

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

August 19, 2020

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, August 19, 2020, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

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

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

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

AGENDA

WEDNESDAY, AUGUST 19, 2020

Approval of minutes of the regular meeting held August 5, 2020.

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

CHANGE OF ZONE:

- 1.1 CHANGE OF ZONE 20022, from P (Public District) and I-1 (Industrial District) to O-1 (Office District) and from P to I-1, on property generally located on J Street between S. 6th Street and S. 9th Street.
- Page 01* **Staff recommendation: Approval**
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

SPECIAL PERMITS:

- 1.2 SPECIAL PERMIT 04009A, to revise the land use and site layout, with waivers to setbacks, on property generally located at 2110 North 86th Street.
- Page 17* **Staff recommendation: Conditional Approval**
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

1.3 SPECIAL PERMIT 09022D, to increase the maximum floor area for the motorized vehicle sales and service use by 15,000 square feet, on property generally located at 3201 Yankee Hill Road. *****FINAL ACTION *****
Page **Staff recommendation: Conditional Approval**
31 **Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov**

1.4 SPECIAL PERMIT 20025, to allow for the extension of an existing garage with side setback waiver, on property generally located at 3810 B Street. *****FINAL ACTION *****
Page **Staff recommendation: Conditional Approval**
39 **Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov**

STREET & ALLEY VACATION:

1.5 STREET & ALLEY VACATION 20003, to vacate all of W. View Avenue from the west right of way line of S.W. 32nd Street westward on property generally located at 235 SW 32nd Street.
Page **Staff recommendation: Conforms to the Comprehensive Plan**
47 **Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov**

2. REQUESTS FOR DEFERRAL:

3. ITEMS REMOVED FROM CONSENT AGENDA:

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

CHANGE OF ZONE AND RELATED ITEMS:

4.1a CHANGE OF ZONE 20025, from R-1 (Residential District) to O-3 (Office Park District), on property generally located at South 61st Street and Old Cheney Road.
Page **Staff recommendation: Approval**
59 **Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov**

4.1b SPECIAL PERMIT 1786B, to amend the existing CUP (Community Unit Plan) for approximately 67 dwelling units, with a waiver to block length, on property generally located at South 61st Street and Old Cheney Road. *****FINAL ACTION *****
Page **Staff recommendation: Conditional Approval**
69 **Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov**

4.1c USE PERMIT 20009, to allow for a 1-lot use permit for a single building containing up to 25,000 square feet of commercial floor area, on property generally located at South 61st Street and Old Cheney Road. *****FINAL ACTION *****
Page **Staff recommendation: Conditional Approval**
87 **Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov**

* * * * *

**FOR ANYONE WISHING TO SPEAK ON AN ITEM
NOT ON THE AGENDA, MAY DO SO**

* * * * *

Adjournment

PENDING LIST: *None.*

Planning Department Staff Contacts:

David Cary, <i>Director</i>	402-441-6364..	dcary@lincoln.ne.gov
Stephen Henrichsen, <i>Development Review Manager</i>	402-441-6374 ..	shenrichsen@lincoln.ne.gov
Paul Barnes, <i>Long Range Planning Manager</i>	402-441-6372..	pbarnes@lincoln.ne.gov
Collin Christopher, <i>Planner</i>	402-441-6372..	cchristopher@lincoln.ne.gov
Tom Cajka, <i>Planner</i>	402-441-5662..	tcajka@lincoln.ne.gov
Stacey Groshong Hageman, <i>Planner</i>	402-441-6361..	slhageman@lincoln.ne.gov
Rachel Jones, <i>Planner</i> ..	402-441-7603..	rjones@lincoln.ne.gov
Andrew Thierolf, <i>Planner</i>	402-441-6371..	athierolf@lincoln.ne.gov
George Wesselhoft, <i>Planner</i>	402-441-6366..	gwesselhoft@lincoln.ne.gov
Brian Will, <i>Planner</i>	402-441-6362..	bwill@lincoln.ne.gov
Kellee Van Bruggen, <i>Transportation Planner</i>	402-441-6363..	kvanbruggen@lincoln.ne.gov
Allan Zafft, <i>Transportation Planner</i>	402-441-6369..	azafft@lincoln.ne.gov

* * * * *

**The Planning Commission meeting
which is broadcast live at 1:00 p.m. every other Wednesday
will be rebroadcast on Wednesdays at 7:00 p.m., Thursdays at 12:00 a.m. and Sundays
at 12:30 p.m. on 5 City TV, Cable Channel 5.**

* * * * *

**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
Change of Zone 20022

FINAL ACTION?
No

PLANNING COMMISSION HEARING DATE
August 19, 2020

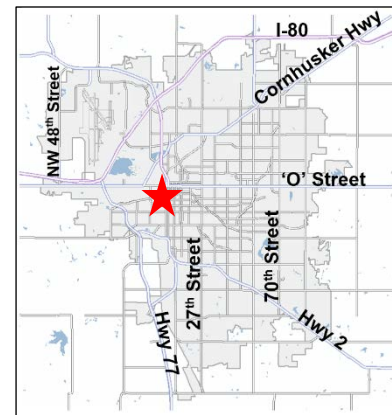
RELATED APPLICATIONS
CPC20011

PROPERTY ADDRESS
Generally located along J Street between
S. 6th Street and S. 9th Street

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone affecting approximately 8.3 acres for properties generally located between S. 6th Street and S. 9th Street along J Street. The properties are all public properties and are either currently zoned P Public or I-1 Industrial with the exception of small areas of a private property that are zoned P Public. The proposed zoning is O-1 Office for the public properties. The proposed zoning for the one private property is I-1, which the majority of it is already zoned. The associated CPC20011 surplus declaration application is to declare the Police Garage property as surplus for reuse or redevelopment. This change of zone was initiated by the Planning Department with the intent to change the zoning so that it aligns with the South Haymarket Neighborhood Plan for the future.



JUSTIFICATION FOR RECOMMENDATION

The proposed change of zone is justified as it only includes publicly owned properties with the exception of a tiny area of private property that is zoned P Public and is designed to better match future land uses along J Street as shown in the Neighborhood Plan, than the current zoning.

APPLICATION/STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed change of zone is consistent with the Comprehensive Plan. Specifically, the proposal is consistent with encouraging infill development including residential dwelling units in the downtown along with office uses and is consistent with the subarea plan of the South Haymarket Neighborhood 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. 4.2.4 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 9th Street and 6th 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 4th 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 7th 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 9th 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 request for a change of zone includes approximately 8.3 acres. The proposed zoning changes include the following:

I-1 Industrial to O-1 Office District

The proposed I-1 to O-1 Office change of zone area includes approximately 2.2 acres including a portion of the vacated S. 7th Street right of way that is part of the Police Garage property and the properties at the northeast and southeast corners of J Street and S 8th Street.

P Public to O-1 Office District:

The proposed P Public to O-1 Office change of zone area represents 6.1 acres area that includes the majority of the Police Garage property and the properties at the northwest and southwest corners of J Street and S. 8th Street.

P Public to I-1 Industrial District:

This affects one privately owned parcel, which should not under the Zoning Ordinance have any P zoning. The intent is to rezone very small areas comprising approximately 2,429 square feet to I-1 zoning so the entire parcel is zoned the same.

2. The intent of the proposed change of zone is to include existing public owned properties as part of a corridor change of zone to O-1 Office consistent with the South Haymarket Neighborhood Plan (p. 3.9). The Plan identifies the future zoning for O-1 Office with office use as one the uses but with emphasis on medium density residential as a key future land use. The Plan specifically mentions multi-story row houses on the J Street frontage between 9th Street and 6th Street. This dwelling unit type would be a stepdown in density from the higher density structures north of Rosa Parks Way.
3. The existing industrial zoning reflects uses including warehouses which were more prevalent in the past than today. The intent is for the industrial zoning to be reduced further to the southwest as redevelopments happen or in this case where publicly owned properties are involved, even without a specific redevelopment proposal. This so as to better align with the future zoning in the South Haymarket Neighborhood Plan which reduces the industrial zoning to largely between S. 4th and S. 6th Street north of G Street.
4. There are several existing government properties along J Street. In order to redevelop the J Street corridor, these properties over time need to find alternate locations or be modified to be compatible with adjacent residential and office redevelopment. The South Haymarket Neighborhood Plan (p 2.67) envisions new buildings along J Street from S. 6th Street to S. 9th Street, including row houses. It suggests, as an option, the reuse of the existing Police garage building as part of redevelopment (p 2.68).
5. J Street is located in the southern half of the South Haymarket Neighborhood and is within the Capital Environs District. The Plan notes that redevelopment should respect the intent of the Capitol Environs District, including the building height maximum of 57 feet. Due to 120' of right-of-way, it is recommended a landscaped boulevard on J Street should be constructed with redevelopment.

6. A comparison of permitted uses in I-1 and O-1 zoning districts is shown below. Uses designated with a "P" are permitted uses. Uses designated with a "C" are permitted conditional uses. Uses designated with an "S" are permitted special uses. P public zoning is a designation for government use property such as the City, County, Lincoln Public Schools or the University of Nebraska. As such, those uses are exempt from zoning.

J Street Zoning Update - Use Comparison by District		
P = Permitted C = Conditional S = Special Permit	I-1	O-1
Agriculture	P	
Sale barn	P	
Urban Garden	C	C
Apartment hotels		P
Dwellings for caretakers, resident watchmen, and supervisory personnel employed and residing on premises	P	
Elderly and Retirement Housing		S
Housing for the Handicapped		S
Multiple-family dwellings		P
Single-family dwellings		P
Townhouses		P
Two-family dwellings		P
Healthcare facilities, Residential		S
Group homes		P
Shelters for the homeless, temporary	S	
Broadcast stations	P	P
Broadcast towers	S	
Personal wireless services facilities	S	S
Public utilities	C	C
Solar Energy Conversion System (Large)	P	
Solar Energy Conversion System (Small)	P	S
Utility and cable television purposes	P	S
Adult Day services facility	P	P
Cemeteries and mausoleums	P	
Places of Religious Assembly	C	P
Clubs/Lodges	P	S
Health care facilities, Non-residential		S
Neighborhood support services	P	P
Academies	S	P
Community, satellite, private colleges; vocational schools or other post secondary education facilities, except industrial trade schools	S	P
Industrial trade schools	S	P
Early childhood care facilities	S	C
Private schools		C
Banks, savings and loan associates, credit unions, and finance companies	P	S
Offices	P	P
Garden centers	P	
Hotels and motels	P	
Kennels	P	
Mail order catalog sales	P	C
Marinas for sale, service, and storage of motorboats and related water craft	P	
Motorized vehicles fuel sales facilities	P	
Motorized vehicle repair/service	P	
Motorized vehicles sales	P	
Motorized vehicle wash facilities	P	

