

Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

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

PLANNING STAFF

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

July 8, 2020

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, July 8, 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, JULY 8, 2020

Approval of minutes of the regular meeting held June 24, 2020.

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

COMPREHENSIVE PLAN CONFORMANCE WITH RELATED ITEM:

- 1.1a COMPREHENSIVE PLAN CONFORMANCE 20009, to review as to conformance with the Lincoln-Lancaster County Comprehensive Plan, a request to declare approximately 0.26 acres of City of Lincoln property as surplus, on property generally located at 2510 South 48th Street.
Staff recommendation: In Conformance with the Comprehensive Plan
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

1.1b CHANGE OF ZONE 20020, to change the zoning from P (Public District) to B-1 (Business District) for approximately 0.47 acres of land, on property generally located at 2510 South 48th Street.
Page 11
Staff recommendation: Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

1.2 COMPREHENSIVE PLAN CONFORMANCE 20010, to review as to conformance with the Lincoln-Lancaster County Comprehensive Plan, a request to declare approximately 26,980 square feet of City of Lincoln-owned parking lot as surplus, on property generally located at the SW corner of 14th and N Streets.
Page 21
Staff recommendation: In Conformance with the Comprehensive Plan
Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

SPECIAL PERMIT:

1.3 SPECIAL PERMIT 05015B, to allow up to 312 single-family lots and revision of the layout and drainage study, with waivers to lot dimensions, block length, pedestrian way easements, allow for double frontage lots, and sanitary sewer design standards, on property generally located at North 14th Street and Fletcher Avenue. *****FINAL ACTION *****
Page 35
Staff recommendation: Conditional Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

1.4 SPECIAL PERMIT 18023A, to allow for the reduction of a portion of the front yard setback from 25 feet to 15 feet for a freestanding sign, on generally located at South Folsom and West B Streets.
Page 47
Staff recommendation: Conditional Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

TEXT AMENDMENT:

1.5 TEXT AMENDMENT 20004, to amend Chapter 27 of the Lincoln Municipal Code, Sections 27.69.020 and Section 27.69.240, by allowing up to two menu board signs for each drive-thru lane in conjunction with an eating establishment utilizing ordering from the vehicle and adding a definition for menu board sign, and repealing Section 27.69.020 and Section 27.69.240 of the Lincoln Municipal Code hitherto existing.
Page 57
Staff recommendation: Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

2. REQUESTS FOR DEFERRAL:

SPECIAL PERMIT:

2.1 SPECIAL PERMIT 17030A, to allow for a medical clinic space, in addition to a combination of office space and dwelling units, associated with a designated landmark, on property generally located at 2202 South 11th Street. *****FINAL ACTION *****
Staff recommendation: Conditional Approval
Staff Planner: Stacey Hageman, 402-441-6361, slhageman@lincoln.ne.gov

3. **ITEMS REMOVED FROM CONSENT AGENDA:**

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

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

SPECIAL PERMIT:

4.1 SPECIAL PERMIT 20020, to allow for an alternative-to-imprisonment facility with up to 6 persons within an existing residence, on property generally located at 838 F Street. *****FINAL ACTION *****
Page 81 **Staff recommendation: Conditional Approval**
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

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

ANNEXATION AND RELATED ITEMS:

4.2a 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 95 **Staff recommendation: Conditional Approval**
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

4.2b 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 95 **Staff recommendation: Conditional Approval**
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

4.2c 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 111 **Staff recommendation: Conditional Approval**
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

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

Adjournment

PENDING LIST: *None.*

Planning Department Staff Contacts:

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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

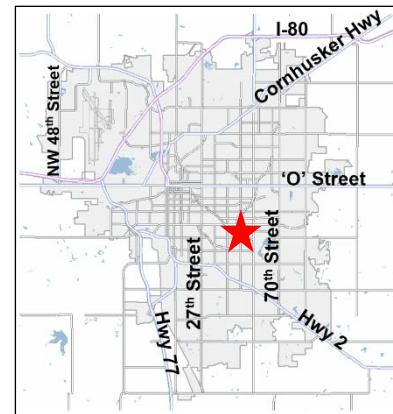
APPLICATION NUMBER Comprehensive Plan Conformance #20009	FINAL ACTION? No	DEVELOPER/OWNER City of Lincoln
PLANNING COMMISSION HEARING DATE July 8, 2020	RELATED APPLICATIONS Change of Zone #20020	PROPERTY ADDRESS/LOCATION Adjacent to 2510 South 48 th Street

RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

This is a request to find in conformance with the Comprehensive Plan the surplus of approximately 11,330 square feet of property along Antelope Creek adjacent to 2510 South 48th Street to make it available for private use and redevelopment.

The Parks and Recreation Department was approached by the new owner of 2510 South 48th Street seeking to purchase the land. That owner intends to operate a convenience store on the site and will be seeking a liquor license to allow for off-sale alcohol. The proposed license premises must maintain a 100' separation from a park in order to meet the requirements for a special permit which needs to be approved by the City prior to a liquor license. If the sale proceeds and the land is rezoned as proposed by the associated change of zone request, the premises will meet all required separation criteria.



JUSTIFICATION FOR RECOMMENDATION

The subject tract does not really function as part of the larger park, is not well-used, and is difficult to maintain. City agencies were asked if any had a need for the subject tract and none did. The Parks and Recreation Advisory Board considered this request and recommended approval.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This declaration of surplus property conforms to the Comprehensive Plan.

APPLICATION CONTACT
Michelle Backemeyer, (402) 441-8617 or
mbackemeyer@lincoln.ne.gov

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

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 2.8 - Mixed use redevelopment, adaptive reuse, and well-designed and approximately-placed infill development, including residential, commercial and retail uses, are encouraged.

P. 4.6 - Public property, especially publicly owned historic property, is a community trust and should be maintained, preserved, and utilized in an exemplary fashion. Most historic property is and should be privately owned and maintained.

P. 11.17 - Strategies for Watershed Management

Retain City or County property in the floodplain in public ownership, and consider the purchase of easements or land when other publicly-owned property in the floodplain is proposed for surplus. Retain conservation easements to protect floodplain functions where unusual circumstances merit the consideration of surplus floodplain property.

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

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

ANALYSIS

1. This is a request to find in conformance with the Comprehensive Plan the surplus of approximately 11,330 square feet of property along Antelope Creek adjacent to 2510 South 48th Street to make it available for private use and redevelopment. The open space along the creek is zoned P Public, and is considered a City-owned park.
2. The Parks and Recreation Department was approached by the new owner of 2510 South 48th Street seeking to purchase the land. That owner intends to operate a convenience store on the site and will be seeking a liquor license to allow for off-sale alcohol. The proposed license premises must maintain a 100' separation from a park in order to meet the requirements for a special permit which needs to be approved by the City prior to a liquor license. If the sale proceeds and the land is rezoned as proposed by the associated change of zone request, the premises will meet all required separation criteria.
3. Parks and Recreation notes that the subject parcel is difficult to access and maintain. The Billy Wolff bike trail extends along the creek in this area, but is located on the other side of the creek, and so the land in question is generally not used by the public. It is currently overgrown by volunteer trees, and is difficult for City staff to maintain. The park land in this area is not 'dedicated park land', meaning the City retains the ability to sell or re-use as appropriate.
4. It is noted that a similar parcel was declared surplus and sold to the land owner adjacent to the north in 1977. That land sale left the park in this area oddly-shaped. Currently zoned P Public, it needs to be rezoned to an appropriate zoning district prior to the sale to a private entity. The associated change of zone request seeks to rezone the subject property to B-1, along with the tract that was sold in 1977.
5. Lincoln Transportation and Utilities (LTU) notes in their review that additional easements need to be retained by the City for the operation and maintenance of public utilities in the area. These easements should be retained as part of the land sale.
6. City agencies were asked if any had a need for the subject tract and none did. The Parks and Recreation Advisory Board considered this request and recommended approval.

7. The subject tract does not function as part of the larger park, is not well-used, and is difficult to maintain. Selling it to allow for re-use in this case is acceptable, and a finding of conformance with the Comprehensive Plan for the sale of the tract to a private party is appropriate.

EXISTING LAND USE & ZONING: Park/open space P Public

SURROUNDING LAND USE AND ZONING:

North:	Commercial	P Public
South:	Commercial	B-1 Local Business
East:	Park/Open Space	P Public
West:	Commercial	B-1 Local Business

APPROXIMATE LAND AREA: 11,330.29 square feet more or less.

LEGAL DESCRIPTION: See attached legal description.

Prepared by

Brian Will
(402) 441-6362 or bwill@lincoln.ne.gov
June 23, 2020

Owner: City of Lincoln
 c/o Lynn Johnson
 Parks and Recreation Department
 3130 O Street
 Lincoln, NE 68510

Contact: Michelle Backemeyer
 Urban Development Department
 555 South 10th Street
 Lincoln, NE 68508
 (402) 441-8265
 mbeckemeyer@lincoln.ne.gov

F:\DevReview\CPC\20000\CPC20009 S 48th & Normal Surplus.bjw.docx

CONDITIONS OF APPROVAL - COMPREHENSIVE PLAN CONFORMANCE #20009

- 1.1 Prior to sale the easements requested by the Lincoln Transportation and Utilities shall be retained for the purpose of operation and maintenance of public utilities.



City of Lincoln/Lancaster County, NE




2018 aerial

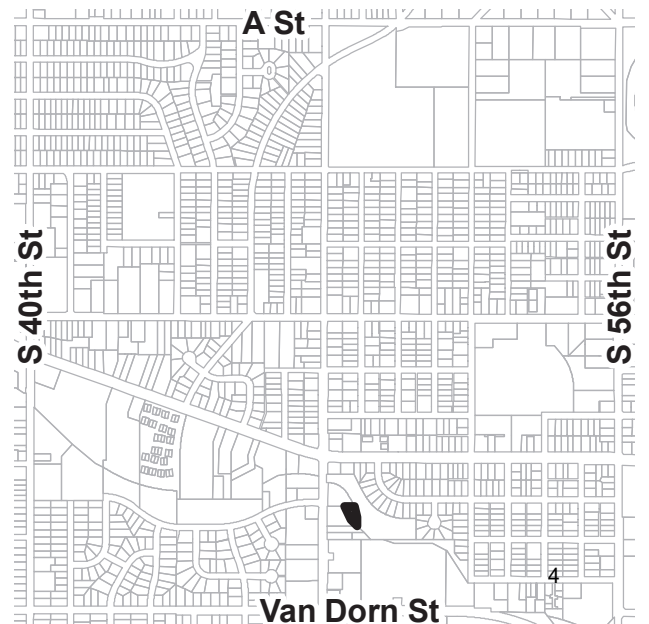
Comp Plan Conformance #: CPC20009
S 48th St & Normal Blvd

Zoning:

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

One Square Mile:
Sec.32 T10N R07E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



June 5, 2020

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

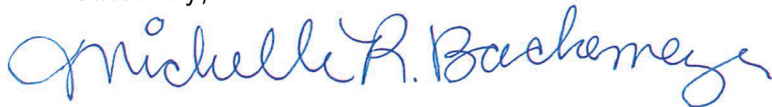
Dear David:

Enclosed is an application to declare surplus the City property located at approximately 2510 S. 48th Streets. The Parks Department has no plans for the property and is only requesting to surplus a small portion of the property (11,330 sf) known as Normal Park/Antelope Creek Greenway. The adjacent property owner is interested in purchasing this area for expansion of their business. There does appear to be utilities within parts of the area and easements will need to be retained with the transfer of the property

Please forward the request to the Planning Commission for their earliest consideration for Comprehensive Plan conformance. My understanding is that the request should be on the July 8, 2020, agenda.

If you have questions or need additional information, please contact me at 441-8617 or at mbackemeyer@lincoln.ne.gov. Thank you.

Sincerely,



Michelle R. Backemeyer
Real Estate and Relocation
Assistance Agent

cc: Lynn Johnson, Director, Parks & Recreation

June 18, 2020

Brian Will
Planning Department
Via Email: bwill@lincoln.ne.gov

Dear Brian,

Thank you for your assistance with the process of selling the small area of land (11,330 sq. feet) in the Antelope Creek Greenway to the adjoining property owner. The Planning Commission will be considering two items related to the proposed sale during its July 8, 2020, meeting: a Surplus Property Designation application and a Change of Zone application.

Last fall, Lincoln Parks and Recreation (LPR) was approached by the owner of the 2510 S. 48th St. property. The owner had recently purchased this property, which includes a gas station and convenience store. The owner plans to seek a license to sell alcohol at the convenience store, which requires 100 feet of separation between the building licensed to sell alcohol and the park boundary. By purchasing the property identified in the attached maps, the owner would satisfy this requirement.

LPR does not typically surplus or sell "parkland." This case, however, presents unusual circumstances. Although LPR maintains this small area as part of the larger Antelope Creek Greenway, the area is not used by the general public. The area is to the west of Antelope Creek, making it difficult to access (the Billy Wolff Trail is east of the Creek). The area also has a number of volunteer trees that need to be removed, making the area difficult for LPR staff to mow. I would also note that this area is not dedicated park land (dedicated park land cannot generally be sold, with few exceptions). For these reasons, LPR staff is amenable to selling this small, unutilized area of the Greenway.

The Parks and Recreation Advisory Board considered the surplus and sale of this area at its June 11, 2020, meeting. The Board recommended proceeding with these actions.

The Surplus Property Designation is required before moving forward with selling this City-owned property. The Change of Zone request would change the property from P/Public to B1, which is the same zoning as the adjoining 2510 S. 48th St. property.

Thank you, again, for your assistance, Brian. Please let me know if I can provide any additional information to assist the Planning Commission in considering these two applications.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynn Johnson". The signature is fluid and cursive, with the first name "Lynn" being more prominent than the last name "Johnson".

Lynn Johnson, Director
Parks and Recreation Department

Cc: Jocelyn Golden, City Law
Michelle Backemeyer, Urban Development

LEGAL DESCRIPTION

A portion of Outlot B, Normal Park, located in the Southeast Quarter of Section 32, Township 10 North, Range 7 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska and more particularly described as follows:

BEGINNING at the southeast corner of Lot 5, Block 4, Normal Park;

Thence on an assumed bearing on the common line of said Outlot B and Lot 5, N44°43'39"W, a distance of 84.73 feet to a common corner of said Outlot B, Lot 5 and 4, Block 4, Normal Park;

Thence on the common line of said Outlot B and Lot 4, N26°20'29"W, a distance of 133.78 feet to a common corner of said Outlot B and Lots 2 and 3, Block 4, Normal Park;

Thence S89°54'31"E, a distance of 94.87 feet;

Thence S13°49'58"E, a distance of 102.93 feet;

Thence S00°21'00"W, a distance of 80.00 feet to the POINT OF BEGINNING and containing a calculated area of 11,330.29 square feet or 0.26 acres.

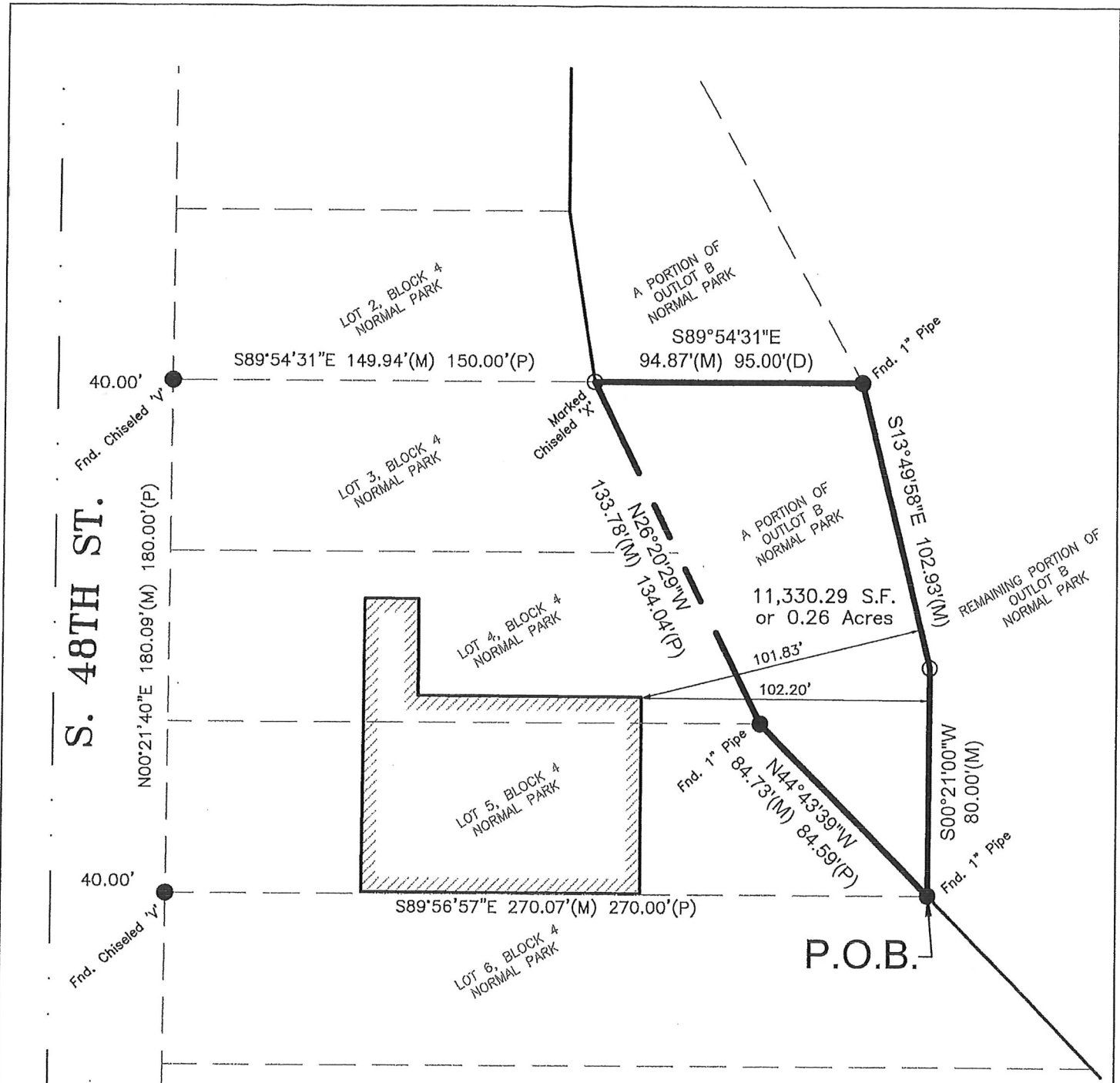
Permanent monuments have been placed at the described property corners.

Signed this 6th day of May, 2020.

Lyle L. Loth, L.S. 314
 REGA Engineering Group Inc.
 601 Old Cheney Road, Suite 'A'
 Lincoln, NE 68512
 402-484-7342



<p>PORTION OF OUTLOT B NORMAL PARK</p>	<p>REGA ENGINEERING GROUP, INC.</p>	601 OLD CHENEY RD. SUITE 'A' LINCOLN, NE 68512 (402) 484-7342	DATE: 05/06/2020
		<ul style="list-style-type: none"> ● ENGINEERING ● PLANNING ● LANDSCAPE ARCHITECTURE ● LAND SURVEYING 	PROJECT 201033
			SHEET NO. 1 of 2

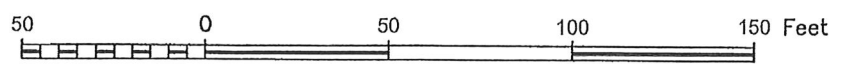


LEGEND

- CORNER FOUND (as Shown)
- CORNER SET (3/4"x24" Bar w/Cap or as Shown)
- (M) MEASURED DISTANCE
- (P) PLATTED DISTANCE
- (D) DEEDED DISTANCE



NORTH
SCALE 1" = 50'



**PORTION OF
OUTLOT B
NORMAL PARK**

REGA
ENGINEERING
GROUP, INC.

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

DATE:
05/06/2020

PROJECT
201033

SHEET NO.
2 of 2

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 #20020 From P to B-1	FINAL ACTION? No	OWNER City of Lincoln
PLANNING COMMISSION HEARING DATE July 8, 2020	RELATED APPLICATIONS CPC#20009	PROPERTY LOCATION 2510 South 48 th Street, southeast of the intersection of South 48 th Street and Normal Blvd

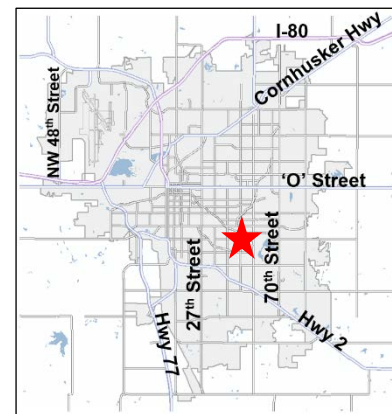
RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This request is associated with CPC#20009 requesting a finding of conformance with the Comprehensive Plan for the surplus of approximately .26 acres of land. The land is to be sold to the adjacent property owner of 2510 South 48th Street for the purpose of gaining enough land to meet the separation requirements for a special permit for the sale of alcohol for consumption off the premises.

The subject property is zoned P Public reflecting the ownership by the City of Lincoln. That zoning designation is solely for publicly owned land, and because it will no longer be in public ownership after the sale, it needs to be rezoned. In this case, the request is to rezone the land to B-1, the same as the adjacent properties.

This request also seeks to include a 0.21 acre parcel adjacent to the north which was declared surplus and sold to the adjacent property owner in 1977. It was not rezoned at that time, but is included as part of this request to rezone from P to B-1 to reflect it is no longer in public ownership.



JUSTIFICATION FOR RECOMMENDATION

The Parks and Recreation Advisory Board is recommending that the subject property be declared surplus property and sold. The goal of the prospective owner is to combine the land with adjacent commercially-zoned property. Given it will no longer be in public ownership it must be rezoned. Rezoning to B-1, consistent with the adjacent properties, will allow for its use in conjunction with that property. The 0.21 acre parcel adjacent to the north that was sold in 1977 is already being used commercially.

APPLICATION CONTACT

Denise Pierce
dpierce@lincoln.ne.gov

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The future land use designation for the properties along South 48th Street in this area is Commercial. Rezoning the subject tracts to B-1 is compatible with that designation. This request is consistent with the Zoning Ordinance and the Future Land Use Map of the Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.8 - The Future Land Use Map designates commercial land uses along South 48th Street in this area.

P. 2.8 - Mixed use redevelopment, adaptive reuse, and well-designed and approximately-placed infill development, including residential, commercial and retail uses, are encouraged.

P. 4.6 - Public property, especially publicly owned historic property, is a community trust and should be maintained, preserved, and utilized in an exemplary fashion. Most historic property is and should be privately owned and maintained.

P. 11.17 - Strategies for Watershed Management

Retain City or County property in the floodplain in public ownership, and consider the purchase of easements or land when other publicly-owned property in the floodplain is proposed for surplus. Retain conservation easements to protect floodplain functions where unusual circumstances merit the consideration of surplus floodplain property.

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

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

ANALYSIS

1. This a request from the Parks and Recreation Department to rezone the subject property from P Public to B-1 Local Business. It is associated with CPC#20009, which seeks a finding of conformance with the Comprehensive Plan for the declaration of surplus property for a 0.26 acre tract of land.
2. This request includes the 0.21 acre tract adjacent to the north (for a total area of 0.47 acres). It was declared surplus by the City and sold to the neighboring property owner (2444 South 48th Street) in 1977. It was not rezoned at that time and is still zoned P.
3. The 0.26 acre parcel associated with CPC#20009 is to be sold to the adjacent property owner. The Parks and Recreation Department was approached by the new owner of 2510 South 48th Street seeking to purchase the land. That owner intends to operate a convenience store on the site and will be seeking a liquor license to allow for off-sale alcohol. The proposed license premises must maintain a 100' separation from a park in order to meet the requirements for a special permit, which needs to be approved by the City prior to a liquor license.

The open space along Antelope Creek in this area is considered City-owned park land, and so the proposed licensed premises currently does meet the required 100' separation to a park. If the sale proceeds and the land is rezoned as proposed, the premises will meet all required separation criteria.

4. Parks and Recreation notes that the subject parcel is difficult to access and maintain. The Billy Wolff bike trail extends along the creek in this area, but is located on the other side of the creek, and so the land in question is generally not used by the public. It is currently overgrown by volunteer trees and is difficult for City staff to maintain. The park land in this area is not 'dedicated park land', meaning the City retains the ability to sell or re-use as appropriate.
5. Chapter 27.54 P Public Use District of the Zoning Ordinance states: "This district is intended to provide a district essentially for mapping purposes which will identify real property presently owned and used by any governmental entity, including local, state, or federal governmental units, and put to some form of public use. This district is not intended to be applied to land that is used by governmental entities on an easement or leased basis if title to the land is in private ownership." Given the property associated with CPC#20009, along with the parcel sold in 1977 will no longer be in public ownership, rezoning is appropriate.

