

# **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

### **PLANNING STAFF**

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

## **July 22, 2020**



**NOTICE:** The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, July 22, 2020, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10<sup>th</sup> 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](mailto: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 22, 2020

Approval of minutes of the regular meeting held July 8, 2020.

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

**COMPREHENSIVE PLAN CONFORMANCE:**

- 1.1 COMPREHENSIVE PLAN CONFORMANCE 20011, to review as to conformance with the Lincoln-Lancaster County Comprehensive Plan, a request to declare 2.38 acres of City of Lincoln-owned property as surplus, on property generally located at 635 J Street.

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**Staff recommendation: In Conformance with the Comprehensive Plan**  
**Staff Planner: George Wesselhoft, 402-441-6366, [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)**

## **ANNEXATION AND RELATED CHANGE OF ZONE:**

1.2a ANNEXATION 20011, to annex approximately 24.65 acres, more or less, on property generally located at South 84th Street and Yankee Woods Drive.

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**Staff recommendation: Conditional Approval**

**Staff Planner: Brian Will, 402-441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)**

1.2b CHANGE OF ZONE 05068G, from AG (Agricultural District) to R-3 (Residential District PUD), to expand the existing PUD (Planned Unit Development) by 24.65 acres, for an additional 80 single-family and attached single-family dwelling units, with waivers to the Zoning and Subdivision Ordinances, on property generally located at South 84th Street and Yankee Woods Drive.

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**Staff recommendation: Conditional Approval**

**Staff Planner: Brian Will, 402-441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)**

## **SPECIAL PERMITS:**

1.3 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

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**ACTION \*\*\***

**Staff recommendation: Conditional Approval**

**Staff Planner: Stacey Hageman, 402-441-6361, [shageman@lincoln.ne.gov](mailto:shageman@lincoln.ne.gov)**

1.4 SPECIAL PERMIT 20023, to allow the sale of alcohol for consumption off the premises, on property generally located at 945 South 27th Street. \*\*\*FINAL

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**ACTION \*\*\***

**Staff recommendation: Conditional Approval**

**Staff Planner: Brian Will, 402-441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)**

1.5 SPECIAL PERMIT 20024, to allow for the expansion of a nonstandard use, with waivers to the front and rear yard setbacks, on property generally located at 2200 Winthrop Road. \*\*\*FINAL ACTION \*\*\*

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**Staff recommendation: Conditional Approval**

**Staff Planner: George Wesselhoft, 402-441-6366, [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)**

## **WAIVER:**

1.6 WAIVER 20003, to waive Subdivision Ordinance requirement pertaining to block length and for permanent dead end streets not ending in a cul-de-sac, on

Page property generally located at 235 SW 32nd Street. \*\*\*FINAL ACTION \*\*\*

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**Staff recommendation: Approval**

**Staff Planner: Tom Cajka, 402-441-5662, [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)**

## **2. REQUESTS FOR DEFERRAL:**

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

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

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

**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.

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**Staff recommendation: Conditional Approval**  
**Staff Planner: Tom Cajka, 402-441-5662, [tcajka@lincoln.ne.gov](mailto: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.

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**Staff recommendation: Conditional Approval**  
**Staff Planner: Tom Cajka, 402-441-5662, [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)**

4.2c PRELIMINARY PLAT 20002, for 55 commercial lots with associated waivers on property located south of West O Street and SW 56th Street, on property generally located at SW 56th and O Streets. **\*\*\*FINAL ACTION \*\*\***

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**Staff recommendation: Conditional Approval**  
**Staff Planner: Tom Cajka, 402-441-5662, [tcajka@lincoln.ne.gov](mailto: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:**

David Cary, <i>Director</i> .....	402-441-6364.....	<a href="mailto:dcary@lincoln.ne.gov">dcary@lincoln.ne.gov</a>
Stephen Henrichsen, <i>Development Review Manager</i> .....	402-441-6374.....	<a href="mailto:shenrichsen@lincoln.ne.gov">shenrichsen@lincoln.ne.gov</a>
Paul Barnes, <i>Long Range Planning Manager</i> .....	402-441-6372.....	<a href="mailto:pbarnes@lincoln.ne.gov">pbarnes@lincoln.ne.gov</a>
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George Wesselhoft, <i>Planner</i> .....	402-441-6366.....	<a href="mailto:gwesselhoft@lincoln.ne.gov">gwesselhoft@lincoln.ne.gov</a>
Brian Will, <i>Planner</i> .....	402-441-6362.....	<a href="mailto:bwill@lincoln.ne.gov">bwill@lincoln.ne.gov</a>
Kellee Van Bruggen, <i>Transportation Planner</i> .....	402-441-6363.....	<a href="mailto:kvanbruggen@lincoln.ne.gov">kvanbruggen@lincoln.ne.gov</a>
Allan Zafft, <i>Transportation Planner</i> .....	402-441-6369.....	<a href="mailto:azafft@lincoln.ne.gov">azafft@lincoln.ne.gov</a>

\* \* \* \* \*

**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**

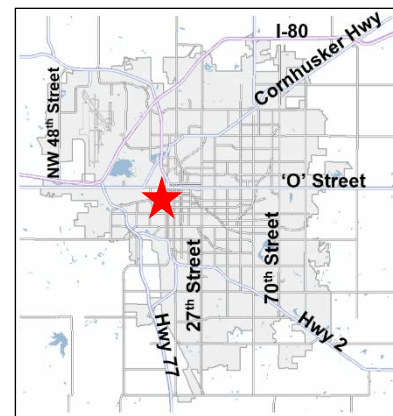
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Comprehensive Plan Conformance 20011	FINAL ACTION? No	DEVELOPER/OWNER City of Lincoln
PLANNING COMMISSION HEARING DATE July 22, 2020	RELATED APPLICATIONS Change of Zone 20022	PROPERTY ADDRESS/LOCATION 635 J Street

**RECOMMENDATION: APPROVAL OF REDUCED AREA AS  
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 up to 104,000 square feet of property at 635 J Street to make it available for private use and redevelopment. This is the site of the Police Garage which will be relocating to their new building on Oakcreek Drive.



**JUSTIFICATION FOR RECOMMENDATION**

A portion of the subject property is no longer needed for City use and may be made available for sale for reuse or redevelopment. A portion of the part of the property on the east side may potentially be acquired by LES and/or preserved for a future street. The recommendation to surplus at this time does not include a portion of the east side of the property for which LES has expressed interest in acquiring and which may include partial rededication of street right of way or public access easement establishment.

**APPLICATION CONTACT**

Michelle Backemeyer, (402) 441-8617 or [mbackemeyer@lincoln.ne.gov](mailto:mbackemeyer@lincoln.ne.gov)

**STAFF CONTACT**

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

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

This declaration of surplus property for the portion being recommended conforms to the Comprehensive Plan. A portion of the property is shown for future public access for vehicles and pedestrians in the South Haymarket Neighborhood Plan. That portion of the site is not recommended for a declaration of surplus as a public use is identified in the Neighborhood Plan which is an adopted component of the Comprehensive Plan.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

P. 5.3 - Downtown continues to contain the largest concentration of commercial space in the County with 9.3 million square feet of occupied space in 2016. This represents nearly 25 percent of the total occupied space in the County. Downtown also continues to be the largest single concentration of office space and government services.

p. 5.4 - The City should preserve and enhance Downtown's role as: The major office and service employment center...A major focus for new residential reuse, infill and redevelopment.

p. 5.4 - Maintain the urban environment, including a mix of land uses and residential types.

p. 6.3 - Greater Downtown: A major focus for new residential reuse, infill, and redevelopment is in the Greater Downtown area. Over 1,100 dwelling units were permitted from 2010 to 2015. The Plan envisions an additional 3,000 dwelling units in this core area by 2040.

p. 6.3 - Greater Downtown: Strategies for Greater Downtown: Support development and implementation of the Downtown Master Plan, South Haymarket Neighborhood Plan and the Antelope Valley Redevelopment Plan.

#### **DOWNTOWN MASTER PLAN SPECIFICATIONS:**

p. 1.1 Promote increased synergy between the Downtown Core, surrounding neighborhoods, and nearby activity centers such as Haymarket, Antelope Valley, and UNL.

p. 3.1 Focus on catalyst sites - Pershing Center, Post Office, Police property in South Haymarket, West Haymarket Development Blocks, Federal Parking structure, Bennett Martin Library site, and the K Street building.

p. 4.2.3 Downtown includes a variety of areas that have differing characters...The continued development of Downtown Lincoln should not use a "one size fits all" approval. To create a thriving downtown that serves the population of Lincoln, unique places must be built upon or created that will attract a broad cross section of people. The creation of these different places allow Downtown to capture different uses, forms, and styles of development.

p. 4.2.3 The property is included as part of the larger Haymarket character area.

p. 4.4.4 The property is included as part of the South Haymarket sub area.

#### **SOUTH HAYMARKET NEIGHBORHOOD PLAN SPECIFICATIONS:**

p. 2.68 Medium-density residential uses, such as multi-story row houses, should be built on the J Street frontage between 9<sup>th</sup> Street and 6<sup>th</sup> Street. The residential units should be placed close to the J Street right-of-way to facilitate enclosure of the block and create an "outdoor living room" along J Street. Office uses may also be appropriate, but they should not be the dominant land use along the J Street Boulevard.

p. 2.78 Property in the J Street Boulevard subarea is governed by the existing Capitol Environs District. Standards specific to the J Street corridor should be created and added as an amendment to the Capitola Environs Design Standards. The Nebraska Capitol Environs Commission should also consider extending the district further west, to include the remaining portion of J Street which extends to 4<sup>th</sup> Street.

P. 2.79 The residential units along the J Street frontage are proposed to provide individual off-street parking spaces. Most of these parking spaces should be accessed from behind, such as a tuck under garage. Individual driveway accesses are not supported along J Street.

p. 2.8 Work in concert city County/City government office, including the PBC, to seek redevelopment opportunities of identified publicly-owned properties for residential and mixed uses including: LPD Maintenance Facility...

P. 3.33 Although the 7<sup>th</sup> Street vista to Cooper Park is now interrupted by Park Middle School, the character of this street is still unique within South Haymarket...Additional right of way should be dedicated when available or streetscape elements should be located on private property within dedicated public access easements.

p. 3.53 The LPD Maintenance Garage is planned to be replaced in the coming years. The draft concepts for the replacement facility acknowledge the important of J Street frontage an aim to keep the new facility setback from J Street.

p. 3.9 The O-1 Office District is appropriate for the blocks fronting on J Street and for offices adjacent to 9<sup>th</sup> Street. The O-1 zone will support a transition to residential uses along this corridor...Office uses may also be appropriate along J Street frontage, but should not be the main use in this subarea.

p. 3.9 O-1 District Recommendations:

➤ Rezone the blocks facing J Street to O-1 Office District Planned Unit Development as opportunities present themselves through willing property owners and redevelopment projects.

## ANALYSIS

1. This is a request to find in conformance with the Comprehensive Plan the surplus of up to approximately 104,000 square feet of property at 635 J Street, located on the south side of J Street between S. 6<sup>th</sup> and S. 7<sup>th</sup> Street to make it available for private use and redevelopment.
2. The property for surplus is zoned P Public, and was the previous site of the Police Garage that relocated to a site on Oak Creek Drive. The property was previously used as a maintenance garage, fueling station and parking facility for the Police Department.
3. This property is within the South Haymarket Neighborhood Plan. The plan recommends rezoning the parcels along J Street in this area to O-1 Office District. While some office use may be appropriate, the plan identifies medium-density residential uses, such as multi-story row houses, being built on the J Street frontage between 9<sup>th</sup> Street and 6<sup>th</sup> Street.
4. It is noted that one of the recommendations of the South Haymarket Neighborhood Plan is for possible rededication of right of way or public access easements. (see attached exhibit from Neighborhood Plan) In this case, part of the subject property includes formerly vacated right of way of S. 7<sup>th</sup> Street. At least part or all of this former right of way should be retained for either rededication or public access.
5. Lincoln Transportation and Utilities (LTU) notes in their review that a storm sewer runs east to west through the lot along the north side of H Street. There is also an abandoned storm sewer running parallel to the active one. Sanitary sewer runs north to south and there is a sanitary main line running east through the alley from a manhole in the parking lot, east of the gas pumps. Easements for these facilities should be retained as part of the land sale.
6. LES notes in their review that they will require easements prior to surplus and that they have an interest in acquiring title to a portion of the property and will be working with the City of that request. Specifically, LES is interested in the southeast part of the property where there is presently parking along with the possibility of vacating the connecting alley extending from this area east to S. 8<sup>th</sup> Street. As of the time of the writing of this report, this aspect has not been finalized in terms of any preliminary agreement to address this concern and coupled with the South Haymarket Neighborhood Plan which shows dedication of S. 7<sup>th</sup> Street
7. Related CZ20022 J Street Zoning Update includes this property along with others along the J Street corridor as part of a rezoning to O-1 Office. This is consistent with the South Haymarket Neighborhood Plan. The O-1 zoning would include potential residential use in addition to office with the intent for the existing nearby I-1 zoning to over time shrink further to the southwest.
8. The subject property will no longer be needed by the City and a finding of conformance with the

Comprehensive Plan for the sale of the tract to a private party is appropriate except for the portion of the property which may be acquired by LES and/or rededicated for S. 7<sup>th</sup> Street right of way. Discussions are underway about how to implement the goals of the South Haymarket Neighborhood Plan, the needs of LES and potential sale of the land.

EXISTING LAND USE & ZONING: Police Garage/Parking                      P Public

**SURROUNDING LAND USE AND ZONING:**

North:	Office	I-1 Industrial
South:	Public	P Public
East:	Light industrial/Public	I-1 Industrial/P Public
West:	Light industrial	I-1 Industrial

APPROXIMATE LAND AREA: 104,000 square feet more or less.

LEGAL DESCRIPTION: See attached legal description.

Prepared by

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George Wesselhoft  
(402) 441-6366 or [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)  
July 9, 2020

Applicant:                      City of Lincoln  
   c/o Dan Marvin  
   Urban Development Department  
   555 South 10<sup>th</sup> Street  
   Lincoln, NE 68510

Contact:                        Michelle Backemeyer  
   Urban Development Department  
   555 South 10<sup>th</sup> Street  
   Lincoln, NE 68508  
   (402) 441-8265  
   [mbackemeyer@lincoln.ne.gov](mailto:mbackemeyer@lincoln.ne.gov)

F:\DevReview\CPC\20000\CPC20011 635 J Street Surplus.gjw.docx

**CONDITIONS OF APPROVAL - COMPREHENSIVE PLAN CONFORMANCE 20011**

- 1.1 Prior to sale the easements requested by LES and Lincoln Transportation and Utilities shall be retained for the purpose of operation and maintenance of public utilities.
- 1.2 Revise the legal description of the surplus to exclude the land to be retained for future right-of-way or public access.



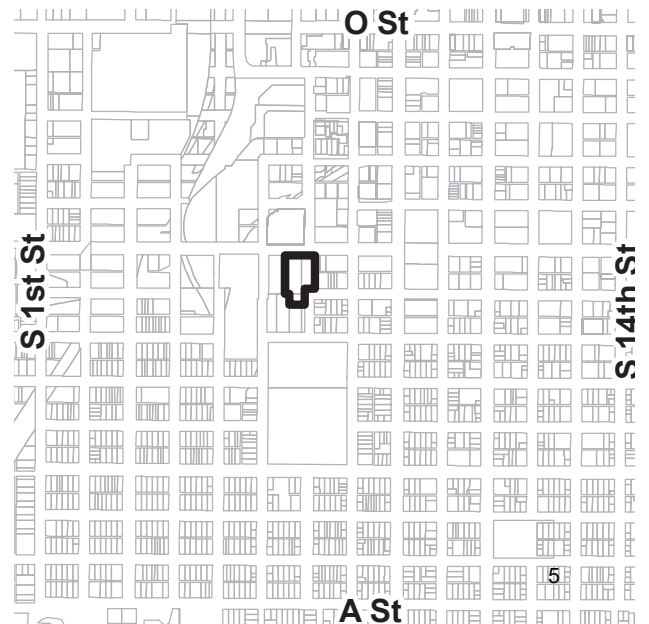
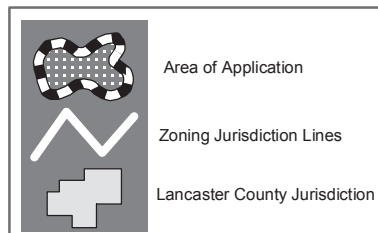
2018 aerial

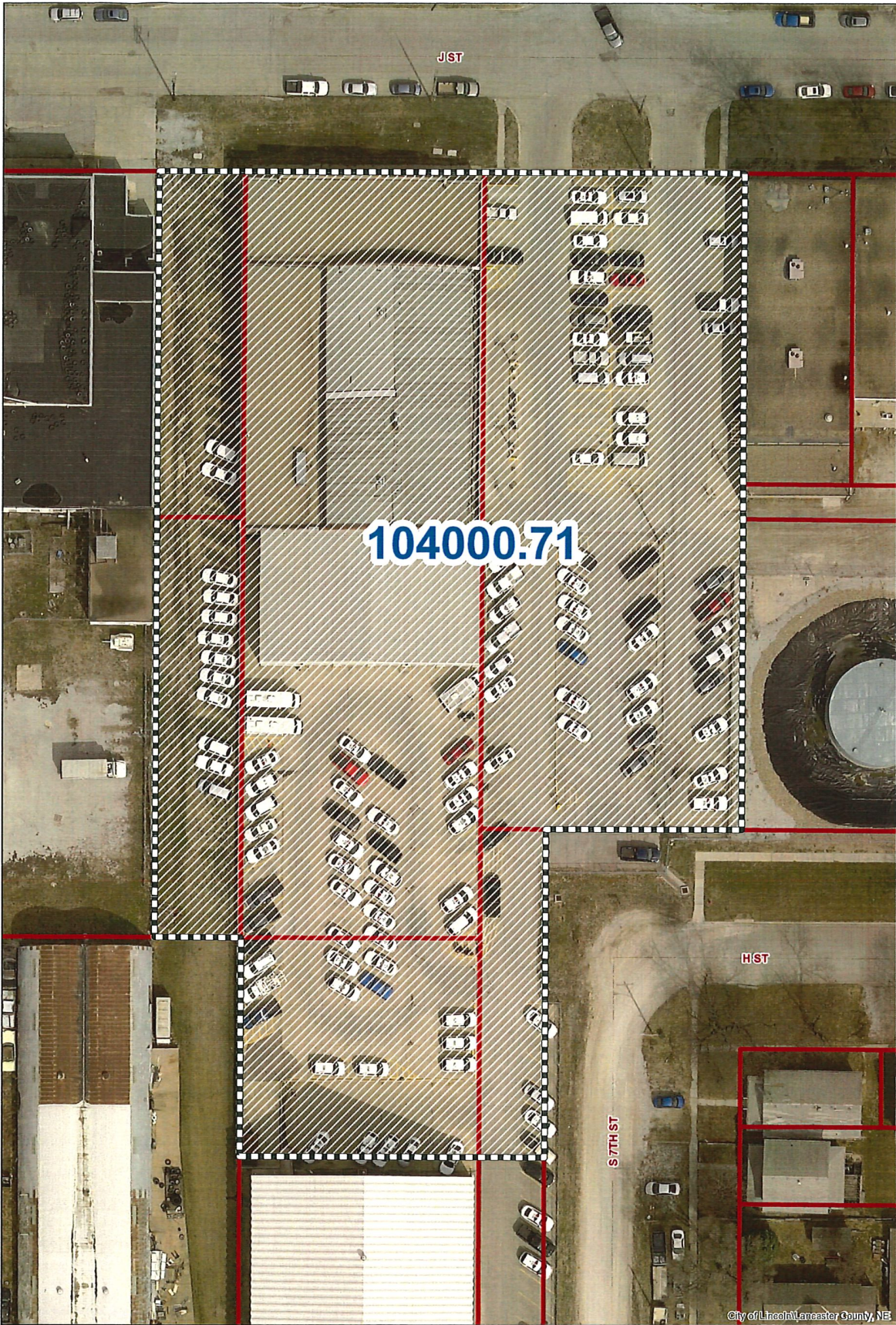
**Comp Plan Conformance #: CPC20011**  
**S 6th St & J St**

**Zoning:**

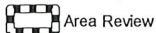
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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.26 T10N R06E**





Area Review - Total SqFt = 104,000.71



Lincoln Original Plat, Block 132, Lots 1 - 2, E10' Lot 3, vac E-W Alley Adj, E10' Lot 10, all of Lots 11 & 12 & 1/2 Vac H St Adj

Vacated 7<sup>TH</sup> Street ( Ord. No. 10671) adj to Lots 1 & 12, Block 132, Lincoln Original Plat

Lincoln Original Plat, Block 143, E110 Feet of Lot 1 & 1/2 Vac H St Adj

Lincoln Original Plat, Block 132, W40' of Lots 3 & 10, Vac Alley Adj and ½ Vac H St Adj to Lot 10

The West 30 feet of the North 150 feet of vacated 7<sup>th</sup> Street (Ord. No. 16392) adj to Vacated H Street and Lot 1, Block 143, Lincoln Original Plat

June 24, 2020

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

Dear David:

Enclosed is an application to declare surplus the City property located at approximately 635 J Street. The Police Garage will be relocating to their new building site at 100 Oakcreek Drive and no longer has needs for the property. 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 22, 2020, agenda.