P = Permitted C = Conditional S = Special Permit	I-1	O-1
Off-sale alcoholic beverages	S	
Outdoor retail sales	P	
Outdoor Seasonal sales	P	S
Parking Garage as primary use	P	S
Parking lot primary use	P	
Parking lots, temporary	P	
Parking lots, temporary commercial	P	
Personal services	P	C
Retail sales	C	C
Service and repair facilities	P	
Veterinary facilities	P	C
On-sale alcoholic beverages	S	
Restaurants	P	C
Recreational facilities, enclosed commercial	P	
Recreational uses, outdoor	P	S
Sexually oriented live entertainment establishments	S	
Social halls	P	
Theaters (outdoor)	S	
Places of public assembly	P	
Race track for motorized vehicles	S	
Contractor services	P	
Cabinet shops or stores	P	
Lumber yards	P	
Mini-warehouses	P	
Tree service	P	
Truck stops	P	
Truck terminals	P	
Truck wash facilities	P	
Assembly Facilities	P	
Bag Cleaning works	S	
Bakeries (wholesale)	P	
Blast furnaces, coke ovens, smelting, or ore reduction works	S	
Boiler works or forge	S	
Bottling works	P	
Brewery (over 20,000 barrels)	S	
Brick, tile, pottery, or terra-cotta manufacture, other than the manufacture of handicrafts	P	
Coal yard	P	
Concrete dispensing units (small batch)	P	
Concrete paving plants (temporary)	C	C
Creameries	P	
Distillation of bones, coal, or wood	S	
Enclosed disassembly operations	P	
Fertilizer or toxic or flammable agricultural chemicals: Facilities for commercial storage or sale	S	
Forges	S	
Fuel oil storage tanks and all bulk storage of oils, petroleum and similar flammable liquids and chemicals	S	
Grain elevators	P	
Grain elevators and grain mills	P	
Grain mills	P	
Liquefied petroleum, gas and similar gas used for fuel stored above ground	S	
Manufacture, transfer, or storage of acetylene	S	
Open storage	P	

P = Permitted C = Conditional S = Special Permit	I-1	O-1
Optical lens grinding and finishing	P	
Outdoor vehicle storage	C	
Petroleum and petroleum products, bulk storage	S	
Production, manufacture, distribution, or commercial storage of toxic, flammable, or explosive materials, including chemicals and gases, fireworks and explosives, arsenals and magazines	S	
Refining or bulk storage of petroleum or natural gas, or their products	S	
Refining The refining, distillation, or manufacture of: Acids or alcohols; Ammonia, bleach, or chlorine; Asphalt, tar, or products made therewith, including roofing or waterproofing; Cement, lime, gypsum, or plaster of paris; Disinfectants; Dyestuffs; Fertilizer; Glue, sizing, or gelatin; Oilcloth, linoleum, oiled rubber goods; Paint, shellac, turpentine, or oils; Paper or pulp; Rubber, guttapercha, balata, creosote, or products treated therewith; Shoe polish	S	
Rendering Fat	S	
Rock Crusher	S	
Rolling mill (a steel mill where metal is rolled into sheets or bars)	S	
Salvage yards	S	
Stock yards or slaughter of animals or fowl	S	
Storage of explosives	S	
Tanning, curing, or storage of raw hides or skins	S	
The milling, processing, refining, or distillation of agricultural crops.	S	
Transportation of toxic, radioactive, flammable, or explosive materials	S	
Warehouses	P	
Yeast plant	S	
Dumping or reduction of garbage, offal, or dead animals	S	
Excavation and Stone Milling including: Extraction of sand, gravel, soil and mining, quarrying, stone mills	S	
Landfills, Limited	S	

7. The proposed change of zone would carry with it somewhat different lot regulations. This is because setbacks and height limits vary depending on the zoning district. In terms of the proposed change of zone areas from I-1 to O-1, the front, side and rear setback requirements are very similar with the only notable difference the front yard setback is 0' for O-1 instead of 15' feet for I-1. The height limit is the same for both districts, except in this the Capitol Environs Height limit of 57' applies in either case.

Setback and Height Requirements Comparison (I-1, O-1):

	I-1	O-1
Front Yard:	15'*	0'
Side Yard:	0' (Lesser of 20 feet or 10% of lot width, min 5' abutting residential)	0' (Side Yard or Side Yard abutting residential)
Rear Yard:	0' (Lesser of 20 feet or 10% of lot width, min 5' abutting Residential)	0' *Rear Yard or Rear Yard abutting residential)
Height	75'	75'**

*The front yard shall be none except where the frontage on one side of a street between two intersecting streets is located partly in the I-1 zoning district and partly in a zoning district that requires a front yard, in which case the front yard requirements of the adjacent district shall apply to the I-1 zoning district from the place where it abuts the other district to the next intersecting street, or for 300 feet, whichever is less.

**The maximum height of O-1 zoning district shall be the least of 75' of the height limitation imposed by Chapter 27.56, the Capitol Environs District.

8. The South Haymarket Neighborhood Plan includes the recommendation (page 3.9) to rezone the blocks facing J Street to O-1 Office District Planned Unit Development (PUD) as opportunities present themselves through willing property owners and redevelopment projects. At this time, no PUD is proposed yet because there is no specific redevelopment proposed.
9. This application is associated with CPC20011 635 J Street which 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 relocated to their new building on Oakcreek Drive.
10. The proposed change of zone was presented to the Capitol Environs Commission on July 24, 2020 for their advisory review (see excerpts of meeting minutes attached). The Commission moved that the proposed change of zone conforms with the South Haymarket Neighborhood Plan and the Capitol Environs Design Standards. The Public Building Commission was also notified of the proposed change of zone.
11. The privately owned property at 610 G Street is partly zoned P Public with the vast majority zoned I-1 Industrial. The area which is zoned P is small and only consists of approximately 2,429 square feet. Since the ownership and use are private, removing the P Public zoning is appropriate.
12. Comprehensive Plan: The proposal is consistent with the goals of the Comprehensive Plan including infill development with new residential dwelling units in the downtown, office use and focus on catalyst properties such as the Police site in the character area of South Haymarket.

EXISTING LAND USE & ZONING: Public, Storage & I-1 Zoning, P Public Zoning

SURROUNDING LAND USE & ZONING

North: Office; I-1, B-4, P
South: Public, Residential; R-6, P
East: Office; O-1
West: Industrial, Office; I-1

APPROXIMATE LAND AREA: 8.3 acres, more or less

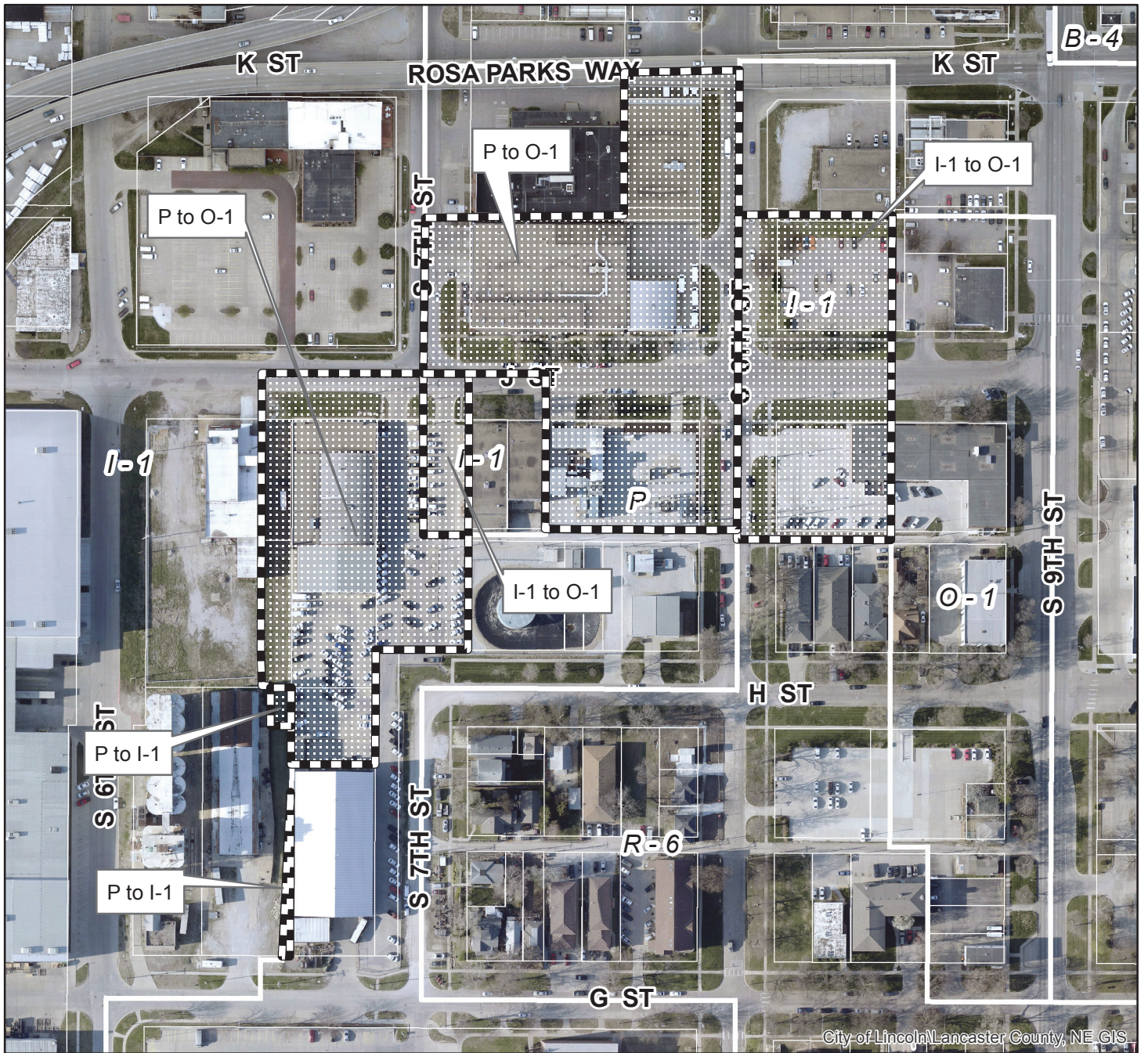
LEGAL DESCRIPTIONS: See attached

Prepared by

George Wesselhoft, Planner
Date: August 6, 2020

Applicant/Contact: George Wesselhoft, Planner
555 S. 10th Street, Suite 213
Lincoln, NE 68508
(402) 441-6366 or gwesselhoft@lincoln.ne.gov

F:\DevReview\CZ\20000\CZ20022 J Street Zoning Update.gjw.docx

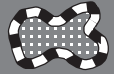




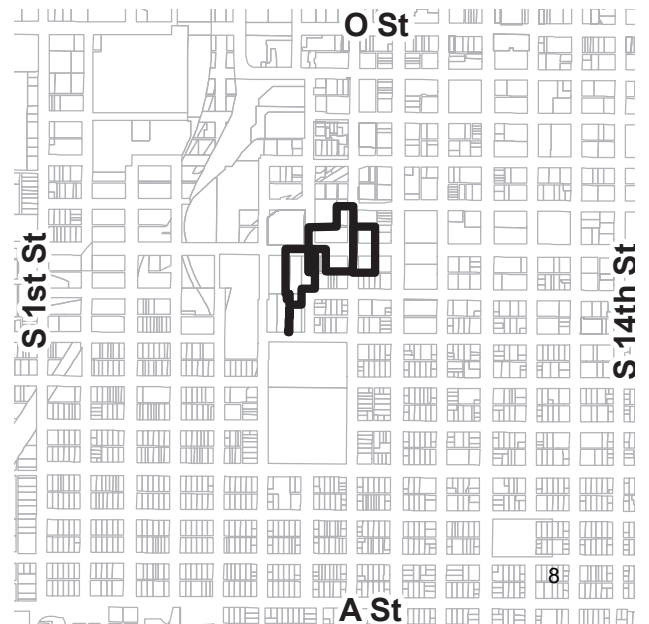
Change of Zone #: CZ20022
S 8th St & J St

