

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

June 24, 2020

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, June 24, 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.

For the protection of all those involved, the Planning Commission will be allowing testimony on agenda items by videoconferencing. For those who wish to testify by video, you must register with the Planning Department Office to participate by calling 402-441-7491 or emailing Plan@lincoln.ne.gov by 10:00 a.m. the day of the meeting. You will be asked to provide your name, address, phone number and the agenda item(s) you wish to speak on, and your position on this item. On the day of the hearing, you will receive a link via email, which will be needed to join the hearing to provide your testimony.

AGENDA

WEDNESDAY, JUNE 24, 2020

Approval of minutes of the regular meeting held June 10, 2020.

Resolution of Appreciation presented to Shams Al-Badry.

1. **CONSENT AGENDA:**
(Public Hearing and Administrative Action);
2. **REQUESTS FOR DEFERRAL:**
3. **ITEMS REMOVED FROM CONSENT AGENDA:**

4. **PUBLIC HEARING AND ADMINISTRATIVE ACTION:**

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

ANNEXATION AND RELATED ITEMS:

- 4.1a ANNEXATION 20006, to annex an area southeast of SW 56th Street and West O Street, on property generally located at SW 56th and O Streets.
Page **Staff recommendation: Conditional Approval**
01 **Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov**
- 4.1b CHANGE OF ZONE 20011, from AG (Agricultural District) to H-3 (Highway Commercial District) and from AG (Agricultural District) to I-1 (Industrial District), on property generally located at SW 56th and O Streets.
Page **Staff recommendation: Conditional Approval**
01 **Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov**
- 4.1c PRELIMINARY PLAT 20002, for 55 commercial lots on property located south of West O Street and SW 56th Street, on property generally located at SW 56th and O Streets. *****FINAL ACTION *****
Page **Staff recommendation: Conditional Approval**
17 **Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov**

TEXT AMENDMENT:

- 4.2 TEXT AMENDMENT 19007, to amend Articles 2, 4, 5, 6, 7, 9, 13 and 17 of the Lancaster County Zoning Regulations related to allowing Large and Small Solar Facilities, and stating that accessory solar and wind energy conversion systems are permitted in all zoning districts.
Page **Staff recommendation: Approval**
35 **Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov**

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

SPECIAL PERMIT AND RELATED USE PERMIT:

- 4.3a SPECIAL PERMIT 1629J, to allow for the adjustment of parking, on property generally located at South 27th Street and Pine Lake Road.
Page **Staff recommendation: Conditional Approval**
47 **Staff Planner: Steve Henrichsen, 402-441-6374, shenrichsen@lincoln.ne.gov**
- 4.3b USE PERMIT 100E, to replace office use with multi-family use and include 110 dwelling units, with associated waivers, on property generally located at South 27th Street and Pine Lake Road.
Page **Staff recommendation: Conditional Approval**
47 **Staff Planner: Steve Henrichsen, 402-441-6374, shenrichsen@lincoln.ne.gov**

CHANGE OF ZONE:

4.4 CHANGE OF ZONE 20019, from AG (Agricultural District) to AGR (Agricultural Residential District), on property generally located at South110th Street and Saltillo Road.

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Staff recommendation: Denial

Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

5. ADMINISTRATIVE ACTION ONLY:

SPECIAL PERMIT:

5.1 SPECIAL PERMIT 20005, to allow for an alternative to imprisonment facility with up to 6 persons in an existing residence, on property generally located at 420 South 28th Street. *****FINAL ACTION *****

Page

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Staff recommendation: Conditional Approval

Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

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**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:

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

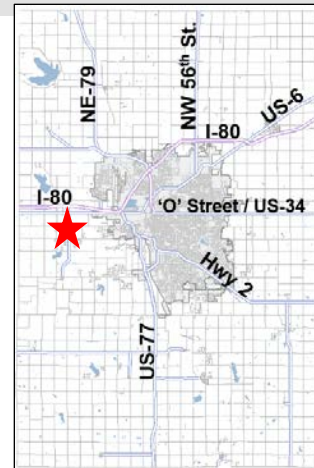
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER AN #20006 Change of Zone #20011	FINAL ACTION? No	DEVELOPER/OWNER D&R Development KDS Investments
PLANNING COMMISSION HEARING DATE June 24, 2020	RELATED APPLICATIONS PP#20002	PROPERTY ADDRESS/LOCATION SW 56 th St. and West "O" St.

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a combined staff report for Annexation #20006 and Change of Zone #20011 for the West "O" Development. The applicant request is to annex 6.6 acres and for a change of zone from AG-Agriculture to H-3 Highway Commercial on approximately 4.56 acres and from AG to I-1 Industrial on approximately 15.1 acres. The project is located at SW 56th St. and West "O" St. The applicant is requesting the annexation and change of zone to allow the development of commercial lots. The associated preliminary plat shows the creation of 55 commercial lots in the long term. The City is proposing to annex an additional 11.4 acres for a total of 18.04 acres.



JUSTIFICATION FOR RECOMMENDATION

The property is contiguous to the City limits on the north. A change of zone from AG to H-3 and AG to I-1 is consistent with the Future Land Use Map designation, and compatible with surrounding area. The majority of the area shown as Agriculture Stream Corridor on the Future Land Use Plan will remain in an unbuildable outlot. This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

APPLICATION CONTACT

Marcia Kinning, REGA Engineering Group
marcia@regaeng.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The requested annexation and change of zone are consistent with the 2040 Comprehensive Plan, which identifies future commercial and industrial land uses on the Future Land Use Map. The property is contiguous to the city limits. Although the land to be annexed is outside of the future service limit and is in Tier III, annexation is appropriate with the majority of the area remaining in an outlot for open space. This request complies with the requirements of the Zoning Ordinance and Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is shown as future commercial, industrial, agricultural stream corridor and agriculture on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 - Industrial - Areas where railroads, manufacturing, trucking and transportation facilities are the dominant land use, with some commercial activities.

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. 12.4 - Agricultural Stream Corridor - Land intended to remain in open space, predominantly in agricultural use, but that may also include parks, recreation fields, or parking areas when near future commercial, industrial, or public uses.

P.12.4- Agricultural - Land principally in use for agricultural production.

P. 12.1 - The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use to another is often gradual.

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.

P. 5.2 - Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.

P. 5.2 - Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.

P. 5.5-5.6 - Commercial and Industrial Development Strategies - It is the policy that Commercial and Industrial Centers in Lancaster County be located:

-Within the City of Lincoln or incorporated villages.

-Outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning).

-Where urban services and infrastructure are available or planned for in the near term.

-In sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan.

-In areas compatible with existing or planned residential uses.

-In areas accessible by various modes of transportation (i.e. automobile, bicycle, transit, and pedestrian).

-So that they enhance entryways or public way corridors, when developing adjacent to these corridors.

-In a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan. P. 6.1 -

P 12.14-15 - The Annexation Policy of the 2040 Comprehensive Plan.

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

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

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

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

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

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

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

UTILITIES & SERVICES:

- A. Sanitary Sewer: Public sanitary sewer is adjacent to this development and can be extended to serve this site.
- B. Water: Public water is available and can be extended to serve this site.
- C. Roads: West "O" Street is also US Highway 6. West "O" is classified as a minor arterial. Access to the site will be via three new intersections at SW 52nd Street, SW 56th Street and SW 59th Street. All three intersections will have full turning movements with both right and left hand turn lanes.
- D. Fire Protection: After annexation, fire protection will be provided by Lincoln Fire Rescue (LFR).

ANALYSIS

1. These are related requests for both annexation and a change of zone. The change of zone is from AG Agriculture to H-3 Highway Commercial and I-1 Industrial. The land areas to be annexed and re-zoned vary as a portion of the area to be rezoned is already within the city limit. The area requested by the applicant to be annexed is a portion of Lot 17 I.T. and is 6.6 acres. The area to be re-zoned is 19.66 acres.
2. The area to be annexed is contiguous to the City limits and located within Tier III. The area is shown as Agricultural Stream Corridor on the future land use plan. All utilities, including public water and sewer, are available to serve the site. The development will be able to be served by the full range of city services.
3. The area to be annexed is within Tier III and shown as Agriculture Stream Corridor in the Comprehensive Plan. The Comprehensive Plan notes that Agricultural Stream Corridor is for land intended to remain in open space, predominantly in agricultural use. The majority of the land being annexed will be within an outlot for open space

and drainage.

4. The proposed annexation leaves 11.44 acres of Lot 17 I. T outside the city limits. Leaving this property outside the city limits could cause confusion for emergency services. Emergency services would travel south from West O Street through the city limits to get to this small area. There is a large area to the south that is not annexed, however the subject site cannot be reached from the south due to the railroad tracks. The entire 18.04 acres of lot 17 I.T. should be annexed to avoid confusion between city and county services.
5. The subject property is located within the Southwest Rural Fire District. Any costs due to the district are to be paid by the developer. In this case, staff has conducted the financial analysis and there are not funds due the district.
6. An annexation agreement will accompany the annexation request to City Council for their consideration. The agreement will include cost sharing for intersection improvements on West "O" Street and for a traffic signal at SW 56th Street and West "O" Street. Without the agreement, the change of zone would not be appropriate as the impact of the rezoning and development will not have been addressed.
7. The site is designated for future commercial, industrial and agriculture stream corridor on the Future Land Use Plan. The proposed change of zone and preliminary plat are consistent with the land use designations.

EXISTING LAND USE & ZONING:

AG Agricultural Farm ground and flood plain

SURROUNDING LAND USE & ZONING

North:	H-4 General Commercial	Truck terminal
South:	AG Agricultural	Railroad and farm ground
East:	H-3 Highway Commercial	Truck stop and outdoor storage
	AG Agricultural	Farm ground
West:	H-3 Highway Commercial	Commercial
	I-1 Industrial	Outdoor storage

APPROXIMATE LAND AREA:

Annexation per applicant request is 6.6 acres, more or less. City additional 11.44 acres for a total of 18.04 acres.
Change of Zone 19.66 acres, more or less

LEGAL DESCRIPTION: see attached

Prepared by

Tom Cajka, Planner

Date: June 11, 2020

Applicant: REGA Engineering Group
601 Old Cheney Road, Suite A
Lincoln, NE 68512

Contact: Marcia Kinning
REGA Engineering Group
601 Old Cheney Road, Suite A
Lincoln, NE 68512
402-484-7342
marcia@regaeng.com

Owner: D&R Development
1354 Pelican Bay Place
Lincoln, NE 68528
402-432-1975

KDS Investments, LLC
151 SW 48th St.
Lincoln, NE 68522
402-474-1771

F:\DevReview\AN\20000\AN20006 and CZ20011 West O Development.tjc.docx

CONDITIONS OF APPROVAL - ANNEXATION #20006

1. Before these requests are scheduled for the City Council the owner will enter into an annexation agreement with the City of Lincoln.
2. Annexation of all of Lot 17 I.T.



City of Lincoln/Lancaster County, NE




2018 aerial

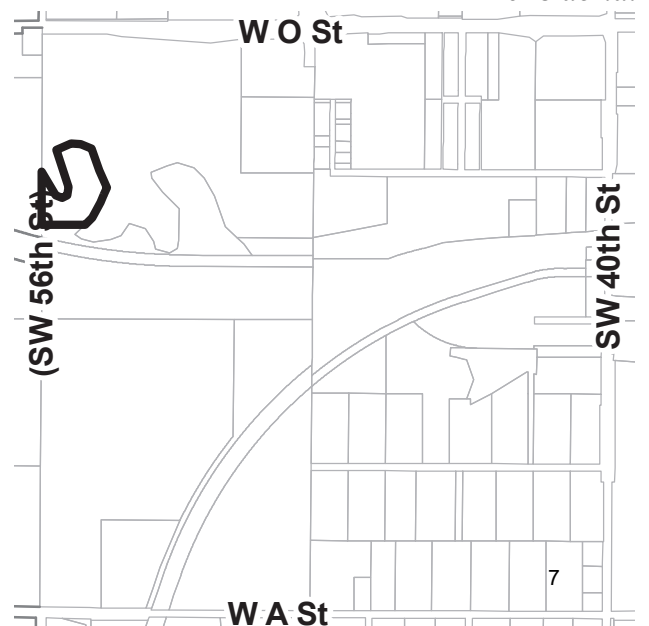
Annexation #: AN20006
West O Development
NW 56th St & W O St

Zoning:

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

One Square Mile:
 Sec.30 T10N R06E

	Area of Application
	Zoning Jurisdiction Lines
	Existing City Limits





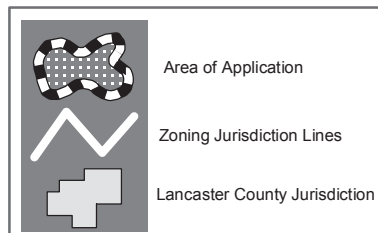
2018 aerial

Change of Zone #: CZ20011
West O Development
SW 56th St & W O St

Zoning:

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

One Square Mile:
 Sec.30 T10N R06E

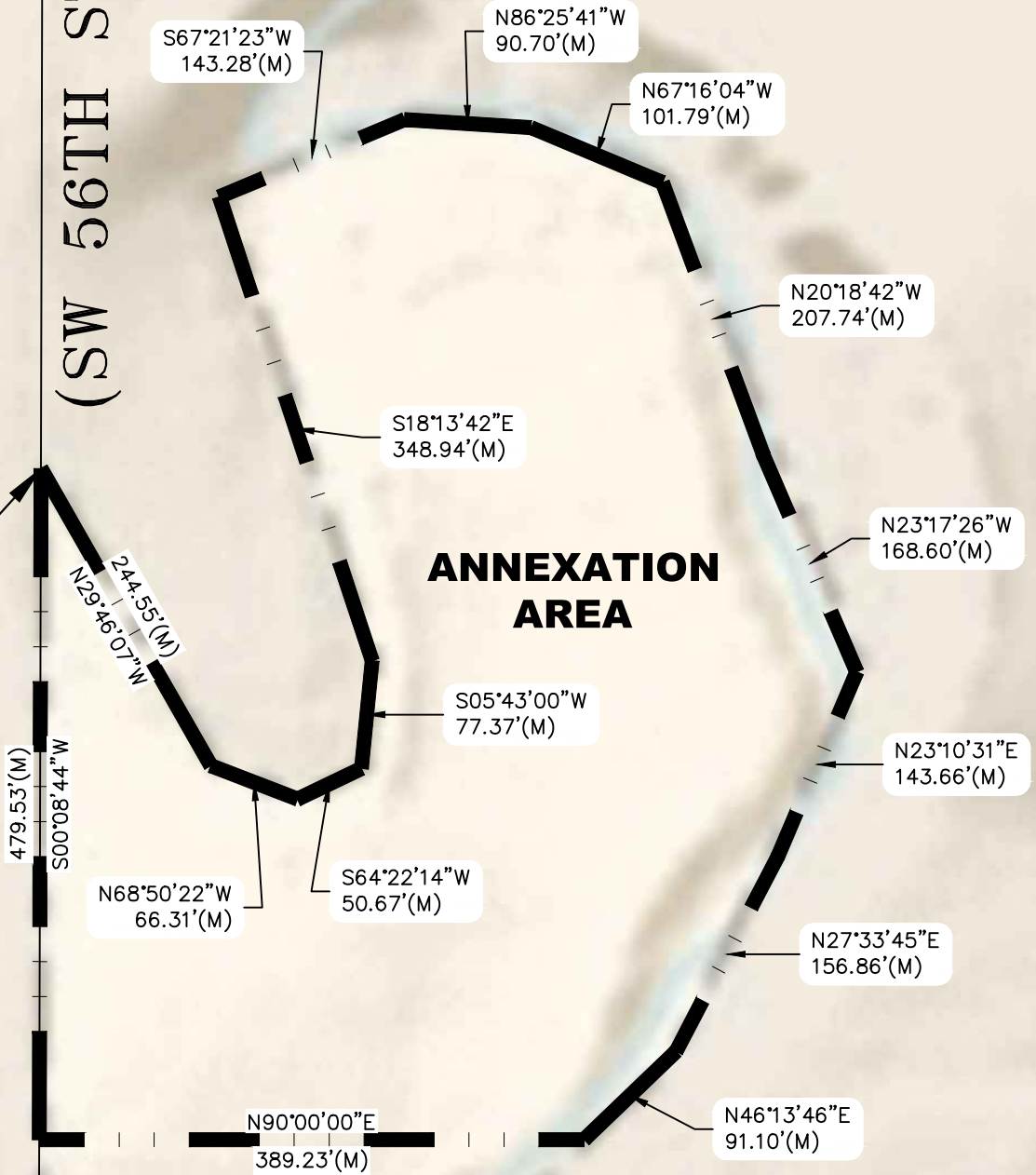


WEST O DEVELOPMENT
Annexation Exhibit

(SW 56TH ST.)

Annexation
P.O.B.

**ANNEXATION
AREA**



RAILROAD

WEST O DEVELOPMENT
ANNEXATION

LEGAL DESCRIPTON

A portion of Lot 17 of Irregular Tracts located in the Northwest Quarter of Section 30, Township 10 North, Range 6 East, of the 6th P.M., Lancaster County, Nebraska and more particularly described as follows:

Commencing at the Northwest Corner of the Northwest Quarter of said Section 30; Thence on the west line of said Northwest Quarter of Section 30, on an assumed bearing of S00°08'44"W, a distance of 1326.85 feet to the west common corner of said Lot 17 and Lot 53 of Irregular Tracts in the Northwest Quarter of said Section 30, also the POINT OF BEGINNING;

Thence continuing on the west line of the Northwest Quarter of said Section 30, also the west line of said Lot 17, S00°08'44"W, a distance of 479.53 feet;

Thence N90°00'00"E, a distance of 389.23 feet to a point on the common line of said Lots 17 and 53 also the assumed center of Old Middle Creek;

Thence for the next thirteen (13) courses on the assumed center of Old Middle Creek, also the assumed common line of said Lot 17 and said Lot 53, N46°13'46"E, a distance of 91.10 feet;

Thence N27°33'45"E, a distance of 156.86 feet;

Thence N23°10'31"E, a distance of 143.66 feet;

Thence N23°17'26"W, a distance of 168.60 feet;

Thence N20°18'42"W, a distance of 207.74 feet;

Thence N67°16'04"W, a distance of 101.79 feet;

Thence N86°25'41"W, a distance of 90.70 feet;

Thence S67°21'23"W, a distance of 143.28 feet;

Thence S18°13'42"E, a distance of 348.94 feet;

Thence S05°43'00"W, a distance of 77.37 feet;

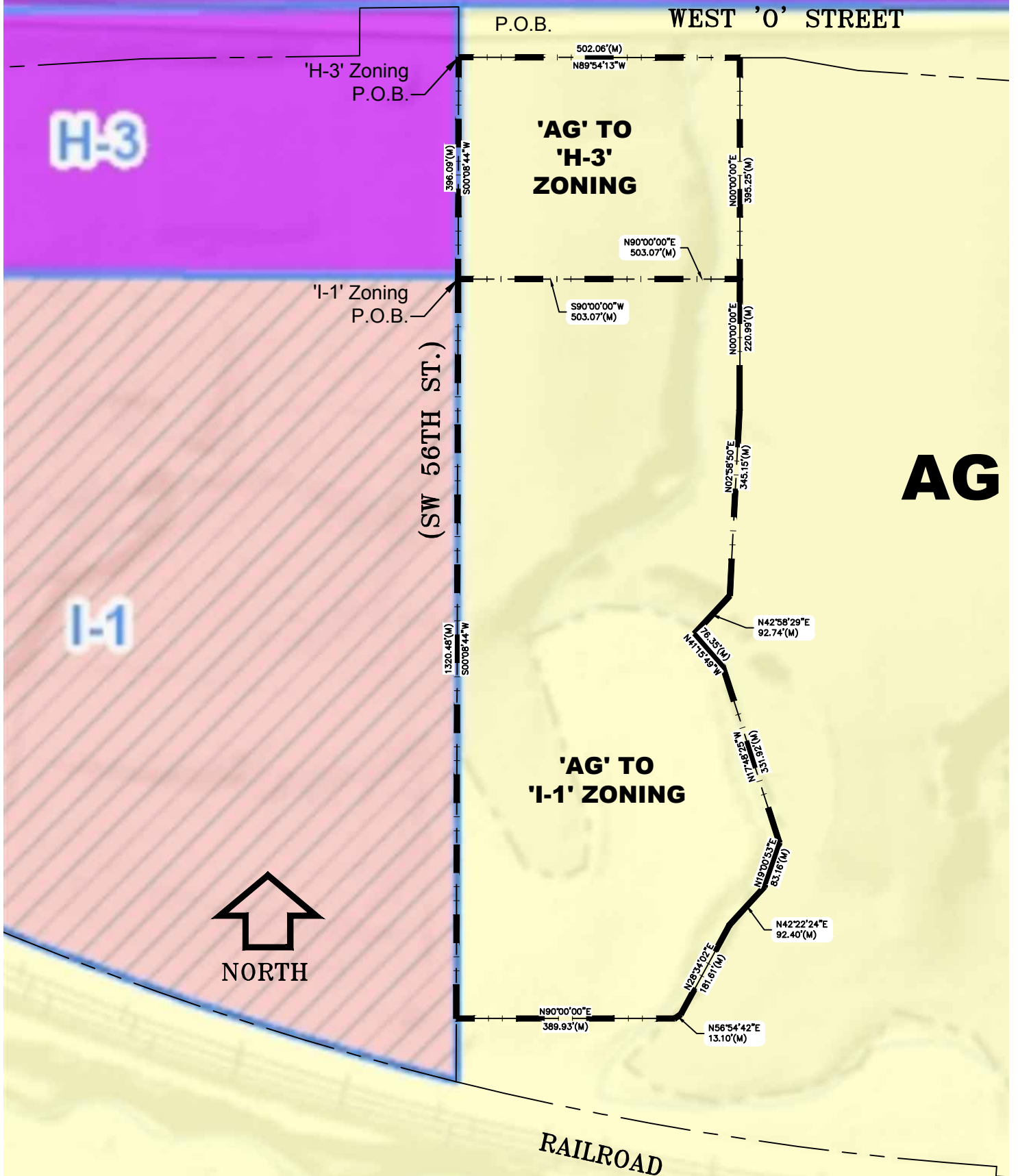
Thence S64°22'14"W, a distance of 50.67 feet;

Thence N68°50'22"W, a distance of 66.31 feet;

Thence N29°46'07"W, a distance of 244.55 feet to the POINT OF BEGINNING, and containing a calculated area of 287,296.55 square feet or 6.60 acres.

H-4

WEST O DEVELOPMENT Change of Zone Exhibit



**WEST O DEVELOPMENT
CHANGE OF ZONE**

**'AG' TO 'H-3'
LEGAL DESCRIPTION**

A portion of Lot 53 of Irregular Tracts located in the Northwest Quarter of Section 30, Township 10 North, Range 6 East, of the 6th P.M., Lancaster County, Nebraska and more particularly described as follows:

Commencing at the Northwest Corner of the Northwest Quarter of said Section 30; Thence on the west line of said Northwest Quarter of Section 30, S00°08'44"W, a distance of 89.81 feet to the POINT OF BEGINNING;

Thence continuing on the west line of the Northwest Quarter of said Section 30, also the west line of said Lot 53, S00°08'44"W, a distance of 396.09 feet;

Thence N90°00'00"E, a distance of 503.07 feet;

Thence N00°00'00"E, a distance of 395.25 feet to a point on the south right-of-way line of West O Street, also U.S. Highway 6, also the north line of said Lot 53;

Thence on the south right-of-way line of West O Street, also U.S. Highway 6, also the north line of said Lot 53, N89°54'13"W, a distance of 502.06 feet to the POINT OF BEGINNING and containing a calculated area of 198,847.91 square feet or 4.56 acres.

**'AG' TO 'I-1'
LEGAL DESCRIPTION**

A portion of Lots 17 and 53 of Irregular Tracts located in the Northwest Quarter of Section 30, Township 10 North, Range 6 East, of the 6th P.M., Lancaster County, Nebraska and more particularly described as follows:

Commencing at the Northwest Corner of the Northwest Quarter of said Section 30; Thence on the west line of said Northwest Quarter of Section 30, S00°08'44"W, a distance of 485.90 feet to the POINT OF BEGINNING;

Thence continuing on the west line of the Northwest Quarter of said Section 30, also the west line of said Lots 53 and 17, S00°08'44"W, a distance of 1320.48 feet;

Thence N90°00'00"E, a distance of 389.93 feet to a point on the center of Old Middle Creek;

Thence for the next nine (9) courses on the center of Old Middle Creek, also the common line of said Lots 17 and 53, N56°54'42"E, a distance of 13.10 feet;

Thence N28°34'02"E, a distance of 181.61 feet;

Thence N42°22'24"E, a distance of 92.40 feet;

Thence N19°00'53"E, a distance of 83.16 feet;

Thence N17°48'25"W, a distance of 331.92 feet;

Thence N41°15'49"W, a distance of 76.35 feet;

Thence N42°58'29"E, a distance of 92.74 feet;

Thence N02°58'49"E, a distance of 345.15 feet;

Thence N00°00'00"E, a distance of 220.99 feet;

Thence S90°00'00"W, a distance of 503.07 feet to the POINT OF BEGINNING, and containing a calculated area of 657,778.91 square feet or 15.10 acres.

REGA

ENGINEERING
GROUP, INC.

File No. 151406 / 181243
March 18, 2020

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

RE: WEST O STREET DEVELOPMENT
PRELIMINARY PLAT
CHANGE OF ZONE FROM AG TO I-1 and AG to H-3
ANNEXATION
West O Street and SW 56th Street

Dear David,

On behalf of D & R Development, Inc. and KDS Investments, LLC, we are submitting the above mentioned applications for review on property located south of West O Street and to the east and west of SW 56th Street. The property currently is zoned AG, I-1 and H-3 and with this application we are requesting some of the area east of the proposed SW 56th Street to be rezoned and annexed.

