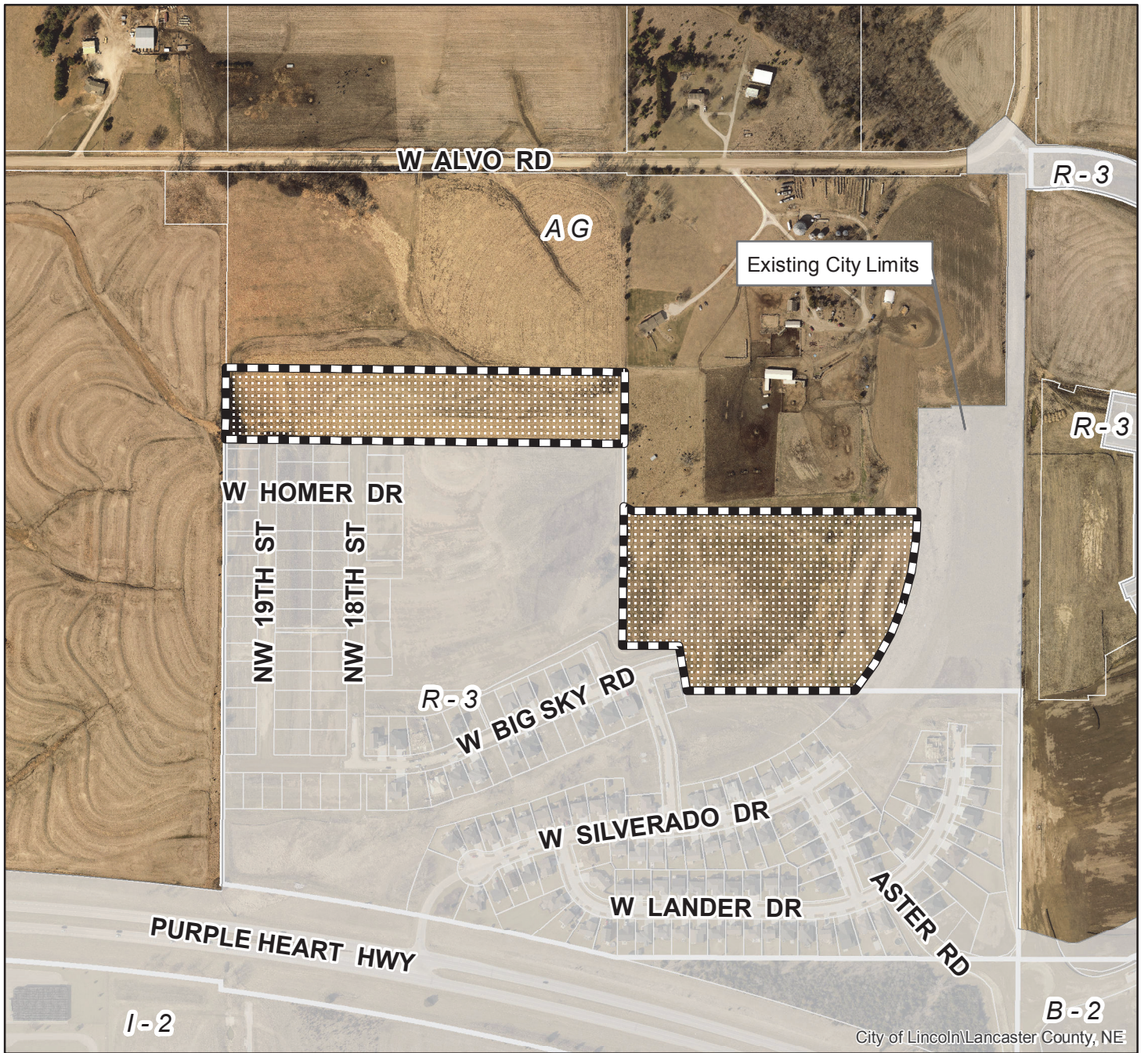
Applicant/Owner: Starostka-Lewis, LLC
429 Industrial Lane
Grand Island, NE 68803

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

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Application History

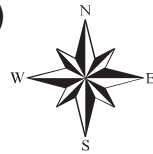
- Aug. 2005 Preliminary Plat #05003 was approved for the Highland View subdivision, which covered approximately 155 acres.
- June 2006 Change of Zone #05022 from AG to R-3 was approved for approximately 50 acres in the southern portion of the Highland View subdivision.
- Annexation #05004 was approved for approximately 30 acres in the south and east portions of the Highland View subdivision.
- Conditional Zoning and Annexation Agreement (Bill No. 06R-114) was approved for the entire Highland View subdivision.
- July 2008 Final Plat #05111 Highland View Addition was approved in the southern portion of the Highland View subdivision.
- May 2015 Administrative Amendment #15012 to Preliminary Plat #05003 Highland View was approved to change the lot layout of two blocks and convert a cul-de-sac to a through street.
- Aug. 2015 Final Plat #15036 Highland View 1st Addition was approved in the southern portion of the Highland View subdivision.
- April 2016 Preliminary Plat #16001 Highland View 1st Addition was approved for 571 single family lots over the same general area as the original preliminary plat.
- May 2016 Annexation #16005 and Change of Zone #16013 from AG to R-3 were approved associated with Preliminary Plat #16001.
- July 2018 Preliminary Plat #18003 was approved by the Planning Commission amending the preliminary plat notes to allow more than 115 lots to be platted under the condition that Executive Orders be approved for the construction of a permanent access paved road and the work completed within 6 months.
- Aug. 2018 Administrative Amendment #18036 to Preliminary Plat #18003 was approved to update the airport zoning information.
- Sept. 2018 Administrative Amendment #18061 to Preliminary Plat #18003 was approved to identify a blanket height permit.



City of Lincoln\Lincoln County, NE




2018 aerial

**Change of Zone #: CZ20012 (AG to R-3)
and Annexation #: AN20007
Highland View
W Big Sky Rd & NW Dubois St
Zoning:**



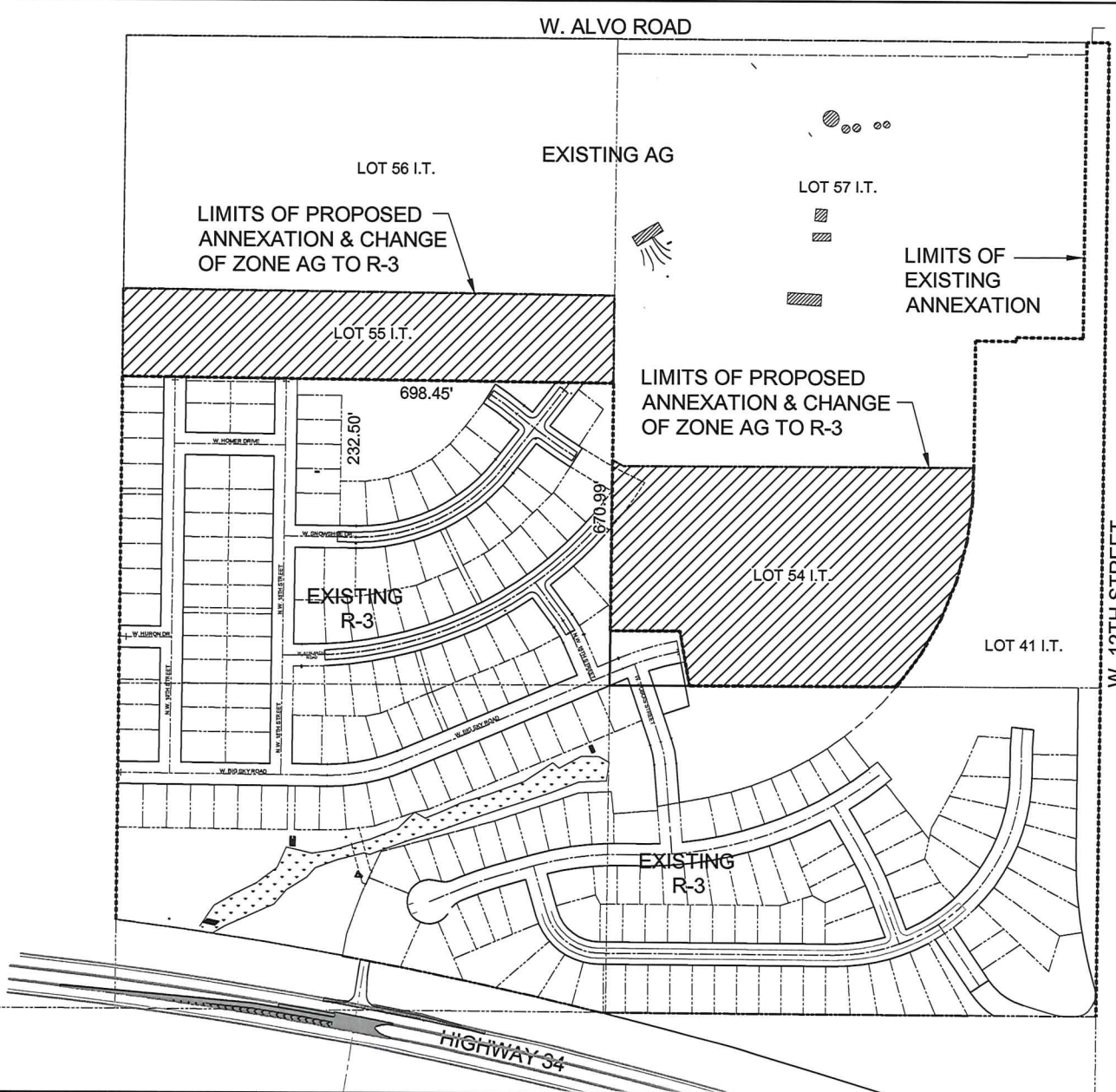
One Square Mile:
Sec.33 T11N R06E

- 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

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



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 DATE: Apr 14, 2020 3:51pm
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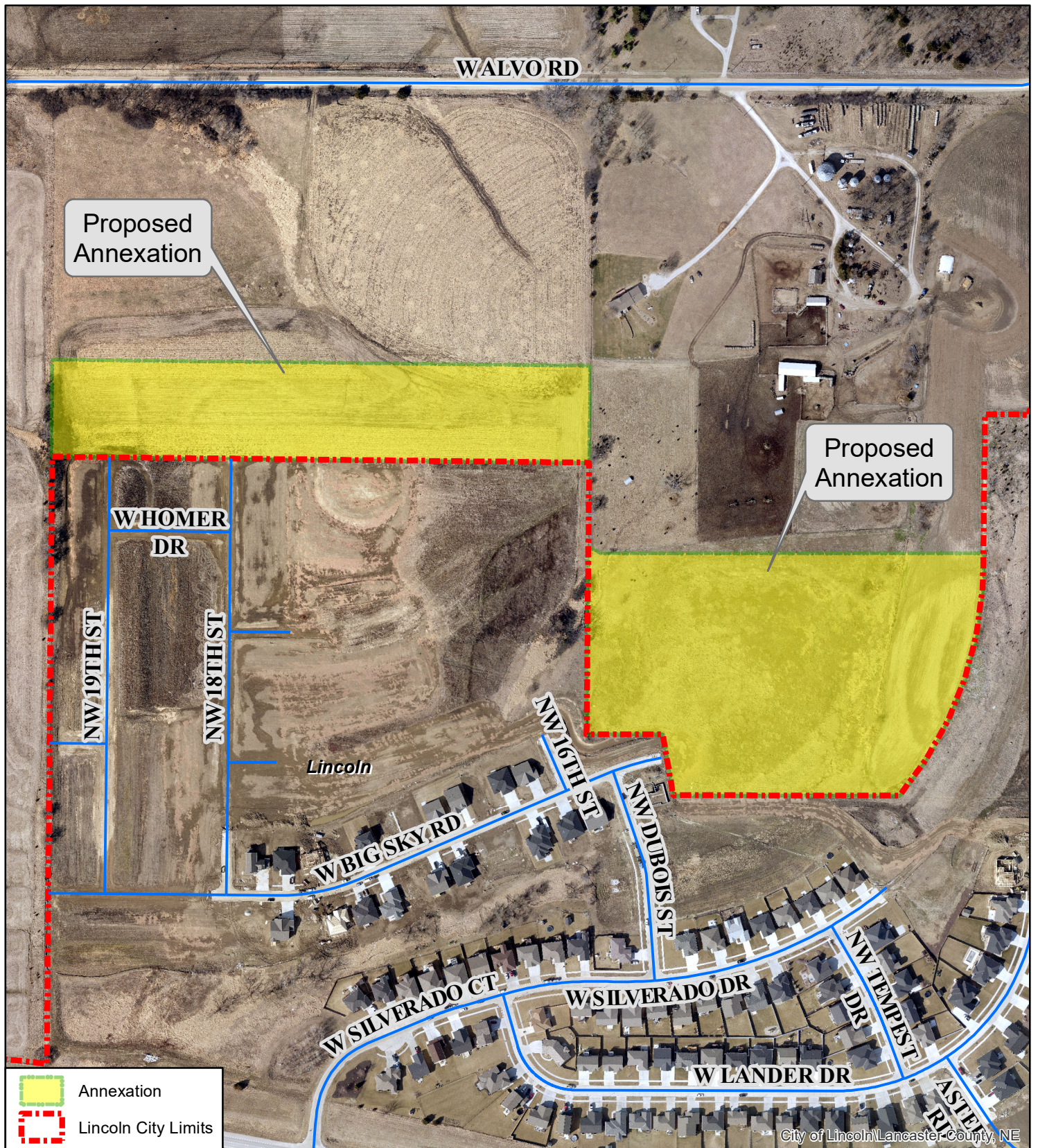
drawn by: jds
 checked by: -
 project no.: 2020-0068
 date: 04/14/2020

**CHANGE OF ZONE EXHIBIT
 HIGHLAND VIEW
 LINCOLN, NEBRASKA**

Civil Design Group, Inc.
 8535 EXECUTIVE WOODS DR., SUITE 200
 Lincoln, Nebraska 68512
 Ph. 402-434-8484 Fax 866-215-8747
 www.civildg.com

CONSULTING ENGINEERS • LAND USE PLANNERS
 CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING

EXHIBIT
1



Lincoln Transportation & Utilities

HIGHLAND VIEW

AN20007

Apr 28, 2020





Civil Design Group, Inc.

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

April 15, 2020

Mr. David Cary, Director
Lincoln/Lancaster County Planning Department
555 S. 10th St, Room 213
Lincoln, NE 68508

RE: Request for a Change of Zone from AG to R-3 and associated annexation for 19.15 acres of land within the previously approved Highland View Prelim Plat #05003.

Dear Mr. Cary:

On behalf of Starostka-Lewis, LLC, we submit the attached application for a Change of Zone from AG to R-3 and the associated annexation request for 19.15 acres of land within the Highland View Preliminary Plat #05003. This land is generally located north of Hwy 34 and west of NW 12th Street.

With this application, we are submitting:

- An annexation exhibit
- Change of Zone application and review fee of \$988.00

I hope that this letter in conjunction with the exhibit provides you with sufficient information to review this application. As always, please call at 402-434-8494 if you have any questions.

Sincerely,

Mike Eckert, AICP

cc: Starostka-Lewis, LLC

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

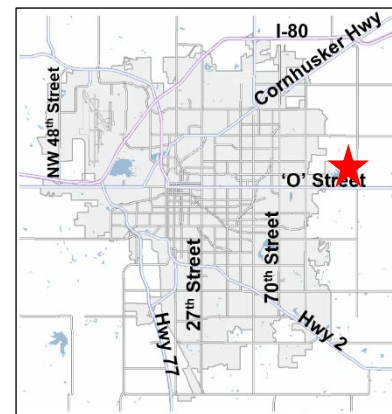
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Annexation 20008 and Change of Zone 20013	FINAL ACTION? No	DEVELOPER/OWNER Starostka-Lewis, LLC
PLANNING COMMISSION HEARING DATE May 13, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION Holdrege Street and N. 112 th Street

**RECOMMENDATIONS: APPROVAL - ANNEXATION
APPROVAL - CHANGE OF ZONE**

BRIEF SUMMARY OF REQUEST

This is a combined staff report for an annexation and change of zone from AG Agriculture District to R-3 Residential District for the Dominion at Stevens Creek development generally located south and west of Holdrege Street and N. 112th Street. The Dominion at Stevens Creek CUP, approved in February 2018, shows a single family residential lot layout for this area.



JUSTIFICATION FOR RECOMMENDATION

The requested change of zone from AG to R-3 is consistent with the Future Land Use Map and the existing zoning to the west. The Growth Tier classification of this site is Tier I Priority B with the development area approved as part of the Dominion at Stevens Creek CUP. Based on the growth tier classification, this area is appropriate for annexation.

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

STAFF CONTACT
George Wesselhoft, (402) 441-6366 or
gwesselhoft@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 for the development area along with green space and environmental resources for the flood plain area in the northeast part of the site.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.9 - this site is shown as future urban density residential, environmental resources and green space on the 2040 Lincoln Area Future Land Use Plan.

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

P. 7.2 - Neighborhoods & Housing Guiding Principles

- Encourage public investment in neighborhood infrastructure and services such as parks, pools, libraries, and neighborhood business districts.
- Distribute and preserve affordable housing throughout the community to be near job opportunities and to provide housing choices within existing and developing neighborhoods.
- 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.
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P. 7.4 - Strategies for Neighborhoods and Housing

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- 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.

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.