6. The Future Land Use Map designates commercial land uses for the properties along South 48th Street in this area. Given the intent is combine the 0.26 acre parcel associated with CPC#20009 with the adjacent commercially-zoned tract, and that the 0.21 acre parcel sold in 1977 is already being used commercially, rezoning to B-1 is appropriate.
7. This request complies with the requirements of the Zoning Ordinance and the Comprehensive Plan and will allow for an appropriate use of the land.

EXISTING LAND USE & ZONING:

0.26 acre parcel - Park/Open space	P Public
0.21 acre parcel - Commercial	P Public

ASSOCIATED APPLICATIONS: CPC#20009, a request to find conformance with the Comprehensive Plan for the surplus of approximately 0.26 acres of land.

APPROXIMATE LAND AREA: 0.47 acres more or less

SURROUNDING LAND USE & ZONING

North: Open Space	P
South: Commercial	B-1
East: Park/Open Space	P
West: Commercial	B-1

LEGAL DESCRIPTION: See attached legal descriptions.

Prepared by

Brian Will, Planner
June 24, 2020

Applicant: Lynn Johnson
Parks and Recreation Department
City of Lincoln
3131 O Street
Lincoln, NE 68510
402-441-7847
ljohnson@lincoln.ne.gov

Contact: Denise Pierce
Parks and Recreation Department
City of Lincoln
3131 O Street
Lincoln, NE 68510
402-441-7847
dpierce@lincoln.ne.gov

Owner: City of Lincoln
555 South 10th Street
Lincoln, NE 68508

F:\DevReview\CZ\20000\CZ20020 2510 S 48th Surplus.bjw.docx



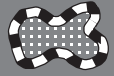


2018 aerial

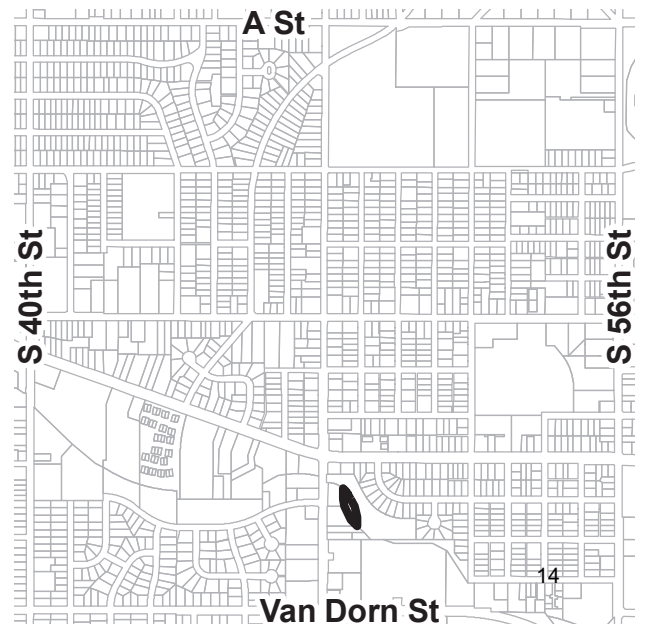
**Change of Zone #: CZ20020 (P to B-1)
S 48th St & Normal Blvd**

Zoning:

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

**One Square Mile:
Sec.32 T10N R07E**

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



June 5, 2020

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

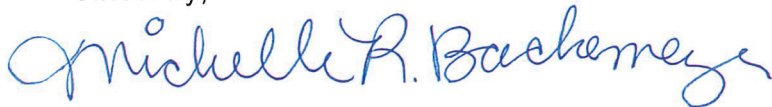
Dear David:

Enclosed is an application to declare surplus the City property located at approximately 2510 S. 48th Streets. The Parks Department has no plans for the property and is only requesting to surplus a small portion of the property (11,330 sf) known as Normal Park/Antelope Creek Greenway. The adjacent property owner is interested in purchasing this area for expansion of their business. There does appear to be utilities within parts of the area and easements will need to be retained with the transfer of the property

Please forward the request to the Planning Commission for their earliest consideration for Comprehensive Plan conformance. My understanding is that the request should be on the July 8, 2020, agenda.

If you have questions or need additional information, please contact me at 441-8617 or at mbackemeyer@lincoln.ne.gov. Thank you.

Sincerely,



Michelle R. Backemeyer
Real Estate and Relocation
Assistance Agent

cc: Lynn Johnson, Director, Parks & Recreation

June 18, 2020

Brian Will
Planning Department
Via Email: bwill@lincoln.ne.gov

Dear Brian,

Thank you for your assistance with the process of selling the small area of land (11,330 sq. feet) in the Antelope Creek Greenway to the adjoining property owner. The Planning Commission will be considering two items related to the proposed sale during its July 8, 2020, meeting: a Surplus Property Designation application and a Change of Zone application.

Last fall, Lincoln Parks and Recreation (LPR) was approached by the owner of the 2510 S. 48th St. property. The owner had recently purchased this property, which includes a gas station and convenience store. The owner plans to seek a license to sell alcohol at the convenience store, which requires 100 feet of separation between the building licensed to sell alcohol and the park boundary. By purchasing the property identified in the attached maps, the owner would satisfy this requirement.

LPR does not typically surplus or sell "parkland." This case, however, presents unusual circumstances. Although LPR maintains this small area as part of the larger Antelope Creek Greenway, the area is not used by the general public. The area is to the west of Antelope Creek, making it difficult to access (the Billy Wolff Trail is east of the Creek). The area also has a number of volunteer trees that need to be removed, making the area difficult for LPR staff to mow. I would also note that this area is not dedicated park land (dedicated park land cannot generally be sold, with few exceptions). For these reasons, LPR staff is amenable to selling this small, unutilized area of the Greenway.

The Parks and Recreation Advisory Board considered the surplus and sale of this area at its June 11, 2020, meeting. The Board recommended proceeding with these actions.

The Surplus Property Designation is required before moving forward with selling this City-owned property. The Change of Zone request would change the property from P/Public to B1, which is the same zoning as the adjoining 2510 S. 48th St. property.

Thank you, again, for your assistance, Brian. Please let me know if I can provide any additional information to assist the Planning Commission in considering these two applications.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynn Johnson". The signature is written in a cursive, flowing style.

Lynn Johnson, Director
Parks and Recreation Department

Cc: Jocelyn Golden, City Law
Michelle Backemeyer, Urban Development

LEGAL DESCRIPTION

A portion of Outlot B, Normal Park, located in the Southeast Quarter of Section 32, Township 10 North, Range 7 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska and more particularly described as follows:

BEGINNING at the southeast corner of Lot 5, Block 4, Normal Park;

Thence on an assumed bearing on the common line of said Outlot B and Lot 5, N44°43'39"W, a distance of 84.73 feet to a common corner of said Outlot B, Lot 5 and 4, Block 4, Normal Park;

Thence on the common line of said Outlot B and Lot 4, N26°20'29"W, a distance of 133.78 feet to a common corner of said Outlot B and Lots 2 and 3, Block 4, Normal Park;

Thence S89°54'31"E, a distance of 94.87 feet;

Thence S13°49'58"E, a distance of 102.93 feet;

Thence S00°21'00"W, a distance of 80.00 feet to the POINT OF BEGINNING and containing a calculated area of 11,330.29 square feet or 0.26 acres.

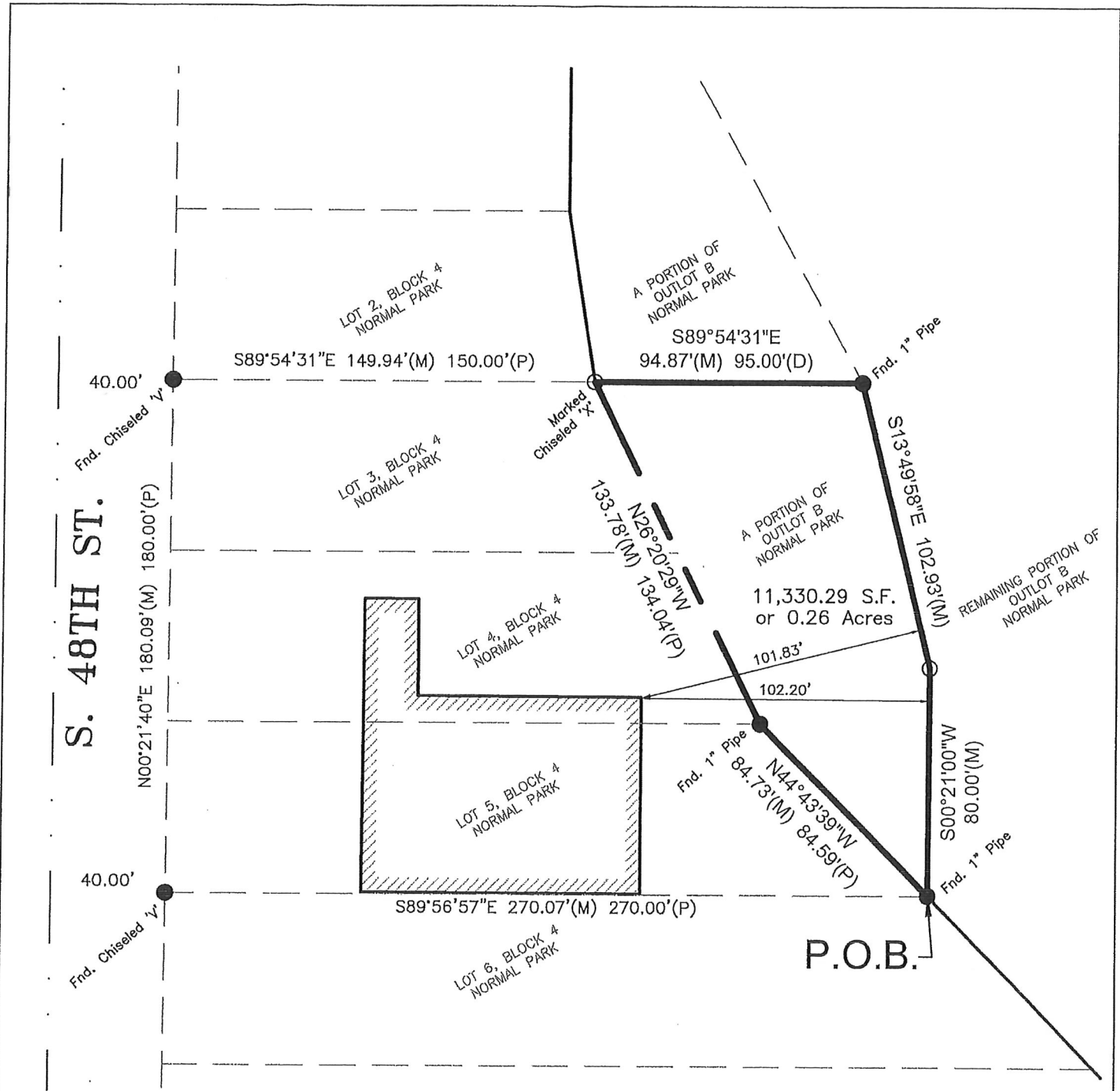
Permanent monuments have been placed at the described property corners.

Signed this 6th day of May, 2020.

Lyle L. Loth, L.S. 314
 REGA Engineering Group Inc.
 601 Old Cheney Road, Suite 'A'
 Lincoln, NE 68512
 402-484-7342



<p>PORTION OF OUTLOT B NORMAL PARK</p>	<p>REGA ENGINEERING GROUP, INC.</p>	601 OLD CHENEY RD. SUITE 'A' LINCOLN, NE 68512 (402) 484-7342	DATE: 05/06/2020
		<ul style="list-style-type: none"> ● ENGINEERING ● PLANNING ● LANDSCAPE ARCHITECTURE ● LAND SURVEYING 	PROJECT 201033
			SHEET NO. 1 of 2



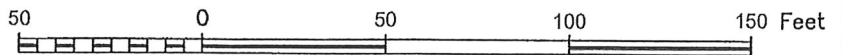
LEGEND

- CORNER FOUND (as Shown)
- CORNER SET (3/4"x24" Bar w/Cap or as Shown)
- (M) MEASURED DISTANCE
- (P) PLATTED DISTANCE
- (D) DEEDED DISTANCE



NORTH

SCALE 1" = 50'



**PORTION OF
OUTLOT B
NORMAL PARK**

REGA
ENGINEERING
GROUP, INC.

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

- ENGINEERING
- PLANNING
- LANDSCAPE ARCHITECTURE
- LAND SURVEYING

DATE:
05/06/2020

PROJECT
201033

SHEET NO.
2 of 2

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

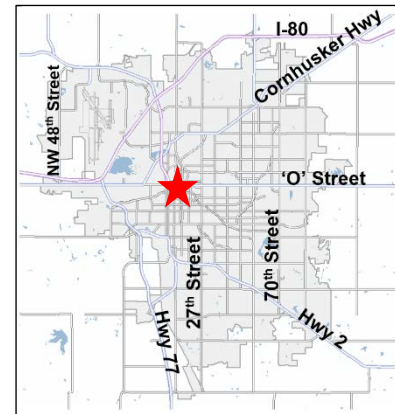
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Comprehensive Plan Conformance #20010	FINAL ACTION? No	OWNER City of Lincoln
PLANNING COMMISSION HEARING DATE July 8, 2020	RELATED APPLICATIONS CPC20008 (June 10 th PC)	PROPERTY ADDRESS/LOCATION SW corner of 14 th & N Streets

RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

This is a request to surplus a City-owned surface parking lot southwest of 14th and N Streets. The site is proposed to be redeveloped into a 15-story mixed-use building.



JUSTIFICATION FOR RECOMMENDATION

The City has no plans to use this property and therefore it is appropriate to surplus. There has been no opposition to the sale of the property by any departments or public agencies.

APPLICATION/STAFF CONTACT

Michelle Backemeyer
Urban Development Dept
(402) 441-8617 or
mbackemeyer@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The mixed-use residential building proposed for this property contributes to the continued strengthening of the downtown core, which is a guiding principle reflected throughout the Comprehensive Plan, Downtown Master Plan, and Lincoln Center Redevelopment Plan. In addition, these plans all support redevelopment of vacant or underutilized properties. A surface parking lot in downtown is a prime example of an underutilized property. The surplus is necessary for the redevelopment project to move forward.

COMPREHENSIVE PLAN SPECIFICATIONS

- Page 1.2 The community continues its commitment to a strong Downtown. A strong, vital Downtown provides a common center for all of Lincoln and Lancaster County and will be a catalyst for future growth. LPlan 2040 acknowledges Downtown's unique role and will guide decisions that will maintain Downtown's vitality and enhance its contribution to the quality of life of all Lincoln and Lancaster County.
- Page 1.9 The site is shown as Commercial on the Future Land Use Map.
- Page 6.2 Target existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and more efficiently utilize existing infrastructure.

DOWNTOWN MASTER PLAN SPECIFICATIONS:

- Page 4.1.1 Residential is the strongest market opportunity in Downtown. Downtown housing enhances the region's competitive edge by helping to retain and recruit both young and highly skilled labor. In addition, more residents will make Downtown more vital and support other sectors, including retail and employment.
- Page 4.4.7 Reuse or redevelop vacant or underutilized spaces as opportunities arise.

LINCOLN CENTER REDEVELOPMENT PLAN SPECIFICATIONS:

- Page III-9 Encourage the development of mixed use projects that attract and maintain commercial activity and residential developments in the Downtown and Haymarket areas.
- Page III-9 Encourage expanded housing opportunities and types to foster 24-hour activity and a lively street.

ANALYSIS

1. This is a request to find in conformance with the Comprehensive Plan the surplus of a 0.62-acre parcel located southwest of the intersection of 14th and N Streets. The site was most recently a surface parking lot.
2. The parcel proposed for surplus is located on Block 65 of the Lincoln Original plat. The City of Lincoln purchased over $\frac{3}{4}$ of the block in 2019 to facilitate construction of a new public parking garage and other associated redevelopment. The City received multiple redevelopment proposals for the block, including this parcel. The south half of the block (not included in this surplus) is planned to be a new public parking garage with mixed-use elements.

The redevelopment proposal for this parcel is discussed in more detail with CPC20008, which was on the June 10th Planning Commission agenda. The proposal includes a private 15-story mixed-use building, with 12 stories of residential, ground floor residential amenities, and three stories of parking.
3. The parcel must be declared surplus in order to be sold for redevelopment.
4. The parcel is located outside the floodplain.
5. This parcel is part of the LES Downtown Network. LES will work with the developer/owner on placement of facilities for power when the project moves forward.
6. Per Lincoln Transportation and Utilities (LTU) review: The sewer main running through the alley is in need of work. The alley is brick, and pending use of the lot, the alleyway surface will need to be reconstructed.
7. The City has no plans to use this property, so it is appropriate for surplus. There has been no opposition to the sale of the property by any departments or public agencies.

EXISTING LAND USE & ZONING: Vacant Parking Lot, B-4 Lincoln Center Business

SURROUNDING LAND USE & ZONING

North:	N St, Mixed-Use	B-4 Lincoln Center Business
South:	Parking	B-4
East:	14 th St, Commercial	B-4
West:	Sharp Building, Commercial	B-4

APPROXIMATE LAND AREA: 0.62 acres

LEGAL DESCRIPTION: Lots 1-3, Lot 4 except the west 10 feet, Block 65, Lincoln Original

Prepared by

Andrew Thierolf, AICP
Planner

June 29, 2020

Applicant/
Contact: Michelle Backemeyer
Urban Development Department
555 S 10th Street, Suite 205
Lincoln, NE 68508
(402) 441-8617 or
mbackemeyer@lincoln.ne.gov

Owner: City of Lincoln

\\FILSRV01\Planning\DevReview\CPC\20000\CPC20010 Block 65 Surplus.adt.docx



City of Lincoln Lancaster County, NE

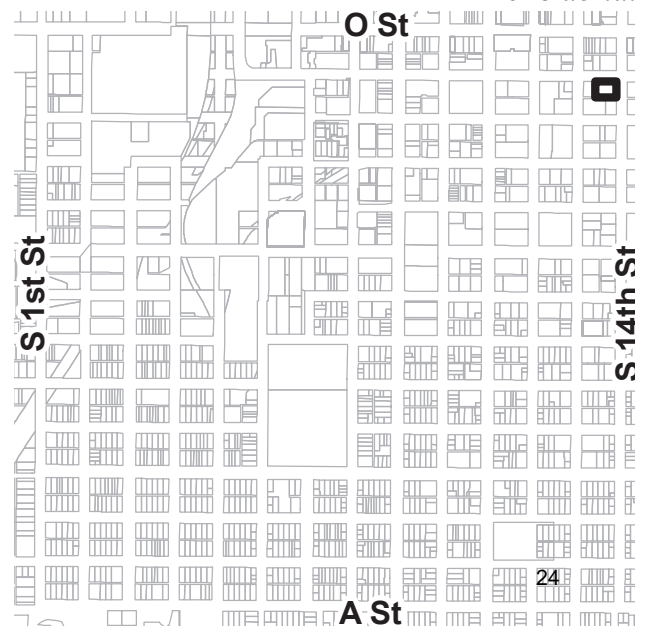
2018 aerial

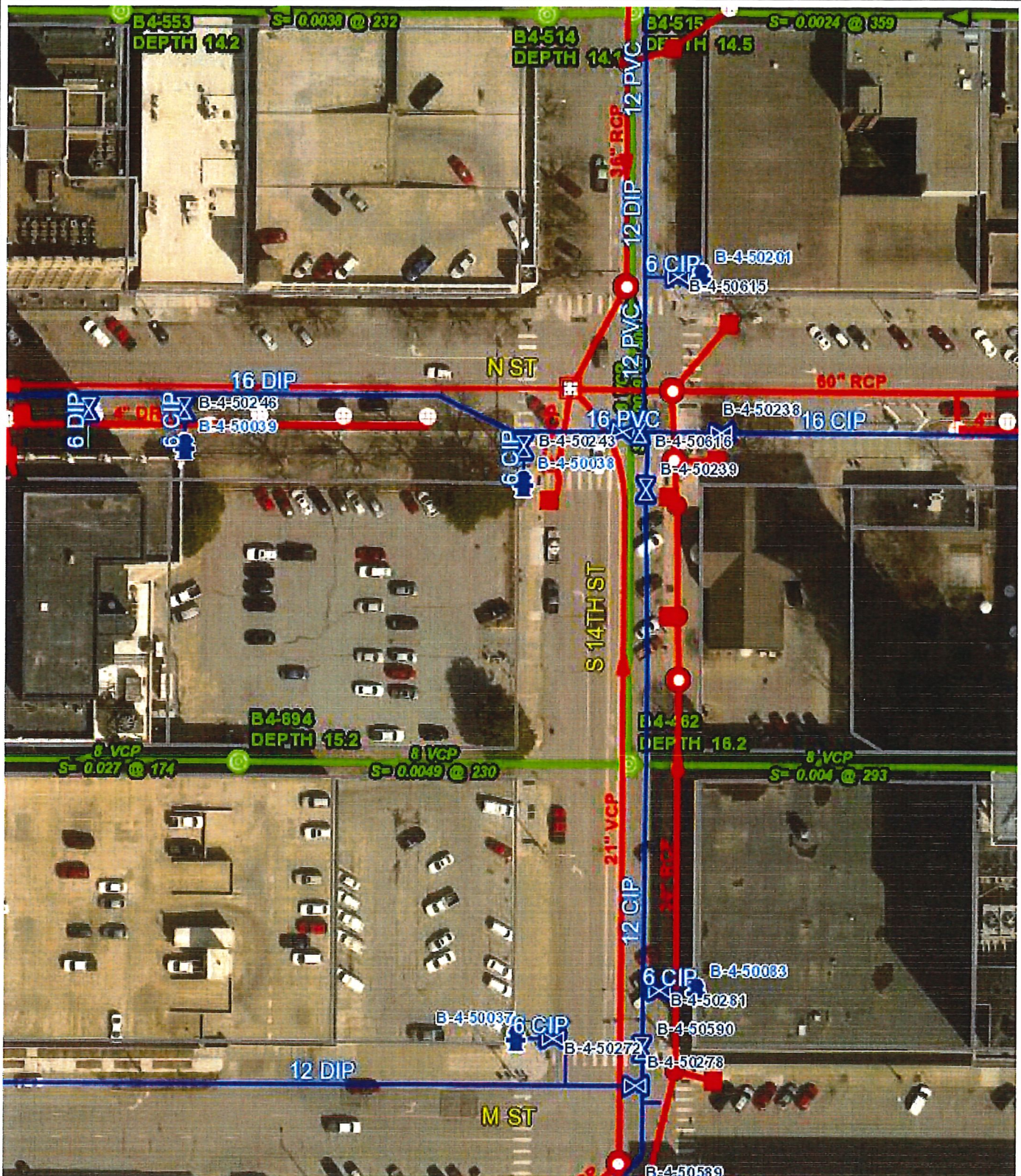
Comp Plan Conformance #: CPC20010
Surplus Property
S 14th St & N St

Zoning:

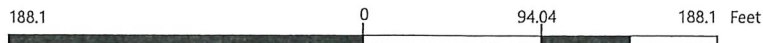
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
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- H-2 Highway Business District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

One Square Mile:
Sec.26 T10N R06E





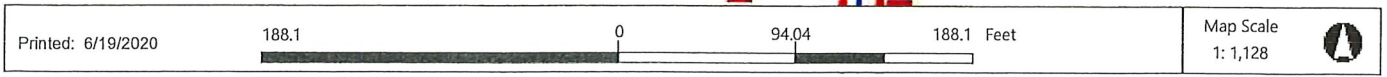
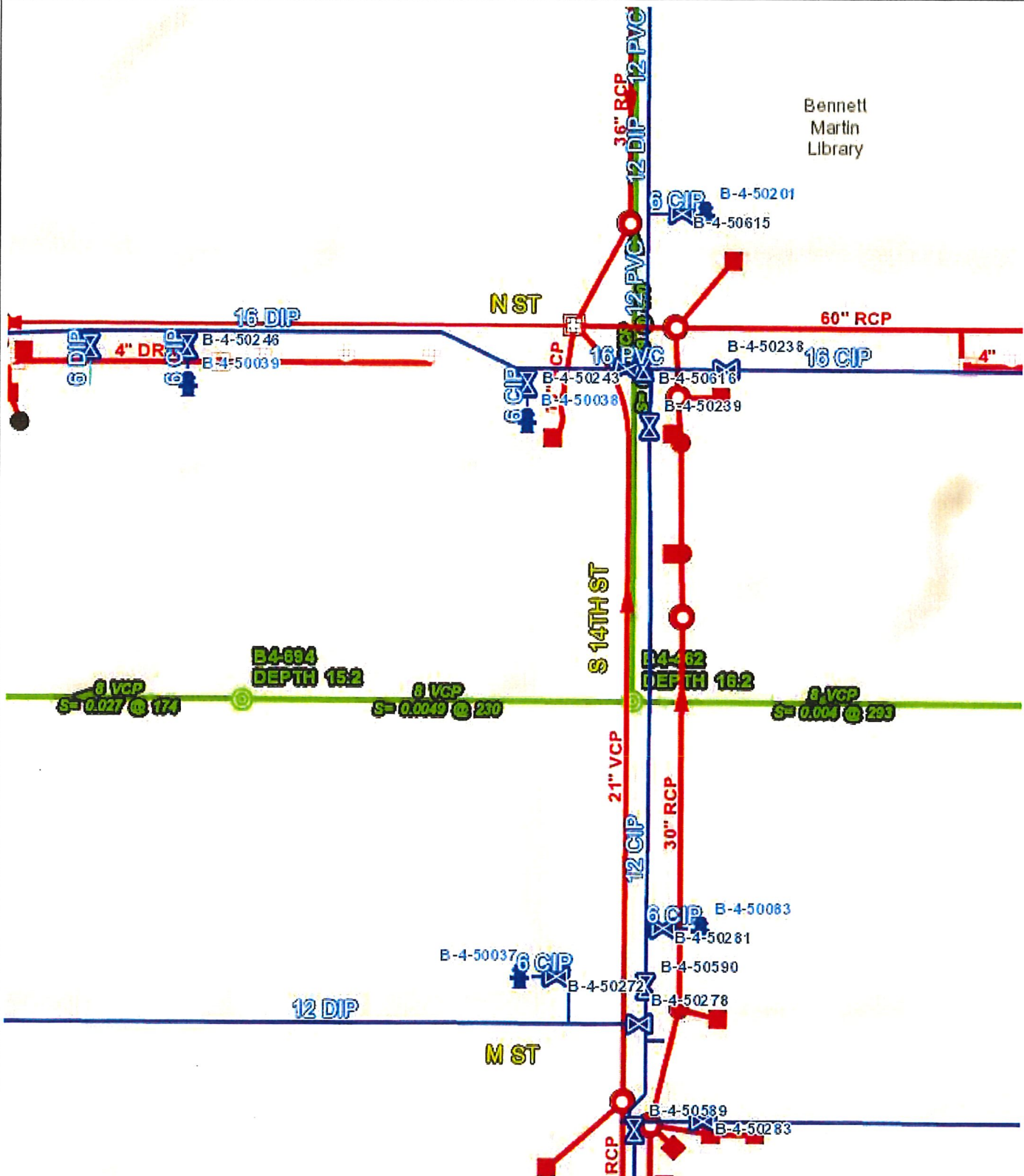
Printed: 6/19/2020



Map Scale
1: 1,128



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



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



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

interoffice
MEMORANDUM

Michelle Backemeyer

to: FIELD(1)
from: Michelle Backemeyer, Urban Development/Administration
subject: Declaration of Surplus Property - NE Corner of Block 65, Lots 1-3 and except the West 10 Feet of Lot 4, Original Plat of City of Lincoln, Lancaster County, Nebraska
date: June 18, 2020

The Urban Development Department has plans to declare surplus the vacant parking lot at the southwest corner of 14th and N Streets for redevelopment purposes. The property is approximately 26,980 square feet in size, and plans for the site include a 15-story mixed use building with 1st floor residential amenities and parking, two additional floors of parking and 12 floors of residential living units. The area as shown on the attached map.