All of the property within the preliminary plat is shown commercial/industrial and the uses will comply with the permitted and conditional uses allowed within the zoning district. All streets shown are public except for the private driveway shown on Lots 1 through 5, Block 1. The private driveway is shown with 30' wide pavement on a 40' wide common access and sanitary sewer easement. To accommodate the public sanitary sewer on the south side of referenced lots, an additional 12' of sanitary sewer easement is shown on the adjacent lots (Lots 6 through 8, Block 1) to the south.

An existing abandoned petroleum line is located across the development on the west side of the proposed SW 56th Street. The developer has contacted the owner (Magellan Midstream Partners) and has come to an agreement that no easement is needed for the abandoned line. Also with those discussions, if construction of a building is placed over the abandoned line that portion of the line will need to be removed prior to construction. To the east of SW 56th Street, an existing gas line which is currently in use does exist. A proposed 50 foot wide gas line easement shown over the gas line.

A traffic study was performed by Felsburg, Holt & Ullevig and is included with this application. The traffic analysis was coordinated with REGA and the City of Lincoln.

A 120 foot wide minimum flood corridor easement is shown over the drainage ways throughout the property. Due to the unique terrain, there are portions of the property that are above the base flood elevation but do not have direct access to a public street. We are proposing a common access easement through Outlot C, along the south line of the development, east to access Lots 15 and 16 in Block 3. These areas are worthy of some commercial uses and should not be abandoned to vegetation overgrowth as well as unwanted uses.

The development is within the 100-year floodplain. A line has been shown on the grading plan which reflects the 100-year floodplain based on the FEMA Flood Map as well a line based on the FEMA established elevation. A floodplain fill permit shall be requested through the Building & Safety Department after the proposed grading plan with this permit is approved by the Watershed Management Department. A LOMR-F application will also be submitted to FEMA once the grading has been completed to remove the proposed lots from the 100-year floodplain based on elevation of the grade.

Established wetlands are also located in the major drainage ways within the development. The wetlands being affected by this development are less than a tenth of an acre. Due to this, a Nation-Wide Permit will be submitted to the Corps of Engineers for their review and acceptance prior to any grading within the wetland area. A delineation has been completed by Mainelli Wagner and reviewed by the Corps of Engineers.

We are requesting the following waivers at this time:

1. *Sanitary sewer running opposite street grades. (Design Standards, Chapter 2.00, Section 3, 3.5)*
Due to the existing grade features of the property, the sanitary sewer does run against the street grade within West N Street. The depth requirements of the City will still be met.
2. *Sanitary Sewer and Water on the City standard side of the street. (Design Standards, Chapter 2.00, Section 3, 3.4 and Chapter 2.10, Section 3, 3.2)*
In W. M Circle, to meet the fire hydrant location as per the City standards, the location of the sewer and water should be switched from its standard location.
3. *Block length. (Lincoln Municipal Code 26.23.130(a))*
The use of this development is commercial and industrial. With the terrain of the development, the site does not provide the ability to meet the block length requirement.
4. *Pedestrian easement in blocks. (Lincoln Municipal Code 26.23.125)*
The uses of commercial and industrial within the development does not require the need for pedestrian circulation.
5. *Change of Zone and Annexation request on the entire preliminary plat at this time. (Zning Ordinance, 27.72.020(a))*
The developers are only requesting an annexation and change of zone on those areas that will be within the first final plat of the development. It is understood that future application for change of zone and annexation will be required at the time expansion of the development is desired.

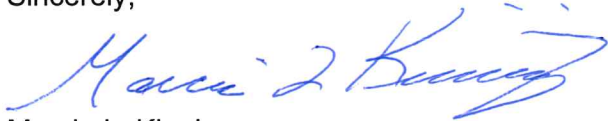
REGA

ENGINEERING
GROUP, INC.

Page 3

An informational letter will be mailed to the surrounding neighbors prior to the to the Planning Commission meeting. We look forward to working with the Planning Department and other City Departments on this application. Please do not hesitate to contact me if you have any additional questions or comments.

Sincerely,



Marcia L. Kinning

Cc: Roger Schwisow
Dave Shoemaker

Enclosures: Application Form for Preliminary Plat, Change of Zone and Annexation
Preliminary Plat Fee of \$4,283.00 (in two checks of \$2,141.50)
Change of Zone Fee of \$988.00 (in two checks of \$494.00)
Legal Descriptions



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

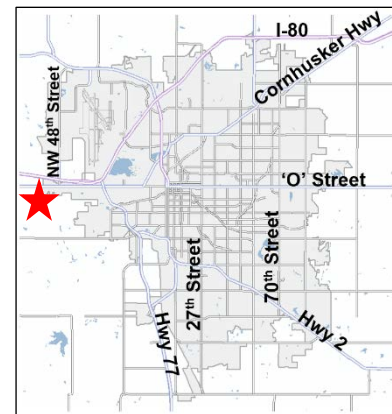
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Preliminary Plat #20002	FINAL ACTION? Yes	DEVELOPER/OWNER D&R Development KDS Investments
PLANNING COMMISSION HEARING DATE June 24, 2020	RELATED APPLICATIONS AN#20006 and CZ#20011	PROPERTY ADDRESS/LOCATION SW 56 th St. and West O Street

RECOMMENDATION: APPROVAL WITH CONDITIONS

BRIEF SUMMARY OF REQUEST

This is a request for a preliminary plat to develop 55 commercial lots and 7 outlots on approximately 153 acres. The outlots are for drainage, flood corridor, detention and storm sewer. This preliminary plat is associated with an annexation and a change of zone from AG to I-1 and H-3. Waivers to the subdivision ordinance for block length and pedestrian easement are requested. A waiver to City Design Standards to allow water and sanitary sewer to be switched from its standard location and sanitary sewer running opposite of street grade is also requested.



JUSTIFICATION FOR RECOMMENDATION

The preliminary plat as modified by the proposed conditions and waivers is in conformance with the Zoning Ordinance and subdivision regulations.

APPLICATION CONTACT

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

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The site is within the future service limits and is designated as future commercial and industrial on the Future Land Use Map.

WAIVERS

1. Subdivision Ordinance 26.21.130 Block Length (Recommend Approval)
2. Subdivision Ordinance 26.23.125 Pedestrian Easement (Recommend Approval)
3. Design Standards Chapter 2, Section 3.4 and Chapter 2.10, Section 3.2 to location of water main and sanitary sewer main. (Recommend Approval).
4. Design Standards, Chapter 2, Section 3.5 to allow for sanitary sewer mains to run opposite the street grades. (Recommend Approval)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is shown as future commercial, industrial, agricultural stream corridor and agriculture on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 - Industrial - Areas where railroads, manufacturing, trucking and transportation facilities are the dominant land use, with some commercial activities.

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. 12.4 - Agricultural Stream Corridor - Land intended to remain in open space, predominantly in agricultural use, but that may also include parks, recreation fields, or parking areas when near future commercial, industrial, or public uses.

P.12.4- Agricultural - Land principally in use for agricultural production.

P. 12.1 - The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use to another is often gradual.

P. 5.2 - Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.

P. 5.2 - Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.

P. 5.5-5.6 - Commercial and Industrial Development Strategies - It is the policy that Commercial and Industrial Centers in Lancaster County be located:

- Within the City of Lincoln or incorporated villages.

- Outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning).

- Where urban services and infrastructure are available or planned for in the near term.

- In sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan.

- In areas compatible with existing or planned residential uses.

- In existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and to more efficiently utilize existing infrastructure.

- In areas accessible by various modes of transportation (i.e. automobile, bicycle, transit, and pedestrian).

- So that they enhance entryways or public way corridors, when developing adjacent to these corridors.

- In a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan.

- Explore additional opportunities for streamlining the permitting process.

ANALYSIS

1. This request is for a preliminary plat to develop 55 commercial/industrial lots located at SW 56th Street and West O Street. The area is approximately 153 acres. The southern portion of the property is in the 100-year flood plain. Associated with this preliminary plat is an annexation and change of zone from AG to H-3 and I-1 for a small area as the first phase of development. The overall development may take years or decades before it is rezoned and developed.
2. The development will be served by City water and sewer. All lots will be served by public streets, except for three lots adjacent West "O" Street that will take access off a private drive.
3. The development proposes three new streets off of West "O" Street at SW 52nd, SW 56th and SW 59th Streets. All 3

intersections will require full movement with right and left hand turn lanes off of West "O" Street. A traffic signal may be needed in the future at SW 56th Street and West O Street. A traffic study submitted by the applicant identified that a signal is recommended for this location between 2021 and 2031 once traffic signal warrants are satisfied.

4. The developer is in the process of removing the area west of SW 56th Street from the flood plain. A Letter of Map Revision (LOMR) will need to be approved by FEMA. The LOMR must be approved prior to any final plats. The majority of the flood plain on the east side of SW 56th Street will be in an outlot for drainage and minimum flood corridor. Any lots that remain in the flood plain will need to have a lowest floor elevation one foot above the base flood elevation.
5. The Comprehensive Plan designates this site for future commercial, industrial, agricultural stream corridor and agriculture land uses. The preliminary plat is in conformance with the zoning code and subdivision regulations. The majority of the area of the preliminary plat designated that is designated as agricultural stream corridor in the Comprehensive Plan will be in an outlot for open space and drainage.
6. The applicant is requesting the following waivers to the Subdivision Ordinance and Design Standards:
 - Subdivision Ordinance 26.21.130 to allow block length to exceed 1,320 feet. The block length waive is justified due to the railroad tracks and flood plain to the south. Streets could be extended to the east, but as presently developed the street will not continue until the adjacent land redevelops. Block lengths can exceed 1,320 feet where a major street or natural barrier forms one boundary of a block.
 - Subdivision Ordinance 26.23.125 Pedestrian Easement. Pedestrian ways are required when a block exceeds 1,000 feet in length and where needed for pedestrian traffic. Although all of the blocks exceed the minimum block length, pedestrian access is not necessary to the south due to the floodplain and railroad tracks. There would likely be little pedestrian traffic going through this development given the proposed industrial and commercial uses within the development.
 - Design Standards Chapter 2, Section 3.4 and Chapter 2.10, Section 3.2 to location of water main and sanitary sewer main. Sanitary sewer mains are generally to be located on the south or west side of a street and water mains on the north or east side. An exception may be made for streets with curvilinear street alignments to avoid conflicts between the sanitary sewer and water mains. This waiver is for SW 58th Circle. The waiver is requested to meet the City standards for fire hydrant location. Lincoln Transportation and Utilities (LTU) did not object to the waiver.
 - Design Standards, Title 2, Chapter 2.00, Section 3.3.6, to allow for sanitary sewer mains to run opposite the street grades. This is a typical waiver request and is justified to allow for sewer service to the lots due to grade considerations. LTU did not object to this waiver.
7. The site plan shows Lots 15 and 16, Block 3 with no frontage to a street. Lots are required to have frontage on a street. An access easement is not street frontage. The lots are completely within the flood plain. Lincoln Transportation and Utilities Watershed Management and the Lower Platte South Natural Resource District both recommend that these lots be placed into outlots for open space.
8. The site plan identifies an access easement through Lot 17, Block 3 to Lot 29 IT. Lot 29 IT is outside the boundary of this plat. The location of the access easement only works if there is an existing access easement to the north that is outside of this preliminary plat. The applicant has not provided any information that there is an existing access easement. An alternative would be to provide an access easement from W. "N" Street through Lot 17 to Lot 29 IT.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING:

AG Agricultural	Farm ground and flood plain
H-3 Highway Commercial	Commercial
I-1 Industrial	Undeveloped

SURROUNDING LAND USE & ZONING

North:	H-4 General Commercial	Truck terminal
	H-1 Interstate Commercial	Truck stop
South:	AG Agricultural	Railroad and farm ground
East:	H-3 Highway Commercial	Truck stop and outdoor storage
	AG Agricultural	Farm ground
West:	Ag Agricultural	Farm ground

APPROXIMATE LAND AREA: 152.85 acres, more or less

LEGAL DESCRIPTION: See attached

Prepared by

Tom Cajka, Planner

Date: June 15, 2020

Applicant: REGA Engineering Group
601 Old Cheney Rd. Suite A
Lincoln, NE 68512
402-484-7342
marcia@regaeng.com

Contact: Marcia Kinning
REGA Engineering Group
601 Old Cheney Rd. Suite A
Lincoln, NE 68512
402-484-7342
marcia@regaeng.com

Owner: D&R Development
1354 Pelican Bay Place
Lincoln, NE 68528
402-432-1975

KDS Investments, LLC
151 SW 48th St.
Lincoln, NE 68522
402-474-1771

F:\DevReview\PP\20000\PP20002 West O Development.tjc.docx

CONDITIONS OF APPROVAL - PRELIMINARY PLAT #20002

Approval of the following waivers: Block Length, Pedestrian Easement, Water main and sanitary sewer main to be switched from its standard location, sanitary sewer running opposite of street grade.

Site Specific Conditions:

1. The subdivider shall complete the following instructions and submits the documents and plans and 2 copies to the Planning Department office: (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Revise the preliminary plat to show:
 - 1.1.1 Delete "future" from turn lanes at SW 52nd, SW 56th and SW 59th Street intersections with West "O" Street.
 - 1.1.2 Show a right-turn lane at SW 59th St. and West "O" St.
 - 1.1.3 Combine Lots 15, 16, Outlot C and D into one outlot
 - 1.1.4 Delete Notes 1, 2,5 and 13 from General Notes.
 - 1.1.5 Provide access to Lot 29 I.T. through Lot 17, Block 3.
 - 1.1.6 Rename SW 56th Street to SW 56th Circle or Place.
 - 1.1.7 Combine Block 1 and 6 into Block 1.
 - 1.1.8 Delete #5 from waivers.
 - 1.1.9 All lots should be graded at least 1 ft above the base flood elevation. If proposed lots are not graded 1 ft above the base flood elevation, the buildings will need to be flood proofed to 1 ft above the base flood elevation.
 - 1.1.10 Need a 15 ft wide flat maintenance access to each detention cell, and a 10 ft wide flat maintenance buffer on all sides of each detention cell.
 - 1.1.11 There are significant safety concerns with the outlet structures for Detention Pond 3A and 3B. These outlet structures need to be revised to prevent clogging, ease of maintenance, and add safety protections.
 - 1.1.12 Need to size the water quality orifice in each detention cell to control the WQCV to drain in 24-48 hrs per the calculations in the Drainage Criteria Manual. This can be done by using an orifice plate inside the outlet structure. Submit these calculations in the drainage report, including the treatment volume.
 - 1.1.13 Include the water quality treatment volume in the drainage report, to verify it meets the required volume.
 - 1.1.14 Need to show flow arrows along all lot lines for lots with a slope less than 2%.
 - 1.1.15 The proposed culvert under W M Street will not fit with adequate cover. Need to revise the culvert size and culvert analysis to fit with the road profile and still meet 1 ft of freeboard over the 50-year event.

- 1.1.16 Need grade control structures on the reach between Lots 22-27 Block 3 and Lots 2-3 Block 5, as it has significantly incised, and will most likely continue to incise and impact the detention structures and road crossing.
- 1.1.17 Size the culvert under SW 52nd St. immediately south of West O St. to meet 1 ft of freeboard over the 50-year event.
- 1.1.18 Set the lowest floor elevations for all lots in the existing floodplain or adjacent to the future floodplain at 1 ft above the base flood elevation.

2. The City Council approves associated request and agreements:

- 2.1 Annexation #20006
- 2.2 Change of Zone #20011
- 2.3 A transportation improvement agreement that addresses the cost of improvements at each intersection.

3. Final Plats will be approved by the Planning Director after:

- 3.1 The required improvements are completed or a surety is posted to guarantee the completion of the public streets, sidewalks, sanitary sewer system, 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. **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.**

The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

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 this final plat.

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

to complete the installation of sidewalks along West "O" St. 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 this final plat.

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

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

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

to complete the planting of the street trees 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 this 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 Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance which have not been waived but 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 preliminary plat and Community Unit Plan and Use Permit.

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

to maintain the outlots and private improvements in a condition as near as practical to the original construction on a permanent and continuous basis.

to maintain and supervise the private facilities which have common use or benefit in a condition as near as practical to the original construction on a permanent and continuous basis, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development and that these are the responsibility of the land subdivider.

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, Subdivider(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) Subdivider shall not be relieved of Subdivider'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 inform all purchasers and users of land located within the 100 year floodplain that said land is located within the 100 year floodplain and that the grading of the lots and outlots shall be in conformance with the grading plan approved with the West O Development Preliminary Plat #20002 or as amended by the Director of Planning. The volume of fill material brought into each lot and outlot from outside the floodplain shall not exceed that shown on the approved grading plan accompanying the preliminary plat.

to relinquish the right of direct vehicular access to West "O" Street except as shown.



City of Lincoln/Lancaster County, NE

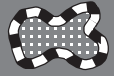


2018 aerial

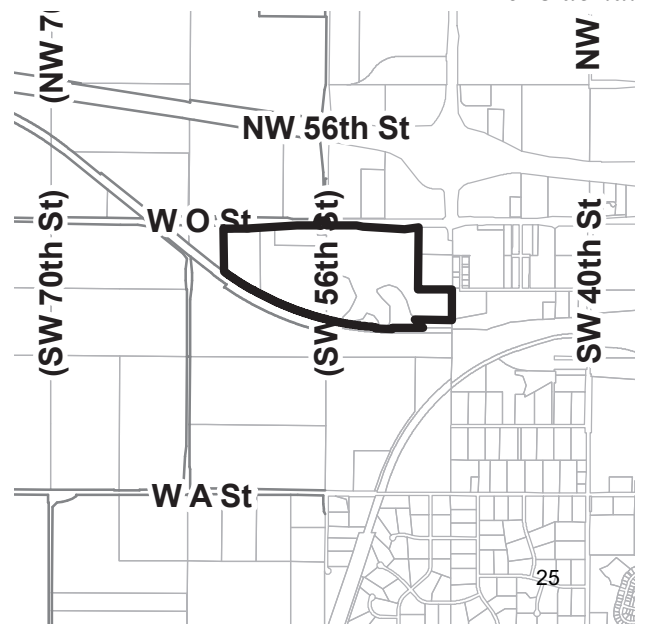
Preliminary Plat #: PP20002
West O Development
SW 56th St & W O St

Zoning:

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

Two Square Miles:
 Sec.25 T10N R05E
 Sec.30 T10N R06E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



WEST 'O' STREET DEVELOPMENT

PRELIMINARY PLAT #20002, CHANGE OF ZONE #2001 AND ANNEXATION #20006

LINCOLN, NEBRASKA

NO.	REVISIONS	DATE	BY
	DESCRIPTION		
	REVISIONS TO APPLICATION	5/27/2020	JB/MLK

PROJECT
151406/181243

REGA
ENGINEERING
GROUP, INC.

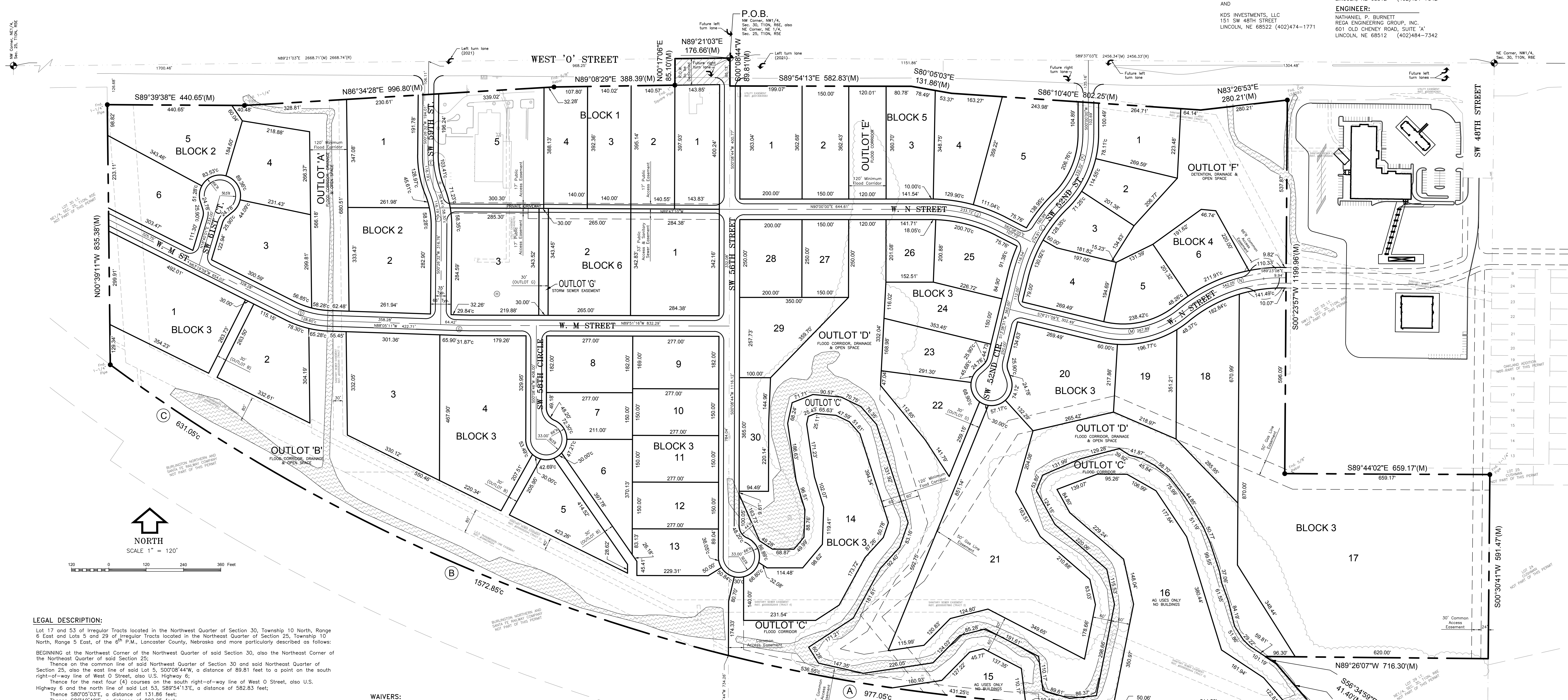
601 OLD CHENEY RD., SUITE A
LINCOLN, NEBRASKA 68512
(402) 484-7342

- ENGINEERING
- PLANNING
- LANDSCAPE ARCHITECTURE
- LAND SURVEYING

OWNER/DEVELOPER:
D & R DEVELOPMENT, INC.
1354 PELICAN BAY PLACE
LINCOLN, NE 68528 (402) 432-1975
AND
KDS INVESTMENTS, LLC
101 SW 48TH STREET
LINCOLN, NE 68522 (402) 474-1771

SURVEYOR:
LYLE L. LOTH
REGA ENGINEERING GROUP, INC.
601 OLD CHENEY ROAD, SUITE 'A'
LINCOLN, NE 68512 (402) 484-7342

ENGINEER:
NATHANIEL P. BURNETT
REGA ENGINEERING GROUP, INC.
601 OLD CHENEY ROAD, SUITE 'A'
LINCOLN, NE 68512 (402) 484-7342



LEGAL DESCRIPTION:
Lot 17 and 53 of Irregular Tracts located in the Northwest Quarter of Section 30, Township 10 North, Range 6 East and Lots 5 and 29 of Irregular Tracts located in the Northwest Quarter of Section 25, Township 10 North, Range 5 East, of the 6th P.M., Lancaster County, Nebraska and more particularly described as follows:
BEGINNING at the Northwest Corner of the Northwest Quarter of said Section 30, also the Northeast Corner of the Northwest Quarter of said Section 25;
Thence on the common line of said Northwest Quarter of Section 30 and said Northwest Quarter of Section 25, also the east line of said Lot 5, S00°08'44"W, a distance of 89.81 feet to a point on the south right-of-way line of West O Street, also U.S. Highway 6;
Thence for the next four (4) courses on the south right-of-way line of West O Street, also U.S. Highway 6 and the north line of said Lot 53, S89°54'13"E, a distance of 582.83 feet;
Thence S87°05'03"E, a distance of 131.86 feet;
Thence S87°10'40"E, a distance of 802.25 feet;
Thence N87°26'53"E, a distance of 280.21 feet to the northeast corner of said Lot 53;
Thence on the common line of said Lot 53 and Lot 55 of Irregular Tracts located in the Northwest Quarter of said Section 30, S00°22'57"W, a distance of 1199.98 feet;
Thence on the common line of said Lot 53, 55 and Lot 13 of Irregular Tracts located in the Northwest Quarter of said Section 30, S59°44'02"E, a distance of 659.17 feet to a point on the east line of said Northwest Quarter of Section 30;
Thence on the east line of said Lot 53, also the east line of said Northwest Quarter of Section 30, S00°50'41"W, a distance of 591.47 feet to the southeast corner of said Lot 53;
Thence on the common line of said Lot 53 and Lot 29 of Irregular Tracts located in the Northwest Quarter of Section 30, N89°26'07"W, a distance of 716.30 feet;
Thence for the next two (2) courses on the common line of said Lot 17 and 29, S56°34'59"E, a distance of 41.40 feet;
Thence S42°35'11"E, a distance of 182.66 feet to the south common corner of said Lot 17 and 29;
Thence for the next five (5) courses on the south line of said Lot 17, N89°59'20"W, a distance of 593.55 feet;
Thence S02°59'43"W, a distance of 17.00 feet;
Thence N87°40'32"W, a distance of 319.75 feet;
Thence N03°56'56"E, a distance of 174.71 feet to a circular curve to the right, having a radius of 5629.51 feet, a central angle of 97°27'24" and whose chord (977.05 feet) bears N81°04'42"W;
Thence on the arc of said circular curve 978.29 feet to the south common corner of said Lot 17 and Lot 29, also to a compound curve to the right, having a radius of 3629.16 feet, a central angle of 16°03'35" and whose chord (1572.85 feet) bears N68°01'14"W;
Thence on the arc of said compound curve, also on the south line of said Lot 29, 1578.01 feet to a compound curve to the right having a radius of 5629.65 feet, a central angle of 6°25'33", and whose chord (631.05 feet) bears N58°49'09"W;
Thence on the arc of said compound curve, also on the south line of said Lot 29, 631.38 feet to the southwest corner of said Lot 29;
Thence on the common line of said Lot 29 and Lot 30 of Irregular Tracts located in the Northwest Quarter of said Section 25, N00°39'11"W, a distance of 835.38 feet to the northeast corner of said Lot 29, also a point on the south right-of-way line of West O Street, also U.S. Highway 6;
Thence for the next three (3) courses on the south right-of-way line of West O Street, also U.S. Highway 6 and the north line of said Lot 29, S89°39'38"E, a distance of 440.65 feet;
Thence N87°34'25"E, a distance of 388.59 feet to a point on the west line of said Lot 5;
Thence on the west line of said Lot 5, N00°17'06"E, a distance of 85.10 feet to the northeast corner of said Lot 5, also a point on the north line of the Northwest Quarter of said Section 25;
Thence on the north line of said Lot 5, also the north line of the Northwest Quarter of said Section 25, N89°21'03"E, a distance of 176.66 feet to the northeast corner of said Lot 5, also the POINT OF BEGINNING, and containing a calculated area of 6,658,350.44 square feet or 152.85 acres.