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 is a request to annex approximately 47.5 acres along with adjoining N. 112th Street right of way and a change of zone from AG to R-3 over the same area. The property is located south of Holdrege Street on the west side of N. 112th Street.
2. The application area is within the Dominion at Stevens Creek CUP (SP17022) which is approved for single family residential lots. The Dominion at Stevens Creek CUP is being annexed and final platted in phases. The land is contiguous to the City limits on the west and north sides.
3. Dominion at Stevens Creek CUP approved in February 2018 authorized up to 433 single family lots on approximately 153.97 acres. Four phases in total are proposed with road connections to O Street and existing adjacent subdivisions, including Waterford Estates and Sky Ranch Acres. The proposed annexation and change of zone area includes Phase 3A which is comprised of 78 single family detached dwelling units.
4. The Future Land Use Map in the 2040 Comprehensive Plan identifies the development area as future urban density residential along with green space and environmental resources for the flood plain. The proposed R-3 zoning will create residential density consistent with this designation.
5. The following describes the availability of utilities and services:
 - a. Water and Sanitary Sewer: Water and sanitary sewer are available to the west in the adjoining Dominion at Stevens Creek area.
 - b. Parks and Trails: A future trail is planned in the northeast part of the site. A trail easement has been provided already as part of the Dominion at Stevens Creek 2nd Addition Outlot H.
 - c. Emergency Services: This site is in the Southeast 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. Lincoln Fire and Rescue Stations include the new fire station no. 16 at 9765 Boathouse Road in Waterford Estates and fire station no.9 at 901 N. Cotner Boulevard.
6. There are restrictions on the number of lots that can be final platted through phasing and the establishment of permanent street connections for the neighborhood to the external street network. The proposed annexation and change of zone area will include 78 lots which are single family detached residential. The restriction as far as phasing for the proposed annexation and change of zone area which is Phase 3A within the CUP includes having a connection to either East O Street or Shorefront Drive. A connection to Shorefront Drive has been provided as part of the final platting for the property.
7. 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 B includes areas for development within the first half of the planning period to 2026 and are generally contiguous to existing development.

EXISTING LAND USE & ZONING: Agriculture; AG.

SURROUNDING LAND USE & ZONING

North: Agriculture, single family residential dwellings; AG
South: Agriculture; AG
East: Agriculture; AG
West: Agriculture and vacant; R-3

APPLICATION HISTORY:

February, 2018 Special Permit 17022 was approved by City Council authorizing a Community Unit Plan for single family detached and townhome residential uses for up to 433 total dwelling units.

APPROXIMATE LAND AREA: 47.51 acres

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: City Council District #1

LEGAL DESCRIPTION: Parts of Outlots A and H, Dominion at Stevens Creek 2nd Addition, located in the NE ¼ of Section 24-10-7, Lancaster County, Nebraska.

Prepared by

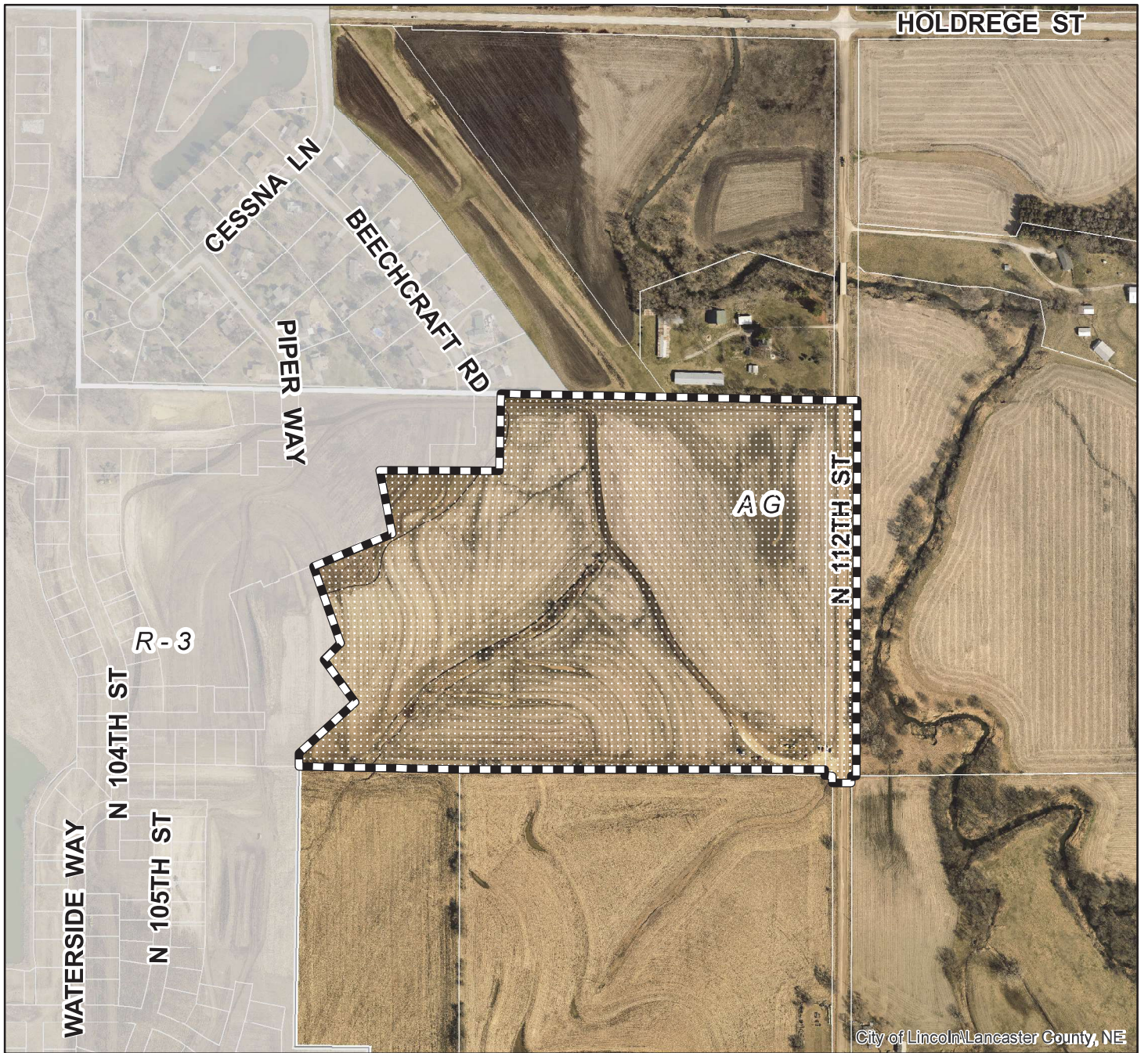
George Wesselhoft, Planner

Date: May 4, 2020

Applicant/Owner: Starostka-Lewis, LLC
429 Industrial Lane
Grand Island, NE 68803

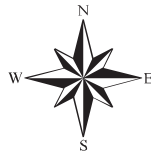
Contact: Mike Eckert
Civil Design Group, Inc.
8535 Executive Woods Drive
Lincoln, NE 68512
(402) 434-8494 or meckert@civildg.com

F:\DevReview\AN\20000\AN20008 and CZ20013 Dominion.gjw.docx



2018 aerial

Annexation #: AN20008
Dominion at Stevens Creek
N 105th St & Century La

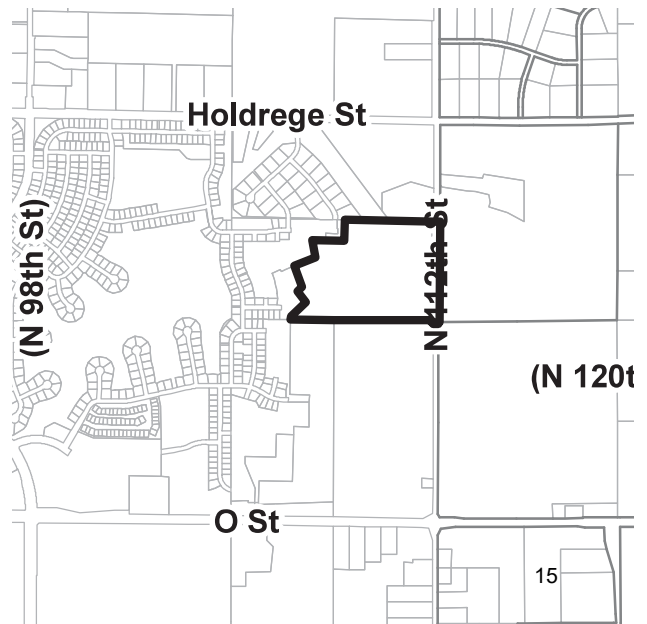


Two Square Miles:
Sec.24 T10N R07E
Sec.19 T10N R08E

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

	Area of Application
	Zoning Jurisdiction Lines
	Existing City Limits





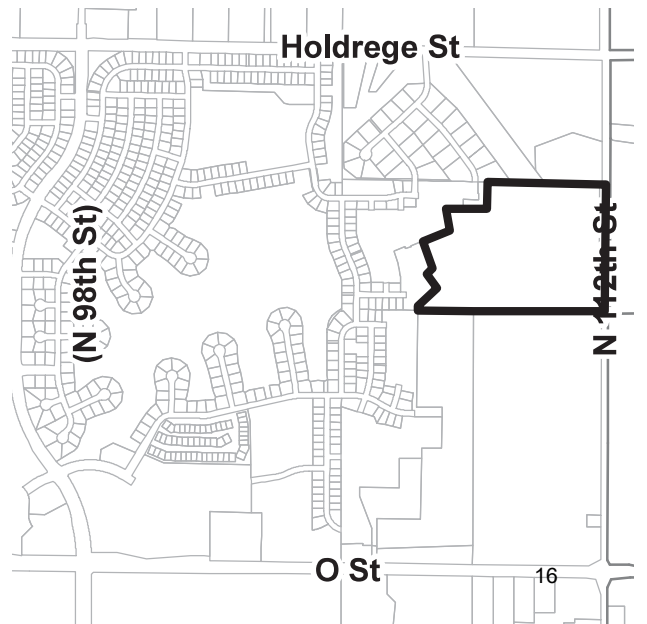
**Change of Zone #: CZ20013 (AG to R-3)
 Dominion at Stevens Creek
 N 105th St & Century La**



**One Square Mile:
 Sec.24 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



DOMINION AT STEVENS CREEK ADDITION
CHANGE OF ZONE & ANNEXATION

A legal description of a part of Outlots 'A' and 'H' "Dominion at Stevens Creek 2nd Addition", located in the Northeast Quarter of Section 24, Township 10 North, Range 7 East, of the 6th P.M., Lancaster County, Nebraska and more particularly described as follows:

Beginning at the Northeast Corner of Outlot 'H' "Dominion at Stevens Creek 2nd Addition";
Thence West, on the North Line of said Outlot 'H', on an assumed bearing of N 88°51'12" W, for a distance of 1137.09';
Thence S 01°08'48" W for a distance of 269.88';
Thence N 89°50'19" W for a distance of 418.90';
Thence S 11°02'20" E for a distance of 226.02';
Thence S 67°29'21" W for a distance of 297.78';
Thence S 19°33'55" E for a distance of 285.79';
Thence S 44°59'27" W for a distance of 82.54';
Thence S 36°04'15" E for a distance of 183.58';
Thence S 47°32'47" W for a distance of 265.09';
Thence S 00°51'40" W for a distance of 45.34' to a point on the South Line of Outlot 'H' "Dominion at Stevens Creek 2nd Addition; Thence S 89°00'45" E, on the South Line of said Outlot 'H', for a distance of 562.37'; Thence S 88°59'43" E, continuing on the South Line of Outlot 'H' "Dominion at Stevens Creek 2nd Addition", for a distance of 1278.07' to the Southeast Corner of said Outlot 'H'; Thence N 00°09'35" E, on the East Line of Outlot 'H' "Dominion at Stevens Creek 2nd Addition" for a distance of 1314.17' to the Point of Beginning, and having a calculated area of 47.51 Acres or more or less.

DOMINION AT STEVENS CREEK
ANNEXATION OF ROW – 112TH STREET

A legal description of a part of North 112th Street, located in the East-Half of Section 24, Township 10 North, Range 7 East, and the West-Half of Section 19, Township 10 North, Range 8 East of the 6th P.M., Lancaster County, Nebraska and more particularly described as follows:

Beginning at the Northeast Corner of the South-Half of the Northeast Quarter of said Section 24; Thence West on the North Line of the South-Half of the Northeast Quarter, on an assumed bearing of N 89°50'05" W for a distance of 60.00' to a point on the Westerly Right-of-way Line of North 112th Street; Thence on the Westerly Right-of-way Line of North 112th Street the following

3 courses:

S 00°09'55" W for a distance of 1313.14';

Thence S 88°59'43" E for a distance of 27.13';

Thence S 00°10'05" W for a distance of 25.00';

Thence S 88°59'43" E, leaving the Westerly Right-of-way Line of North 112th Street, for a distance of 33.00'; Thence N 89°22'39" E for a distance of 33.00' to a point on the Easterly Right-of-way Line of North 112th Street;

Thence on the Easterly Right-of-way Line of North 112th Street the following 3 courses:

N 00°10'05" E for a distance of 25.00';

Thence N 89°22'39" E for a distance of 17.00';

Thence N 00°09'35" E for a distance of 1314.03';

Thence S 89°21'57" W, leaving the Easterly Right-of-way Line of North 112th Street, for a distance of 50.00' to the Point of Beginning, and having a calculated area of 3.36 Acres or 146258 Square Feet more or less.



Civil Design Group, Inc.

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

April 15, 2020

Mr. David Cary, Director
Lincoln/Lancaster County Planning Department
555 S. 10th St, Room 213
Lincoln, NE 68508

Re: Request for Change of Zone from AG to R-3 and related annexation for 47.50 acres of land within the previously approved Dominion at Stevens Creek CUP.

Dear Mr. Cary:

On behalf of Starostka-Lewis, LLC, we submit the attached application for a Change of Zone from AG to R-3 and the associated annexation request for 47.50 acres of land within the previously approved Dominion at Stevens Creek CUP. This land is east of the existing subdivision, generally located between Holdrege Street and East O Street, west of N. 112th St.

With this application, we are submitting:

- An annexation exhibit
- A Change of Zone application and review fee of \$988.00

I hope that this letter in conjunction with the exhibit provides you with sufficient information to review this application. Please call me at (402) 434-8494 with any questions you may have.

Sincerely,

Mike Eckert, AICP

cc: Starostka-Lewis, LLC

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

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

RECOMMENDATION: CONDITIONAL APPROVAL

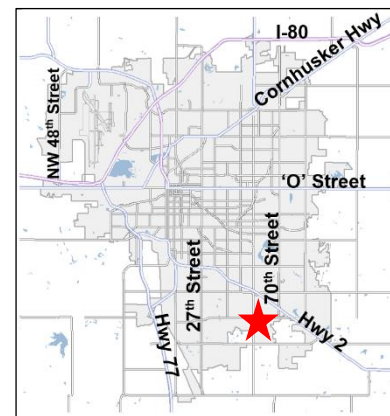
BRIEF SUMMARY OF REQUEST

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

Recommend Approval
 Recommend Approval
 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 as 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 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 be 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.

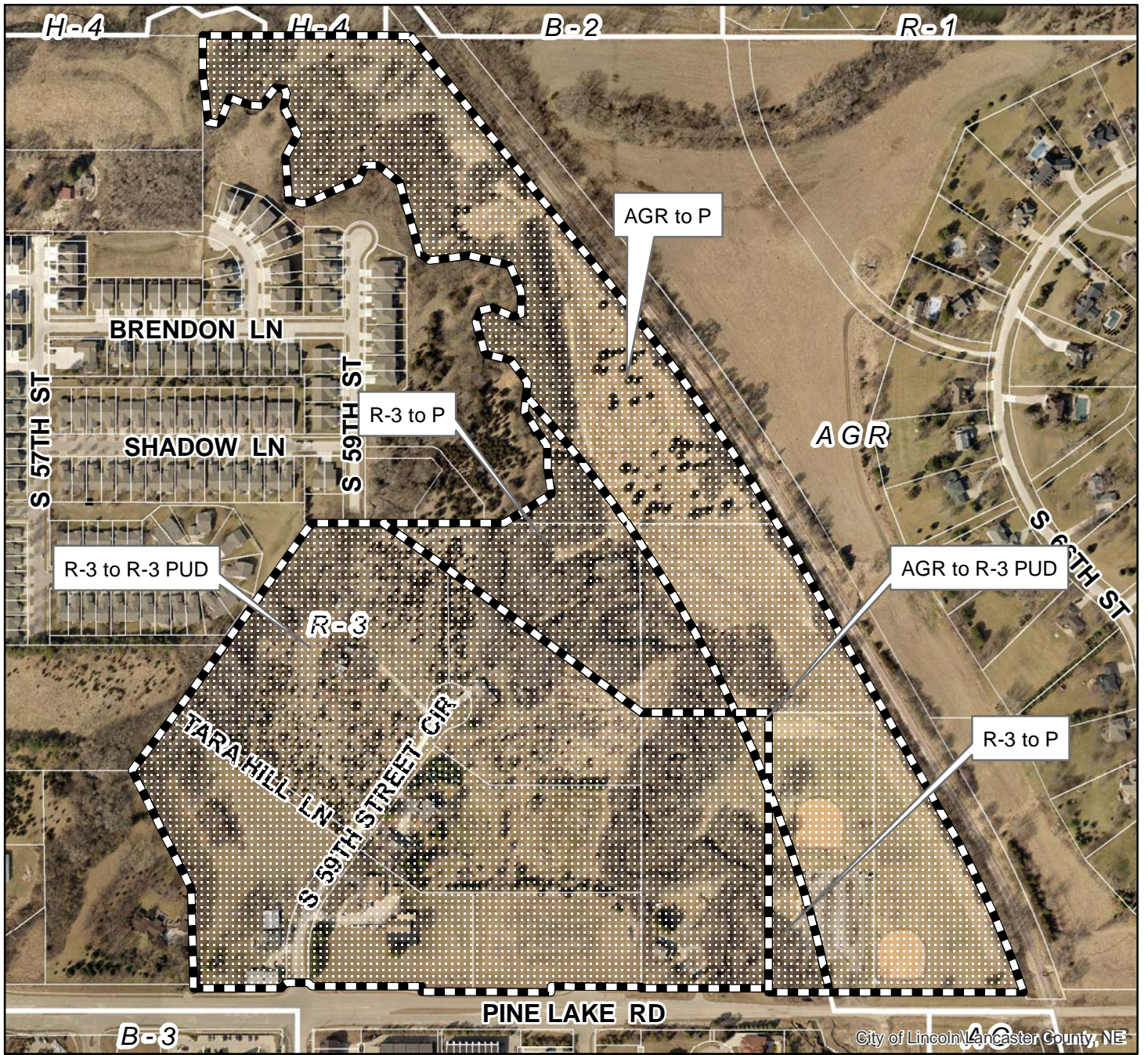
to pay all design, engineering, labor, material, inspection, and other improvement costs except those cost the City Council specifically subsidizes as follow:

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.