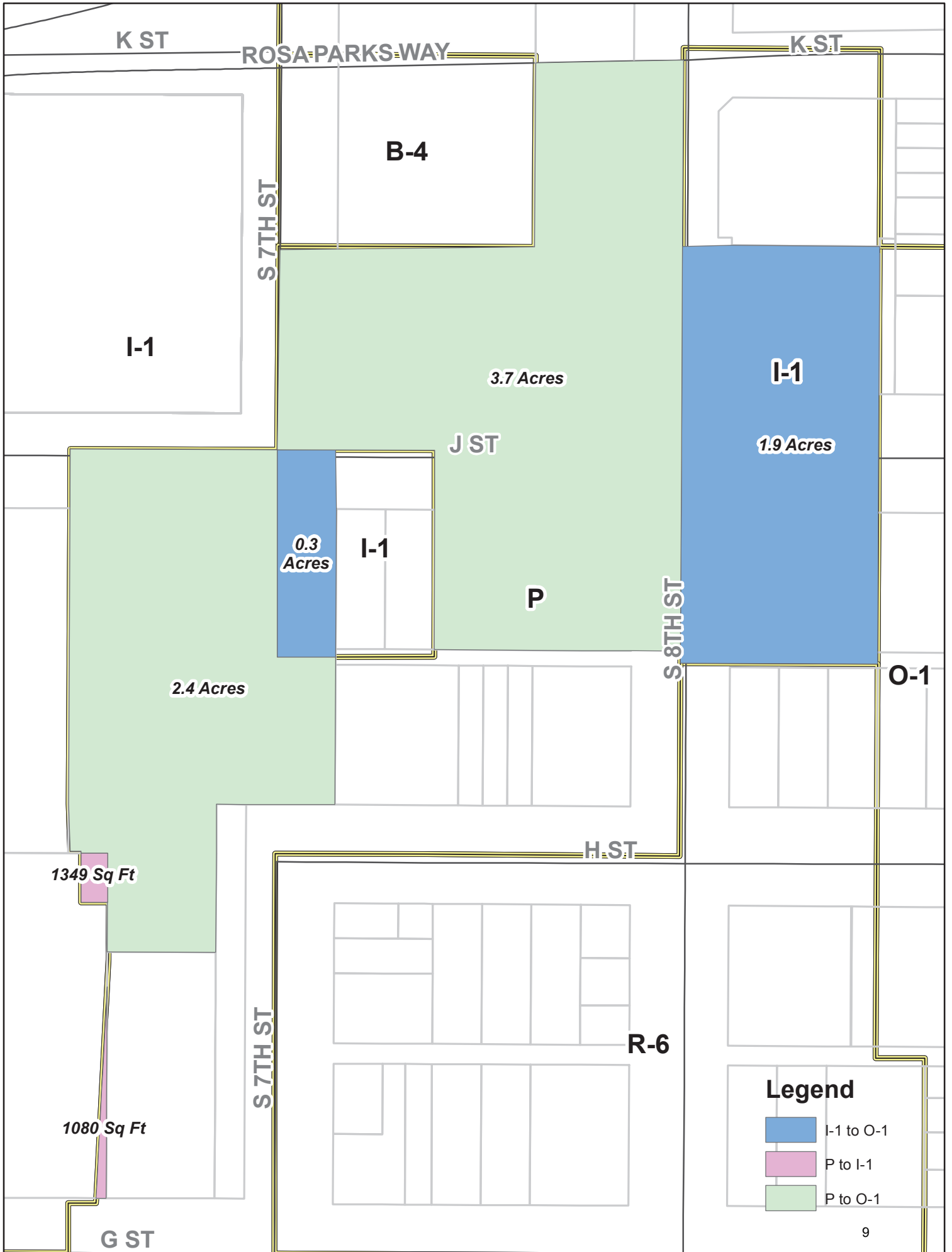
Zoning:

- 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 of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





Legend

- I-1 to O-1
- P to I-1
- P to O-1

J Street Zoning Update Legal Descriptions

P to O-1

The West 40 feet of Lot 3 and the adjacent vacated alley right of way adjacent on the south, Block 132, Original Lincoln

The West 40 feet of Lot 10 and the vacated H Street adjacent on the south, Block 132, Original Lincoln

Lots 1-2 and the East 10' Lot 3 along with the adjacent vacated alley and the East 10 feet of Lot 10 and Lots 11-12 along with one-half of the adjacent vacated H Street, Block 132, Original Lincoln

The East 110 feet of Lot 1 and one half of the adjacent vacated H Street Block 143, Original Lincoln

Lots 1-4, Block 131, Original Lincoln

Lots 1-2 and Lots 7-10 and the west half of Lot 11, Block 116, Original Lincoln

Lots A thru C, Chambers Subdivision of the East half of Lot 11 and Lot 12, Block 116, Original Lincoln

P and I-1 to O-1

Vacated S. 7th Street between J Street and H Street

I-1 to O-1

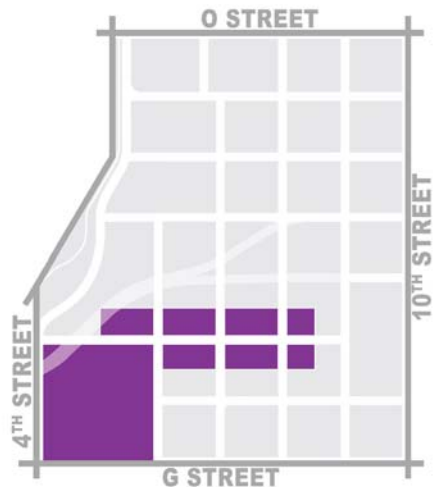
Lots 4-6, Block 130, Original Lincoln

Lots 16-18, Block 117, Original Lincoln

P to I-1

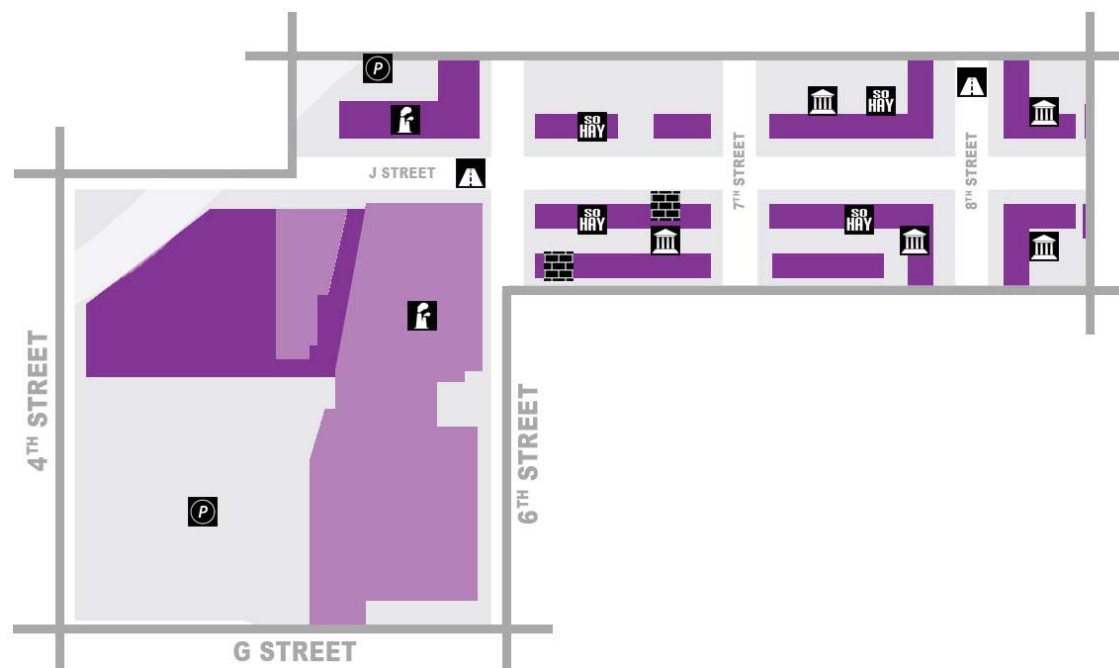
That part of vacated H Street right-of-way which is zoned P adjacent to the West 32 feet of Lot 1 along with that portion of the West 32 feet of Lots 1-6 which is zoned P, City Real Estate Cos Subdivision of Block 143 Original Lincoln

J Street Boulevard



J Street is located in the southern half of the South Haymarket Neighborhood. J Street, and land within one block of J Street, is within the Capital Environs District. Redevelopment should respect the intent of the Capitol Environs District, including the building height maximum of 57 feet. J Street is also located 2 blocks from the South Salt Creek neighborhood. Development along J Street and to the south should acknowledge the existing South Salt Creek neighborhood, which contains mainly single-family structures built on narrow lots.

This map highlights the recommendations for the J Street Boulevard. The buildings shown on this map are shown to differentiate existing versus new structures. Each one of the goals placed on the map gives a visual representation of the text that follows for this subarea.

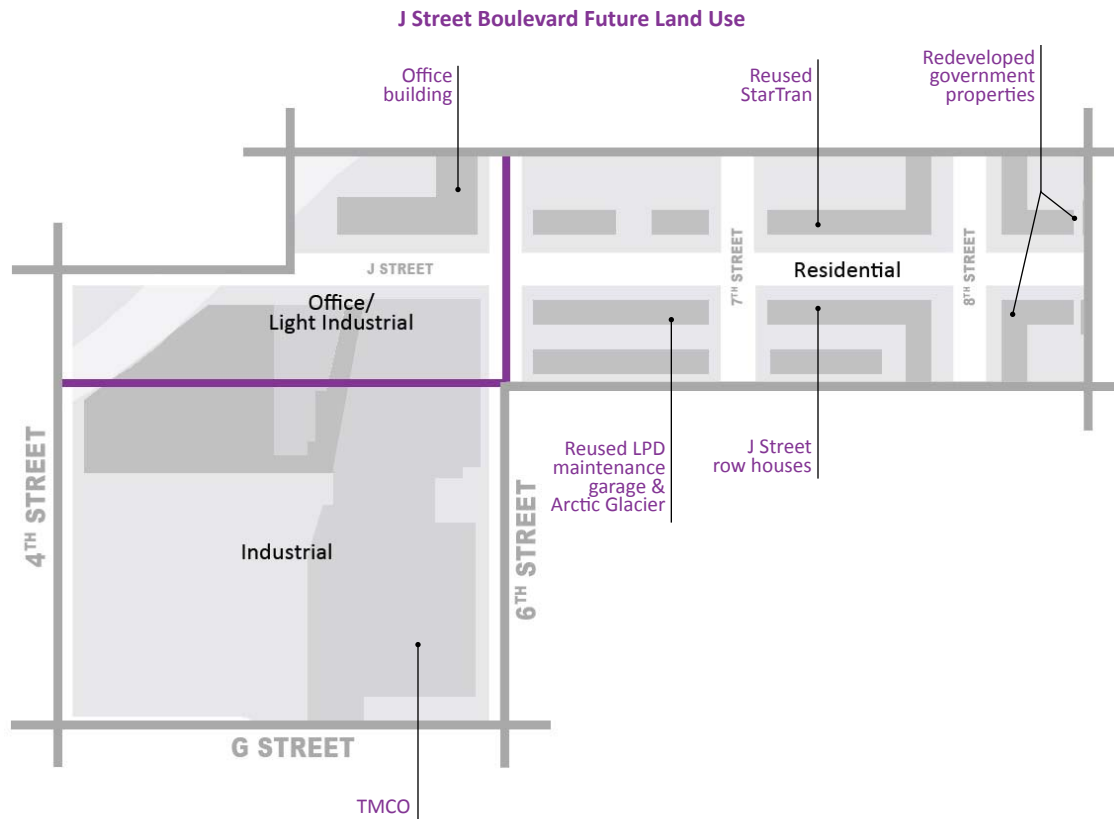


Legend

- New Buildings
- Existing Buildings
- Create an Urban Neighborhood
- Consolidate the Government Footprint
- Transition from Heavy Industrial Uses
- Organize the Streets, Sidewalks & Trails
- Develop Adequate Open Space
- Preserve Historic Resources
- Implement Site & Building Design
- Develop a Parking Program

Medium-density residential uses, such as multi-story row houses, should be built on the J Street frontage between 9th Street and 6th 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.