- WAIVERS:**
- THE SANITARY SEWER RUNNING OPPOSITE THE STREET GRADES.
 - SANITARY SEWER AND WATER ON STANDARD SIDE OF THE STREET.
 - BLOCK LENGTH.
 - PEDESTRIAN EASEMENT IN BLOCKS.
 - CHANGE OF ZONE AND ANNEXATION REQUEST ON THE ENTIRE PRELIMINARY PLAT AT THIS TIME.
 - LOTS FRONTING A PUBLIC STREET OR PRIVATE ROADWAY.

- GENERAL NOTES**
PRELIMINARY PLAT
- THE OWNER/DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE REQUIRED SETBACKS AS PER THE ZONING DISTRICT.
 - SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE, AND MUST BE APPROVED BY BUILDING & SAFETY DEPARTMENT PRIOR TO INSTALLATION.
 - DIRECT VEHICULAR ACCESS TO WEST O STREET IS HEREBY RELINQUISHED EXCEPT AS SHOWN.
 - UTILITY EASEMENTS TO BE PROVIDED AS REQUIRED BY L.L.S.
 - BLANKET UTILITY EASEMENTS ARE HEREBY GRANTED ON ALL OUTLOTS.
 - ALL PAVEMENT RADI TO BE 30' AND PAVEMENT WIDTH TO BE 35' UNLESS NOTED OTHERWISE.
 - SIDWALKS SHALL BE LOCATED ON BOTH SIDES OF ALL INTERIOR STREETS.
 - SANITARY SEWER AND WATER LINES TO BE BUILT TO THE CITY OF LINCOLN SPECIFICATIONS.
 - ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
 - ALL PROPOSED RIGHT TURN-LANES SHALL BE 12 FEET WIDE, 150 FOOT TANGENT LENGTH WITH 118 FOOT REVERSE CURVE LENGTH (300' RADIUS BACK TO BACK). ALL OTHER RIGHT TURN-LANES SHALL BE INSTALLED IN CONNECTION WITH FUTURE WORKING PROJECTS. SURETY SHALL BE POSTED GUARANTEEING THE INSTALLATION OF SAID TURN LANES.
 - TOPOGRAPHIC GRADING CONTOURS ARE AT NAVD 1988.
 - ALL LOT LINES ARE CONCEPTUAL AND FINAL PLATS MAY SHOW DIFFERENT LOT WIDTHS.
 - THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION AND TO SUBMIT A SCHEDULING AND MAINTENANCE SCHEDULE BEFORE SITE GRADING IS DONE. THE DEVELOPER WILL BE RESPONSIBLE FOR CONTROLLING OFF-SITE DUST EMISSIONS IN ACCORDANCE WITH LINCOLN-LANCASTER COUNTY AIR POLLUTION REGULATIONS AND STANDARDS ARTICLE 2, SECTION 32.
 - ON ALL OUTLOTS CONTAINING DETENTION FACILITIES AND STRUCTURES, WHERE A BLANKET UTILITY EASEMENT IS GRANTED, ALL UTILITIES DESIRING TO LOCATE UTILITY LINES OR OTHER IMPROVEMENTS SHALL HAVE SUCH IMPROVEMENTS APPROVED BY THE OWNER PRIOR TO CONSTRUCTION.
 - ALL LOTS IN THE FEMA MAPPED FLOODPLAIN MUST HAVE THE LOWEST FINISHED FLOOR ELEVATION 1 FOOT ABOVE THE 100 YEAR WATER SURFACE ELEVATION.
 - PRIOR TO FINAL PLATTING ANY PROPOSED LOTS WITH ANY PORTION IN OR ADJACENT TO THE EXISTING FLOODPLAIN, A LETTER OF MAP REVISION FROM FEMA SHALL BE APPROVED AND SUBMITTED TO THE CITY.
 - THE WATER QUALITY MAINTENANCE AGREEMENT SHALL BE SUBMITTED AND FILED WITH THE FIRST FINAL PLAT OF THIS DEVELOPMENT.
 - ALL MINIMUM CORRIDORS SHALL BE PROTECTED AND PRESERVED BY THE OUTLOT OWNERS TO LIMIT DEGRADATION OF THE CHANNEL, MAINTAIN A STABLE SLOPE, AND FUTURE MAINTENANCE CARRIED OUT WITH MINIMUM IMPACT, TO PROTECT AND PRESERVE THIS CORRIDOR, IT MAY BE NECESSARY FOR THE OUTLOT OWNERS TO INSTALL GRADE CONTROL STRUCTURES AT MULTIPLE LOCATIONS ALONG THE CHANNEL.

LOT DATA:

BLOCK	LOT	AREA (S.F.)	AREA (AC.)
1	1	57,402	1.32
1	2	55,733	1.28
1	3	55,125	1.27
1	4	57,712	1.29
1	5	125,134	2.87
2	1	83,276	1.91
2	2	88,802	2.04
2	3	74,756	1.72
2	4	62,619	1.44
2	5	78,688	1.80
2	6	65,546	1.53
3	1	112,518	2.58
3	2	69,877	1.60
3	3	119,342	2.74
3	4	141,887	3.25
3	5	54,937	1.26
3	6	46,685	1.07
3	7	37,939	0.87
3	8	50,414	1.16
3	9	50,414	1.16
3	10	41,550	0.95
3	11	41,550	0.95
3	12	41,550	0.95
3	13	40,518	0.93
3	14	142,103	3.26
3	15	26,234	0.63
3	16	232,809	5.35
3	17	537,516	12.34
3	18	153,943	3.50
3	19	53,947	1.24
3	20	84,662	1.93
3	21	249,822	5.74
3	22	54,712	1.26
3	23	48,776	1.12
3	24	52,348	1.20
3	25	49,184	1.13
3	26	31,395	0.72
3	27	37,500	0.86
3	28	50,000	1.15
3	29	58,034	1.33
3	30	34,687	0.80
3	31	52,624	1.21
4	1	41,550	0.95
4	2	35,391	0.81
4	3	36,883	0.84
4	4	51,680	1.19
4	5	44,110	1.01
4	6	47,533	1.09
4	7	72,406	1.66
4	8	54,386	1.25
4	9	52,888	1.20
4	10	59,984	1.38
4	11	88,080	2.00
4	12	87,388	2.00
4	13	80,932	1.86
4	14	86,713	1.98
OUTLOT A		97,401	2.23
OUTLOT B		486,821	11.18
OUTLOT C		337,989	7.75
OUTLOT D		843,815	19.40
OUTLOT E		43,482	1.00
OUTLOT F		172,731	3.97
OUTLOT G		10,305	0.24

Section Corner Ties

NE Corner of the NE 1/4 Sec. 25-T10N-R6E
NW Corner of the NW 1/4 Sec. 30-T10N-R6E, also
NE Corner of the NE 1/4 Sec. 25-T10N-R6E
NW Corner of the NW 1/4 Sec. 30-T10N-R6E

N 110°07' Fnd. 5/8" Rebar w/LS #483 Cap
Fnd. Alum. Cap
NW 84.23' Fnd. 5/8" Rebar
NE 92.88' Top Nail Fnd. Hydrant
SE 97.78' Fnd. 5/8" Rebar
SSE 102.14' Fnd. 5/8" Rebar
SW 77.34' Fnd. 5/8" Rebar

SW Corner of the NW 1/4 Sec. 30-T10N-R6E, also
NW Corner of the NE 1/4 Sec. 25-T10N-R6E
Fnd. 2" Round Iron Pin
NW 173.18' Fnd. 5/8" Rebar
NE 86.32' Fnd. 5/8" Rebar
SE 81.32' Fnd. MAG Nail in NW corner conc. pole base
SW 165.47' Fnd. MAG Nail in NE corner conc. Control Box

CURVE DATA:

(A) R = 5629.51'
Δ = 24°45'12"
T = 490.38'
L = 978.28'
CH = 977.05'
CHRG = N81°04'42"W

(B) R = 5629.76'
Δ = 16°03'35"
T = 794.21'
L = 1578.01'
CH = 116.19'
CHRG = N68°01'14"W

(C) R = 5629.65'
Δ = 6°25'33"
T = 316.02'
L = 631.38'
CH = 631.05'
CHRG = N56°49'09"W

(D) R = 300.00'
Δ = 24°45'12"
T = 65.83'
L = 129.61'
CH = 128.60'
CHRG = S75°42'35"E

(E) R = 300.00'
Δ = 22°19'53"
T = 59.22'
L = 116.93'
CH = 116.19'
CHRG = S10°43'25"E

(F) R = 300.00'
Δ = 53°02'12"
T = 149.70'
L = 277.70'
CH = 278.50'
CHRG = S29°36'15"W

(G) R = 1000.00'
Δ = 01°48'05"
T = 15.43'
L = 30.86'
CH = 30.86'
CHRG = N88°58'14"W

(H) NOT USED

(J) R = 500.00'
Δ = 27°01'55"
T = 120.19'
L = 235.99'
CH = 235.99'
CHRG = S78°29'02"E

(K) R = 300.00'
Δ = 45°33'38"
T = 120.19'
L = 238.56'
CH = 232.32'
CHRG = S22°46'49"W

(L) R = 500.00'
Δ = 31°54'47"
T = 120.19'
L = 278.50'
CH = 232.32'
CHRG = S29°36'15"W

(M) R = 300.00'
Δ = 53°02'12"
T = 149.70'
L = 277.70'
CH = 278.50'
CHRG = N77°03'45"E

(N) R = 500.00'
Δ = 40°00'14"
T = 182.00'
L = 349.10'
CH = 342.05'
CHRG = N70°36'46"E

LEGEND

- CORNER FOUND (As Shown)
- SECTION CORNER
- MEASURED DISTANCE
- RECORDED DISTANCE
- CHORD DIMENSION

SHEET INDEX

SHEET PLAN	NO.
UTILITY PLAN	1
MEASURED DISTANCE	2
PRE-DEVELOPMENT - WEST	3
POST DEVELOPMENT - EAST	4
GRADING PLAN - WEST	5
GRADING PLAN - EAST	6
STREET PROFILES	7
	8

SURVEYOR'S CERTIFICATE:
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY WAS MADE UNDER MY SUPERVISION AND THAT I AM A LICENSED LAND SURVEYOR UNDER LAWS OF THE STATE OF NEBRASKA.

DATE: _____ LYLE L. LOTH, L.S.#314

WEST 'O' STREET DEVELOPMENT
PRELIMINARY PLAT #20002
SITE PLAN
LINCOLN, NEBRASKA

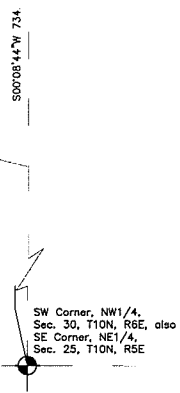
DATE: 03/18/2020
DESIGNED BY: MLK/JB
DRAWN BY: MLK/JB
CHECKED BY: LLL/NPB

WAIVERS:

1. THE SANITARY SEWER RUNNING OPPOSITE THE STREET GRADES.
2. SANITARY SEWER AND WATER ON STANDARD SIDE OF THE STREET.
3. BLOCK LENGTH.
4. PEDESTRIAN EASEMENT IN BLOCKS.
5. CHANGE OF ZONE AND ANNEXATION REQUEST ON THE ENTIRE PRELIMINARY PLAT AT THIS TIME.
6. LOTS FRONTING A PUBLIC STREET OR PRIVATE ROADWAY.

**GENERAL NOTES
PRELIMINARY PLAT**

1. THE OWNER/DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE REQUIRED SETBACKS AS PER THE ZONING DISTRICT.
2. SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE, AND MUST BE APPROVED BY BUILDING & SAFETY DEPARTMENT PRIOR TO INSTALLATION.
3. DIRECT VEHICULAR ACCESS TO WEST O STREET IS HEREBY RELINQUISHED EXCEPT AS SHOWN.
4. UTILITY EASEMENTS TO BE PROVIDED AS REQUIRED BY L.E.S..
5. BLANKET UTILITY EASEMENTS ARE HEREBY GRANTED ON ALL OUTLOTS.
6. ALL PAVEMENT RADII TO BE 30' AND PAVEMENT WIDTH TO BE 35' UNLESS NOTED OTHERWISE.
7. SIDEWALKS SHALL BE LOCATED ON BOTH SIDES OF ALL INTERIOR STREETS.
8. SANITARY SEWER AND WATER LINES TO BE BUILT TO THE CITY OF LINCOLN SPECIFICATIONS.
9. ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
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	1	112,218	2.58
	2	69,877	1.60
	3	119,342	2.74
	4	141,387	3.25
	5	54,937	1.26
	6	46,685	1.07
	7	37,929	0.87
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	11	41,550	0.95
	12	41,550	0.95
	13	40,518	0.93
	14	142,103	3.26
	15	36,234	0.83
	16	232,909	5.35
	17	537,516	12.34
	18	103,843	2.38
	19	53,947	1.24
	20	94,662	2.17
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23	48,776	1.12	
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25	49,184	1.13	
26	31,395	0.72	
27	37,500	0.86	
28	50,000	1.15	
29	58,034	1.33	
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	4	51,680	1.19
	5	44,110	1.01
	6	47,523	1.09
5	1	72,406	1.66
	2	54,386	1.25
	3	55,588	1.28
	4	59,984	1.38
	5	98,080	2.25
6	1	97,398	2.24
	2	90,932	2.09
	3	96,713	2.22
OUTLOT A		97,401	2.23
OUTLOT B		486,821	11.18
OUTLOT C		337,599	7.75
OUTLOT D		543,815	12.48
OUTLOT E		43,482	1.00
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 T = 65.83'
 L = 129.61'
 CH = 128.60'
 CHBRG = S75°42'
- (J) R = 500.00'
 Δ = 27°01'55"
 T = 120.19'
 L = 235.90'
 CH = 233.72'
 CHBRG = S76°29'

WEST O DEVELOPMENT
PRELIMINARY PLAT
LEGAL DESCRIPTION

Lot 17 and 53 of Irregular Tracts located in the Northwest Quarter of Section 30, Township 10 North, Range 6 East and Lots 5 and 29 of Irregular Tracts located in the Northeast Quarter of Section 25, Township 10 North, Range 5 East, of the 6th P.M., Lancaster County, Nebraska and more particularly described as follows:

BEGINNING at the Northwest Corner of the Northwest Quarter of said Section 30, also the Northeast Corner of the Northeast Quarter of said Section 25;

Thence on the common line of said Northwest Quarter of Section 30 and said Northeast Quarter of Section 25, also the east line of said Lot 5, S00°08'44"W, a distance of 89.81 feet to a point on the south right-of-way line of West O Street, also U.S. Highway 6;

Thence for the next four (4) courses on the south right-of-way line of West O Street, also U.S. Highway 6 and the north line of said Lot 53, S89°54'13"E, a distance of 582.83 feet;

Thence S80°05'03"E, a distance of 131.86 feet;

Thence S86°10'40"E, a distance of 802.25 feet;

Thence N83°26'53"E, a distance of 280.21 feet to the northeast corner of said Lot 53;

Thence on the common line of said Lot 53 and Lot 55 of Irregular Tracts located in the Northwest Quarter of said Section 30, S00°23'57"W, a distance of 1199.96 feet;

Thence on the common line of said Lot 53, 55 and Lot 13 of Irregular Tracts located in the Northwest Quarter of said Section 30, S89°44'02"E, a distance of 659.17 feet to a point on the east line of said Northwest Quarter of Section 30;

Thence on the east line of said Lot 53, also the east line of said Northwest Quarter of Section 30, S00°30'41"W, a distance of 591.47 feet to the southeast corner of said Lot 53;

Thence on the common line of said Lot 53 and Lot 29 of Irregular Tracts located in the Northwest Quarter of Section 30, N89°26'07"W, a distance of 716.30 feet;

Thence for the next two (2) courses on the common line of said Lot 17 and 29, S56°34'59"E, a distance of 41.40 feet;

Thence S40°35'11"E, a distance of 182.66 feet to the south common corner of said Lot 17 and 29;

Thence for the next five (5) courses on the south line of said Lot 17, N89°59'20"W, a distance of 593.55 feet;

Thence S05°59'43"W, a distance of 17.00 feet;

Thence N87°45'32"W, a distance of 319.75 feet;

Thence N03°56'36"E, a distance of 17.47 feet to a circular curve to the right, having a radius of 5629.51 feet, a central angle of 9°57'24" and whose chord (977.05 feet) bears N81°04'42"W;

Thence on the arc of said circular curve 978.28 feet to the south common corner of said Lot 17 and Lot 29, also to a compound curve to the right, having a radius of 5629.76 feet, a central angle of 16°03'35" and whose chord (1572.85 feet) bears N68°01'14"W;

Thence on the arc of said compound curve, also on the south line of said Lot 29, 1578.01 feet to a compound curve to the right having a radius of 5629.65 feet, a central angle of 6°25'33", and whose chord (631.05 feet) bears N56°49'09"W;

Thence on the arc of said compound curve, also on the south line of said Lot 29, 631.38 feet to the southwest corner of said Lot 29;

Thence on the common line of said Lot 29 and Lot 30 of Irregular Tracts located in the Northeast Quarter of said Section 25, N00°39'11"W, a distance of 835.38 feet to the northwest corner of said Lot 29, also a point on the south right-of-way line of West O Street, also U.S. Highway 6;

Thence for the next three (3) courses on the south right-of-way line of West O Street, also U.S. Highway 6 and the north line of said Lot 29, S89°39'38"E, a distance of 440.65 feet;

Thence N86°34'28"E, a distance of 996.80 feet;

Thence N89°08'29"E, a distance of 388.39 feet to a point on the west line of said Lot 5;

Thence on the west line of said Lot 5, N00°17'06"E, a distance of 85.10 feet to the northwest corner of said Lot 5, also a point on the north line of the Northeast Quarter of said Section 25;

Thence on the north line of said Lot 5, also the north line of the Northeast Quarter of said Section 25, N89°21'03"E, a distance of 176.66 feet to the northeast corner of said Lot 5, also the POINT OF BEGINNING, and containing a calculated area of 6,658,350.44 square feet or 152.85 acres.

REGA

ENGINEERING
GROUP, INC.

File No. 151406 / 181243
March 18, 2020

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

RE: WEST O STREET DEVELOPMENT
PRELIMINARY PLAT
CHANGE OF ZONE FROM AG TO I-1 and AG to H-3
ANNEXATION
West O Street and SW 56th Street

Dear David,

On behalf of D & R Development, Inc. and KDS Investments, LLC, we are submitting the above mentioned applications for review on property located south of West O Street and to the east and west of SW 56th Street. The property currently is zoned AG, I-1 and H-3 and with this application we are requesting some of the area east of the proposed SW 56th Street to be rezoned and annexed.

All of the property within the preliminary plat is shown commercial/industrial and the uses will comply with the permitted and conditional uses allowed within the zoning district. All streets shown are public except for the private driveway shown on Lots 1 through 5, Block 1. The private driveway is shown with 30' wide pavement on a 40' wide common access and sanitary sewer easement. To accommodate the public sanitary sewer on the south side of referenced lots, an additional 12' of sanitary sewer easement is shown on the adjacent lots (Lots 6 through 8, Block 1) to the south.

An existing abandoned petroleum line is located across the development on the west side of the proposed SW 56th Street. The developer has contacted the owner (Magellan Midstream Partners) and has come to an agreement that no easement is needed for the abandoned line. Also with those discussions, if construction of a building is placed over the abandoned line that portion of the line will need to be removed prior to construction. To the east of SW 56th Street, an existing gas line which is currently in use does exist. A proposed 50 foot wide gas line easement shown over the gas line.

A traffic study was performed by Felsburg, Holt & Ullevig and is included with this application. The traffic analysis was coordinated with REGA and the City of Lincoln.

A 120 foot wide minimum flood corridor easement is shown over the drainage ways throughout the property. Due to the unique terrain, there are portions of the property that are above the base flood elevation but do not have direct access to a public street. We are proposing a common access easement through Outlot C, along the south line of the development, east to access Lots 15 and 16 in Block 3. These areas are worthy of some commercial uses and should not be abandoned to vegetation overgrowth as well as unwanted uses.

The development is within the 100-year floodplain. A line has been shown on the grading plan which reflects the 100-year floodplain based on the FEMA Flood Map as well a line based on the FEMA established elevation. A floodplain fill permit shall be requested through the Building & Safety Department after the proposed grading plan with this permit is approved by the Watershed Management Department. A LOMR-F application will also be submitted to FEMA once the grading has been completed to remove the proposed lots from the 100-year floodplain based on elevation of the grade.

Established wetlands are also located in the major drainage ways within the development. The wetlands being affected by this development are less than a tenth of an acre. Due to this, a Nation-Wide Permit will be submitted to the Corps of Engineers for their review and acceptance prior to any grading within the wetland area. A delineation has been completed by Mainelli Wagner and reviewed by the Corps of Engineers.

We are requesting the following waivers at this time:

1. *Sanitary sewer running opposite street grades. (Design Standards, Chapter 2.00, Section 3, 3.5)*
Due to the existing grade features of the property, the sanitary sewer does run against the street grade within West N Street. The depth requirements of the City will still be met.
2. *Sanitary Sewer and Water on the City standard side of the street. (Design Standards, Chapter 2.00, Section 3, 3.4 and Chapter 2.10, Section 3, 3.2)*
In W. M Circle, to meet the fire hydrant location as per the City standards, the location of the sewer and water should be switched from its standard location.
3. *Block length. (Lincoln Municipal Code 26.23.130(a))*
The use of this development is commercial and industrial. With the terrain of the development, the site does not provide the ability to meet the block length requirement.
4. *Pedestrian easement in blocks. (Lincoln Municipal Code 26.23.125)*
The uses of commercial and industrial within the development does not require the need for pedestrian circulation.
5. *Change of Zone and Annexation request on the entire preliminary plat at this time. (Zning Ordinance, 27.72.020(a))*
The developers are only requesting an annexation and change of zone on those areas that will be within the first final plat of the development. It is understood that future application for change of zone and annexation will be required at the time expansion of the development is desired.

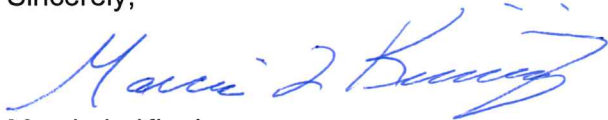
REGA

ENGINEERING
GROUP, INC.

Page 3

An informational letter will be mailed to the surrounding neighbors prior to the to the Planning Commission meeting. We look forward to working with the Planning Department and other City Departments on this application. Please do not hesitate to contact me if you have any additional questions or comments.

Sincerely,



Marcia L. Kinning

Cc: Roger Schwisow
Dave Shoemaker

Enclosures: Application Form for Preliminary Plat, Change of Zone and Annexation
Preliminary Plat Fee of \$4,283.00 (in two checks of \$2,141.50)
Change of Zone Fee of \$988.00 (in two checks of \$494.00)
Legal Descriptions

REGA

ENGINEERING
GROUP, INC.

File No. 151406/181243
June 5, 2020

Dear Neighbor,

On behalf of D & R Development, Inc. and KDS Investments, LLC, we are providing additional information on applications that are scheduled for a Planning Commission public hearing on June 24th, 2020. The development is called "West O Street Development" and consists of a preliminary plat application, change of zone and annexation on a portion of the property. The property is located south of West O Street, on the east and west side of the proposed SW 56th Street.

The property is currently zoned AG, I-1 and H-3. The applications are expanding the I-1 and H-3 zoning to the east of SW 56th Street. Lot 14, Block 3 as shown on the enclosed exhibit, is the area being annexed.