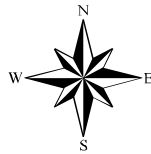
to relinquish the right of direct vehicular access to Pine Lake Road except a shown.

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.



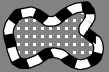


Change of Zone #: CZ20009
South 59th Street Coalition PUD
S 59th St & Pine Lake Rd

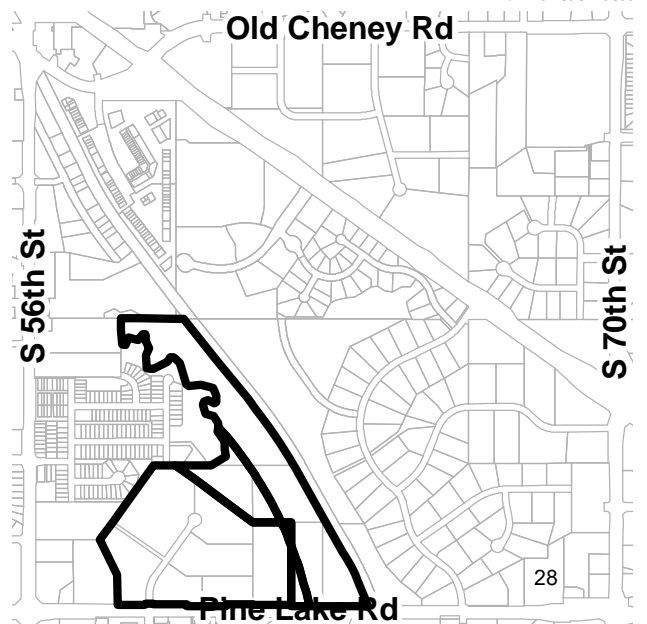


One Square Mile:
Sec.16 T09N R07E

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

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





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

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.

F:\DevReview\CZ\20000\CZ20009 South 59th St Coalition CZ Legal.bjw.docx

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

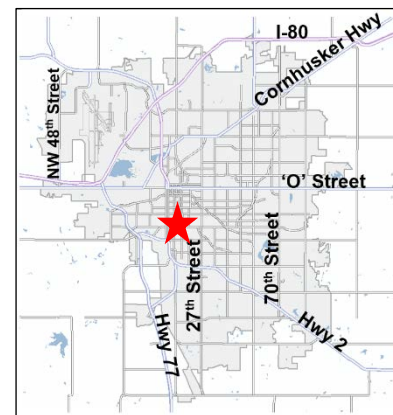
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit 1791A	FINAL ACTION? Yes	DEVELOPER/OWNER Integrated Behavioral Health Services/B&J Partnership LTD
PLANNING COMMISSION HEARING DATE May 13, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 1430 South Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a Special Permit amendment for a residential health care facility at the northwest corner of South Street and S. 15th Street. The proposal includes psychiatric residential rehabilitation services for up to 16 adults. Prior SP1791 approval in October, 1999 authorized up to 34 children as part of a health care facility. The applicant will also provide outpatient day psychiatric rehabilitation services which is a permitted use for the property which is zoned B-3 commercial.



JUSTIFICATION FOR RECOMMENDATION

The proposal is justified as it will allow for an amendment to a Special Permit for a residential health care facility in a commercial zoning district, a location nearby other commercial uses and nearby a hospital. As the use was previously established and no building or parking expansion is proposed, there will be minimal negative impacts to the neighborhood. Subject to conditions of approval, this proposal is consistent with the Zoning Ordinance and Comprehensive Plan.

APPLICATION CONTACT

Jeromie Luginbill, (402) 607-9287 or Jeromie@IBHealthservices.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed Special Permit is in conformance with the 2040 Comprehensive Plan, which includes this property for commercial use and supports medical services, including mental health care services as integral and accessible within the community.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P 1.9 - The Lincoln Area Future Land Use Plan identifies this area for commercial use.

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

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

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

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

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

ANALYSIS

1. This is a request to permit a residential health care facility to allow up to 16 adults as part of psychiatric residential rehabilitation services. The property is located at the northwest corner of South Street and S. 15th Street and is zoned B-3 Commercial. The other services include outpatient daytime psychiatric rehabilitation services which is an office use otherwise permitted in the B-3 District.
2. The request is an amendment to Special Permit 1791, approved in October 1999, which authorized a health care facility for up to 34 children. The original special permit was for Cedars Youth Services. Because the resolution of approval for this prior Special Permit was specifically for children, the proposed amendment is necessary. The prior Special Permit approval also included parking on S. 15th Street to the south of the facility within 300 feet as allowed by the B-3 zoning.
3. The facility will use an existing building which has two floors and a basement. The facility will encompass the first floor including administration, daytime rehabilitation and the residential rehabilitation for which the Special Permit is requested. The second floor includes a different office use. The basement includes storage.
4. 40 parking spaces are required for all the existing and proposed uses for the property. 43 parking spaces will be provided within 300 feet as allowed under the B-3 zoning. The parking within 300 feet is an existing parking lot on S. 15th Street to the south of the property on the other side of South Street. This is the same parking area that was utilized under the original SP1791.
5. Per Section 27.63.530 a residential health care facility may be allowed by special permit in the AG, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, O-1, O-2, R-T, B-1, B-2, B-3, B-4, and B-5 zoning districts under the following conditions:
 - a. *Parking shall be in conformance with Chapter 27.67 unless modified under the condition of the special permit, provided that no parking shall be permitted in the required front or side yards.*

The required parking will be provided through the same existing off street parking located within 300 feet that was utilized as part of the original Special Permit 1791 approval for this property.

b. *Residential healthcare facilities shall be licensed to comply with all state requirements.*

The facility will comply with applicable State requirements.

c. *The total number of client or employee residents shall not exceed the lot area ratio below except as provided for in this section, and provided that all facilities may have up to four individuals sixty years of age or older and one family acting as the residential caretaker:*

- i. *AG zoning district: One person for 5,000 square feet of lot area;*
- ii. *R-1 zoning district: One person per 3,000 square feet of lot area;*
- iii. *R-2 and R-3 zoning districts: One person per 2,000 square feet of lot area;*
- iv. *R-4 zoning district: One person per 1,000 square feet of lot area;*
- v. *R-5 through R-8 zoning districts: One person per 750 square feet of lot area.*

In this case the zoning is B-3 Commercial. As such, the total number of clients or employee residents is not limited per above.

d. *Depending on the character of the development and impacts on adjacent land uses, the Planning Commission may grant an increase in the number of residents allowed in (d) above where the site plan and building plans comply with the barrier-free standards in the design standards as adopted by the City Council. Such increase shall not exceed fifty*

percent.

No increase in the number of residents is necessary.

e. The height and lot requirements of the district in which the proposed use is located shall apply provided, however, that if the area of the lot is one acre or more, the height requirement of the district may be adjusted to provide flexibility in the design of buildings and to provide compatibility with surrounding uses except that solar access to adjacent buildings or potential buildings on land under other ownership shall not be reduced by such adjustment. In the AG zoning district, residential healthcare facilities shall be located on a lot having a minimum of five acres.

No adjustment to the height requirement is necessary.

f. The sale of alcohol for consumption on and/or off the premises is allowed as a permitted accessory use as part of a residential health care facility otherwise approved according to this Section.

No sale of alcohol is proposed as part of the Special Permit amendment.

6. Conclusion: If approved, this Special Permit amendment for a Residential Health Care Facility is consistent with the Comprehensive Plan which supports mental health care services as integral and accessible to the community and without minimal negative impact to the neighborhood as existing building facilities are being utilized.

CONDITIONS OF APPROVAL: See attached.

UTILITIES: All utilities are generally available at this site.

TRAFFIC ANALYSIS: The Comprehensive Plan identifies South Street as a Minor Arterial.

EXISTING LAND USE & ZONING: Vacant/Office B-3 Commercial

SURROUNDING LAND USE & ZONING

North: Single Family, Duplex, Vacant Lot	R-2 Residential
South: Commercial	B-3 Commercial
East: Commercial	B-3 Commercial
West: Commercial	B-3 Commercial

APPLICATION HISTORY:

October, 1999 Special Permit 1791 was approved for a health care facility for up to 34 children.

APPROXIMATE LAND AREA: 0.42 acres, more or less

LEGAL DESCRIPTION: Lots 5-10, Block 1, Electric Park Addition

Prepared by

George Wesselhoft, Planner
(402) 441-6366 or gwesselhoft@lincoln.ne.gov
Date: May 6, 2020

Owner: B&J Partnership LTD
 340 Victory Lane
 Lincoln, NE 68528
 (402) 323-3100
 TJGIFFORD@SPEEDWAYPROPERTIES.COM

Applicant/ Jeromie Luginbill
Contact: 9001 NW 40th Street
Lincoln, NE 68524
(402) 607-9287
Jeromie@IBHealthservices.com

F:\DevReview\SP\1700\SP1791A Integrated Behavioral Health.gjw.docx

CONDITIONS OF APPROVAL - SPECIAL PERMIT 1791A

Per Section 27.63.530 this approval permits a Residential Health Care Facility for up to 16 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 Add Special Permit number to title information.
 - 1.2 Submit revisions to the parking lot design for the parking within 300 feet on S. 15th Street to meet Design Standards to the satisfaction of LTU-Engineering Services.
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 Provide documentation of the Register of Deeds instrument number of existing parking agreement for the parking within 300 feet or new parking agreement that includes City of Lincoln in the agreement.

Standard Conditions:

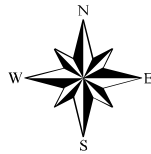
3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.
 - 3.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently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



City of Lincoln Lancaster County, NE

2018 aerial

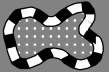


Special Permit #: SP1791A
S 15th St & South St

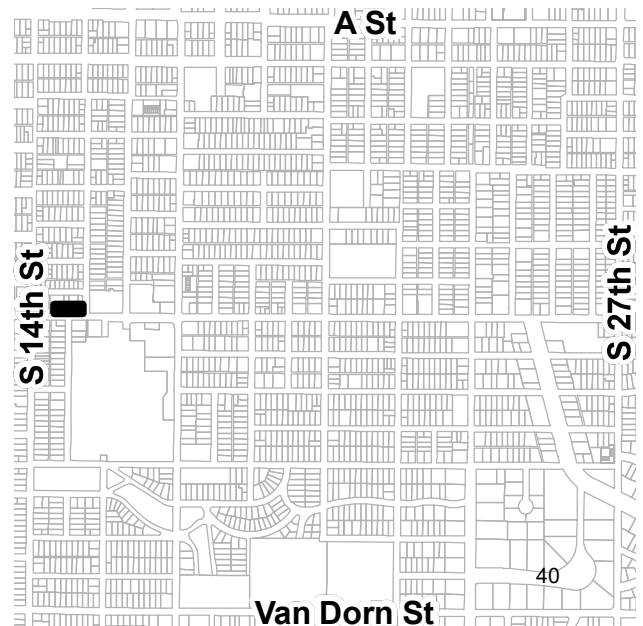


Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Regional 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 T10N R06E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



03/17/2020

To: City Planning and all others concerned,

Integrated Behavioral Health Services intends to occupy 1430 South Street. The purpose of the application is to request an amendment to the current special permit SP1791.

As shown in the plans submitted, IBHS will use this space for two purposes:

1. To provide Outpatient Day Psychiatric Rehabilitation Services by training individuals in the areas of Vocational Skills, Activities of Daily Living and Social Skills.
2. To provide Psychiatric Residential Rehabilitation Services to sixteen adults. We are requesting an amendment for this purpose.

This property was previously utilized for the same purpose, however, for children rather than adults. The previous special permit was specific to Cedars Youth Services. The owners of Speedway Properties (B&J Partnership) would like this special permit to be noted to B&J Partnership rather than Integrated Behavioral Health Services to allow for a different business to occupy in the future if Integrated Behavioral Health Services is no longer able to occupy the property.



Jeromie Luginbill, Owner

Integrated Behavioral Health Services



- Existing 2nd Floor Office Tenants
 - 7,550 sf / 600 = 13 stalls
- Administration
 - 4,660- sf / 600 = 8 stalls
- Rehabilitation Area
 - 5,420- sf / 600 = 9 stalls
- Secured Residential
 - 4,990' sf
 - 4 stalls per resident = 16/4 = 4 stalls
 - 2 stalls per 3 employees 6 stalls
 - > There are 8 employees on the largest shift
- Basement Storage
 - 2,224 sf / 0 = 0 stalls

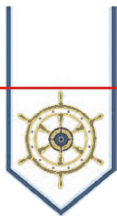
TOTAL STALLS REQUIRED = 40 stalls

Existing off street parking within 300'

- 43 stalls available including 1 HC accessible stall. See Sheet C-1

NORTH
VICINITY MAP
No Scale

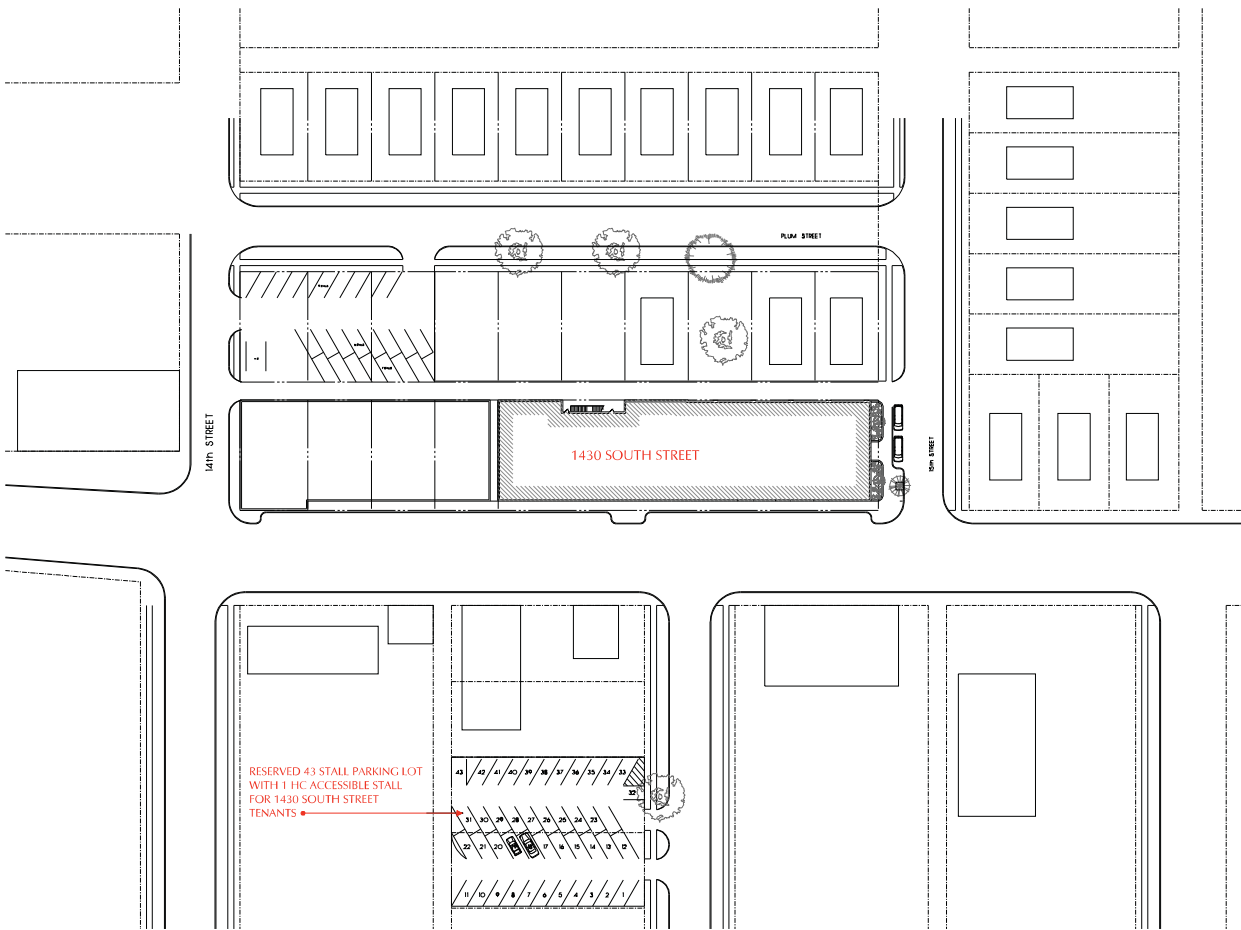
UPDATED 03-17-2020
Project # 2019-00-019



Integrated Behavioral Health Services

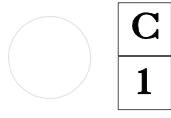
1430 South Street
Lincoln, NE 68502

Architecture **1** NE
8030 Thornview Road
Lincoln, NE 68506
402.580.2312 c
402.489.5112 p.f.
ksuhr@neb.rr.com



Mechanical/Electrical Engineering Consultant
Engineering Technologies, Inc.
 828 M Street
 Suite 210
 Lincoln, Nebraska 68508
 402-478-1273

Interior Design Consultant
i.e. design
 800 P Street, Suite 201
 Lincoln, Nebraska 68508
 402-953-3030



A SITE PLAN WITH ALLOCATED PARKING LOT
 No Scale

Integrated Behavioral Health Services

Architecture **1** NE
 1430 South Street
 Lincoln, NE

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

REVISED

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

APPLICATION NUMBER Special Permit #15062A	FINAL ACTION? Yes	DEVELOPER/OWNER Robbers Cave, LLC c/o Sam Manzitto
PLANNING COMMISSION HEARING DATE May 13, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 925 Robbers Cave Road

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

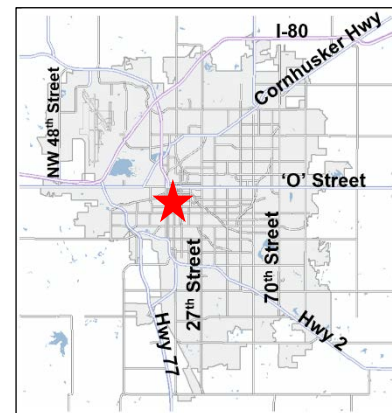
This is a request for a special permit to allow for the expansion of the area for both on and off sale at the existing location. The applicant is proposing to continue the operation of a restaurant, but also convert the area previously used for brewing operations for use as a social hall.