In order to sell the property, it must first be declared surplus, and this notification is a requirement of the surplus process. Please respond by email to mbackemeyer@lincoln.ne.gov or by interoffice mail within 10 days or less as to any comments, including easement requirements, or objections your department or agency may have in declaring this parcel surplus. If we have not received a response during this time period, we will assume you have no objections. Thank you for your prompt attention to this matter.

Michelle R. Backemeyer

From: Lynn Johnson
Sent: Thursday, June 18, 2020 2:06 PM
To: Michelle R. Backemeyer
Subject: RE: Surplus property at 14th and N Streets

Categories: Red Category

Thanks Michelle. Parks and Recreation does not have interest in the property. It will be exciting to see what proposals come forth for development of the site. Lynn

From: Michelle R. Backemeyer <MBackemeyer@lincoln.ne.gov>
Sent: Thursday, June 18, 2020 2:03 PM
To: Chad E. Blahak <cblahak@lincoln.ne.gov>; Lynn Johnson <ljohnson@lincoln.ne.gov>; Kerry P. Eagan <KEagan@lancaster.ne.gov>; 'swieska@lps.org' <swieska@lps.org>; 'john.jensen@unl.edu' <john.jensen@unl.edu>; Jeffrey Bliemeister <lpd1782@cjis.lincoln.ne.gov>; David R. Cary <dcary@lincoln.ne.gov>; 'Paul Zillig' <pzillig@lpsnrd.org>; Wayne B. Mixdorf <WMixdorf@lincoln.ne.gov>; Shana Sprackling <ssprackling@les.com>; jason.jackson@nebraska.gov; Elizabeth D. Elliott <Elizabeth.Elliott@lincoln.ne.gov>; Patrick V. Borer <PBorer@lincoln.ne.gov>; Brian Jackson <LPD742@cjis.lincoln.ne.gov>
Cc: 'brendon.schmidt@nebraska.gov' <brendon.schmidt@nebraska.gov>; 'todd.wicken@nebraska.gov' <todd.wicken@nebraska.gov>; Pat Leach <PLeach@lincoln.ne.gov>; Daniel K. Marvin <DMarvin@lincoln.ne.gov>
Subject: RE: Surplus property at 14th and N Streets

See attached memo and map on a request to surplus City property located at approximately 14th & N Streets. If anyone has an interest in the property, please contact me as soon as possible. Thank you.

Michelle R. Backemeyer

From: Michelle R. Backemeyer
Sent: Thursday, June 18, 2020 2:03 PM
To: Chad E. Blahak; Lynn Johnson; Kerry P. Eagan; 'swieska@lps.org'; 'john.jensen@unl.edu'; Jeffrey Bliemeister; David R. Cary; 'Paul Zillig'; Wayne B. Mixdorf; Shana Sprackling; jason.jackson@nebraska.gov; Elizabeth D. Elliott; Patrick V. Borer; Brian Jackson
Cc: 'brendon.schmidt@nebraska.gov'; 'todd.wicken@nebraska.gov'; Pat Leach; Daniel K. Marvin
Subject: RE: Surplus property at 14th and N Streets
Attachments: 14th N .pdf

See attached memo and map on a request to surplus City property located at approximately 14th & N Streets. If anyone has an interest in the property, please contact me as soon as possible. Thank you.

Michelle R. Backemeyer

From: Patrick V. Borer
Sent: Thursday, June 18, 2020 2:06 PM
To: Michelle R. Backemeyer
Subject: RE: Surplus property at 14th and N Streets

Categories: Red Category

Michelle,

Fire is not interested.

Pat

From: Michelle R. Backemeyer <MBackemeyer@lincoln.ne.gov>
Sent: Thursday, June 18, 2020 2:03 PM
To: Chad E. Blahak <cblahak@lincoln.ne.gov>; Lynn Johnson <ljohnson@lincoln.ne.gov>; Kerry P. Eagan <KEagan@lancaster.ne.gov>; 'swieska@lps.org' <swieska@lps.org>; 'john.jensen@unl.edu' <john.jensen@unl.edu>; Jeffrey Bliemeister <lpd1782@cjis.lincoln.ne.gov>; David R. Cary <dcary@lincoln.ne.gov>; 'Paul Zillig' <pzillig@lpsnrd.org>; Wayne B. Mixdorf <WMixdorf@lincoln.ne.gov>; Shana Sprackling <ssprackling@les.com>; jason.jackson@nebraska.gov; Elizabeth D. Elliott <Elizabeth.Elliott@lincoln.ne.gov>; Patrick V. Borer <PBorer@lincoln.ne.gov>; Brian Jackson <LPD742@cjis.lincoln.ne.gov>
Cc: 'brendon.schmidt@nebraska.gov' <brendon.schmidt@nebraska.gov>; 'todd.wicken@nebraska.gov' <todd.wicken@nebraska.gov>; Pat Leach <PLeach@lincoln.ne.gov>; Daniel K. Marvin <DMarvin@lincoln.ne.gov>
Subject: RE: Surplus property at 14th and N Streets

See attached memo and map on a request to surplus City property located at approximately 14th & N Streets. If anyone has an interest in the property, please contact me as soon as possible. Thank you.

Michelle R. Backemeyer

From: Pat Leach
Sent: Thursday, June 18, 2020 3:09 PM
To: Michelle R. Backemeyer
Subject: Re: Surplus property at 14th and N Streets

Categories: Red Category

Whew! I was afraid it was the Bennett Martin Library property.

I'm kidding, of course.... Happy Thursday to you. --Pat

Pat Leach
Library Director
Lincoln City Libraries
136 S. 14th St.
Lincoln, NE 68508
402-441-8510
cell 531-207-3182

From: Michelle R. Backemeyer <MBackemeyer@lincoln.ne.gov>
Sent: Thursday, June 18, 2020 2:02 PM
To: Chad E. Blahak <cblahak@lincoln.ne.gov>; Lynn Johnson <ljohnson@lincoln.ne.gov>; Kerry P. Eagan <KEagan@lancaster.ne.gov>; 'swieska@lps.org' <swieska@lps.org>; 'john.jensen@unl.edu' <john.jensen@unl.edu>; Jeffrey Bliemeister <lpd1782@cjis.lincoln.ne.gov>; David R. Cary <dcary@lincoln.ne.gov>; 'Paul Zillig' <pzillig@lpsnrd.org>; Wayne B. Mixdorf <WMixdorf@lincoln.ne.gov>; Shana Sprackling <ssprackling@les.com>; jason.jackson@nebraska.gov <jason.jackson@nebraska.gov>; Elizabeth D. Elliott <Elizabeth.Elliott@lincoln.ne.gov>; Patrick V. Borer <PBorer@lincoln.ne.gov>; Brian Jackson <LPD742@cjis.lincoln.ne.gov>
Cc: 'brendon.schmidt@nebraska.gov' <brendon.schmidt@nebraska.gov>; 'todd.wicken@nebraska.gov' <todd.wicken@nebraska.gov>; Pat Leach <PLeach@lincoln.ne.gov>; Daniel K. Marvin <DMarvin@lincoln.ne.gov>
Subject: RE: Surplus property at 14th and N Streets

See attached memo and map on a request to surplus City property located at approximately 14th & N Streets. If anyone has an interest in the property, please contact me as soon as possible. Thank you.

Michelle R. Backemeyer

From: Paul Zillig <pzillig@lpsnrd.org>
Sent: Thursday, June 18, 2020 3:59 PM
To: Michelle R. Backemeyer
Subject: Re: Surplus property at 14th and N Streets

Categories: Red Category

[CAUTION] This email comes from a sender outside your organization.

LPSNRD has no interest in the property.

Sent from my iPhone

On Jun 18, 2020, at 2:03 PM, Michelle R. Backemeyer <MBackemeyer@lincoln.ne.gov> wrote:

See attached memo and map on a request to surplus City property located at approximately 14th & N Streets. If anyone has an interest in the property, please contact me as soon as possible. Thank you.
CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.
<14th N .pdf>

June 19, 2020

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

Dear David:

Enclosed is an application to declare surplus the property located at the southwest corner of 14th and "N" Streets. The Urban Development Department has plans to redevelop the vacant parking lot with a multi-level mixed use building and parking. The City plans to sell the property as part of the redevelopment plan. There does appear to be sewer in the alley, and water and storm water in 14th and N Streets as shown on the attached map. I am still waiting to hear from LES in regards to their needs. There has been no opposition to the surplus of the property by any other departments or public agencies.

Please forward the request to the Planning Commission for their earliest consideration for Comprehensive Plan conformance. My understanding is that the request should be on the July 8, 2020, agenda.

If you have questions or need additional information, please contact me at 441-8617 or at mbackemeyer@lincoln.ne.gov. Thank you.

Sincerely,



Michelle R. Backemeyer
Real Estate and Relocation
Assistance Agent

cc: Dan Marvin, Director, Urban Development Dept.

attachments

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 #05015B	FINAL ACTION? Yes	OWNER / DEVELOPER HH Development, Inc.
PLANNING COMMISSION HEARING DATE July 8, 2020	RELATED APPLICATIONS None	PROPERTY LOCATION N. 14 th Street and Humphrey Avenue

RECOMMENDATION: APPROVAL WITH CONDITIONS

BRIEF SUMMARY OF REQUEST

This is a request to amend the Hartland’s Garden Valley Community Unit Plan (CUP) to reflect several changes to the layout and street design. Lots fronting on Fletcher Avenue have been changed to take access from the internal street. A traffic circle was added at the intersection of N. 11th Street and Pennsylvania Avenue. The total number of dwelling units has been reduced from 347 to 312.



JUSTIFICATION FOR RECOMMENDATION

The revisions are appropriate based on the classification of Pennsylvania and Fletcher Avenues in the Access Management Policy which shows Fletcher as a local street and Pennsylvania and Humphrey Avenues as collectors. The requested waivers were previously approved in several cases. They account for circumstances such as drainage ways and existing street locations.

APPLICATION CONTACT

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

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The goals of the Comprehensive Plan to increase connectivity and access have been met with the proposed plan to the extent they are feasible.

WAIVERS

Waivers #1-5 were previously approved, although their application to specific blocks has been modified and/or expanded.

1. Waive the minimum block length for Blocks 1, 9 and 14. (Recommend Approval)
2. Reduce the minimum lot width from 50 feet to 41 feet. (Recommend Approval)
3. Reduce the minimum lot area from 6,000 square feet to 4,500 square feet. (Recommend Approval)
4. Allow double frontage lots on Blocks 1, 16 and 18. (Recommend Approval)
5. Waive the requirement to provide pedestrian ways in Blocks 2, 9, 13, 14 and 18. (Recommend Approval)
6. Allow sanitary sewer to run opposite the street grade in Garden Valley Road, Pennsylvania Avenue, McLou Lane, and N. 10th Street. (Recommend Approval)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

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

P. 7.2 - Neighborhoods & Housing Guiding Principles

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

P. 7.4 - Strategies for Neighborhoods and Housing

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

P. 10.14 - Local streets and alleys are not shown on the Functional Street and Road Classification plan.

P. 10.15 - Local or residential streets provide the greatest access. These streets provide very limited opportunities for through traffic; their primary function is to provide access to adjacent properties.

ANALYSIS

1. This is a proposed amendment to the Hartland's Garden Valley CUP located west of N. 14th Street between Humphrey Avenue and Fletcher Avenue.
2. The changes are to the lot layout and street design. Specifically, the lots previously fronting on Fletcher Avenue have been changed to take access from the internal street, McLou Lane. This resulted in revising the layout of several blocks in the southern part of the CUP. In addition, a roundabout was added at the intersection of N. 11th Street and Pennsylvania Avenue. The design for Pennsylvania was modified based on agreement between the applicant and the Transportation and Utilities Department (LTU).
3. The Design Standards for Community Unit Plans allow up to 6.96 dwelling units per acre in the R-3 zoning district. Based on the area of 92.62 acres, a maximum of 644 dwelling units would be allowed. The request is for up to 312 dwelling units.
4. Fletcher Avenue is classified as a local street in the Access Management Plan. Humphrey and Pennsylvania Avenues are classified as collectors. Fletcher is constructed to a rural standard. A condition of approval would add a roundabout at the intersection of Fletcher and Mashae Drive and create an agreement with LTU for the developer to submit a cash contribution for future improvement of Fletcher.
5. Waivers are requested to the Zoning and Subdivision Ordinances and the Design Standards. All but one of the waivers were previously approved with the original CUP, although the waivers will apply differently due to the layout changes. The sanitary sewer design waiver would be new.
 - a. **Waive the minimum block length of 1,320 feet for Blocks 1, 9 and 14.**

The length of these blocks was previously approved. Block 1 will contain a pedestrian way easement, mitigating the block length. Block 9 contains a drainage way and flood corridor easement so a crossing is not feasible. Block 14 is adjacent to property outside the CUP. Block 14 itself does not contain a street connection but a connection is shown at Viola Drive between Blocks 14 and 15.

- b. **Reduce the minimum lot width from 50 feet to 41 feet and reduce the minimum lot area from 6,000 square feet to 4,500 square feet**

These waivers were previously approved and permit the creation of smaller lots. Flexibility in lot size is supported and encouraged under the Community Unit Plan.

- c. **Allow double frontage lots in Blocks 1, 16 and 18.**

The double frontage lots in Block 1 were previously approved. Blocks 16 and 18 contain the revised lots that back onto Fletcher Avenue. The Transportation and Utilities Department supports removing the driveway access on Fletcher to reduce safety hazards.

- d. **Waive the requirement to provide pedestrian ways when the block exceeds 1,000 feet in length and where needed for Blocks 2, 9, 13, 14 and 18.**

Block 2 is slightly over the 1,000 foot threshold at 1,027 feet. Nevertheless, the shape of Block 2 allows for relatively direct pedestrian access to Humphrey Avenue. Blocks 9, 13, and 18 contain drainage ways and a pedestrian connection can reasonably be waived within them. Block 14 is adjacent to existing large lot residential dwellings outside the CUP to the east; these other lots are unlikely to redevelop in the near future to allow a pedestrian connection to N. 14th Street.

- e. **Allow sanitary sewer to run opposite the street grade in Garden Valley Road, Pennsylvania Avenue, McLou Lane, and N. 10th Street.**

This is a commonly approved waiver based on the topography requirements of the site. The Transportation and Utilities Department supports the waiver.

6. The revisions are appropriate based on the classification of these streets in the Access Management Policy.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: R-3; single family residential and vacant

SURROUNDING LAND USE & ZONING

North: Single family residential and Hartland Garden Valley Conservation Area; R-3

South: Single family residential and agriculture; AG

East: Single family residential and church; AG and R-5

West: Residential and vacant; AG

APPLICATION HISTORY: See attached.

APPROXIMATE LAND AREA: 92.62 acres

LEGAL DESCRIPTION: See attached.

Prepared by

Rachel Jones, Planner

Date: June 29, 2020

Owner: HH Development, Inc.
P.O. Box 22787
Lincoln, NE 68542
(402) 477-6668

Applicant/Contact: REGA Engineering Group, Inc.

Marcia Kinning
601 Old Cheney Road, Suite A
Lincoln, NE 68512
(402) 484-7342 or marcia@regaeng.com

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APPLICATION HISTORY - SPECIAL PERMIT #05015B

- Aug. 2005 Change of Zone #04007 from AG to R-3 and R-5 and Annexation #04001 southeast of N. 14th St & Humphrey was approved by City Council.
- June 2005 Annexation #05006, Change of Zone #05024 from AG to R-3 and Special Permit #05015, Hartland's Garden Valley Community Unit Plan (CUP) for 326 dwelling units was approved by City Council.
- June 2004 Stone Bridge Creek 1st Addition Preliminary Plat #04002 was approved by the Planning Commission.
- Nov. 2006 Special Permit #05015A amending the CUP to add 4.67 acres and 23 lots was approved by the City Council. The Mayor vetoed a requested block length waiver approved by the City Council, which resulted in denial of Special Permit #05015A. Related applications for Annexation #06014 and Change of Zone #06053 from AG to R-3 were approved.
- Jan. 2007 Administrative Amendment #06120 to Special Permit #05015 was approved by the Planning Director to increase the CUP by 2.57 acres, add 24 lots, and revise the layout.

CONDITIONS OF APPROVAL - SPECIAL PERMIT #05015B

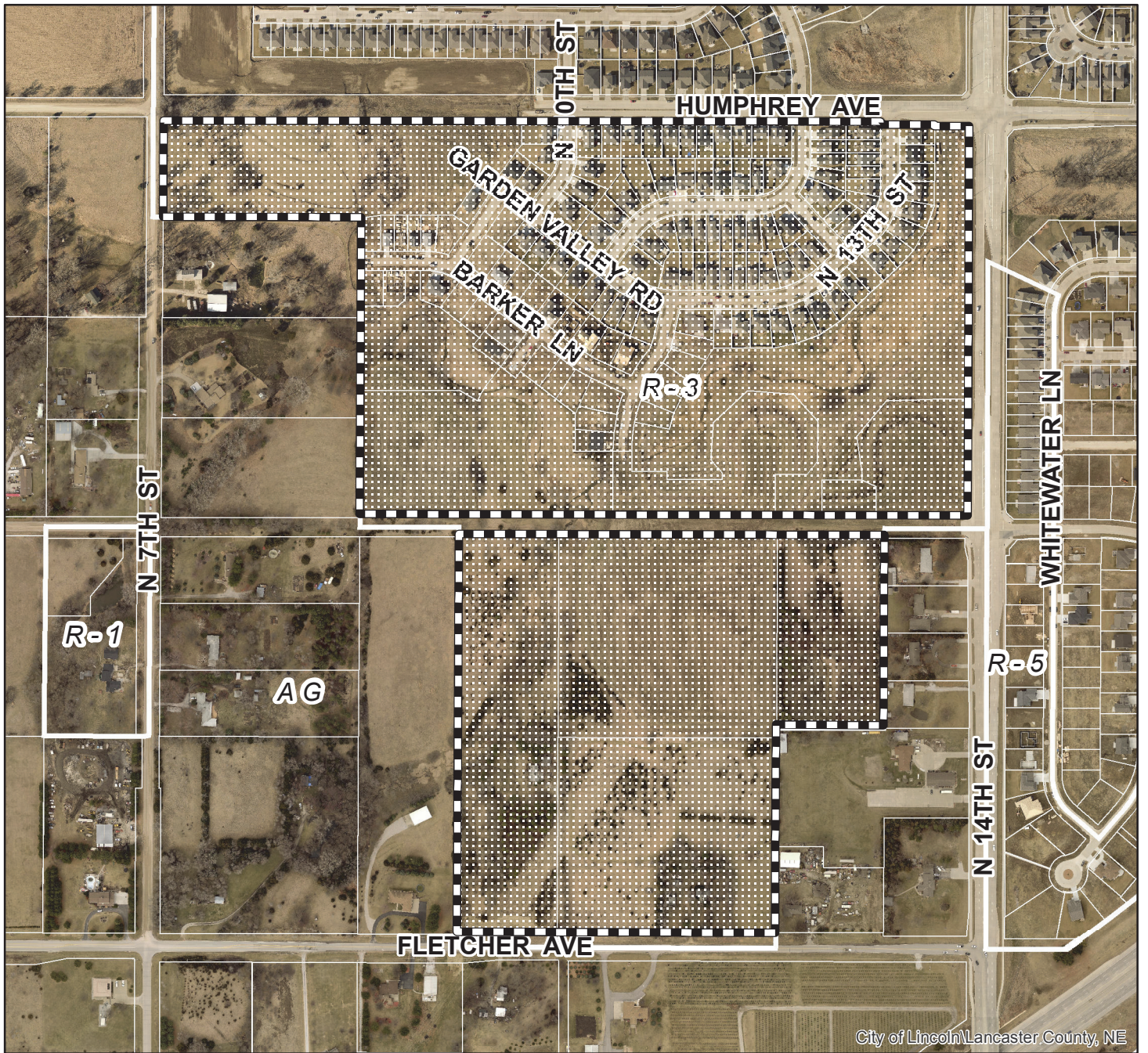
Per Section 27.63.320 this approval permits a Community Unit Plan for 312 dwelling units with waivers to minimum block length for Blocks 1, 9 and 14; reduce the minimum lot width from 50 feet to 41 feet; reduce the minimum lot area from 6,000 square feet to 4,500 square feet; allow double frontage lots on Blocks 1, 16 and 18; waive the requirement to provide pedestrian ways in Blocks 2, 9, 13, 14 and 18; and allow sanitary sewer to run opposite the street grade in Garden Valley Road, Pennsylvania Avenue, McLou Lane, and N. 10th Street.

Site Specific Conditions:

1. Before receiving building permits or before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
 - 1.1 Remove the labels for public park.
 - 1.2 Revise the waivers to match how they are listed in the staff report.
 - 1.3 Submit a CAD file of the grading plan to L.E.S.
 - 1.4 Make revisions to the satisfaction of Watershed Management.
 - 1.5 Change the street names for Viola Drive and Jayden Avenue to the satisfaction of the Planning Director.
 - 1.6 Add a note stating that lots fronting on both Pennsylvania Avenue and an intersecting street must take access from the intersecting street and relinquish access to Pennsylvania Avenue.
 - 1.7 Show a roundabout in Fletcher Avenue at Mashae Drive and show right-of-way for the roundabout to the satisfaction of the Transportation and Utilities Department.
 - 1.8 Add to the General Notes, "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".
 - 1.9 Add to the notes, "Prior to final platting Lots 8-15, Block 15, Lots 1-6, Block 16, Lots 6-11, Block 17 or Lots 2-10, Block 18, the developer shall submit a cash contribution to cover the developer's share of improving Fletcher Avenue, plus a share of the roundabout cost, in an amount to the satisfaction of the Transportation and Utilities Department. This would relieve the developer of any responsibility for improvements on Fletcher Avenue."
2. Before receiving building permits or before a final plat is approved provide the following documents to the Planning Department:
 - 2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
 - 2.2 Prior to final platting Lots 8-15, Block 15, Lots 1-6, Block 16, Lots 6-11, Block 17 or Lots 2-10, Block 18, the developer shall submit a cash contribution to cover the developer's share of improving Fletcher Avenue, plus a share of the roundabout cost, in an amount to the satisfaction of the Transportation and Utilities Department. This would relieve the developer of any responsibility for improvements on Fletcher Avenue.
3. Final plat(s) is/are approved by the City.