If you have questions or need additional information, please contact me at 441-8617 or at [mbackemeyer@lincoln.ne.gov](mailto:mbackemeyer@lincoln.ne.gov). Thank you.

Sincerely,



Michelle R. Backemeyer  
Real Estate and Relocation  
Assistance Agent

interoffice  
MEMORANDUM

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**to:** FIELD(1)  
**from:** Michelle Backemeyer, Urban Development/Administration  
**subject:** Declaration of Surplus Property - 635 J Street area  
**date:** June 8, 2020

This memorandum is to notify you that the Police Department thru the Urban Development Department intends to request the declaration of surplus property located at approximately 635 "J" Street as outlined and shown on the attached map. The property is currently used as a maintenance garage, fueling station and parking facility for the Police Department. The property will become vacant when the new police garage at 100 Oakcreek Drive is open and available for use. The property is approximately 104,000 square feet in size.

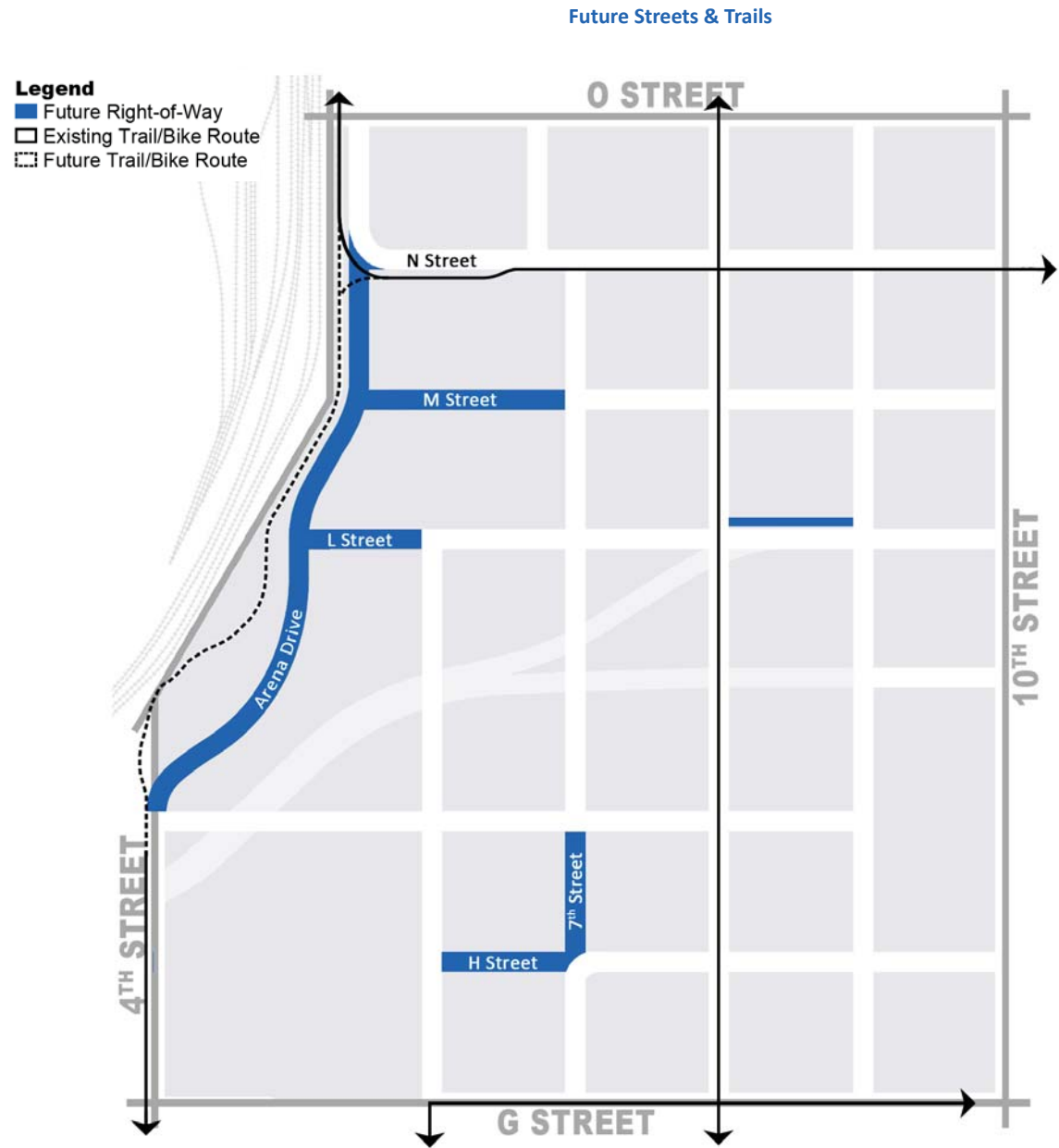
In order to dispose of the property, it must first be declared surplus, and this notification is a requirement of the surplus process. Please respond to [mbackemeyer@lincoln.ne.gov](mailto:mbackemeyer@lincoln.ne.gov) or at 441-8617 in 10 days or less as to any comments, including easement requirements, 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.



## Organize the Streets, Sidewalks & Trails

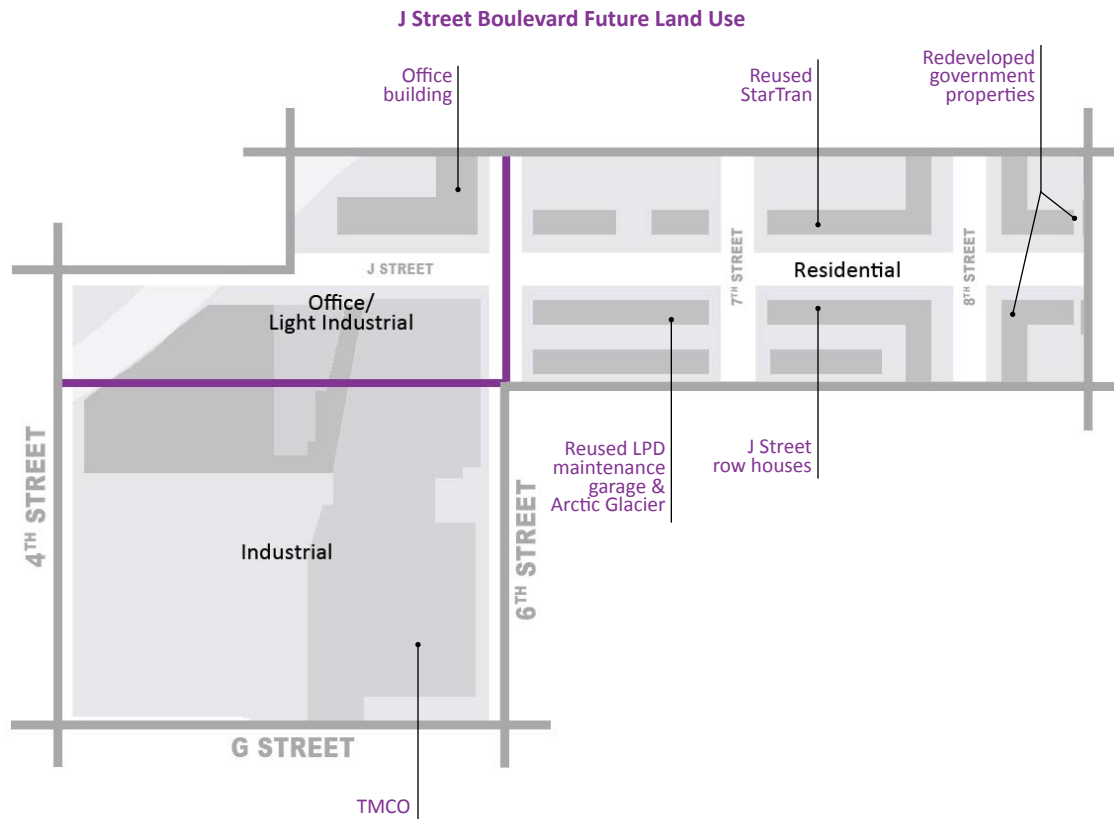
Additional street and sidewalk connections are recommended in the South Haymarket Neighborhood. Reestablished streets begin to create urban blocks that are appropriate for high-density redevelopment, and sidewalks provide safe routes for pedestrians within and adjacent to South Haymarket. New or expanded transit routes should be reviewed for South Haymarket. New trails provide recreational opportunities and connect South Haymarket residents to destinations throughout Lincoln.

This map shows the future streets and bicycle facilities in the South Haymarket Neighborhood. Reestablishing rights-of-way in South Haymarket supports the vision for creating a high-density, urban neighborhood. New sidewalks should be installed along blocks where they do not exist today. Continuous sidewalks will provide safe routes for pedestrian activity. Improvements noted here should be funded as redevelopment occurs.



Medium-density residential uses, such as multi-story row houses, should be built on the J Street frontage between 9<sup>th</sup> Street and 6<sup>th</sup> Street. The residential units should be placed close to the J Street right-of-way to facilitate enclosure of the block and create an 'outdoor living room' along J Street. Office uses may also be appropriate, but they should not be the dominant land use along the J Street Boulevard. If office buildings have frontage along the J Street Boulevard, residential units should be incorporated in the buildings to maintain a consistency of residential uses along the Boulevard and within the South Haymarket Neighborhood. New surface parking lots along the frontage of J Street are inconsistent with the long-term goals of the Nebraska Capitol Environs Commission, and existing surface parking lots are encouraged to redevelop with buildings to maintain a consistent street wall along the J Street Boulevard.

Certain properties contain uses that will need to change or be reconfigured in order to provide consistent residential development along the frontage of the J Street Boulevard. These properties include the LES Substation, LPD Fleet Maintenance Garage, StarTran, the Mill Towne parking lot, TMCO, Government Office Buildings, Arctic Glacier, and Guenzel Manufacturing.





## J Street Boulevard

J Street is recommended to develop with medium-density residential units. Row house units are suggested on the J Street frontage from 9<sup>th</sup> Street to approximately 5<sup>th</sup> Street. This unit type would be a stepdown in density from the higher density structures north of Rosa Parks Way. Attached parking for the units should be provided and accessed in the back of the units.

Due to 120' of right-of-way, a landscaped boulevard on J Street should be constructed with redevelopment projects to enhance the residential nature of the area.

J Street Today



Medium density row houses are constructed from 9<sup>th</sup> to 6<sup>th</sup> Streets

On-street parking is accommodated within existing right-of-way

The J Street Boulevard includes a landscaped median

## J Street Boulevard Recommendations:

- Work in concert with County/City government offices, including the PBC, to seek redevelopment opportunities of identified publicly-owned properties for residential and mixed uses including:
  - LPD Maintenance Facility
  - StarTran Administrative Offices and Bus Garage
  - LES Substation and Peak Facility at 8<sup>th</sup> & J Streets
  - 9<sup>th</sup> & J Street Building and 825 J Street
- Respect the 57 foot height maximum in the Capitol Environs District
- Extend the Capitol Environs District west along J Street to 4<sup>th</sup> Street
- Recommend a westward expansion on future TMCO projects
- Plan for significant streetscape upgrades to J Street, including a landscaped median
- Develop parking stalls beneath the Rosa Parks Way viaduct to offset the loss of parking lot stalls needed for residential development





**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

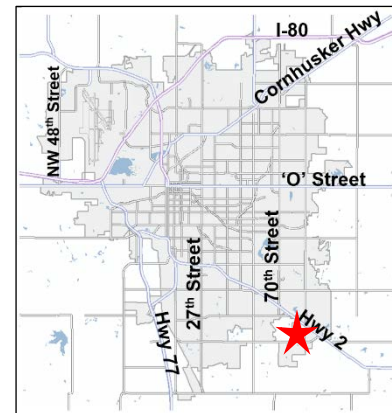
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Annexation #20011, Change of Zone #05068G - The Woodlands at Yankee Hill Planned Unit Development	FINAL ACTION? No	DEVELOPER/OWNER R.C. Krueger Development Company
PLANNING COMMISSION HEARING DATE July 22, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION South 84 <sup>th</sup> Street and Yankee Hill Road

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for an amendment to The Woodlands at Yankee Hill Planned Unit Development (PUD) located at approximately South 84<sup>th</sup> Street and Yankee Hill Road. This request seeks to expand the PUD by 24.65 acres, and increasing the number of allowed dwelling units from 1,327 to 1,407. As with several prior amendments to this PUD, it shows a larger area in concept to set the stage for future incremental expansion. This strategy provides up-front notice of the developer's intent, and allows for the entire development to be evaluated for overall feasibility and appropriateness. It also provides an opportunity for significant issues to be identified and addressed early in the process, which then helps simplify the review and approvals as additional phases are annexed and re-zoned for development.



**JUSTIFICATION FOR RECOMMENDATION**

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

**APPLICATION CONTACT**

Marcia Kinning (402) 484-7342 or [marcia@regaeng.com](mailto:marcia@regaeng.com)

**STAFF CONTACT**

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

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

This site is designated for urban density residential development. The proposed plan shows single-family/attached single-family lots which fit within the larger overall plan and provides a mix of housing types within the larger development which range from single-family to multi-family dwellings. The dwelling types and lot layout shown complies with the Comprehensive Plan.

**WAIVERS:** Adjust parking to one space per 600 sq. ft. of floor area: for Blocks 6, 32, 46, and 47 (LMC Chap. 27.67)

Recommendation: Approval of alternative

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

- P. 1.8 - This site is designated for future urban density residential land uses in the 2040 Future Land Use Plan.
- P.1.4 - Neighborhoods are friendly to pedestrians, children, bicycles, the elderly and people with disabilities.
- P. 7.1 - Housing - In existing neighborhoods, preservation, maintenance, and rehabilitation of existing housing should continue to be the focus. Infill and redevelopment needs to respect the street pattern, block sizes, and development standards of the area, such as parking at the rear and porches, windows, and doors on the front street side. 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 - Neighborhoods and Housing Guiding Principles:
- Provide flexibility to the marketplace in siting future residential development locations.
  - Strive for predictability for neighborhoods and developers for residential development and redevelopment.
- P. 7.4 - Strategies for Neighborhoods and Housing
- Discourage residential development in areas of environmental resources such as endangered species, saline wetlands, native prairies, and in floodplain corridors.
  - Encourage preservation or restoration of natural resources within or adjacent to development.
- P. 7.5 - Developing Neighborhoods - Developing neighborhoods should have a variety of housing types and sizes, plus commercial and employment opportunities. Developing a pedestrian orientation of buildings and street networks that provides substantial connectivity is also a priority for developing areas.
- Provide different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population.
- P. 12.4 - Urban Residential. Multi-family and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre.
- P. 12.4 - Environmental Resources. Land and water masses which are of particular importance for maintenance and preservation, such as saline wetlands, native prairie, and some floodway and riparian corridors.
- P 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.

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

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

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

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

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

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

## ANALYSIS

1. The original Woodlands at Yankee Hill PUD was approved in 2007. With that original approval, a larger plan was shown in concept, but only a portion was actually annexed and re-zoned for development. The same strategy has been used for all subsequent phases of this amendment, and is also the case with this one. At this point, the development is almost fully annexed, with only approximately 50 acres remaining in concept beyond this request. This has provided an opportunity to review the details of the larger concept plan so development issues are identified early, and also provided notice of the developer's intent. This request is dependent upon the approval by City Council of both applications.
2. The subject area of these requests is in concept is in Tier 1, Priority B of the Comprehensive Plan. It is also shown within the City's Future Service Limit, and is designated for future Urban Density-Residential land uses. The development is adjacent to the city limit, and all municipal utilities and services are available to serve it.
3. The 25-acre expansion allows for 80 additional residential lots, 72 of which are for detached single-family dwellings, and 8 for attached single-family dwellings. Of the overall 2,308 dwelling units allowed per the R-3 density within the PUD, this increases the number of units shown in the PUD to 1,407. That leaves 901 dwelling units potentially available but unused. All proposed lots are typical and require no additional waivers.
4. One additional waiver is requested with this amendment. The request seeks to reduce the requirement to one parking space per 600 square feet of floor area for all uses within Blocks 6, 32, 46 and 47 (Blocks 6 and 32 are located near South 81<sup>st</sup> Street and Hayek Drive, and Blocks 46 and 47 are located at Mojave Drive and Yankee Hill Road). This is the parking standard for the B-3 zoning district, which is usually applied to the older commercial centers throughout the city typically developed prior to WWII. It acknowledges the time when these centers were developed and there was less dependence upon the automobile.

There is no precedent to apply the B-3 standard to new developments, where adequate space exists to provide adequate parking areas. However, in the last several years a number of commercial centers have requested adjustments to the parking requirements to allow one space per 300 square feet of floor area. The 1:300 standard is most common parking requirement and applies to a wide range of commercial uses. Doing so eliminates the need to track parking requirements for uses which have special standards such as restaurants, and allows for a uniform parking requirement throughout. It makes sense for centers with multiple tenants where the high and low demand uses tend to cancel each other out and result in an overall average demand of approximately 1:300.

As with any street, parking is allowed along private roadways, but it does not count towards required parking. In this case, the private roadways in the east commercial area located near South 84<sup>th</sup> Street and Yankee Woods Drive are located in public access easements. The roadway is located on the adjacent lots, but the public access



**APR 2012** - AN#11005 and CZ#05068B were approved expanding the original PUD by approximately 35 acres to accommodate 265,000 square feet of commercial floor area and 46 additional dwelling units.

**APR 2013** - AN#12002 and CZ#05068C were approved expanding the original PUD by approximately 24 acres to accommodate 64 additional dwelling units.

**JUN 2014** - AN#14002 and CZ#05068D were approved expanding the original PUD by approximately 10 acres to accommodate 62 additional dwelling units.

**JAN 2015** - AN#15013 and CZ#05068E were approved expanding the original PUD by approximately 72.5 acres to accommodate 310 additional dwelling units and 155,000 square feet of commercial floor area.

**DEC 2019** - AN#19008 and CZ#05068F were approved expanding the original PUD by 15.97 acres to allow for an additional 47 single-family dwelling lots.

Prepared by

\_\_\_\_\_  
Brian Will, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)  
July 9, 2020, 2019

Applicant/  
Contact:

Marcia Kinning  
REGA Engineering Group  
601 Old Cheney Road  
Lincoln, NE 68512  
(402) 484-7342  
marcia@regaeng.com

Owner:

Calruby, LLC and Carroll Krueger Company, LLC  
8200 Cody Drive  
Lincoln, NE 68512  
(402)-423-7377

## CONDITIONS OF APPROVAL

### Annexation #20011

1. The owner will secure approval of the release from the Rural Water District #1 prior to City Council consideration.

### Change of Zone #05068G

Per Chapter 27.60 this approval permits expansion of a Planned Unit Development to add 24.65 acres for 80 dwelling units for an allowed total of 2,308, with a reduction in the off-street parking requirement to one space per 300 square feet of floor area for commercial uses, and to allow parking along private roadways in common access easements to count towards required parking for adjacent lots. Cross parking is allowed in the commercial areas, and the Planning Director is authorized to approve adjustments in required parking for specific users at the time of building permit.