The site plan has been revised since January 22, 2020 when the applicant requested a delay from the Planning Commission. The parking required to support the expanded licensed premises requires that the special permit include a portion of an adjacent lot which is needed to support the construction of additional parking spaces. There is an associated final plat (copy of FPPL#20032 attached) to subdivide the two lots to make the subject property larger to accommodate necessary parking. By providing required parking the entire building meets the requirements for a special permit of on and off-sale alcohol. This report is based upon a review of the revised site plan.

The sale of alcohol in the City of Lincoln is regulated by both the State of Nebraska and the City of Lincoln. That is, in addition to the requirement for the issuance of a State liquor license, the sale of alcohol is also regulated by the Zoning Ordinance which requires a special permit in those district where it is allowed.

JUSTIFICATION FOR RECOMMENDATION

Subject to the recommended conditions of approval, this request complies with all applicable criteria for a special permit for the sale of alcohol for consumption on and off the premises.



APPLICATION CONTACT

Sam Manzitto
(402)-483-2302
Samjr@manzitto.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This allows for a retail business to occupy a commercial building located in a major commercial corridor which meets all the criteria of the Zoning Ordinance, a portion of which was previously approved for the sale of alcohol. The siting criteria of the special permit seek to locate such uses in areas like this, and away from residential areas and other sensitive uses. Siting at this location 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. **SPECIAL PERMIT REQUIREMENTS PER LINCOLN MUNICIPAL CODE (LMC) 27.63.680:** The sale of alcoholic beverages for consumption on the premises may be allowed in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, I-2, and I-3 zoning districts and on the premises of a restaurant in the O-3 district upon the approval of a special permit subject to the requirements of the respective districts, all applicable ordinances, and the following conditions:

(a) **Parking shall be in conformance with Chapter 27.67 Parking.**

The site plan has been revised since originally submitted, and is the reason the applicant requested a delay for consideration by the Planning Commission at the January 22, 2020 hearing. A final plat is now under review to enlarge the subject property to accommodate the required parking stalls necessary for expanded alcohol sales.

The required parking for on-sale alcohol is calculated a one space per 100 square feet of floor area. Based upon the floor area shown for the area licensed for on-sale of 9,244 square feet, 93 stalls are required. There are 112 stalls shown on the site plan, which is 19 more than required.

The area to provide the additional parking stalls requires expanding the site to include Lot 2. The lot is occupied by a commercial building which will continue to operate, and has a parking requirement of 5 stalls based upon the current use. The majority of this lot will be converted to paved parking areas to serve the restaurant and social hall.

Due to the change in use and expanded parking, the City's Access Management Policy applies. It requires that the existing driveways for Lot 2 to be removed, and that a right-turn lane in South 10th Street be installed at Robbers Cave Road. To not be required to do either requires deviation requests approved by the Lincoln Transportation and Utilities Department (LTU). LTU has indicated they would approve a deviation request to allow one of two driveways to remain to serve the existing building, and to not install the turn lane due to the limited separation from the next driveway to the north.

The deviation request to allow one driveway to remain is subject to an access easement being shown on the final plat to provide access to Robbers Cave Road for Lot 2 across Lot 1 at such time as there is a change in use on Lot 1 which requires the remaining driveway to be removed.

(b) The sale of alcoholic beverages for consumption off the premises shall not be permitted without issuance of a permit under LMC Section 27.63.685 of this code.

The issuance of a separate special permit to allow the sale of alcohol for consumption off the premise has also been requested and is included in the second half of this report.

(c) The designated area specified in a license issued under the Nebraska Liquor Control Act of any building approved for such activity must be located no closer than (i) 100 feet from the property line of a premises used in whole or in part for a first-floor residential use, day care facility, park, church, or state mental health institution, or (ii) 100 feet from a residential district (except where such use is accessory to a golf course or country club).

The proposed licensed premises is located in a larger commercial/industrial area zoned either H-3 or I-1 extending along the west side of South 10th Street. The area includes a main rail road line, a grain elevator, and a variety of commercial uses. The licensed premises meets the 100' separation requirement as there is no first-floor residential use, day care facility, park, church, state mental health institution, or residential district located that close. The nearest of these is Van Dorn Park, located to the north approximately 300' away.

(d) Any lighting on the property shall be designed and erected in accordance with all applicable lighting regulations and requirements.

No lighting is shown, but all lighting is subject the City of Lincoln Design Standards and is reviewed at the time of building permits.

(e) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.

A drive-through window is not shown as part of this application.

(f) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.

No such devices are shown as part of this application.

(g) No access door to the business, including loading or unloading doors, shall face any residential district if such doors are within 150 feet of the residential district. This shall not apply to emergency exit doors required by building or safety codes. No door facing a residential district shall be kept open during the operation of the establishment.

The entrance to the facility faces H-3 zoned-property to the east. There is no residential zoning district within 150'.

(h) Vehicular ingress and egress to and from the property shall be designed to avoid, to the fullest extent possible, disruption of any residential district. Particular attention shall be given to avoiding designs that encourage use of residential streets for access to the site instead of major streets.

Access to the subject premises is from Robbers Cave Road which is not considered a "residential street" at this location.

(i) All other regulatory requirements for liquor sales shall apply, including licensing by the state.

(j) The City Council may consider any of the following as cause to revoke the special permit approved under these regulations:

- (1) Revocation or cancellation of the liquor license for the specially permitted premises; or
- (2) Repeated violations related to the operation of the permittee's business.
- (3) Repeated or continuing failure to take reasonable steps to prevent unreasonable disturbances and anti-social behavior on the premises related to the operation of the permittee's business including, but not limited to, violence on site, drunkenness, vandalism, solicitation, or litter.

2. **SPECIAL PERMIT REQUIREMENTS PER LINCOLN MUNICIPAL CODE (LMC) 27.63.685:** Alcoholic beverages may be sold for consumption off the premises in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, and I-3 zoning districts upon the approval of a special permit. A special permit for such use may be granted subject to the requirements of the respective districts, all applicable ordinances, and the following conditions:

(a) Parking shall be in accordance with Section 27.67.020 of the Lincoln Municipal Code.

The parking requirement for off-sale is as per the zoning district. It is calculated at one space per 600 square feet of floor area as per the H-2 zoning district, much less than the on-sale alcohol requirement of 1/100.

(b) The sale of alcoholic beverages for consumption on the premises shall not be permitted without issuance of a permit under LMC Section 27.63.680 of this code.

The issuance of a separate special permit to allow the sale of alcohol for consumption on the premise has also been requested and is included in the first half of this report.

(c) The licensed premises of any building approved for such activity must be located no closer than (i) 100 feet from the property line of a premises used in whole or in part for a first-floor residential use, day care facility, park, church, or state mental health institution, or (ii) 100 feet from a residential district.

The proposed licensed premises is located in a larger commercial/industrial area zoned either H-3 or I-1 extending along the west side of South 10th Street. The area includes a main rail road line, a grain elevator, and a variety of commercial uses. The licensed premises meets the 100' separation requirement as there is no first-floor residential use, day care facility, park, church, state mental health institution, or residential district located that close. The nearest of these is Van Dorn Park, located to the north approximately 300' away.

(d) Any lighting on the property shall be designed and erected in accordance with all applicable lighting regulations and requirements.

No new lighting is shown, but lighting is reviewed at the time of building permits and must comply with Design Standards at that time.

(e) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.

A drive-through window is not being proposed on the site plan.

(f) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.

No such devices are proposed as part of this application.

(g) No access door to the business, including loading or unloading doors, shall face any residential district if such doors are within 150 feet of the residential district. This shall not apply to emergency exit doors required by building or safety codes. No door facing a residential district shall be kept open during the operation of the establishment.

The entrance to the facility faces H-3 zoned-property to the east. There is no residential zoning district within 150'.

(h) Vehicular ingress and egress to and from the property shall be designed to avoid, to the fullest extent possible, disruption of any residential district. Particular attention shall be given to avoiding designs that encourage use of residential streets for access to the site instead of major streets.

Access to the site is from Robbers Cave Road, which is not a residential street in this area.

- (i) All other regulatory requirements for liquor sales shall apply, including licensing by the state.
- (j) The City Council may consider any of the following as cause to revoke the special permit approved under these regulations:
 - (1) Revocation or cancellation of the liquor license for the specially permitted premises; or
 - (2) Repeated violations related to the operation of the permittee's business.
 - (3) Repeated or continuing failure to take reasonable steps to prevent unreasonable disturbances and anti-social behavior on the premises related to the operation of the permittee's business including, but not limited to, violence on site, drunkenness, vandalism, solicitation, or litter.

3. This request for the sale of alcohol for consumption on and off the premises complies with all applicable requirements of the Zoning Ordinance, and is consistent with the Comprehensive Plan. It is compatible with surrounding uses and is an appropriate use of land at this location subject to the recommended conditions of approval.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Commercial I-1

SURROUNDING LAND USE & ZONING

North: Commercial	H-3, I-1
South: Commercial	H-3, I-1
East: Commercial	H-3
West: Commercial	I-1

LEGAL DESCRIPTION: See attached legal description.

Prepared by

Brian Will
bwill@lincoln.ne.gov or at
 402-441-6362
 April 23, 2020

Applicant/
 Owner: Sam Manzitto
 4400 Lucile Drive
 Lincoln, NE 68516
 402-483-2302
samjr@manzitto.com

Contact: Brian Lang
 Olsson
 601 P Street
 Lincoln, NE 68508
 402-458-5961
blang@olsson.com

CONDITIONS OF APPROVAL - SPECIAL PERMIT #15062A

This approval permits the sale of alcohol for consumption on and off the premises per LMC Section 27.63.680 and 27.63.685 .

Conditions:

1. The permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
 - 1.1 Add a note that states 'Use of the common access easement across Lot 1 is not allowed for Lot 2 until such time as access to South 10th Street is relinquished for Lot 2.
 - 1.2 Show the common access easement for Lot 2 across Lot 1 per FPPL#20032.
 - 1.3 Provide documentation that the deviation requests to retain one driveway for Lot 2 onto South 10th Street, and to not be required to install a turn lane in South 10th Street have been approved.
 - 1.4 Revise the statement in the legend referring to the area of alcohol sales to state "Area of licensed premises authorized for on and off-sale alcohol."
2. Prior to issuance of building permits:
 - 2.1 Provide verification the letter of acceptance for this permit has been recorded with the Register of Deeds.
 - 2.2 The final plat of Robbers Cave 1st Addition is recorded with the Register of Deeds.
3. The following conditions are applicable to all requests:
 - 3.1 Before the sale of alcohol for consumption on or off the premises, all development and construction is to substantially comply with the approved plans.
 - 3.2 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.
 - 3.3 This resolution's terms, conditions, and requirements bind and obligate 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, 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.

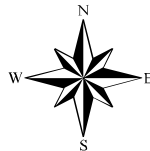
F:\DevReview\SP\15000\SP15062A Blue Blood Brewery On and Off-sale Revised.bjw.docx



City of Lincoln Lancaster County, NE

2018 aerial

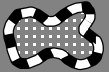


Special Permit #: SP15062A
S 9th St & Robbers Cave Rd

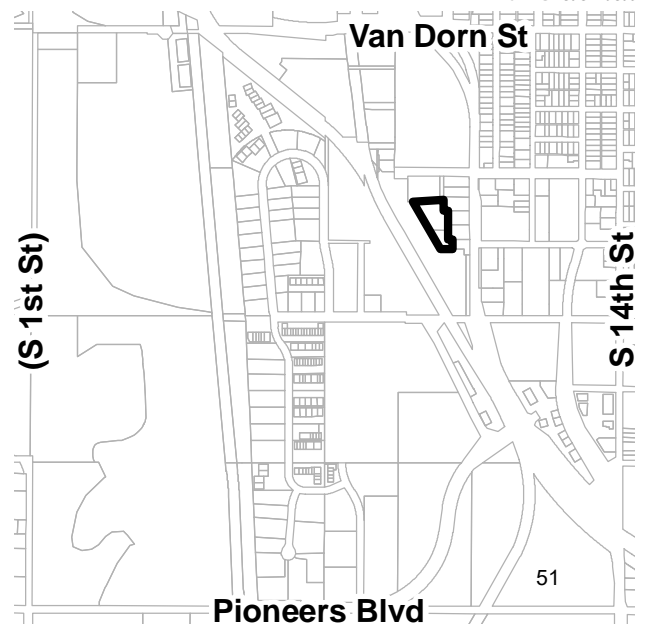


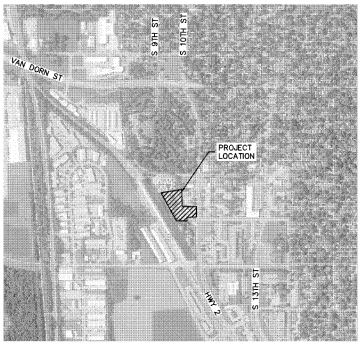
One Square Mile:
Sec.02 T09N R06E

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

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





VICINITY MAP
NOT TO SCALE

OWNER & DEVELOPER
ROBBERS CAVE LLC
4801 LUCILLE DR. STE 301
LINCOLN, NE 68516
PHONE: (402) 483-2302

ENGINEER & PREPARER
OLSSON
601 1ST STREET
LINCOLN, NE 68508
PHONE: 402-474-0311

SURVEYOR
OLSSON
601 1ST STREET
LINCOLN, NE 68508
PHONE: 402-474-0311

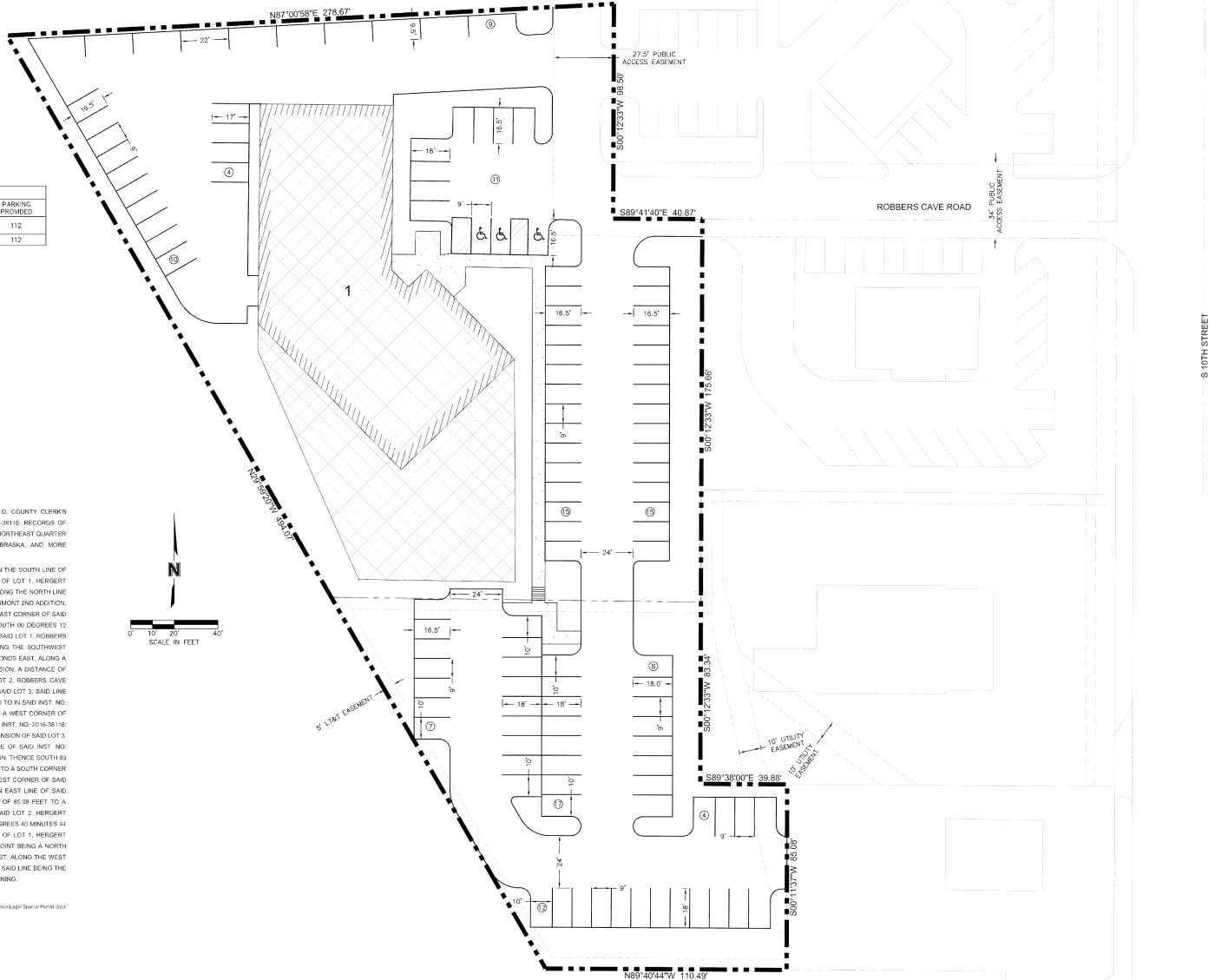
LEGEND

	PROPERTY LINE
	EASEMENT
	EXISTING BUILDING EDGE
	EXISTING CURB LINE
	PROPOSED CURB LINE
	4" SIDEWALK
	PERMITTED ON-SITE ALCOHOL SALES AREA FOR LOT 1