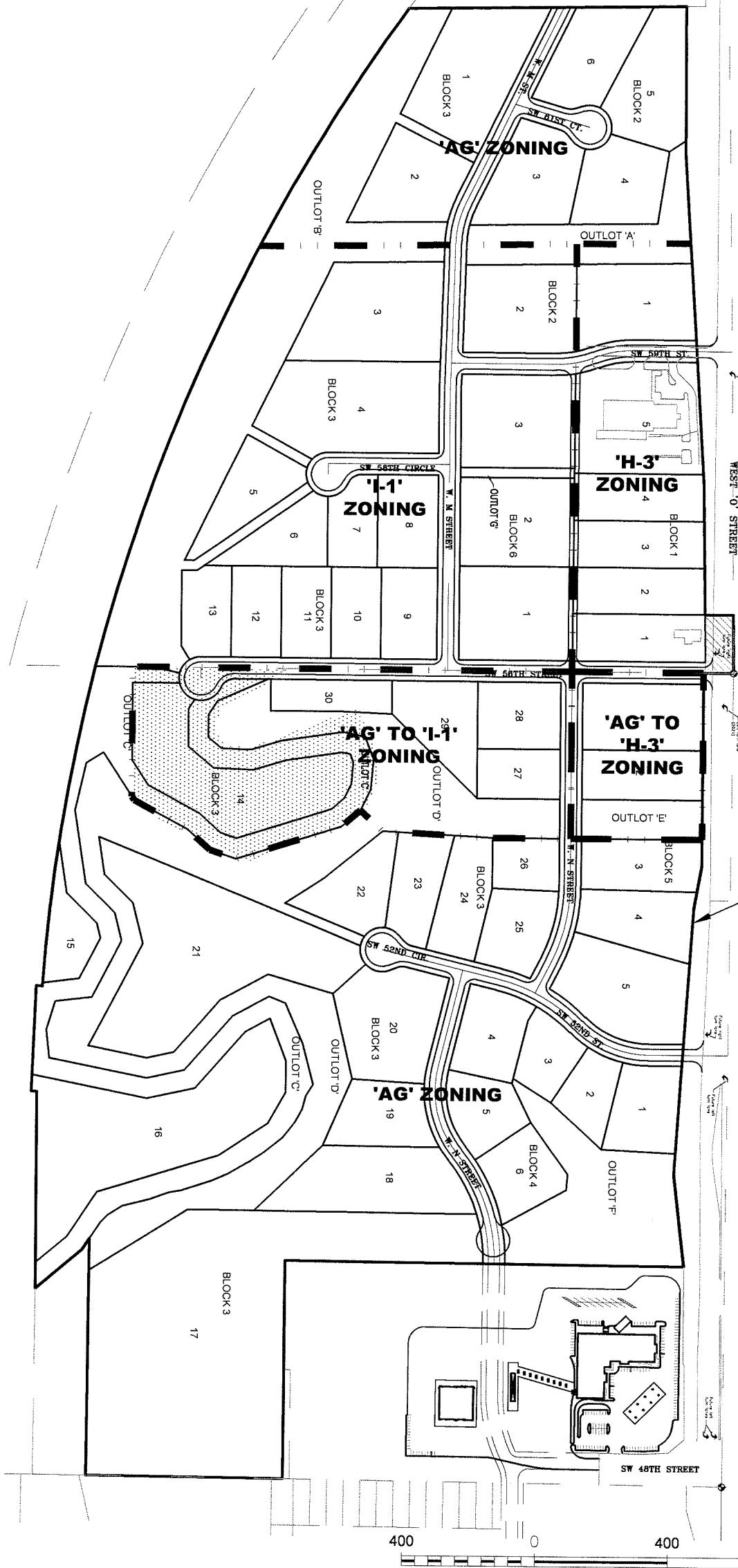
Enclosed is an exhibit showing the configuration of commercial lots as well as the requested zoning and annexation locations for reference. The existing business currently on the property will remain and the proposed uses shall be compliance with either the current or proposed zoning. The first phase of the development will be generally those lots located along the proposed SW 56th Street.

If you have questions, concerns or would like to voice your opinion, please contact me to discuss.

Sincerely,



Nate Burnett, PE
Vice President



**PRELIMINARY
PLAT
BOUNDARY**



NORTH
SCALE 1" = 400'
0 400 800 1200 Feet

**WEST O STREET DEVELOPMENT
PRELIMINARY PLAT
CHANGE OF ZONE/ANNEXATION
EXHIBIT**

REGA
ENGINEERING
GROUP, INC.

601 OLD CHENEY RD.
SUITE 'A'
LINCOLN, NE 68512
(402) 484-7342
● ENGINEERING
● PLANNING
● LANDSCAPE
ARCHITECTURE
● LAND SURVEYING

DATE:
6/04/2020
PROJECT
151406/181243
SHEET NO.
1 of 33



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Text Amendment #19007	FINAL ACTION? No
PLANNING COMMISSION HEARING DATE June 24, 2020	RELATED APPLICATIONS None

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

The Lincoln-Lancaster County Planning Department proposes to allow solar facilities in the County zoning jurisdiction. These facilities are not currently allowed in the County, although they are allowed in the City jurisdiction. Solar facilities would be classified as “large” or “small” based on capacity. A special permit would be required in certain zoning districts to ensure compatibility with neighboring land uses. In addition, the code would be updated to specify that accessory solar and wind systems are allowed by right.

JUSTIFICATION FOR RECOMMENDATION

The Comprehensive Plan encourages alternative and renewable energy sources. This text amendment would greatly expand access to solar energy throughout the County. The special permit should minimize impacts on surrounding areas where appropriate.

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed amendment meets the goals of the Comprehensive Plan to promote renewable energy as part of an overall strategy to diversify our energy sources and expansion of accessory wind and solar access to buildings and other land uses.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.4 - The importance of building sustainable communities – communities that conserve and efficiently utilize our economic, social, and environmental resources so that the welfare of future generations is not compromised - has long been recognized. This concept has grown in importance with increased understanding of the limits to energy supplies and community resources, the likelihood that energy costs will continue to increase in the future, the climatic impacts of energy consumption, and the impacts on the physical and economic health of the community. LPlan 2040 describes a community that values natural and human resources, supports advances in technology, and encourages development that improves the health and quality of life of all citizens.

P. 1.5 - The economy provides opportunities for local food production and sales, renewable energy production, and the benefit of natural resources produced in the area and integrates them into the land use pattern.

P. 2.6 - Agriculture is still a major factor in Lancaster County's economy with about 90 percent of the land area of the county being used for agricultural production.

P. 3.3 - Environmental resources reside within a broad range of settings that should be considered as policy and development decisions are made.

P. 3.11- Preserve agricultural land within Tier I and Tier II areas, both to reduce conflicts in the future growth of Lincoln and to ensure available land for the production of food products that are important to the health and economic vitality of the community.

P. 5.1 - Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.

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

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

P. 7.2 - Strive for predictability for neighborhoods and developers for residential development and redevelopment.

P. 7.2 - Encourage acreages to develop in appropriate areas and preserve farmland.

P. 7.12 - LPlan 2040 supports the preservation of land in the bulk of the County for agricultural and natural resource purposes. However, it recognizes that some parts of the County are in transition from predominantly agricultural uses to a mix that includes more residential uses. Balancing the demand for rural living and the practical challenge of integrating acreages with traditional land uses will continue.

P. 11.2 - Promote renewable energy sources.

P. 11.3 - Lincoln must develop a comprehensive strategy of fuel diversity and encourage conservation, alternative forms of energy and modern energy technologies.

P. 11.4 - Energy from renewable resources such as solar, geothermal, and wind technologies generally does not contribute to climate change or local air pollution and generally conserves nonrenewable natural resources.

P. 11.7 - Local government entities, including all local utilities, should strive to increase utilization of renewable energy sources such as wind power, hydropower, solar energy, biomass, and geothermal energy.

P. 11.7 - Continue to encourage and expand wind and solar access to buildings and other land uses.

P. 11.22 - Continue to include, and increase where feasible, renewable sources of energy, such as wind and solar energy, in future planning of LES facilities and partnerships.

ANALYSIS

1. This text amendment would add solar facilities as an allowed use in Lancaster County. The amendment is proposed by the Lincoln-Lancaster County Planning Department at the request of the Lancaster County Board of Commissioners. There is no specific proposal for a solar facility in the County at this time. The land use is being added in anticipation of future demand.
2. The solar facilities being allowed with this amendment are of a commercial nature, specifically those facilities that primarily provide off-site power and are the primary land use on a premises. In addition to primary use facilities, this amendment also clarifies the requirements for accessory solar and wind systems.
3. Solar facilities are not currently addressed or allowed in the County. The purpose of the amendment is to expand the potential for sustainable technologies with appropriate limitations. The 2040 Comprehensive Plan encourages alternative and renewable energy as part of an overall strategy to diversify our energy sources. This text amendment would greatly expand access to solar energy throughout the County. The proposed regulations would resemble those for the City of Lincoln and its 3-mile extraterritorial zoning jurisdiction.
4. The proposal was modeled after the zoning requirements for solar energy facilities in the City of Lincoln and previously approved Special Permit #19036 in the City jurisdiction, with some differences resulting from improvement upon previous standards and input from the County Attorney.
5. The systems would be classified as “large” or “small” depending on capacity. The threshold of large versus small systems is 100 kilowatts (kW) (ac). The 100 kW threshold is standard and matches the City Zoning Ordinance as well as the County Zoning Regulations threshold for Commercial Wind Energy Conversion Systems.
6. In commercial and industrial zoning districts, both large and small systems would be permitted by right. In other districts, a special permit would be required with conditions that ensure compatibility with surrounding land uses. The table below summarizes where solar facilities would be allowed as a primary use and whether permitted by right or special permitted. A blank box indicates that solar facilities would not be allowed.

Zoning District	Small System (proposed)	Large System (proposed)
AG - Agricultural	Permitted	Special Permit
AGR - Agricultural Residential	Special Permit	
R - Residential	Special Permit	
B - Business	Permitted	
I - Industrial	Permitted	Permitted

Large systems would be permitted by right in the I district. They would require a special permit in the AG district. Large systems would not be allowed in any other districts as they are not appropriate for a large-scale solar operation.

Small systems would be permitted by right in the following districts: AG, B and I. Small systems would be allowed by special permit in the AGR and R districts; these districts are appropriate for small systems with conditions in place.

7. The special permit conditions address the following topics. Some of the conditions distinguish between participating and non-participating properties. Participating properties are those where a property owner has a contractual arrangement or agreement regarding the solar facility.

- a. Noise - Day time and night time limits would be placed on noise levels from private substations associated with the solar facility. The noise standards would not apply to public or governmental utilities or substations.
- b. Erosion control - an approved erosion control plan would be required prior to receiving building permits. The Lower Platte South Natural Resources District (NRD) would be the reviewing agency.
- c. Screening - Visual screening would be required for adjacent non-participating residential uses, public park uses, or schools with a 70% coverage from the ground to eight (8) feet. Standards are proposed for both vegetative and non-vegetative screening. Acceptable screening methods include fences and walls, earth mounding, vegetation, or some combination.
- d. Setbacks - Setbacks to participating and non-participating properties with and without a dwelling are proposed based on the setbacks established with Special Permit #19036 recently approved in the City jurisdiction, except that the setback to a participating property with a dwelling was reduced from 50 feet to 0 feet for participating properties with a dwelling. The reason is that participating properties can negotiate their own setback with the operator.

<u>Property Line Setbacks</u>	
<u>Non-Participating Property with a Dwelling</u>	<u>100 feet</u>
<u>Non-Participating Property without a Dwelling</u>	<u>50 feet</u>
<u>Participating Property with a Dwelling</u>	<u>0 feet</u>
<u>Participating Property without a Dwelling</u>	<u>0 feet</u>
<u>Public or Private Roadway</u>	<u>50 feet</u>

- e. Decommissioning - This condition refers to putting the site back to its prior condition after the facility is no longer operational. Equipment must be removed to a depth of 3 feet. A cost estimate must be provided for the cost of decommissioning. The cost estimate must be updated every 5 years. A surety must be provided for the decommissioning cost. The net surety amount can account for the estimated resale and salvage value of materials.
- f. Height of panels (small systems only) - Panels at maximum tilt would be limited to 15 feet.

8. The main differences between the special permit conditions in the City and those proposed for the County are:

- a. The condition for noise was added for the County.
- b. Details were added for screening and decommissioning for the County.
- c. The requirement to underground transmission lines was deleted for the County, as operators are naturally incentivized to have the lines underground to avoid damage.
- d. The County sets specific setbacks based on whether a property is "participating", whereas the City conditions refer to the setbacks of the zoning district unless modified.
- e. The maximum panel height for small systems was reduced from 20 feet in the City to 15 feet in the County as it is not anticipated that panels would exceed 15 feet.

9. In addition to addressing solar farms, the regulations would also state that accessory solar and wind systems are allowed by right in all zoning districts. Accessory systems are small in scale and generally intended to serve a house or building. They are allowed today by policy rather than code. Adding the language to the code protects

against future changes in interpretation. The height and lot regulations for the accessory systems are described. They would be defined as systems with a capacity of 25 kW (ac) or less in accordance with Lincoln Electric System's (LES') Customer Owned Renewable Generation Net Metering program, which allows customers to sell surplus electricity from solar, wind, and other renewable generation of 25 kW or less.

10. Other provisions such as Airport Zoning limitations and historic preservation review will continue to apply. In the event of a conflict, the more restrictive allowance would take precedence.

Prepared by

Rachel Jones, Planner

Date: June 15, 2020

Applicant: Lincoln-Lancaster County Planning Department
555 S. 10th Street, Suite 213
Lincoln, NE 68508
(402) 441-7491

Staff Contact: Rachel Jones
(402) 441-7603 or rjones@lincoln.ne.gov

F:\DevReview\TX\19000\TX19007 County Solar.rkj.docx

Proposed Draft Text Amendment #19007 to the Lancaster County Zoning Regulations:
Solar Energy Facilities

ARTICLE 2 DEFINITIONS

2.006. E.

Electrical substation shall mean a facility with equipment that switches, changes, or regulates electric voltage.

2.013. L.

Large Solar Facility shall mean multiple SECSs and any related supporting infrastructure that primarily provide off-site power, have a rated capacity of one hundred (100) kilowatts (kW) (ac) or more, and is the primary use on a premises.

Lot shall mean a parcel of land occupied or intended for occupancy by a use permitted in this title, and generally fronting upon a street. A lot may front upon a private roadway, or have other frontage requirements if specifically provided in this title.

2.015. N.

Nonparticipating Property shall mean any premises where a property owner does not have a contractual arrangement regarding a proposed or existing special permitted use.

2.017. P.

Participating Property shall mean any premises where a property owner has a contractual arrangement regarding a proposed or existing special permitted use.

Private electric supplier shall mean an electric supplier producing electricity from a privately developed renewable energy generation facility that is not a public power district, a public power and irrigation district, a municipality, a registered group of municipalities, an electric cooperative, an electric membership association, any other governmental entity, or any combination thereof.

Public electric supplier shall mean a legal entity supplying, producing, or distributing electricity within the County for sale at wholesale or retail that is a public power district, a public power and irrigation district, a municipality, a registered group of municipalities, an electric cooperative, an electric membership association, any other governmental entity, or any combination thereof.

2.020. S.

Solar Energy Conversion System (“SECS”) shall mean any device, including, but not limited to, a solar panel or solar collector, which collects and converts solar energy to a form of usable energy.

Small Solar Facility shall mean multiple SECSs and any related supporting infrastructure that primarily provide off-site power, have a rated capacity of less than one hundred (100) kilowatts (kW) (ac), and is the primary use on a premises.

ARTICLE 4 "AG" AGRICULTURAL DISTRICT

4.03 Permitted Uses.

j. Small Solar Facility;

4.007 Permitted Special Uses

ai. Large Solar Facility.

ARTICLE 5 "AGR" AGRICULTURAL RESIDENTIAL DISTRICT

5.007. Permitted Special Uses

u. Small Solar Facility.

ARTICLE 6 "R" RESIDENTIAL DISTRICT

6.005. Permitted Special Uses

r. Small Solar Facility.

ARTICLE 7 "B" BUSINESS DISTRICT

7.003. Use Regulations

ad. Small Solar Facility.

ARTICLE 9 "I" INDUSTRIAL DISTRICT

9.003. Use Regulations

f. Unclassified Industries and Uses:

5. Small Solar Facility;

6. Large Solar Facility.

ARTICLE 13 SPECIAL PERMIT

13.001. Special Permit

In addition to uses allowed under other districts, the Planning Commission, and if appealed, the County Board, may by special permit after a public hearing, authorize any of the uses designated in this Article as permitted special uses. Such permitted special uses shall be restricted to the particular district or districts listed. The Planning Commission, and if appealed, the County Board, may also permit an increase in the height of any such building and permit a lesser area than required aforesaid in this resolution, and may modify or waive or add conditions of approval to the listed conditions in this Article as deemed appropriate to maintain the health, safety and general welfare of the surrounding properties. The Planning Commission may also grant special permits for variances from the provisions of **ARTICLE 11** of this resolution.

13.051 Solar Energy Conversion System (SECS)

- a. A Large Solar Facility may be allowed in the AG District by special permit under the following conditions:
- i. The Large Solar Facility shall use photovoltaic cells to convert solar energy into electricity.
 - ii. No electrical substation owned or operated by a private electric supplier, or any other facility owned or operated by a private electric supplier to support the generation, transmission or distribution of electricity, shall be located as to cause an exceedance of the following noise level standards.
 1. From the hours of 7 am to 10 pm: Sixty (60) dBA maximum 10-minute LAeq
 2. From the hours of 10 pm to 7 am: Fifty (50) dBA maximum 10-minute LAeq

For the purposes of determining compliance with these standards, noise levels shall be measured at the closest exterior wall of any dwelling unit located on the property that submitted the noise complaint. If an electrical substation(s) owned or operated by a private electric supplier violates a noise standard at a dwelling unit constructed after the electrical substation(s) is approved, then the electrical substation becomes a non-conforming use. Electrical substations owned by public electric suppliers shall not be subject to the noise level standards herein.

- iii. Obtain an approved erosion control plan from the Lower Platte South Natural Resources District or Nemaha Natural Resources District, depending on the location of the Large Solar Facility, before receiving building permits.

- iv. The Large Solar Facility shall provide visual screening for adjacent non-participating residential uses, public park uses, or school uses, through setbacks as otherwise required in the Lancaster County Zoning Regulations and/or other techniques to address the site-related impacts of the Large Solar Facility on adjacent non-participating properties. The applicant may use fences, walls, berming, vegetation, or some combination thereof to provide visual screening. Fencing or berming may be used to supplement other screening methods, but shall not account for over fifty percent (50%) of the screening. The screen shall cover at least seventy percent (70%) of the surface area of a vertical plane extending along the property line from the ground to a height of at least eight (8) feet above the adjacent ground, provided, however, that existing natural features, topography and vegetation shall count toward this requirement.
1. If the visual screening is achieved through a fence or wall, it shall be provided along the property line as follows:
 - a. Acceptable fence and wall materials for visual screening include masonry, stone, and wood, but exclude chain link fences (with or without slats). Alternative fence materials being used for screening must be approved by the Planning Director.
 2. If the visual screening is achieved through berming, it shall be provided along the property line as follows:
 - a. The side slopes shall not exceed three to one (3 to 1), horizontal to vertical.
 - b. The mounded ground surface shall be protected to prevent erosion through the use of turf lawn or other alternative groundcovers.
 3. If the visual screening is achieved through vegetation, it shall be provided along the property line as follows:
 - a. At a rate of at least four (4) trees every one hundred (100) linear feet. Of the four (4) trees every one hundred (100) linear feet, at least one (1) shall be a deciduous shade tree and three (3) shall be evergreen or ornamental trees. The trees shall be evenly distributed within each one hundred (100) linear feet section.
 - b. At least two-thirds (2/3), but no more than three-quarters (3/4) of the total ornamental/evergreen trees along the property line shall be made up of evergreen trees.
 - c. Each tree shall have a minimum mature height of fifteen (15) feet.
 4. Visual screening is not required along the property line adjacent to a Participating Property.
- v. Each application shall have a decommissioning plan (removal of equipment/improvements and restoration of lands) that is reviewed and approved by the Planning Department prior to beginning operations. The decommissioning plan shall provide the following:
1. A plan outlining the means, procedure, and costs of removing the Large Solar Facility, including, but not limited to, the solar panels and collectors, electrical wiring/cabling, fencing, and any related supporting infrastructure to a minimum depth of three (3) feet.
 2. At the expense of the permittee, a cost estimate for the decommissioning of the Large Solar Facility and any estimated resale and salvage value shall be prepared by a professional engineer. The permittee shall provide to the Planning Department a revised and updated decommissioning cost estimate every five (5) years from the date of approval to cover the cost of meeting this obligation. The decommissioning cost estimate shall explicitly detail the

cost, any estimated resale and salvage values, shall account for inflation, cost and value changes, and advances in decommissioning technologies and approaches.

3. The estimated decommissioning cost, less any resale and salvage value, shall be guaranteed in one of the following forms: (i) surety bond, (ii) cash to be held in escrow by the County Treasurer at a Bank, or (iii) a letter of credit from a financial institution reasonably acceptable to the County which shall be irrevocable unless replaced with cash or other form of security reasonably acceptable to County. The owner of the Large Solar Facility shall provide the decommissioning cost guaranty no later than the end of the fifteenth (15th) year of operation, and shall maintain the financial security thereafter for as long as the Large Solar Facility is in existence or upon discontinuance, decommissioning, or abandonment of the Large Solar Facility. Such financial security shall be updated every five (5) years to cover the costs associated with the updated decommissioning cost estimates.
4. For purposes of this Section, discontinuance, decommissioning, or abandonment shall mean the Large Solar Facility has produced no energy for twelve (12) consecutive months. The owner or operator shall have twelve (12) months to complete decommissioning of the Large Solar Facility. If the owner or operator of the Large Solar Facility fails to remove the installation in accordance with the requirements of this permit or within twelve (12) months following discontinuance, decommissioning, or abandonment, the County may collect the bond or other financial security and the County or a hired third party may enter the property to physically remove the installation.

vi. The Large Solar Facility shall meet the following setback requirements:

Property Line Setbacks	
<u>Non-Participating Property with a Dwelling</u>	<u>100 feet</u>
<u>Non-Participating Property without a Dwelling</u>	<u>50 feet</u>
<u>Participating Property with a Dwelling</u>	<u>0 feet</u>
<u>Participating Property without a Dwelling</u>	<u>0 feet</u>
<u>Public or Private Roadway</u>	<u>50 feet</u>

- b. A Small Solar Facility may be allowed in the AGR and R Districts by special permit under the following conditions:
 - i. The Small Solar Facility shall be in conformance with subsections 13.051(a)(i)-(vi) above.
 - ii. The height of the solar panel or solar collector and any mounts shall not exceed fifteen (15) feet when oriented at maximum tilt.

ARTICLE 17 ADDITIONAL HEIGHT AND AREA REGULATIONS

17.003

Barns, chimneys, place of religious assembly steeples, cooling towers, elevator bulkheads, fire towers, grain elevators, and storage structures, monuments, ornamental towers, silos, spires, stacks, stage towers of scenery lofts, tanks, water towers, WECS over the district height authorized by conditional use or special permit, wireless towers, or necessary mechanical appurtenances are exempt from the height regulations as contained herein.

SECS and WECS are permitted accessory uses associated with a primary use on the premises in all zoning districts provided they are in conformance with the provisions of Article 17 and any other applicable regulations of this Resolution and have a rated capacity of twenty-five (25) kilowatts (kW) (ac) or less.

- a. SECS and WECS that are part of the main structure shall comply with the applicable district's height, front, side, and rear yard requirements of the main structure.
- b. SECS and WECS that are not part of the main structure shall comply with the height, front, side, and rear yard requirements applicable to accessory buildings as described in Section 17.005 of this Resolution.
- c. Accessory SECS and WECS located on top of a building are exempt from the height regulations as contained herein.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

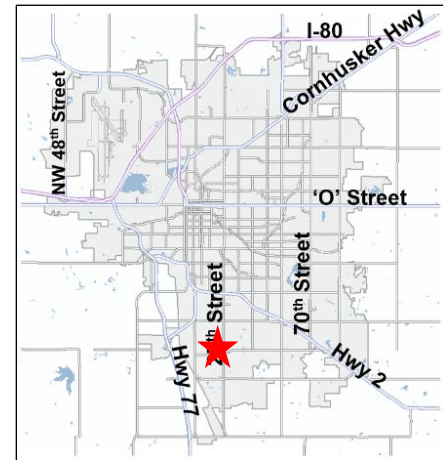
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Use Permit 100E Special Permit 1629J	FINAL ACTION? No	DEVELOPER/OWNER Krueger Development
PLANNING COMMISSION HEARING DATE June 24, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 7155 S. 29 th Street

**RECOMMENDATIONS: USE PERMIT 100E: CONDITIONAL APPROVAL
SPECIAL PERMIT 1629J: CONDITIONAL APPROVAL**

BRIEF SUMMARY OF REQUEST

This is a request to amend a Use Permit (UP) and Special Permit (SP) to develop 110 multi-family dwelling units along with revisions to the parking requirements to be 1 stall per 300 square feet for all commercial uses and 1.5 stalls per dwelling unit for residential uses. Additional minor waivers regarding internal lighting and lot area are also included.



JUSTIFICATION FOR RECOMMENDATION

This is the third proposal for apartments at South Ridge Village. This time the applicant has eliminated the first floor commercial and is not requesting a height waiver. The requested parking ratios are in keeping with those granted to many other commercial centers and apartment complexes in Lincoln. The proposed multi-family building is a permitted use in the O-3 district. A mixed-use center is in conformance with zoning, land uses in this area and is consistent with the Comprehensive Plan.

APPLICATION CONTACT

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

STAFF CONTACT

Stephen Henrichsen, Development
Review Manager
(402) 441-6374
shenrichsen@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This request is in keeping with the intent of the previously approved plans and is supported by the Comprehensive Plan as it encourages mixed uses for future developments. The area of the subject property is designated as a Regional Center in the Comprehensive Plan, which is described as a unique blend of commercial and other compatible land uses including retail shopping, restaurants, entertainment complexes, cultural and artistic institutions, offices, personal and business service facilities. It also states the center should include residential uses.

WAIVERS

1. Commercial parking to be 1 stall per 300 square feet for all uses instead of each specific use or special condition use, Zoning Ordinance 27.67.040. (Recommend Approval)
2. Parking for multi-family dwelling units to be 1.5 stalls per dwelling unit instead of 2 per dwelling unit. A minimum of 60 percent of the total multi-family dwelling units shall be 1 bedroom or studio units; 3 bedrooms units are prohibited, Zoning Ordinance 27.67.040 under the provisions of 27.72.030(a). (Recommend Approval)
3. H-4 zoning district minimum lot area from 15,000 square feet to 1,000 square feet, Zoning Ordinance 27.72.040(a). (Recommend Approval)
4. Exterior lighting trespass and glare across interior lot lines, Chapter 3.100, Section 9. (Recommend Approval)

Previously approved waivers that are carried over with this use permit

5. Creation of lots without frontage on a public street or private roadway provided that access is dedicated during the platting process, Subdivision Ordinance 26.23.140(g).
6. Required parking be provided on the same lot as the use which required the parking, Zoning Ordinance 27.67.030(d).
7. Reduction of the rear yard setback from 40 feet to 20 feet in the portion of the O-3 zoning district located on the eastern edge of the development that is north of the pedestrian easement and running to Pine Lake Road, Zoning Ordinance 27.72.030(a).
8. The landscape in the portion of the O-3 zoning district located on the eastern edge of the development that is north of the pedestrian easement and running to Pine Lake Road, Zoning Ordinance 27.72.060(c)(2).