O-1 Office Zoning District

The O-1 Office District is intended to encourage office uses in a redeveloping area, generally located near government buildings such as the County/City campus and the State Capitol Building. The O-1 District also includes single and multi-family dwellings as permitted uses. Other uses, such as restaurants, are a conditional use in the district. The O-1 district is also one of the most dense districts and allows up to 198 dwelling units per acre.

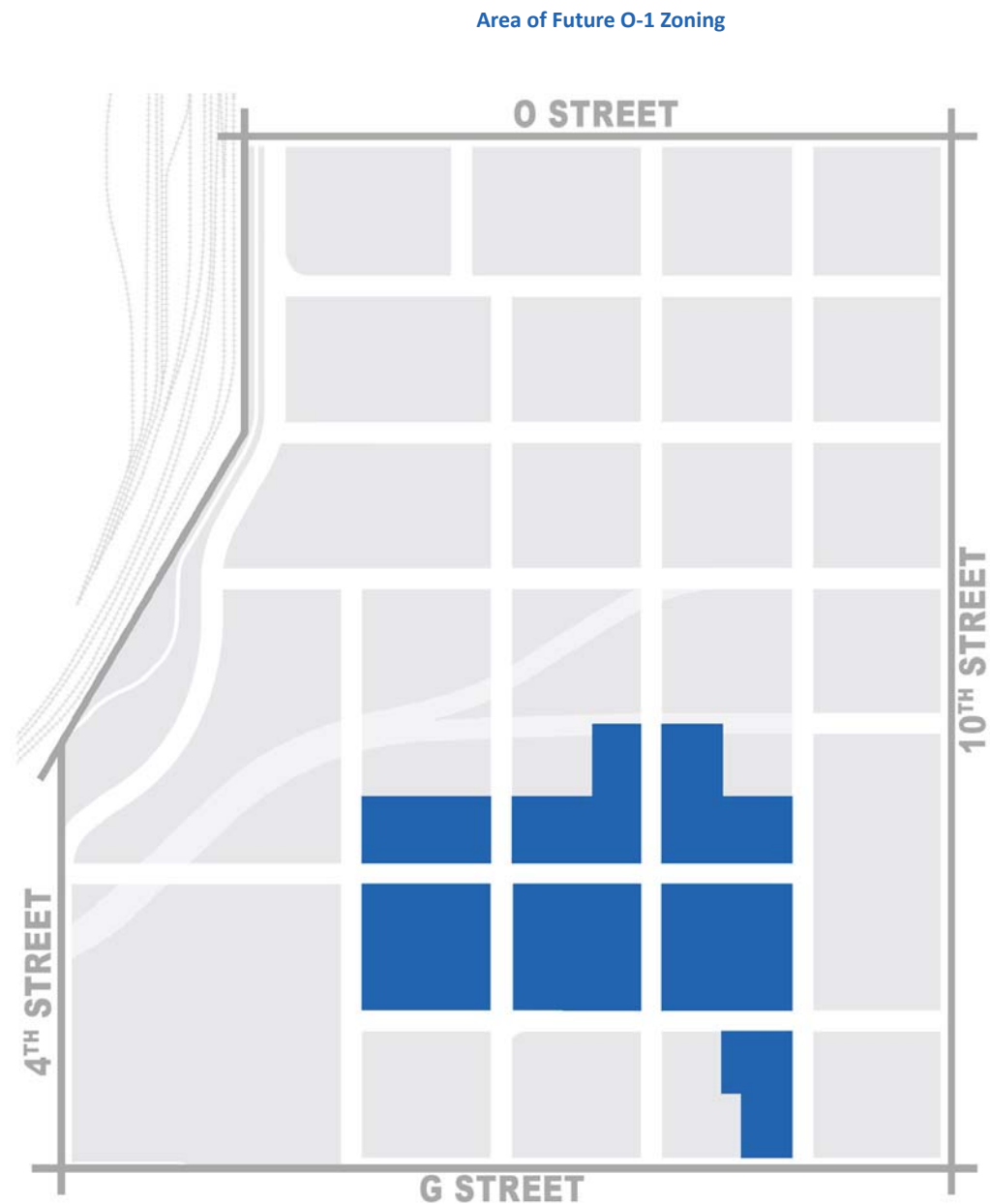
The O-1 Office District is appropriate for the blocks fronting on J Street and for offices adjacent to 9th Street. The O-1 zone will support a transition to residential uses along this corridor. Residential uses are permitted on the first floor in the O-1 district, and that use is supported along J Street in this plan. Office uses may also be appropriate along J Street frontage, but should not be the main use in this subarea.

The O-1 zoning may need to include a planned unit development (PUD) overlay in order to allow the row house concept as recommended. The O-1 PUD would encourage a variety in design of the development by allowing flexibility in the zoning regulations. Certain zoning regulations, such as lot width, will need to be modified in order to develop the row houses as shown.

Parking garages are permitted as a primary use in the O-1 district. If parking garages are built in the O-1 district in South Haymarket, they should not be built along the J Street frontage. This is consistent with other malls found in the Capitol Environs districts.

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
- Modify the O-1 Office District zone in South Haymarket to prohibit parking garages fronting on J Street
- Maintain O-1 Office District zone along 9th Street frontage between G and H Streets



MEETING NOTES

NAME OF GROUP: NEBRASKA CAPITOL ENVIRONS COMMISSION

DATE, TIME AND PLACE OF MEETING: Friday, July 24, 2020, 8:00 a.m., City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, Nebraska.

MEMBERS IN ATTENDANCE: Mary Campbell, Delonte Johnson, Kile Johnson, Karen Nalow, Ann Post and David Quade; (Heidi Cuca absent).

OTHERS IN ATTENDANCE: Collin Christopher, George Wesselhoft and Teresa McKinsty of the Planning Department; Lynn Johnson of Parks & Recreation; Bob Ripley and Matt Hansen with the Nebraska Capitol Commission.

STATED PURPOSE OF MEETING: Nebraska Capitol Environs Commission Meeting

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

Johnson then called for a motion approving the minutes of the regular meeting held June 26, 2020. Motion for approval made by Post, seconded by Campbell and carried 6-0: Campbell, D. Johnson, K. Johnson, Nalow, Post and Quade voting 'yes'; Cuca absent.

J STREET ZONING UPDATE **PUBLIC HEARING:**

July 24, 2020

Members present: Campbell, D. Johnson, K. Johnson, Nalow, Post and Quade; Cuca absent.

Collin Christopher stated that this proposal was initiated by the relocation of the Police Garage. In order to pave the way for future sale and possible redevelopment, that property is being put up for surplus by the City. Planning staff determined this would be a good opportunity to rezone the area to align with the recommendations of the South Haymarket Neighborhood Plan. Though a rezoning does not require approval by the Commission, it is an important first step toward implementation of the vision for J Street, and so staff thought it was appropriate for the Commission to weigh in. This rezoning is not attached to a specific redevelopment proposal, but it does lay the groundwork for future redevelopment in the Capitol Environs District. The proposal is to rezone a number of I-1 and P zoned lots along J Street to O-1. O-1 zoning is fairly restrictive. It is a tight category that only allows for specific uses. It wouldn't allow the kind of broad mixing of uses that B-4 zoning allows, but would allow a greater mix than the residential

districts. This would set the stage for implementation of the South Haymarket Neighborhood Plan. Both the Capitol Environs Design Standards and the Neighborhood Plan recommend medium-density residential along J Street, along with some office uses. Clark Enersen Partners have also been working on street concepts for J Street. The streetscape component sets the stage for some of these new uses as well. This rezoning proposal will appear before Planning Commission for public hearing.

Nalow is excited to see this change. Christopher pointed out that the rezoning proposal only impacts publicly owned properties in the area. Properties not owned by the city/county are not being affected.

Kile Johnson inquired if the zoning change has any impact on the value of the property. Bob Ripley questioned if this is a downzone. Christopher replied yes, in that fewer uses are allowed. The potential for redevelopment would be generally be limited to the uses allowed in O-1. He believes any time you open it up to residential development, there is some value there.

Post asked when the streetscape would be implemented. Christopher does not have a precise timeline, but believes it could be considered as a catalyst project designed to fuel redevelopment. Alternatively, there could be a proposal for redevelopment that the city would want to coordinate street improvements with. J Street is not the highest priority on the list of projects that Clark Enersen has developed as part of the Haymarket South Streetscape Master Plan, but if there was significant redevelopment interest in this area, that could bump it up on the priority list. Rezoning is a preliminary step to put the pieces in place.

ACTION:

Post moved that the proposed rezoning conforms with the South Haymarket Neighborhood Plan and the Capitol Environs Design Standards, seconded by Campbell and carried 6-0: Campbell, D. Johnson, K. Johnson, Nalow, Post and Quade voting 'yes'; Cuca absent.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

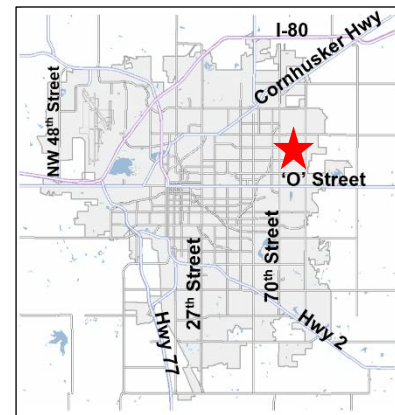
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #04009A	FINAL ACTION? No	DEVELOPER/OWNER Schubert Real Estate Management, LLC
PLANNING COMMISSION HEARING DATE August 19, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 2110 N. 86 th Street (N. 86 th and Garland Streets)

RECOMMENDATION: APPROVAL WITH CONDITIONS

BRIEF SUMMARY OF REQUEST

This is a request to amend the Andersons Place Special Permit to allow a revised layout and fitness center on Lot 5, Block 1, located at the southeast corner of N. 86th and Garland Streets. A waiver is requested to reduce the side yard setback on the south to accommodate parking and trash enclosure from 20 feet to 5 feet adjacent to a detention cell.



JUSTIFICATION FOR RECOMMENDATION

Indoor recreation facilities are allowed under the Special Permit for Planned Service Commercial. The setback reduction is appropriate because the adjacent land is permanent open space for detention. The existing 50-foot setback on the east to the residential uses will be preserved.

APPLICATION CONTACT

Robert Wittler, (402) 435-8600 or rwittler@ayarsayars.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan supports appropriate commercial development that is sensitive to existing neighborhoods. The proposal meets this standard based upon retaining the setback to the residential land uses.

WAIVERS

1. Reduce the side yard setback on Lot 5, Block 1 from 20 feet to 5 feet for parking and trash enclosure. (Recommend Approval)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

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

P. 5.1-5.2 - Business & Economy Guiding Principles

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

ANALYSIS

1. The proposal is a revision to the use and layout of Lot 5, Block 1 of Special Permit #04009, located at N. 86th and Garland Streets.
2. Currently the lot is designated for retail and office uses. The proposal is for a fitness center, which is classified according to zoning as an indoor recreational facility. The minimum parking requirement and all existing external setbacks will be met with the new layout, with the exception that a reduction of the side yard setback on the south from 20 feet to 5 feet is requested to accommodate parking and trash enclosures.
3. The total allowable square footage for the special permit and for Lot 5 in particular would not change.
4. To the south of this lot is Outlot D, Morning Glory Estates Addition which contains a detention cell. The existing setback is 20 feet, which was reduced with the original special permit approval from 50 feet. The H-4 zoning district requires a greater standard setback to residential zoning than to commercial or industrial zoning. The setback cannot be reduced administratively and requires City Council approval. The side yard setback reduction is supported because the adjacent land in Outlot D is permanent open space and a further setback reduction on that side is appropriate. The reduction would only apply for parking and trash enclosure and not for buildings.
5. This special permit includes a 50-foot landscaped setback along the entire east side between the commercial uses and the housing to the east. This setback has been in place since the original approval and will be preserved to minimize impacts on the residential dwellings.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: H-4; vacant

SURROUNDING LAND USE & ZONING (AREA OF CHANGE)

North: H-4; vacant

South: R-4; detention

East: R-3; single family dwellings

West: H-4; vacant

APPROXIMATE LAND AREA:

Area of Change: 2.33 acres

Overall Special Permit: 10.74 acres

LEGAL DESCRIPTION: See attached.