ROBBERS CAVE PUBLIC HOUSE AMENDMENT TO SP15062 SITE PLAN

olsson
601 1ST STREET, SUITE 200
LINCOLN, NE 68508
TEL: 402.474.0311
WWW.OLSSON.COM

SITE INFORMATION					
BUILDING#	ZONING	USE	SF	PARKING REQUIRED	PARKING PROVIDED
1	I-1	RESTAURANT/ SOCIAL HALL	9,244	93	112
				TOTAL STALLS	112



LEGAL DESCRIPTION

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF THAT PART OF LOT D, COUNTY CLERK'S SUBDIVISION OF LOTS 17 AND 18, FAIRMONT, CITY OF LINCOLN, AS REFERRED TO IN INST. NO. 2016-38116, RECORDS OF LANCASTER COUNTY, AND LOT 3, ROBBERS CAVE SUBDIVISION, CITY OF LINCOLN, ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 4TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 3, ROBBERS CAVE SUBDIVISION, SAID POINT BEING ON THE SOUTH LINE OF LOT 1, FAIRMONT 2ND ADDITION, SAID POINT BEING THE MOST NORTHERLY AND EASTERLY CORNER OF LOT 1, HERBERT ADDITION, THENCE, ON AN ASSUMED BEARING OF NORTH 87 DEGREES 00 MINUTES 59 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 3, SAID LINE BEING THE SOUTH LINE OF SAID LOT 1 AND THE SOUTH LINE OF OUTLOT A, FAIRMONT 2ND ADDITION, A DISTANCE OF 278.87 FEET TO THE NORTHEAST CORNER OF SAID LOT 3, SAID POINT BEING THE SOUTHWEST CORNER OF SAID OUTLOT A, SAID POINT BEING ON THE WEST LINE OF LOT 1, ROBBERS CAVE SUBDIVISION, THENCE SOUTH 00 DEGREES 12 MINUTES 33 SECONDS WEST, ALONG AN EAST LINE OF SAID LOT 3, SAID LINE BEING THE WEST LINE OF SAID LOT 1, ROBBERS CAVE SUBDIVISION, A DISTANCE OF 38.50 FEET TO AN EAST CORNER OF SAID LOT 3, SAID POINT BEING THE SOUTHWEST CORNER OF SAID LOT 1, ROBBERS CAVE SUBDIVISION, THENCE SOUTH 89 DEGREES 41 MINUTES 40 SECONDS EAST, ALONG A NORTH LINE OF SAID LOT 3, SAID LINE BEING THE SOUTH LINE OF SAID LOT 1, ROBBERS CAVE SUBDIVISION, A DISTANCE OF 49.87 FEET TO AN EAST CORNER OF SAID LOT 3, SAID POINT BEING THE NORTHWEST CORNER OF LOT 2, ROBBERS CAVE SUBDIVISION, THENCE SOUTH 00 DEGREES 12 MINUTES 33 SECONDS WEST, ALONG AN EAST LINE OF SAID LOT 3, SAID LINE BEING THE WEST LINE OF SAID LOT 2, SAID LINE BEING A WEST LINE OF A PARCEL OF LAND AS REFERRED TO IN SAID INST. NO. 2016-38116, A DISTANCE OF 179.66 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3, SAID POINT BEING A WEST CORNER OF SAID LOT 2, SAID POINT BEING A NORTHWEST CORNER OF A PARCEL OF LAND AS REFERRED TO IN SAID INST. NO. 2016-38116, THENCE, CONTINUING, SOUTH 00 DEGREES 12 MINUTES 33 SECONDS WEST, ALONG THE SOUTHERLY EXTENSION OF SAID LOT 3, A DISTANCE OF 83.34 FEET TO AN INTERSECTION WITH THE WESTERLY EXTENSION OF A SOUTH LINE OF SAID INST. NO. 2016-38116, SAID LINE BEING THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 2, HERBERT ADDITION, THENCE SOUTH 89 DEGREES 38 MINUTES 00 SECONDS EAST, ALONG SAID WESTERLY EXTENSION, A DISTANCE OF 39.88 FEET TO A SOUTH CORNER OF A PARCEL OF LAND AS REFERRED TO IN SAID INST. NO. 2016-38116, SAID POINT BEING THE NORTHWEST CORNER OF SAID LOT 2, HERBERT ADDITION, THENCE SOUTH 00 DEGREES 11 MINUTES 37 SECONDS WEST, ALONG AN EAST LINE OF SAID PARCEL OF LAND, SAID LINE BEING THE WEST LINE OF SAID LOT 2, HERBERT ADDITION, A DISTANCE OF 85.08 FEET TO A SOUTHWEST CORNER OF SAID PARCEL OF LAND, SAID POINT BEING THE SOUTHWEST CORNER OF SAID LOT 2, HERBERT ADDITION, SAID POINT BEING ON THE NORTH LINE OF LOT 1, HERBERT ADDITION, THENCE NORTH 99 DEGREES 40 MINUTES 44 SECONDS WEST, ALONG A SOUTH LINE OF SAID PARCEL OF LAND, SAID LINE BEING THE NORTH LINE OF LOT 1, HERBERT ADDITION, A DISTANCE OF 118.43 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL OF LAND, SAID POINT BEING A NORTH CORNER OF SAID LOT 1, HERBERT ADDITION, THENCE NORTH 29 DEGREES 59 MINUTES 20 SECONDS WEST, ALONG THE WEST LINE OF SAID PARCEL OF LAND, AND ALONG THE WEST LINE OF SAID LOT 3, ROBBERS CAVE SUBDIVISION, SAID LINE BEING THE NORTHEAST LINE OF SAID LOT 1, HERBERT ADDITION, A DISTANCE OF 48.07 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 85,370.54 SQUARE FEET, OR 1.96 ACRES, MORE OR LESS.



DATE: 7/1/2019 14:00:00 (19-07-01 14:00:00) User: P:\Projects\2019\Robbers Cave Public House\Drawings\Site Plan.dwg User: pshaffer

REV.	DATE	DESCRIPTION

SITE PLAN
ROBBERS CAVE PUBLIC HOUSE
AMENDMENT TO SP15062
LINCOLN, NEBRASKA
2019

Drawn by:	EL
Checked by:	EL
Appr'd by:	EL
DATE OF:	07/01/19
DATE OF:	07/01/19
DATE OF:	07/01/19
DATE OF:	07/01/19
DATE OF:	07/01/19
DATE OF:	07/01/19



December 20, 2019

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

Re: Amendment to the Robbers Cave Special Permit SP15062
Olsson Project No. 019-4014

Dear Mr. Cary,

On behalf of Robbers Cave, LLC, owner of the real property legally described as Robbers Cave Subdivision, Lot 3, located in Lancaster County, Nebraska ("the Property").

We are requesting an Amendment to the Special Permit to increase boundary to include the existing lot to the south of the property. We plan to utilize the south lot to provide the required parking to increase the restaurant square footage to utilize the entire existing building. As part of that renovation, in accordance with LMC chapter 27. 63.290 Robbers Cave Public House is requesting a special permit under Chapter 27.47.030 to sell alcoholic beverages for consumption on premise at 925 Robbers Cave Rd. We will be operating a restaurant and social hall on the property and selling alcoholic beverages for consumption and off sale.

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

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

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

Sincerely,

A handwritten signature in blue ink that reads "Brian Lang".

Brian Lang

Enclosures.

019-4014

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF THAT PART OF LOT D, COUNTY CLERK'S SUBDIVISION OF LOTS 17 AND 18, FAIRMONT, CITY OF LINCOLN, AS REFERRED TO IN INST. NO. 2016-38116, RECORDS OF LANCASTER COUNTY, AND LOT 3, ROBBERS CAVE SUBDIVISION, CITY OF LINCOLN, ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTERCOUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SAID TRACT CONTAINS A CALCULATED AREA OF 85,370.54 SQUARE FEET, OR 1.96 ACRES, MORE OR LESS.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

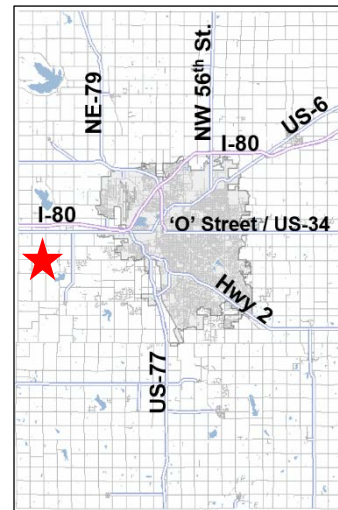
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #16021B	FINAL ACTION? Yes	DEVELOPER/OWNER Melissa Smith
PLANNING COMMISSION HEARING DATE May 13, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 12400 W. Denton Rd.

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to amend site specific condition #1 of Special Permit 16021 for Expanded Home Occupation per Article 13.032. The applicant wants to eliminate the condition limiting them to no more than 2 events per month. They also want to be allowed to have events year round instead of being limited to only March 1st through November 30th.



JUSTIFICATION FOR RECOMMENDATION

The amendment to allow additional events is consistent with other similar venues that have been allowed in the County. There have been no reported incidents or complains since the operation began a little more than 2 years ago. The use is acceptable with limitations to the number of events per month and the number of people allowed per event.

APPLICATION CONTACT
Melissa Smith 402-304-3179,
hillside.events@yahoo.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This special permit for Expanded Home Occupation allows for an accessory home business which is encouraged in the Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 5.4 - Farmers, while working year round, often support their families with accessory home occupations.

P. 5.5 - Continue to encourage and permit accessory home businesses.

ANALYSIS

1. This request is to amend the number of allowed events per month that were imposed by Special Permit #16021. SP #16021 was approved with the condition, "Events up to 250 persons are allowed two days in any one calendar month from March 1st through November 30th, provided that a wedding event may also include gatherings such as wedding rehearsals and pre-nuptial dinners not involving more than 50 people. No events are allowed between November 30th and March 1st."
2. The applicant is requesting that they be allowed to have events on Fridays, Saturdays and Sundays each month throughout the year. They are not asking for the limit of 250 persons to be changed.
3. The Building and Safety Department, Planning Department, Lincoln-Lancaster County Health Department and Lancaster County Sheriff have received no complaints or responded to any incidents related to events at Hillside Events Center over the last 2+ years.
4. The site is approximately 22 acres with a barn and house on the premises. The barn was converted for the event space. There is a covered patio and an outdoor area north of the barn for wedding ceremonies. The parking lot is gravel except for the handicap spaces and has a capacity of 53 vehicles. An overflow parking area can accommodate 52 additional vehicles.
5. The nearest house is approximately 700 feet from the outside ceremony area. There are three houses that are located approximately 800 to 1,000 feet from the outside ceremony area.
6. The applicant mailed a letter to 21 property owners in the area. The applicant's letter proposes large events to be held on Fridays and Saturdays. Small events, up to 50 persons, would be allowed on Sundays.
7. In discussing number of events per month with the applicant, the applicant agreed to an alternative of allowing events 10 days per month and limit the events to Friday, Saturday and Sunday. Any of the days could have up to 250 persons. /
8. Similar uses in the county approved by special permit include Prairie Creek Inn and Cooley-Dodge Farmstead. Prairie Creek Inn located at 2400 S. 148th St. was approved for a Bed and Breakfast and Expanded Home Occupation by County Special Permit 08021A. Events are limited to 300 persons except that up to 4 events per calendar year may have up to 500 persons. There is no limitation on number of events per month or to the time of year.

Although Prairie Creek Inn is similar in its use, there are differences in the surrounding area. The distance between the nearest property line and the area where events are held is over 1,250 feet. The nearest house is approximately 700 feet from the barn at Hillside Events.

Cooley-Dodge Farmstead was approved in August 2019 for Historic Preservation to allow an event venue. There were no limits on how many events are allowed. The nearest houses are approximately 2,500 to 3,000 feet from the event venue.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: AG Agricultural Agriculture and single family house.

SURROUNDING LAND USE & ZONING

North:	AG Agricultural	Farm ground with two houses
South:	AG Agricultural	Farm ground with three house
East:	AG Agricultural	Farm ground with two house
West:	AG Agricultural	Farm ground with one house

APPLICATION HISTORY

- July 12, 2016 Special Permit #16021 for Expanded Hole Occupation for Hillside Events Center was approved by the County Board.
- September 5, 2017 Special Permit #16021A to revise the landscape plan for Hillside Events Center was approved by the County Board.

APPROXIMATE LAND AREA: 22 acres, more or less

LEGAL DESCRIPTION: Lot 19 I.T. located in the SW ¼ of Section 17, Township 9 North, Range 5 East; Lancaster County, NE

Prepared by

Tom Cajka, Planner

Date: April 30, 2020

Applicant: Hillside Events
12400 W. Denton Rd.
Denton, NE 68339

Contact: Melissa Smith
12400 W. Denton Rd.
Denton, NE 68339
402-304-3179

Owner: Same as applicant

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CONDITIONS OF APPROVAL - SPECIAL PERMIT #16021B

Per Article 13.032 of the Lancaster County Zoning Regulations this approval permits Expanded Home Occupation subject to the following conditions

Site Specific Conditions:

1. Except for Site Specific Condition Number 1 and 5 of Resolution R-16-0039 (approving SP16021), the other waivers and conditions of Resolution R-16-0039 and Resolution R-17-0066 as specified below, are hereby incorporated into this Resolution:

Waivers

1. Waive the requirement for gravel surface of parking lots for the overflow parking.
2. Waive the requirement that outside areas used for the business not exceed 15,000 square feet.
3. Waive the requirement that all outside business related activity be 200 feet from all property lines.
4. To allow more than two employed persons who are not members of the family residing on the premises to carry out the occupation or activity on the premises.

Site Specific Conditions

1. Events up to 250 persons are allowed 10 days in any one calendar month on Fridays, Saturdays and Sundays only.
2. Any outside music is not allowed to use speakers or other forms of amplification.
3. Any portion of an event held outdoors must conclude by 10:00 p.m. All events shall conclude by 12:00 a.m.
4. Fireworks are not allowed except on July 3rd and 4th.
5. Owner shall provide a landscape plan (screen) that shows a 60% screen from the ground to 10 feet above the ground along the south and east property lines adjacent to any outdoor area used for the business or parking lot. Landscape screen shall be as defined in the City of Lincoln Design Standards Chapter 3.50, Section 2. The percentage of screening attributed to the plants shown on the landscape plan approved by the Planning Department shall be calculated by attributing to each plant its mature height and spread.
6. Any landscaping shall follow the planting size as specified in Lincoln's Plant Material List. The "mature height and spread" of a plant shall mean the "Design Size" of the plant specified in Lincoln's Plant Material List (November 2007), as amended. Plants not listed on Lincoln's Plant Material List may be permitted by submitting a request to the Director of Planning.
7. The owner agrees to promote vigorous growth of the required plants by performing continuous and properly timed maintenance. The maintenance responsibility consists of watering, weeding, fertilizing, controlling diseases and insects, pruning, removing the stakes and wires used to secure the plant when planting and removing and replacing unhealthy, damaged and/or dead plants. The replacement plant must be the same species, size and in the same location as shown on the approved landscape plan and planted during the next appropriate planting season. Substitute plants may be permitted by submitting a request to the Director of Planning.
8. Any individual or entity dispensing alcohol on site must be licensed under the Nebraska Liquor Control Act.

9. Outdoor lighting shall be cutoff, as defined in Section 3 of the City of Lincoln Design Standards, and shall meet the light trespass requirements defined in Section 9 of the City of Lincoln Design Standards.