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.
- Strive for predictability for neighborhoods and developers.
- Encourage commercial centers to encompass a broad range of land uses with the integration of compatible land use types.
- Encourage and provide incentives for mixed uses in future developments.
- Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.

P. 5.6 - The South Ridge Village center is designated as a Reginal Center on Map 5.1: Existing and Proposed Commercial Centers.

- Residential mixed-use is encouraged in some commercial areas; especially for Regional, Community, Neighborhood, and Mixed-Use Office Centers.
- Based on the projected population growth rates, the Plan identifies the potential for 58.6 million square feet of occupied retail, office, and service uses by 2040. A substantial portion of this future commercial capacity will be accommodated on sites already zoned or approved for commercial development or that have been identified in the Plan for future commercial land use.

P. 5.7-5.8 - Strategies for Commercial Centers

- Include higher density residential uses within and/or adjacent to all Commercial Centers except for Highway Oriented Commercial Areas.
- 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.

P. 5.9 - Regional Centers Description

- Regional Centers generally include a unique blend of commercial and other compatible land uses. Within this type of center, one may find retail shopping, restaurants, entertainment complexes, cultural and artistic institutions, offices, personal and business service facilities, public institutions and governmental functions, and the center should include residential uses.

P. 5.1-5.2 - Business & Economy Guiding Principles

- Encourage commercial centers to encompass a broad range of land uses with the integration of compatible land use types.

P. 5.14-5.16 - Strategies for Commercial Infill

- Discourage auto-oriented strip commercial development and seek opportunities for residential mixed use redevelopment and/ or transit oriented development of existing commercial strips.
- Develop infill commercial areas to be compatible with the character of the area.
- Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.
- Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses, and take steps to ensure expansions are in scale with the adjacent neighborhood, are properly screened, fulfill a demonstrated need and are beneficial to health and safety.

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

P. 5.8 - Transition of uses; less intense office uses and residential mixed use buildings near residential areas.

P. 1.6 - Approximately 20% of new dwelling units will be built within the existing City, with about 3,000 in the Downtown and Antelope Valley areas, 1,000 in existing neighborhoods, and 4,000 in mixed use redevelopment nodes and corridors.

P. 6.1 - 1,000 dwelling units are slated for existing residentially-zoned land throughout the existing city, primarily on vacant lots. The remaining 4,000 dwelling units are anticipated to be located primarily in Mixed Use Redevelopment Nodes and Corridors including existing commercial centers and along major transportation corridors.

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

P. 6.2-6.3 - Guiding Principles for Mixed Use Redevelopment

- Mixed Use Redevelopment Should:
 - Occur on sites supported by adequate road and utility capacity.
 - Be located and designed in a manner compatible with existing or planned land uses.
 - 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

- o in alternative locations as allowed through design standards or review process.
- o Develop with substantial connectivity between developing or existing neighborhoods and developing or redeveloping commercial centers.

P. 6.6-6.7 - Strategies for Mixed Use Redevelopment Nodes and Corridors

- Mixed Use Redevelopment Nodes and Corridors should strive to locate:
 - o In proximity to planned or existing neighborhoods and community services, to facilitate access to existing community services or to address a deficiency by providing services such as grocery stores, childcare centers, and restaurants.
 - o On at least one arterial street to help provide for traffic and utility capacity and access to transit.
 - o In areas appropriate for residential mixed use redevelopment, outside of areas identified as Industrial Centers and Highway Oriented Commercial Areas in LPlan 2040 to avoid conflicts with health and safety.
 - o Strive for residential densities of at least seven dwelling units per gross acre within buildable areas inside the project boundary. This strategy encourages significant returns on public investment by developing high-quality properties with sustained value, supports new businesses in the mixed use center, makes public transportation more viable, and uses land and infrastructure more efficiently.

ANALYSIS

1. This is a combined staff report for UP100D and SP1629I. This report contains a single background and analysis for both items with separate conditions of approval. This request is similar to the previous amendment applications for UP100C/SP1629G and UP100D/SP1629'I'.
2. The previous Use Permit requests were denied. Those requests included a mixed use building with commercial on the first floor and height waivers. They also included a reduction in the parking ratio as proposed with this request.
3. This new request is to amend the UP to develop 110 multi-family dwelling units. Differences for this part of the Use Permit, between the old and new request as submitted for review by the Planning Commission include:

UP100C/SP1629H (Previous)	UP100D/SP1629I (Previous)	UP100E/SP1629J
135 dwelling units 23,700 square feet of commercial space on the first floor	121 dwelling units 23,700 square feet of commercial space on the first floor	110 dwelling units No commercial space on the first floor
Height waiver for up to 65 feet (5 stories)	Height waiver for up to 50 feet (4 stories)	No height waiver 35 feet as per O-3 zoning

4. Within the boundaries of the entire UP, the current approved total commercial area is 110,500 square feet. This amendment proposes to decrease the total commercial area to 46,340 square feet which is the approximate amount already built.
5. In the area of this amendment, the UP currently has an approved square footage for three office/medical lots of 53,660 square feet. This amendment proposes two apartment buildings with underground parking instead.
6. The area of the UP amendment is located in the Office Park District (O-3) zoning district. LMC 27.72.030(a) Height and Lot Regulations Commercial Zoning Districts table states, dwellings may be up to 35 feet tall dwellings and 45 feet all "other allowed uses" are permitted by right. This proposal is now for residential use only, so it will follow the 35 foot height limit.
7. Due to the revisions of the parking areas which overlap between the UP boundaries and the SP boundaries,

an amendment to the SP is also requested. A total of 215,000 square feet commercial area remains with the SP area.

8. The previous proposals had traffic count estimates that showed an increase in trip generations that will be insignificant compared to the overall counts currently within the premises. This proposal has less commercial space and fewer dwelling units. Traffic estimates do not indicate any need for upgrades or alterations to public streets. S. 27th Street and Pine Lake Road are both signalized intersections and built to arterial standards to handle this type of trip generation. The Comprehensive Plan encourages mixed-use development to be on at least one arterial street. Additionally, Porter Ridge Road and S. 29th Street, while designated as local streets in the Comprehensive Plan, are also built to accommodate a greater number of trips. Both have approximately 45 feet of pavement width, typically a local street has a width of 27 feet of pavement. Therefore, the existing public street network and infrastructure are adequate to support the proposed mixed-use development.
9. Waivers to the UP for parking, minimum lot area and lighting are also being requested.
 - a. Waiver to commercial parking requirements. Commercial parking to be 1 stall per 300 square feet for all uses. There has been precedent for this type of waiver approval for commercial centers that are close to full build out. The need to track parking stalls counts diminishes as they are already existing. Further, this waiver is acceptable due to the existence of non-concurrent uses which can share parking, and the likelihood that shoppers will visit multiple tenants on one visit. Many services are within walking distance so it is likely that residents may choose to walk or use public transportation further reducing the reliance on personal vehicles. Additionally, there is precedent for granting this waiver for similar projects.
 - SouthPointe was approved with a parking waiver from 4.5 stalls per 1000 square feet to 1 stall per 300 square feet, regardless of use.
 - In August 2016, a text amendment was approved for the B-5 zoning district for the 1 stall per 300 square feet requirement.
 - Edgewood Shopping Center was approved with a parking waiver from 4.5 stalls per 1000 square feet to 1 stall per 300 square feet, regardless of use.
 - East Park Plaza was approved with a parking waiver for 1 stall per 300 square feet, regardless of use.
 - Gateway was approved with a parking waiver from for 1 stall per 300 square feet, regardless of use.
 - Harvest Hills (PC approval April 2020) was approved with a parking waiver for 1 stall per 300 square feet, regardless of use.
 - b. Waiver to residential parking requirements. Residential parking for multi-family dwelling units to be 1.5 stalls per dwelling unit (instead of 2 stalls per dwelling unit). Parking areas between the UP and SP are shared. This is justifiable because a minimum of 60 percent of the total multi-family dwelling units will be 1 bedrooms or studios and 3 or more bedrooms are prohibited. Also, the existence of non-concurrent uses, which can share parking. For example, in the morning most of the commercial parking south of the commercial buildings will be empty and available for residences. Other recent examples of parking reductions for residential near commercial uses include:
 - 225 N. Cotner was approved to decrease the parking requirement for residential uses from 2 stalls per unit to 1.4 stalls per unit.
 - Highland apartments, NW 12th and Isaac Drive, was reduced from 2 to 1.5 stalls per unit.
 - c. Waiver in the H-4 zoning district to reduce the minimum lot area of 15,000 square feet to 1,000 square feet. This waiver is being requested on existing buildings that have already been approved and built within the development. This request is now shown to clarify the acceptance of the existing conditions which was previously allowed, but not specifically mentioned.
 - d. Waiver to exterior lighting trespass across interior lot lines. Within the development there are lots

created for individual buildings with an outlot surrounding the lot that consists of parking areas and drive aisles. It is typical to grant a waiver for light trespass across interior lot lines within the boundaries of a permit.

10. The Comprehensive Plan states that transitional uses, such as residential mixed-use buildings should be located near residential areas. These proposed mixed-use buildings are located in a transitional area between commercial development and single-family residential.
11. The Comprehensive Plan encourages residential densities in mixed-use developments. This strategy supports new businesses and makes public transportation more viable, and uses land and infrastructure more efficiently.
12. Apartments are a permitted use in the O-3 district. The use itself is not in question and is allowed at this location. The Use Permit review is on the site plan itself. The buildings and use will conform to all the regulations for height as previously noted.
13. A 40 foot rear yard setback for the building is required next to residential uses and is provided. Parking is allowed in the rear yard. However, the applicant is proposing to also limit parking in the rear yard in order to provide additional space for landscaping. This will help increase the buffer to the existing single family attached units to the south. The landscape plan shows a 6 foot vinyl privacy fence along the southern boundary along with the variety of trees. Some trees are existing in this area today and will remain. The landscape screening standards require a 50% screen from 6 to 15 feet in height. The landscape plan meets this requirement with the new additional trees.

CONDITIONS OF APPROVAL: See attached

SURROUNDING LAND USE & ZONING:

North: Pine Lake Road; B-5
South: Two-family dwellings; R-3
East: Single-family detached; R-3
West: S. 27th Street; B-2

APPLICATION HISTORY: See attached

APPROXIMATE LAND AREA:

Use Permit 100E: 8.86 acres
Special Permit 1629J: 23.63 acres

LEGAL DESCRIPTIONS:

Use Permit 100E: A portion of Lot 9 and all of Lots 10 through 13, South Ridge Village Addition; Lots 1 through 6, South Ridge Village 2nd Addition; Lots 1 through 6, South Ridge Village 3rd Addition; Lots 1 through 7, South Ridge Village 5th Addition; a portion of Lot 1, South Ridge Village 6th Addition, Lots 2 through 4, South Ridge Village 10th Addition; Lot 1 and a portion of Outlot 'A', South Ridge Village 12th Addition; a portion of Outlot 'A', South Ridge Village 13th Addition; a portion of South 29th Street and Porter Ridge Road, all located in the Northwest Quarter of Section 19, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska.

Special Permit 1629J: Lots 1 through 8, and a portion of Lot 9, South Ridge Village Addition, Lots 1 and 2, South Ridge Village 4th Addition, Lot 2 and a portion of Lot 1, South Ridge Village 6th Addition, Lot 1, South Ridge Village 7th Addition, Lot 1, South Ridge Village 8th Addition, Lot 1, South Ridge Village 9th Addition, Lot 1, South Ridge Village 11th Addition, a portion of Outlot 'A', South Ridge Village 12th Addition, Lot 1 and a portion of Outlot 'A', South Ridge Village 13th Addition, the remaining portion of Lot 1, Block 1, Porter Ridge West 4th Addition, a portion of Porter Ridge Road, all located in the Northwest Quarter of Section 19, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska.

Prepared by:

Stephen Henrichsen, Development Review Manager
(402) 441-6374

Date: June 16, 2020

Applicant/Contact: Marcia Kinning
REGA Engineering
601 Old Cheney Road, Suite A
Lincoln, NE 68512

Owner: Rick Krueger
South Ridge Village, LLC
8200 Cody Drive, Suite F
Lincoln, Nebraska 68512

F:\DevReview\UP\UP100E & SP1629J South Ridge Village Apt.docx

CONDITIONS OF APPROVAL - USE PERMIT 100E

This approval permits a total of 46,340 square feet of commercial area and 110 dwelling units, including waivers for Commercial parking to be 1 stall per 300 square feet regardless of use; parking for multi-family dwelling units to be 1.5 stalls per dwelling unit, provided that a minimum of 60 percent of the total multi-family dwelling units shall be 1 bedroom or studio units and 3 bedrooms units are prohibited; and exterior lighting trespass and glare across interior lot lines.

Site Specific Conditions:

1. The City Council approves associated request:
 - 1.1. Special Permit #1629J
2. The permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below upon approval before receiving building permits:
 - 2.1. General Note #6, replace "building permits" with "sign permits."
 - 2.2. General Note #9, remove the last two sentences as they are stated in Waivers #2 - #4. Remove the references to the specific "D" and "I" amendments in Note 9 and on the vicinity map to avoid having to update in the future.
 - 2.3. Revise the storm water quality information, grading and drainage plans to the satisfaction of the Lincoln Transportation and Utilities Department - Watershed Management Division as per their report.
 - 2.4. Update the legal description for SP1629J to remove Lots 2, 3 & 4, South Ridge Village 10th.

Standard Conditions:

3. The following conditions are applicable to all requests:
 - 3.1. Before occupying the dwelling units or 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 special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
 - 3.6. The site plan as approved with this 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.

CONDITIONS OF APPROVAL - SPECIAL PERMIT 1629J

Per Section 27.63.470 this approval including waivers for:

- Commercial parking to be 1 stall per 300 square feet regardless of use, and
- Parking for multi-family dwelling units to be 1.5 stalls per dwelling unit, provided a minimum of 60 percent of the total multi-family dwelling units shall be 1 bedroom or studio units and 3 bedrooms units are prohibited,
- H-4 zoning district to reduce the minimum lot area from 15,000 square feet to 1,000 square feet, and
- Exterior lighting trespass and glare across interior lot lines.

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.

Standard Conditions:

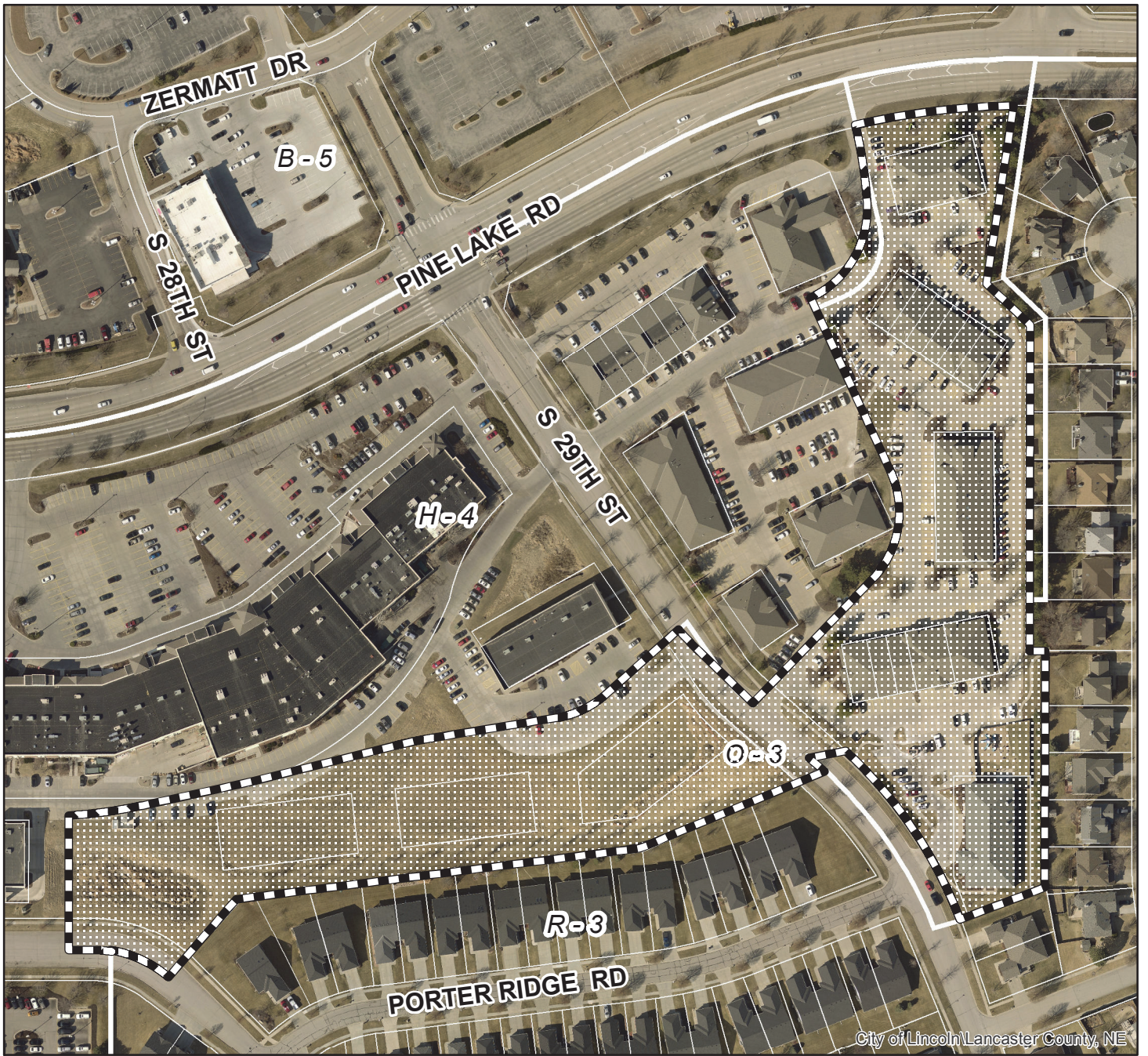
2. The following conditions are applicable to all requests:
 - 2.1. Before occupying starting the operation all development and construction shall substantially comply with the approved plans.
 - 2.2. All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
 - 2.3. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters 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 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.
 - 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.

APPLICATION HISTORY for UP100E

February 28, 1994	City Council approved CZ2740 over this area which established the general areas of the R-3, O-3, and H-4 Districts.
September 16, 1996	City Council approved UP100 to develop 100,000 square feet of offices uses.
December 9, 1996	City Council approved CZ2952 which located the zoning district boundaries on the north side of Porter Ridge Road.
August 28, 2000	City Council approved CZ3273 from O-3 to R-3 and from R-3 to O-3 to bring the zoning district boundaries into alignment with the platted lot lines.
September 11, 2000	City Council approved amendment UP100A which adjusted the boundaries of the use permit to align with the O-3 Office Park District boundary lines, and adjust the location of the required landscape screen from the office park property to the residential property to the south.
February 23, 2009	City Council approved Change of Zone (CZ) #08073 from R-3 to O-3.
February 23, 2009	City Council approved SP08052 to operate a 10,500 square foot early childhood care facility with a 5,919 square foot playground for up to 100 children with a requested waiver of the requirement that an early childhood care facility with 31 or more children be located on an arterial street.
March 9, 2009	City Council approved amendment UP100B to expand the South Ridge Village Use Permit boundaries by approximately .98 acres for an early childhood care facility in the O-3 zoning district.
May 9, 2018	<p>The Planning Commission recommended denial to UP100C to develop two mixed-use buildings with 23,700 square feet of commercial area and 135 dwelling units including waivers to parking, building height, uses permitted in the rear yard setback, minimum lot area and lighting.</p> <p>The Planning Commission recommended approval to SP1629H for a waiver to the commercial minimum parking requirements in the Planned Service Commercial for commercial parking to be 1 stall per 300 square feet, regardless of use.</p>
July 17, 2018	The applicant revised his request based on the Planning Commission recommendation for denial.
August 20, 2018	City Council approved UP100C and SP1629H for 23,700 square feet of commercial area and 135 dwelling units, including waivers related to parking, building height, uses permitted within the rear yard setback, minimum lot area and exterior lighting.
August 29, 2018	Mayor Beutler vetoed UP100C and SP1629H.
January 23, 2019	A revised application for a mix of apartments and commercial use with a building height of 50 feet received a Planning Commission recommendation of denial for UP100D and approval of SP1629'I'.
February 12, 2019	The City denied UP100D and approved of SP1629'I'. However, SP1629'I' was contingent on UP100D being approved so effectively it wasn't approved.

APPLICATION HISTORY for SP1629J

February 1994	This area was annexed and the zoning was changed from AG to H-4 and O-3.
December 12, 1996	City Council approved SP1629 to develop 215,000 square feet of Planned Service Commercial uses.
February 10, 1999	Planning Commission approved amendment SP1629A to construct a 40,000 square foot automobile dealership building and conduct associated automobile and truck sales.
March 26, 1999	City Council approved CZ3161 from O-3 to H-4.
July 11, 2000	The applicant withdrew SP1629C to revise the boundaries of the South Ridge Village special permit boundary. It was found that the revision was not needed.
August 14, 2000	City Council approved amendment SP1629B to add a 45 square foot, 6.5 foot high illuminated ground sign and replace the approved 100 square foot, 45 foot high pole sign with a 75 square foot, 10 foot high ground sign.
February 4, 2002	City Council denied amendment SP1629D for an additional ground sign for the gas station at S. 27th Street and Porter Ridge Road.
August 26, 2002	City Council approved amendment SP1629E to adjust the building envelope and the building square footages, and permit a 50' tall clock tower.
September 26, 2005	City Council approved amendment SP1629F to adjust the side yard setback from 50' to 25' to allow vehicles to be displayed for sale and for no other uses.
July 18, 2007	Planning Commission approved amendment SP1629G with condition to add an indoor kennel.
May 9, 2018	<p>The Planning Commission recommended approval to SP1629H for a waiver to the commercial minimum parking requirements in the Planned Service Commercial for commercial parking to be 1 stall per 300 square feet, regardless of use.</p> <p>The Planning Commission recommended denial to UP100C to develop two mixed-use buildings with 23,700 square feet of commercial area and 135 dwelling units including waivers to parking, building height, uses permitted in the rear yard setback, minimum lot area and lighting.</p>
July 17, 2018	The applicant revised his request based on the Planning Commission recommendation for denial for UP100C.
August 20, 2018	City Council approved UP100C and SP1629H for 23,700 square feet of commercial area and 135 dwelling units, including waivers related to parking, building height, uses permitted within the rear yard setback, minimum lot area and exterior lighting.
January 23, 2019	A revised application for a mix of apartments and commercial use with a building height of 50 feet received a Planning Commission recommendation of denial for UP100D and approval of SP1629'I'.
February 12, 2019	The City denied UP100D and approved of SP1629'I'. However, SP1629'I' was contingent on UP100D being approved so effectively it wasn't approved.



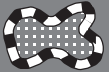


2018 aerial

Use Permit #: UP100E
South Ridge Village
S 27th St & Porter Ridge Rd

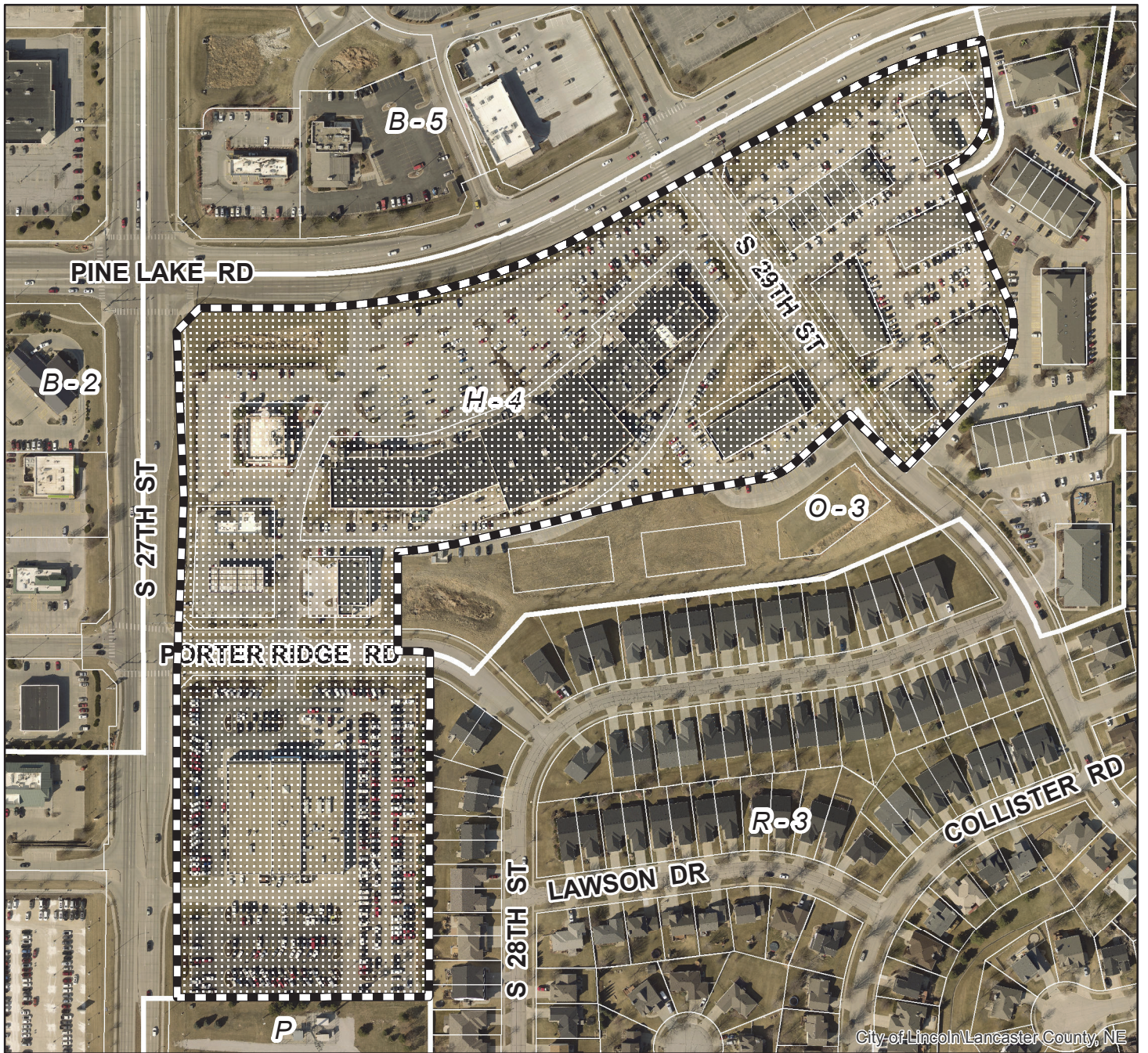
Zoning:

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

One Square Mile:
Sec. 19 T09N R07E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



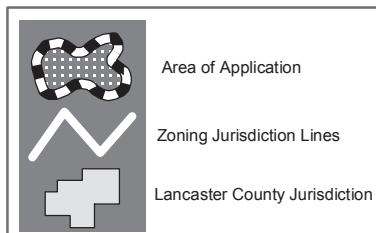


Special Permit #: SP1629J
South Ridge Village
S 27th St & Porter Ridge Rd

Zoning:

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

One Square Mile:
 Sec. 19 T09N R07E



NO.	REVISIONS		
	DESCRIPTION	DATE	BY

PROJECT
151304-LOFT

REGA
ENGINEERING
GROUP, INC.