Standard Conditions:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.
 - 4.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
 - 4.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
 - 4.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
 - 4.6 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.



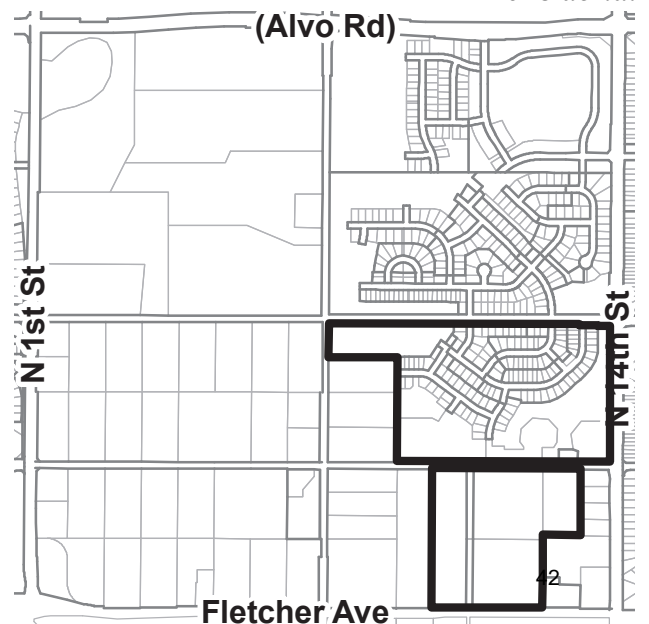
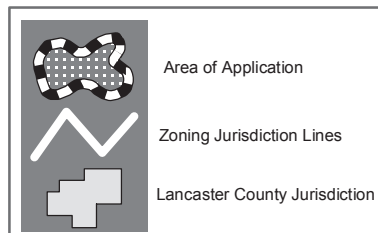
2018 aerial

Special Permit #: SP05015B
Hartland's Garden Valley
N 14th St & Humphrey Ave

Zoning:

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

One Square Mile:
 Sec.35 T11N R06E



HARTLAND'S GARDEN VALLEY
SPECIAL PERMIT #05015B

Legal Description

Lots 1 through 7, Block 1, Lots 1 through 11, Block 2, Lots 1 through 4, Block 3, Lots 1 through 18, Block 4, Outlot 'D', and internal street right-of-way, Hartland's Garden Valley Addition; Lots 1 through 6, Block 1, Lots 1 through 9, Block 2, Lots 1 through 8, Block 3, Hartland's Garden Valley 1st Addition; Lots 1 through 3 and Outlot 'B', Hartland's Garden Valley 2nd Addition; Lots 1 through 14, Block 1, Lots 1 through 3, Block 2, Lots 1 through 5, Block 3, Lots 1 and 2, Block 4, Hartland's Garden Valley 3rd Addition; Lot 1, Block 1, Lots 1 through 7, Block 2, Lots 1 through 7, Block 3, Lots 1 through 10, Block 4, Lots 1 through 6, Block 5, Lots 1 through 5, Block 6, and Outlots 'A', 'B', 'C', 'D' and 'E', Hartland's Garden Valley 4th Addition, all located in the Southeast Quarter of Section 35, Township 11 North, Range 6 East of the 6th. P.M., Lincoln, Lancaster County Nebraska, and more particularly described as follows:

Beginning at the Northeast corner of former corner of Outlot 'E', Hartland's Garden Valley Addition; thence along the East line of the former said Outlot 'E', said line also being the West Right-of-Way line of North 14th Street S 00°12'41" W a distance of 1228.72' to the Southeast corner of former said Outlot 'E'; thence along the North Right-of-Way line of Pennsylvania Avenue, N 89°51'18" W a distance of 1919.41' to the Southwest corner of said Outlot 'D', Hartland's Garden Valley 4th Addition; thence along the West line of said Outlots 'D' & 'E', and Lot 1, Block 3 and Lot 7, Block 2, Hartland's Garden Valley 4th Addition, N 00°21'42" E a distance of 937.20' to the Northwest Corner of said Lot 7, Block 2; thence along the South line of said Outlot 'B', Hartland's Garden Valley 2nd Addition, N 89°54'10" W a distance of 626.06' to the Southwest corner of said Outlot 'B'; thence along the West line of said Outlot 'B', said line also being the East Right-of-Way line of North 7th Street N 00°25'29" E a distance of 304.23' to the Northwest corner of said Outlot 'B'; thence along the South Right-of-Way line of Humphrey Avenue S 89°55'07" E a distance of 2261.97'; thence along the West Right-of-Way line of North 13th Street, S 00°04'53" W a distance of 10.00'; thence along the South Right-of-Way line of Humphrey Avenue, S 89°55'07" E a distance of 170.00'; thence S 00°04'53" W a distance of 5.00'; thence along the South Right-of-Way line of Humphrey Avenue, S 89°55'07" E a distance of 109.87' to the point of beginning, having an area of 2,570,247.35 square feet or 59.0 acres, more or less.

And

Lot 2 and Lot 3 except the South 7.00 feet and part of Lot 1, Block 4, and the East Half of Lots 1 and 4 except the South 7.00 feet, Block 3, and That part of North 11th Street which lies between Blocks 3 and 4, Garden Valley, Located in the Southeast Quarter of Section 35, Township 11 North, Range 6 East of the 6th. P.M., Lincoln, Lancaster County Nebraska, and more particularly described as follows:

Beginning at the intersection of the East line of said Lot 3, Block 4 and the North Right-of-Way line of Fletcher Avenue; thence along the North Right-of-Way line of Fletcher Avenue N 89°46'39" W a distance of 1004.56' to a point on the North Right-of-Way line of Fletcher Avenue; thence N 00°18'05" E a distance of 1255.54' to a point on the North line of said Lot 1, Block 3; thence along the North line of said Blocks 3 and 4, said line also being the South Right-of-Way line of Southwick Avenue S 89°51'18" E a distance of 1342.15' to the Northeast corner of said part of Lot 1, Block 4; thence S 00°12'48" W a distance of 151.19'; thence S 00°11'45" W a distance of 449.85'; thence N 89°34'03" W a distance of 339.30'; thence along the East line of said Lot 3, Block 4 S 00°21'07" W a distance of 374.41'; thence S 00°06'04" W a distance of 283.15' to the point of beginning, having an area of 1,464,414.04 square feet or 33.62 acres, more or less.

REGA

ENGINEERING
GROUP, INC.

File No. 171037
June 10, 2020

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

RE: COMMUNITY UNIT PLAN/SPECIAL PERMIT
HARTLAND'S GARDEN VALLEY – #15015
Fletcher Avenue & North 14th Street

Dear David,

On behalf of HH Development, we are submitting an application for an amendment to Hartland's Garden Valley CUP/SP #15015. This proposed amendment has been a couple years in the making working with the City of Lincoln Planning Department and Lincoln Transportation & Utilities on Pennsylvania Avenue and the best way to handle the lots abutting Fletcher Avenue.

On the previously approved CUP/SP, twelve lots fronted Fletcher Avenue. Discussions on how to handle the rural cross sections and maintain safety led to revising the lots to front McLou Lane instead. While this would create some double frontage lots, having these lots access a local street (McLou Lane) will reduce access points onto Fletcher. In addition, revisions include the layout of Pennsylvania Avenue to include a small traffic circle at the intersection with N. 11th Street. Jayden Avenue has now been aligned with N. 11th Street and the proposed traffic circle for more effective vehicular flow. Other revisions include changes in the layout of Bobby Drive and McLou Lane.

This amendment reduces both the total number of blocks from 20 to 19, but also reduces the number of single-family lots. Previously, 347 single family lots were shown. With this amendment, the proposed number of single-family lots/units is 312. Based on the density, 659 units are allowed.

An updated drainage study has been submitted with the amendment based on the layout revisions of the streets/lots south of Pennsylvania. Since the CUP/SP was approved prior to *Chapter 28.03 (Water Quality)*, the drainage study only addresses revisions to detention.

A few minor changes to the general notes have been made. General Note 19 was clarified on when Pennsylvania improvements will be made. General Note 21 was deleted since lots will no longer be fronting Fletcher Avenue. There are some waivers on the CUP/SP; however, all six (6) waivers have been previously approved. We are not asking for any new waivers as part of the amendment and have listed the waivers below.

REGA

ENGINEERING
GROUP, INC.

Page 2

The following are waivers previously approved:

1. Block length of Block 1, 9 and 14. *PREVIOUSLY APPROVED*
2. Average Lot Width from 50 Feet to 40 Feet. *PREVIOUSLY APPROVED*
3. Lot Area from 6,000 S.F. to 4,500 S.F. *PREVIOUSLY APPROVED*
4. Double Frontage Lots on Blocks 1, 9, 16 & 18. *PREVIOUSLY APPROVED*
5. Pedestrian Easements in Block 1, 2, 9, 13, 14 & 18. *PREVIOUSLY APPROVED*
6. Sanitary Sewer running Opposite the Street Grade in Garden Valley Road and North 10th Street. *PREVIOUSLY APPROVED*

A letter will be sent out to the surrounding neighbors communicating an amendment is in process prior to the Planning Commission meeting. Please notify me if there are any questions or comments.

Sincerely,



Marcia L. Kinning

Cc: Andy Hartman, Hartland Homes, Inc.

Enclosed: Application Form
Application Fee of \$988.00
Legal Description

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

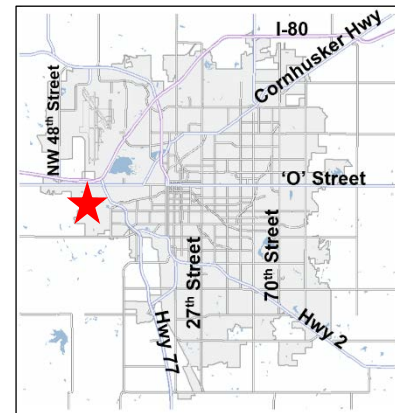
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #18023A	FINAL ACTION? No	DEVELOPER/OWNER Mourning Hope Grief Center
PLANNING COMMISSION HEARING DATE July 8, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION S. Folsom Street and W. B Street

RECOMMENDATION: APPROVAL WITH CONDITIONS

BRIEF SUMMARY OF REQUEST

This is a request to reduce a portion of the front yard setback for the Mourning Hope Grief Center for placement of a freestanding sign. The proposed setback reduction is from 25 feet to 15 feet. Mourning Hope is a non-residential healthcare facility. The sign would not otherwise be allowed in the front yard as signs for special permitted uses in residential districts are not allowed in any yard.



JUSTIFICATION FOR RECOMMENDATION

The special permit for non-residential healthcare facilities allows the City Council to adjust the setback requirements with consideration given to both facilities and adjacent environment. The setback would only be reduced for the sign, not for other structures, and will make the sign more visible from the street.

APPLICATION CONTACT

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

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan supports balancing the advancement of economic development with predictability for neighborhoods. The proposal meets the intent of the Comprehensive Plan.

WAIVERS

1. Reduce a portion of the front yard setback from 25 feet to 15 feet for a freestanding sign. (New - Recommend Approval)
2. Allow parking within the front yard setback as shown. (Previously Approved)
3. Waive the side yard setback from 5 feet to 0 feet to the north. (Previously Approved)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 5.2

- Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.
- Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.
- Provide flexibility to the marketplace in siting future commercial and industrial locations.
- Strive for predictability for neighborhoods and developers.

P. 7.1 - The community continues its commitment to strong, diverse neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies.

ANALYSIS

1. This is a request to reduce the front yard setback from 25 feet to 15 feet for the Mourning Hope Grief Center to allow placement of a freestanding sign. The front yard would only be reduced for the sign and not for any other buildings or structures.
2. Mourning Hope is a non-residential health care facility that includes an office environment, outpatient services and little to no permanent residential component.
3. The site is located east of Schroeder/Willard Park and south of Willard Community Center. The special permit for Mourning Hope was approved in conjunction with Special Permit #13055C for Willard Community Center, Change of Zone #18016, Comprehensive Plan Conformance #18012 for Declaration of Surplus Property, and Street and Alley Vacation #18003 for vacation of West B Street. The applications allowed co-location of the two community service entities to take advantage of shared parking facilities and create an improved layout for the park.
4. The current front yard setback is 25 feet in accordance with the standard for the R-2 zoning district. The applicant desires to install a freestanding sign along S. Folsom Street. Section 27.69.160 states that signs for special permitted uses in residential districts shall not be located in any required yard. The building and its projections were constructed very close to the 25-foot setback line, leaving little space for the sign and creating the potential for visual obstructions to it. This minor change will allow the sign to be more visible.
5. For comparison, most commercial zoning districts allow signs in the front yard with a reduced sign height and area. The sign regulations for special permitted uses such as this one require signs to be much smaller than the standards for commercial districts.
6. The front yard reduction for the sign will allow the sign to be more visible when there would not otherwise be sufficient space between the building and setback line.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Non-residential healthcare facility; R-2

SURROUNDING LAND USE & ZONING

North: Willard Community Center; R-2

South: Single family residential dwelling; R-2

East: Single family residential dwellings; R-2

West: Schroeder/Willard Park; P

APPROXIMATE LAND AREA: 0.72 acres

LEGAL DESCRIPTION: See attached.

Prepared by

Rachel Jones, Planner

Date: June 29, 2020

Owner: Mourning Hope Grief Center
4919 Baldwin Avenue
Lincoln, NE 68504
(402) 488-8989

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

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APPLICATION HISTORY - SPECIAL PERMIT #18023A

- June 2018 Special Permit #18023 was approved by the Planning Commission for a non-resident with waivers to allow parking in the front yard setback and reduce the side yard setback to zero on the north side.
- Aug. 2018 Comprehensive Plan Conformance #18012 was approved by the City Council declaring City owned property surplus part of Schroeder Park, located at S. Folsom and W. B Streets.
- Street Vacation #18003 was approved by the City Council vacating a portion of W. B Street right-of-way between S. 8th and S. Folsom Streets.
- Oct. 2018 Schroder Park Addition was approved by the Planning Director which re-platted property associated with the approvals for Mourning Hope, Willard Community Center, and the park.

CONDITIONS OF APPROVAL - SPECIAL PERMIT #18023A

Per Section 27.63.080 this approval permits an amendment to the Special Permit for a Non-Residential Healthcare Facility to reduce a portion of the front yard from 25 feet to 15 feet as shown for a freestanding sign.

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 Label the area of reduced setback for the sign.
2. Before receiving building permits provide the following documents to the Planning Department:
 - 2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

Standard Conditions:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the buildings or starting the operation all development and construction shall substantially comply with the approved plans.
 - 3.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
 - 3.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
 - 3.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
 - 3.6 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.



2018 aerial

Special Permit #: SP18023A
S Folsom St & W B St

Zoning:

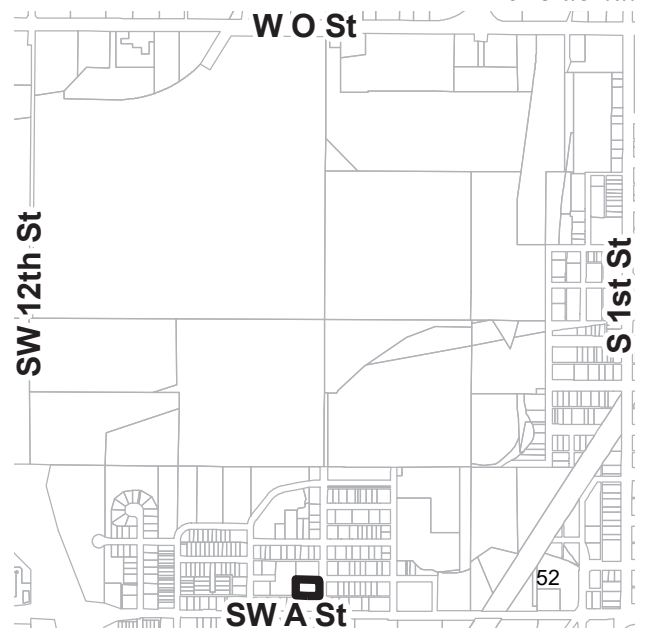
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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.27 T10N R06E

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



MOURNING HOPE GRIEF CENTER
SPECIAL PERMIT #18023A

DESCRIPTION

Lot 1, Schroder Park Addition and a portion of adjacent right-of-way of South Folsom Street, all located in the Southwest Quarter of Section 27, Township 10 North, Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska, more particularly described as follows.

Commencing at the Southeast Corner of the Southwest Quarter of said Section 27; Thence on the east line of the Southwest Quarter of said Section 27, N00°17'00"E, a distance of 174.07 feet; Thence N89°29'59"W, a distance of 33.00 feet to the POINT OF BEGINNING;
Thence continuing in a westerly direction on the south line of said Lot 1, N89°29'59"W, a distance of 215.91 feet;
Thence in a northerly direction, N00°17'00"E, a distance of 145.04 feet;
Thence in an easterly direction, S89°30'30"E, a distance of 208.91 feet;
Thence in a southerly direction, S00°17'00"W, a distance of 20.00 feet;
Thence in an easterly direction, S89°30'30"E, a distance of 7.00 feet;
Thence in a southerly direction S00°17'00"W, a distance of 125.07 feet to the POINT OF BEGINNING and containing a calculated area of 31,178.58 square feet or 0.72 acres.

NO.	REVISIONS		
	DESCRIPTION	DATE	BY

PROJECT
181047

REGA
ENGINEERING GROUP, INC.

601 OLD CHENEY RD., SUITE A
LINCOLN, NEBRASKA 68512
(402).484.7342

- ENGINEERING
- PLANNING
- LAND SURVEYING

OWNER/DEVELOPER:
WILLARD COMMUNITY CENTER
1245 SOUTH FOLSOM STREET
LINCOLN, NE 68522 (402)475-0805

OWNER:
CITY OF LINCOLN
PARKS AND RECREATION
3131 'O' STREET, SUITE 300
LINCOLN, NE 68510 (402)441-8263

DEVELOPER:
MOURNING HOPE GRIEF CENTER
4919 BALDWIN AVENUE
LINCOLN, NE 68504 (402)488-8989

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

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

**WILLARD COMMUNITY CENTER
SPECIAL PERMIT #13055C
LEGAL DESCRIPTION:**

East 66 feet of Lot C, Lots 43 through 48, Block 6, Lowe A. Rickett's Consolidation of Lots in Block 6, 7, and 8 of Highland Park and the adjacent Right-of-Way of West B Street except for the east 7 feet of said Lot 48, all located in the Southwest Quarter of Section 27, Township 10 North, Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the Southeast Corner of the Southwest Quarter of said Section 27; Thence on the east line of the Southwest Quarter of said Section 27, N00°17'00"W, a distance of 484.20 feet; Thence N89°29'00"W, a distance of 33.00 feet to northeast corner of said Lot 48 and the POINT OF BEGINNING;
Thence in a southerly direction on the east line of said Lot 48, also the west line of West Folsom Street right-of-way, S00°17'00"W, a distance of 125.07 feet to the southeast corner of said Lot 48;
Thence in a westerly direction on the south line of said Lot 48, N89°30'30"W, a distance of 7.00 feet;
Thence in a southerly direction, S00°17'00"W, a distance of 40.00 feet;
Thence in a westerly direction, N89°30'30"W, a distance of 208.91 feet;
Thence in a northerly direction, N00°17'00"E, a distance of 165.16 feet to a point on the north line of said Lot C;
Thence in an easterly direction on the north line of said Lot C, and Lots 43 through 48, S89°29'00"E, a distance of 215.91 feet to the northeast corner of said Lot 48, also the POINT OF BEGINNING and containing a calculated area of 35,370.57 square feet or 0.81 acres.

**WILLARD COMMUNITY CENTER SPECIAL PERMIT #13055C
& MOURNING HOPE GRIEF CENTER SPECIAL PERMIT #18023A
GENERAL NOTES:**

- THE WILLARD COMMUNITY CENTER SPECIAL PERMIT IS AN EXPANSION OF A NONCONFORMING/NONSTANDARD USE AND CONTAINS A SOCIAL HALL OF 2,340 SQUARE FEET AND AN EARLY CHILDHOOD CARE FACILITY FOR 150 CHILDREN.
- THE MOURNING HOPE GRIEF CENTER SPECIAL PERMIT FOR A NON-RESIDENTIAL HEALTHCARE FACILITY.
- ZONING IS R-2.
- THE OWNER/DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE SETBACKS AS PER R-2 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. DIRECTIONAL SIGNS ARE ALLOWED TO BE UP TO TWO SQUARE FEET IN THE FRONT YARD AND SIX SQUARE FEET IF NOT LOCATED IN THE FRONT YARD. BUSINESS NAMES AND LOGOS ARE PERMITTED ON DIRECTIONAL SIGNS.
- DIRECT VEHICULAR ACCESS TO SOUTH FOLSOM STREET SHALL BE RELINQUISHED ACCEPT AT THE EXISTING DRIVE LOCATED WITHIN THE VACATED WEST B STREET LOCATION.
- THE OWNER OF LOT 1 IS RESPONSIBLE FOR THE INITIAL PAVING OF THE ALLEY ON THE NORTH SIDE OF LOT 1 AS SHOWN.
- A PUBLIC ACCESS EASEMENT SHALL BE GRANTED AS SHOWN FOR VEHICULAR AND PEDESTRIAN PURPOSES.
- JOINT SITE PLAN SHOWN. FOR EACH SPECIAL PERMIT ONLY THE SITE PLAN DETAILS WITHIN THEIR LOT AND ADJACENT RIGHT-OF-WAY APPLY.

**WILLARD COMMUNITY CENTER
SPECIAL PERMIT #13055C
WAIVERS:**

- INCREASE THE MAXIMUM BUILDING HEIGHT FROM 35 FEET TO 38 FEET. (PREVIOUSLY APPROVED WITH SP#13055A)
- ALLOW PARKING WITHIN THE SIDE YARD SETBACK (PREVIOUSLY APPROVED WITH SP#13055)
- ALLOW PARKING WITHIN THE FRONT YARD SETBACK AS SHOWN. (ZONING REGULATIONS, CHAPTER 27.67.030(a)(2))
- WAIVE THE SIDE YARD SETBACK FROM 5 FEET TO 0 FEET TO THE SOUTH.

**MOURNING HOPE GRIEF CENTER
SPECIAL PERMIT #18023A
WAIVERS:**

- ALLOW PARKING WITHIN THE FRONT YARD SETBACK AS SHOWN. (ZONING REGULATIONS, CHAPTER 27.67.030(a)(2))
- WAIVE THE SIDE YARD SETBACK FROM 5 FEET TO 0 FEET TO THE NORTH.
- A PORTION OF FRONT YARD SETBACK FROM 25 FEET TO 15 FEET FOR FREESTANDING SIGN. (ZONING REGULATIONS, CHAPTER 27.72.020(a))

PARKING REQUIREMENTS:

JOINT PARKING BETWEEN LOTS 1 AND 2 IS PERMITTED. PARKING FOR EACH USE IS BASED ON THE LARGEST REQUIREMENT BETWEEN TWO METHODOLOGIES LISTED BELOW. USES SHOWN IN THE PARKING CALCULATION WERE SELECTED AS AN APPROXIMATION OF GENERATED NEED. USES ON LOTS 1 AND 2 HAVE A VARIETY OF PROGRAMS, SO THESE CALCULATIONS WERE USED AS A METHOD TO DETERMINE THE REQUIRED PARKING ONLY. REVISIONS TO THE PARKING CALCULATIONS FOR FUTURE ADDITIONS OR SIGNIFICANT CHANGES IN PROGRAMMING MAY BE APPROVED BY THE PLANNING DIRECTOR.