### Site Specific Conditions:

1. The permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
  - 1.1 Make the following revisions to the PUD plan set:
    - 1.1.1 Provide verification that the 20'-wide bike trail easement and bike trail location are in locations satisfactory to the Parks and Recreation Department.
    - 1.1.2 Revise Note #14 in the waiver table to state: Parking is adjusted to one space per 300 square feet of floor area for all commercial uses. Parking along private roadways in common access easements are allowed to count towards required parking for adjacent lots. Cross-parking is allowed in commercial areas. Adjustments to parking requirements for specific uses can be approved by the Planning Director at the time of building permit.
    - 1.1.3 Revise the legal description to the satisfaction of the GIS Survey review.
    - 1.1.4 Rename South 80<sup>th</sup> Street between Kallum and Ponce as a named street.
    - 1.1.5 Update the land use table to reflect the area/density/dwelling units as part of this request.
2. Before a final plat is approved provide the following documents to the Planning Department:
  - 2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the planned unit development has been recorded.
3. Final plat(s) is/are approved by the City.

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

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and

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

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

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

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

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

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

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

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

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

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

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

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

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

to submit to the Director of Lincoln Transportation and Utilities a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to complete the public and private improvements shown on the planned unit development.

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

to maintain the outlots on a permanent and continuous basis.

to maintain the private improvements in good order and state of repair, including the routine and reasonable preventive maintenance of the private improvements, on a permanent and continuous basis.

to maintain the plants in the medians and islands, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

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

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

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

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

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

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

**Standard Conditions:**

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.

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City of Lincoln/Lancaster County, NE

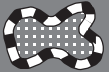


2018 aerial

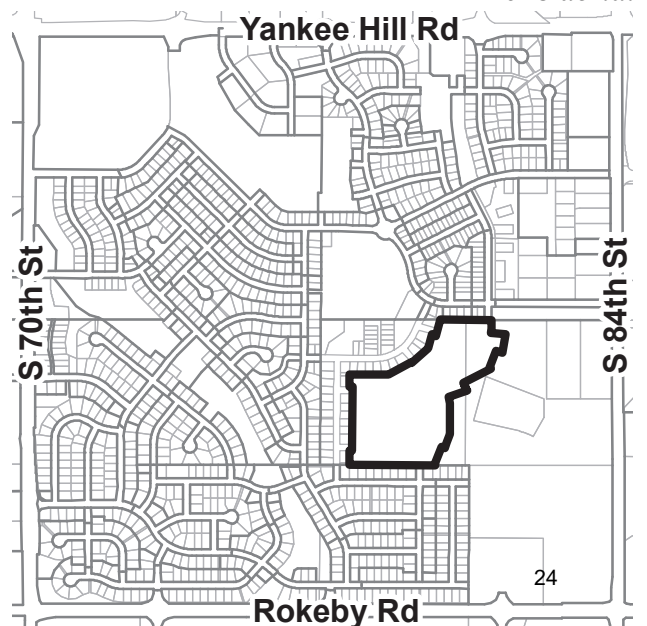
**Annexation #: AN20011 &  
Change of Zone #: CZ05068G  
The Woodlands at Yankee Hill  
S 84th St & Yankee Hill Rd**

**Zoning:**

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

One Square Mile:  
Sec.27 T09N R07E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





# REGA

ENGINEERING  
GROUP, INC.

File No. 201142  
June 23, 2020

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

RE: PLANNED UNIT DEVELOPMENT & ANNEXATION  
THE WOODLANDS AT YANKEE HILL – CZ#05068G  
South 70<sup>th</sup> Street & Yankee Hill Road

Dear David,

On behalf of R.C. Krueger Development Company, we are submitting an application for an amendment to The Woodlands at Yankee Hill Planned Unit Development (PUD) CZ#05068F. The application is requesting 24.65 acres to be brought into the boundary of the PUD which includes a change of zone and annexation of that property. Currently a survey is in process to create the area that is to be added to the PUD as a new irregular tract lot. The new irregular tract lot designation will be reflected in the legal descriptions when available.

The additional area shall include 8 single family attached lots and 72 single family lots, for a total of 80 dwelling units. An outlot is designated as sanitary sewer, storm sewer and pedestrian easement in Block 31. The outlot along the south line of Block 50 is a bike path easement as determined by the Parks and Recreation Department. The total dwelling units shown has been increased to 1407 units from 1327 units. The total dwelling units approved is proposed to be increased to 2308 units from 2137 units. This increase is calculated by the R-3 zoning density of 6.96 units per acre. The unallocated dwelling units also increases to 901 units from 810 units.

With the previous application of CZ#05068F, the entire area was taken out of the rural water district. No further action will be needed between the rural water district and the developer to proceed with development.

The grading and drainage information previously approved with CZ05068F has not changed since the calculations included this area and the future area to the east. It is understood and acknowledged that only those lots that do not drain to the east can be final platted until such time as the drainage and detention facilities to the east are constructed. Since the grading and street profiles have not changed, these sheets are not being included with this application review.

Page 2

The previously approved waivers are being requested to continue with this application. One additional waiver is being requested at this time.

1. Transfer of sanitary sewer from one drainage basin to another. *(Previously Approved)*
2. Sanitary sewer running opposite of street grad in Patrick Avenue, Mohave Drive, South 80<sup>th</sup> Street and Fairbanks Drive. *(Previously Approved)*
3. Block length for Blocks 1, 2, 7 & 40. *(Previously Approved)*
4. Sidewalks in standard location. *(Previously Approved)*
5. Landscape screening to be approved at time of building permits in compliance with Lincoln Municipal Code and the Design Standards. *(Previously Approved)*
6. Lots in commercial areas fronting upon/ taking access from public streets/ private roadways. *(Previously Approved)*
7. The front, side and rear setbacks are adjusted to 0' for Lot 1, Block 1; Lot 1, Block 7; Blocks 6, 11, 33, 34, 35, 46 & 47; except as shown on this plan. Otherwise, the 'R-3' Zoning Requirements and applicable standards apply. *(Previously Approved)*
8. Sidewalks along east side of S. 70<sup>th</sup> Street between Yankee Hill Road and Yankee Woods Drive. *(Previously Approved)*
9. Lot width to depth ratio. *(Previously Approved)*
10. Lot area. *(Previously Approved)*
11. Lot width. *(Previously Approved)*
12. Building height to 45 feet for multi-family building. *(Previously Approved)*
13. Lot Lines being radial and perpendicular to street right-of-way. *(Previously Approved)*
14. Parking ratio for Blocks 6, 32, 46 and 47 from 1 stall per 300 square feet to 1 stall per 600 square feet. *(Chapter 27.67.020 Parking Matrix)*

With the development of the lots, the uses are not supporting the 1 stall per 300 square feet requirement. From the stalls being required only, a fraction will be used and needed.

No other revisions are being made to the existing area already within the Planned Unit Development at this time. Please notify me if there are any questions or comments.

Sincerely,



Marcia L. Kinning

Cc: Rick Krueger, Christina Melgoza

Enclosed: Application Form  
Application Fee of \$4,283.00  
Annexation Exhibit  
Annexation Description  
Change of Zone Exhibit  
Change of Zone Description  
Overall PUD Description

**THE WOODLANDS AT YANKEE HILL**  
**P.U.D. #05068G**  
**CHANGE OF ZONE FROM 'AG' TO 'R-3' PUD**  
**& ANNEXATION**  
**LEGAL DESCRIPTION**

Part of Lot 92 and part of Lot 41 of Irregular Tracts (I.T.) located in the Southeast Quarter of Section 27, Township 9 North, Range 7 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska and more particularly described as follows:

Commencing at the Northeast Corner of the Southeast Quarter of said Section 27; Thence on the north line of the Southeast Quarter of said Section 27, N89°56'33"W, a distance of 1147.94 feet to the southwest corner of Outlot E, The Woodlands Enterprise Center 2<sup>nd</sup> Addition, also the **POINT OF BEGINNING**;

Thence S00°03'26"W, a distance of 79.73 feet to a circular curve to the right having a radius of 330.00 feet, a central angle of 06°34'58" and whose chord (37.89 feet) bears S03°20'55"W;

Thence along the arc of said circular curve 37.92 feet;

Thence S83°21'36"E, a distance of 135.23 feet;

Thence S11°24'41"W, a distance of 169.80 feet to a circular curve to the right having a radius of 330.00 feet, a central angle of 10°02'32" and whose chord (57.77 feet) bears N73°34'03"W;

Thence along the arc of said circular curve 57.84 feet;

Thence S21°27'13"W, a distance of 158.20 feet;

Thence S42°56'48"E, a distance of 18.35 feet;

Thence S63°25'11"W, a distance of 283.93 feet;

Thence S30°16'56"E, a distance of 11.66 feet to a circular curve to the right having a radius of 330.00 feet, a central angle of 12°06'57" and whose chord (69.65 feet) bears S24°13'27"E;

Thence along the arc of said circular curve 69.78 feet;

Thence S71°50'02"W, a distance of 174.09 feet;

Thence S10°50'12"E, a distance of 62.98 feet;

Thence S00°05'47"W, a distance of 280.00 feet;

Thence S20°31'46"W, a distance of 76.12 feet;

Thence S22°19'10"W, a distance of 60.00 feet;

Thence N67°40'50"W, a distance of 29.40 feet;

Thence S22°19'10"W, a distance of 157.32 feet;

Thence S00°05'48"W, a distance of 20.00 feet to a point on the common line of said Lot 92 and Block 1, Grandview Estates 8<sup>th</sup> Addition;

Thence on the south line of said Lot 92, also the north line of Block 1, Grandview Estates 8<sup>th</sup> Addition and Block 3, Grandview Estates 4<sup>th</sup> Addition, N89°54'12"W, a distance of 779.73 feet to the common corner of said Lot 92 and Outlot F, The Woodlands at Yankee Hill 31<sup>st</sup> Addition;

Thence for the next thirteen (13) courses on the common line of said Lot 92 and The Woodlands at Yankee Hill 31<sup>st</sup> Addition, N00°18'42"E, a distance of 130.18 feet;

Thence S89°41'18"E, a distance of 25.00 feet;

Thence N00°18'42"E, a distance of 580.00 feet;

Thence N89°41'18"W, a distance of 25.00 feet;

Thence N00°18'42"E, a distance of 115.00 feet;

Thence S89°41'18"E, a distance of 350.00 feet;

Thence N61°17'44"E, a distance of 234.28 feet;

Thence S40°38'44"E, a distance of 7.65 feet;

Thence N49°21'16"E, a distance of 203.11 feet;

Thence N15°37'39"E, a distance of 135.31 feet;

Thence S74°22'21"E, a distance of 9.40 feet to a circular curve to the right, having a radius of 44.00 feet, a central angle of 38°34'53" and whose chord (29.07 feet) bears S55°04'54"E;

Thence along the arc of said circular curve 29.63 feet;

Thence N15°37'39"E, a distance of 153.29 feet to the common corner of said Lot 92; Lot 2, The Woodlands at Yankee Hill 24<sup>th</sup> Addition; and Lot 1, Block 1, The Woodlands at Yankee Hill 31<sup>st</sup> Addition;

Thence on the north line of said Lot 92 and 41, also the south line of Lot 2, The Woodlands at Yankee Hill 24<sup>th</sup> Addition, Block 2, The Woodlands at Yankee Hill 20<sup>th</sup> Addition and Block 2, The Woodlands at Yankee Hill 22<sup>nd</sup> Addition, S89°56'33"E, a distance of 462.33 feet to the **POINT OF BEGINNING** and containing a calculated area of 1,073,727.01 square feet or 24.65 acres.

**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

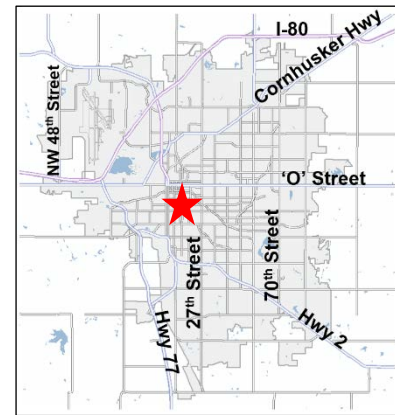
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #17030A	FINAL ACTION? Yes	DEVELOPER/OWNER Lancaster County
PLANNING COMMISSION HEARING DATE July 22, 2020	RELATED APPLICATIONS Change of Zone 17030A	PROPERTY ADDRESS/LOCATION 2202 South 11 <sup>th</sup> Street

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

CenterPointe is preparing to renovate Trabert Hall. CenterPointe purchased Trabert Hall from the County Board to continue using the building as offices, as it has been used for nearly 50 years, or to rehabilitate it as housing. CenterPointe is now proposing to use the building for medical/clinic space in addition to office and housing.



**JUSTIFICATION FOR RECOMMENDATION**

Encouraging the retention of a significant historic structure in an established neighborhood, and facilitating incentives for its continued productive use, is strongly encouraged by the Lincoln/Lancaster County 2040 Comprehensive Plan.

**APPLICATION CONTACT**

Alison Janecek  
(402)474-6900  
[ajanecek@clinewilliams.com](mailto:ajanecek@clinewilliams.com)

**STAFF CONTACT**

Stacey Hageman, (402) 441-6361  
[slhageman@lincoln.ne.gov](mailto:slhageman@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The Comprehensive Plan recommends designation of a wide range of the community's historic places and utilization of incentives to encourage their preservation.

**WAIVERS**

None.

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - This site is shown as future Public & Semi-Public on the 2040 Lincoln Area Future Land Use Plan and is adjacent to Urban Residential to the south and Commercial to the west.

P. 12.4 - Urban Residential areas have a mix of multi-family and single family uses of varying density; commercial areas mix retail, office, service and residential land uses.

P. 7.9 - Strategies for Redevelopment in Existing Neighborhoods:

- Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.
- Recognize that broad economic diversity within existing neighborhoods encourages reinvestment and improves quality of life for all residents while acknowledging the need for affordable housing.

P. 4.6 - The community's distinctive character and desirable quality of life for current residents and for future generations should be supported by exercising stewardship of historic resources throughout the county, while maximizing benefits of past investments in public infrastructure and private property. The Plan encourages the continued use and maintenance of historic resources, including properties not formally designated as landmarks.

P. 4.9 - Continue to inventory, research, evaluate, and celebrate the full range of historic resources including standing structures, distinctive neighborhoods and regions, landscapes, and buried cultural materials throughout Lancaster County, collaborating with individuals, associations, and institutions.

P. 4.9 - Designate landmarks and districts through the local preservation ordinance and the National Register of Historic Places.

P. 7.2 - Continue policies such as landmark districts and down-zonings that maintain a mix of single family and multi-family housing and support home ownership and the preservation and enhancement of historic properties.

P. 7.9 - Promote the continued use of single-family dwellings and all types of buildings, to maintain the character of neighborhoods and to preserve portions of our past. Building code requirements for the rehabilitation of existing buildings should protect the safety of building occupants, while recognizing the need for flexibility that comes with rehabilitating existing buildings.

## ANALYSIS

1. This is a request to amend the special permit for historic preservation which allowed use of Trabert Hall for 57,735 sq. ft. of office space, or for up to 60 dwelling units, or for some combination thereof. CenterPointe is currently proposing 37,734 sq. ft. of medical/clinic space, and 32 dwelling units. This request would allow use of Trabert Hall for medical/clinic space in addition to the approved office and residential uses.

2. A Special Permit for Historic Preservation under LMC §27.63.400 is to be evaluated under the following six criteria:

**2.1. The significance of the historic structure or site and the degree of variation sought from the permitted uses of the district:**

The significance of the structure is presented in the landmark designation, which states: *The former Nurses Home of Saint Elizabeth Hospital is indicative the scale of the original Saint Elizabeth Hospital complex and is the only original, freestanding structure of the complex still extant. (St. Francis Church was built as a chapel wing.) D. X. Murphy & Brother, architects of the building, were nationally significant practitioners and the Nurses Home is well-designed, of fine materials, and is the only identified example of their work in Nebraska.*

The Special Permit considered the option for continued office use of the building and the density of potential residential use which is now requested to include medical/clinic space. Trabert Hall is an existing building which is larger than would typically be constructed in this District, but it also occupies a parcel with 120 parking stalls currently paved on the site. Either office, residential, or mixed office-with-residential use would likely have similar impact to the County's use of the building since the early 1970s.

**2.2. The extent to which economic factors necessitate the change in use:**

The appraiser working for the County Board on the Trabert Hall sale indicated there would be a substantial difference between the appraised value of the property as simply R-4 Residential and the proposed approach of R-4 Residential with landmark overlay and Special Permit.

**2.3. The extent of proposed exterior change to the structure or site:**

Landmark designation and the accompanying design review process provide protection for the building and site. The proposal was reviewed by the Historic Preservation Commission on June 18, 2020. The Commission unanimously recommended approval of the amendment to the Special Permit and issued a Certificate of Appropriateness for the design (excerpt from meeting record attached).

Usually applications for special permits for historic preservation come from owners or developers interested in rehabilitating the landmark themselves. When the property sold, the seller had an interest in guiding future development of the landmark, for the benefit of both the taxpayers of Lancaster County and the owners of surrounding property. The initial request was not for a specific development proposal, but rather to set parameters for potential purchasers' future uses. A condition is included to require a more specific, dimensioned site plan of existing conditions to accompany the future proposal for the site.

**2.4. The impact on the surrounding area:**

The site is located within an area zoned R-4 (Residential), with Saratoga Elementary School adjacent to the southeast, St. Francis Church to the northeast, and Lancaster Rehabilitation Center to the northwest. The request would allow medical clinic use and adapting the upper floors into residential use, more similar to its original function in the 1928-1969 era. A combination of the two uses, combined with preservation of the existing building, are intended to minimize any adverse impact on the surrounding area.

This is a historic preservation special permit so the parking requirement can be set as to what is appropriate to preserve the landmark, preserve the setting, and yet minimize the impact on the neighborhood. If this property were zoned O-3 Office Park District, the required parking would be 1 space per 300 square feet for the medical office and 2 spaces per dwelling unit for the residential. This equates to 126 spaces and 64 spaces for the 37,734 sq. ft. of medical/clinic space and 32 dwelling units, respectively. In this case, the residential units are all one-bedroom and thus may not need 2 stalls per unit as we have seen in other areas. Also, this property is in an older neighborhood in a very walkable area of town with commercial, school and health care nearby as well as public transit. A reduced parking requirement is appropriate with 120 paved parking stalls on the site.

**2.5. The compatibility of the proposed use to the structure or site and the surrounding area:**

The requested special permit is intended to minimize impacts on the surrounding area by continuing uses similar to those made of the building by the Hospital or by Lancaster County.

**2.6. The manner in which the public will be benefitted by such proposed use:**

Assisting Lancaster County with the sale of Trabert Hall benefits county taxpayers. Reusing the building appropriately preserves a historic structure and makes uses of resources already expended in the construction of the building and surrounding public infrastructure. Private rehabilitation of the building would increase the local property tax base.

**EXISTING LAND USE & ZONING:** vacant; R-4 Residential with historic overlay

**SURROUNDING LAND USE & ZONING**

North: Parking R-4 Residential District  
South: Residences R-4 Residential District  
East: Saratoga Elem. School P-Public Use District  
West: Residences, R-4 Residential District  
Lancaster Rehab. Center,  
CenterPointe residential treatment program

**APPROXIMATE LAND AREA:** 2.47 acres more or less

**LEGAL DESCRIPTION:** Saint Francis 1<sup>st</sup> Addition, Lot 3, in SE ¼ of Section 35 T10N R06E, Lincoln, Lancaster County, Nebraska.