601 OLD CHENEY RD., SUITE A
LINCOLN, NEBRASKA 68512
(402) 484-7342

- ENGINEERING
- PLANNING
- LAND SURVEYING



EXISTING R-3

LIMITS OF USE PERMIT

5' PEDESTRIAN EASEMENT (WILL CONTINUE INTO PEDESTRIAN SYSTEM OF CENTER)

SEE SPECIAL PERMIT #05052 FOR DETAILS

SO. 30TH ST.

SOUTH RIDGE VILLAGE
USE PERMIT #100E
SPECIAL PERMIT #1629J
LANDSCAPE PLAN

SOUTH 27TH AND PINE LAKE ROAD, LINCOLN, NE

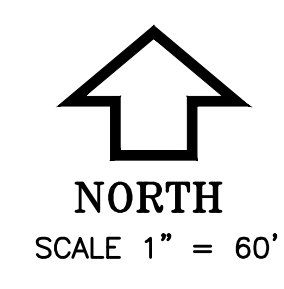
STREET TREE SCHEDULE

KEY	COMMON NAME / BOTANICAL NAME	SIZE	METHOD	SPREAD	HEIGHT	QUAN.
SWO	SWAMP WHITE OAK QUERCUS BICOLOR	1- 1/2" DIA.	B & B	50'	60'	25
PA	PATMORE ASH FRAXINUS PENNSYLVANICA 'PATMORE'	1- 1/2" DIA.	B & B	35'	40'	28
APA	AUTUMN PURPLE ASH FRAXINUS AMERICANA 'AUTUMN PURPLE'	1- 1/2" DIA.	B & B	25'	40'	10
PSM	PACIFIC SUNSET MAPLE ACER TRUNCATUM 'PACIFIC SUNSET'	1- 1/2" DIA.	B & B	25'	30'	9

LANDSCAPE SCHEDULE

KEY	COMMON NAME / BOTANICAL NAME	SIZE	METHOD	SPREAD	HEIGHT	QUAN.
FS	FRAGRANT SYPHOCAMPYLUS RHUS AROMATICA	2' - 3'	CONT.	8'	10'	6
RDK	RED OAK QUERCUS RUBRA	1- 1/2" DIA.	B & B	50'	60'	14
RM	RED SUNSET MAPLE ACER RUBRUM 'RED SUNSET'	1- 1/2" DIA.	B & B	45'	50'	33
WF	WHITE FIR ABIES CONCOLOR	3' - 4'	B & B	15'	40'	5
WE	WINGED ELKONYMUS (SPRING BUSH) EUONYMUS ALATA	2' - 3'	B & B	6'	10'	12
LL	LITTLELEAF LILAC SYRINGA MICROPHYLLA	2' - 3'	B & B	4'	4'	20
JP	PRITCHETT JUNIPER JUNIPERUS CHINENSIS PRITCHETTIANA	18" - 24"	CONT.	6'	5'	144
TBJ	TABLETOP BLUE JUNIPER JUNIPERUS SCOPULORUM 'TABLETOP BLUE'	3' - 4'	CONT.	6'	4'	23
SMH	SHADEMASTER HONEYLOCUST GLYSTRIA FRAGRANTISSIMA 'SHADEMASTER'	1- 1/2" DIA.	B & B	30'	35'	16
NV	NANNYBERRY VIBURNUM VIBURNUM LENTAGO	3' - 4'	CONT.	15'	15'	29
AV	AMERICAN CRANBERRY VIBURNUM VIBURNUM TRICOLOR	3' - 4'	CONT.	8'	12'	47
EQM	EMERALD QUEEN MAPLE ACER PLATANOIDES 'EMERALD QUEEN'	1- 1/2" DIA.	B & B	35'	50'	5
BM	BONFIRE MAPLE ACER SACCHARUM 'BONFIRE'	1- 1/2" DIA.	B & B	25'	30'	14
GMP	GREEN MOUNTAIN MAPLE ACER SACCHARUM 'GREEN MOUNTAIN'	1- 1/2" DIA.	B & B	30'	35'	14
ERB	EASTERN REDBUD CERCIS CANADENSIS	5' - 6'	CONT.	15'	20'	3
RB	RIVER BIRCH BETULA NIDA	6' - 8'	CONT.	30'	40'	5
CS	COLORADO SPRUCE PICEA PUNGENS	8' - 8'	CONT.	30'	40'	5

NOTE: ALL PLANT MATERIAL SHALL BE HANDLED AND INSTALLED AS PER CITY OF LINCOLN DESIGN STANDARDS



DATE: 5/22/2020
DESIGNED BY: MLK
DRAWN BY: MLK
CHECKED BY: LLL/NPB

SHEET NO.
2 of 4

File No. 151304-LOFT2020
May 21, 2020

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

RE: SOUTH RIDGE VILLAGE
USE PERMIT #100E
& SPECIAL PERMIT #1629J
South 27th Street & Pine Lake Road

Dear David,

On behalf of South Ridge Village, LLC, we are submitting an amendment to Use Permit #100B and to Special Permit #1629G of South Ridge Village.

The amendment to the Use Permit includes replacing the 3 office/medical lots of 53,660 square feet located in the south portion of the use permit west of South 29th Street with 2 multi-family buildings. The proposed multi-family buildings shall include up to 110 dwelling units. The commercial area within the use permit on the east side of South 29th Street remains as previously approved with 46,340 square feet.

Due to the revisions of the parking areas, which overlap into the existing Special Permit #1629G, an amendment to the special permit is also being requested. The total commercial areas previously approved at 215,000 square feet remains with the special permit. General Notes and waivers have been updated and combined with the Use Permit.

With these applications we are requesting that all uses within the development be referred to as commercial and be required to meet a parking requirement of 1 stall per 300 square feet ratio. For the multi-family dwelling units, a parking requirement of 1.5 stalls per dwelling unit is being requested with a minimum of 60 percent to be 1 bedroom or studio units.

The development has provided private sewer and water for portions of the development. A portion of the existing private sanitary sewer will be removed and a proposed private 8" sanitary sewer line is shown to give service to the south portion of the property located on the west side of South 29th Street.

With the previously approved applications, detention areas had been shown for the development. An updated drainage study is being provided for review, with the previously approved drainage study. A topographic survey of the area found some of the drainage basins needed some tweaking, specifically K₁ and K₂.

In addition, a third basin, K₃, was added to the current study. To acquire the detention area required, Detention Areas 'B' and 'H' will need additional grading and retaining wall construction to achieve pre-development conditions.

Dense landscaping has been shown along the south line of the development, adjacent to Lots 1 through 17, Block 1 of Porter Ridge West 20th Addition. The landscaping previously shown and approved that was located on the adjacent lots as stated, have been removed.

Several meetings have taken place with the neighborhood land owners and the developer in the last few years. With this application we have addressed previous concerns with previous applications that have not been approved. The developer will be mailing information to the neighborhood owners to inform them of our new submission.

The following are waivers previously approved as well as newly requested with this application.

1. Creation of lots without frontage on a public street or private roadway provided that access is dedicated during the platting process. (26.23.140(g)) *PREVIOUSLY APPROVED*
2. The requirement that required parking be provided on the same lot as the use which requires the parking. (27.67.030(d)) *PREVIOUSLY APPROVED*
3. Commercial parking to be 1 stall per 300 square feet for all uses. (27.67.040)
Within the development there are different uses. Calculating parking for all allowed uses with one ratio is beneficiary.
4. Parking for multi-family dwelling units to be one and one-half stalls per dwelling unit. A minimum of 60 percent of the total multi-family dwelling units shall be 1 bedroom or studio units. (27.67.040) under the provisions of (27.72.030(a)).
The mixed uses within the development is providing an environment for individuals to utilize city transportation as well as other alternate transportation other than automobiles. The demand for parking will be minimized. General Note #11 has been shown which states that 3 or more bedroom apartment units are prohibited.
5. Reduction of the rear yard setback from 40 feet to 20 feet in the portion of the O-3 Zone located on the eastern edge of the development that is north of the pedestrian easement and running to Pine Lake Road. (27.72.30(a)) *PREVIOUSLY APPROVED*
6. The landscape in the portion of the O-3 Zone located on the eastern edge of the development that is north of the pedestrian easement and running to Pine Lake Road. (27.72.060(c)(2)) *PREVIOUSLY APPROVED*
7. H-4 Zoning District minimum lot area be reduced to 1,000 square feet. (27.72.040(a))
This waiver is being requested on existing buildings that have already been approved and built within the development. This request is now shown to clarify the acceptance of the existing conditions.
8. Exterior Lighting trespass and glare across interior lot lines. (Chapter 3.100, Section 9)
Within the development there are lots created for individual building with an outlot surrounding the lots that consists of parking areas and drive aisles. For safety concerns, it is beneficial to all tenants with the development to have lighting cross lot lines internally.

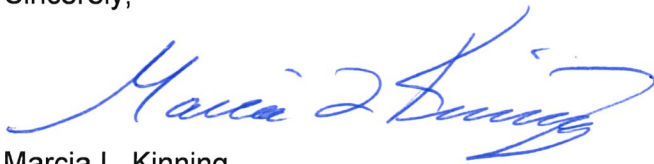
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ENGINEERING
GROUP, INC.

Page 3

We would greatly appreciate notification of any possible delays in the review and application process. Please contact me if you have any questions or need additional information for review.

Sincerely,



Marcia L. Kinning

Cc: Rick Krueger

Enclosures: Application Form

Application Fee of \$988.00 (Amendment to Use Permit)

Application Fee of \$988.00 (Amendment to Special Permit)

Drainage Study

Legal Descriptions

USE PERMIT #100E LEGAL DESCRIPTION:

A legal description of a portion of Lot 9, South Ridge Village Addition and Lots 10 through 13, South Ridge Village Addition; Lots 1 through 6, South Ridge Village 2nd Addition; Lots 1 through 6, South Ridge Village 3rd Addition; Lots 1 through 7, South Ridge Village 5th Addition; a portion of Lot 1, South Ridge Village 6th Addition, Lots 2 through 4, South Ridge Village 10th Addition; Lot 1 and Outlot 'A', South Ridge Village 12th Addition; a portion of Outlot 'A', South Ridge Village 13th Addition; a portion of South 29th Street and Porter Ridge Road, all located in the Northwest Quarter of Section 19, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the southwest corner of Lot 1, Block 1, Porter Ridge West 4th Addition, Thence easterly N 89° 57'36" E along the south line of Lot 1, Block 1, Porter Ridge West 4th Addition, a distance of 434.14 feet to the southeast corner of said Lot 1, Block 1, Porter Ridge West 4th Addition, Thence northerly N 00° 06'48" E along the east line of Lot 1, Block 1, Porter Ridge West 4th Addition, a distance of 593.72 feet to the True Point of Beginning,

Thence around a curve in a counterclockwise direction having a delta angle of 09°21'39", an arc distance of 24.51 feet, a radius of 150.00 feet, and a chord of N 85°12'49" W, said line being the center line of Porter Ridge Road, a distance of 24.48 feet,

Thence westerly N 89°53'38" W along the centerline of Porter Ridge Road, a distance of 31.02 feet,

Thence northerly N 00°00'00" W, a distance of 171.60 feet,

Thence easterly N 86°04'01" E, a distance of 8.57 feet to a point of curvature,

Thence around a curve in a counterclockwise direction having a delta angle of 08° 20' 24", an arc distance of 87.34 feet, a radius of 600.00 feet, and a chord of N 81°53'48" E, a distance of 87.26 feet to a point of tangency,

Thence easterly N 77°36'59" E, a distance of 145.40 feet,

Thence easterly N 75°58'33" E, a distance of 184.34 feet to a point of curvature,

Thence around a curve in a clockwise direction having a delta angle of 04°47'49", an arc distance of 50.23 feet, a radius of 600.00 feet, and a chord of N 78°22'27" E, a distance of 50.22 feet to a point of tangency,

Thence easterly N 80°46'22" E, a distance of 159.86 feet to a point of curvature,

Thence around a curve in a counterclockwise direction having a delta angle of 32°19'31", an arc distance of 70.52 feet, a radius of 125.00 feet, and a chord of N 64°36'36" E, a distance of 69.59 feet to a point of tangency,

Thence northeasterly N 48° 26'51" E, a distance of 124.88 feet to a point of curvature,

Thence around a curve in a counterclockwise direction having a delta angle of 04°26' 15", an arc distance of 38.73 feet, a radius of 500.00 feet, and a chord of S 43°46'17" E, a distance of 38.72 feet,

Thence easterly S 45°59'24" E, a distance of 94.58 feet,

Thence northeasterly N 44°00'36" E, a distance of 218.74 feet to a point of curvature,

Thence around a curve in a counterclockwise direction having a delta angle of 68°47'18", an arc distance of 150.07 feet, a radius of 125.00 feet, and a chord of N 09°36'57" E, a distance of 141.22 feet,

Thence northwesterly N 24°46'42" W, a distance of 243.10 feet to a point of curvature,

Thence around a curve in a counterclockwise direction having a delta angle of 69°06'18", an arc distance of 150.76 feet, a radius of 125.00 feet, and a chord of N 30°40'09" E, a distance of 141.79 feet to a compound curvature,

Thence around a curve in a counterclockwise direction having a delta angle of 09°17'35", an arc distance of 97.32 feet, a radius of 600.00 feet, and a chord of N 08°31'48" W, a distance of 97.21 feet,

Thence northerly N 13°10'35" W, a distance of 2.74 feet,

Thence around a curve in a clockwise direction having a delta angle of 12°26'04", an arc distance of 204.00 feet, a radius of 940.00 feet, and a chord of N 83°02'25" E, said line being 60.00 feet southeast of and parallel to the center line of right-of-way for Pine Lake Road, a distance of 203.60 feet,

Thence southerly S 08°37'45" W, along east line of Outlot 'A', South Ridge Village 12th Addition, a distance of 229.95 feet to the southwest corner of Lot 2, South Ridge Village 1st Addition,

Thence southeasterly S 46°43'29" E, a distance of 76.46 feet to the southwest corner of Lot 3, South Ridge Village 1st Addition,

Thence southerly S 00°06'19" W along the east line of Outlot 'A', South Ridge Village 12th Addition, a distance of 416.34 feet to the southwest corner of Lot 10, South Ridge Village 1st Addition,
Thence easterly N 89°53'41" E along the south line of Lot 10, South Ridge Village 1st Addition, a distance of 20.00 feet,
Thence southerly S 00°06'19" W along the east line of Outlot 'A', South Ridge Village 12th Addition, a distance of 302.00 feet,
Thence southwesterly S 69°18'11" W along the south line of Outlot 'A' and Lot 1, South Ridge Village 12th Addition, a distance of 115.80 feet,
Thence around a curve in a counterclockwise direction having a delta angle of 26°33'49", an arc distance of 257.77 feet, a radius of 561.00 feet, and a chord of N 34°11'21" W, said line being 36 feet northeast of and parallel to the center line of right-of-way for South 29th Street, a distance of 260.09 feet,
Thence southwesterly S 79°12'30" W, a distance of 47.78 feet to a point on the centerline of South 29th Street,
Thence southeasterly S 50°14'26" E along the centerline of South 29th Street, a distance of 7.66 feet to a point of curvature,
Thence around a curve in a clockwise direction having a delta angle of 02°01'47", an arc distance of 18.60 feet, a radius of 525.00 feet, and a chord of S 49°13'33" E, said line being the center line of South 29th Street, a distance of 18.60 feet,
Thence southwesterly S 67°17'26" W along the south line of Outlot 'A', South Ridge Village 13th Addition, a distance of 255.17 feet,
Thence westerly S 82°50'00" W along the south line of Outlot 'A', South Ridge Village 13th Addition, a distance of 519.87 feet,
Thence southwesterly S 41°04'27" W along the south line of Outlot 'A', South Ridge Village 13th Addition, a distance of 131.69 feet to a point of curvature on the centerline of Porter Ridge Road,
Thence around a curve in a counterclockwise direction having a delta angle of 31°26'04", an arc distance of 82.51 feet, a radius of 150.00 feet, and a chord of N 64°48'57" W, said line being the center line Porter Ridge Road, a distance of 81.27 feet to the Point of Beginning and containing a calculated area of 385,794.47 Square Feet or 8.86 Acres more or less.

SPECIAL PERMIT #1629J LEGAL DESCRIPTION:

A legal description of Lots 1 through 8 and a portion of Lot 9, South Ridge Village Addition, Lots 1 and 2, South Ridge Village 4th Addition, Lot 2 and a portion of Lot 1, South Ridge Village 6th Addition, Lot 1, South Ridge Village 7th Addition, Lot 1, South Ridge Village 8th Addition, Lot 1, South Ridge Village 9th Addition, Lot 1, South Ridge Village 11th Addition, a portion of Outlot 'A', South Ridge Village 12th Addition, Lot 1 and a portion of Outlot 'A', South Ridge Village 13th Addition, the remaining portion of Lot 1, Block 1, Porter Ridge West 4th Addition, a portion of Porter Ridge Road, all located in the Northwest Quarter of Section 19, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the southwest corner of Lot 1, Block 1, Porter Ridge West 4th Addition, and the True Point of Beginning,
Thence northerly N 00° 02' 24" W along the west line of Lot 1, Block 1, Porter Ridge West 4th Addition, a distance of 556.92 feet,
Thence northerly N 02° 15' 01" E, a distance of 305.80 feet,
Thence northerly N 02° 22' 38" W, a distance of 285.21 feet,
Thence northeasterly on a bearing of N 44° 32' 08" E, a distance of 56.15 feet,
Thence on an assumed bearing of N 89° 57' 36" E along the north line of said Outlot 'A', said line being 60.00 feet south and parallel with the center line of right-of-way for Pine Lake Road, a distance of 160.00 feet, to a point of curvature,
Thence around a curve in a counterclockwise direction having a delta angle of 28° 37' 53", an arc distance of 529.70 feet, a radius of 1060.00 feet, and a chord of N 75° 38' 40" E along the north line of said Outlot 'A', said line being 60.00 feet south and parallel with the center line of right-of-way for Pine Lake Road, a distance of 524.20 feet, to a point of tangency,
Thence northwesterly on a bearing of N 61° 19' 43" E, a distance of 502.67 feet to a point of curvature,
Thence around a curve in a clockwise direction having a delta angle of 15° 29' 42", an arc distance of 254.21 feet, a radius of 940.00 feet, and a chord of N 69° 04' 34" E, said line being 60.00 feet southeast of and parallel to the center line of right-of-way for Pine Lake Road, a distance of 253.44 feet,
Thence southerly S 13° 10' 35" E, a distance of 2.74 feet to a point of curvature,
Thence around a curve in a clockwise direction having a delta angle of 09° 17' 35", an arc distance of 97.32 feet, a radius of 600.00 feet, and a chord of S 08° 31' 48" E, a distance of 97.21 feet to a compound curvature,
Thence around a curve in a clockwise direction having a delta angle of 69° 06' 18", an arc distance of 150.76 feet, a radius of 125.00 feet, and a chord of S 30° 40' 09" W, a distance of 141.79 feet,
Thence southeasterly S 24° 46' 42" E, a distance of 243.10 feet to a point of curvature,
Thence around a curve in a clockwise direction having a delta angle of 68° 47' 18", an arc distance of 150.07 feet, a radius of 125.00 feet, and a chord of S 09° 36' 57" W, a distance of 141.22 feet,
Thence southwesterly S 44° 00' 36" W, a distance of 218.74 feet,
Thence westerly N 45° 59' 24" W, a distance of 94.58 feet to a point of curvature,
Thence around a curve in a clockwise direction having a delta angle of 04° 26' 15", an arc distance of 38.73 feet, a radius of 500.00 feet, and a chord of N 43° 46' 17" W, a distance of 38.72 feet,
Thence southwesterly S 48° 26' 51" W, a distance of 124.88 feet to a point of curvature,
Thence around a curve in a clockwise direction having a delta angle of 32° 19' 31", an arc distance of 70.52 feet, a radius of 125.00 feet, and a chord of S 64° 36' 36" W, a distance of 69.59 feet to a point of tangency,
Thence westerly S 80° 46' 22" W, a distance of 159.86 feet to a point of curvature,
Thence around a curve in a counterclockwise direction having a delta angle of 04° 47' 49", an arc distance of 50.23 feet, a radius of 600.00 feet, and a chord of S 78° 22' 27" W, a distance of 50.22 feet to a point of tangency,
Thence westerly S 75° 58' 33" W, a distance of 184.34 feet,
Thence westerly S 77° 36' 59" W, a distance of 145.40 feet to a point of curvature,
Thence around a curve in a clockwise direction having a delta angle of 08° 20' 24", an arc distance of 87.34 feet, a radius of 600.00 feet, and a chord of S 81° 53' 48" W, a distance of 87.26 feet to a point of tangency,
Thence westerly S 86° 04' 01" W, a distance of 8.57 feet,
Thence southerly S 00° 00' 00" E a distance of 171.60 feet,

Thence easterly S 89° 53'38" E along the centerline of Porter Ridge Road, a distance of 31.02 feet,
Thence around a curve in a clockwise direction having a delta angle of 09° 21' 39", an arc distance of 24.51 feet, a radius of 150.00 feet, and a chord of S 85° 12' 49" E, said line being the center line of Porter Ridge Road, a distance of 24.48 feet,
Thence southerly S 00° 06'48" W along the east line of Lot 1, Block 1, Porter Ridge West 4th Addition, a distance of 593.72 feet,
Thence westerly S 89° 57'36" W along the south line of Lot 1, Block 1, Porter Ridge West 4th Addition, a distance of 434.14 feet to the southwest corner of said Lot 1, Block 1, Porter Ridge West 4th Addition being 60.00 feet east of the of the west line of said Section 19, to the Point of Beginning and containing a calculated area of 1,029,146.74 Square Feet or 23.63 Acres more or less.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

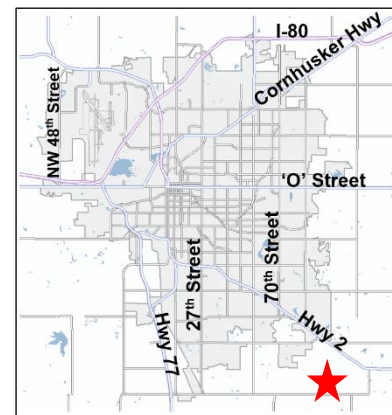
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Change of Zone #20019	FINAL ACTION? No	DEVELOPER/OWNER Ron Deboer and Carol Domina
PLANNING COMMISSION HEARING DATE June 24, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION S. 110 th Street and Saltillo Road

RECOMMENDATION: DENIAL

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from AG-Agriculture to AGR-Agriculture Residential on 102.65 acres. The applicant is requesting the change of zone to develop 33 lots.



JUSTIFICATION FOR RECOMMENDATION

This request is not in conformance with the Comprehensive Plan. The area is shown as agricultural in the 2040 Lancaster County Future Land Use Plan. The site is within Tier II Future Urban Growth Tier. The Comprehensive Plan does not support acreage development within the growth tiers. Land near the city, in Tier I and II is designated as agricultural use so that the city can grow in the long term. There is an adequate supply of acreage lots and additional AGR zoning is not needed. Approval of this change of zone to AGR would likely lead to other AGR request on adjacent or nearby land.

APPLICATION CONTACT

Matt Langston, Olsson Associates
402-474-6311 or m-langston@olsson.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This change of zone request is not compatible with the comprehensive plan. This area is shown to remain agriculture in the Future Land Use Plan and not for acreage lots. The predominant land use in the area is agriculture, the site is designated as prime farmland and the nearest acreage lots are located one-half mile to the east. There is already the potential for 1,416 future acreage lots in areas designated for low density residential outside other towns ETJ. This is 24.4-years of capacity based on annual demand. This land adjacent to the South Beltway and near the city should remain in agricultural use so that the city can grow into this area in the future. The Comprehensive Plan specifically discourages Low Density Residential uses and AGR zoning from the City of Lincoln's future growth areas.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

P. 1.2 - An important relationship exists between the urban, rural, and natural landscapes. Urban and rural development maximize the use of land in order to preserve agriculture and natural resources.

P. 1.2 - Policies of managing urban growth, maintaining an "edge" between urban and rural land uses, and preserving prime agricultural land form a distinctive and attractive built environment for Lincoln and Lancaster County.

p. 2.7 - Preserve areas throughout the county for agricultural production by designating areas for rural residential development—thus limiting potential conflicts between farms and acreages.

P. 2.7 - Provide for about four percent of the total population in the County in other incorporated towns, and six percent on acreages, farms and unincorporated villages.

P. 7.2 - Encourage acreages to develop in appropriate areas and preserve farmland.

P. 7.12- LPlan 2040 supports the preservation of land in the bulk of the County for agricultural and natural resource purposes. However it recognizes that some parts of the County are in transition from predominantly agricultural uses to a mix that includes more residential uses.