WILLARD COMMUNITY CENTER**

TOTAL STALLS SHOWN = 26
TOTAL STALLS REQUIRED = 25

EARLY CHILDHOOD CARE FACILITY
1/10 FOR STUDENTS = 15 STALLS
1/1 FOR STAFF = 10 STALLS
STALLS REQUIRED = 25

SOCIAL HALL
1/100 S.F. = 24 STALLS*
*2,340 S.F. DEDICATED TO SOCIAL HALL USE
STALLS REQUIRED = 24

MOURNING HOPE GRIEF CENTER**

TOTAL STALLS SHOWN = 26
TOTAL STALLS REQUIRED = 26

OFFICE SPACE = 5,300 S.F.
1/300 S.F. = 18 STALLS
STALLS REQUIRED = 18

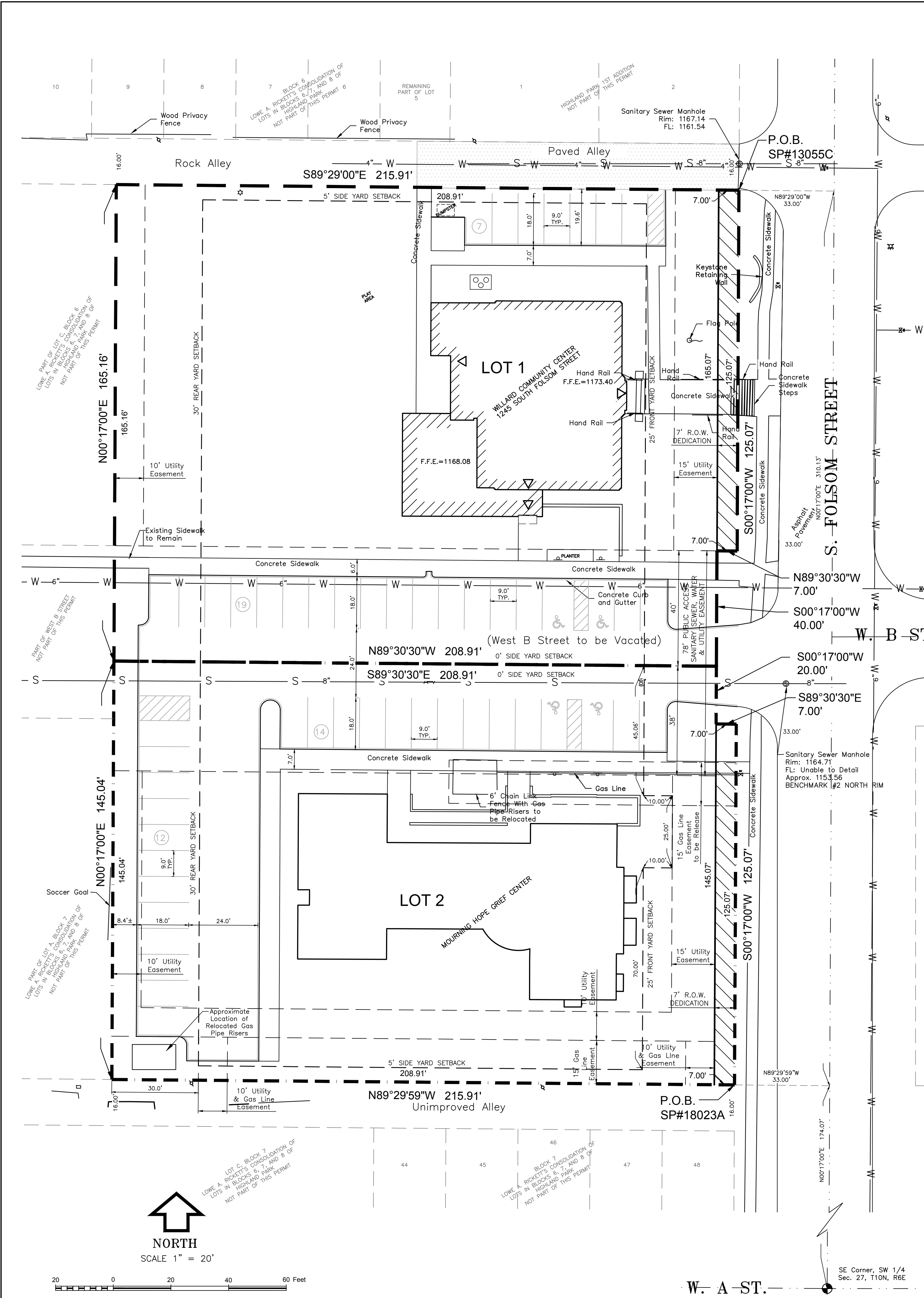
GRIEF SUPPORT PROGRAM = 7,700 S.F.
1/300 S.F. = 26 STALLS
STALLS REQUIRED = 26

**JOINT/NON-CONCURRENT PARKING IS PERMITTED

**MOURNING HOPE GRIEF CENTER
SPECIAL PERMIT #18023A
LEGAL DESCRIPTION:**

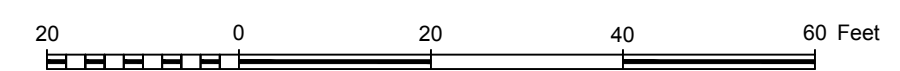
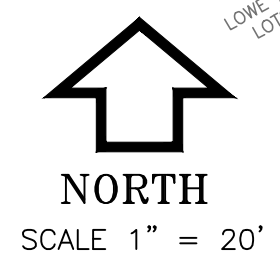
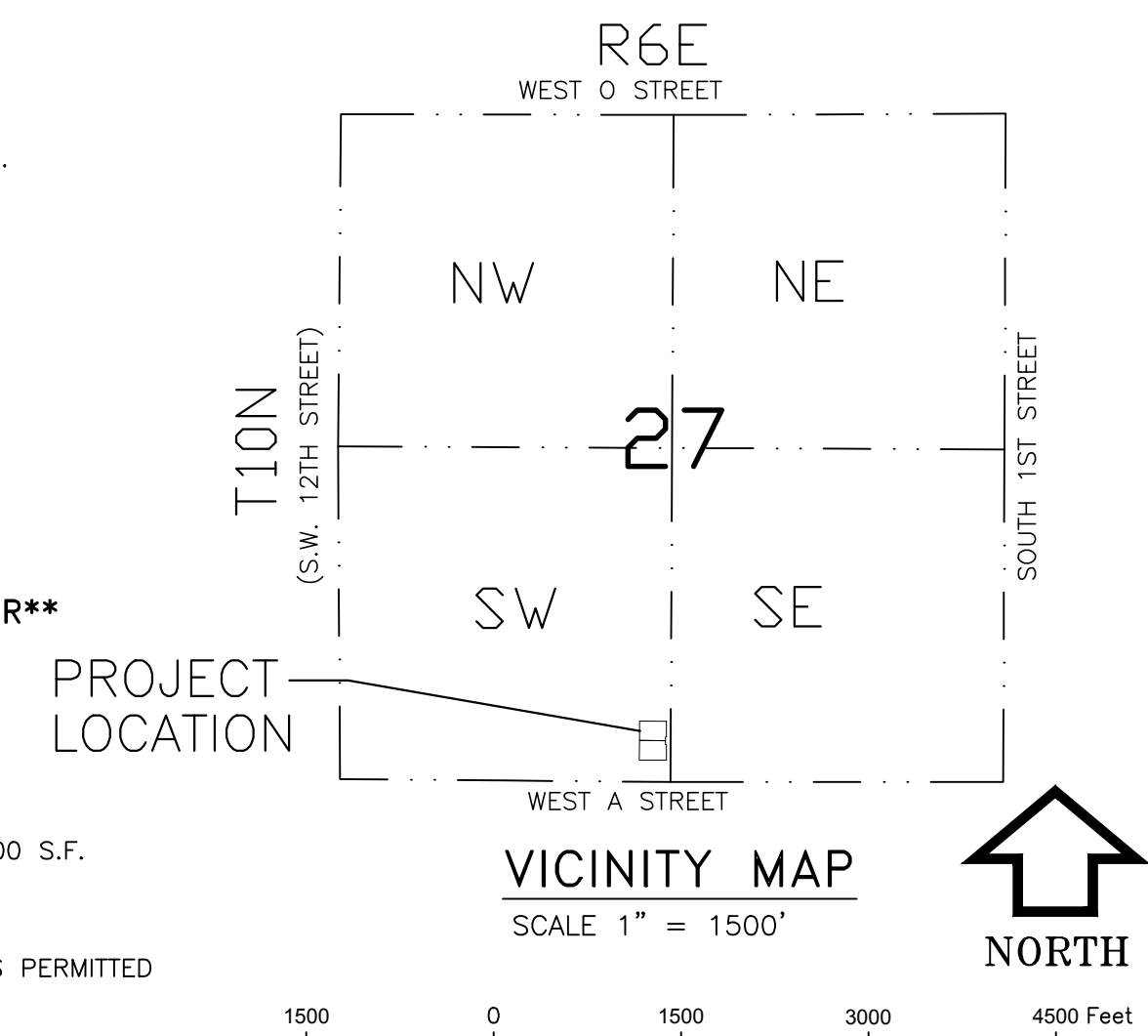
Lot 1, Schroder Park Addition and a portion of adjacent right-of-way of South Folsom Street, all located in the Southwest Quarter of Section 27, Township 10 North, Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the Southeast Corner of the Southwest Quarter of said Section 27; Thence on the east line of the Southwest Quarter of said Section 27, N00°17'00"E, a distance of 174.07 feet; Thence N89°29'59"W, a distance of 33.00 feet to the POINT OF BEGINNING;
Thence continuing in a westerly direction on the south line of said Lot 1, N89°29'59"W, a distance of 215.91 feet;
Thence in a northerly direction, N00°17'00"E, a distance of 145.04 feet;
Thence in an easterly direction, S89°30'30"E, a distance of 208.91 feet;
Thence in a southerly direction, S00°17'00"W, a distance of 20.00 feet;
Thence in an easterly direction, S89°30'30"E, a distance of 7.00 feet;
Thence in a southerly direction S00°17'00"W, a distance of 125.07 feet to the POINT OF BEGINNING and containing a calculated area of 31,178.58 square feet or 0.72 acres.



LEGEND

- SECTION CORNER
- SET CAPPED 3/4" REBAR
- FOUND SURVEY POINT
- SANITARY MANHOLE
- SANITARY SEWER PIPE
- STORM DRAIN MANHOLE
- FLARED END SECTION
- STORM DRAIN SEWER PIPE
- OVERHEAD ELECTRIC
- ELECTRIC MANHOLE
- ELECTRIC PEDESTAL
- UNDERGROUND ELECTRIC
- POWER POLE
- GLY WIRE
- LIGHT POLE
- STREET LAMP
- TELEPHONE PEDESTAL
- WATER MANHOLE
- WATER
- WATER VALVE
- FIRE HYDRANT
- POST INDICATOR VALVE
- FLAG POLE
- MAILBOX
- F.F.E. = FINISHED FLOOR ELEVATION
- FENCE (CHAIN LINK OR WIRE)
- BOUNDARY OF SP#13055C
- FENCE (CHAIN LINK OR WIRE)



WILLARD COMMUNITY CENTER - SPECIAL PERMIT #13055C
MOURNING HOPE GRIEF CENTER - SPECIAL PERMIT #18023A
SITE PLAN
WEST B STREET AND WEST FOLSOM STREET

DATE: 06/10/2020
DESIGNED BY:
DRAWN BY: MLK
CHECKED BY: DR/NPB

SHEET NO.
1 of 1

REGA

ENGINEERING
GROUP, INC.

File No. 181047
June 10, 2020

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

RE: MOURNING HOPE GRIEF CENTER
SPECIAL PERMIT #18023A
West B and S. Folsom Streets

Dear David,

On behalf of the Mourning Hope Grief Center, we are submitting an amendment to Special Permit #18023 which has been approved as a Healthcare Facility – Non-Residential Special Permit. Mourning Hope provides peer-based grief support groups to individuals, families and groups.

The amendment is requesting for the front yard setback along South Folsom Street be reduced from 25 feet to 15 feet in a portion that is 25 feet wide. This area is for a freestanding sign to identify Mourning Hope and allow visibility.

We are keeping waivers that have previously been approved and requesting the following additional waiver at this time:

1. *Allow parking within the front yard setback. (Zoning Regulations, Chapter 27.67.030(a)(2))*
Previously approved.
2. *Waive the side yard setback from 5 feet to 0 feet to the north.*
Previously approved.
3. *A portion of front yard setback from 25 feet to 15 feet for freestanding sign.*
(Zoning Regulations, Chapter 27.72.020(a))
With Chapter 27.69.160 for special permitted uses, one freestanding sign is allowed per special use if it meets conditions. One of those conditions is for it not to be located within any required yard. With the location of the building and easements there is no area for a sign to be located. This location will allow the sign to be visible.

Sincerely,



Marcia L. Kinning

Cc: Carly Woythaler-Runestad

Enclosed: Application Form
Application Fee \$988.00



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Text Amendment 20004	FINAL ACTION? No
PLANNING COMMISSION HEARING DATE July 8, 2020	RELATED APPLICATIONS None

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This proposed text amendment was submitted by Superior Lighting for System Capital Real Property to amend the City of Lincoln Zoning Regulations by amending Chapter 27.69 Sign Regulations by allowing up to two menu board signs for each drive thru lane associated with a drive through restaurant instead of the current allowance of two such signs per the premises.

JUSTIFICATION FOR RECOMMENDATION

The proposed text amendment is justified in that it will allow flexibility for fast food establishments to have both preview and main menu board signs for each drive thru lane where there are multiple drive thru lanes. The amendment only pertains to commercial districts where such facilities are already allowed. The proposal provides a slight increase for total sign area and serves the restaurants while not dramatically increasing the size of the signs.

APPLICATION CONTACT

Lisa Scovill, (402) 345-0800 (ext. 112)
or lscovill@superiorlight.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed text is in conformance with the Comprehensive Plan by allowing flexibility for commercial uses while still providing provisions for reasonable signage limitations.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

p.5.2 Provide flexibility to the marketplace in siting future commercial and industrial locations.

ANALYSIS

1. This proposed text amendment to Zoning Regulations 27.69.240 is to allow up to two menu board signs for each drive through lane. This text amendment is proposed on behalf of Mc Donald’s at the northeast corner of S. 27th Street and Pine Lake Road related to proposed menu signs and is to allow two menu board signs per each drive thru lane. Two drive thru lanes are proposed each with a pre-sell (preview) menu board and main menu board. The main menu board will be 5’ 11 5/8” by 4’ 10”. The preview board will be 5’ 11 1/2” by 2’ 5 1/4” The zoning for the property is B-5.
2. The current zoning ordinance provisions for menu signs are as follows:
27.69.240 Menu Boards
In any commercial district, in addition to any permitted freestanding sign, two on-premises freestanding menu

board signs each not to exceed forty-five square feet in sign area or one on-premises freestanding menu board sign not to exceed fifty square feet in sign area are permitted in conjunction with an eating establishment utilizing ordering from the vehicle; provided, any such menu board sign shall not exceed eight feet in height and shall not be permitted in the required front or side yard of the district in which it is located.

3. The proposed text amendment will allow two menu board signs per drive thru lane with each menu board not to exceed forty-five square feet in area. Provided, that when there are two menu boards in a drive thru lane, the second board shall not exceed 15 square feet in sign area. As an alternative, the second menu board may be up to 30 square feet provided the total area of both boards in the drive thru lane shall not exceed 60 square feet.
4. It is important to note that the definition of a sign per 27.69.020: **Sign** shall mean any structure, fixture, graphics, illustration, statue, or other device visible from off the premises designed or intended to advertise, to identify, to attract attention to, or to convey information regarding any goods, product, service, business, location, institution, activity, person, solicitation, issue, or campaign, with the exception of merchandise window displays, national, state or other Nebraska governmental subdivision flags, and sculpture. For purposes of removal, sign shall also include any sign structure. So if today an eating establishment has two menu board signs that are not visible from the street then no sign permit is required as they are not considered signs under the ordinance.

Where you only see the back or are unable to see the menu board at all from off the property, then the regulations don't apply as it is not considered a sign by definition. However, if the menu board text and graphics can be seen from off the premises, then the rules apply. Even if the menu board can't be read, if it is visible it is a sign.

5. As part of the research effort for this text amendment, Bob Norris assisted Planning with survey information and advice. Mr. Norris has over 30 years' experience in the sign industry. The survey analysis revealed that two signs of 45 square feet each are not necessary and is not the industry standard. In addition, it was determined that a definition for menu board sign would be helpful and so this was added to the proposed text. See survey information and menu board sign examples, which includes photos provided by Mr. Norris (attached). These photos show current drive thru menu board signs at various locations including new signage at a Burger King.
6. The proposed text amendment is consistent with the Comprehensive Plan as it allows flexibility for commercial uses in commercial districts, specifically fast food restaurants which over time have evolved from a single drive thru lane with a signal menu sign to two drive through lanes with two drive through signs per lane for some establishments. As restaurants become more efficient, this supports more drive-thru traffic and less sit down usage.
7. The proposal to allow two menu signs per drive through lane will not have significant negative effects because the locations impacted are in existing commercial districts where such facilities are already allowed and can have such signage now, though limited to two menu signs maximum per site. Moreover, the signs are not intended as advertising outside the property, as they are located internal to the site and are designed to assist customers that already have entered the property.
8. In this case, the applicant is proposing one pre-sell (preview) menu sign and one main menu sign for each drive thru lane. Otherwise, only one drive thru lane could have the two signs or as has happened existing facilities with two drive through lanes just use one sign per lane. The Planning Department has been contacted by other restaurants wanting the same over the past year or more.
9. The proposed text of the ordinance amendment is justified in that while historically fast food establishments had only one drive thru lane, now it is more common to see two ordering lanes and one pick up lane. Thus McDonalds, and many other restaurants would like a menu and ordering board for each drive thru lane. The text amendment will thus allow additional flexibility without negative impacts to neighbors.

Prepared by

George Wesselhoft, Planner

Date: June 25, 2020

F:\DevReview\TX\20000\TX20004 menu signs.gjw.docx

Applicant/
Contact:

Lisa Scovill
Superior Lighting
2121 S. 24th Street
Omaha, NE 68108
(402) 345-0800 (ext. 112)
lscovill@superiorlight.com

Dear Planning Commission and City Council:

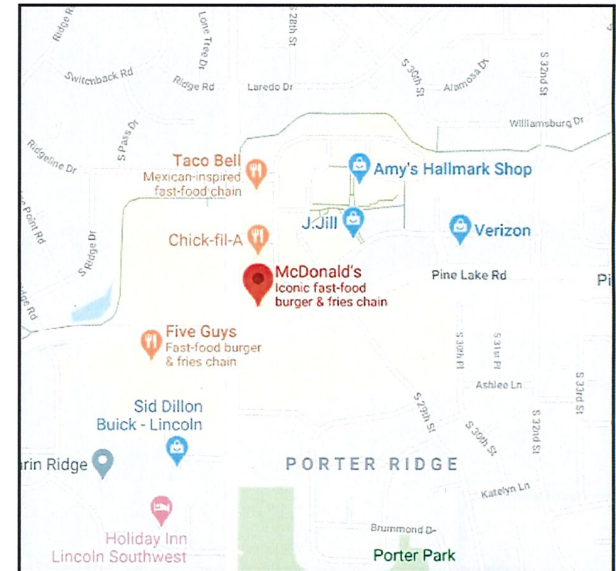
We are writing to you to ask that Code LMC Section 27.69.240 be changed\revised to allow up to 2 presell/menu boards per lane. Per current code, there are only 2 menu boards allowed for the entire drive thru, and in the future more companies will be asking for this same revision, as most fast food restaurants are expanding to 2 drive thru lanes in order to keep the drive thru moving efficiently. We feel that increasing the allowed number of presell/menu boards per lane would increase customer service standards for the drive thru at businesses, as utilization of a presell board in addition to the menu board in each lane allows customers to get an idea of what specials are available while they're waiting to get up to the order point. We feel this is an advantage to not only the owner in their operations, but to also benefit the customer in more timely and effective ordering. We feel this change will benefit everyone in the future.




McDonald's

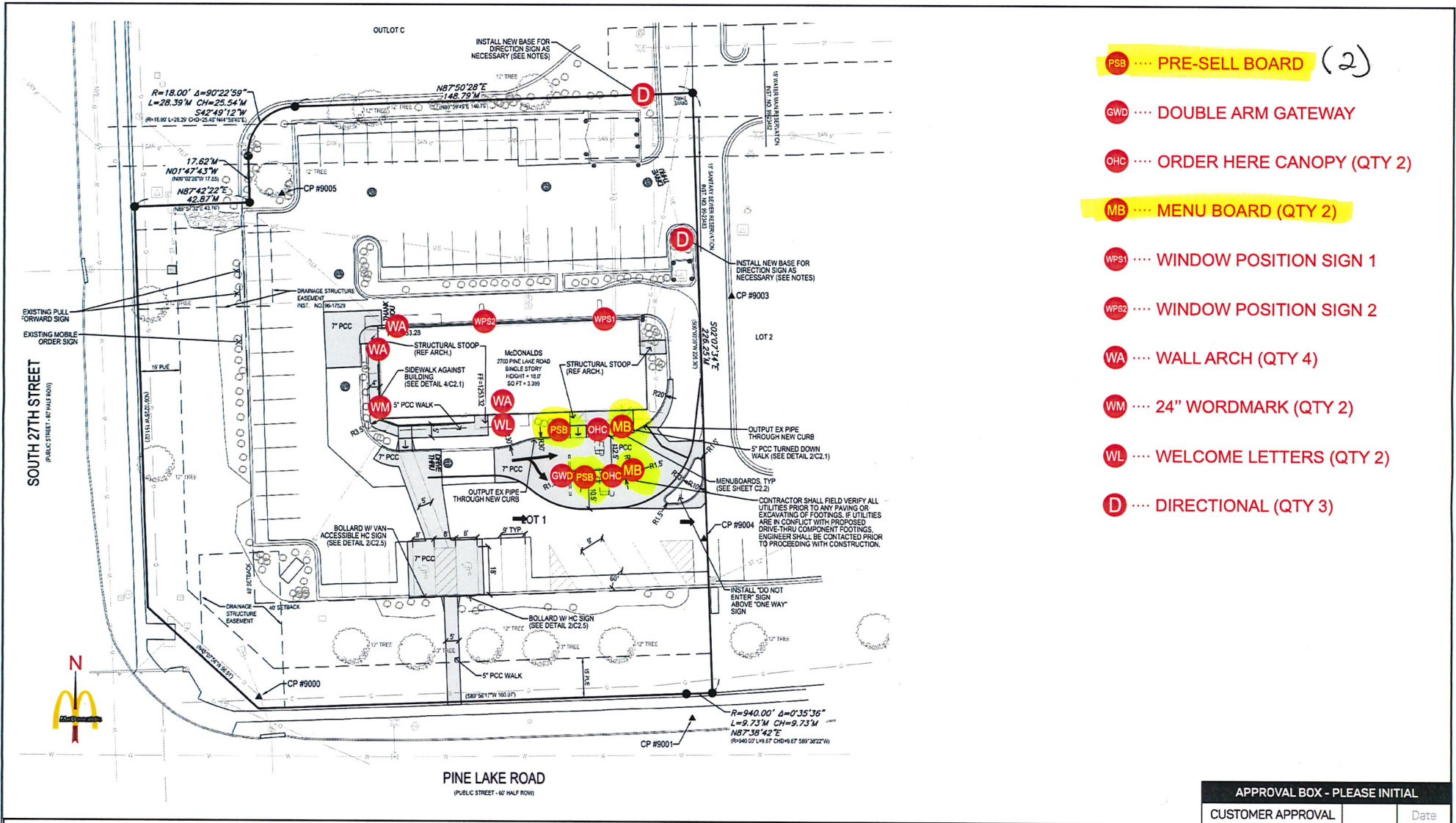
270 PINE LAKE ROAD - LINCOLN, NE 68516

SIGN PROGRAM BOOK



VICINITY MAP
NTS

Customer: MCDONALD'S	Date: 2/19/20	Prepared By: TB	Eng: -	<small>Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.</small>	 <p>persona SIGNS LIGHTING IMAGE</p>	<p>DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Watertown, SD 57201-0210 1.800.843.9888 • www.personasigns.com</p>
Location: LINCOLN, NE	File Name: 241121 - R1 - 270 PINE LAKE ROAD - LINCOLN, NE					



- PSB** ... PRE-SELL BOARD (2)
- GWD** ... DOUBLE ARM GATEWAY
- OHC** ... ORDER HERE CANOPY (QTY 2)
- MB** ... MENU BOARD (QTY 2)
- WPS1** ... WINDOW POSITION SIGN 1
- WPS2** ... WINDOW POSITION SIGN 2
- WA** ... WALL ARCH (QTY 4)
- WM** ... 24" WORDMARK (QTY 2)
- WL** ... WELCOME LETTERS (QTY 2)
- D** ... DIRECTIONAL (QTY 3)

APPROVAL BOX - PLEASE INITIAL	
CUSTOMER APPROVAL	Date

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer: MCDONALD'S	Date: 2/19/20	Prepared By: TB	Eng: -	<i>Note:</i> Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.
Location: LINCOLN, NE	File Name: 241121 - R1 - 270 PINE LAKE ROAD - LINCOLN, NE			