Prepared by

---

Stacey Hageman, Planner

Date: July 8, 2020

Applicant: CenterPointe  
2633 P Street  
Lincoln, NE 68503

Contact: Alison K. Janecek  
233 S. 13<sup>th</sup> Street, Suite 1900  
Lincoln, NE 68508  
(402)474-6900  
[ajanecek@clinewilliams.com](mailto:ajanecek@clinewilliams.com)

Owner: CenterPointe  
2633 P Street  
Lincoln, NE 68503  
(402)429-2278  
[thansen@centerpointe.org](mailto:thansen@centerpointe.org)

F:\DevReview\SP\17000\SP17030a TrabertHall.slgh.docx

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #17030A

Per Section 27.63.400 this approval permits historic preservation use of Trabert Hall and its site for up to 57,735 square feet of office space, or for medical/clinic space, or for up to 60 dwelling units, or for a combination thereof approved by the Planning Director.

### Site Specific Conditions:

1. The applicant shall provide landscape screening along the parking area adjacent Saratoga Avenue.
2. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies, showing all setbacks and yards, buildings, parking and circulation elements, and similar matters.
3. Any signs for the property must receive a Certificate of Appropriateness from the Historic Preservation Commission prior to receiving a City of Lincoln sign permit.
4. Before receiving building permits provide the following documents to the Planning Department:
  - 4.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

### Standard Conditions:

5. The following conditions are applicable to all requests:
  - 5.1 Before occupying the building, all development and construction shall substantially comply with the approved plans.
  - 5.2 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.
  - 5.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
  - 5.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.



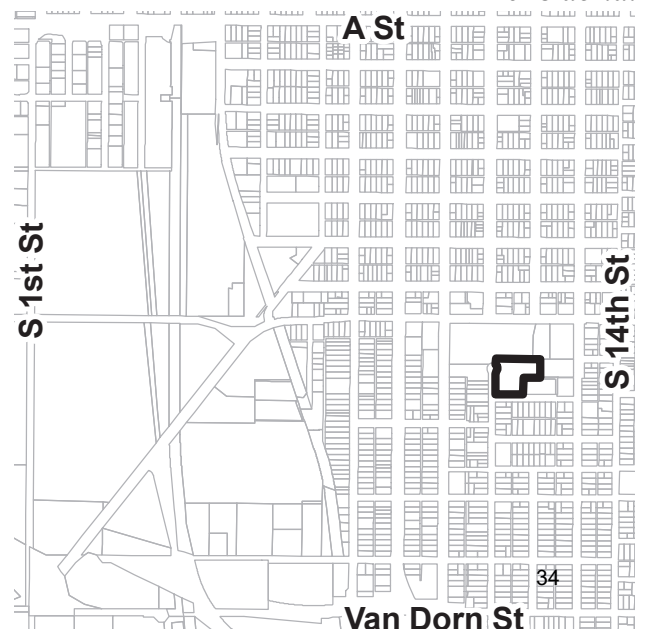
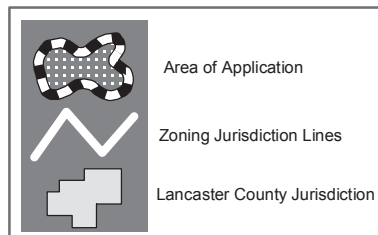
2018 aerial

**Special Permit #: SP17030A**  
**CenterPointe South Street Project**  
**S 11th St & Saratoga Ave**

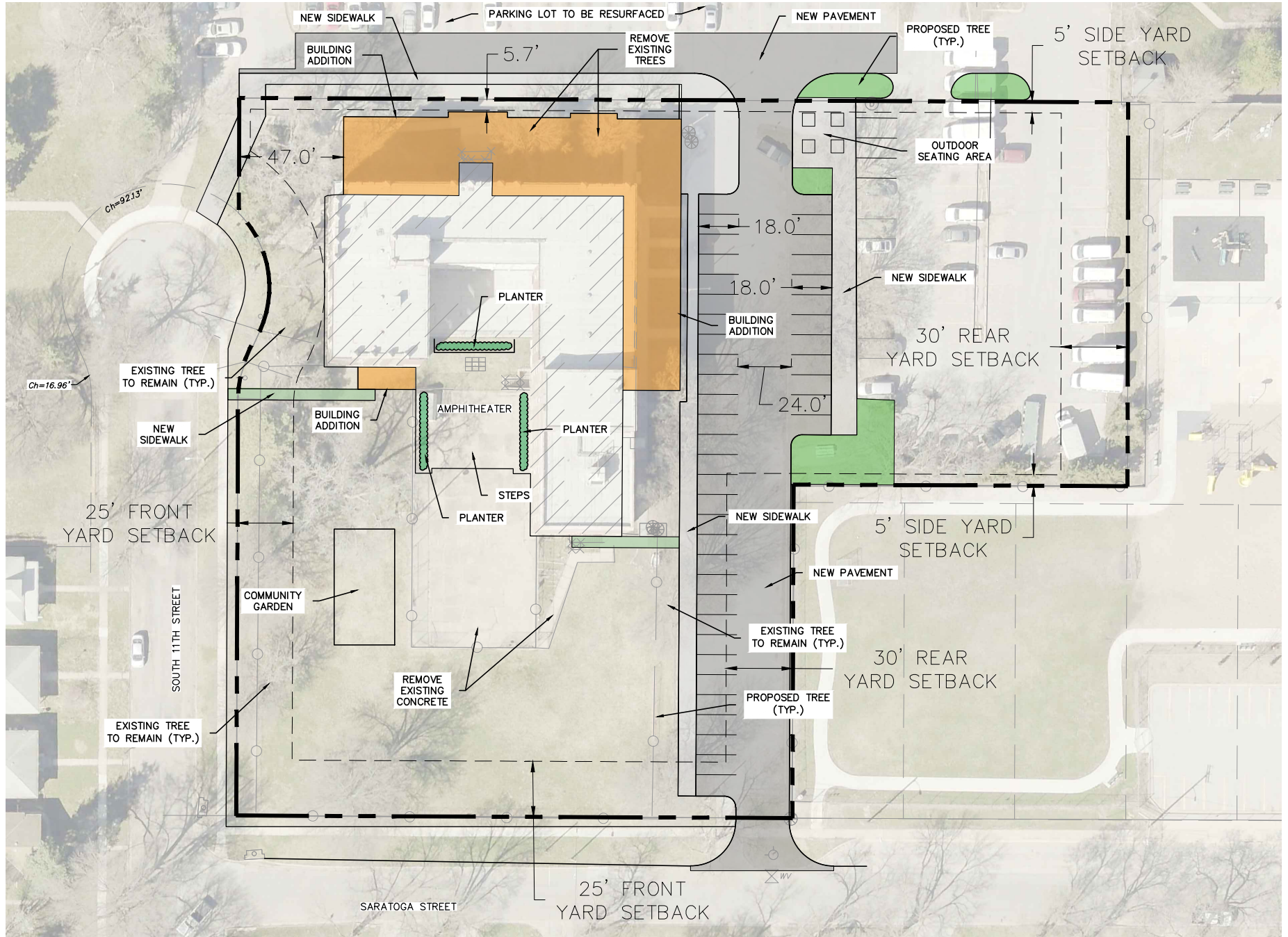
**Zoning:**

- 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 T10N R06E



DWG: F:\2019\1001-1500\019-1314\40-Design\AutoCAD\Preliminary Plans\C\_PBASE\_DIM\_0191314.dwg  
 DATE: Jun 26, 2020 10:56am  
 USER: nbuss  
 XREFS: C\_XBASE\_0191314 First Floor Plan V\_ALTA(Topo)\_018-3396



PROJECT NO:	019-1314
DRAWN BY:	JEF
SCALE:	1" = 60'
DATE:	02/10/2020

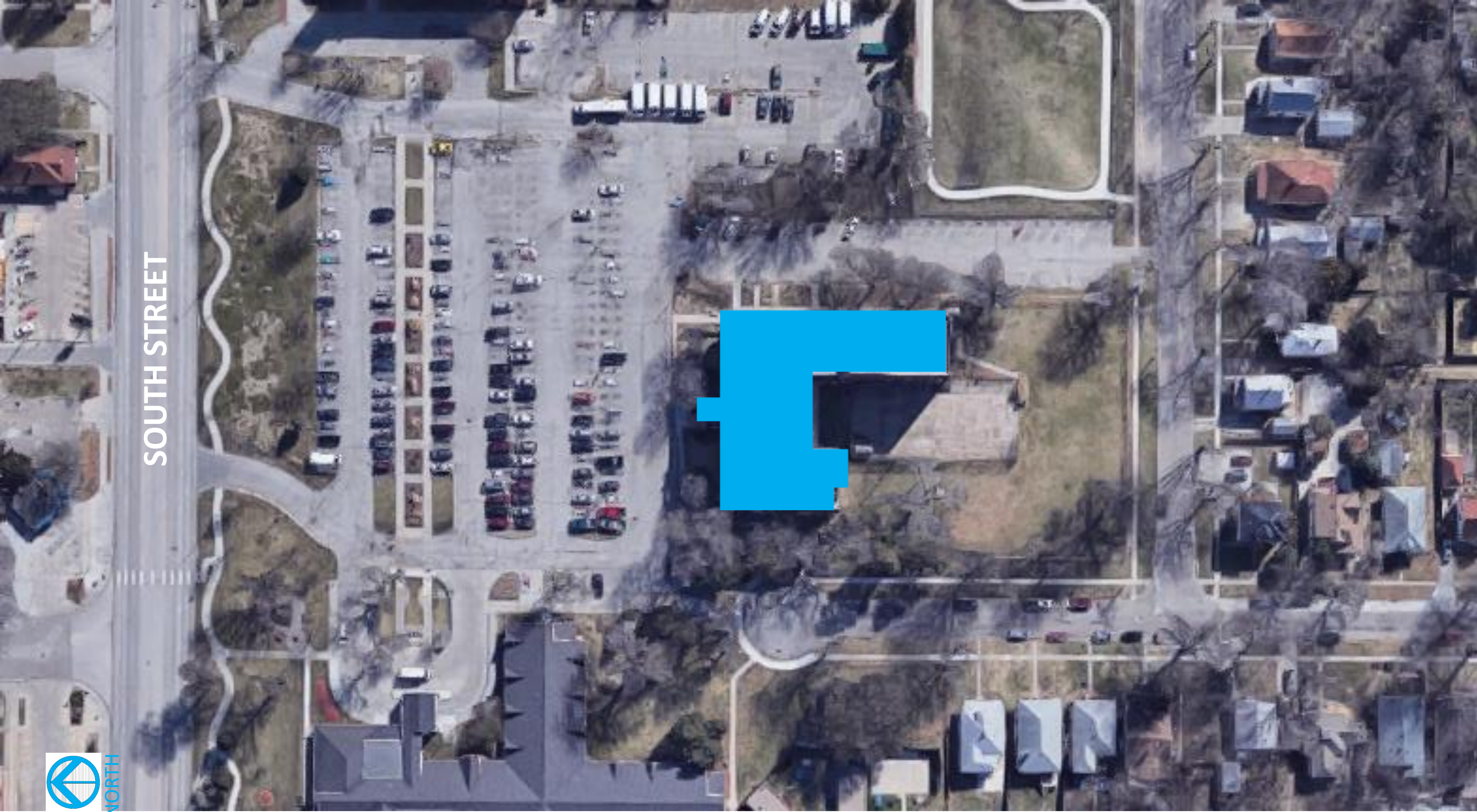
## CENTERPOINTE SITE EXHIBIT



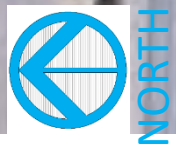
601 P Street, Suite 200  
 P.O. Box 84608  
 Lincoln, NE 68508  
 TEL 402.474.6311

EXHIBIT

1A

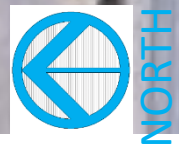


SOUTH STREET





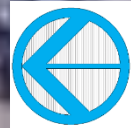
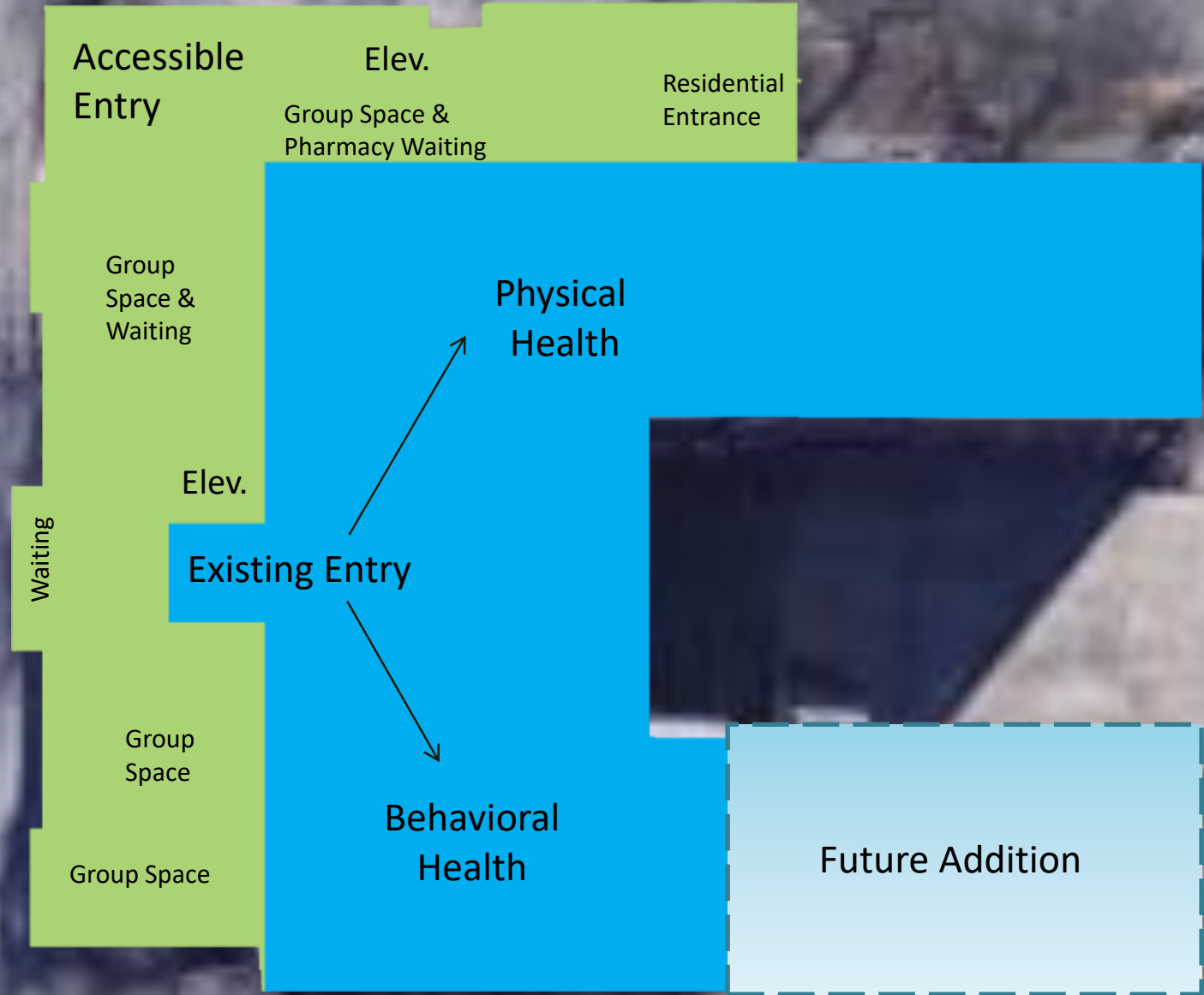
SOUTH STREET

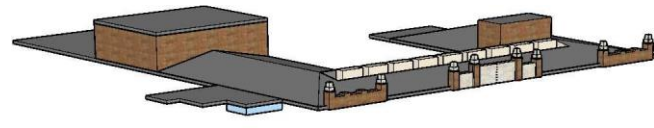


Lancaster  
Manor  
Parking

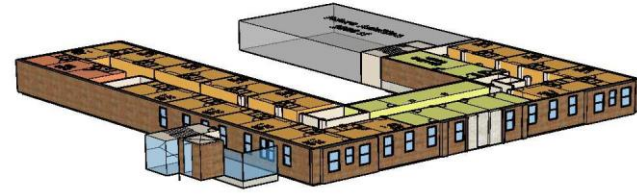
CenterPointe Parking

Parking

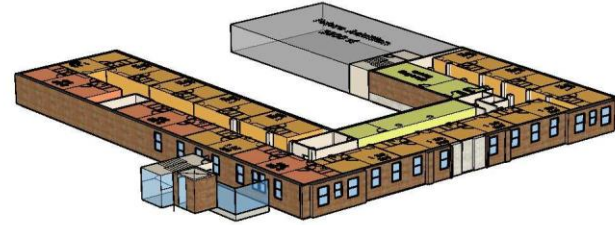




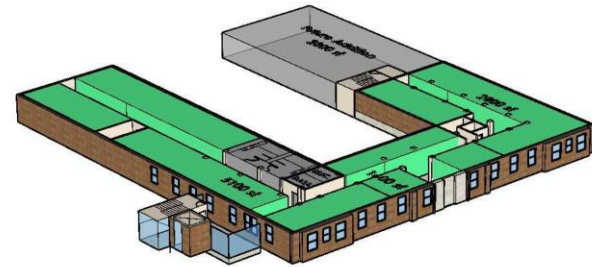
Level R - Mechanical



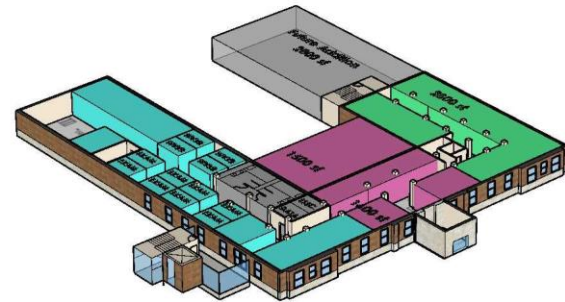
Level 4 - Residential Units - CT



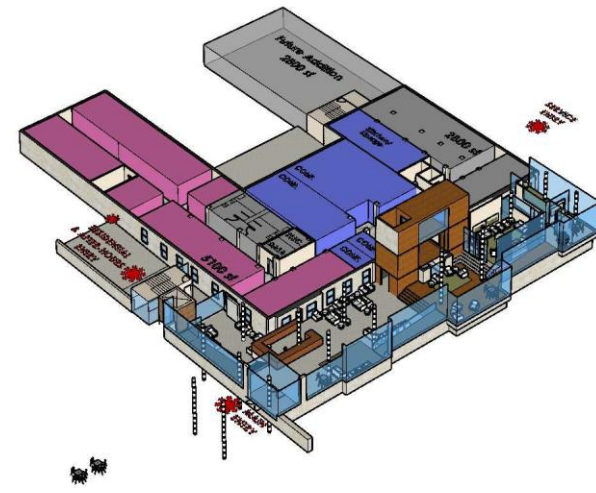
Level 3 - Residential Units - PIER



Level 2 - Clinic Behavioral

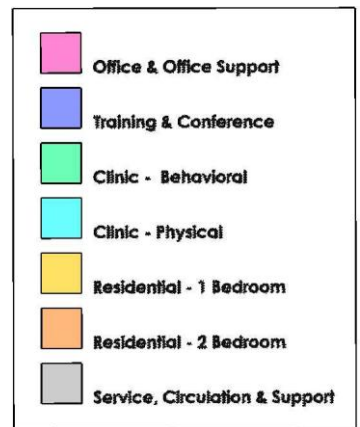


Level 1 - Intake  
- Clinic  
- Behavioral  
- Medical

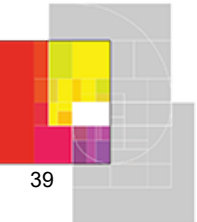


Level -G - Grade Level Entry  
- Stepped Entry Lobby  
- Reception / Navigators  
- Meeting Spaces

Level B - Support  
- Offices  
- Training/Conference



Stacked Plans  
Original Structure + Addition



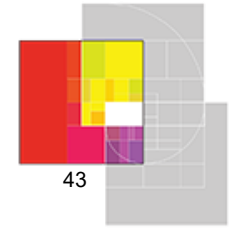








Site  
Original Structure + Addition



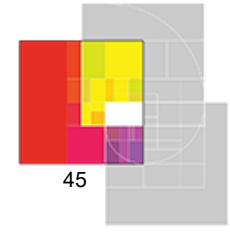


Site  
Original Structure





Site  
Original Structure + Addition







View from South Street – West Drive  
Original Structure + Addition



View from South Street – East Drive  
Original Structure + Addition

SCOTT D. KELLY  
MARK A. CHRISTENSEN  
RICHARD P. GARDEN, JR.  
SHAWN D. KENNER  
JOHN C. MILES  
THOMAS C. HUSTON  
DON R. JANSSEN  
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JILL GOSSIN JENSEN  
ROCHELLE A. MULLEN  
TRENTEN P. BAUSCH  
MICHAEL C. PALLESEN  
RICHARD P. JEFFRIES  
TRACY A. OLDEMEYER  
PAMELA EPP OLSEN  
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June 9, 2020

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ADAM W. BARNEY  
GREGORY S. FRAYSER  
JENNIE A. KUEHNER  
TRAVIS W. TETTENBORN  
BEAU B. BUMP  
HEATHER A. CARVER  
SHANNON E. FALLON  
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LILY AMARE  
JOHN F. ZIMMER, V  
NATHAN D. CLARK  
ALISON K. JANECEK  
TAMARA I. KELLEY †  
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AMANDA C. CARTER  
PAUL D. HENDERSON  
MARY R. MARCUM  
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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**

David Cary  
Director of Planning  
Lincoln City/Lancaster County Planning Department  
555 South 10th Street, Suite 213  
Lincoln, NE 68508

Re: CenterPointe South Street Project – Application Letter  
Our File No.: 3728.011

Dear Mr. Cary:

This firm represents CenterPointe which owns the South Street Project located at 2202 South 11th Street, formerly known as Trabert Hall. The property in question is designated as a landmark and subject to Special Permit #17030.