Prepared by

Rachel Jones, Planner

Date: August 10, 2020

Applicant/Contact: Robert Wittler
Ayars & Ayars, Inc.
2436 N. 48th Street
Lincoln, NE 60504
(402) 435-8600 or rwittler@ayarsayars.com

Owner: Schubert Real Estate Management LLC
c/o Gary Schubert
6619 Crestmont Glen Lane
Windmere, FL 34786
(402) 689-1217 or wilsonstuka@yahoo.com

F:\DevReview\SP\04000\SP04009A Andersons Place.rkj.docx

APPLICATION HISTORY - SPECIAL PERMIT #04009A

- Jun. 2004 Preliminary Plat #04007 for Anderson's Place was approved by the Planning Commission. The boundary included the area under Special Permit #04009 and a residential area to the east.
- Mar. 2005 Special Permit #04009 for a Special Permit for Planned Service Commercial was approved by the City Council for up to 86,120 square feet of floor area, with waivers to reduce the front yard setback on N. 84th Street to 40 feet, reduce internal setbacks to zero, and reduce the side yard setback along the south boundary to 20 feet. In addition, Change of Zone #04011 from AG Agriculture District to H-4 General Commercial District was approved by the City Council.
- Feb. 2006 Administrative Amendment #05174 to Special Permit #04009 was approved by the Planning Director to revise the land uses, floor area assignment, parking, pedestrian connections, and move an ATM outside the transmission line easement.
- Apr. 2014 Administrative Amendment #14014 to Special Permit #04009 was approved by the Planning Director to further reduce the front yard setback on N. 84th Street to 20 feet, revise the mini-storage layout and landscape plan.

CONDITIONS OF APPROVAL - SPECIAL PERMIT #04009A

Per Section 27.63.470 this approval permits a Special Permit for Planned Service Commercial for 86,120 square feet of total floor area with waivers to reduce the side yard setback on Lot 5, Block 1 from 20 feet to 5 feet for parking and trash enclosure.

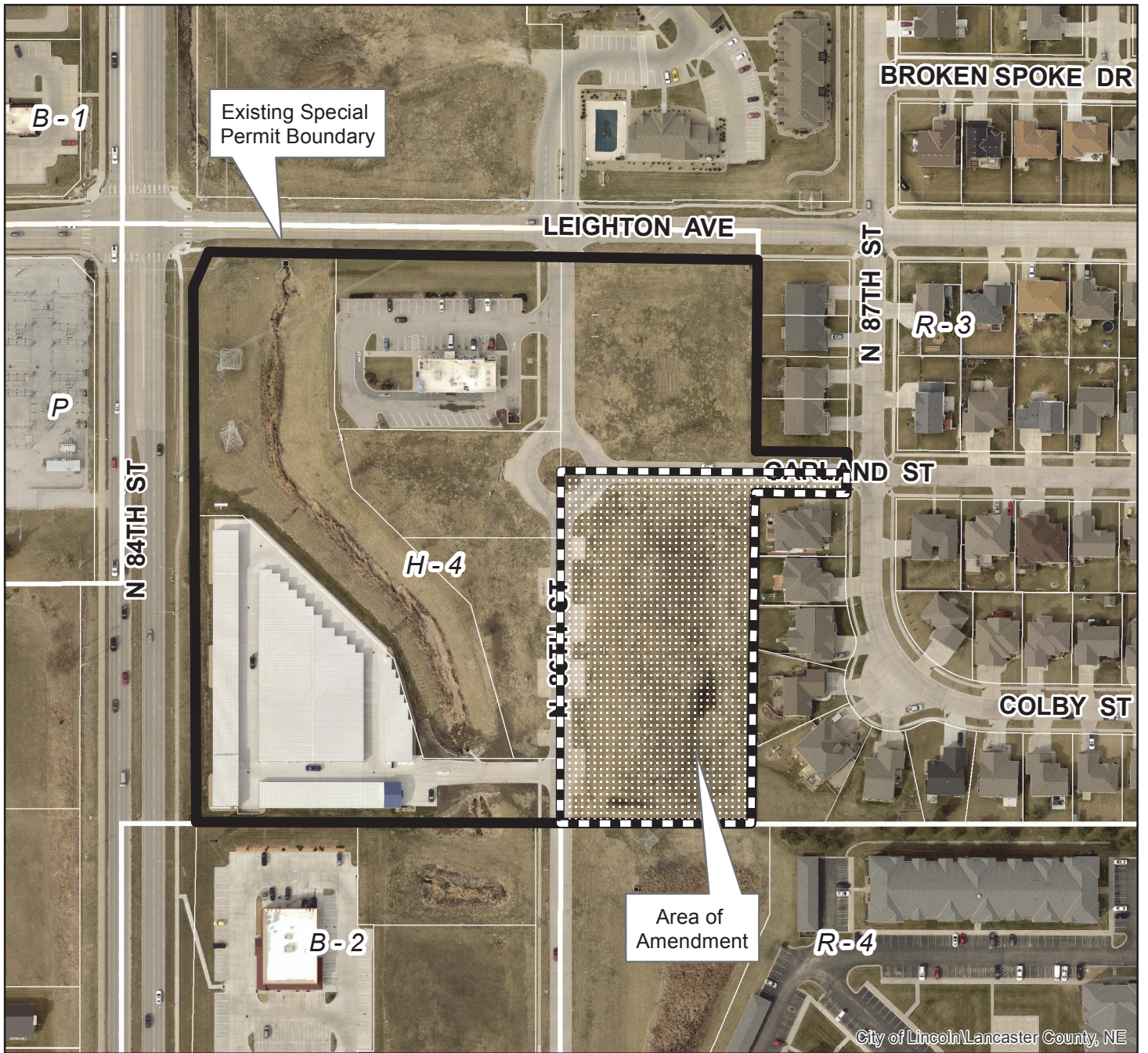
Site Specific Conditions:

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 Update the legal description to include Outlot A, Andersons Place 1st Addition.
 - 1.2 Change the land uses for Lots 1-3, 5 and 6 to "commercial".
 - 1.3 Revise the site plan to show a minimum of 2 feet of green space between the building and sidewalk at the northwest corner of the lot.
 - 1.4 Relocate the trash enclosures outside of the LES transmission corridor.
 - 1.5 Revise the street and parking lot trees on or adjacent to Lot 5 that fall within the LES transmission corridor to specify species with a maximum mature height of 15 feet and relocate the trees as necessary to be outside of the area that is 15 feet on either side of the transmission corridor centerline. No portion of the mature tree can encroach into this 30 feet.
 - 1.6 Show the utility easements on Lot 5 as shown on the attached drawing from LES.
2. Before receiving building permits provide the following documents to the Planning Department:
 - 2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
 - 2.2 A release of the existing blanket utility easement excluding building permits must be filed, and the new easements shown on Lot 5 must be dedicated.

Standard Conditions:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the buildings or starting the operation all development and construction shall substantially comply with the approved plans.
 - 3.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
 - 3.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
 - 3.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

- 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
- 3.6 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.



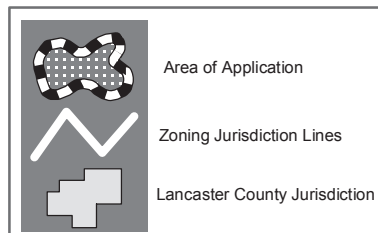
City of Lincoln/Lancaster County, NE
2018 aerial

Special Permit #: SP04009A
Andersons Place
N 86th St & Garland 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.14 T10N R07E