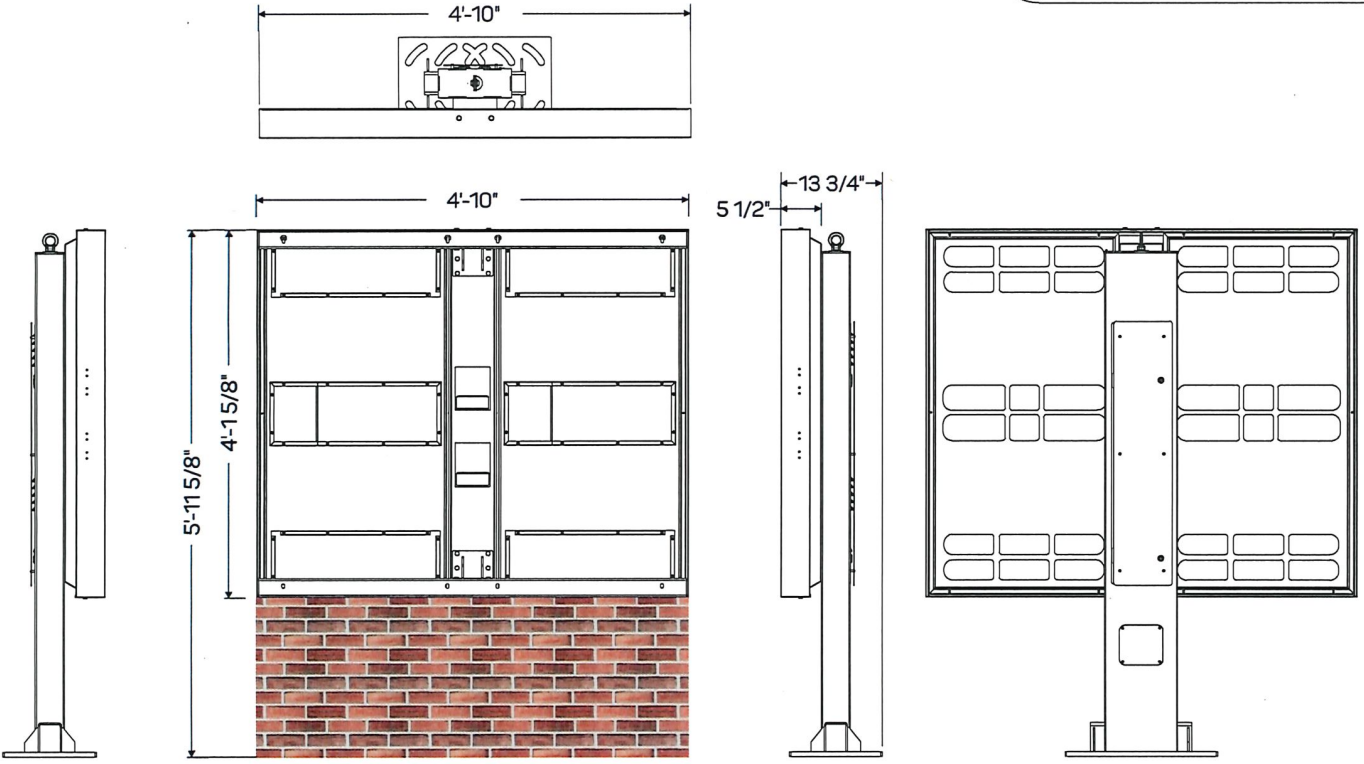
DISTRIBUTED BY SIGN UP COMPANY
 700 21st Street Southwest
 PO Box 210
 Watertown, SD 57201-0210
 1.800.843.9888 · www.personasigns.com

MB

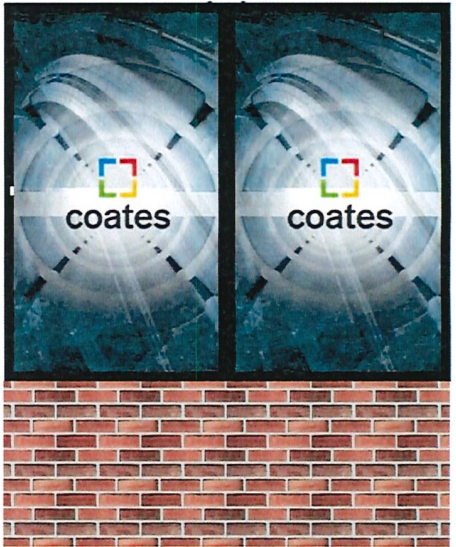
Frame	Hot dip galvanized + anti-graffiti powder coated steel
Brackets	Hot dip galvanized
Panels	Aluminium + anti-graffiti powdercoat
Access fasteners	Security Torx
Media player access	Dual camlock
Eyebolt	Stainless crane on
Baseplate	McDonalds spec triple mounting pattern option

ODMB 02 DOUBLE


Displays	2 x Samsung OH55F
Hardware	2 x Stratacache Spectra NG
Heating/Cooling	Watlow 100W Heater Sunon 120mm AC Fan
Power Supply Units	2 x 60W DC Media Player Power Supply
Power Cables	2 x IEC Power Cables
Electrical Components	Isolated Ground 2 x IG Receptacles 20A Circuit Breaker
Communication Cables	4 x HDMI 2 x RS232
Certification	UL Certified



SCALE: 1/2" = 1'-0"

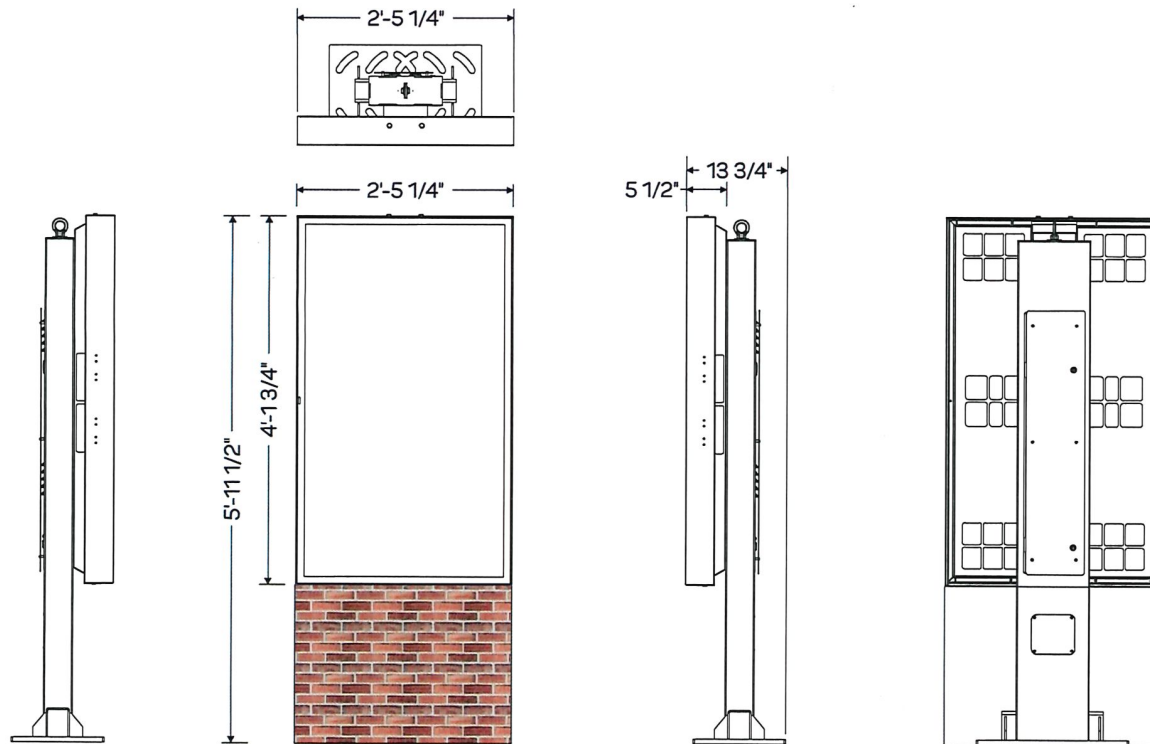


GRAPHIC DETAIL
NOT TO SCALE

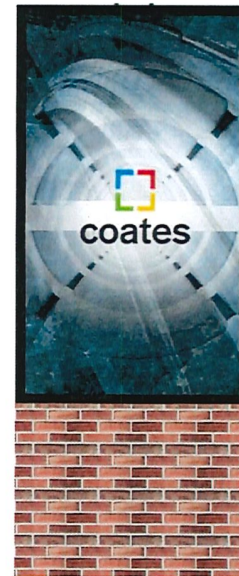
Customer: MCDONALD'S	Date: 03/12/20	Prepared By: TB/JS	<p>Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.</p>	 <p>SIGNS LIGHTING IMAGE</p>	<p>DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Watertown, SD 57201-0210 1.800.843.9888 - www.personasigns.com</p>
Location: LINCOLN, NE	File Name: 241121 - R1 - 270 PINE LAKE ROAD - LINCOLN, NE	Eng: -			

Frame	Hot dip galvanized + anti-graffiti powder coated steel
Brackets	Hot dip galvanized
Panels	Aluminium + anti-graffiti powdercoat
Access fasteners	Security Torx
Media player access	Dual camlock
Eyebolt	Stainless crane on
Baseplate	McDonalds spec triple mounting pattern option


ODMB 02 SINGLE	
Displays	Samsung OH55F
Hardware	Stratacache Spectra NG
Heating/Cooling	Watlow 100W Heater Sunon 120mm AC Fan
Power Supply Units	60W DC Media Player Power Supply
Power Cables	1 x IEC Power Cable
Electrical Components	Isolated Ground 2 x IG Receptacles 20A Circuit Breaker
Communication Cables	2 x HDMI 1 x RS232
Certification	UL Certified

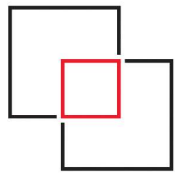


SCALE: 1/2" = 1'-0"



GRAPHIC DETAIL
NOT TO SCALE

Customer: MCDONALD'S	Date: 03/12/20	Prepared By: TB/JS	<p><small>Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.</small></p>	 <p>personna SIGNS LIGHTING IMAGE</p>	<p>DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Watertown, SD 57201-0210 1.800.843.9888 • www.personnainsigns.com</p>
Location: LINCOLN, NE	File Name: 241121 - R1 - 270 PINE LAKE ROAD - LINCOLN, NE	Eng: -			



Bob Norris
Signage Consulting LLC

5/26/2020

Menu Sign/Board Discussion

Steve-

It may be worthwhile to add a definition of Menu Boards or Menu Signs to the sign ordinance, some suggested points to include would be...

The sign is oriented to be viewed by individuals (vehicles) in the drive through lanes of establishments vending food and beverages. The menu sign display will be limited to information about products ordered and sold utilizing the drive through facility.

This is not meant to be the ordinance language, but just indicate what could be included in the definition. It would eliminate the opportunity to create an additional freestanding sign advertising to the passing traffic. This also would allow menu signs to be mounted on walls, and not strictly freestanding signs. This isn't a big deal, as these would be regulated as wall signs, but it just clarifies things.

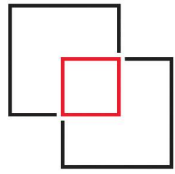
Then, in 27.69.240 you could provide number and size details.

I surveyed a few drive through locations; photos are in the folder attached to my email. Based on what I observed, I am wondering if it may not be better to address total square footage and number of signs allowed per drive through lane.

In my little survey I did not find any restaurants that had more than 70 square feet total per lane, (DQ got up to 68.85 sq.ft. total) most in the 50 square foot range. Many times a small panel was added boosting the square footage over 50. Going forward I believe you could allow a maximum of two signs per lane not to exceed 70 square feet total, and no one sign could exceed 50 square feet. The current 8 ft. height restriction and set back specification are fair. This would offer flexibility, to a point, for the size of each sign if more than one was used. I would hope that the definition would be clear enough to require that these signs could only orient the message to vehicles in the drive through lane. Obviously this limits only the signage per lane, and does not reference the number of lanes.

The numbers are a little arbitrary, but will give you food for thought...probably deserves a little discussion. Let me know if you want to talk through this.

Bob



Bob Norris
Signage Consulting LLC

Menu Board Survey Details-

Two drive through lanes with additional pre-sale sign

McDonalds- Photo image 1641 & 1684

Pre-sale sign- 10.07 sq.ft.

Menu Board- 20.8 sq.ft.

Total per lane- 30.87 sq. ft.

Burger King-Photo image 1678 & 1677 (This location 17th& South currently being remodeled to include two drive through lanes).

Pre-sale sign- 17.32 sq.ft.

Menu Board- 35.23 sq.ft.

Total per lane- 52.55 sq.ft.

Two drive through lanes with no pre-sale sign

Chick-fil-A-Photo image 1634

Menu Board- Total per lane 22.22 sq.ft.

One drive through lane with additional pre-sale sign

Arbys- Photo image 1671 & 1672

Pre-sale sign- 18.67 sq.ft.

Menu Board- 38.7 sq.ft.

Total per lane- 57.37 sq.ft.

Most of the pre-sale board is the same as the menu board

Panera-Photo image 1664 & 1663

Pre-sale Board- 15.29 sq.ft.

Menu Board- 37.38 sq.ft.

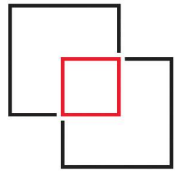
Total per lane- 52.67 sq.ft.

DQ- Photo image 1658 & 1661

Pre-sale Board-16.63 sq.ft.

Menu Board - 52.2 sq.ft.

Total per lane- 68.8 sq.ft.



Bob Norris
Signage Consulting LLC

One drive through lane with no pre-sale sign
Taco Bell- Photo Image 1638
Menu Board- Total per lane 51.75 sq.ft.
Culvers- Photo Image 1657
Menu Board- Total per lane 52 sq.ft.
Panda Express- Photo Image 1665
Menu Board- Total per lane 29 sq.ft.
Runza- Photo Image 1666
Menu Board- Total per lane 41.13 sq.ft.

Chick-fil-A

Meals Include

Hash Browns + Small Coffee
breakfast served until 10:30 a.m.

SUBSTITUTE Your Side for
 \$2.10 More Fruit Cup or
 \$2.70 More Greek Yogurt Parfait

- Chick-fil-A Biscuit**
 Original: 2.39 meal / 750 cal
 2.75 entree / 450 cal
 3.49 meal / 700 cal
 2.89 entree / 450 cal
- Chick-n-Minif**
 4.49 meal / 630 cal
 3.59 entree / 540 cal
- Egg White Grill**
 6.49 meal / 550 cal
 5.19 entree / 390 cal
- Chicken or Sausage Hash Brown Scramble**
 Hash or Bacon: 4.49 meal / 750-980 cal
 3.19 entree / 420-790 cal
- Bacon or Sausage, Egg & Cheese Biscuit**
 5.19 meal / 400-700 cal
 3.19 entree / 420-630 cal
- Sausage or Bacon, Egg & Cheese Muffin**
 4.49 meal / 500-700 cal
 3.19 entree / 300-510 cal
- Chicken, Egg & Cheese Bagel**
 4.59 meal / 740 cal
 4.09 entree / 500 cal

also serving

- Sausage Biscuit: 2.39
- Hot Buttered Biscuit: 1.99
- Chicken & Egg Biscuit + add Cheese: 3.48

look for chicken 300 or less and under
 Breaded chicken is cooked in 100% refined peanut oil.
 Waffle Potato Fries™ and Hash Browns are cooked in canola oil.

WE'RE GLAD YOU'RE HERE

Safe Service
 is our first priority

Food safety
 We're committed to keeping you safe.

Contactless
 Order and pay with the Chick-fil-A app.

Team Member care
 We care about our team members too.

Sides

- Hash Browns: 1.59 (270 cal)
- Fruit Cup : 2.09 (40 cal)
- Greek Yogurt Parfait : 2.49 (100-150 cal)

Drinks

- Cold Brew Iced Coffee**
 Original or Vanilla: 2.49 (360-420 cal)
 1.89 (190-230 cal)
- Hot Coffee**
 Regular or Decaf: 1.79 (0 cal)
 2.29 (0 cal)
- Simply Orange** : 2.99 (100 cal)
- Freshly-Brewed Iced Tea**
 Unsweetened or Sweet: 1.79 (0-150 cal)
 2.19 (0-150 cal)
- Chick-fil-A Lemonade**
 Sweet or Unsweet: 2.09 (140-150 cal)
 2.49 (90-100 cal)
- DASANI** : 1.99 (0 cal)

Soft Drinks

M	5.79	190 cal	240 cal	250 cal	0 cal	0 cal
L	2.29	330 cal	240 cal	330 cal	0 cal	0 cal
M	5.79	0 cal	190 cal	230 cal	250 cal	100 cal
L	2.29	0 cal	330 cal	330 cal	330 cal	100 cal

look for chicken 300 or less and under
 2,000 calories a day is considered a general nutrition guideline. Food calorie needs vary.
 Additional nutrition information available upon request.

FIRE RINKLER ROOM





2.00

A delicious favorite

Golden & so dippable

McDonald's logo

Clearance 9'-0"

Menu board with various food items and prices.



We're committed to your safety.



Masks & wellness checks for all our associates.



Protecting your food with mindful packaging.



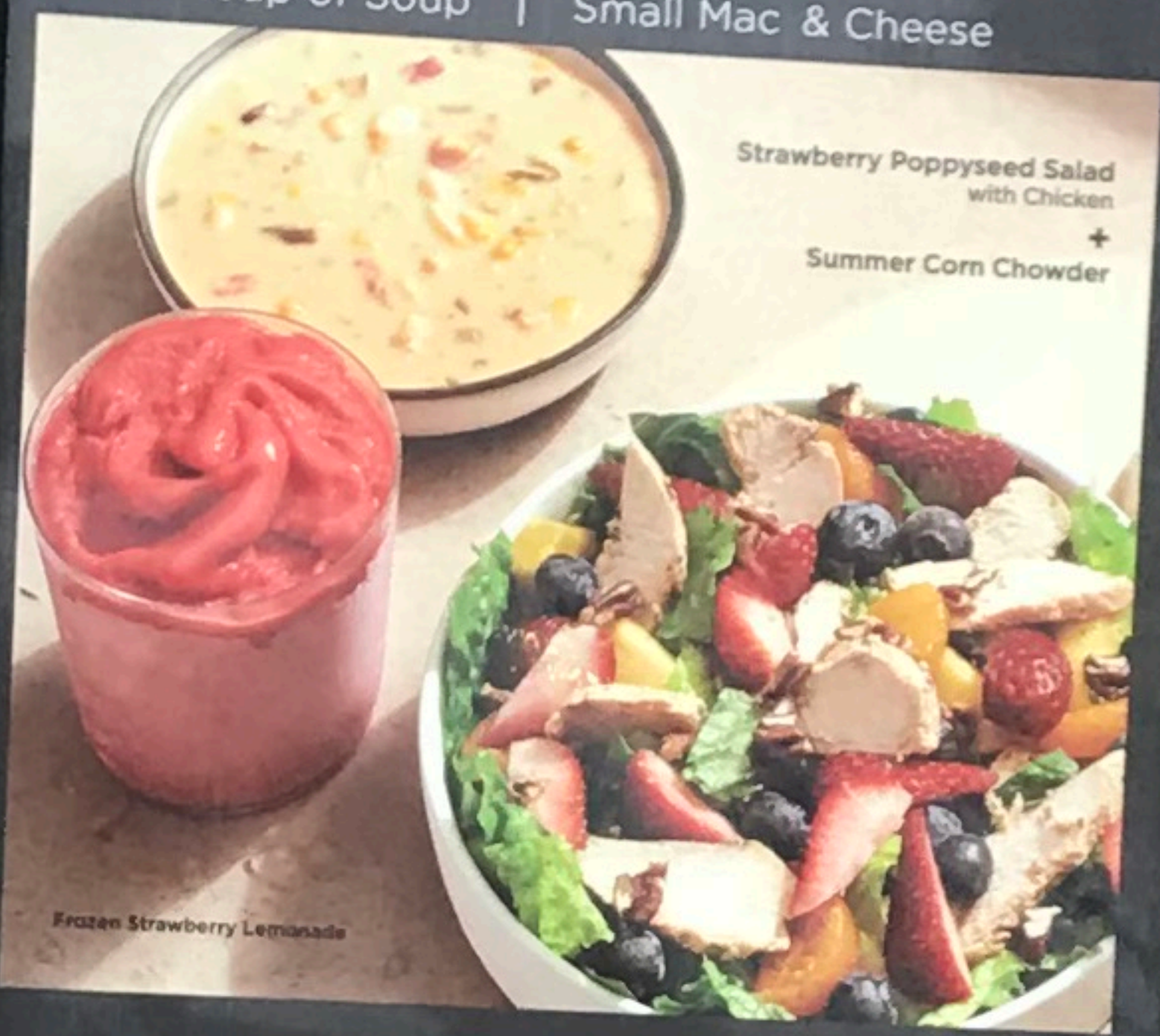
Additional safety measures at the registers.

Plus enhanced sanitization & cleaning procedures.

PULL FORWARD TO PLACE ORDER

YOU PICK **2**

Combine any two of the following:
 Half Salad | Half Sandwich
 Cup of Soup | Small Mac & Cheese



EVERYDAY SOUPS

- IT'S BACK! SUMMER CORN CHOWDER 210-880 CAL
- MILK! SOUTHWEST CHICKEN TORTILLA 150-820 CAL
- CHICKEN NOODLE 120-780 CAL
- BROCCOLI CHEDDAR 230-900 CAL
- CREAMY TOMATO 230-900 CAL
- IT'S BACK! BISTRO FRENCH ONION 190-860 CAL

VEGETARIAN MENU SUBJECT TO CHANGE.

SOUP'S ON, SOUP'S GONE AFTER 7 PM SOME OF TODAY'S SOUPS MAY NOT BE AVAILABLE.

YOU PICK **2**

Chipotle Chicken Avocado Melt +
NEW Southwest Chicken Tortilla Soup



Black Cherry Tarragon Soda



Now add any bakery treat for .99 with purchase of entrée and drink*.



Introducing **Family Feast**

Good family meals for just \$29.

- 2 Half Sandwiches
- 2 Kids Sandwiches
- 1 Whole Salad
- 1 Family Mac & Cheese
- 1 Whole French Baguette



Panera
 BREAD®



FLAME GRILLING SINCE 1954

FLAME GRILLING SINCE 1954

DOUBLE CHOCOLATE W/...

Menu boards displaying food items and prices.

CAUTION WET FLOOR

Black chair with a yellow seat.

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 27.69 of the Lincoln Municipal Code entitled Signs
 2 by amending Section 27.69.020 to add a new definition for “menu board sign”; by amending
 3 Section 27.69.240 Menu Boards to set forth the requirements for freestanding signs and
 4 freestanding menu board signs for commercial districts; and repealing Sections 27.69.020 and
 5 27.69.240 as hitherto existing.

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

7 Section 1. That Section 27.69.020 of the Lincoln Municipal Code be amended to
 8 read as follows:

9 **27.69.020 Definitions.**

10 For the purpose of this chapter, certain terms and words are hereby defined.

11 **ANIMATION** shall mean the movement of any object or light used in conjunction with a
 12 sign such as blinking, flashing, traveling, scrolling, or changing degree of intensity of any light
 13 movement other than burning continuously.

14 **CENTER** shall mean the area within the boundaries of a planned unit development (PUD),
 15 use permit, or special permit for a planned service commercial development (collectively a
 16 “planned commercial center”). Center shall also mean any other area not within the boundaries of
 17 a planned commercial center in which any building or group of buildings has two or more
 18 businesses sharing parking and access.

19 **CENTER IDENTIFICATION SIGN** shall mean a sign on which at least 10% of the sign
 20 area identifies a center by name, address or symbol. In addition to the name of the center, the
 21 center identification sign may also display the names of the businesses within the center. A center

1 sign may be located on any property within the center without being considered an off-premises
2 sign.

3 **CHANGEABLE COPY SIGN** shall mean any sign on which message copy can be
4 changed through the use of attachable letters and numerals or by electronic switching of lamps,
5 light emitting devices, or illuminated tubes. This includes public message displays or any sign
6 which features automatic switching such as time and temperature signs.

7 **COMMERCIAL SIGN** shall mean any sign which serves to advertise and/or identify a
8 product, service, or activity conducted on or off the premises on which the sign is located.

9 **DIRECTIONAL SIGN** shall mean any sign that is designated and erected for the purpose
10 of providing direction and/or orientation for pedestrian or vehicular traffic. A business name and/or
11 logo is permissible on a directional sign.

12 **ELECTRIC SIGN** shall mean any sign containing electrical wiring which is attached or
13 intended to be attached to an electrical energy source, but not including signs illuminated by an
14 exterior light source not an integral part of the sign.

15 **ELECTRONIC CHANGEABLE COPY SIGN** shall mean a sign containing a computer
16 or digital software generated message or other automated or remote method of changing copy.

17 **ERECTED** shall mean attached, altered, built, constructed, reconstructed, enlarged, or
18 moved and shall include the painting of wall signs.

19 **FACADE** shall mean that portion of any exterior elevation of a building extending
20 vertically from the grade to the top parapet wall or eaves and horizontally across the building in
21 one plane of elevation. A facade may extend above the roof line.

1 **FADE** shall mean a transition from one message to another by means of varying light
2 intensity, where the first message gradually reduces intensity to the point of not being legible
3 and/or gradually increases intensity to become legible.

4 **FLAG** shall mean a sign constructed of a nonrigid piece of fabric attached to a pole
5 structure on one vertical side only.