P.7.12- New acreage development is not encouraged in the Map 1.3: Growth Tiers with Priority Areas for Lincoln's three-mile extra territorial jurisdiction (ETJ), except for areas already platted, zoned, or designated for low density residential development.

P. 7.12- All proposals for acreages should be evaluated based on factors such as paved roads, adequate water quality and quantity, soil conditions for on-site wastewater management, availability of emergency services, agricultural productivity, land parcelization, the pattern of existing acreages, and plans for future urban development.

P. 7.12- Applications for acreage designation on the future land use map or rezoning to AGR, if planned for on-site wells, should be accompanied by information on water quality and quantity.

P. 7.12- Areas not designated for acreages should remain agriculturally zoned and retain the current overall density of 32 dwellings per square mile (1 dwelling unit per 20 acres).

P. 7.12- Grouping acreages together in specific areas will limit the areas of potential conflict between farms and acreages. It also may enable services to be provided more efficiently, by reducing the amount of paved routes, reducing the number and distance of school bus routes, and taking advantage of more effective rural water district service.

P. 7.12- Clustering lots in one portion of a development site, while preserving both farmland and environmental resources on the remainder, should continue to be encouraged in agriculturally-zoned areas.

A considerable supply of acreage lots has been platted in recent years in this manner.

P. 12.8 - this site is in Tier II in the 2040 Priority Growth Areas. Tier II is an area of approximately 34 square miles that defines the geographic area the city is assumed to grow into immediately beyond Tier 1. It shows areas where long term utility planning is occurring today and acts as a secondary reserve should Tier 1 develop faster than anticipated. Tier II should remain in its current use in order to allow for future urban development.

P. 12.8 - Infrastructure planning, especially for utilities such as water, wastewater and watershed facilities, can reach beyond the Plan's 24 year time horizon to 44 years and further.

ANALYSIS

1. This request is for a change of zone from AG-Agriculture to AGR-Agriculture Residential on 102.65 acres. The site is located at S. 110th Street and Saltillo Road. The site is approximately one mile southeast of Lincoln city limits.
2. The applicant's letter states a potential for 34 lots on the property, however a concept plan submitted shows 33 lots. Additional acreage lots in the county would lead to additional burden on emergency services as well as road and bridge maintenance. The Lancaster County Engineering Department has recommended denial to this change of zone.
3. The subject property was approved for 10 dwelling units through Special Permit #19038 for DeBoer Heights Community Unit Plan. A condition of approval was to install right and left turn lanes off of Saltillo Road. The

applicant's letter states that with only 10 lots the project is not financially feasible due to the cost of the turn lanes.

4. Turn lanes are a necessary part of any development next to an arterial street in order to provide for safe entry and exit from the subdivision as well as to protect through traffic. Saltillo Road has a history of accidents and thus turn lanes are particularly important aspect of any development. The cost of turn lanes is not a justification for further development of the site. If the ten lots don't financially support the needed turn lanes, then the project should not proceed. If the cost of turn lanes was a justifiable reason for AGR zoning, then every new AG CUP would demand to have AGR zoning instead. Development costs are not sufficient reason to deviate from the Comprehensive Plan and place acreages in the path of the City's long range development.
5. This property is shown to remain agricultural in the 2040 Lancaster County Future Land Use Plan. The property is within Lincoln's 3-mile extra territorial jurisdiction for zoning. The land surrounding this parcel is zoned AG-Agriculture and is shown to remain agricultural in the Future Land Use Plan. The attached exhibit shows the future land use for the area. The Plan does not show any Low Density Residential nearby.
6. In Chapter 7, Neighborhoods and Housing-Rural Areas, of the Comprehensive Plan it states that acreage development is not encouraged in Growth Tiers with Priority Areas for Lincoln's 3-mile ETJ, except if shown for low-density on the future land use plan. This area is not shown for low-density development and is in Tier II.
7. The majority of the property is within Tier II as shown on the 2040 Priority Growth Areas in the 2040 Comprehensive Plan. Tier II is an area of approximately 34 square miles that defines the geographic area the city is assumed to grow into immediately beyond Tier 1. Tier II is an area where extension of City services could reach beyond the Plan's 24-year time horizon to 44 years and further It should remain in its present use in order to provide for future urban development.
8. The Comprehensive Plan details factors that should be evaluated for a change of zone for acreage developments. The factors are:
 - a. **Paved Roads**—Saltillo Road is a two-lane rural paved road with no curb and gutter. Saltillo Road is classified as a Major Collector. There are no plans to improve Saltillo Road shown in the 2040 Comprehensive Plan.
 - b. **Adequate water quality and quantity**—This area is served by Lancaster County Rural Water District #1
 - c. **Soil conditions** - The majority of the site is designated as prime farmland.
 - d. **Emergency Services**—The Lancaster County Sheriff's office and Southwest Rural Fire would provide emergency services.
 - e. **Wastewater** - Wastewater would most likely be through private sewage systems or a private community system.
 - f. **Existing acreages**—There are no existing acreages adjacent this site. There are acreage lots on the east side of S. 120th Street. These lots were developed prior to the 20-acre minimum lot size for the AG District.
8. The 2040 Comprehensive Plan discourages AGR zoning within the 3-mile ETJ, unless already shown for acreage development in the future land use plan. This site is not shown for acreage development.
9. A Land Inventory Report from March 2020 identifies a potential for an additional 1,416 acreage dwelling units in the rural areas of the county. Rural Areas are defined as those areas outside of other towns zoning jurisdictions. The 1,416 units includes 312 dwelling units that are already approved by either a final plat or preliminary plat. The remaining 1,104 dwelling units, assumed at one dwelling unit per 3 acres, are potential units shown as Low Density residential on the Future Land Use Plan. Based on past building permit data, the 1,416 potential dwelling units is a 24.4-year supply.
10. In 2017 the City conducted an annexation study that includes several acreage subdivisions. Some property owners objected to the expansion of the city into their area and the potential costs that came with city services being provided. This experience, along with past annexations of acreages, has proven that AGR zoning in future growth area of Lincoln is a hardship both to the City and acreage owners. Many acreage owners questioned why the City allowed their subdivision to be "in the path" of the future growth of the City. They expressed a desire to be left out of the City, even though Lincoln was clearly growing out and around them. The Hillcrest Heights, Sunrise Estates, Dunrovin Acres and Portsche Heights acreage subdivisions were all approved and will be inside the city as of December 2018.

11. An alternative to this change of zone is an AG-Community Unit Plan (CUP). The CUP would allow up to 10 acreage lots or 12 lots if a community sewage system is used. These lots could be as small as 3 acres if using private sewage system or less than 3 acres if using a community sewage system. The density for a CUP is based on one dwelling unit per 0.055 acres with a 20% bonus for preserving open space. An additional 20% bonus is granted if using a community sewage system.
12. A major update to the 2040 Comprehensive Plan is underway. Any changes to the overall Future Land Use Plan to add Low Density Residential should be looked at in conjunction with this update. This will allow the proposal to be reviewed compared to other potential Low Density Residential areas and the future growth of the City.

Conclusion

The Comprehensive Plan provides land for future acreage subdivisions, but in areas that won't be detrimental to the future of Lincoln. Lancaster County has over 840 square miles. The future growth areas for Lincoln is a minor part of County -- thus it can be preserved without limiting the possibilities for acreage subdivision. There is already the potential for 1,416 future acreage lots in areas designated for low density residential outside other towns ETJ.

Recent and past experience with annexation of acreage subdivisions has shown the difficulty when AGR zoning is granted in the City's future growth areas. Acreage owners face significant impacts when they are placed in areas where Lincoln will be expanding in the future. Even when the future growth may not occur for decades, the City shouldn't be so short sighted as to approve AGR zoning now. Our actions should be guided by what is best for acreage owners and the City in the future.

EXISTING LAND USE & ZONING: AG-Agriculture Farm ground

SURROUNDING LAND USE & ZONING

North: AG-Agriculture	Future beltway and farm ground
South: AG-Agriculture	Farm ground and two dwelling
East: AG-Agriculture	Farm ground and one dwelling
West: AG- Agriculture	Future beltway, garden center, one dwelling and farm ground

APPLICATION HISTORY

November 18, 2019 SP #19038 DeBoer Community Unit Plan for 10 dwelling units was approved by the City Council.

APPROXIMATE LAND AREA: 102.65 acres, more or less.

LEGAL DESCRIPTION: See attached

Prepared by

Tom Cajka, Planner

Date: June 10, 2020

Applicant: Matt Langston
 Olsson Associates
 601 P Street, Suite 200

Lincoln, NE 68508
402-474-6311
mlangston@olsson.com

Contact: Same as applicant

Owner: Ron DeBoer and Carol Domina
7320 East Gage Road
Firth, NE 68358
402-890-2446
ronderosa@windstream.net

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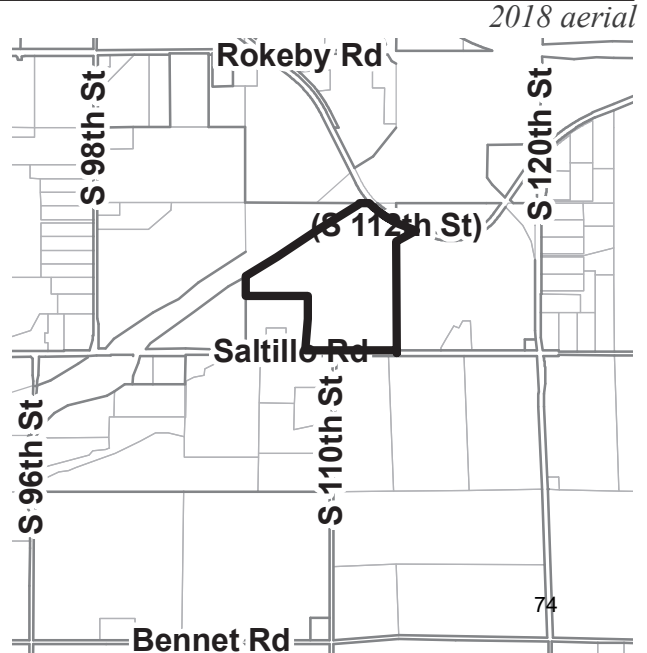
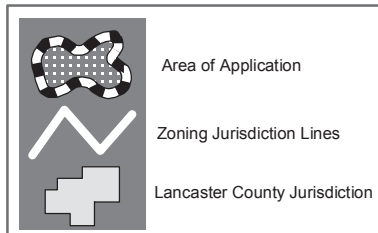


**Change of Zone #: CZ20019 (AG to AGR)
S 98th St & Saltillo Rd**

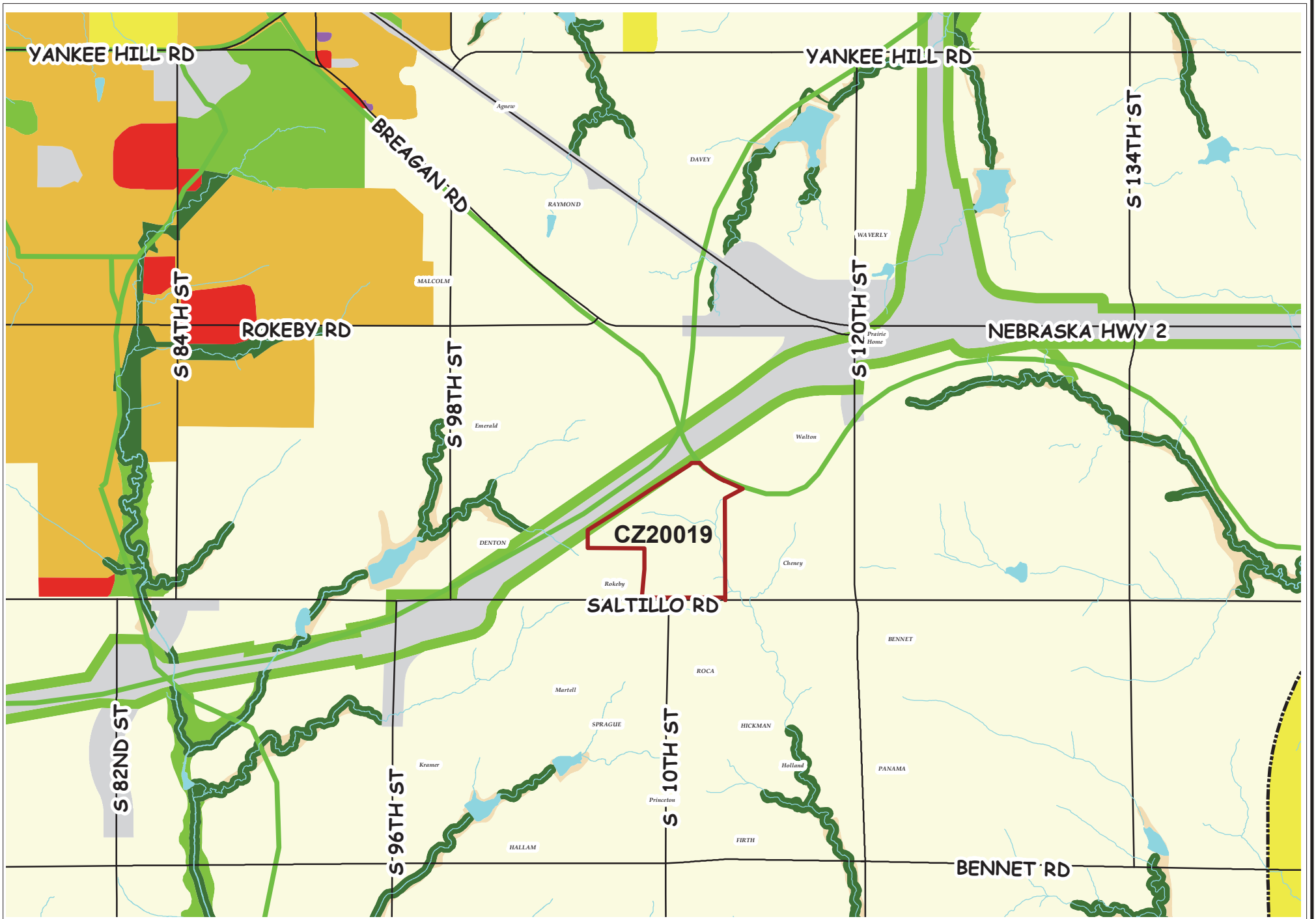
Zoning:

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

Three Square Miles:
 Sec.36 T09N R07E
 Sec.31 T09N R08E
 Sec.06 T08N R08E



2018 aerial



Proposed Change of Zone CZ20019 with Future Land Use

- | | | |
|--|------------------------------|-------------------------|
| Agricultural | Commercial | Green Space |
| Residential - Urban Density | Industrial | Environmental Resources |
| Residential - Low Density | Public & Semi-Public | Lakes & Streams |
| Potential Large Employer Opportunity Areas | Agricultural Stream Corridor | Future Service Limit |

File: LongRangeCompPlan2035-39-Update-02-10-2020-FutureLandUseCountyZone.mxd

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOT 36 I.T. IN THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 9 NORTH, RANGE 7 EAST AND COMPOSED OF A PORTION OF OUTLOT 'A', EHLERS ADDITION, IN THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 9 NORTH, RANGE 8 EAST, OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF SAID SECTION 36; THENCE, ON AN ASSUMED BEARING OF NORTH 00 DEGREES 13 MINUTES 49 SECONDS WEST, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 50.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 36 I.T., SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF SALTILLO ROAD, SAID POINT BEING THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 56 MINUTES 14 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 36 I.T., SAID LINE BEING THE NORTH RIGHT-OF-WAY LINE OF SALTILLO ROAD, SAID LINE BEING 50.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1,600.73 FEET TO A SOUTHWEST CORNER OF SAID LOT 36 I.T.; THENCE NORTH 00 DEGREES 02 MINUTES 03 SECONDS EAST, ALONG A WEST LINE OF SAID LOT 36 I.T., A DISTANCE OF 10.10 FEET TO A WEST CORNER OF SAID LOT 36 I.T., SAID POINT BEING THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 05 DEGREES 05 MINUTES 13 SECONDS EAST, ALONG A WEST LINE OF SAID LOT 36 I.T., SAID LINE BEING AN EAST LINE OF SAID LOT 1, A DISTANCE OF 535.00 FEET TO A WEST CORNER OF SAID LOT 36 I.T., SAID POINT BEING AN EAST CORNER OF SAID LOT 1; THENCE NORTH 00 DEGREES 14 MINUTES 59 SECONDS WEST, ALONG A WEST LINE OF SAID LOT 36 I.T., SAID LINE BEING AN EAST LINE OF SAID LOT 1, A DISTANCE OF 404.82 FEET

TO A SOUTHWEST CORNER OF SAID LOT 36 I.T., SAID POINT BEING THE
NORTHEAST CORNER OF SAID LOT 1; THENCE NORTH 89 DEGREES 56
MINUTES 51 SECONDS WEST, ALONG A SOUTH LINE OF SAID LOT 36 I.T., SAID
LINE BEING THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 1,091.85 FEET TO
A SOUTHWEST CORNER OF SAID LOT 36 I.T., SAID POINT BEING THE
NORTHWEST CORNER OF SAID LOT 1, SAID POINT BEING ON THE WEST LINE
OF SAID SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 14 MINUTES 46
SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 36 I.T., SAID LINE BEING
THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 346.70 FEET
TO AN INTERSECTION WITH THE SOUTHEAST LINE OF A TRACT OF LAND AS
REFERED TO IN INST. NO. 2019045642, RECORDS OF LANCASTER COUNTY;
THENCE NORTH 58 DEGREES 04 MINUTES 04 SECONDS EAST, ALONG SAID
SOUTHEAST LINE, A DISTANCE OF 651.65 FEET TO A POINT; THENCE NORTH
56 DEGREES 50 MINUTES 386 SECONDS EAST, ALONG SAID SOUTHEAST LINE,
A DISTANCE OF 850.16 FEET TO A POINT; THENCE NORTH 57 DEGREES 42
MINUTES 21 SECONDS EAST, ALONG SAID SOUTHEAST LINE, A DISTANCE OF
826.03 FEET TO A POINT; THENCE NORTH 44 DEGREES 48 MINUTES 38
SECONDS EAST, ALONG SAID SOUTHEAST LINE, A DISTANCE OF 57.03 FEET
TO AN INTERSECTION WITH THE NORTH LINE OF SAID LOT 36 I.T., SAID LINE
BEING THE NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89
DEGREES 55 MINUTES 20 SECONDS EAST, ALONG SAID NORTH LINE, A
DISTANCE OF 165.19 FEET TO A NORTHWEST CORNER OF SAID LOT 36 I.T.,
SAID POINT BEING ON THE SOUTHWEST 100 FOOT RIGHT-OF-WAY LINE OF
THE OMAHA PUBLIC POWER DISTRICT TRACK (FORMER BURLINGTON
NORTHERN SANTA FE RAILROAD), SAID POINT BEING A POINT OF NON
TANGENT CURVATURE; THENCE AROUND A NON TANGENT CURVE IN A

COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 1,482.39 FEET, ALONG SAID LINE, SAID LINE BEING THE NORTHEAST LINE OF SAID LOT 36 I.T., HAVING A DELTA ANGLE OF 22 DEGREES 39 MINUTES 31 SECONDS, AN ARC LENGTH OF 586.24 FEET, A CHORD BEARING OF SOUTH 53 DEGREES 57 MINUTES 40 SECONDS EAST, AND A CHORD DISTANCE OF 582.42 FEET TO THE NORTHEAST CORNER OF SAID LOT 36 I.T., SAID POINT BEING THE NORTHWEST CORNER OF OULTOT 'A', EHLERS ADDITION, SAID POINT BEING A POINT OF COMPOUND CURVATURE; THENCE, CONTINUING, AROUND A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 1,482.39 FEET, ALONG THE SOUTHWEST 100 FOOT RIGHT-OF-WAY LINE OF THE OMAHA PUBLIC POWER DISTRICT TRACK (FORMER BURLINGTON NORTHERN SANTA FE RAILROAD), AND ALONG THE NORTHEAST LINE OF OUTLOT 'A', EHLERS ADDITION, HAVING A DELTA ANGLE OF 01 DEGREES 45 MINUTES 36 SECONDS, AN ARC LENGTH OF 45.54 FEET, A CHORD BEARING OF SOUTH 66 DEGREES 10 MINUTES 13 SECONDS EAST, AND A CHORD DISTANCE OF 45.54 FEET TO A NORTH CORNER OF SAID OUTLOT 'A'; THENCE SOUTH 67 DEGREES 06 MINUTES 11 SECONDS EAST, ALONG THE SOUTHWEST 100 FOOT RIGHT-OF-WAY LINE OF THE OMAHA PUBLIC POWER DISTRICT TRACK (FORMER BURLINGTON NORTHERN SANTA FE RAILROAD), SAID LINE BEING THE NORTHEAST LINE OF SAID OUTLOT 'A', A DISTANCE OF 335.60 FEET TO A POINT AS REFERRED TO IN INST. NO. 2019-26850, RECORDS OF LANCASTER COUNTY; THENCE SOUTH 61 DEGREES 13 MINUTES 09 SECONDS WEST, ALONG A LINE AS REFERRED TO IN SAID INST. NO. 2019-26850, A DISTANCE OF 398.69 FEET TO A POINT ON THE EAST LINE OF SAID LOT 36 I.T.; THENCE SOUTH 00 DEGREES 13 MINUTES 49 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 36 I.T., SAID LINE BEING THE EAST LINE OF SAID SOUTHEAST

QUARTER, SAID LINE ALSO BEING THE WEST LINE OF OUTLOT 'A', EHLERS
ADDITION, A DISTANCE OF 1,904.89 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 4,471,214.77 SQUARE FEET
OR 102.65 ACRES, MORE OR LESS

F:\2019\2501-3000\019-2666\40-Design\Survey\SRVY\Description\Legal Description - NDOR-ROW.docx



May 26, 2020

Tom Cajka
Lincoln Lancaster Planning Department
County-City Building
555 South 10th Street, Suite 213
Lincoln, NE 68508

Re: Deboer Addition
Change of zoning Application
OA# 019-2666

Dear Mr. Cajka

On behalf of the owner, Ron Deboer, we are requesting a change of zoning from AG to AGR, for the property located north of South 110th Street and Saltillo Road, or more particularly S36, T9, R7, 6th P.M., LOT 36 SE& PT Outlot A of Ehlers Addition, Lincoln, Nebraska.

A community Unit plan was approved by the Planning Commission for this property on November 18, 2019. The county engineer appealed the approval and requested the City Council to move the proposed access location and expand the turn lanes on Saltillo road. The additional costs due to the access and turn lane changes make the project financially unattainable. The only way for the land owner to provide the revised access and turn lanes is to increase the density. AGR zoning will provide the density needed to afford the full turn lanes and access requirements of the county.

The lot is 102.69 acres in size and AGR zoning would allow a maximum of 34 single family lots. We are proposing to cluster the lots on the southeastern portion of the site while preserving the remainder as a non-buildable outlot that would continue to be farm ground. An amended Community Unit Plan will be submitted once the change of zone has been completed, which will include a community wastewater lagoon.

The property is bound by undeveloped farm ground with the south beltway to the north and Saltillo Road to the south.

Please let me know if you have any questions or comments.

Sincerely,



Matt Langston

PLANNING

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

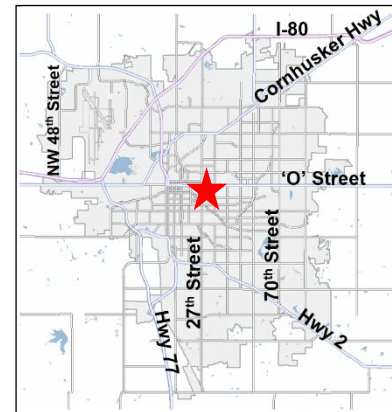
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit 20005 Connecting Links Transitional Living with Programming	FINAL ACTION? Yes	DEVELOPER/OWNER Tom & Tina Arsiaga
PLANNING COMMISSION HEARING DATE March 18, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 420 S. 28 th Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a special permit for an alternative to imprisonment facility on the east side of S. 28th Street just south of L Street. The proposal is for up to 6 women to reside in an existing residence. The women are being released from state prisons or county jails under post release supervision provided by 1-2 staff at a time. The intent is to provide transitional housing for up to 3 months so the women can reintegrate into society.



JUSTIFICATION FOR RECOMMENDATION

The proposal for an alternative to imprisonment facility with up to 6 persons is appropriate for this location. The external land use effects are not any more significant than those of a duplex. The existing house will retain its appearance and can be converted back to a single family residence if the use would discontinue.

APPLICATION CONTACT
Tina Arsiaga, (402) 310-3816 or tarsiaga@icloud.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposal, subject to conditions of approval is compatible with the Comprehensive Plan which notes diversity of land uses including commercial and special needs housing and safe residential dwelling for all citizens, as it represents an alternative group living use.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.9 - The 2040 Lincoln Area Future Land Use Plan identifies the property as urban density residential.

P. 7.2 - Diversity of land uses, including commercial and special needs housing, is important provided the use fits within the character of the block and neighborhood.

p. 7.2 - Make available a safe residential dwelling for all citizens.