Standard Conditions:

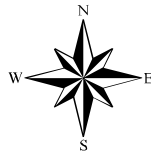
2. The following conditions are applicable to all requests:
 - 2.1 Before starting the operation all development and construction shall substantially comply with the approved plans.
 - 2.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee.
 - 2.3 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.
 - 2.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 2.5 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.
 - 2.6 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.



City of Lincoln Lancaster County, NE

2018 aerial




Special Permit #: SP16021B
Hillside Events
SW 126th St & W Denton Rd

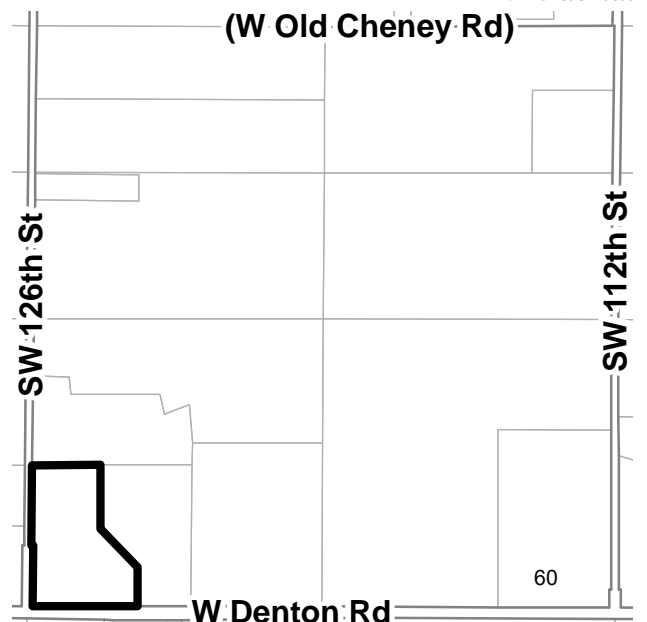


One Square Mile:
Sec.17 T09N R05E

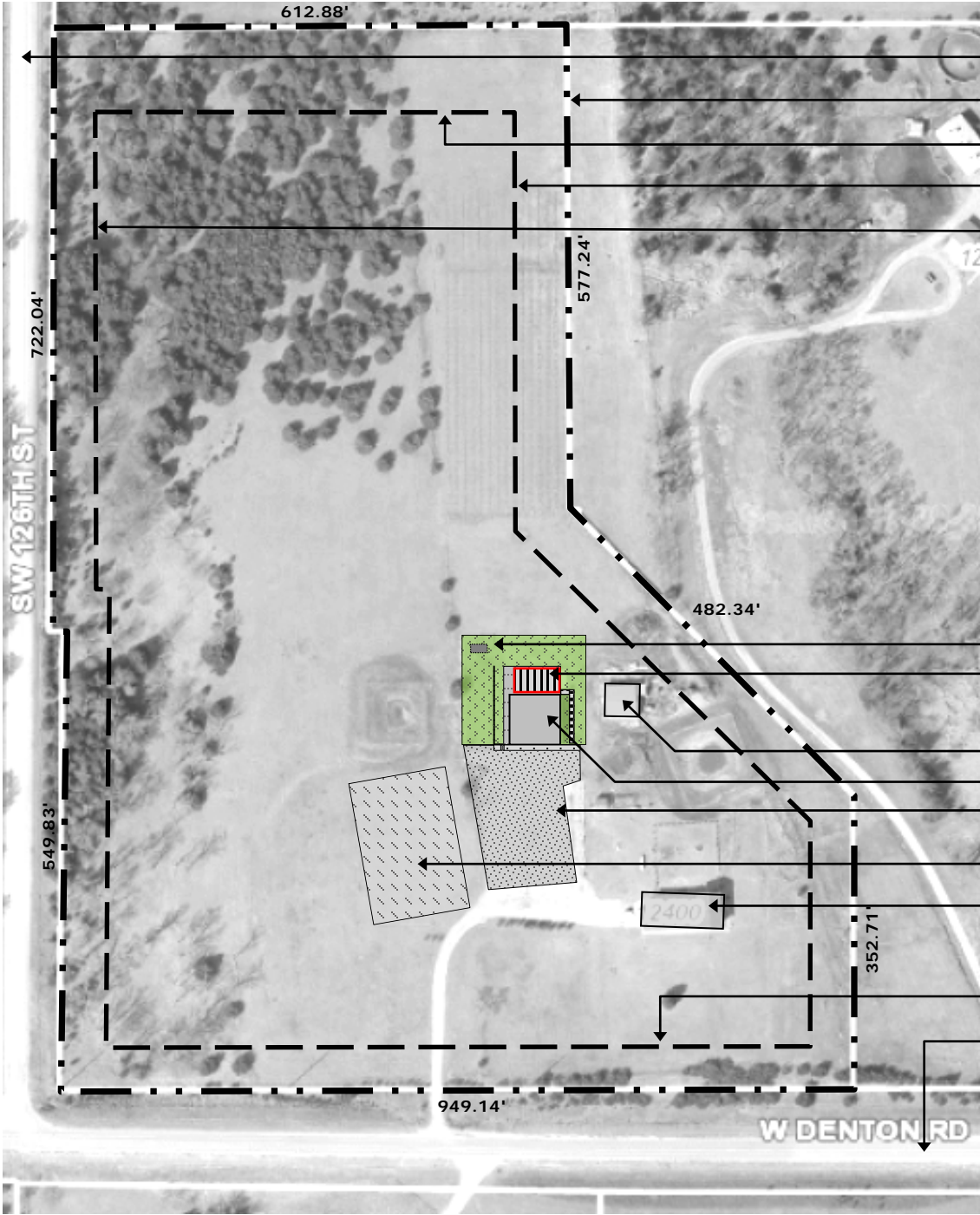
Zoning:

- 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

	Area of Application
	Zoning Jurisdiction Lines
	City of Lincoln Jurisdiction



This property is under conditions required in SP16021, Resolution No. R-16-0039, Condition Nos. 1-4 and 6-8. The Applicant / Owner acknowledges and will comply with the conditions referenced in this resolution for the covered outdoor patio area proposed under this building permit.



- SW 126th Street
- Property Lines
- 100' Rear Yard Setback
- 60' Side Yard Setback
- 50' Front Yard Setback
- Grass Ceremony Area
- New 30'W x 48'L x 10'T Covered Open Sided Structure over existing concrete patio
- Existing Building
- Existing 60'W x 62'L Event Building
- Existing 53 stall rock parking lot with 2 concrete HC accessible stalls
- Existing 52 stall grass overflow parking lot
- Existing Single Family Residence
- 50' Front Yard Setback
- West Denton Road

LEGAL DESCRIPTION

S17, T9, R5, 6th Principal Meridian, LOT 19 SW
Parcel ID: 0317300007000



I, Kurtis A. Suhr, #A-2165 am the Coordinating Professional for: Hillside Event Center Patio Addition

Architecture **1** NE
8030 Thornview Road
Lincoln, NE 68506
402.580.2312 c
402.489.5112 p.f.
ksuhr@neb.rr.com

PROPERTY Site Plan
Scale: 1" = 500' (8 1/2 X 11 page size)

04-14-2020
Project # 2020-00-007

HILLSIDE EVENTS – Covered Patio Addition

12400 West Denton Road
Denton, NE 68339

Tom J. Cajka

From: Hillside Events <hillside.events@yahoo.com>
Sent: Tuesday, April 14, 2020 12:02 PM
To: Tom J. Cajka
Subject: Letter for zoning updated

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email comes from a sender outside your organization.

Letter for zoning

To whom it may concern,

We are applying to amend our special permit in order to allow us to reschedule current weddings that have been canceled due to restrictions of the current pandemic. We are asking that the site specific condition number 1 be amended. By amending this condition it would also allow us to hold more events in the future and to operate like the other wedding venues located in Lancaster county. We are asking that our condition eliminates the two days in one calendar month from March 1st through November 30th. Also no events allowed from November 30th and March 1st be removed. We are not asking for the event maximum size of 250 persons to be changed. We are asking that we be allowed large events of 250 people or less on Fridays and Saturdays year round, as well as small events of 50 people or less on Sundays year round.

The current waivers on our permit would remain the same.

1. Waive the requirement for gravel surface of parking lots for the overflow parking.
2. Waive the requirement that outside areas used for the business not exceed 15,000 square feet.
3. Waive the requirement that all outside business related activity be 200 feet from all property lines.
4. To allow more than two employed persons who are not members of the family residing on the premises to carry out the occupation or activity on the premises.

Thank you,

Melissa and Tyler Smith

Sent from my iPhone

Hello Neighbors,

We would like to introduce ourselves. We are Tyler and Melissa Smith, we live at 12400 W Denton Road Denton, NE with our 4 children. We have lived here since November of 2014. We are the owners and operators of Hillside Events, an event venue, which is located on our property. Due to the recent pandemic we have had to cancel or reschedule some weddings and receptions due to the local restrictions of group sizes of less than 10 people. In order to reschedule to later in the year the county is requiring us to amend our current zoning. Currently we are only allowed 2 events per month from March through November. We are asking that we permanently be allowed more events per month and to be open year round as part of this amendment.

We are still working on the specifics of the amendment with the county. The discussions are as followed:

- Events allowed on Fridays and Saturdays
- That we are allowed to be open all year round instead of closing in December, January, and February
- To allow small events of 50 people or less on Sundays. This would allow us to hold baby showers, wedding showers, birthday parties, graduation parties, and smaller family events

By having more weekends available to us year round would allow us to have additional dates available to donate the space to fundraisers for local non-profits and organizations. In the past we have donated the space to hold fundraisers and would love to help out the community as much as we can. These count as events for us and have only been able to do them on a limited basis.

Operating a family friendly business is our mission as our kids help us out with the daily aspects of running the business. Your family's safety is also of our concern. We have security guards present at all receptions and all alcohol is through a licensed vendor. Please let us know if you have any questions or concerns. The county will also be mailing out a letter to you. Thank you for your time and stay safe!

Sincerely,

Tyler and Melissa Smith
Hillside Events
402-304-3179
hillside.events@yahoo.com
www.HillsideEvents.com
Find us on Facebook!

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

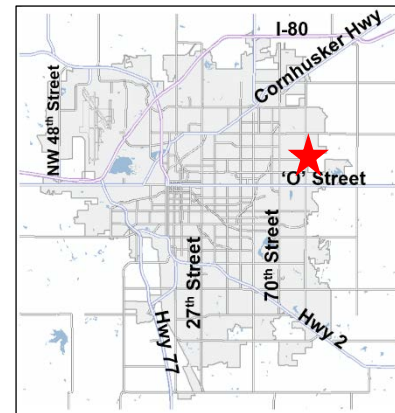
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Use Permit #116A	FINAL ACTION? Yes	DEVELOPER/OWNER 7510 INVESTMENTS, LLC
PLANNING COMMISSION HEARING DATE May 13,2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION N. 84 th Street and Northern Lights Drive

RECOMMENDATION: APPROVAL WITH CONDITIONS

BRIEF SUMMARY OF REQUEST

An amendment is proposed to the Northern Lights Commercial Center Use Permit located west of N. 84th Street between Holdrege Street and Northern Lights Drive. The northern part of the commercial area has a revised layout, and would be changed to allow up to 180 multi-family dwelling units or 43,300 square feet of commercial floor area. The total approved commercial floor area for the center of 216,000 square feet would stay the same. No new waivers are requested.



JUSTIFICATION FOR RECOMMENDATION

The proposed multi-family residential dwellings and commercial uses conform to the Comprehensive Plan future land use map, which identifies the lots for commercial use. A recent text amendment allowed dwellings on the ground floor in the B-2 zoning district. The text amendment was intended to encourage the construction of supporting residential uses within commercial areas such as this project.

APPLICATION CONTACT

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

STAFF CONTACT

Rachel Jones, (402) 441-7491 or rjones@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed land uses fit the future commercial land use designation and support the goals for mixed use development and residential infill within commercial centers.

WAIVERS

No waivers are requested.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

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

P. 5.1-5.2 - Business & Economy Guiding Principles

- Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.
- Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.
- Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.
- Strive for predictability for neighborhoods and developers.
- Encourage and provide incentives for mixed uses in future developments.
- Encourage commercial centers to encompass a broad range of land uses with the integration of compatible land use types.

P. 5.6 - This site is shown as a Community Center on Map 5.1 - Existing and Proposed Commercial Centers.

P. 5.7-5.8 - Strategies for Commercial Centers

- Include higher density residential uses within and/or adjacent to all Commercial Centers except for Highway Oriented Commercial Areas.
- Discourage single use centers. Office parks should include supporting retail and residential components, while shopping centers should include supporting office and residential uses.
- Develop smaller stores next to larger anchor stores in centers to encourage small businesses and to provide a variety of goods and services for customers utilizing the centers.
- Design streets and public spaces to enhance pedestrian activity and support multiple modes of transportation.
- Create a pedestrian-oriented environment in the physical arrangement of buildings and parking.
- Develop Commercial Centers as compact clusters or mixed use nodes with appropriate site design features to accommodate shared parking and ease of pedestrian movement, to minimize impacts on adjacent areas, and encourage a unique character.
- Design buildings and land uses at the edge of the center to be compatible with adjacent residential land uses. Examples of compatible land uses include apartments, mixed use residential buildings, offices, assisted living facilities, or child care centers. Buildings should be compatible in terms of height, building materials and setback. Small compatible commercial buildings at the edge could include retail or service uses. Buildings with more intrusive uses should have greater setbacks, screening requirements and be built of more compatible materials.
- Locate the most intensive commercial uses, such as restaurants, car washes, grocery stores, gas stations/convenience stores and drive through facilities nearer to the major street or roadway and furthest from the residential area (unless contained within a mixed use center). Lighting, dumpsters, loading docks and other service areas should be screened from residences.

P. 5.10 - Community Centers may vary in size from approximately 250,000 to 600,000 square feet of commercial space. Community Centers tend to be dominated by retail and service activities, although they can also serve as campuses for corporate office facilities and should include a mix of residential uses

ANALYSIS

1. The request is to revise the lot layout and land uses in the northern part of the Northern Lights Commercial Center Use Permit. Lot 7 is proposed for up to 180 multi-family residential dwellings or 43,300 square feet of commercial floor area. In addition, the commercial lot layout east of the multi-family area would be revised.
2. The area of change is currently approved for commercial uses. It is comprised of several lots and an outlot for future development. The overall approved commercial floor area for the center will remain the same at 216,000 square feet. Lot 7 is the location of the proposed multi-family dwellings. As an alternative to the dwellings, 43,300 square feet of commercial floor area is identified for Lot 7 in the event the developer decides to develop it with commercial uses instead.
3. Text Amendment #19005 was approved in October 2019 and permitted residential uses on the ground floor in the B-2 zoning district as part of a Use Permit. Previously, only dwellings above or below the first floor were permitted in the B-2 district. This proposal makes use of the recent change by amending this Use Permit to add dwellings.
4. The original Use Permit #116 allowed a waiver of the standard screening between the commercial area and the dwellings to the west and north. However, a landscape plan was approved which required some landscaping to be installed. The dwellings to the west and north were first conceived as apartments but ultimately developed as rowhouses (defined as "townhouses" in the Zoning Ordinance).

Additional screening for this amendment is not necessary as the proposed apartments and the adjacent townhouses are both considered multifamily uses. It appears that some of the original required landscaping was either not maintained or not installed. A condition of approval requires that the landscape plan be updated to reflect the new site plan. Any missing landscaping must be installed.

5. The apartment site is several feet higher in elevation than the townhouses to the west. The apartments will conform to the maximum 40-foot height of the B-2 zoning district. No height waiver is requested. Between the apartments and the townhouses will be an approximately 30-foot wide landscaped area. Adjacent to the landscaped area will be Northwoods Drive. Together, these will provide a more than sufficient buffer, for either commercial or residential uses.
6. The sale of alcohol for consumption on and off the premises are conditional uses in the B-2 district upon meeting separation requirements to residential zoning districts, among other separation standards. The proposed dwellings will be within a commercial zoning district and therefore would not create any new restrictions on alcohol sales by surrounding businesses.
7. The proposed apartment buildings are an appropriate transition to the townhouses. The Comprehensive Plan supports locating higher-density residential within and near commercial centers to support the commercial uses and increase their longevity.
8. A virtual neighborhood meeting was held on April 21, 2020. Several neighbors were in attendance. Their main concerns related to noise, lighting, and traffic. There are existing regulations in place for noise and light trespass. Neighbors expressed concern about the development adding to traffic on Sawyer Street and Northern Lights Drive. The proposed residential use is anticipated to generate less traffic than the currently approved commercial uses. This development will also complete Northwoods Drive, the north-south private roadway along the west side of the commercial center. Northwoods Drive will provide an alternative route to Sawyer Street for north- and south-bound traffic through the commercial area.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Vacant; B-2

SURROUNDING LAND USE & ZONING (Area of Change)

North: Townhouse dwellings and commercial; R-5 and H-4
South: Commercial; B-2
East: Commercial; B-2
West: Townhouse residential dwellings; R-5

APPLICATION HISTORY

Nov. 1999 Preliminary Plat #98033 was approved by the City Council for 23 commercial lots west of N. 84th Street between Holdrege Street and Leighton Avenue.

Concurrently, Use Permit #116 was approved by the City Council for 216,000 square feet of commercial space for the area located west of N. 84th Street between Holdrege Street and Northern Lights Drive. Several administrative amendments were approved to Use Permit #116 revising the lot layout and land use table.

APPROXIMATE LAND AREA: 21.57 acres (Use Permit Boundary)

LEGAL DESCRIPTION: See attached.