6 **FLASHING/BLINKING/PULSATING SIGN** shall mean the interior or exterior of a
7 sign which contains flashing lights or exhibits noticeable changes in light intensity with a basic
8 on-off of the same light source or display pattern or which includes the illusion of intermittent or
9 flashing light by means of animation, or an externally-mounted intermittent light source.

10 **FREESTANDING SIGN** shall mean any sign supported by structures or supports that are
11 anchored in the ground and that are independent from any building or other structure.

12 **GROUND SIGN** shall mean any freestanding sign in which the top edge of the sign is ten
13 feet or less above grade.

14 **HEIGHT OF A SIGN** shall mean the distance between the lowest grade level within two
15 feet of either side of a sign, and the highest part of the sign or its support; except that if the property
16 was lower than the adjacent roadway, then the height of the sign is to be calculated from the street
17 grade at a ninety degree angle from the sign.

18 **ILLUMINATED SIGN** shall mean any sign which is directly lighted by any electrical
19 light source, internal or external, regardless of technology. This definition shall not include signs
20 which are illuminated by street lights or other light sources owned by any public agency or light
21 sources which are specifically operated for the purpose of lighting the area in which the sign is
22 located rather than the sign itself.

1 **MARQUEE (canopy or awning)** shall mean a protective shelter or overhang which
2 projects more than twenty-four inches from the face of a building that is otherwise permitted by
3 code or ordinance.

4 **MARQUEE SIGN** shall mean a sign attached to the face or on top or below a marquee.

5 **MENU BOARD SIGN** shall mean a permanently mounted sign facing a drive thru lane
6 and displaying the selection of food and beverage items available for an eating establishment with
7 a drive thru lane.

8 **MOBILE SIGN** shall mean a sign designed and constructed to be transported by its own
9 wheels. When placed, a mobile sign must be supported by at least four integral metal supports
10 which raise the wheels off the ground. Such sign shall not exceed ten feet in height.

11 **MURAL** shall mean an artistic image or design painted or affixed to the exterior surface
12 of a structure that does not contain a commercial text message, graphic or image.

13 **NIT** shall mean a unit of luminance equal to one candela (one candle) per square meter.

14 **NONCOMMERCIAL SIGN** shall mean any sign that is not a commercial sign.

15 **NONSTRUCTURAL TRIM** shall mean the molding, battens, caps, nailing strips,
16 latticing, cutouts, or ladders and walkways which are attached to the sign structure.

17 **OFF-PREMISES SIGN** shall mean any sign which serves to advertise a product, service,
18 or activity not conducted on the premises on which the sign is located or within 300 lineal feet
19 thereof.

20 **ON-PREMISES SIGN** shall mean any sign which serves to advertise and/or identify a
21 product, service, or activity conducted on the premises on which the sign is located, or identifies
22 said premises or a use thereof.

1 **PERSON** shall mean and include any person, firm, partnership, association, corporation,
2 company, or organization of any kind.

3 **POLE SIGN** shall mean any freestanding sign in which the top edge of the sign is more
4 than ten feet above grade.

5 **PROJECTING SIGN** shall mean any sign other than a wall sign which is attached to and
6 projects at an angle of not less than forty-five degrees from a structure or building face.

7 **PROJECTION** shall mean the distance by which a sign extends beyond a building or
8 structure.

9 **REAL ESTATE SIGN** shall mean any sign which identifies an offer to sell, rent, or lease
10 the premises on which the sign is located.

11 **REVEAL** shall mean a message transition where portions of the message appear and/or
12 disappear sequentially.

13 **ROOF LINE** shall mean the uppermost exterior surface of the roof of a building.

14 **ROOF SIGN** shall mean any sign mounted on the main roof portion of a building or on
15 the top most edge of a parapet wall of a building; and which is wholly or partially supported by
16 such building. For the purpose of this chapter, signs mounted on mansard facades, penthouse
17 eaves, facades and architectural projections such as canopies or marquees shall not be considered
18 to be roof signs. Signs mounted on an ornamental attachment not used for shelter or protection of
19 persons or property, such as cupolas, shall be considered roof signs.

20 **ROTATING SIGN** shall mean any sign or portion of a sign which moves in a revolving
21 or similar manner, but not including multi-prism indexing signs.

22 **SEASONAL OR HOLIDAY SIGN** shall mean any noncommercial signs used for special
23 occasions, such as religious and national holidays.

1 **SCROLL** or **TRAVEL** shall mean a message transition where the message that is leaving
2 or appearing appears to move vertically or horizontally across the display surface.

3 **SIGN** shall mean any structure, fixture, graphics, illustration, statue, or other device visible
4 from off the premises designed or intended to advertise, to identify, to attract attention to, or to
5 convey information regarding any goods, product, service, business, location, institution, activity,
6 person, solicitation, issue, or campaign, with the exception of merchandise window displays,
7 national, state or other Nebraska governmental subdivision flags, and sculpture. For purposes of
8 removal, sign shall also include any sign structure.

9 **SIGN STRUCTURE** shall mean any structure which is designed or used to support any
10 sign as defined in this chapter. A sign structure may be a single pole and may or may not be an
11 integral part of the building.

12 **TEMPORARY SIGN** shall mean any outdoor sign or device including but not limited to
13 banners, pennants, flags, or advertising display constructed of cloth, canvas, light fabric,
14 cardboard, or other light materials, with or without frames, intended to be displayed for a limited
15 period of time and which is not permanently affixed; provided, that temporary signs shall not
16 include mobile signs.

17 **WALL SIGN** shall mean any sign painted on or attached to the wall or facade of a building
18 with the display surface parallel to or at an angle to which it is attached, and which projects no
19 more than twenty-four inches from the wall surface. No wall sign shall extend vertically or
20 horizontally beyond the building facade from which the sign is attached. A wall sign may project
21 into a right-of-way. A wall sign may be located at any height on a parapet or facade. A wall sign
22 may be mounted on a mansard facade or penthouse facade.

1 **WINDOW SIGN** shall mean a sign installed inside a window which can be viewed from
2 outside the premises and is six feet or less from the window or is located within a window display
3 area formed by walls or doors that block the view into the main building.

4 Section 2. That Section 27.69.240 of the Lincoln Municipal Code be amended to
5 read as follows:

6 **27.69.240 Menu Boards.**

7 In any commercial district, in addition to any permitted freestanding sign, ~~two~~ on-premises
8 freestanding menu boards ~~signs each not to exceed forty five square feet in sign area or one on-~~
9 ~~premises freestanding menu board sign not to exceed fifty square feet in sign area~~ are permitted in
10 conjunction with an eating establishment utilizing ordering from the vehicle. ~~;~~ provided, any such
11 For each drive thru lane, two menu board signs are permitted. Each menu board shall not exceed
12 forty-five square feet in sign area. Provided that, when there are two menu boards in a drive thru
13 lane, the second board shall not exceed 15 square feet in sign area. As an alternative, the second
14 menu board may be up to 30 square feet provided the total sign area of both boards in the drive
15 thru lane shall not exceed 60 square feet.

16 For single drive thru lanes with only one menu board sign, the sign area shall not exceed
17 fifty square feet in sign area.

18 All menu board sign shall not exceed eight feet in height and shall not be permitted in the
19 required front or side yard of the district in which it is located.

20 Section 3. That Sections 27.69.020 and 27.69.240 of the Lincoln Municipal Code
21 as hitherto existing be and the same are hereby repealed.

22 Section 4. This ordinance shall be published, within fifteen days after the
23 passage hereof, in one issue of a daily or weekly newspaper of general circulation in the City, or

1 posted on the official bulletin board of the City, located on the wall across from the City Clerk's
2 office at 555 S. 10th Street, in lieu and in place of the foregoing newspaper publication with notice
3 of passage and such posting to be given by publication one time in the official newspaper by the
4 City Clerk. This ordinance shall take effect and be in force from and after its passage and
5 publication or after its posting and notice of such posting given by publication as herein and in the
6 City Charter provided.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2020:

Mayor

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-6 Residential and is located in a residential neighborhood east of Park Middle School and Cooper Park between S. 8th & 9th Street on the north side of F 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 at 420 S. 28th Street, was the first Special Permit application for Alternative to Imprisonment Facilities. This special permit is the second application.
5. The applicant proposal is for up to 6 individuals maximum within the existing residence. The use will involve a transitional living facility for individuals released from state prisons or county jails under a term of post-release supervision in a temporary housing setting. Residents are referred to the applicant by Nebraska Probation. The duration of the stay for the individuals will be up to 12 weeks but the length of the stay may vary. The applicant will have 1 to 2 staff present Monday through Friday, 16 hours per day. One to two staff members will be on call 24 hours for crises/emergencies.
6. 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.
7. 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 one parking space and a driveway in the front with one

parking space. As part of this permit, the applicant proposes to add two additional spaces for a total of four parking spaces. 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.

8. The proposed location for the facility is in an urban residential neighborhood near Downtown Lincoln with nearby services that are within walking distance. One of the nearby services includes the Lancaster County Probation Office located at 605 S. 10th Street about 3 blocks away. Nearby Star Tran bus routes include Route 13 (South 13th), Route 51 (West A) and Route 56 (Sheridan).
9. As a condition of approval, any change in layout of the floor plan and exterior will require an administrative amendment and review by the Planning Director. While it is not in a Landmark district which includes City of Lincoln Zoning Ordinance regulation, it is in the South Bottoms National Register district. The condition for review of the house is so it will look the same and will not appear as institutional. This review is beyond the typical requirement if the property were in 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.
10. 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.
11. 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.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & EXISTING ZONING: Single Family Home & R-6 Residential District

SURROUNDING LAND USE & ZONING

North:	Single Family Residential, Apartments	R-6 Residential District
South:	Single Family Residential	R-4 Residential District
East:	Apartment Building	R-6 Residential District
West:	Two Family Residential	R-6 Residential District

APPROXIMATE LAND AREA: 0.16 acres

LEGAL DESCRIPTION:

Lot 11, Block 162, Original Lincoln located in the SE 1/4 of Section 26-10-6, Lincoln, Lancaster County, Nebraska

Prepared by

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

Date: June 25, 2020

Owner/
Applicant: New Life Place, LLC
3119 S. 44th Street
Lincoln, NE 68506
(402) 607-9287

Contact: Alison K. Janecek
233 S. 13th Street
Lincoln, NE 68508
(402) 474-6900
ajanecek@clinewilliams.com

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CONDITIONS OF APPROVAL - SPECIAL PERMIT 20020

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 Add note to site plan requiring that any changes to the internal layout as a single-family home or to the exterior appearance of the house visible from F Street cannot be carried out unless reviewed by the Planning Director 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 20020 to the title block.
 - 1.4 Provide parking table information that lists existing and proposed parking of 4 spaces.
 - 1.5 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.



City of Lincoln\Lancaster County, NE

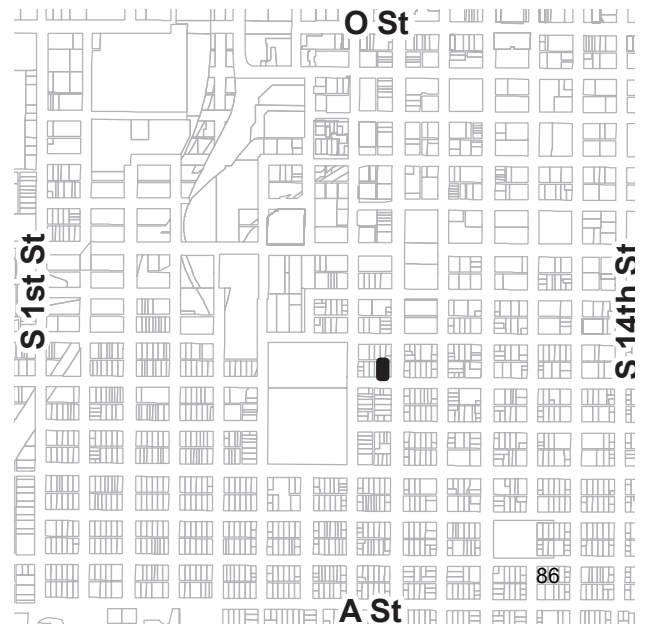
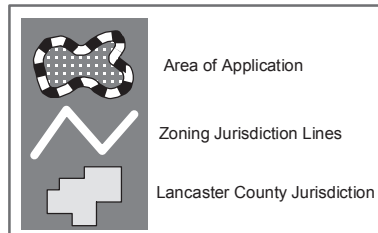
2018 aerial

Special Permit #: SP20020
S 8th St & F 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
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- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
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- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile:
 Sec.26 T10N R06E





City of Lincoln Lancaster County, NE

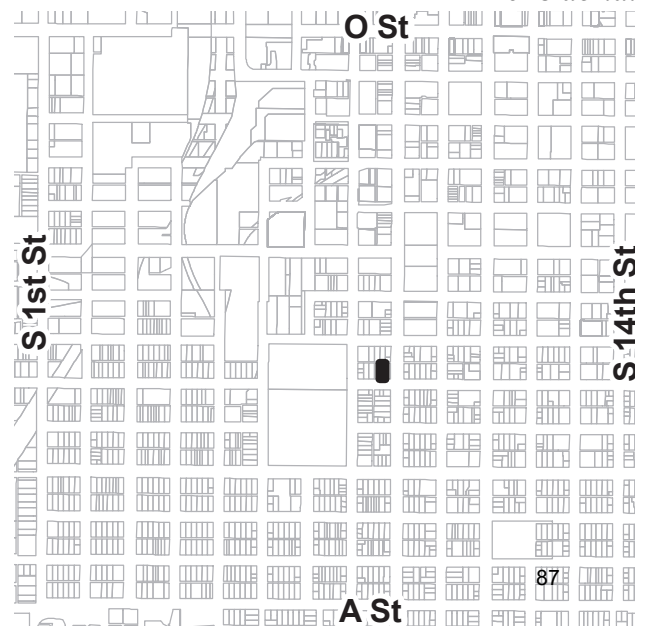
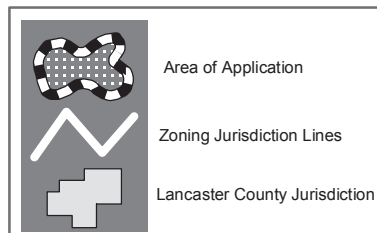
2018 aerial

Special Permit #: SP20020
S 8th St & F St

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
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One Square Mile:
Sec.26 T10N R06E



SCOTT D. KELLY
MARK A. CHRISTENSEN
RICHARD P. GARDEN, JR.
SHAWN D. RENNER
JOHN C. MILES
THOMAS C. HUSTON
DON R. JANSSEN
SUSAN K. SAPP
KEVIN J. SCHNEIDER
GARY R. BATENHORST
JILL GOSSIN JENSEN
ROCHELLE A. MULLEN
TRENTEN P. BAUSCH
MICHAEL C. PALLESEN
RICHARD P. JEFFRIES
TRACY A. OLDEMEYER
PAMELA EPP OLSEN
TRENT R. SIDDER
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THERESA D. KOLLER
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KEITH T. PETERS
ANDREW R. WILLIS
TARA A. STINGLEY
SEAN D. WHITE
MICHELLE L. SITORIUS
MICHAEL J. WHALEY
RUSSELL J. SPRAGUE †
RENEE A. EVELAND
HENRY L. WIEDRICH

CLINE WILLIAMS
WRIGHT JOHNSON & OLDFATHER, L.L.P.

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June 9, 2020

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GREGORY S. FRAYSER
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BEAU B. BUMP
HEATHER A. CARVER
SHANNON E. FALLON
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KATIE A. JOSEPH
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NATHAN D. CLARK
ALISON K. JANECEK
TAMARA I. KELLEY †
SYDNEY M. HUSS
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AMANDA C. CARTER
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STEPHEN E. GEHRING
L. BRUCE WRIGHT
ROBERT J. ROUTH
DAVID R. BUNTAİN
TERRY R. WITTLER
RICHARD A. SPELLMAN
DAVID O. COLVER †
KIMBRA L. KILLIN †
DONALD F. BURT (INACTIVE)
STEPHEN H. NELSEN (INACTIVE)
†ATTORNEYS ADMITTED IN COLORADO ONLY

VIA HAND DELIVERY

George Wesselhoft, AICP, LEED AP ND
Planner
Lincoln/Lancaster County Planning Department
555 S 10th Street, Suite 213
Lincoln, NE 68508

Re: New Life Place, LLC—Application for Special Permit
Our File No. 25928.001

Dear Mr. Wesselhoft:

This firm represents New Life Place, LLC (“NLP”) which operates a transitional living facility as a service provider for Nebraska State Probation. This letter shall serve as the application letter.

1. Application for Special Permit.

a. SUMMARY OF REQUEST. This is a request for a special permit for an alternative to imprisonment facility located at 838 F Street. The proposal is for up to 6 individuals to reside in the existing residence. The individuals have been released from state prisons or county jails under a term of post-release supervision. The intent is to provide supportive, temporary housing which offers in-house programming/services to facilitate the transition to independent living.

b. ALTERNATIVE TO IMPRISONMENT FACILITY. Section 27.62.750 of the Lincoln Municipal Code (“LMC”) 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 zoning districts. The property in question is zoned R-6 and is located in a residential neighborhood on F Street, between 8th and 9th Streets.

12910 PIERCE STREET
SUITE 200
OMAHA, NE 68144-1105
(402) 397-1700

1207 M STREET
P.O. BOX 510
AURORA, NE 68818
(402) 694-6314

416 VALLEY VIEW DRIVE
SUITE 304
SCOTTSDLUFF, NE 69361
(308) 635-1020

215 MATHEWS STREET
SUITE 300
FORT COLLINS, CO 80524
(970) 221-2637

216 SOUTH INTEROCEAN AVENUE
HOLYOKE, CO 80734
(970) 854-2264

Section 27.02.020 of the LMC includes a specific definition for alternative to imprisonment facility: “Alternative to imprisonment facility shall mean a facility in which more than 3 but less than 16 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.”

c. POST-RELEASE SUPERVISION. Post-release supervision is a probationary program, and all sentences of post-release supervision are served under the jurisdiction of Nebraska State Probation. The purpose of post-release supervision is to create “a smooth, meaningful, and comprehensive transition of probationers from a term of incarceration to community supervision.” Nebraska Supreme Court Rule § 6-1904.

d. TRANSITIONAL LIVING. Nebraska State Probation has been tasked with providing supervision and rehabilitative services for post-release individuals. Presently, Nebraska State Probation has identified a lack of access to transitional housing and funding for appropriate residential re-entry options. Therefore, it established a transitional living program to create housing options for post-release individuals by recruiting a network of service providers.

Transitional living is important because it increases success for probationers, reduces recidivism, and reduces prison overcrowding. According to Nebraska State Probation, “The program places [post-release individuals] in a supportive environment, enabling them to concentrate on treatment and/or employment, reintegrating into the community, and ultimately becoming self-sufficient. Simultaneously, this provides a greater ability to know the whereabouts of individuals under court ordered supervision.”

e. SERVICE PROVIDER. NLP is an approved service provider for Nebraska State Probation. Post-release individuals are referred to NLP by Probation Officers, and Nebraska State Probation provides financial assistance for these individuals for up to 12 weeks (84 days). NLP has agreed to comply with the State’s service expectations, reporting requirements, and financial assistance reimbursement model. Transitional living facilities do not have to be licensed by the State.

f. RESIDENTS. NLP’s proposal is for up to 6 individuals within the existing residence. The individuals that reside at the facility have been released from state prisons or county jails under a term of post-release supervision. The facility houses the individuals for 12 weeks (84 days) or less, depending on their individual needs. The residents of NLP can generally be

characterized as individuals at risk of homelessness and/or with mild to moderate mental health and/or substance use issues. NLP does not accept sex offenders or individuals with violent offenses.

g. STAFF. One to two employees will be staffed at one time during the day/night, with 1-2 staff on the premises Monday through Friday for 16 hours per day, and 1-2 staff on-call 24-7-365 for crises/emergencies.

h. PROGRAMMING/SERVICES. NLP provides a wide variety of programming/services to the residents. A Program Plan will be uploaded to ProjectDox, which describes the program in detail.

i. PARKING. There is a driveway sufficient in size for 1-2 parking stalls accessible from F Street. There is also an existing detached garage in the back of the property with 1 parking stall accessible from the alley. Further, as part of its application, NLP proposes to add a parking pad in the back for an additional 2 parking stalls accessible from the alley.

The LMC does not provide a specific parking requirement for alternative to imprisonment facilities. However, given the number of proposed residents (up to 6) and the number of staff (1-2), 4-5 parking stalls should be sufficient. Notably, many of the individuals do not have a vehicle and have to find alternative means for transportation. NLP provides transportation services, and Nebraska State Probation provides bus passes to the individuals.

j. LOCATION. The property in question is in an urban residential neighborhood with nearby services that are within walking distance, including StarTran bus routes. Most importantly, the property is only a 5-minute walk from the Probation Office located at 605 S 10th Street (3 blocks away).

k. NEIGHBORHOOD OUTREACH. Due to the current restrictions on social gatherings as a result of COVID-19, NLP will send a letter to all of the neighbors within an approximately 1-block radius to discuss the program.

2. Submittal.

a. APPLICATION. Enclosed please find the special permit application signed by Jeromie Luginbill, Manager of New Life Place, LLC.

b. APPLICATION FEE. Enclosed please find a check made payable to the City of Lincoln in the amount of \$412.00 as the application fee.

New Life Place

Program Plan

Service Description-Purpose:

New Life Place operates a transitional living facility for individuals released from state prisons or county jails under a term of post-release supervision. New Life Place provides supportive, temporary housing, which includes programming and services to facilitate the transition to independent living. Programming/services are provided by trained and licensed staff who provide assistance, skill training, and support to residents living at the facility to develop competence and skills to enable residents to successfully transition into the community.

Service Expectations:

- Each resident will receive an orientation upon admission. Orientation shall address any immediate needs and prepare the resident to transition into long-term safe, sober, stable housing within the community.
- An individualized, comprehensive transition plan must be developed within 7 days of admission and will include the resident, probation officer, and other stakeholders. Items to be addressed in the transition plan include: successful reintegration into productive daily activities such as work, school and/or family living, including the establishment of resident social supports to enhance recovery and stability, to include those identified in Probation's Success/Risk Reduction Plan. New Life Place, resident, and probation officer shall review and update the transition plan at a minimum of every 14 days.
- New Life Place provides a minimum of 5 hours of in-house, structured programming/services per week for each resident to include best practice interventions to address resident skill deficits.
- New Life Place programming addresses risk factors including antisocial cognition, antisocial personality, antisocial associates and family marital, substance use, employment, education, and leisure.
- New Life Place provides services that are trauma informed, culturally sensitive, age and developmentally appropriate and incorporate evidence-based practices.
- New Life Place regularly assess for safety of equipment and building structures. Licensed professional complete fixes as identified.
- Residents have access to resources to address basic needs including food, clothing, transportation, hygiene and healthcare. New Life Place has a transportation van that staff utilizes to ensure accessibility and residents utilize bus passes provided by Probation. New Life Place also provides basic hygiene and food staples.
- New Life Place staff are available 24 hours a day to assist residents with crisis situations and provide facility oversight.
- New Life Place requires residents to be accountable to probation requirements and engage in ongoing communication with supervising officers in regards to case plans. New Life Place will report to Probation instances when a resident is suspected to be under the

influence of alcohol or any other mood-altering substances, when a resident does not stay at facility overnight, and/or suspected unlawful behavior.

- New Life Place utilizes community stakeholders to ensure medication coordination with behavioral health and medical professionals as necessary.
- New Life Place does not accept money from residents and does not charge any fees directly related to residents transition.

Service Frequency:

- 24 hours per days 7 days per week

Length of Stay:

- Residents are referred to New Life Place by Probation.
- Probation will provide financial assistance for up to 12 Weeks (84 days) at this time, but the length of stay varies based on the needs of resident.

Staffing/Client Ratio:

New Life Place has 1 to 2 staff present Monday through Friday, 16 hours per day, performing multiple functions throughout the day and evening. New Life Place has staff to monitor curfew, facilitate educational groups, and assist with referral. Dameon Gilfillan is the primary contact and works to case manage and fulfill the obligations set forth in the service definitions.

Hours of Operation:

New Life Place hours of operation are 24 hours per day and 365 days per week. Office and referral hours are 7am – 7 pm Monday through Friday. Dameon Gilfillan and Jeromie Luginbill can be reached in case of crisis or emergencies 24 hours per day, 365 days per year. Phone numbers are posted at the facility.

Service Desired Outcomes:

- Resident has demonstrated participation and engagement in programming/services.
- Resident has developed support systems to help maintain stability in the community.
- Resident has substantially met transition plan goals and objectives.
- Resident has improved daily functioning and has reduced criminogenic risk.
- Resident has identified long-term, safe, sober and stable housing.

Owners

Jeromie Luginbill has 20 years of experience working in the behavioral health field. Specializing in substance use issue and severe mental health issues. Jeromie Luginbill has a master's degree in arts specializing in mental health counselor and holds a Provisional License in Drug and Alcohol Counseling.