ANALYSIS

1. LINCOLN MUNICIPAL CODE (LMC) 27.63.750 provides that an alternative to imprisonment facility may be allowed upon approval of a special permit in the AGR and R-1 through R-8 residential zoning districts. The property in question is zoned R-2 Residential and is located in a residential neighborhood west of Woods Park on S. 28th Street south of L Street.
2. Chapter 27.02 Definitions includes a specific definition for alternative to imprisonment facility: "Alternative to imprisonment facility shall mean a facility in which more than three but less than sixteen persons who are unrelated by blood, marriage, or adoption reside under a supervised program of alternatives to imprisonment including, but not limited to, pre-release, work-release, and probationary programs. Such facilities shall be licensed or approved by the State of Nebraska or other appropriate agency if so required".
3. Text Amendment 04062 approved by City Council in May, 2005 made several changes to the Lincoln Municipal Code Title 27 Zoning and Title 1 General Provisions related to group living. As part of these text changes, new special permits were added including one for alternative to imprisonment facilities in residential districts. This permit did not include any specific conditions, however, it was noted that the Planning Commission will act pursuant to their authority to impose such conditions as are appropriate and necessary to ensure compliance with the Comprehensive Plan and protect the health, safety and general welfare. Prior to this amendment alternative to imprisonment was under the definition for group home and was allowed as a conditional use. It was noted at that time for Text Amendment 04062 that a lot of the changes moved the categories around to make the regulations more in compliance with Federal Law as it pertains to persons with disabilities.
4. The 2005 text amendment for group living was done due to concern about litigation with respect to the definition of group home and persons with disabilities. Children's Home and Alternative to Imprisonment Facilities were two specific uses established and permitted by Special Permit as part of the text amendment. It should be noted that since the text amendment ordinance was adopted in 2005 there have been no applications submitted for either of these Special Permit uses. SP20005 is the first Special Permit application for Alternative to Imprisonment Facilities.
5. The applicant proposal is for up to 6 women maximum within the existing residence. Previously the applicant had proposed 8 women. One to two employees will be staffed at one time during the day/night with one staff person on the premises from 7am-11pm.
6. The women that will reside at the facility are being released from state prisons or county jails. They are currently on post release supervision or probation. The purpose of the facility is to provide housing for women in a sober and safe environment where they can succeed with reintegration into society. The proposed facility would house the women from 1 to 3 months.
7. According to the applicant's information, Nebraska State Probation has identified a lack of access to transitional housing and funding for appropriate residential reentry options. Referrals come from Probation Officers and Navigation Officers who have been trained and are activity making referrals to transitional living facilities. The applicant notes that the transitional living does not have to be licensed by the State. The applicant provided documentation that notes the facility does not need a license for a halfway house. However, there would be regular reporting to Nebraska State Probation.
8. In this case, while the use is not a group home, in terms of potential external land use effects, it is similar. Like a

group home, there will be persons living on the property. There will also be employees or service providers. The number of persons that may reside on the premises is also similar to group homes (more than three but less than sixteen persons) though in this case the limitation would be six persons. This number of persons as additional land use comparison would be similar to a duplex where there are two dwelling units and up to three unrelated persons living in each unit for a total of six unrelated persons.

9. LMC 27.67 Parking does not provide a specific standard for alternative to imprisonment facilities. However, parking is one aspect that may be reviewed as part of the general Special Permit review noted above. There is an existing detached garage in the rear of the property with two parking spaces. As part of this permit, the applicant proposes to add two additional spaces for a total of four parking spaces. In addition, while it is not required additional stacking space is provided to allow additional room for parking. Given the number of proposed residents (up to 6) and the number of staff (1-2) this is an appropriate amount of parking. By comparison, group homes are required one space per three client or employee residents, plus two spaces per three nonresident employees on the largest shift. In other words, group homes do not have to provide parking on a 1:1 basis but rather a percentage of the total persons living and coming to the property. Access for all these parking spaces will be from the alley in the back of the property.
10. The proposed location for the facility is in an urban residential neighborhood with nearby services that are within walking distance. Nearby StarTran bus routes includes Route 53 along Randolph Street and Route 44 along O Street. The applicant notes in the application letter that most of the women will utilize bus passes given by probation.
11. As a condition of approval, change in layout of the floor plan and exterior will require an administrative amendment and review by the Historic Preservation as the property is located in a historic landmark district. This condition is so the house will look the same and will not look on the outside as institutional. This review is beyond the typical requirement of a local landmark district, but is being required to make sure the Special Permit is compatible with the neighborhood. The inside will remain the same as per the layout, and if the use discontinues the structure could be converted back to a single family use. The residence has three floors. The first floor will including living, dining, and kitchen spaces with bedrooms on the second and third levels.
12. As a condition of approval, any lighting on the property shall meet Design Standards for Zoning Regulations for Outdoor Lighting. These standards require that all lighting shall meet luminaire, shielding, placement and aiming to minimize light trespass and glare. Specific provisions include that no more than 2.0 foot-candles is measured on a vertical plane located at the property line of the adjacent property. This pertains to outdoor lamps that exceed 4050 lumens. In addition, it is a condition of approval that the applicant submit a lighting plan that conforms to the Design Standards for Outdoor Lighting prior to receiving a building permit.
13. The applicant presented at the February 11, 2020 meeting of the Woods Park Neighborhood Association. There were approximately 30 persons in attendance at this meeting.
14. The proposal with conditions is consistent with the Comprehensive Plan which includes diversity of land uses, including commercial and special needs housing, and safe residential dwelling for all citizens.
15. Additional information provided by the applicant is available on line at <https://www.lincoln.ne.gov.aspx/city/pats/> by typing in the Application Number (SP20005). This additional information includes a Client Handbook and Program outline.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & EXISTING ZONING: Single Family Home & R-2 Residential District

SURROUNDING LAND USE & ZONING

North:	Single Family Residential	R-2 Residential District
South:	Single Family Residential	R-2 Residential District
East:	Single Family Residential	R-2 Residential District

West: Single Family, Two Family Residential R-2 Residential District

APPROXIMATE LAND AREA: 0.16 acres

LEGAL DESCRIPTION:

Lot 22, Block 2, Elm Park, located in the NW 1/4 of Section 30-10-7, Lincoln, Lancaster County, Nebraska.

Prepared by

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

Date: March 5, 2020

Owner: Tom & Tina Arsiaga
420 S. 28th Street
Lincoln, NE 68510
(402) 310-3816
dutter.emily@gmail.com

Applicant/
Contact: Tina Arsiaga
6111 Rolling Hills Blvd
Lincoln, NE 68572
(402) 310-3816
tarsiaga@icloud.com

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CONDITIONS OF APPROVAL - SPECIAL PERMIT 20005

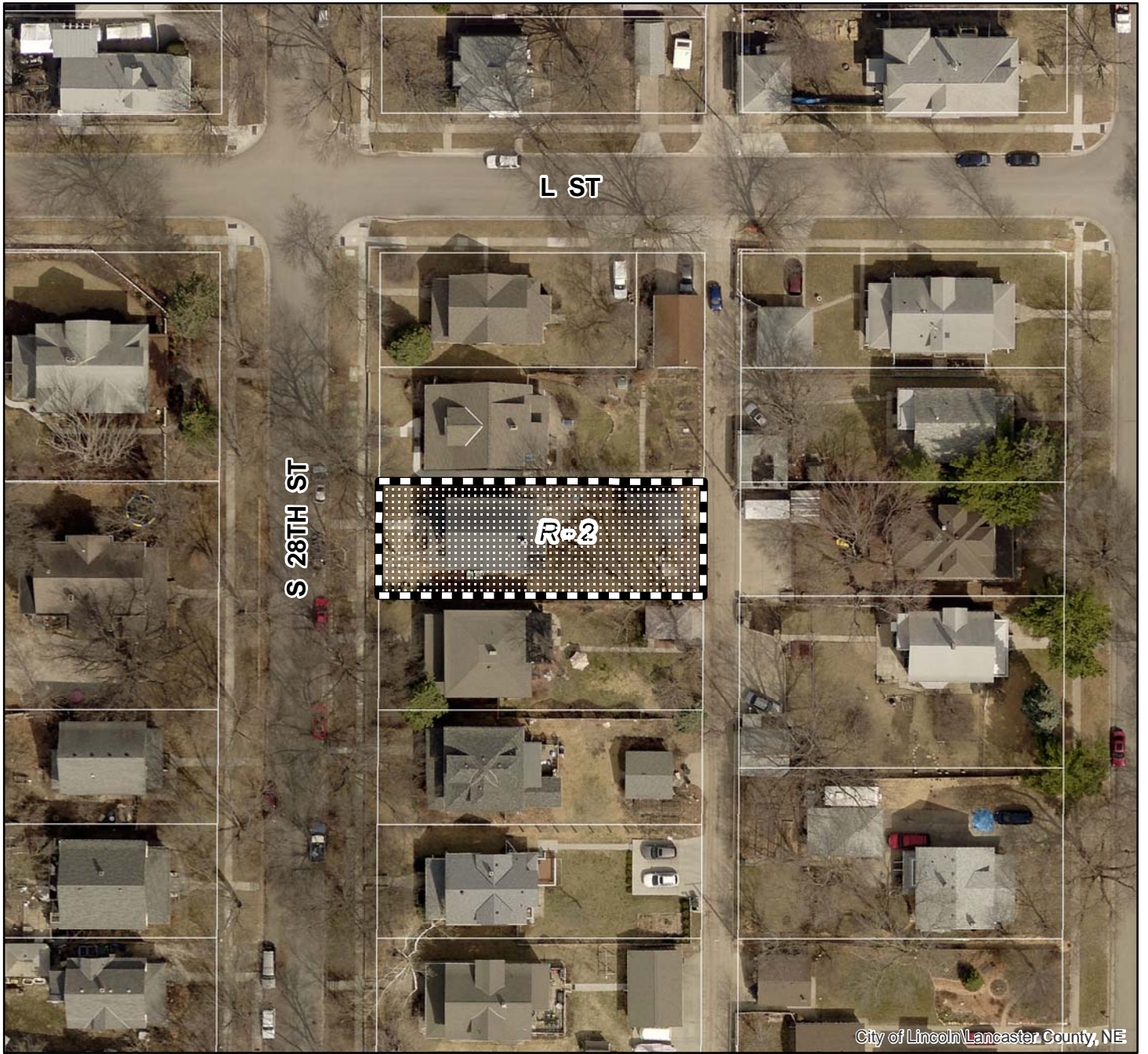
Per Section 27.63.750 this approval permits an alternative to imprisonment facility with up to 6 persons.

Site Specific Conditions:

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
 - 1.1 Sheet A1.1 shall be retained as part of the site plan with a note added to the main site plan sheet requiring that any changes to the internal layout as a single-family home or to the exterior appearance of the house visible from S. 28th Street cannot be carried out unless reviewed by the Historic Preservation Commission and approved by Administrative Amendment.
 - 1.2 Add note to site plan that any lighting on the property shall meet Chapter 3.100 Design Standards for Outdoor Lighting.
 - 1.3 Add Special Permit 20005 to the title block.
 - 1.4 Provide parking table information that lists existing and proposed parking of 4 spaces.
 - 1.5 Show new parking in conformance with minimum 5' side yard setback.
 - 1.6 Show front yard, side yard and rear yard setbacks on the site plan.
2. Before receiving building permits provide the following documents to the Planning Department:
 - 2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
 - 2.2 Submit a lighting plan that conforms to the Design Standards for Outdoor Lighting.

Standard Conditions:

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



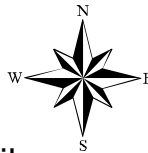
2018 aerial

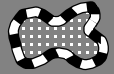


Special Permit #: SP20005
S 28th St & L St

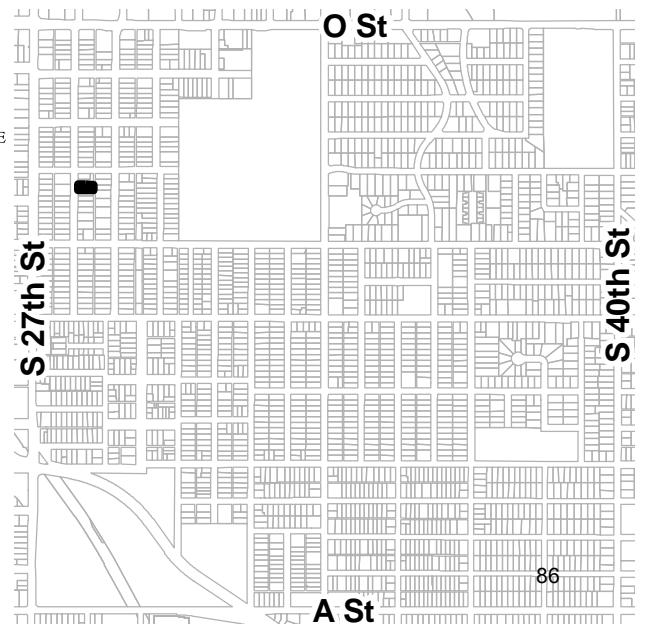
Zoning:

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

One Square Mile:
Sec.30 T10N R07E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



Connecting Links Residence



Architect
Peace Studio Architects, Inc.
1835 Kings Hwy, Suite B
Lincoln, NE 68502
402.217.1830
www.peacestudioarch.com

Drawing Index:

- G1.1 Cover Sheet, Site Plan
- A1.1 Floor Plans

Zoning: R2
Year Built: 1920

Connecting Links Residence

Renovations

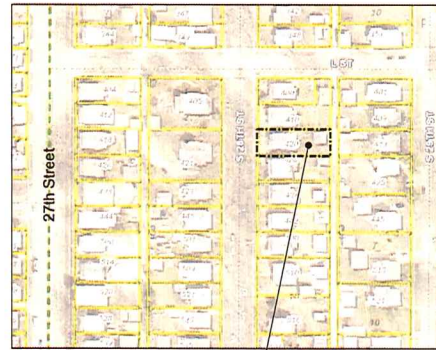
420 S 28th Street
Lincoln, NE

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Existing Conditions
See Drawings for proposed minor modifications

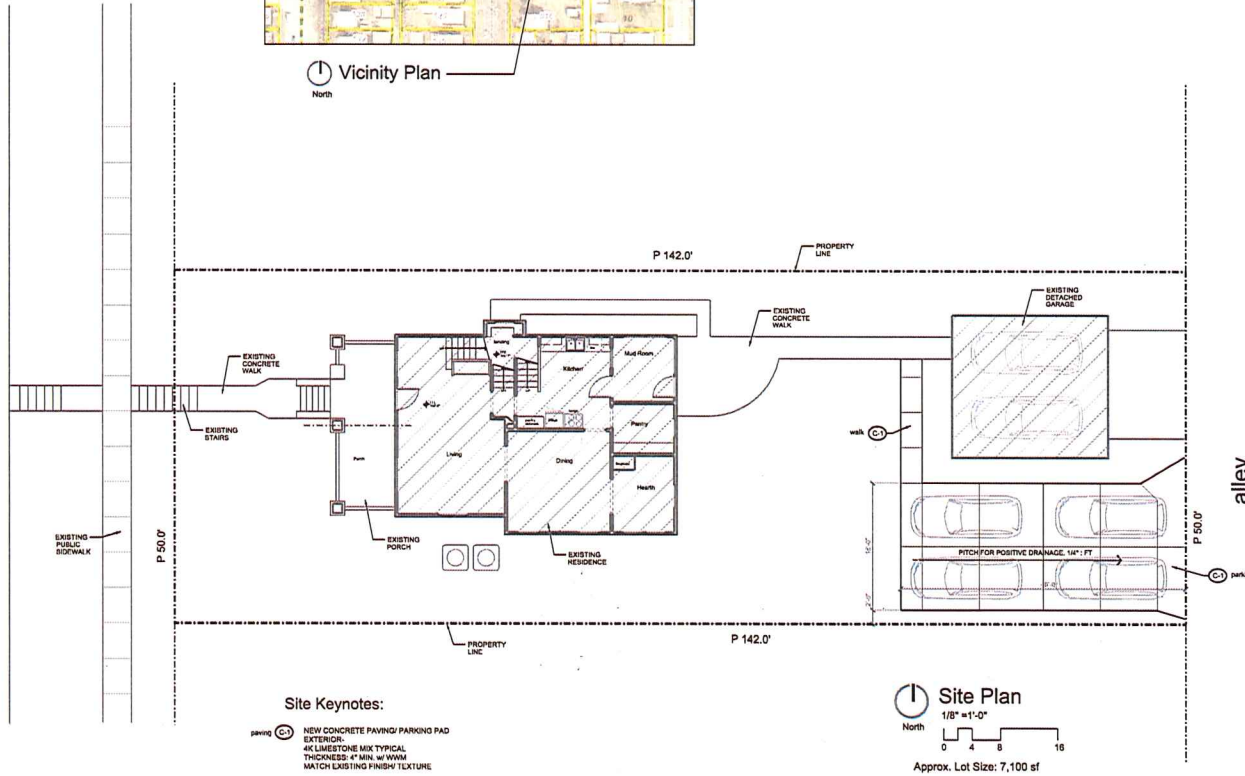
Job Number: 20007.ars
Date: 4 February 2020

G1.1






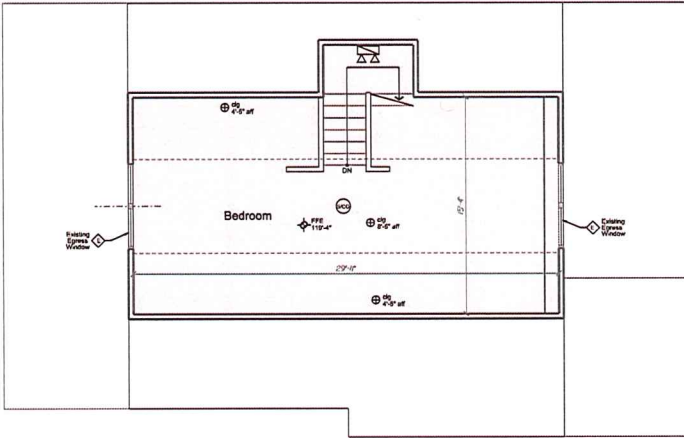
Vicinity Plan
North

S 28th Street

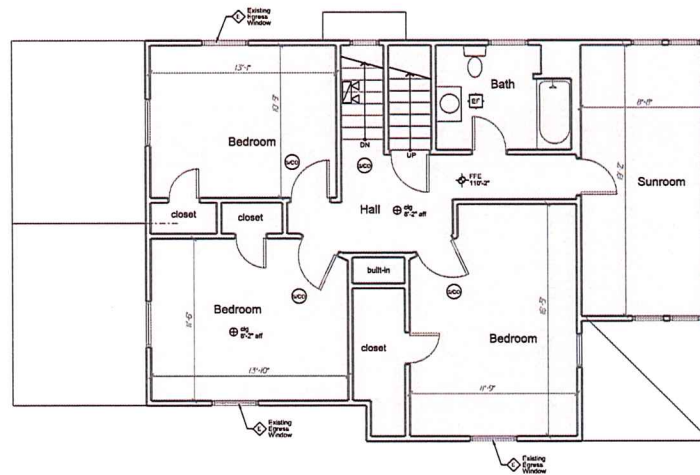


Drawing Symbols

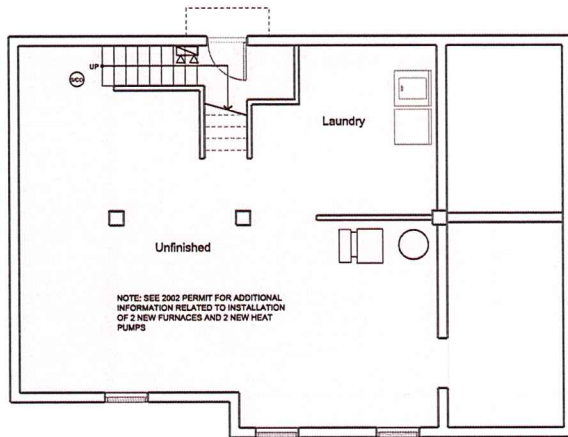
- PROVIDE:
-  EXHAUST FAN- FLUSH CEILING INSTALLATION DUCTED DIRECTLY TO THE EXTERIOR, WHERE INDICATED ON THE DRAWINGS
 -  COMBINATION CARBON MONOXIDE/SMOKE DETECTOR, HARD-WIRED SHACKLE DETECTOR AT ALL BEDROOMS, EACH STAIR LANDING, AS REQUIRED BY CODE AND WHERE INDICATED ON THE DRAWINGS.
 -  HARD WIRED EMERGENCY LIGHT W/ BATTERY BACK-UP



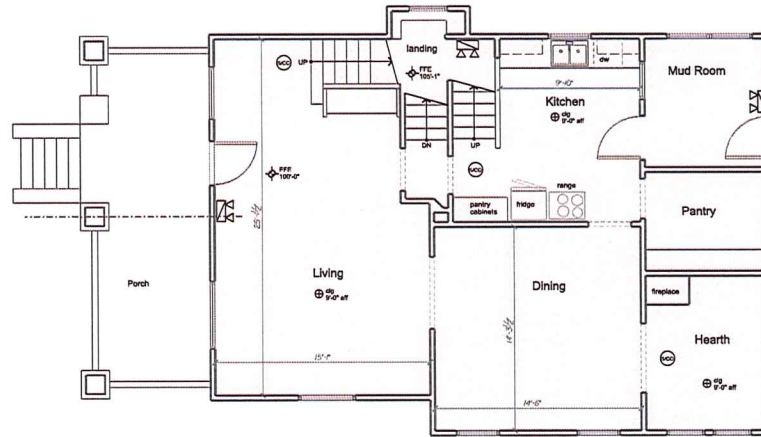
Third Floor Plan
1/4" = 1'-0"
Plan North
0 2 4 8
Approximate Useable Floor Area: 450 sf



Second Floor Plan
1/4" = 1'-0"
Plan North
0 2 4 8
Approximate Useable Floor Area: 920 sf



Lower Level Plan
1/4" = 1'-0"
Plan North
0 2 4 8



First Floor Plan
1/4" = 1'-0"
Plan North
0 2 4 8
Approximate Useable Floor Area: 1,050 sf

Connecting Links
Residence

Renovations

420 S 28th Street
Lincoln, NE

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Existing Conditions
See Drawings for proposed minor modifications

Job Number: 20007.ars
Date: 4 February 2020

A1.1

Planning Committee

Re: Connecting Links Transitional Living with Programming

To be considered as zoned Alternatives to Imprisonment

Application to be Special Permitted

Site Plan by Architect – Gill Peace

Floor Plan by Architect –Gill Peace

Special Packet further explaining the details of the Transitional Living Program

Date: 02/02/2020

Program Plan Purpose: To provide structured, sober, safe living environment for women that offers peer support as women continue to work towards their recovery efforts.

For women specifically discharged from Post Release Legislative Bill (LB) 605&1094 (Expands the use of probation in lieu of incarceration.)

Nebraska Revised Statute 28-105 (New Felony offense classification requiring post release supervision)

Nebraska's Revised Statute 29-2260 (Cases requirement a determinate sentence of post release supervision.)

Nebraska Supreme Court Rule 6-1904 (Rules of post release supervision)

Since the passage of LB605 in August 2015, Nebraska probation has been entrusted with the responsibility of supervising clients within the community who have been released from the Nebraska Department of Correctional Services or local county jails under a term of Post Release Supervision. Presently, Nebraska Probation has identified a lack of access to transitional housing and funding for appropriate residential reentry options.

Service Description: To Provide Housing for women in a sober and safe environment where they can succeed with re-integration into society. This is specific to women who are transitioning from an incarcerated state (structured environment) to a sober living environment for the purpose of providing these women an environment that is safe, sober and structured. This type of sober environment will allow women to establish themselves as a part of the reintegration process to the community as they continue to work towards self-sustainment and continued recovery efforts. To ensure the stabilization within the community which encompasses the holistic picture of all entities; treatment providers, probation officers, the housing unit, work environment all working together collaboratively to ensure that efforts are concentrated on the stabilization of the women back to the community sober. As a part of this reintegration back to their community sober it will be expected they find full time employment, schooling, treatment, probationary requirements to regain their independence such as paying bills, budgeting, checking accounts, abiding by the house rules, child rearing, education with drugs and alcohol/relapse prevention, etc each week requirements with house programming.

Transitional Living is to increase successes for probation, post release, and problem solving court individuals while also reducing recidivism. Transitional Living provides Short Term, stable housing for

individuals at high risk to reoffend while increasing community safety. The program places probationers, post release and problem solving court individuals in supportive, environment enabling them to concentrate on treatment and or employment, reintegrating into the community and ultimately becomes self-sufficient. Simultaneously, this provides a greater ability to know the whereabouts of individuals under court ordered supervision.

Transitional Living Facility offers in house programming. Supportive, temporary housing while includes; (employment, financial, management) to facilitate the transition to independent living. Housing is short term from 1 to 3 months.

Referrals come from Probation Officers and Navigation Officers who have been trained and are actively making referrals to Transitional Living Facilities already having an impact on probationers with unsupportive housing.

Target Population:

Women who are being release from state prisons or county jails. These post release Supervision (PRS) clients expecting significant obstacles upon their release, specifically a lack of housing or sober living options.

Assessed at high risk to reoffend

Cannot immediately afford to pay services on their own

Must have unsupportive housing upon release from jail or person

Or must be in need of therapeutic housing for support.

Discharging from jail or prison to post release supervision

Currently on post release supervision

Currently on probation or under problem solving court supervision

1-2 workers staffed at one time during the day/night hours at most.

2 stall garage in the back and 2-3 parking slabs will be added south of the already existing double stall garage giving the house 4-5 parking places behind the house (See Site Plan for extra parking stall provisions); however 2 out of the 8 women will have vehicles as most women will utilize bus passes for transport given by probation.

This transitional living is

Also, the transitional living does not have to be licensed by the state. Please see email in the packet given by Mark Luger; Program Manager II- Public Health (Contact Number 402-471-4975) stating that this facility does not need a license for the halfway house. Please see the regulations below:

<http://www.nebraska.gov/rules-and-regs/regsearch/Rules/Health and Human Services System/Title-175/Chapter-19.pdf>

and

[http://www.nebraska.gov/rules-and-regs/regsearch/Rules/Health and Human Services System/Title-175/Chapter-18.pdf](http://www.nebraska.gov/rules-and-regs/regsearch/Rules/Health%20and%20Human%20Services%20System/Title-175/Chapter-18.pdf)

Also, I am currently scheduled to attend the Woods Neighborhood Association Meeting on February, 11, 2020 at 7pm. I will be there to further explain the program to the neighborhood Association and any neighbors who have questions and want to know more about this program and the population it is serving. I also plan to find out the neighbors within 200 feet in all directions from the parcel to connect with and see if they would like a meeting at a local library to talk further about the program and questions.

Thank You for time looking over this program plan. Please let me know what I need to add or take out to make this a better program proposal.

Sincerely,

Tina Arsiaga; M.A., LMHP 402-310-3816

A handwritten signature in cursive script that reads "Tina Arsiaga, M.A., LMHP". The signature is written in black ink and is positioned below the typed name.