This letter shall serve as the Application Letter for the South Street Project. Enclosed please find a narrative of the project.

**1. Special Permit Amendment.** This Application includes a request for an amendment to Special Permit #17030 for Historic Preservation pursuant to LMC 27.63.400. The purpose of this request is to allow for medical/clinic space, in addition to a combination of office space and dwelling units as permitted by Special Permit #17030.

**2. Certificate for Certain Work (Landmark).** This Application also includes a request for a Certificate for Certain Work (Landmark) from the Historic Preservation Commission pursuant to LMC 27.57.140. The purpose of this request is to allow construction of the entryway addition on the north and east sides of the building.

David Cary  
June 9, 2020  
Page 2

The entryway addition is necessary for ADA accessibility. CenterPointe believes that this addition addresses the challenges of being able to get into the building while minimizing the impact on the principal façade. The design keeps the building intact, keeps the principal façade visible to the public, and creates a visible entry when you come onto the site. CenterPointe is proposing to balance the interests of historic preservation while making an adaptive reuse of the building for the benefit of the public by providing treatment and care for mental and physical health and wellness, rehabilitation, and housing for homeless and low-income persons.

**3. Submittal.**

- a. Application. Enclosed please find the Application signed by Topher Hansen, JD, President/CEO of CenterPointe.
- b. Fee. Enclosed please find a check made payable to the City of Lincoln in the amount of \$988.00 as the Fee.
- c. Site Plan. Once you have created a ProjectDox project for this application, please notify myself and Jeff Chadwick, so Jeff can upload the Site Plan to ProjectDox.

If there are any questions, please do not hesitate to contact me.

Sincerely,



Alison K. Janecek  
For the Firm

Enclosures

cc: Topher Hansen, JD (via email)  
Thomas C. Huston (via email)

4847-1960-5183, v. 1

**CenterPointe**  
**South Street Project**  
**Narrative**

**FOUNDED IN 1973**

CenterPointe is an organization founded in 1973, by a group of citizens in Lincoln, Nebraska, who believed that individuals with drug problems needed a specialized place for treatment. At that time it was not common for alcohol and drugs to be treated in the same location. Alcohol was the common substance at issue for most treatment programs. The treatment approach by CenterPointe was a biopsychosocial model, rather than the more traditional alcohol oriented, 12-step model, in the belief that it would appeal to a broad audience including those in the drug culture who also had issues with alcohol. The newly formed residential program focused on providing care for people without financial resources. The program served six people in the first year.

**TODAY**

CenterPointe serves more than 3000 people through 37 programs in Lincoln and Omaha, Nebraska. The mission has evolved to include those people who experience mental illness, substance use disorders and homelessness. The philosophical foundation is the same, but the services have broadened to provide a variety of services and tools to the people in the various programs who struggle with mental health and substance use problems and homelessness. The organization's mission is to help the people we serve get better, sooner, for longer.

CenterPointe was one of the first organizations in the nation to fully integrate mental health and substance treatment in 1989. CenterPointe also was one of the first to employ the "housing first" model whereby people with mental illness and addiction issues are housed, then engaged for treatment services. Today, CenterPointe operates over 240 units of supported housing through grants from the Department of Housing and Urban Development, the Veterans Administration and the State of Nebraska.

CenterPointe uses a harm reduction model to work with each person toward achieving health and well being in their lives. Our therapeutic approach includes many forms of therapy in order to address each person individually. Because trauma is prevalent in the people being served, therapists are trained in state of the art trauma therapies, including trauma informed care, EMDR, and Dialectical Behavioral Therapy. CenterPointe is partnering with a local healthcare organization to develop cutting edge virtual reality programs to use in specific therapeutic circumstances.

**CONTEXT**

Lincoln is a city of 275,000 residents. It is home to the University of Nebraska-Lincoln and several other small colleges and universities. Lincoln is the capital city of Nebraska and also is the site of several of the state prisons and a state hospital for people with severe mental illness and a forensics unit.

The voters in Nebraska passed a ballot initiative in 2018 to expand Medicaid by making eligibility based on financial need and including those up to 138% of poverty. The plan announced by the Governor will go into effect in November 2020.

### **NEED**

CenterPointe has steadily increased the number being served by approximately 10% per year over the last 3 years. Seventy percent of the 3000+ people being served by CenterPointe are uninsured and have income of less than \$5,000/year. While they can receive funds to address any mental illness and substance treatment needs, there are no resources for those without insurance or financial resources to receive physical health care. Medicaid expansion will create a payment source for them to receive physical health care. There are 242,000 people enrolled in Medicaid today, with an additional 90,000 being added when the program expands. Concern has been expressed that there will not be sufficient providers to cover the demand for care.

Physical health care is a critical service for the people being served at CenterPointe. Approximately 60% of those in service have severe and persistent mental illness (SPMI). National data and local experience indicates that people with SPMI have a life expectancy that is 25 years less than the average person. Causes of death include cancer, diabetes, COPD, heart disease, diabetes, and hypertension. Many of these illnesses and deaths are preventable with regular physical health care and early intervention.

One in five people in the United States (65.4MM) experience mental illness each year and over 20 million have a substance use disorder. The same percentages are true for Nebraska. Less than half of the people identified with mental illness receive care and less than 10% of people with a substance use disorder receive any treatment. Approximately 75% of the individuals served by CenterPointe have both a mental illness and a substance use problem. And, we know that substance problems and mental illness are tied to many societal issues such as incarceration, domestic violence, physical abuse and neglect, hospital emergency department use and more. The National Institute on Drug Abuse (NIDA) quotes several conservative estimates which say that for every dollar invested in treatment, up to \$12 are saved in crime, theft, criminal justice and healthcare costs.

### **NEED- OUTPATIENT CARE**

CenterPointe's outpatient services are located in a facility at 1000 South 13<sup>th</sup> Street in Lincoln, NE. The services in that facility include the Crisis Response Team, Homeless Street Outreach Team, Counseling Services, Medication Management, Nursing, Community Support programs, Peer Support Team, and several others. We have utilized the available space for offices in the 15,000 square foot building by putting up to four people in an office and converting available space to offices, except for two conference rooms and the lobby space. It is important to keep the teams for these services in one location as the level of team communication needed for effective integration of care is frequent. Splitting staff would not be effective for coordinated client care.

### **NEED-PHYSICAL HEALTH**

CenterPointe continues to work toward including physical health integration into its continuum of outpatient care. The state of the art for health care is to provide whole health care. That is, health care organizations like CenterPointe are expanding their services to include mental health, substance, and physical health treatment in one location. Offering all the help a client needs and helping them get their

new way of life established before discharging them from services, is what helps people get better, sooner, for longer.

If CenterPointe is to relocate to provide more space for its continuing growth in outpatient services, then the new space needs to be large enough to accommodate a physical health care clinic. Conversations are underway between CenterPointe and local healthcare providers which may be interested in co-locating to a larger facility. The goal is that CenterPointe will one day offer fully integrated physical health with the mental health and substance use services currently offered. Co-locating physical health with CenterPointe's other outpatient services is a step in that direction.

### **NEED-COMMUNITY TRANSITIONS**

CenterPointe operates a psychiatric residential rehabilitation program called Community Transitions for people who have been in the Crisis Center or Lincoln Regional Center and need to learn how to live independently in the community. The program provides rehabilitation that teaches the individual how to live independently and manage their health. The current facility consists of 5, 3-bedroom apartments as residential space and one 3-bedroom apartment as the community room, staff offices, etc. These six units are in an assisted living facility and leased to CenterPointe at assisted living rates, so they are extremely expensive and not designed for supervision or teaching. CenterPointe has sought to move this program to a more suitable facility for several years, but has not been able to identify a location. A new facility is needed to give each person their own apartment and provide a community space for groups and to teach people a variety of skills on how to live independently. The program is staffed 24/7.

### **NEED-PIER PROGRAM**

Partners In Empowerment and Recovery (PIER) is a program that follows a model known as Assertive Community Treatment (ACT). People living in State Psychiatric Hospitals are brought into the PIER Program to learn how to live successfully in the community. The team supports the person where they live, rather than requiring them to come into the office for services. This program differs from the Community Transitions program in clinical eligibility, what services are offered and where they are offered. The team currently rents an office in Lincoln, but could be moved to another work space owned by CenterPointe to save rent and be in closer proximity to other outpatient services.

### **SOLUTIONS**

The **South Street Project (SSP)** is the former residence hall for nurses who worked and trained at St Elizabeth's hospital when it was located on South Street, between 10<sup>th</sup> and 13<sup>th</sup>. Built in 1929, a large addition was added in 1960 that substantially expanded every floor which increased the total building size to 52,000 square feet. Although the hospital was ultimately torn down, SSP was purchased by Lancaster County and used as an office building for County services up through 2017. It now stands empty.

CenterPointe purchased SSP in February 2019. A solid foundation with a post and beam construction has left a remarkably solid shell with few signs of deterioration. While the design of the interior does not allow for easy retrofitting of windows, doors, mechanical or electrical systems, it does allow the interior walls to be completely removed in order to upgrade the design and infrastructural systems, such as wiring, plumbing, HVAC and communications.

Initial design and cost estimates suggest that the construction costs and soft costs could total approximately \$15.5 Million. It appears that most of this cost could be covered by Low Income Housing Tax Credits and other grants that are often associated with this tax credit financing. CenterPointe intends to conduct a capital campaign to cover the gap in financing and to endow the building.

CenterPointe would intend the following uses for the building:

**Entrance/Lobby:** The **east side** of this area will allow people to be greeted at the front desk and directed to the appropriate activity needed. It also allows them to move between the garden level and Level 1 by way of a ramp system or elevator. The **west side** of the Lobby provides space for group or individual gatherings that can serve as space for community meetings, one-on-one meetings with clients, or quiet space for people working on an application that supports their recovery. This is the space where the facility interfaces with the public through reception, activities, meetings and programming.

**Garden Level: East Side:** The PIER Program, aka, Assertive Community Treatment team, offices and conference room; training and large group meeting rooms; Pharmacy. **West Side:** more conference rooms, a teaching kitchen, resident storage and facility maintenance operations and storage.

**Garden Level Programming:** The **PIER team** (an intensive outpatient team that works in the community, but uses an office for staffing and other business related to the work) will occupy a portion of the East wing. They will move to SSP from a facility we currently rent. They will continue to work in the community, however, it is contemplated that people being served in that program who need more support, may live in one of the units on 3<sup>rd</sup> floor. The **conference center** will have a variety of programming focused on health and well-being issues. The topics will range from health education, yoga, meditation, food preparation, other community meetings and CenterPointe meetings. The space will be flexible, so more than one group can use the available spaces at a time. The **Pharmacy** will operate primarily for the people being served by CenterPointe, but will be available to the community as they choose. It will not promote itself as a retail pharmacy like Walgreens or CVS. The remaining space on the west side will be a teaching kitchen for CenterPointe and other community activities, as well as storage for people living in the building and CenterPointe operations.

**Level 1. East Side:** Primary care examination rooms for physical health, dental, vision, and more; **West side:** CenterPointe behavioral health outpatient clinic rooms, conference rooms, staff space;

**Level 1 Programming:** This is where most of the direct care for people seeking services will occur. Examination rooms for physical, mental health and substance use care will occur in these offices. Staff for physical health will generally be located on the east side, while mental health and substance use will be on the west side. The design will allow easy access to each side and programming will be designed to have interdisciplinary integration of services. All staff will be organized to support and coordinate care and to respond to emerging issues. The intent is to care for the whole person with the services they need that day.

**Level 2: East and West Side:** CenterPointe staff work space, conference rooms;

**Level 2 Programming:** Generally, level 2 will be work space for staff. Interaction with people being served will generally occur on Level 1 or in the new addition.

**Level 3:** Community Transitions Program: 16 one-bedroom apartments and one community room. This program can serve people for a length of time appropriate to their need with a stay of 9-12 months anticipated.

**Level 3 Programming:** The level of care provided in the Community Transitions program is called Psychiatric Residential Rehabilitation. People in that service must receive rehabilitative care outside the program for 20 hours per week and the program must provide 25 hours of rehabilitative care each week. This program is a place that people can learn how to live in their own apartment successfully, while maintaining their health and positive activity in the community. Level 3 will have individual apartments where each person can practice successful independent living. The group will have a teaching kitchen, community meeting space and group rooms for leisure activities. Staff will facilitate the 25 hours of group rehabilitation activities and will be present for overnight and weekend hours.

**Level 4:** Housing for CenterPointe clients in established recovery programs that need accessible, affordable housing. There will be 16 one-bedroom units and one community room.

**Level 4 Programming:** The 16 apartments on this level will not function as a program, but simply as an apartment for each person that fits the need to be in a residence that is in a more supportive environment that might be offered in the general community. Various CenterPointe staff may provide services in their home environment, but the 4<sup>th</sup> floor will not be staffed. The people residing on this floor might be clients of the PIER program, elderly clients who need accessible apartments, etc. It will generally be reserved for those people that are having success in their recovery program and need a safe, affordable place to live.

**Facility Grounds:** Immediately to the south of the conference facility in the garden level will be a patio space that is at the sub-grade level of the garden level. This space can be used for meetings, relaxing or performance. From the patio, the land will be terraced to rise to the grade surrounding the building. The terracing will serve as drainage, but can also be used as seating in the event of a performance. Ramps will be available on both sides of the terrace for access. At the upper grade, the south and east part of the grounds of SSP will be utilized for a serenity path and a community garden space.

East and north of the building will be utilized for parking.

**Capacity Utilization of SSP:** The Garden Level will be fully occupied from the date of opening by the PIER Program, but this program is easily moved to another location as outpatient services grow and require more space.

Level 1 and 2 will occupy approximately 80% of the available space, thus leaving room for growth.

Level 3 and Level 4 will be fully occupied when the facility is opened.

All programs occupying the SSP will be assessed an occupancy cost in order to generate sustaining funds for operations and maintenance of the building.

## MEETING RECORD

**NAME OF GROUP:** HISTORIC PRESERVATION COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Thursday, June 18, 2020, 1:30 p.m., Room 113 – Bill Luxford Studio, 1<sup>st</sup> Floor, County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska

**MEMBERS IN ATTENDANCE** Nancy Hove Graul, Jim Johnson, Greg McCown, Greg Newport and Melissa Dirr Gengler; Jim McKee absent; the seventh seat of this Commission is vacant.

**OTHERS IN ATTENDANCE** David Cary, Paul Barnes, Stacey Hageman and Rhonda Haas of the Planning Department.

**STATED PURPOSE OF MEETING:** Historic Preservation Commission Meeting

Chair McCown called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

### **CERTIFICATE OF APPROPRIATENESS FOR WORK AT 2202 SOUTH 11<sup>TH</sup> STREET, TRABERT HALL**

#### **A DESIGNATED LANDMARK**

#### **PUBLIC HEARING:**

**JUNE 18, 2020**

Members present: Hove Graul, Johnson, Gengler, Newport and McCown; McKee absent.

**Topher Hansen, 2202 South 11<sup>th</sup> Street**, came forward and stated that they have purchased property known as Trabert Hall. He shared that they are calling this the South Street Project, because at some point it will no longer be called Trabert Hall. The challenge from day one has been the design for this building, which will be used for outpatient services and the top two floors will be residential.

**Tom Huston, Cline Williams Wright Johnson & Oldfather, 233 S. 13<sup>th</sup> Street, #1900**, came forward representing CenterPoint who purchased this property. He stated the purchase of this property had a condition, which was that it needed to be used for low and moderate income and provide healthcare and housing to the residents of Lancaster County. The existing special permit does permit the use of this building for housing and offices space, and they want to expand those uses to include medical and clinical uses.

**Jeff Chadwick, Clark Enersen Partners, 1010 Lincoln Mall, Suite 200**, came forward and stated this is a garden level facility, where you need to go down five feet to get to the lower level and

up eight feet to get to the first level. The project is to wrap the building with a new addition and in the future, there will be room to add another wing on the west side. The site plan has trees and plants around the facility and they will be taking out some of the existing concrete. There will be a new vestibule on the front with parking, and they want to maintain the drive from north to south. There will be another addition off the west wing and a stair tower to gain access to the upper floors. Chadwick stated the concept was to use as much of the original entry as they could even though it was up half a flight of stairs. The design of the green area is the starting point with it going into the entryway that will have waiting areas, elevators, and group spaces that will then divide to other areas of the facility. The residential spaces will be on the upper two floors and will only be accessible by the tenants. He shared slides with plans for the inner building design with all of the offices, group spaces, apartments and several different types of waiting areas for visitors.

Hove Graul stated that she appreciates the design and that it was thought-out and works really well with the structure. She stated the roofing materialism and columns shown in the last few slides, from a historic standpoint, the materialism tended to be a little more sympathetic. Chadwick said that is correct. Hove Graul stated this would really help with the streetscape.

McCown stated that this does a great job in balancing the interests and recognizes the integrity and design of the building, which gives it a professional feel. This does add to the streetscape of the area and will provide valuable services.

Dirr Gengler asked if they consider an option that would have less physical touch or impact on the entirety of the façade, and make it slightly more freestanding and connect only at certain points. Chadwick said that it had to do with the amount of space that is around the building and the ability to maintain the parking and the greenspace. The length needed for the ramp is over 100 feet plus the landing.

Hove Graul stated that she appreciates that there is not a separation between them and that there is a connection, and she further stated that when visitors are in the building they are able to see and touch the brick.

Dirr Gengler stated that was her first question about gaining access or accessibility to the building and shared that the transparency is unique. Hansen stated this is a wonderful building, and will be a benefit to this part of Lincoln. Discussion continued on the uniqueness.

Newport stated before his retirement from Clark Enersen, he had started this project and appreciates the comments on having a light touch to the existing building. He shared that the point of the entry, and the way it is and leading people into the facility, provides not just the opportunity to meet the special requirements but it give the individuals more respect than other facilities might. This will be a great facility.

Hove Graul inquired where all of the mechanical would go. Chadwick stated that it would be on the roof. Chadwick said that there would be a slot behind an area on the roof, so they would not be seen.