Prepared by

Rachel Jones, Planner

Date: May 4, 2020

Applicant/Contact: Nate Buss
Olsson
601 P Street, Suite 200
Lincoln, NE 68508
(402) 458-5645 or nbuss@olsson.com

Owner: 7510 INVESTMENTS, LLC
7510 Glynoaks Drive
Lincoln, NE 68516
clay1516@gmail.com

F:\DevReview\UP\UP116A Northern Lights Commercial Center.rkj.docx

CONDITIONS OF APPROVAL - USE PERMIT #116A

This approval permits up to 216,000 square feet of total commercial floor area, and up to 180 dwelling units or 43,300 square feet of commercial floor area on Lot 7.

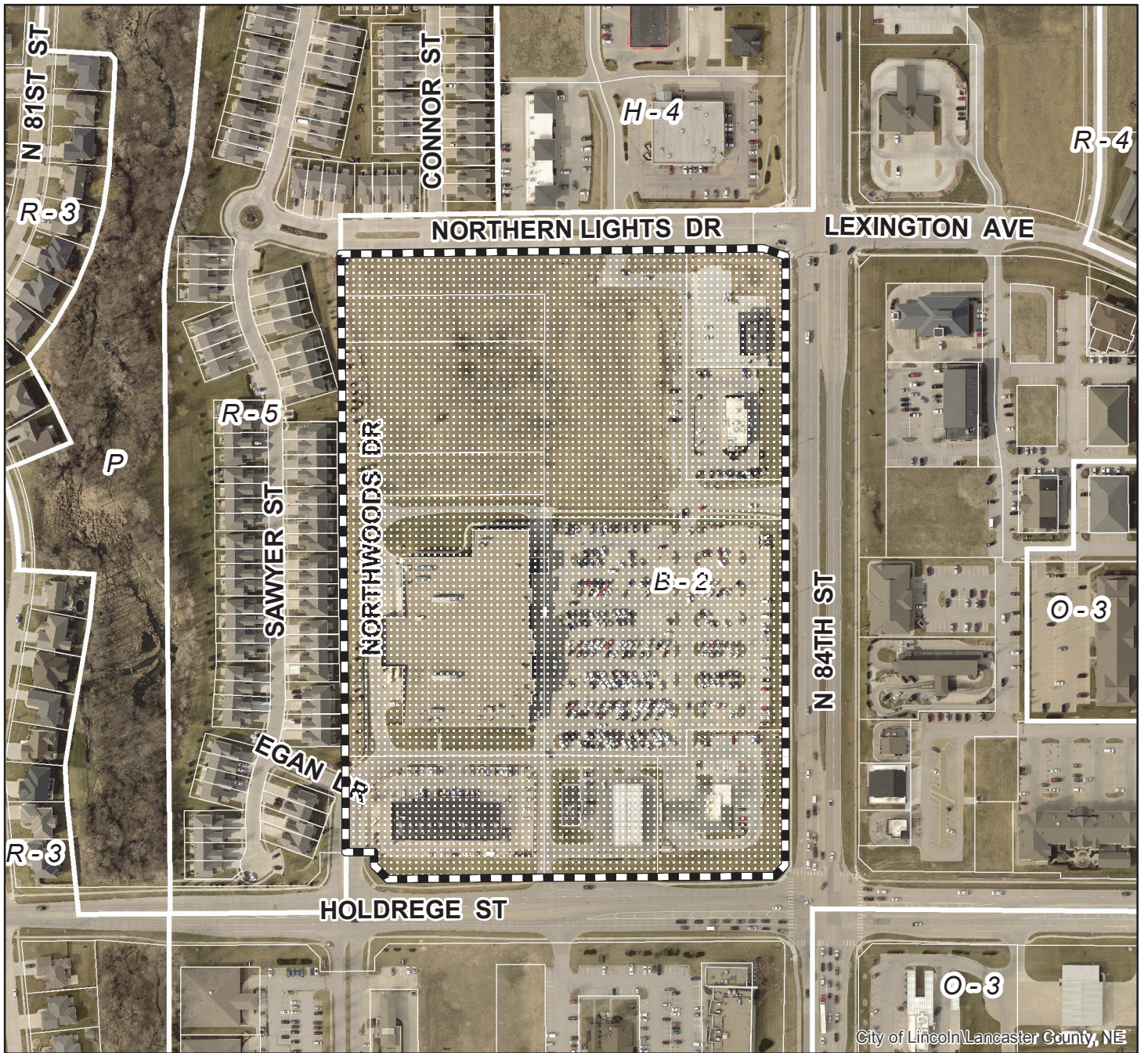
Site Specific Conditions:

1. The permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below upon approval before a final plat is approved:
 - 1.1 Label Northwoods Drive as a private roadway.
 - 1.2 Add text under the Lot Land Use table clarifying that 180 dwelling units are approved.
 - 1.3 Update the landscape plan approved with Use Permit #116 to the satisfaction of the Planning Director.
 - 1.4 Update the sheet numbering to reflect the addition of the landscape plan and account for the original sheets that were approved with Use Permit #116.
 - 1.5 Provide additional calculations to the satisfaction of Watershed Management to meet the requirements for Water Quality Volume and capture.
 - 1.6 Indicate that curb and other paving structure will be provided to separate the parking stalls from the driveway along the east side of the parking area serving Lots 8, 9, and 10 to the satisfaction of the Transportation and Utilities Department.
 - 1.7 Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the use permit has been recorded.
2. Final plat(s) is/are approved by the City.

Standard Conditions:

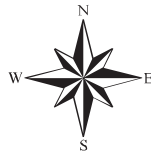
3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the dwelling units / buildings all development and construction is to substantially comply with the approved plans.
 - 3.2 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
 - 3.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
 - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the use permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

- 3.6 The permittee shall after constructing the private roadways furnish the Lincoln Transportation and Utilities Department an accurate survey of the centerline.
- 3.7 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions/ordinances approving previous permits remain in force unless specifically amended by this resolution.



2018 aerial

Use Permit #: UP116A
Northern Lights Commercial Center
N 84th St & Northern Lights Dr



One Square Mile:
Sec.15 T10N R07E

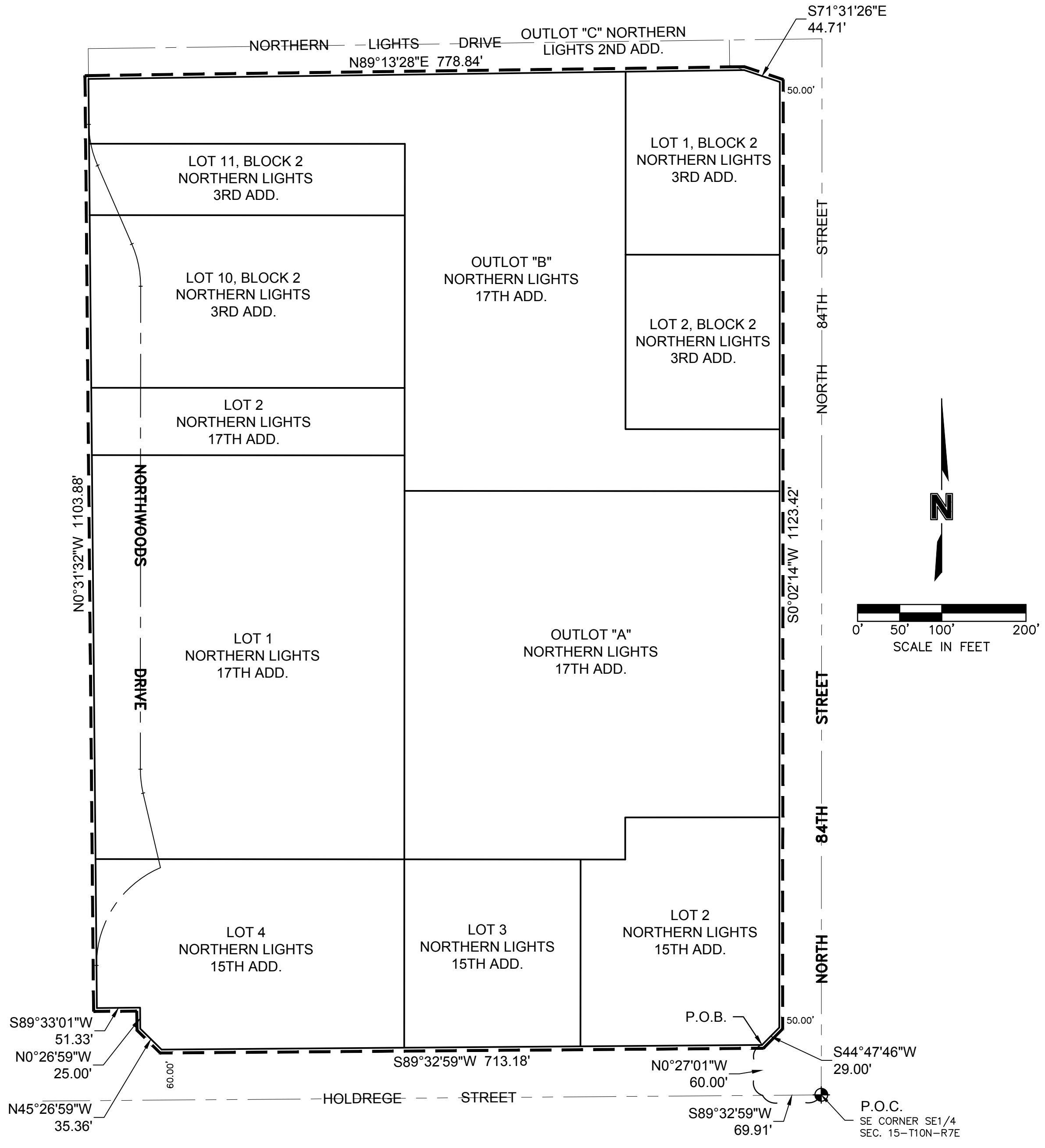
Zoning:

- 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
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- 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

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



DWG: F:\2018\0001-0500\018-0320\40-Design\Survey\SRV\Final Plots\Drawings\018-0320_UP116A.dwg
 DATE: Apr 10, 2020 4:38pm
 USER: mjohnson
 XREFS:



PROJECT NO: 018-0320
 DRAWN BY: MRJ
 DATE: APRIL 10TH, 2020

NORTHERN LIGHTS
 USE PERMIT 116A EXHIBIT



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

EXHIBIT
 B

**LEGAL DESCRIPTION
USE PERMIT 116A**

A TRACT OF LAND COMPOSED OF LOTS 1, 2, 10 AND 11, BLOCK 2, NORTHERN LIGHTS 3RD ADDITION, LOTS 2, 3 AND 4, NORTHERN LIGHTS 15TH ADDITION, OUTLOTS "A" AND "B", AND LOTS 1 AND 2, NORTHERN LIGHTS 17TH ADDITION, ALL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M.; THENCE WESTERLY ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER ON AN ASSUMED BEARING OF S89°32'59"W, A DISTANCE OF 69.91' TO A POINT; THENCE N00°27'01"W, A DISTANCE OF 60.00' TO THE SOUTHEAST CORNER OF LOT 2, NORTHERN LIGHTS 15TH ADDITION, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF HOLDREGE STREET, SAID POINT ALSO BEING **THE TRUE POINT OF BEGINNING**; THENCE S89°32'59"W, ON A THE SOUTH LINE OF SAID LOT 2, AND ON THE SOUTH LINE OF LOTS 3 AND 4, NORTHERN LIGHTS 15TH ADDITION, SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 60.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 713.18' TO THE SOUTHWEST CORNER OF SAID LOT 4; THENCE N45°26'59"W, ON A SOUTHWEST LINE OF SAID LOT 4, SAID LINE BEING A NORTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 35.36' TO WEST CORNER OF SAID LOT 4; THENCE N00°26'59"W, ON A WEST LINE OF SAID LOT 4, SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 25.00' TO A SOUTH CORNER OF SAID LOT 4; THENCE S89°33'01"W, ON A SOUTH LINE OF SAID LOT 4, SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 51.33' TO A WEST CORNER OF SAID LOT 4; THENCE N00°31'32"W, ON A WEST LINE OF SAID LOT 4, ON THE WEST LINE OF LOTS 1 AND 2, NORTHERN LIGHTS 17TH ADDITION, ON THE WEST LINE OF LOTS 10 AND 11, BLOCK 2, NORTHERN LIGHTS 3RD ADDITION, AND ON A WEST LINE OF OUTLOT "B", NORTHERN LIGHTS 17TH ADDITION, A DISTANCE OF 1,103.88' TO THE NORTHWEST CORNER OF SAID OUTLOT "B", SAID POINT BEING THE SOUTHWEST CORNER OF OUTLOT "C", NORTHERN LIGHTS 2ND ADDITION; THENCE N89°13'28"E, ON THE NORTH LINE OF SAID OUTLOT "B", AND ON A NORTH LINE OF LOT 1, BLOCK 2, NORTHERN LIGHTS 3RD ADDITION, SAID LINE BEING THE SOUTH LINE OF SAID OUTLOT "C", A DISTANCE OF 778.84' TO A NORTH CORNER OF SAID LOT 1; THENCE S71°31'26"E, ON A NORTH LINE OF SAID LOT 1, SAID LINE BEING A SOUTH RIGHT-OF-WAY LINE OF NORTH 84TH STREET, A DISTANCE OF 44.71' TO THE NORTHEAST CORNER OF SAID LOT 1, SAID POINT BEING 50.00' WEST OF THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE S00°02'14"W, ON THE EAST LINE OF SAID LOT 1, AND ON THE EAST LINE OF LOT 2, BLOCK 2, NORTHERN LIGHTS 3RD ADDITION, ON THE EAST LINE OF OUTLOTS "B" AND "A", NORTHERN LIGHTS 17TH ADDITION, AND ON THE EAST LINE OF LOT 2, NORTHERN LIGHTS 15TH ADDITION, SAID LINE BEING THE WEST RIGHT-OF-WAY LINE OF NORTH 84TH STREET, SAID LINE ALSO BEING 50.00' WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1,123.42' TO AN EAST CORNER OF SAID LOT 2; THENCE S44°47'46"W, ON THE SOUTHEAST LINE OF SAID LOT 2, SAID LINE

BEING A NORTHWEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 29.00' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 939,554.34 SQUARE FEET OR 21.57 ACRES, MORE OR LESS.

Friday, April 10, 2020

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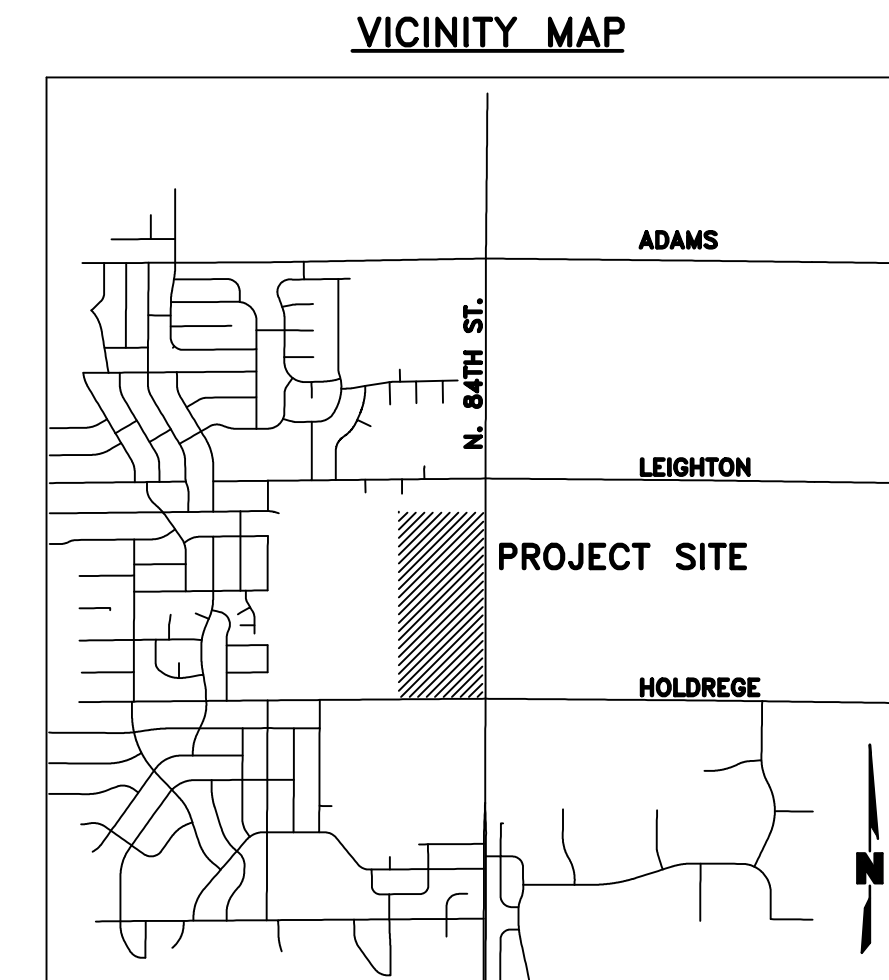
NORTHERN LIGHTS COMMERCIAL CENTER