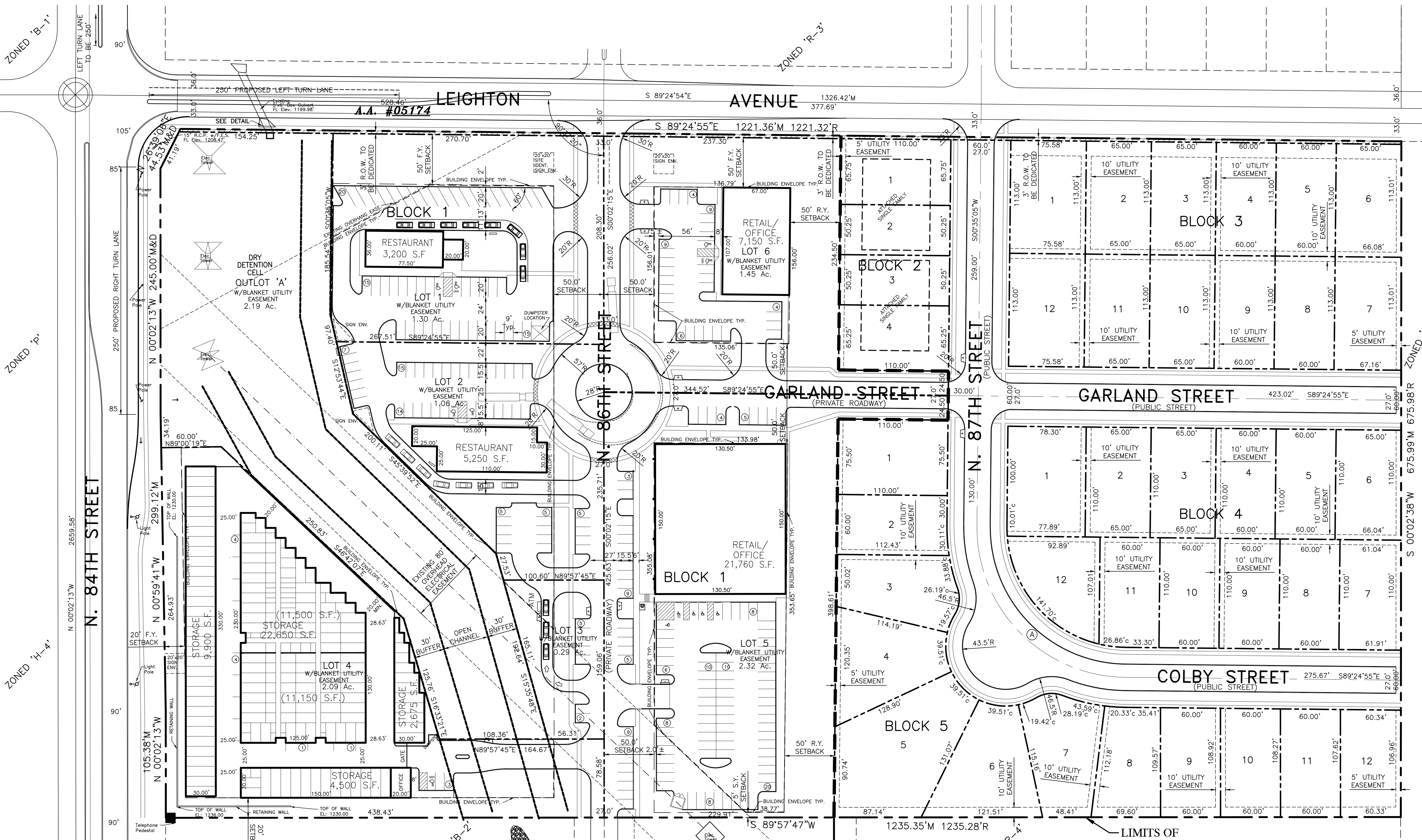
Anderson's Place
Special Permit #04009A

Legal Description

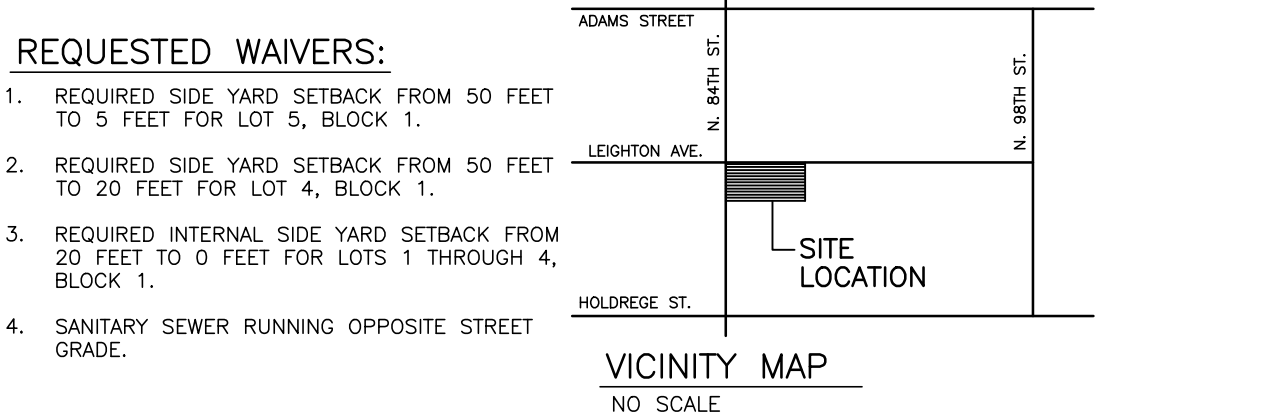
Lots 1, 4, 5 and 6 and Outlot A, Anderson's Place 1st Addition and Lots 1 and 2, Anderson's Place 2nd Addition, located in the Southwest Quarter of Section 14 Township 10 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska.

ANDERSON'S PLACE

ANNEXATION #04002
CHANGE OF ZONE #04011
SPECIAL PERMIT #04009A
PRELIMINARY PLAT #04007



- GENERAL NOTES:**
1. THE OWNER/ DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES SHOWN ON THIS PRELIMINARY PLAT.
 2. BUILDING HEIGHT SHALL NOT EXCEED 35 FEET (R-3 & H-4).
 3. DIRECT VEHICULAR ACCESS TO NORTH 84TH STREET IS HEREBY RELINQUISHED.
 4. COMMON AND PUBLIC ACCESS EASEMENTS ARE HEREBY GRANTED OVER ALL PRIVATE DRIVES, DRIVING AISLES, PARKING STALLS AND SIDEWALKS SHOWN.
 5. ALL SIGNS AND SIGN ENVELOPES SHALL COMPLY WITH CHAPTER 27.69.047 OF THE LINCOLN MUNICIPAL CODE.
 6. ALL EXTERIOR LIGHTING SHALL COMPLY TO THE DESIGN STANDARDS AS ADOPTED BY THE CITY OF LINCOLN.
 7. PRIVATE ROADWAYS SHALL BE SURFACED WITH 6 INCHES OF PORTLAND CEMENT OR 5 INCHES OF PORTLAND CEMENT BASE AND 2-1/2 INCHES OF ASPHALTIC CONCRETE SURFACE OR 6 INCHES OF ASPHALTIC CONCRETE. ALL PRIVATE ROADWAYS SHALL HAVE A 5 INCH CROWN AND A 6 INCH RAISED CURB.
 8. ALL PRIVATE ROADWAYS AND PUBLIC STREETS SHALL BE 27 FEET WIDE UNLESS OTHERWISE NOTED. ALL PUBLIC STREETS SHALL BE BUILT TO CITY OF LINCOLN STANDARDS.
 9. SIDEWALKS ALONG PRIVATE ROADWAYS SHALL BE A MINIMUM OF 4 FEET IN WIDTH AND LOCATED A MINIMUM OF 4 FEET FROM THE BACK SIDE OF THE CURB. SIDEWALKS SHALL BE A MINIMUM OF 4 INCH THICK CONCRETE, 5 INCH THICK AT DRIVEWAY CROSSINGS.
 10. ALL PARKING AREAS SHALL BE SURFACED WITH A MINIMUM OF 5 INCHES OF CLASS 'A' PORTLAND CEMENT OR 6 INCHES OF ASPHALTIC CONCRETE. A 6 INCH RAISED CURB BARRIER SHALL BE PROVIDED AT THE PERIMETER.
 11. THIS PRELIMINARY PLAT & SPECIAL PERMIT CONTAINS 36 SINGLE FAMILY LOTS, 4 SINGLE FAMILY ATTACHED LOTS AND 6 COMMERCIAL LOTS. THE TOTAL NUMBER OF LOTS ARE 46, BLOCKS ARE 5 AND ONE OUTLOT.
 12. ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
 13. PUBLIC SIDEWALKS SHALL BE 4 FEET IN WIDTH AND INSTALLED ON BOTH SIDES OF ALL PUBLIC STREETS SHOWN ON THIS COMMUNITY UNIT PLAN AND THE SOUTH SIDE OF LEIGHTON AVENUE.
 14. PRIVATE ROADWAYS, IMPROVEMENTS AND MEDIANS SHALL BE MAINTAINED BY THE OWNERS ASSOCIATION.
 15. OUTLOT 'A' SHALL BE OWNED BY THE OWNER/ OWNERS OF LOTS 1 THROUGH 6, BLOCK 1. OUTLOT 'A' SHALL BE MAINTAINED COLLECTIVELY BY THE OWNER/ OWNERS OF LOTS 1 THROUGH 6, BLOCK 1 AND THE HOMEOWNERS ASSOCIATION.
 16. NO PARALLEL PARKING SHALL BE PERMITTED ALONG THE EAST SIDE OF NORTH 86TH STREET.
 17. 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.
 18. ANY CONSTRUCTION OR GRADE CHANGES IN LES TRANSMISSION LINE EASEMENT CORRIDORS ARE SUBJECT TO LES APPROVAL AND MUST BE IN ACCORDANCE WITH LES DESIGN AND SAFETY STANDARDS.
 19. LANDSCAPING MATERIAL SELECTIONS WITHIN EASEMENT CORRIDORS SHALL FOLLOW ESTABLISHED GUIDELINES TO MAINTAIN MINIMUM CLEARANCE FROM UTILITY FACILITIES.
 20. ALL PARKING STALLS LOCATED ON LOTS 2, 3 & 5, BLOCK 1 SHALL BE SHARED COLLECTIVELY BY THE OWNER/OWNERS OF LOTS 2, 3 & 5, BLOCK 1.
 21. THE TURNABOUT LOCATED AT NORTH 86TH AND GARLAND STREETS HAS BEEN DESIGNED FOR TRUCKS LARGER THAN A WB50.
 22. SIDEWALKS CROSSING PARKING LOTS, DRIVE AISLES, OR PRIVATE ROADWAYS SHALL BE IDENTIFIED WITH A TEXTURE OR COLOR DIFFERENT FROM THE ADJACENT PAVING.



DATE PREPARED:
1/23/04

REVISION DATE:
5/24/04
9/13/04
10/8/04
12/23/04
6/13/05
3/24/14 A.A.
4/7/14
4/11/14
7/22/2020 Amend.

REGA
ENGINEERING
GROUP, INC.

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

- ENGINEERING
- PLANNING
- LANDSCAPE ARCHITECTURE
- LAND SURVEYING

'H-4' LAND USE TABLE

LOT	BLK	BUILDING USE	BLDG. S.F.	REQ'D. STALLS	STALLS SHOWN
1	1	RESTAURANT	3,200	32	50
2	1	RESTAURANT	5,250	53	54
3	1	ATM			32
5	1	RETAIL/OFFICE	7,150	24	32
6	1	RETAIL/OFFICE	21,760	73	83
*4	1	MINI-STORAGE EXTERIOR UNITS	39,725 (109)	**1	1
		INTERIOR UNITS	(81)	**9	9
		OFFICE	600	-	3
		UNASSIGNED AREA	8,435	-	-
		TOTALS	86,120	192	232

* ALTERNATE BUILDING USE FOR LOT 4 MAY BE 30,000 S.F. OF RETAIL/OFFICE WITH A REQUIRED PARKING OF 100 STALLS.
** 1 STALL PER 200 UNITS REQUIRED
*** 1 STALL PER 10 UNITS REQUIRED

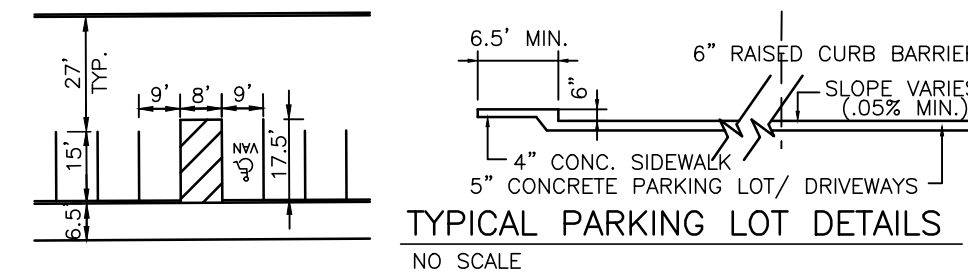
SPECIAL PERMIT BOUNDARY
Lots 1, 4, 5 and 6, Anderson's Place 1st Addition and Lots 1 and 2, Anderson's Place 2nd Addition, located in the Southwest Quarter of Section 14 Township 10 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska. More particularly described by metes and bounds as follows:

Commencing at the West 1/4 Corner of Section 14 Township 10 North Range 7 East of the Sixth P.M.; Thence South 89°24'54" East, (on assumed bearing) on the North line of the Southwest Quarter, a distance of 1326.42 feet to a found 5/8" Rebar for the North 1/16 Corner of the Southwest Quarter; Thence South 0°02'38" West, a distance of 33.00 feet; Thence North 89°24'55" West, for a distance of 560.58 feet to the POINT OF BEGINNING; Thence South 0°35'05" West, a distance of 234.50 feet; Thence South 89°24'55" East, a distance of 110.00 feet; Thence South 0°35'05" West, a distance of 49.00 feet; Thence North 89°24'55" West, a distance of 110.00 feet; Thence South 0°35'05" West, a distance of 398.61 feet; Thence South 89°24'47" West, on the North line of Morning Glory Estates 3rd Addition, a distance of 688.35 feet, to the Northwest Corner of Liberty 1st Addition, said point being on the East Right of Way of North 84th Street; Thence North 0°02'13" West on the East Right of Way of North 84th Street, a distance of 105.38 feet; Thence North 0°59'41" West, on said right of Way, a distance of 299.12 feet; Thence North 0°02'13" West, on the East Right of Way of North 84th Street, a distance of 245.00 feet; Thence North 26°39'06" East, on the Southeastly right of way of North 84th Street, a distance of 44.53 feet, to a point on the South right of way of Leighton Avenue; Thence South 89°24'55" East, on a said right of way, a distance of 660.79 feet to the POINT OF BEGINNING, and containing a calculated area of 468,020.91 square feet or 10.74 acres more or less.