McCown asked if there was a plan for the courtyard area. Chadwick stated that there would be a green terrace and access off a kitchen and gym. Hansen shared that there would be a community garden for the community to work, and would help to promote health and wellbeing.

Dirr Gengler asked Hageman if they were doing the certificate on the concept and they would come back with a design. Hageman stated this would be for the concept design and advice on the special permit.

**ACTION:**

Dirr Gengler moved to recommend approval of Certificate of Appropriateness, to approve the concept as proposed today, and reuse of the building as written within the special permit, with the condition that they come back as the design progresses to present a design, seconded by Hove Graul.

Huston stated that they need evidence that they have land use approvals and a certificate of appropriateness of the design of the HPC, subject to confirmation of construction drawing's.

Dirr Gengler moved to recommend approval of the Certificate of Appropriateness, to approve the design as presented, seconded by Hove Graul and carried 4-0: Hove Graul, Johnson, Gengler and McCown voting 'yes'; Newport abstained; McKee absent.

*F:/Boards/HPC/Minutes/2020/HPC061820.doc*

**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

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

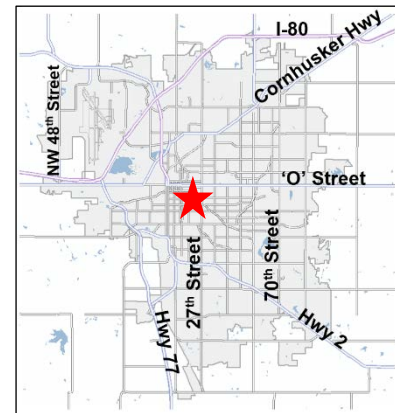
APPLICATION NUMBER Special Permit #20023	FINAL ACTION? Yes	DEVELOPER/OWNER David Pauley
PLANNING COMMISSION HEARING DATE July 22, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 945 South 27 <sup>th</sup> Street

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for a special permit to allow the consumption of alcohol off the premises. The applicant, Fresh N' Save Market, is opening in the former Ace Hardware Store location at 945 South 27<sup>th</sup> Street. The entire building meets the requirements for a special permit of off-sale alcohol.

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



**JUSTIFICATION FOR RECOMMENDATION**

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

**APPLICATION CONTACT**

Tuan Mai  
(402)-770-0741  
[tuanmai28@yahoo.com](mailto:tuanmai28@yahoo.com)

**STAFF CONTACT**

Brian Will  
(402) 441-6362  
[bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

This helps the applicant offer the full range of products typically offered grocery stores and expected by many of its customers. The re-use an existing commercial building is encouraged, and helps bring a grocery store to the core of the city where few are located today. This request meets all the siting criteria of the Zoning Ordinance which seek to locate the sale of alcohol away from residential areas and other sensitive uses. Siting at this location is consistent with the goals of the Comprehensive Plan.

**KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN**

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

Pg. 5.14 - Strategies for Commercial Infill

- Discourage auto-oriented strip commercial development and seek opportunities for residential mixed use -- redevelopment and/ or transit oriented development of existing commercial strips.
- Develop infill commercial areas to be compatible with the character of the area.

- Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.
- Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses, and take steps to ensure expansions are in scale with the adjacent neighborhood, are properly screened, fulfill a demonstrated need and are beneficial to health and safety.
- Ensure the priority in older areas is on retaining areas for residential development. Prior to approving the removal of housing in order to provide for additional parking to support existing centers, alternatives such as reduced parking requirements, shared parking, additional on-street parking, or the removal of commercial structures should be explored.

**ANALYSIS**

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

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

The parking requirement for off-sale is that of zoning district in which it is located, so in this case it is calculated at one space per 1,000 square feet of floor area as per the I-1 zoning district. This building does share a common parking lot with another commercial building, so there must be enough parking spaces to accommodate both buildings. The building and parking are existing and nothing changes as a result of this request, so the number of parking spaces should be more than adequate.

However, as was also noted in the review by the Department of Building and Safety for the building permit to renovate for a grocery store, the parking calculation needs to be provided on the site plan to demonstrate compliance. A condition of approval that this information be provided on the site plan is included with this report.

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

This request is only for off-sale alcohol, as the need for on-sale is not anticipated at this time and is not a part of this request.

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

The proposed licensed premises is located in the I-1 zoning district. It is adjacent to a major arterial street which is lined primarily with commercial zoning in this area. The nearest of any of the sensitive use listed under the location criteria is a first-floor residential use located on the east side of South 27<sup>th</sup> Street, in excess of 250' away.

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

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

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

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

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

No such devices are proposed as part of this application.

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

The entrance to the building faces South 27<sup>th</sup> Street. There is no residential zoning district within 150'.

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

Access to the site is from South 27<sup>th</sup> Street, which is not a residential street in this area.

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

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

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

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

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Commercial I-1

**SURROUNDING LAND USE & ZONING**

North: Commercial	B-3
South: Commercial and drainage way	I-1 and P
East: Commercial	B-3
West: Commercial and drainage way	I-1 and P

LEGAL DESCRIPTION: Lot 1, Pauley Addition, Lancaster County, Nebraska.

Prepared by

\_\_\_\_\_  
 Brian Will  
[bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov) or at  
 402-441-6362  
 July 8, 2020

Applicant/  
 Contact: Tuan Mai  
 2550 Southview Circle  
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 402-770-0741  
[tuanmai28@yahoo.com](mailto:tuanmai28@yahoo.com)

Owner: Pauley Properties, Inc.  
 c/o David Pauley  
 8001 Eastwood Court  
 Lincoln, NE 68506  
 402-540-6120  
[pauley david60@gmail.com](mailto:pauley david60@gmail.com)

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #20023

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

### Conditions:

#### Site Specific

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. Show a consistent shading over the entire grocery store, and revise the legend with a label that identifies the shading as 'Licensed Premises'.
2. Show the setbacks to the building from lot lines.
3. Add a parking calculation/floor area table for all buildings and parking areas on Lot 1, Pauley Addition.
4. Delete the label 'Outdoor Enclosed Stockyard', and identify the planned use for the area if other than for grocery store.

#### Standard

1. The following conditions are applicable to all requests:
  - 1.1 Before the sale of alcohol for consumption on the premises, all development and construction is to substantially comply with the approved plans.
  - 1.2 The physical location of setbacks, yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
  - 1.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 1.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefore to be paid in advance by the applicant. The sale of alcohol is not authorized unless the letter of acceptance has been filed.

F:\DevReview\SP\20000\SP20023 Fresh and Save Off-sale.bjw.docx



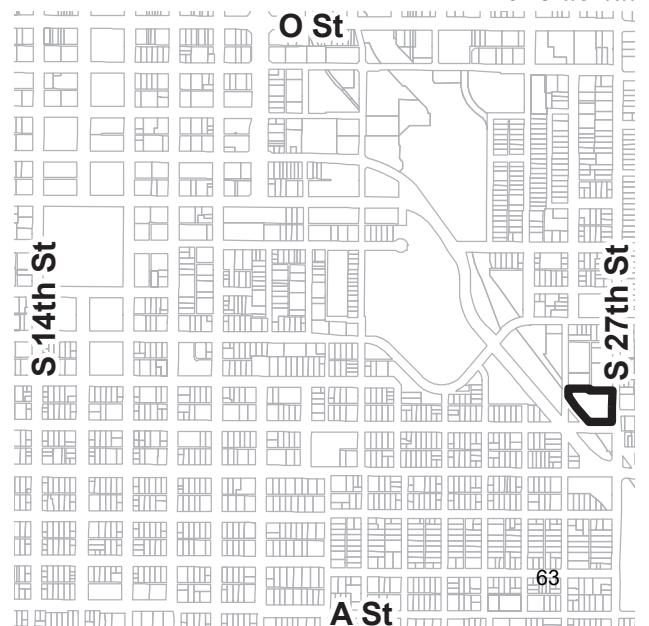
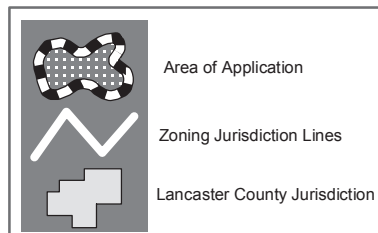
2018 aerial

**Special Permit #: SP20023**  
**S 27th St & Capitol Pkwy**

**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.25 T10N R06E





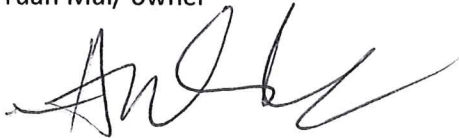
Lincoln June 15, 2020

945 S 27<sup>th</sup> street Lincoln NE 68510

Dear,

My name is Tuan Mai. I'm going to open soon the grocery store in 945 S 27<sup>th</sup> Street Lincoln NE 6810. I would like to have the liquor license to sell beers/wine there. I'm already have liquor license for IGA store in the airpark area. I really need this one to serve the customers this area since the Ideal store burned down. Thank you very much.

Tuan Mai/ owner

A handwritten signature in black ink, appearing to read 'Tuan Mai', with a long, sweeping flourish extending to the right.



**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

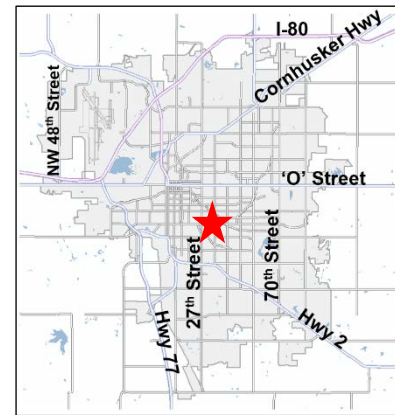
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit 20024	FINAL ACTION? Yes	OWNER Leon's Food Mart, Inc.
PLANNING COMMISSION HEARING DATE July 22, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 2200 Winthrop Road

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

A request per Section 27.63.280 for Expansion of a Nonconforming Use to accommodate a building cooler addition in the rear yard and outdoor seating in the front yard for an existing grocery store generally located at Winthrop Road and Ryons Street. The existing building was established in 1952 with a 2 foot rear yard setback. The building is nonstandard because it does not meet the current B-1 Zoning District rear yard setback of 30 feet.



**JUSTIFICATION FOR RECOMMENDATION**

The nonconforming condition is caused by the fact that the existing grocery store building was established with a 2 foot rear year setback prior to the 1979 Zoning update and required 30 foot rear yard for the B-1 Zoning District.

The proposed cooler addition and outdoor seating should not significantly impact surrounding properties and is consistent with the Comprehensive Plan. The requested waivers are justifiable in that they allow for an existing business to do a limited expansion.

**APPLICATION CONTACT**

Marcia L. Kinning, (402) 484-7342 or [marcia@regaeng.com](mailto:marcia@regaeng.com)

**STAFF CONTACT**

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

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The Comprehensive Plan encourages the retention and expansion of existing businesses and maintaining businesses that serve nearby residents, while ensuring compatibility with adjacent neighborhoods. This proposal allows flexibility for a long established business without negative impact to the neighborhood.

**WAIVERS**

1. Reduction of the rear yard from 30 feet to 2 feet. (Recommend Approval)
2. Reduction of the front yard from 20 feet to 0 feet for outdoor seating. (Recommend Approval)

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.9 - this site is shown as future commercial along with urban density residential on the 2040 Lincoln Area Future Land Use Plan.

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

P. 5.14 - Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.

p. 5.14 - Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses, and take steps to ensure expansion are in scale with the adjacent neighborhood, are properly screened, fulfill a demonstrated need and are beneficial to health and safety.

## ANALYSIS

1. This is a Special Permit application for the expansion of a nonconforming and nonstandard use to allow for a food cooler expansion associated with an existing grocery store which will be located in the rear yard setback and outdoor seating which will be located within the front yard setback.
2. The property is zoned B-1 Local Business District Commercial. The grocery store building consists of 15,000 square feet and was built in 1952. Prior to the 1979 Zoning Update the zoning for this property was G Local Business District. The existing building predates the current 30' rear yard setback of the B-1 District established in 1979 and is setback at 2.0' instead of the required 30' rear yard setback. The proposed cooler addition would be built in line with this 2.0' setback while the proposed outdoor seating would be right up to the front property line, so 0.0' setback, along Winthrop Road.
3. The property is part of a long established commercial area along Winthrop Road just south of South Street. Adjacent uses to the north and west are commercial. Rock Island Trail and Antelope Park South are located to the east. A smaller commercial building (1,750 square feet) is located on the applicant's property south of the grocery store. The adjacent neighboring property to the south is a single family home.
4. The B-1 Zoning District is intended to provide a stable area of local retail relating to existing communities and existing neighborhoods. It provides for functional business uses to serve those communities and neighborhoods. Setbacks for commercial uses in the B-1 District include minimum 20' front yard, 0' side yard unless abutting residential then 10', and the smaller of 30' or 20% of lot depth for rear yard.
5. The required parking for the property based on 16,750 square feet total floor area, including both the grocery store and small commercial building, is 56 spaces. The parking provided is 67 spaces.
6. Prior Special Permits for this property include SP1719 approved in April, 1998 to permit the sale of liquor for consumption off the premises and SP413 approved in May, 1968 for a parking lot on the southernmost part of the property which is zoned R-2 Residential.
7. A nonstandard use is defined by LMC 27.02.150 as a lot or use that existed prior to the effective date of the zoning ordinance or due to a change in the zoning ordinance or district boundaries and no longer complies with the minimum requirements for the district in which it is located. The existing grocery store building was built with a 2 foot rear yard setback before the 1979 Zoning Update and before the B-1 District 30 foot rear yard was established.
8. LMC §27.63.280 provides the following criteria shall be given specific consideration:

**(a) Effects on adjacent property, traffic, city utility service needs;**

There will be no significant impact. The cooler addition will be located on the northeast corner of the building and is not located near any residential neighbors. The outdoor seating in the front yard will still be significantly behind the public sidewalk and will not be located near adjacent neighbors. The project will not have significant effects

as far as traffic or utility service needs.

**(b) Density of land use zoning for the subject property and adjacent property;**

There will be no significant impact. The proposed cooler addition in the rear yard along with outdoor seating in the front yard and will not substantially impact land use density for the property or neighboring properties.

**(c) The degree of hardship upon the applicant which would be caused by failure to grant.**

While the applicant could legally build a cooler addition further west and not within the rear yard, the existing building cooler is located in the same area and along with the existing building was pre-established in the rear yard prior to the current B-1 Zoning standards. The applicant indicates relocation of the cooler would also require a substantial remodel to the store. While the applicant could place outdoor seating further to the east on either side of the building this would consume additional parking and not allow for any significant amount of seating to be placed on the front side of the building where it is often found for commercial establishments.

- 9. The special permit is warranted because: 1) the cooler addition will not encroach any closer to the rear property line than the previously established rear setback for the building; 2) the cooler addition will still meet other setback requirements 3) it would allow for the replacement of an existing condition that has been in place for years; 4) the new structure will meet current building codes; and 5) the outdoor seating will improve the front appearance by removing vehicular drive area and providing an outdoor space for patrons.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Commercial; B-1, R-2

**SURROUNDING LAND USE & ZONING**

North: Commercial; B-1  
South: Single Family: R-2  
East: Trail, Antelope Park South; B-1  
West: Commercial; B-1

**APPROXIMATE LAND AREA:** 1.79 acres

**LEGAL DESCRIPTION:** South 33' of Lot 5 and Lots 6-13, Block 1, Rathbone Village, located in the SW 1/4 of Section 30-10-7, Lincoln, Lancaster County, Nebraska

Prepared by

\_\_\_\_\_  
George Wesselhoft, Planner  
Date: July 9, 2020

Owner: Leon's Food Mart, Inc.  
2200 Winthrop Road  
Lincoln, NE 68522  
(402) 488-2307

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

F:\DevReview\SP\20000\SP20024 Leon's Food Mart.gjw.docx

## CONDITIONS OF APPROVAL - SPECIAL PERMIT 20024

Per Section 27.63.280 this approval permits the expansion of a nonconforming use to accommodate a building cooler addition with waiver to reduce the rear yard from 30 feet to 2 feet and to permit a front yard reduction from 20 feet to 0 feet for outdoor seating.

### 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 Change General Note 3. to reference SP1719 for off premises alcohol sales previously approved.
  - 1.2 Revise layout to show concrete removal for outdoor seating area.
  - 1.3 Revise the parking lot layout to reflect the new cooler.
  - 1.4 Show new layout if recycling area is being relocated.
  - 1.5 Provide setback dimensions from front property line for outdoor seating area.
  - 1.6 Adjust side yard setback long north lot line to show a 0' side yard per B-1 District requirements.
  - 1.7 Adjust side yard setback along south lot line to show a 5' side yard per R-2 District requirements.
  - 1.8 Adjust front yard setback along the front of the R-2 District property to 25'.
  - 1.9 Indicate the zoning line between the R-2 and B-1 districts.
2. Before receiving building permits provide the following documents to the Planning Department:
  - 2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

### Standard Conditions:

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



2018 aerial

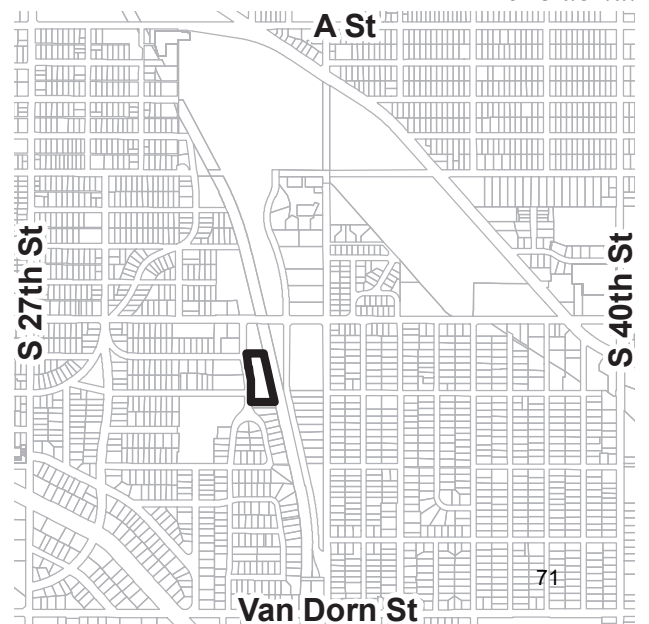
**Special Permit #: SP20024**  
**Winthrop Rd & South St**

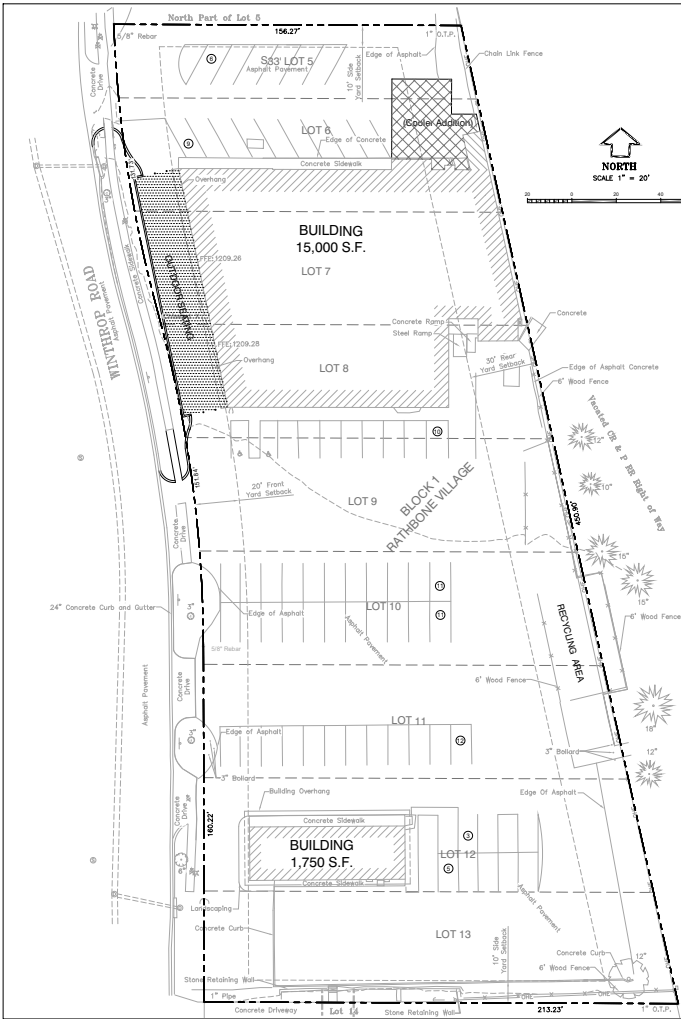
**Zoning:**

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

One Square Mile:  
 Sec.31 T10N R07E

The legend contains three items: a black and white dashed rectangle labeled 'Area of Application', a solid black line labeled 'Zoning Jurisdiction Lines', and a solid black cross labeled 'Lancaster County Jurisdiction'.