**USE PERMIT
SITE PLAN
ENGINEER & PREPARER**
OLSSON
601 "P" STREET
SUITE 200
LINCOLN, NE 68508
PHONE: 474-6311

LOT LAND USE				
BUILDING ENVELOPE	ZONE	BUILDING AREA (S.F.)	USE	MIN. PARKING HEIGHT
1A	B-2	2,500	COMMERCIAL	9 40'
1B	B-2	2,000	COMMERCIAL	7 40'
2	B-2	3,400	COMMERCIAL	12 40'
3	B-2	6,000	COMMERCIAL	20 40'
4	B-2	2,500	COMMERCIAL	9 40'
5	B-2	14,000	COMMERCIAL	47 40'
6	B-2	116,500	COMMERCIAL	389 40'
7	B-2	180 UNITS	MULTI-FAMILY	180 40'
8	B-2	(OR 43,300 SF)	(OR COMMERCIAL)	(145) 40'
9	B-2	13,600	COMMERCIAL	46 40'
10	B-2	8,000	COMMERCIAL	14 40'
10	B-2	8,000	COMMERCIAL	27 40'
TOTAL		216,000		760 (725)

• B-2 AREA = 939,533.44 SQ FT
2000 SF/UNIT
B-2 AREA DWELLING UNITS ALLOWED = 469 UNITS

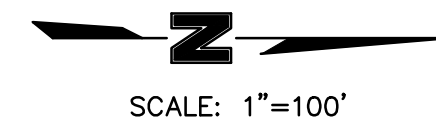
- LEGEND**
- W — EXISTING WATER MAIN
 - W — PROPOSED WATER MAIN
 - S — EXISTING SANITARY SEWER
 - S — PROPOSED SANITARY SEWER
 - S — SANITARY SEWER MANHOLE
 - ⊗ — FIRE HYDRANT
 - ⊕ — WATER VALVE
 - 15" SS — EXISTING STORM SEWER
 - 15" SS — PROPOSED STORM SEWER
 - PROPOSED BUILDING ENVELOPE



**LEGAL DESCRIPTION
USE PERMIT 116A**

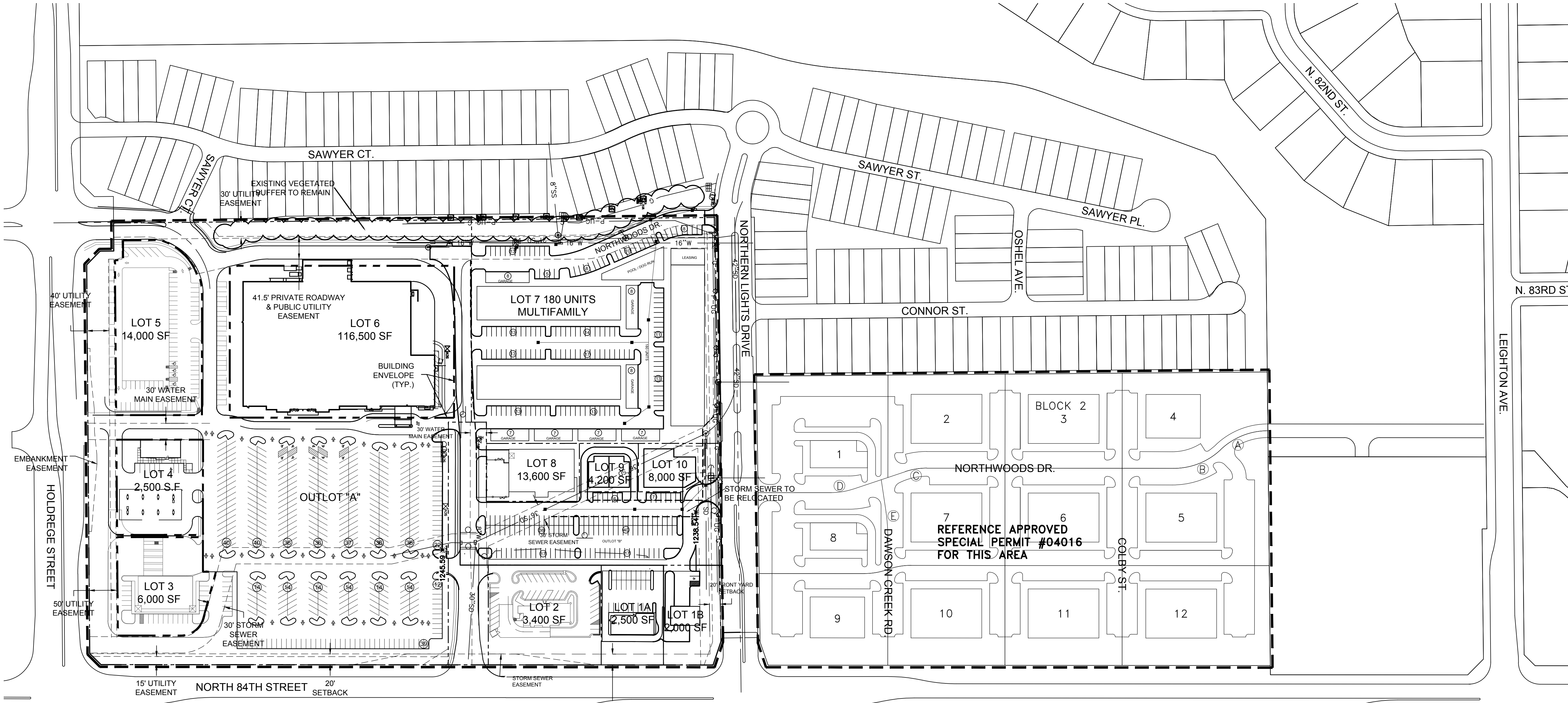
A TRACT OF LAND COMPOSED OF LOTS 1, 2, 10 AND 11, BLOCK 2, NORTHERN LIGHTS 3RD ADDITION, LOTS 2, 3 AND 4, NORTHERN LIGHTS 15TH ADDITION, OUTLOTS 'A' AND 'B', AND LOTS 1 AND 2, NORTHERN LIGHTS 17TH ADDITION, ALL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 10 NORTH RANGE 7 EAST OF THE 6TH 1/4", CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH 1/4", THENCE WESTERLY ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER ON AN ASSUMED BEARING OF S89°32'59"W, A DISTANCE OF 69.91' TO A POINT, THENCE N00°27'01"W, A DISTANCE OF 80.00' TO THE SOUTHWEST CORNER OF LOT 2, NORTHERN LIGHTS 15TH ADDITION, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF HOLDREGE STREET, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING, THENCE S89°32'59"W, ON A THE SOUTH LINE OF SAID LOT 2, AND ON THE SOUTH LINE OF LOTS 3 AND 4, NORTHERN LIGHTS 15TH ADDITION, SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 60.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 713.19' TO THE SOUTHWEST CORNER OF SAID LOT 4, THENCE N40°28'59"W, ON A SOUTHWEST LINE OF SAID LOT 4, SAID LINE BEING A NORTHWEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 35.36' TO WEST CORNER OF SAID LOT 4, THENCE N00°28'59"W, ON A WEST LINE OF SAID LOT 4, SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 28.02' TO A SOUTH CORNER OF SAID LOT 4, THENCE S89°33'01"W, ON A SOUTH LINE OF SAID LOT 4, SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 51.33' TO A WEST CORNER OF SAID LOT 1, THENCE N00°31'32"W, ON A WEST LINE OF SAID LOT 4, ON THE WEST LINE OF LOTS 1 AND 2, NORTHERN LIGHTS 17TH ADDITION, ON THE WEST LINE OF LOTS 10 AND 11, BLOCK 2, NORTHERN LIGHTS 3RD ADDITION, AND ON A WEST LINE OF OUTLOT 'B', NORTHERN LIGHTS 17TH ADDITION, A DISTANCE OF 1103.88' TO THE NORTHWEST CORNER OF SAID OUTLOT 'B', SAID POINT BEING THE SOUTHWEST CORNER OF OUTLOT 'C', NORTHERN LIGHTS 2ND ADDITION, THENCE N89°13'29"E, ON THE NORTH LINE OF SAID OUTLOT 'B', AND ON A NORTH LINE OF LOT 1, BLOCK 2, NORTHERN LIGHTS 3RD ADDITION, SAID LINE BEING THE SOUTH LINE OF SAID OUTLOT 'C', A DISTANCE OF 778.84' TO A NORTH CORNER OF SAID LOT 1, THENCE S71°31'59"E, ON A NORTH LINE OF SAID LOT 1, SAID LINE BEING A SOUTH RIGHT-OF-WAY LINE OF NORTH 84TH STREET, A DISTANCE OF 44.71' TO THE NORTHEAST CORNER OF SAID LOT 1, SAID POINT BEING 50.00' WEST OF THE EAST LINE OF SAID SOUTHEAST QUARTER, THENCE S00°02'14"W, ON THE EAST LINE OF SAID LOT 1, AND ON THE EAST LINE OF LOT 2, BLOCK 2, NORTHERN LIGHTS 3RD ADDITION, ON THE EAST LINE OF OUTLOTS 'B' AND 'A', NORTHERN LIGHTS 17TH ADDITION, AND ON THE EAST LINE OF LOT 2, NORTHERN LIGHTS 15TH ADDITION, SAID LINE BEING THE WEST RIGHT-OF-WAY LINE OF NORTH 84TH STREET, SAID LINE ALSO BEING 50.00' WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1,124.42' TO AN EAST CORNER OF SAID LOT 2, THENCE S44°45'49"W, ON THE SOUTHWEST LINE OF SAID LOT 2, SAID LINE BEING A NORTHWEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 29.00' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 939,554.34 SQUARE FEET OR 21.57 ACRES, MORE OR LESS.



GENERAL NOTES

- PUBLIC UTILITIES ARE LOCATED IN ADJACENT PUBLIC STREETS.
- CURRENTLY ZONED B-2 AND H-4.
- SIDEWALKS TO BE BUILT ALONG NORTH SIDE OF HOLDREGE ST. AND WEST SIDE OF 84TH ST. ALSO ALONG BOTH SIDES OF THE HOLDREGE ST. ENTRANCE, ALONG THE WEST SIDE OF NORTHWOODS DRIVE ADJACENT TO THE B-2 COMMERCIAL BUILDINGS, BOTH SIDES OF NORTHERN LIGHTS DRIVE, BOTH SIDES OF NORTHWOODS DRIVE THROUGH THE H-4 AREA TO THE PROPOSED BIKE TRAIL, ALONG THE WEST SIDE OF NORTHWOODS DRIVE, ADJACENT TO THE ICE SKATING POND.
- ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
- DIRECT VEHICULAR ACCESS TO HOLDREGE ST. AND 84TH ST. FROM INDIVIDUAL LOTS SHALL BE RELINQUISHED EXCEPT AS SHOWN ON THE PLAT.
- LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY UP TO 10 FEET.
- ALL ELEVATIONS ARE TO CITY OF LINCOLN DATUM.
- ALL STREET DIMENSIONS ARE TO BACK OF CURB.
- ALL STREET INTERSECTIONS ARE AT 90° UNLESS OTHERWISE NOTED.
- WE ARE PROVIDING A COMMON ACCESS EASEMENT OVER ALL DRIVES & PARKING STALLS, IN THE B-2 AREA, AS SUCH DRIVES & PARKING STALLS MAY EXIST.
- LOTS MAY BE CREATED WITHOUT FRONTAGE TO A PUBLIC STREET IN THE B-2 ZONING DISTRICT IF THEY HAVE ACCESS TO A PUBLIC ACCESS EASEMENT.
- ALL SETBACKS WILL BE IN ACCORDANCE WITH THE B-2 & H-4 ZONING STANDARDS.
- THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF PREMISES IS PERMITTED PROVIDED THE LOCAL REQUIREMENTS OF SECTION 27.62.100 HAVE BEEN MET OR WAIVED BY THE CITY COUNCIL.
- ALL EAVES, CANOPIES AND OTHER BUILDING PROJECTIONS MAY EXTEND OVER THE BUILDING ENVELOPE LINES BUT NOT LOT LINES, PROVIDED THEY MEET THE REQUIREMENTS OF SECTION 27.72.040 AND 27.72.030.
- TENT USAGE APRIL 1ST-NOV. 1ST MAX. SIZE OF TENTS 80' X 40' BUT SMALLER CAN BE USED. NO PARKING WITHIN 20 FEET OF TENTS. MULTIPLE TENTS MAY BE UP AT ONE TIME, HOWEVER, TOTAL NUMBER OF TENTS USED AT ONE TIME MAY NOT COVER MINIMUM NUMBER OF PARKING STALLS REQUIRED BY LINCOLN DESIGN STANDARDS.
- BUILDING ENVELOPES SHALL BE LOCATED AS SHOWN FROM PRIVATE ROADWAYS.
- FENCES, DECORATIVE STRUCTURES, & ACCESSORY BUILDINGS ARE NOT SHOWN ON THE SITE PLAN IF THEY ARE 25' BY 25' OR SMALLER AND ARE CONSTRUCTED OUTSIDE OF SETBACKS, SITE TRIANGLES, EASEMENTS, AND REQUIRED MINIMUM PARKING, AND ARE BUILT ACCORDING TO THE ZONING ORDINANCE PROVISIONS, AND ARE IN CONFORMANCE WITH ALL OTHER APPLICABLE CODES WITHIN THE B-2 AREA.
- THE DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES.
- RELOCATION OF ANY UTILITY FACILITIES WILL BE AT THE OWNER/DEVELOPER'S EXPENSE.
- ALONG THE WEST OF NORTHWOODS DRIVE WITHIN THE B-2 AREA, WE WOULD REQUEST A WAIVER STREET TREES BE WAIVED ALONG THE EAST SIDE OF THIS AREA DUE TO THE PROXIMITY OF THE BUILDINGS. STREET TREES ALONG NORTHERN LIGHTS DRIVE ARE A PART OF THE LANDSCAPE PLAN. WE ARE REQUESTING A WAIVER OF THE DESIGN STANDARDS TO REQUIRE STREET TREES BE WAIVED ALONG THE PORTION OF NORTHWOODS DRIVE NORTH OF THE H-4, DUE TO THE PROXIMITY TO THE LES SUBSTATION AND POTENTIAL PARKING AREA FOR THE PROPOSED ICE SKATING POND. WE WOULD BE WILLING TO WORK WITH PARKS AND RECREATION TO PLACE SOME TREES ALONG THIS AREA IN CONJUNCTION WITH THE POTENTIAL PARKING LOT BEING PROPOSED AS DEVELOPMENT OCCURS.
- IN THE B-2 AREA, ALL SITE SPECIFIC PLANS INCLUDING BUILDING LAYOUT, PARKING LAYOUT, UTILITIES AND LANDSCAPING WILL BE REVIEWED AND APPROVED AT THE TIME OF THE BUILDING PERMIT PROCESS. THE PARKING LOT LAYOUT SHOWN IS FOR CONCEPTUAL PURPOSES AND CAN BE ALTERED AT THE TIME OF BUILDING PERMIT PROCESS (WITHOUT THE NEED FOR AN ADMINISTRATIVE AMENDMENT) PROVIDED THAT THE ALTERATIONS DO NOT DECREASE OR DISRUPT APPLICABLE CITY DESIGN STANDARDS.
- THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON PREMISES IS PERMITTED PROVIDED THE LOCAL REQUIREMENTS OF SECTION 27.62.110 HAVE BEEN MET OR WAIVED BY THE CITY COUNCIL.



REV. NO.	DATE	REVISIONS DESCRIPTION

SITE PLAN
NORTHERN LIGHTS COMMERCIAL CENTER
USE PERMIT

LINCOLN, NE
2019

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drawn by: JSM
checked by: NKB
approved by: NKB
GNCC by: NKB
project no.: 018-0320
drawing no.: C_SIT_80320.dwg
date: 4/13/20

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April 1, 2020

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

**Re: *Northern Lights Commercial Center – Amendment to Use Permit
Southwest Corner of Northern Lights Drive and N. 84th Street
(OA Project #018-0320)***

Dear David:

On behalf of 7510 Investments, LLC, we are submitting for an Amendment to the existing Use Permit (UP116) which governs the site located at the Southwest Corner of Northern Lights Drive and N. 84th Street.

A. Site Improvements

The Developer is proposing to revise the USE of Lot 1, Lot 7, Lot 8, and Outlot B of the existing site. The revised site will consist of changing the commercial use to Multi-family residential. Outlot B will be revised to commercial pad sites and parking lot.

The attached exhibit shows the area of the change in USE.

- New apartment buildings on the west will account for 180 units.
 - The development within the B-2 Zoning allows for 469 Units.
- Commercial will be maintained along the 84th Street Corridor

The change in use from Commercial to Residential is an appropriate transition from 84th Street to the townhomes on the west.

B. Site Drainage

The proposed changes will result in an overall reduction in impervious area and we are anticipating no adverse impacts to downstream occupants.

The new layout will require that we relocate an existing storm sewer line that will be upgraded to maintain existing flows through the site.

C. Parking and Circulation

Concurrently with the expansion, the Developer is also updating and constructing site parking and site circulation. Currently the main center entrance ends 215' into the Site from North 84th. We are proposing to continue that drive to the west to connect with the new multi-family lot. The proposed changes to access and circulation are reflected on the Site Plan. The required parking will remain on site and there will not be a waiver to reduce the parking.

D. Waiver Request

We are seeking no waivers with this application.

Olsson will submit plans to ProjectDox upon notification from the Planning Staff. The Landscape and Screening plans will be submitted at time of Building Permit.

We appreciate your consideration of the above requests and look forward to working with you on this exciting new and important update. If you require further information or have any questions, please do not hesitate to contact Nate Buss at nbuss@olsson.com, 402.770.7901.

Sincerely,



Nathaniel Buss, PE

Cc: Scott Ritter and Jeff Barclay (7510 Investments); Sam Manzitto Jr (Manzitto); Tim O'Neill (OHDBS, PC, LLO)

Encls: Use Permit application; Use Permit application fee; Use Permit Area Exhibit, Site Plan and Grading Plan (via ProjectDox)

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