OWNER/DEVELOPER:
SCOTT C. ANDERSON
P.O. BOX 30842
LINCOLN, NE 68503 (402) 432-0415

SURVEYOR:
DEREK A. BEENBLOSSOM
ALLEN SURVEYING & MAPPING
12700 NORTH 56TH STREET
LINCOLN, NE 68514 (402) 466-4366

ENGINEER:
LYLE L. LOTH
ENGINEERING/SURVEYING/PLANNING
601 OLD CHENEY ROAD, SUITE 'A'
LINCOLN, NE 68512 (402) 421-2500



CURVE DATA:
① CH = 212.13'
CH BRC. = S. 44°24'52" E.
Δ = 89°59'54"
R = 150.00'
T = 150.00'
L = 235.61'

SCALE: 1" = 50'

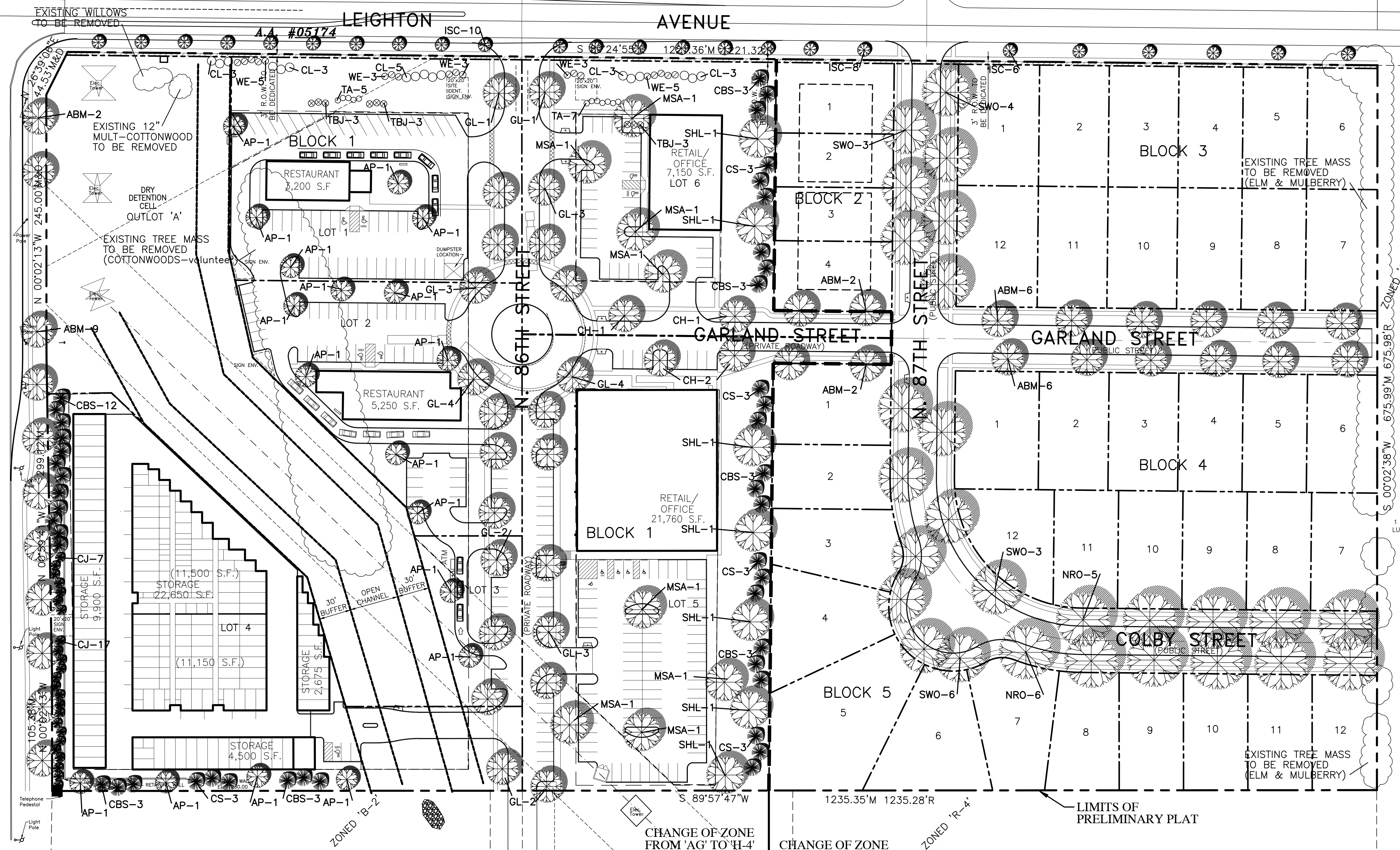
SHEET LEGEND:

SITE PLAN	1
LANDSCAPE PLAN	2
UTILITY PLAN	3
PRE & POST GRADING	4
GRADING PLAN	5
GRADING PLAN AA#14014	5A
PROFILE SHEET	6

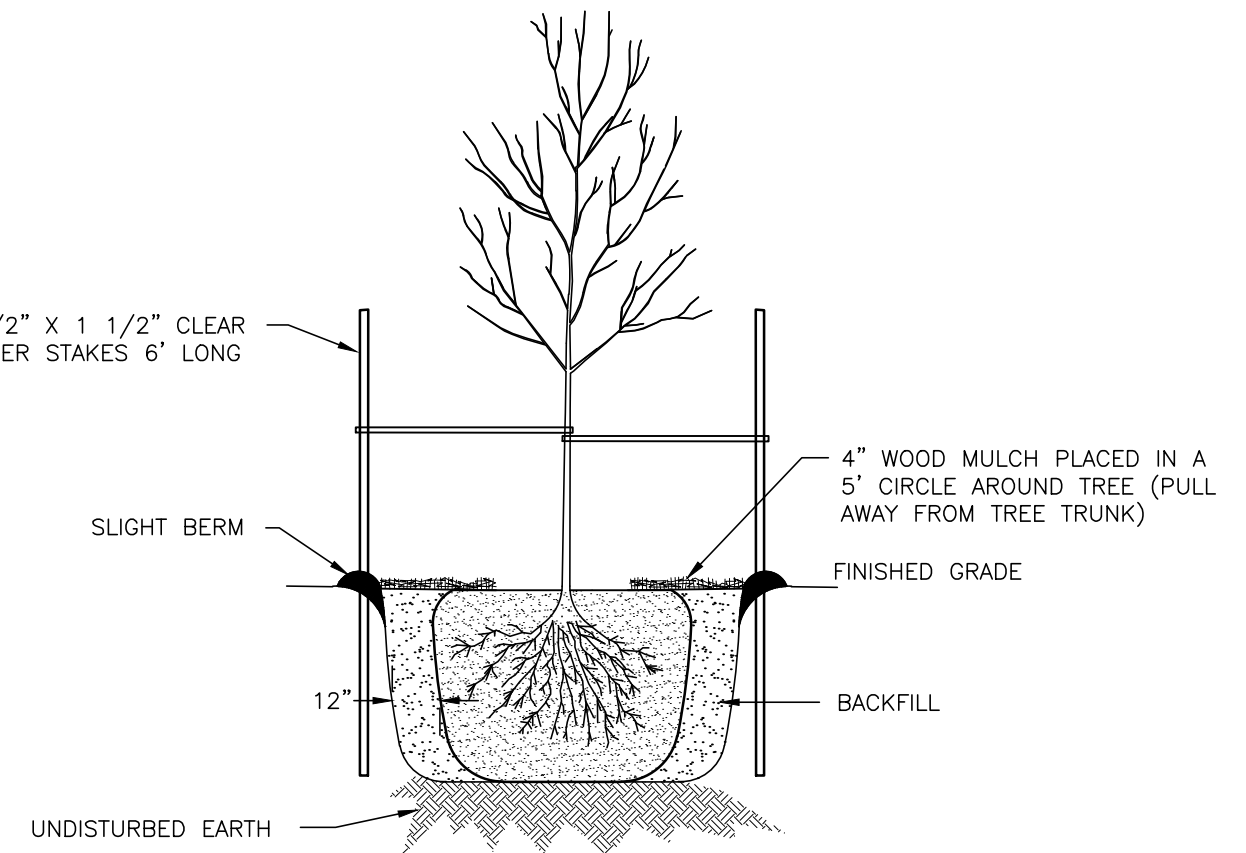
SITE PLAN

SHEET 1 OF 6

ANDERSON'S PLACE
 ANNEXATION #04002
 CHANGE OF ZONE #04011
 SPECIAL PERMIT #04009A
 PRELIMINARY PLAT #04007



- NOTES:**
1. LANDSCAPING MATERIAL SELECTIONS WITHIN EASEMENT CORRIDORS SHALL FOLLOW ESTABLISHED GUIDELINES TO MAINTAIN MINIMUM CLEARANCE FROM UTILITY FACILITIES.
 2. ALL REQUIRED SCREENING AND LANDSCAPING IS NOT SHOWN AND WILL BE PROVIDED AT THE TIME OF BUILDING PERMIT.



TYPICAL TREE PLANTING DETAIL
 SCALE: NONE

DATE PREPARED:
1/23/04

REVISION DATE:
 5/24/04 3/24/14 A.A.
 9/13/04 4/7/14
 10/8/04 4/11/14
 12/23/04 6/13/05
 6/13/05
 12/28/05 A.A.
 1/27/06 A.A.
 2/15/06 A.A.

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

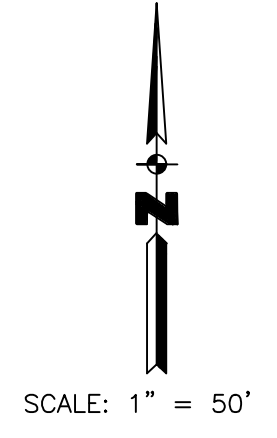
- ENGINEERING
- PLANNING
- LANDSCAPE ARCHITECTURE
- LAND SURVEYING

STREET TREE SCHEDULE

KEY	COMMON NAME/BOTANICAL NAME	STREET NAME	SIZE	METHOD	SPREAD	HEIGHT	QUAN.
ABM	AUTUMN BLAZE RED MAPLE <i>Acer rubrum</i> "Autumn Blaze"	North 84th Street Garland Street	1 1/2" DIA.	B & B	30'	35'	27
ISC	INDIAN SUMMER CRAB <i>Malus</i> "Indian Summer"	Leighton Avenue	5'-6'	B & B	12'	15'	24
GL	GREENSPIRE LINDEN <i>Tilia cordata</i> "Greenspire"	North 86th Street	1 1/2" DIA.	B & B	30'	40'	23
SWO	SWAMP WHITE OAK <i>Quercus bicolor</i>	North 87th Street	1 1/2" DIA.	B & B	50'	60'	16
NRO	NORTHERN RED OAK <i>Quercus rubra</i>	Colby Street	1 1/2" DIA.	B & B	50'	60'	11
CH	COMMON HACKBERRY <i>Celtis occidentalis</i>	Garland Street	1 1/2" DIA.	B & B	35'	40'	4

LANDSCAPE SCHEDULE

KEY	COMMON NAME / BOTANICAL NAME	SIZE	METHOD	SPREAD	HEIGHT	QUAN.
MSA	DISCOVERY ELM <i>Ulmus davidiana</i> "Discovery"	1 1/2" DIA.	B & B	35'	45'	8
AP	ADAM CRABAPPLE <i>Malus</i> "Adams"	1 1/2" DIA.	B & B	20'	20'	18
SHL	SKYLINE HONEYLOCUST <i>Gleditsia triacanthos inermis</i> "Skyline"	1 1/2" DIA.	B & B	35'	35'	7
TBJ	TABLETOP BLUE JUNIPER <i>Juniperus scopulorum</i> "Tabletop Blue"	18"-24"	B & B	6'	4'	9
TA	TECHNY ARBORVITAE <i>Thuja occidentalis</i> "Techny"	3'-4'	B & B	5'	12'	12
WE	WINGED EUONYMUS(Burning Bush) <i>Euonymus alata</i>	2'-3'	B & B	6'	10'	19
CL	COMMON LILAC <i>Syringa vulgaris</i>	3'-4'	B & B	8'	10'	17
CS	COLORADO SPUCE <i>Picea pungens</i>	4'-5'	B & B	15'	25'	15
CBS	COLORADO BLUE SPUCE <i>Picea pungens glauca</i>	4'-5'	B & B	15'	25'	30
CJ	COLOGREEN JUNIPER <i>Juniperus scopulorum</i> "Cologreen"	4'-5'	B & B	9'	15'	24



LANDSCAPE PLAN
 SHEET 2 OF 6



July 22, 2020

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

**Re: Planet Fitness - East Lincoln
Anderson's Place Subdivision
North 86th Street & Garland Street
Lincoln, NE
Special Permit #04009**

Dear David:

On behalf of Schubert Real Estate Management, LLC, we are submitting for an amendment to Special Permit #SP04009 for Planned Service Commercial (Section 27.63.470) for the Planet Fitness East Lincoln Project at 2110 North 86th Street. The Project Site is legally described as ANDERSONS PLACE 1ST ADDITION, Lot 5 in Lincoln, Lancaster County, Nebraska, this is the area of requested modification within the Special Permit.