**LEGAL DESCRIPTION:**  
 The South 33 feet of Lot 5, Lots 6 through 13, Block 1, Rathbone Village, located in the Southwest Quarter of Section 31, Township 10 North, Range 4 East of the 6th P.M., Lancaster County, Nebraska, containing a calculated area of 1.79 acres.

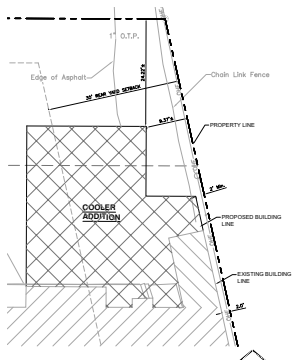
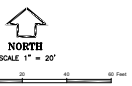
**OWNER/DEVELOPER:**  
 LEON'S FOOD MART INC.  
 2300 WINTHROP ROAD  
 LINCOLN, NE 68502 (402)488-2307

**ENGINEER:**  
 DANIEL J. ROSENTHAL  
 REGA ENGINEERING GROUP, INC.  
 601 OLD CENEY ROAD, SUITE "X"  
 LINCOLN, NE 68512 (402)484-7342

NO.	REVISIONS			PROJECT
	DESCRIPTION	DATE	BY	
				171019

**REGA**  
 ENGINEERING  
 GROUP, INC.  
 601 OLD CENEY RD., SUITE A  
 LINCOLN, NEBRASKA 68512  
 (402)484-7342

- ENGINEERING
- PLANNING
- LANDSCAPE ARCHITECTURE
- LAND SURVEYING



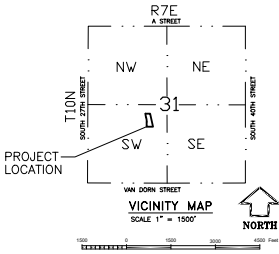
**GENERAL NOTES:**

- ZONING IS B-1.
- THIS SPECIAL PERMIT ALLOWS EXPANSION OF NON-COMFORMING BUILDING WITHIN REAR YARD SETBACK AND OUTDOOR SEATING WITHIN FRONT YARD SETBACK.
- SALE OF ALCOHOL FOR USES THAT MEET THE CONDITIONS OF 27.62.1100(a) IS PERMITTED.

**WAIVERS:**

- BUILDING LOCATED WITHIN REAR YARD SETBACK. (27.72.0300)
- OUTDOOR SEATING WITHIN FRONT YARD SETBACK. (27.72.0300)

ZONING	FLOOR AREA (S.F.)	USE	REQUIRED PERMITS	PROVIDED PERMITS
B-1	14,300	COMMERCIAL	56	47



LEON'S FOOD MART  
 SPECIAL PERMIT #20024  
 SITE PLAN

DATE: 6/24/2020  
 DESIGNED BY: MLK  
 DRAWN BY: MLK  
 CHECKED BY: NR

SHEET NO.  
 1 of 1

# REGA

ENGINEERING  
GROUP, INC.

REGA No. 171019  
June 23, 2020

Mr. David Cary  
Director of Planning  
George Wesselhoft, Planner  
City of Lincoln/ Lancaster County  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: LEONS FOOD MART  
SPECIAL PERMIT – Expansion of Non-Conforming and Nonstandard Use  
2200 Winthrop Road

Dear David,

On behalf of Leons Food Mart, Inc, we are submitting a special permit for the expansion of a non-conforming and nonstandard use for your review. The special permit contains 2 existing commercial buildings along with an existing recycling area and is located in the B-1 zoning.

The existing food market building is located within the rear yard setback and with this special permit an expansion for food coolers is being proposed aligning with the existing building. Parking striping is being shown revised to reflect the addition of the building. A parking table has been shown which reflects the requirement of 1 stall per 300 feet needed.

Currently a drive is located on the west side of the food market building within the front yard setback. This special permit is requesting for the drive to be removed and outdoor seating to be permitted within that area instead. Bollards will be placed on the north and south sides of the area to prevent vehicles from passing through along with paint striping. The outdoor seating area will not be utilized for alcohol consumption.

We are requesting the following waivers:

1. *Building located within rear yard setback. (27.72.030(a))*

The existing building is located at least 2 feet from the rear lot line. The addition of the building is proposed to align with the existing building. This addition includes coolers and a freezer which will replace the existing cooler which is located approximately in the same area. Locating the addition in an alternate location would cause a major remodel of the existing building which is not beneficial for the property owner or the patrons of the business.

2. *Outdoor seating within front yard setback. (27.72.030(a))*

Currently a drive is located within the front yard setback. The outdoor seating would eliminate car traffic and provide a more open and landscaped feel in front of the existing food market building. The seating area is set back from the driveway locations that will remain out to Winthrop Road to eliminate any sight distance encroachments.

# REGA

ENGINEERING  
GROUP, INC.

Page 2

An informational letter will be mailed to adjacent property owners providing them with information and requesting their concerns prior 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 questions, comments or concerns.

Sincerely,



Marcia L. Kinning

Cc: Leons Food Mart

Enclosures: Application Form  
Special Permit Fee of \$988.00

**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

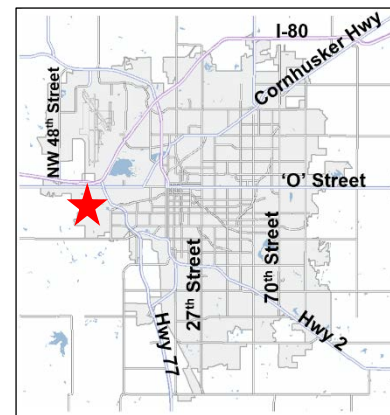
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Waiver #20003	FINAL ACTION? Yes	DEVELOPER/OWNER M.I. Industries, Incorporated
PLANNING COMMISSION HEARING DATE July 22, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 235 SW 32 <sup>nd</sup> Street, Lincoln, NE

**RECOMMENDATION: APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for a waiver of Subdivision Ordinance Section 26.23.080 for ending a permanent dead end street without a turnaround and 26.23.130 for block length exceeding 1,320 feet. The waivers are requested in association with a future final plat.



**JUSTIFICATION FOR RECOMMENDATION**

Approval of the waivers will allow Natures Variety to expand their current operation. The applicant has the ability to block the street extension and create a long block today. This request will allow them to consolidate their property into one lot as required by the Building & Safety Department for a future building permit.

**APPLICATION CONTACT**

Wes Oertli, 314-221-9998  
[woertli@naturesvariety.com](mailto:woertli@naturesvariety.com)

**STAFF CONTACT**

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

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

This property is shown for industrial and commercial use in the 2040 Comprehensive Plan.

**KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN**

- P. 5.1 - Focus primarily on retention and expansion of existing businesses.
- 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. 5.2 - Provide flexibility to the marketplace in siting future commercial and industrial locations.

**ANALYSIS**

1. This request is to allow block length to exceed 1,320 feet and to allow a permanent dead end street to end without a turnaround. The City of Lincoln Land Subdivision Ordinance requires that permanent dead-end streets end with a sixty foot minimum radius turnaround and that block lengths not exceed 1,320 feet. The waivers are associated with a proposed final plat.
2. Natures Variety desires to expand their current operations by combining the 2 existing buildings and increasing the



Owner: M.I. Industries, Incorporated  
55 Westport Plaza Drive  
Saint Louis, MO 63146  
314-590-5700  
[jrohr@naturesvariety.com](mailto:jrohr@naturesvariety.com)

F:\DevReview\WVR\20000\wvr20003 natures variety.tjc.docx

## CONDITIONS OF APPROVAL - WAIVER #20003

### Site Specific Conditions:

1. This approval waives block length and ending a permanent dead end street without a turnaround.

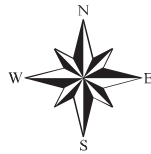
### Standard Conditions:

2. The following conditions are applicable to all requests:
  - 2.1 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 2.2 The clerk shall file a copy of the resolution approving the waiver with the Register of Deeds, filing fees therefore to be paid in advance by the applicant.



2018 aerial

**Waiver #: WVR20003**  
**SW 32nd St & W View Av**

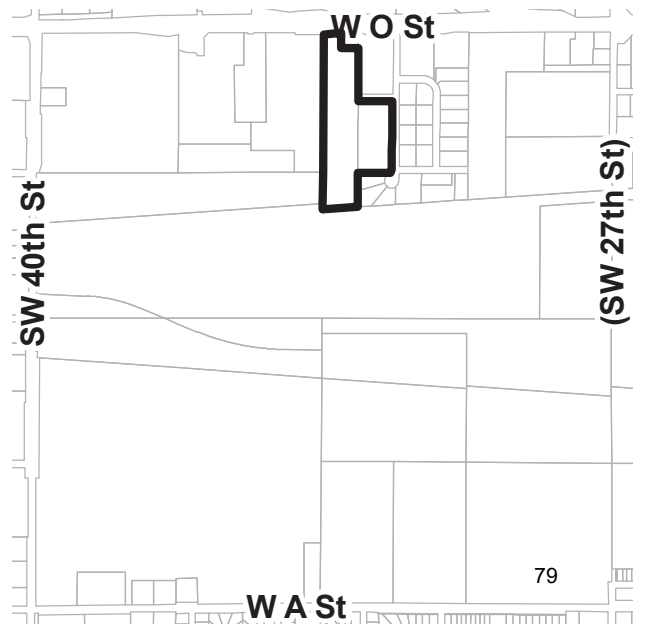


**Two Square Miles:**  
**Sec.29 T10N R06E**

**Zoning:**

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

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



April 29, 2020

City of Lincoln  
Planning Department  
555 South 10<sup>th</sup> Street  
Suite 213  
Lincoln, Nebraska 68508

Re: Application Requests

Ladies and Gentleman:

Nature's Variety, Inc. ("Nature's Variety") owns two lots located at 230 SW 32<sup>nd</sup> Street and 309 SW 32<sup>nd</sup> Street (the "Lots"). Nature's Variety desires to expand its current operations at this site, and such expansion is not economically or logistically feasible without the merger of the Lots.

Consequently, Nature's Variety is submitting a Planning Department Application Request Form for the following:

- (i) Waiver of block length exceeding 1,320 feet
- (ii) Waiver for permanent dead end streets not ending in a cul-de-sac.

The purpose of the Applications is to aid in the process of obtaining a final plat to merge two lots owned by Nature's Variety.

The justification for the waivers is that the expansion of Nature's Variety's operations will include the construction of a new building (to be known as the Center of Excellence) which will require the entirety of both Lots without hindrance from block length restrictions or road extensions.

Thank you for your consideration of our Applications.

Sincerely,



Wes Oertli  
Director of Capital Project Management

**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508  
REVISED JULY 13, 2020

APPLICATION NUMBER AN #20006 Change of Zone #20011	FINAL ACTION? No	DEVELOPER/OWNER D&R Development KDS Investments
PLANNING COMMISSION HEARING DATE July 22, 2020	RELATED APPLICATIONS PP#20002	PROPERTY ADDRESS/LOCATION SW 56 <sup>th</sup> St. and West "O" St.

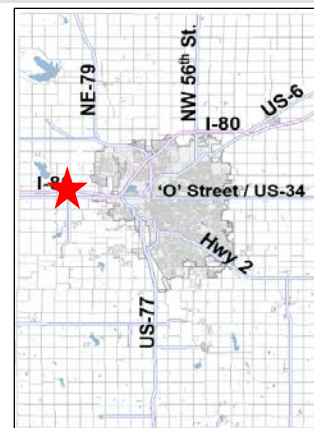
**RECOMMENDATION: CONDITIONAL APPROVAL**

**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~~ 18.04 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 56<sup>th</sup> 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.

**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.

**APPLICATION CONTACT**

Marcia Kinning, REGA Engineering Group  
[marcia@regaeng.com](mailto:marcia@regaeng.com)

**STAFF CONTACT**

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

## 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 52<sup>nd</sup> Street, SW 56<sup>th</sup> Street and SW 59<sup>th</sup> 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 re-zoned 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~~ 18.04 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. After discussions with the applicant, it was agreed that all of Lot 17 I.T would be included in the annexation request. Annexing all of Lot 17 I.T will eliminate any confusion as to where the city limits end.~~
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 56<sup>th</sup> 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:** Lot 17 I. T. located in Section 30-10-6, Lancaster County, NE

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 48<sup>th</sup> St.  
Lincoln, NE 68522  
402-474-1771

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

## CONDITIONS OF APPROVAL - ANNEXATION #20006

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



City of Lincoln/Lancaster County, NE

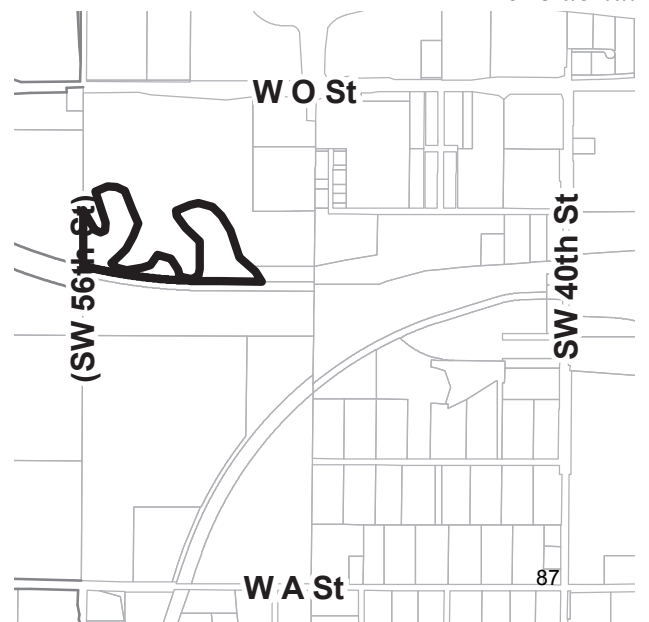
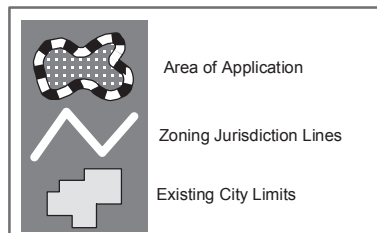
2018 aerial

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

**Zoning:**

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

One Square Mile:  
 Sec.30 T10N R06E





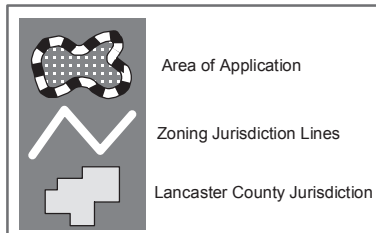
2018 aerial

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

**Zoning:**

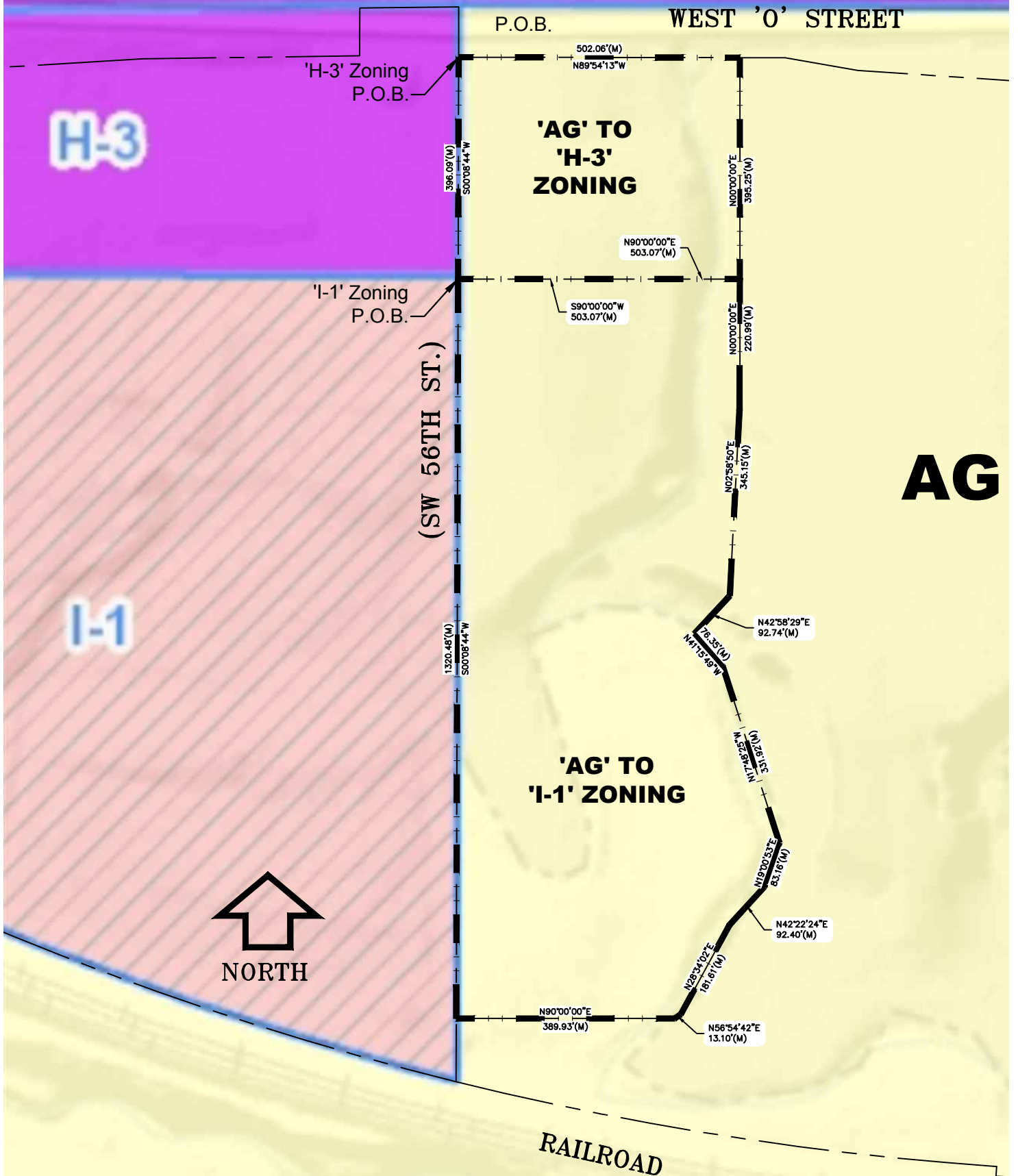
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

One Square Mile:  
 Sec.30 T10N R06E



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 6<sup>th</sup> 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 6<sup>th</sup> 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 10<sup>th</sup> 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 56<sup>th</sup> 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 56<sup>th</sup> 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 56<sup>th</sup> 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 56<sup>th</sup> 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 56<sup>th</sup> 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.

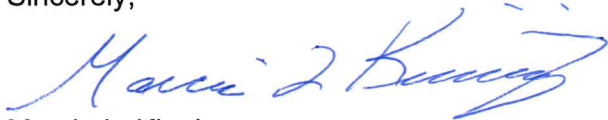
# REGA

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  
REVISED JULY 14, 2020

APPLICATION NUMBER  
Preliminary Plat #20002

FINAL ACTION?  
Yes

DEVELOPER/OWNER  
D&R Development  
KDS Investments

PLANNING COMMISSION HEARING DATE  
June 24, 2020

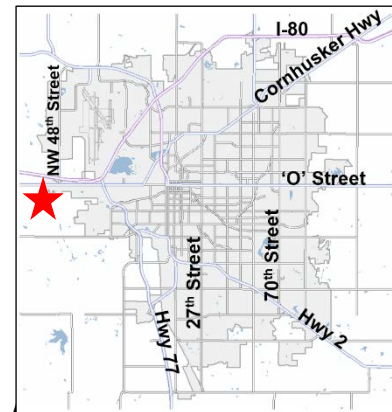
RELATED APPLICATIONS  
AN#20006 and CZ#20011

PROPERTY ADDRESS/LOCATION  
SW 56<sup>th</sup> 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, sidewalks 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.