Dameon Gilfillan is a Licensed Alcohol and Drug Counselor and the owner of Alcohol and Drug Solutions. Dameon has a bachelor's degree in arts. He has vast experience working with criminogenic populations.

Curfew: Is 10:00pm every evening, our security camera systems monitor individuals living there to ensure there are no visitors at the home after 6pm every day, and to ensure curfews are honored after curfew checks. Curfew checks are conducted at 10pm every evening to ensure everyone is accounted for.

Drug Testing: is conducted randomly by staff if there are suspicions of use. However, individuals are regularly tested by respective parties who have charge over the individuals we serve.

Employment: Each individual is expected to immediately attempt to find gainful employment, save money in order to afford to live on their own. New Life Place Staff will train individuals on how to search for work, learning to complete resumes and complete applications.

Volunteer Work: Individuals who live at the facility are expected to complete 1 hour per week of volunteer work.

2025 P.O. MTR

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

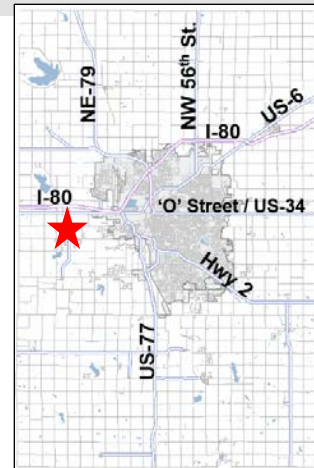
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

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

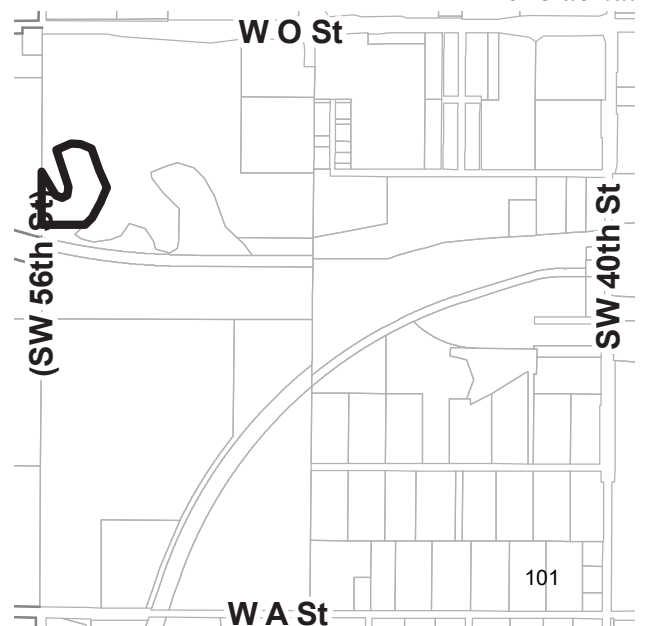
Annexation #: AN20006
West O Development
NW 56th St & W O St

Zoning:

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One Square Mile:
 Sec.30 T10N R06E

	Area of Application
	Zoning Jurisdiction Lines
	Existing City Limits





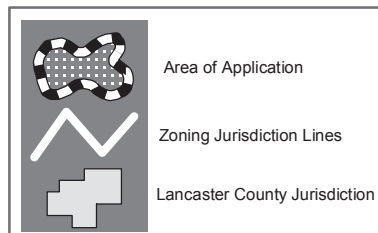
2018 aerial

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

Zoning:

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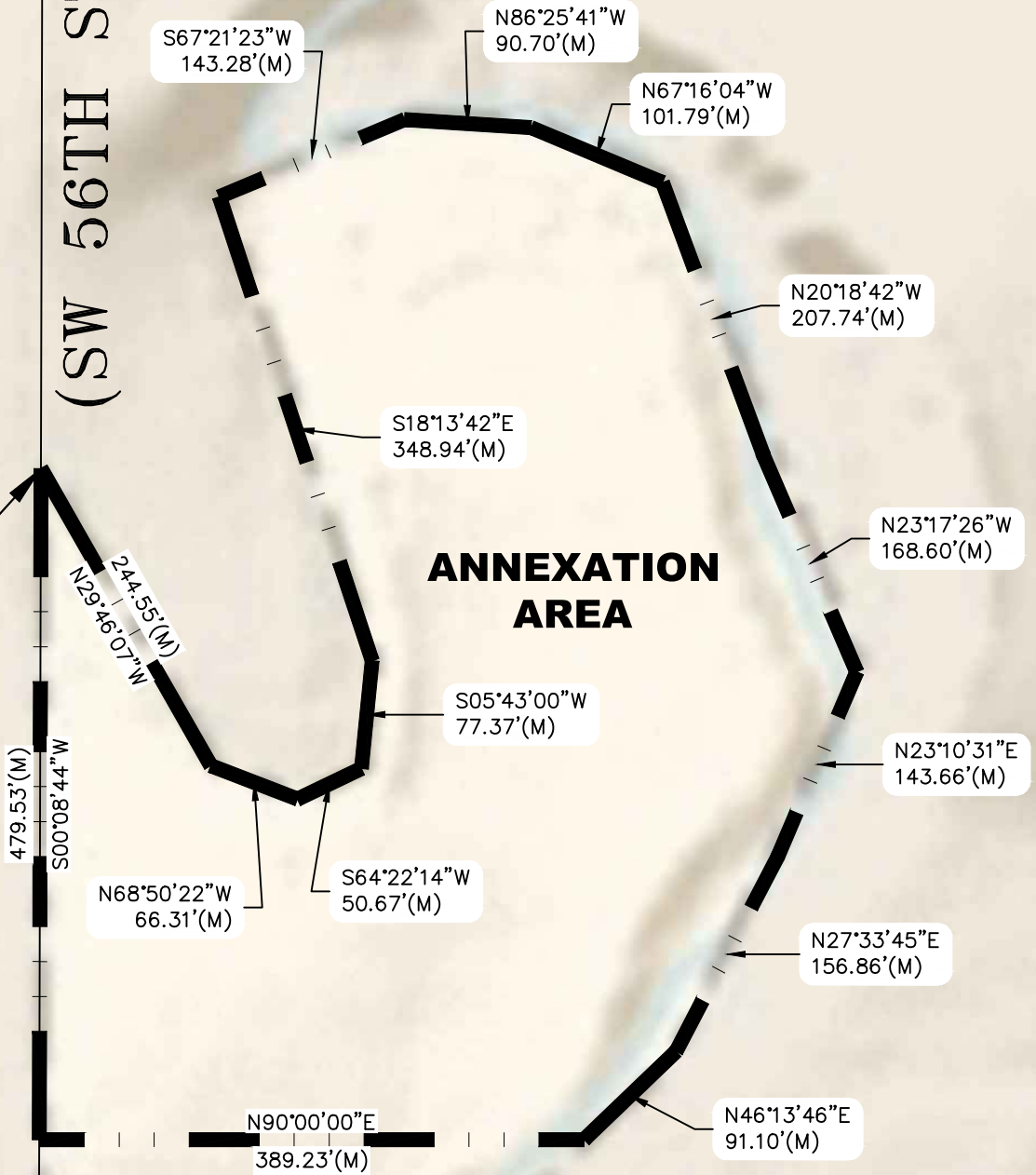


WEST O DEVELOPMENT
Annexation Exhibit

(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;

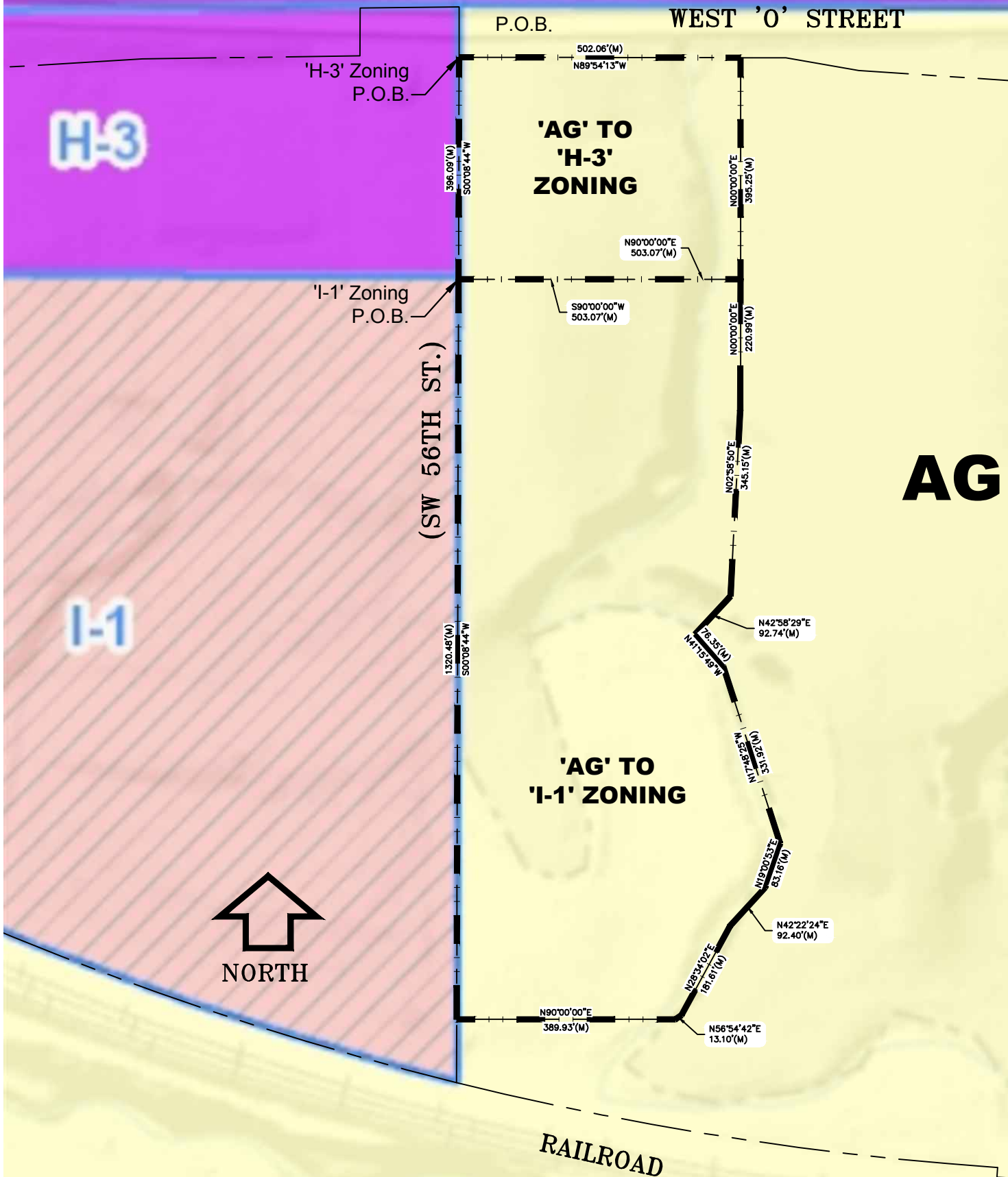
Thence S64°22'14"W, a distance of 50.67 feet;

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.

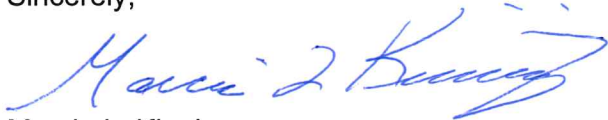
REGA

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

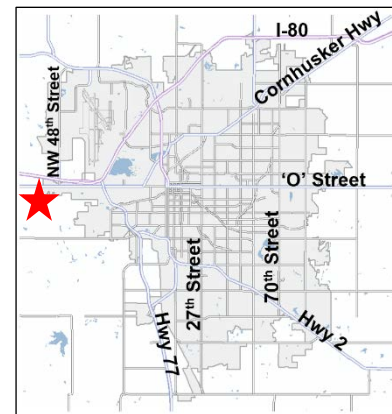
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

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

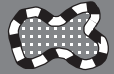


2018 aerial

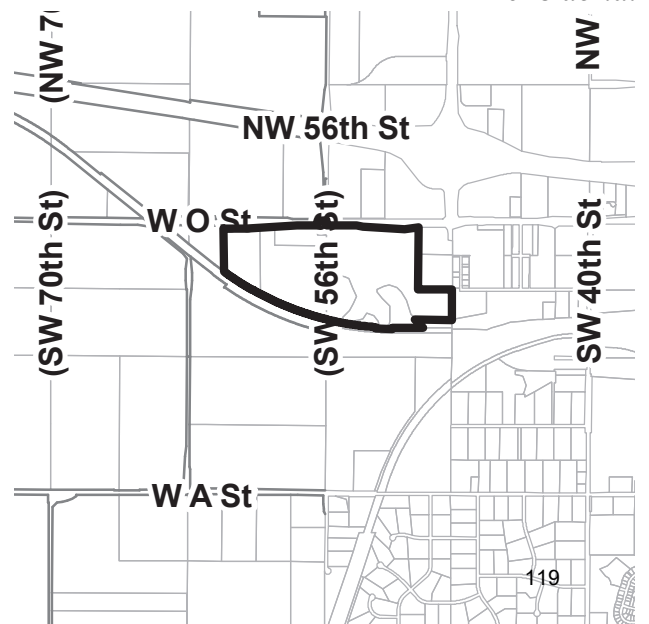
Preliminary Plat #: PP20002
West O Development
SW 56th St & W O St

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 CENEY RD., SUITE A
LINCOLN, NEBRASKA 68512
(402) 484-7342

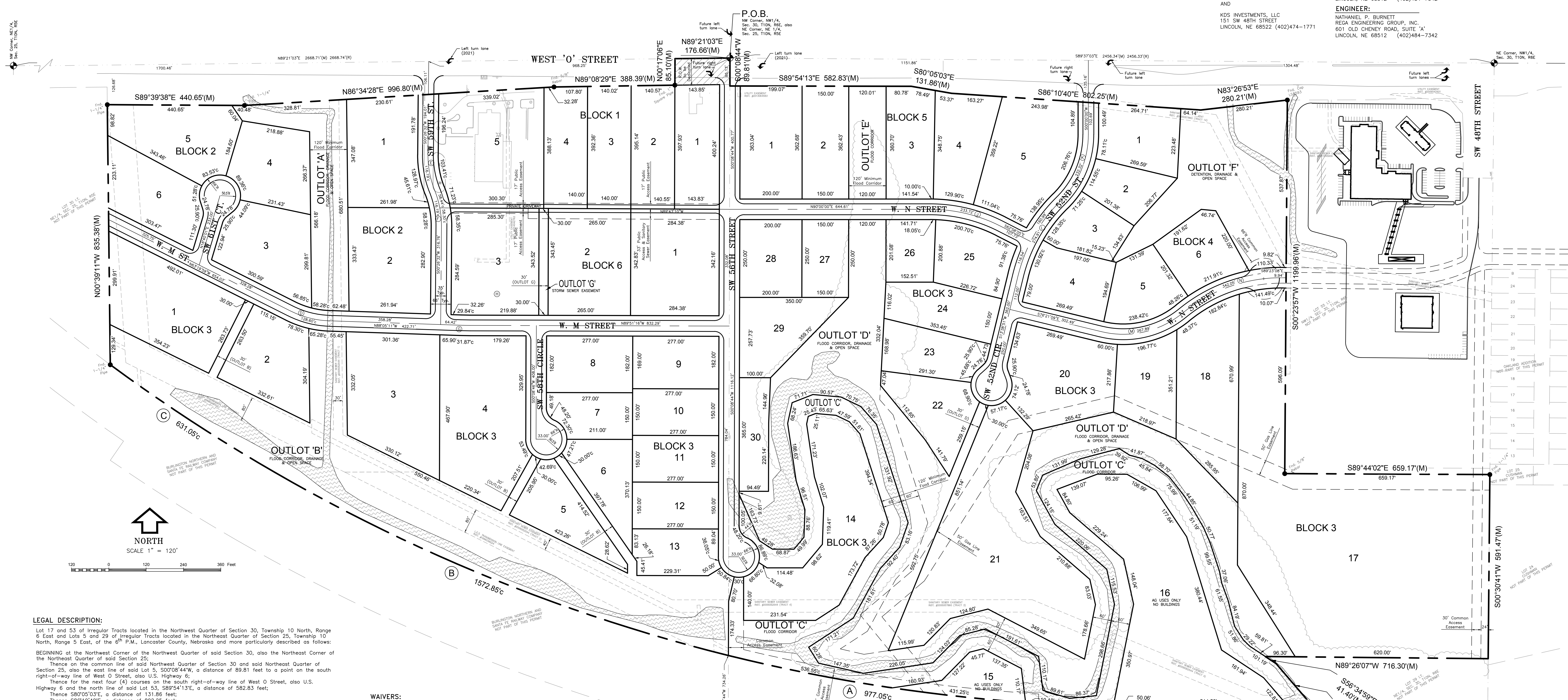
- ENGINEERING
- PLANNING
- LANDSCAPE ARCHITECTURE
- LAND SURVEYING

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 CENEY ROAD, SUITE 'A'
LINCOLN, NE 68512 (402) 484-7342

ENGINEER:
NATHANIEL P. BURNETT
REGA ENGINEERING GROUP, INC.
601 OLD CENEY 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	1.28
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
2	7	112,518	2.58
3	1	69,877	1.60
3	2	119,342	2.74
3	3	141,587	3.25
3	4	54,937	1.26
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	54,687	1.25
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	19.48
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
Fnd. Alum. Cap
N 110.07' Fnd. 5/8" Rebar w/LS #483 Cap
N 117.16' 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

NW Corner of the NW 1/4 Sec. 30-T10N-R6E, also
NE Corner of the NE 1/4 Sec. 25-T10N-R6E
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
Fnd. Alum. Cap
N 50.06' Fnd. 3/4" Iron Pipe
NE 58.32' Fnd. 5/8" Rebar
SE 81.32' Fnd. MAG Nail in NW corner conc. pole base
SW 32.34' Fnd. 5/8" Rebar
W 33.82' Fnd. 5/8" Rebar

NE Corner of the NW 1/4 Sec. 30-T10N-R6E
Fnd. 2" Round Iron Pin
NW 173.18' Fnd. 5/8" Rebar
NE 142.96' Fnd. PK Nail east corner of HDWL
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 = 97°27'24"
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 = N88°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 = 59.22'
L = 116.93'
CH = 116.19'
CHRG = S10°43'25"E

(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 = 235.99'
CH = 235.99'
CHRG = S78°29'02"E

(L) R = 500.00'
Δ = 31°54'47"
T = 120.19'
L = 235.99'
CH = 235.99'
CHRG = S78°29'02"E

(M) R = 300.00'
Δ = 53°02'12"
T = 149.70'
L = 277.70'
CH = 277.70'
CHRG = N77°07'45"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	DESCRIPTION
1	SITE PLAN
2	UTILITY PLAN
3	PRE-DEVELOPMENT - WEST
4	POST-DEVELOPMENT - EAST
5	GRADING PLAN - WEST
6	GRADING PLAN - EAST
7	STREET PROFILES
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 THE LAWS OF THE STATE OF NEBRASKA.

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

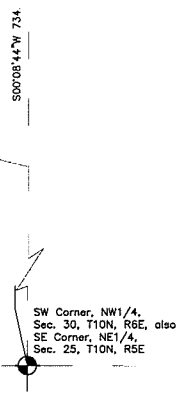
DATE: 03/18/2020
DESIGNED BY: MLK/JB
DRAWN BY: MLK/JB
CHECKED BY: LLL/NPB

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**

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17. THE WATER QUALITY MAINTENANCE AGREEMENT SHALL BE SUBMITTED AND FILED WITH THE FIRST FINAL PLAT OF THIS DEVELOPMENT.
18. 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.



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	1	83,276	1.91
	2	88,802	2.04
	3	74,756	1.72
3	4	62,619	1.44
	5	78,588	1.80
	6	66,546	1.53
	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
4	8	50,414	1.16
	9	50,414	1.16
	10	41,550	0.95
	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
21	249,822	5.74	
22	54,712	1.26	
23	48,776	1.12	
24	52,348	1.20	
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	
30	34,887	0.80	
4	1	52,624	1.21
	2	35,391	0.81
	3	36,693	0.84
	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
OUTLOT F		172,731	3.97
OUTLOT G		10,305	0.24

CURVE DATA:

- (A) R = 5629.51'
 Δ = 9°57'24"
 T = 490.38'
 L = 978.28'
 CH = 977.05'
 CHBRG = N81°04'
- (D) R = 300.00'
 Δ = 24°45'12"
 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.

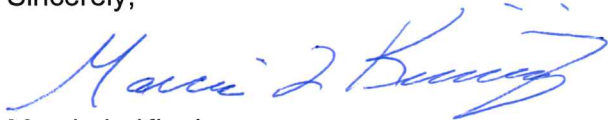
REGA

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.

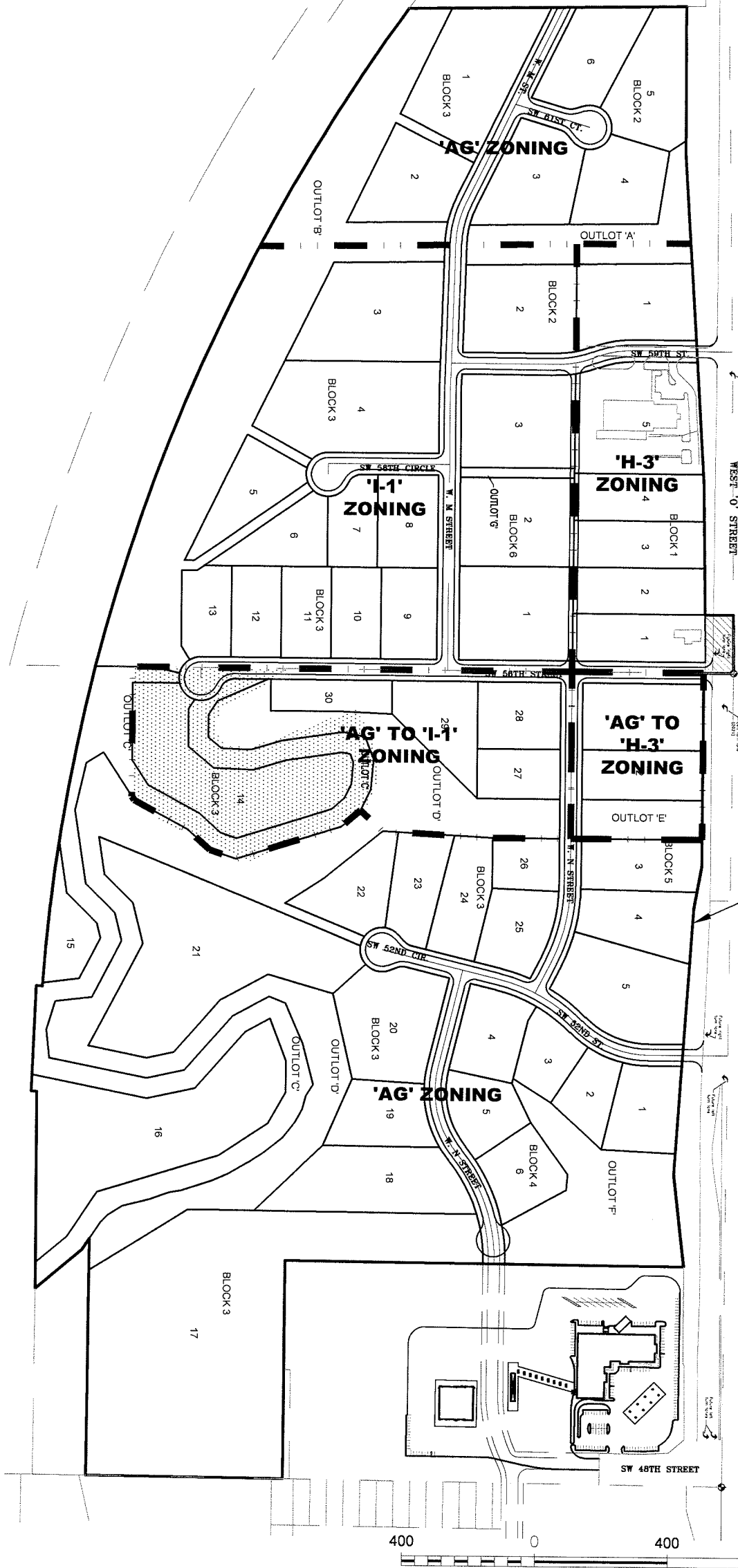
Enclosed is an exhibit showing the configuration of commercial lots as well as the requested zoning and annexation locations for reference. The existing business currently on the property will remain and the proposed uses shall be compliance with either the current or proposed zoning. The first phase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

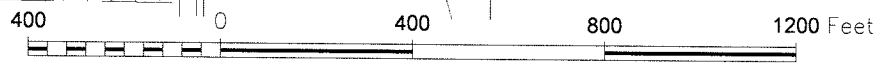


**PRELIMINARY
PLAT
BOUNDARY**



NORTH

SCALE 1" = 400'



**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 17