Marcia Kinning, REGA Engineering Group  
402-484-7342 [marcia@regaeng.com](mailto:marcia@regaeng.com)

**STAFF CONTACT**

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

**JUSTIFICATION FOR RECOMMENDATION**

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

**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)
5. Subdivision Ordinance 26.23.095 Sidewalk along West "O" Street. (Recommend Denial)

## 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.

P. 7.4 - 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.

P. 10.5 - Walking is an essential part of our daily activities, whether it be trips to work, shop, or play. Lincoln's greatest pedestrian asset is the long standing policy of requiring sidewalks on both sides of all City streets.

P. 10.39 - Bicycle and pedestrian facilities are very highly valued by the citizens of Lancaster County.

P. 10.40 - Lincoln currently has a well-developed sidewalk system, and the requirement of sidewalks on both sides of all streets should continue.

## West O Streetscape Enhancement Plan

P. 31 - Intersection and Pedestrian Movements. Creating a safe and aesthetic pedestrian connections as well as bolstering the identity of the West O Corridor are major components of this streetscape enhancement plan. Not only should pedestrian connections be extended along West O Street, but the existing connections should be improved to provide a better experience for all.

P. 38- This plan recommends the construction of a new six-foot sidewalk along the south side of the street from Highway 77 interchange to NW 48<sup>th</sup> Street.

## ANALYSIS

1. This request is for a preliminary plat to develop 55 commercial/industrial lots located at SW 56<sup>th</sup> 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 52<sup>nd</sup>, SW 56<sup>th</sup> and SW 59<sup>th</sup> 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 56<sup>th</sup> 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 56<sup>th</sup> 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 56<sup>th</sup> 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.

Subdivision Ordinance 26.23.095 Sidewalks. The applicant is requesting a waiver to sidewalks along West "O" Street. Although there are no sidewalks in the area now, the West O Street Enhancement Plan under Key Strategies proposes sidewalks along West "O" Street from the Highway 77 Interchange to NW 48<sup>th</sup> Street (pg. 38).

The area north of Interstate 80 continues to develop with additional houses. A new high school is being built at NW 48<sup>th</sup> St. and W. Holdrege St. Residents of this area may work in the new commercial and industrial businesses. They may want to walk or bike from their homes to the new commercial area. Employees in the area may use the

sidewalk to walk to future restaurants or retail. The Comprehensive Plan strongly encourages sidewalks on all streets. The West O Streetscape Enhancement Plan proposes to install sidewalks along West "O" Street from NW 48<sup>th</sup> Street to Sun Valley Blvd. where needed. While the sidewalks might not have heavy use initially, it is important to provide a safe space for pedestrians and bicyclists, especially along busy streets.

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 58<sup>th</sup> 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 48<sup>th</sup> St.  
Lincoln, NE 68522  
402-474-1771

## 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 52<sup>nd</sup>, SW 56<sup>th</sup> and SW 59<sup>th</sup> Street intersections with West "O" Street.
    - 1.1.2 Show a right-turn lane at SW 59<sup>th</sup> St. and West "O" St.
    - ~~1.1.3 Combine Lots 15, 16, Outlot C and D into one outlet~~ Combine Lots 15, 16, Outlot C and D and separate the combined area into outlots configured in a manner acceptable to the Planning Director.
    - 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 56<sup>th</sup> Street to SW 56<sup>th</sup> 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 52<sup>nd</sup> 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.

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



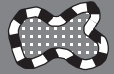


2018 aerial

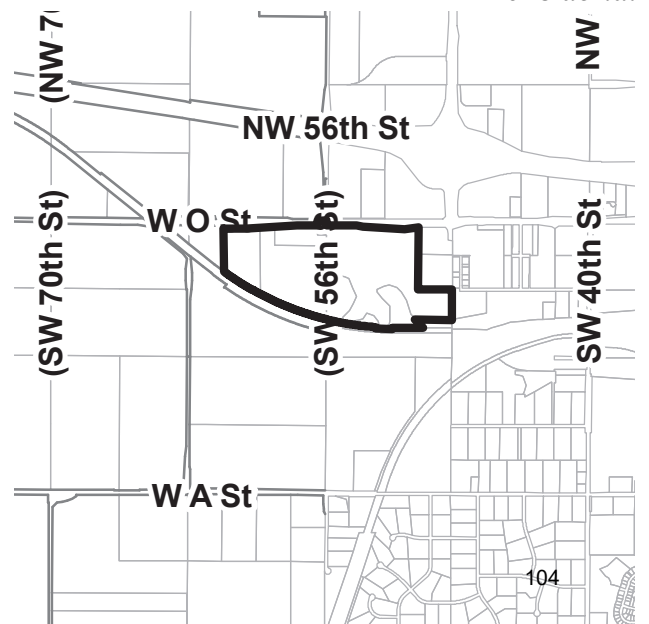
**Preliminary Plat #: PP20002**  
**West O Development**  
**SW 56th St & W O St**

**Zoning:**

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

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

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



# WEST 'O' STREET DEVELOPMENT

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

### LINCOLN, NEBRASKA

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

**PROJECT**  
151406/181243

**REGA**  
ENGINEERING  
GROUP, INC.

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

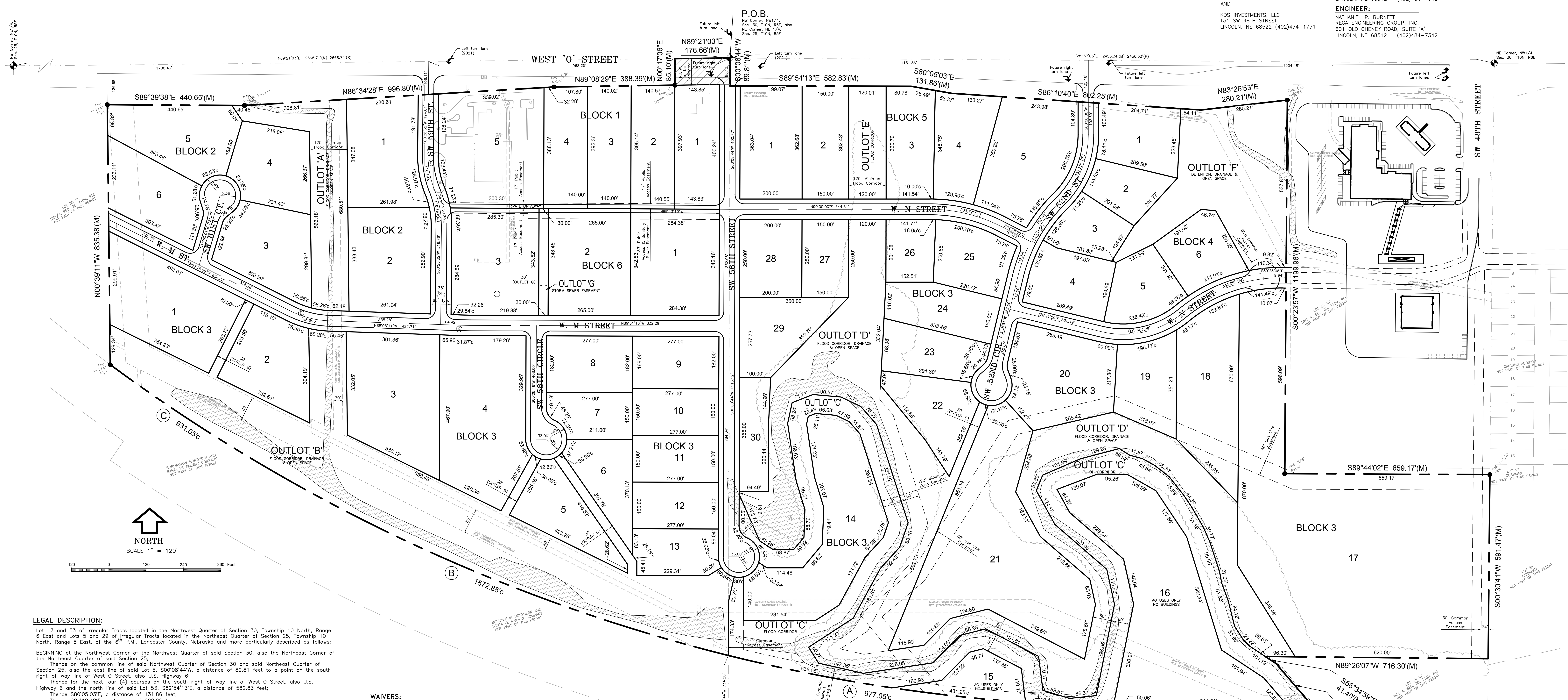
- ENGINEERING
- PLANNING
- LANDSCAPE ARCHITECTURE
- LAND SURVEYING

**OWNER/DEVELOPER:**  
D & R DEVELOPMENT, INC.  
1354 PELICAN BAY PLACE  
LINCOLN, NE 68528 (402) 432-1975

AND  
KDS INVESTMENTS, LLC  
101 SW 48TH STREET  
LINCOLN, NE 68522 (402) 474-1771

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

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



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

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

- GENERAL NOTES**  
**PRELIMINARY PLAT**
- THE OWNER/DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE REQUIRED SETBACKS AS PER THE ZONING DISTRICT.
  - SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE, AND MUST BE APPROVED BY BUILDING & SAFETY DEPARTMENT PRIOR TO INSTALLATION.
  - DIRECT VEHICULAR ACCESS TO WEST O STREET IS HEREBY RELINQUISHED EXCEPT AS SHOWN.
  - UTILITY EASEMENTS TO BE PROVIDED AS REQUIRED BY L.L.S.
  - BLANKET UTILITY EASEMENTS ARE HEREBY GRANTED ON ALL OUTLOTS.
  - ALL PAVEMENT RADI TO BE 30' AND PAVEMENT WIDTH TO BE 35' UNLESS NOTED OTHERWISE.
  - SIDWALKS SHALL BE LOCATED ON BOTH SIDES OF ALL INTERIOR STREETS.
  - SANITARY SEWER AND WATER LINES TO BE BUILT TO THE CITY OF LINCOLN SPECIFICATIONS.
  - ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
  - ALL PROPOSED RIGHT TURN-LANES SHALL BE 12 FEET WIDE, 150 FOOT TANGENT LENGTH WITH 118 FOOT REVERSE CURVE LENGTH (300' RADIUS BACK TO BACK). ALL OTHER RIGHT TURN-LANES SHALL BE INSTALLED IN CONNECTION WITH FUTURE WORKING PROJECTS. SURETY SHALL BE POSTED GUARANTEEING THE INSTALLATION OF SAID TURN LANES.
  - TOPOGRAPHIC GRADING CONTOURS ARE AT NAVD 1988.
  - ALL LOT LINES ARE CONCEPTUAL AND FINAL PLATS MAY SHOW DIFFERENT LOT WIDTHS.
  - THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION AND TO SUBMIT A SEEDING 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
2	8	69,877	1.60
3	1	119,342	2.74
3	2	141,587	3.25
3	3	54,937	1.26
3	4	46,685	1.07
3	5	37,959	0.87
3	6	50,414	1.16
3	7	50,414	1.16
3	8	41,550	0.95
3	9	41,550	0.95
3	10	40,518	0.93
3	11	142,103	3.26
3	12	36,234	0.83
3	13	232,809	5.35
3	14	537,516	12.34
3	15	153,943	3.50
3	16	53,947	1.24
3	17	84,662	1.93
3	18	249,822	5.74
3	19	54,712	1.26
3	20	48,276	1.12
3	21	52,348	1.20
3	22	49,184	1.13
3	23	31,395	0.72
3	24	37,500	0.86
3	25	50,000	1.15
3	26	58,034	1.33
3	27	48,621	1.12
3	28	55,624	1.27
3	29	33,999	0.78
3	30	54,815	1.25
3	31	36,883	0.84
3	32	51,680	1.19
3	33	44,110	1.01
3	34	47,533	1.09
3	35	72,406	1.66
3	36	54,386	1.25
3	37	52,888	1.20
3	38	59,984	1.38
3	39	88,080	2.00
3	40	87,388	2.00
3	41	80,932	1.86
3	42	86,713	2.00
4	1	97,401	2.23
4	2	48,621	1.12
4	3	33,999	0.78
4	4	54,815	1.25
4	5	43,482	1.00
4	6	172,731	3.97
4	7	10,305	0.24

**Section Corner Ties**

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

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

SW Corner of the NW 1/4 Sec. 30-T10N-R6E, also  
NW Corner of the NE 1/4 Sec. 25-T10N-R6E  
Fnd. 2" Round Iron Pin  
NW 173.18' Fnd. 5/8" Rebar  
NE 58.32' Fnd. 5/8" Rebar  
SE 81.32' Fnd. MAG Nail in NW corner conc. pole base  
SW 165.47' Fnd. MAG Nail in NE corner conc. Control Box

**CURVE DATA:**

(A) R = 5629.51'  
Δ = 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 = N56°49'09"W

(C) R = 5629.65'  
Δ = 6°25'33"  
T = 316.02'  
L = 631.38'  
CH = 631.05'  
CHRG = N68°01'14"W

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

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

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

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

(H) NOT USED

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

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

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

(M) R = 300.00'  
Δ = 53°02'12"  
T = 149.70'  
L = 277.70'  
CH = 267.89'  
CHRG = N77°03'45"E

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

**LEGEND**

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

**SHEET INDEX**

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

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

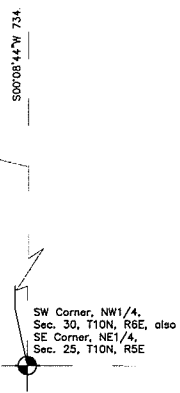
DATE: 03/18/2020  
DESIGNED BY: MLK/JB  
DRAWN BY: MLK/JB  
CHECKED BY: LLL/NPB

**WAIVERS:**

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

**GENERAL NOTES  
PRELIMINARY PLAT**

1. THE OWNER/DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE REQUIRED SETBACKS AS PER THE ZONING DISTRICT.
2. SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE, AND MUST BE APPROVED BY BUILDING & SAFETY DEPARTMENT PRIOR TO INSTALLATION.
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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.



**LOT DATA:**

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	3	55,125	1.27
2	4	57,712	1.26
	5	125,134	2.87
	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
	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'  
 $\Delta$  = 9°57'24"  
 T = 490.38'  
 L = 978.28'  
 CH = 977.05'  
 CHBRG = N81°04'
- (D) R = 300.00'  
 $\Delta$  = 24°45'12"  
 T = 65.83'  
 L = 129.61'  
 CH = 128.60'  
 CHBRG = S75°42'
- (J) R = 500.00'  
 $\Delta$  = 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 6<sup>th</sup> 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 10<sup>th</sup> 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 56<sup>th</sup> 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 56<sup>th</sup> 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 56<sup>th</sup> 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 56<sup>th</sup> 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 56<sup>th</sup> 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.

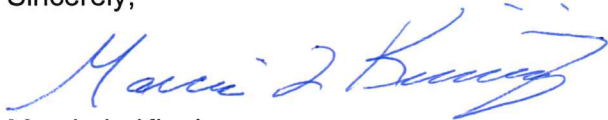
# REGA

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 24<sup>th</sup>, 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 56<sup>th</sup> 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 56<sup>th</sup> Street. Lot 14, Block 3 as shown on the enclosed exhibit, is the area being annexed.

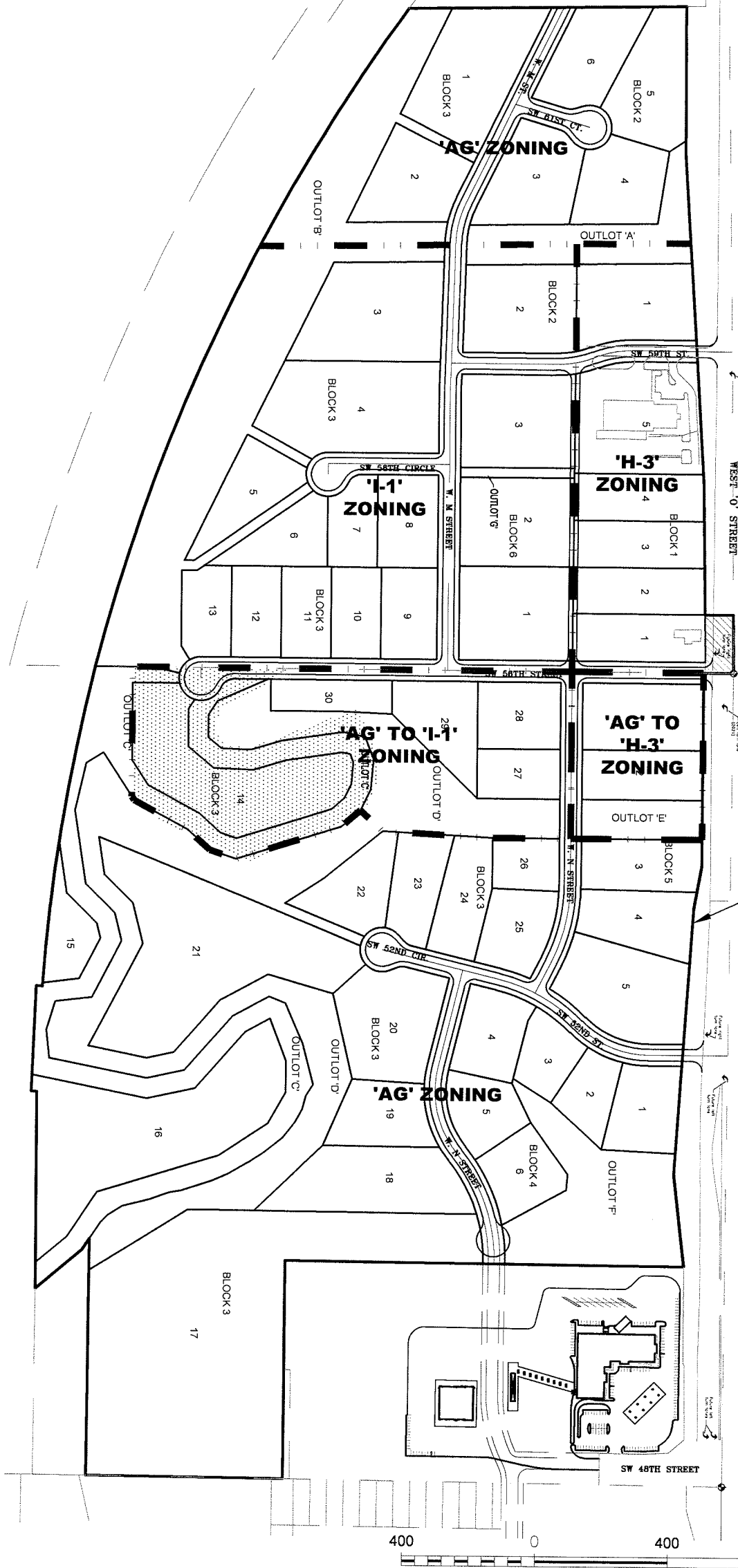
Enclosed is an exhibit showing the configuration of commercial lots as well as the requested zoning and annexation locations for reference. The existing business currently on the property will remain and the proposed uses shall be compliance with either the current or proposed zoning. The first phase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

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

Sincerely,



Nate Burnett, PE  
Vice President

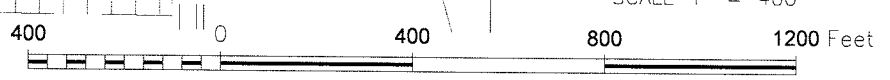


**PRELIMINARY  
PLAT  
BOUNDARY**



**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. <b>1 of 12</b>