The current side yard setback on the south side of the property is 20'. We are requesting a modification to the side yard setback on the south side of the property only to a proposed setback of 5'. The reduction in side yard setback on this side of the property is requested for the purpose of facilitating parking and a trash enclosure location that is more functional for the use of the facility.

We believe that there is no detrimental effect to reducing the side yard setback on the south side of this property as the adjacent lot to the south of the property is currently an outlot for stormwater detention (MORNING GLORY ESTATES ADDITION, OUTLOT D) and is encumbered by an overhead electric easement that would prevent construction of any structures adjacent to the area of the proposed setback modification.

In addition to requesting the setback reduction, we are also submitting proposed modifications to the site layout plan for building envelope and parking configuration, the landscape plan, and the grading plan.

We have included with this application for your consideration a site plan drawing that shows the proposed configuration of the building envelope and parking on the site, a landscape drawing showing proposed revisions to the previously approved landscape plan for the property, and a grading plan showing the proposed grading of the site.

Thank you for taking the time to review and consider this request for special permit amendment. Please contact Robert Wittler at rwittler@ayarsayars.com or 402.435.8600 if you have any questions or require any additional information to assist in your review.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Robert Wittler', is written over a light blue horizontal line.

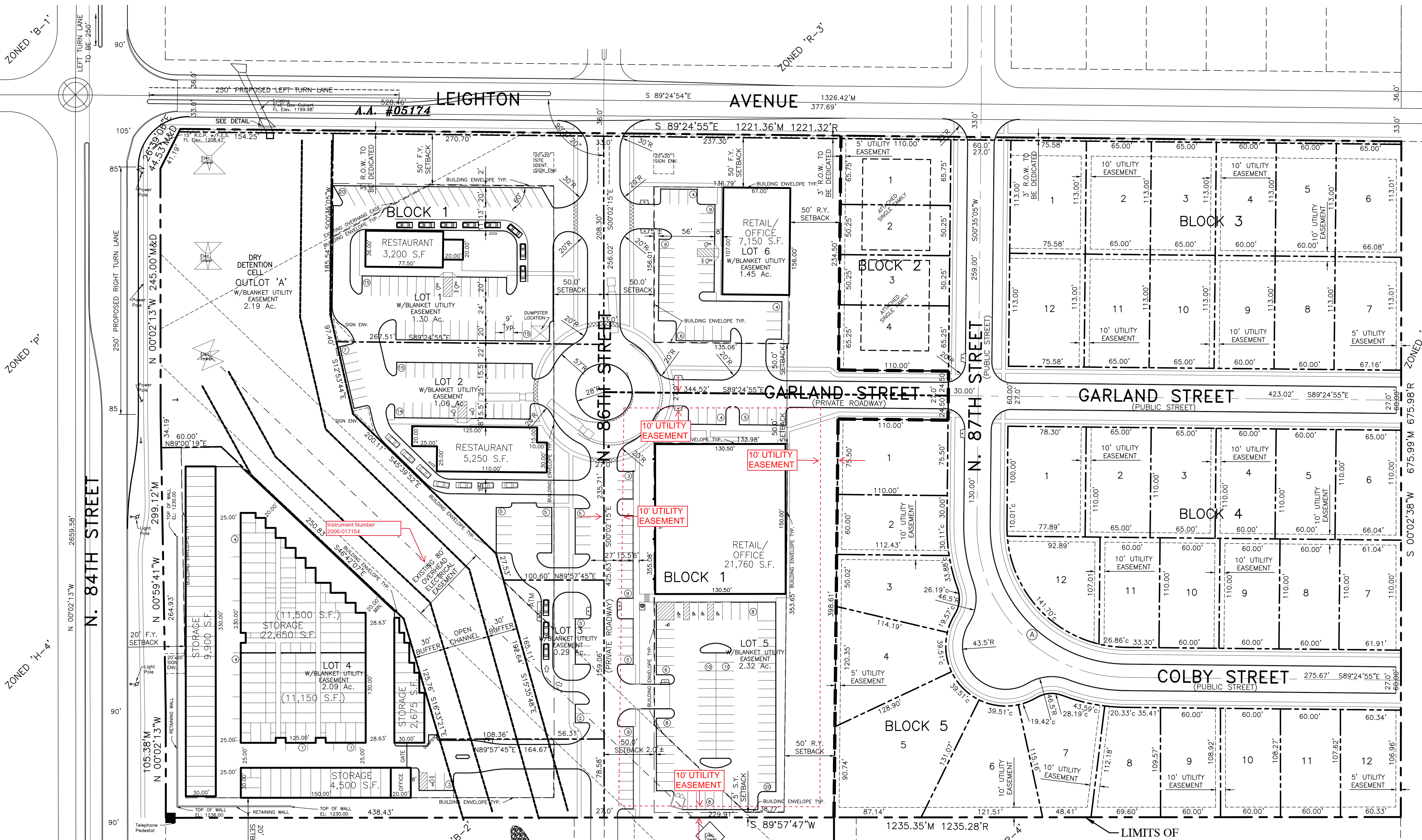
Robert Wittler
Ayars & Ayars, Inc.

Cc: Gary Schubert (Schubert Real Estate Management, LLC);

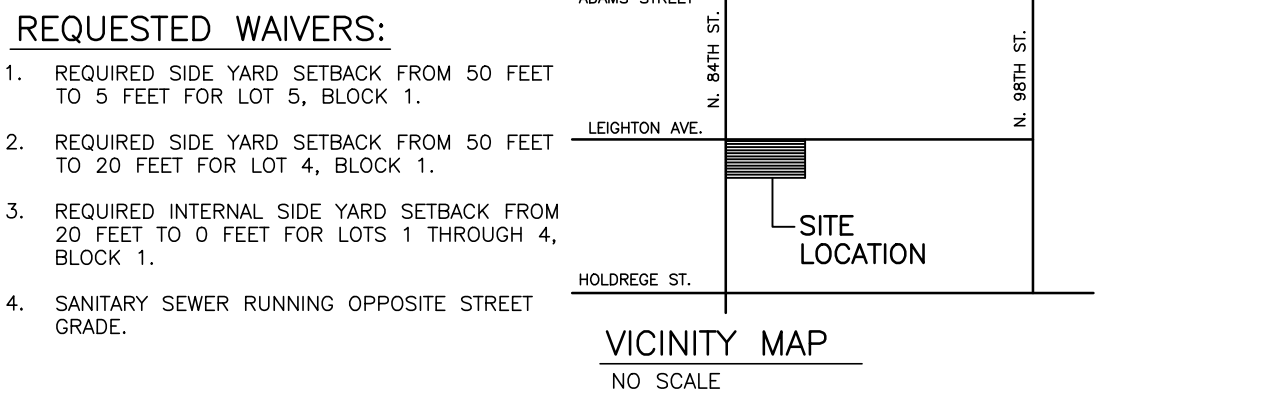
Encls: Special Permit application; Special Permit application fee; Site Plan, Landscape Plan, Grading Plan, Utility Plan

ANDERSON'S PLACE

ANNEXATION #04002
CHANGE OF ZONE #04011
SPECIAL PERMIT #04009A
PRELIMINARY PLAT #04007



- GENERAL NOTES:**
- THE OWNER/ DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES SHOWN ON THIS PRELIMINARY PLAT.
 - BUILDING HEIGHT SHALL NOT EXCEED 35 FEET (R-3 & H-4).
 - DIRECT VEHICULAR ACCESS TO NORTH 84TH STREET IS HEREBY RELINQUISHED.
 - COMMON AND PUBLIC ACCESS EASEMENTS ARE HEREBY GRANTED OVER ALL PRIVATE DRIVES, DRIVING AISLES, PARKING STALLS AND SIDEWALKS SHOWN.
 - ALL SIGNS AND SIGN ENVELOPES SHALL COMPLY WITH CHAPTER 27.69.047 OF THE LINCOLN MUNICIPAL CODE.
 - ALL EXTERIOR LIGHTING SHALL COMPLY TO THE DESIGN STANDARDS AS ADOPTED BY THE CITY OF LINCOLN.
 - PRIVATE ROADWAYS SHALL BE SURFACED WITH 6 INCHES OF PORTLAND CEMENT OR 5 INCHES OF PORTLAND CEMENT BASE AND 2-1/2 INCHES OF ASPHALTIC CONCRETE SURFACE OR 6 INCHES OF ASPHALTIC CONCRETE. ALL PRIVATE ROADWAYS SHALL HAVE A 5 INCH CROWN AND A 6 INCH RAISED CURB.
 - ALL PRIVATE ROADWAYS AND PUBLIC STREETS SHALL BE 27 FEET WIDE UNLESS OTHERWISE NOTED. ALL PUBLIC STREETS SHALL BE BUILT TO CITY OF LINCOLN STANDARDS.
 - SIDEWALKS ALONG PRIVATE ROADWAYS SHALL BE A MINIMUM OF 4 FEET IN WIDTH AND LOCATED A MINIMUM OF 4 FEET FROM THE BACK SIDE OF THE CURB. SIDEWALKS SHALL BE A MINIMUM OF 4 INCH THICK CONCRETE, 5 INCH THICK AT DRIVEWAY CROSSINGS.
 - ALL PARKING AREAS SHALL BE SURFACED WITH A MINIMUM OF 5 INCHES OF CLASS 'A' PORTLAND CEMENT OR 6 INCHES OF ASPHALTIC CONCRETE. A 6 INCH RAISED CURB BARRIER SHALL BE PROVIDED AT THE PERIMETER.
 - THIS PRELIMINARY PLAT & SPECIAL PERMIT CONTAINS 36 SINGLE FAMILY LOTS, 4 SINGLE FAMILY ATTACHED LOTS AND 6 COMMERCIAL LOTS. THE TOTAL NUMBER OF LOTS ARE 46, BLOCKS ARE 5 AND ONE OUTLOT.
 - ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
 - PUBLIC SIDEWALKS SHALL BE 4 FEET IN WIDTH AND INSTALLED ON BOTH SIDES OF ALL PUBLIC STREETS SHOWN ON THIS COMMUNITY UNIT PLAN AND THE SOUTH SIDE OF LEIGHTON AVENUE.
 - PRIVATE ROADWAYS, IMPROVEMENTS AND MEDIANS SHALL BE MAINTAINED BY THE OWNERS ASSOCIATION.
 - OUTLOT 'A' SHALL BE OWNED BY THE OWNER/ OWNERS OF LOTS 1 THROUGH 6, BLOCK 1, AND THE HOMEOWNERS ASSOCIATION.
 - NO PARALLEL PARKING SHALL BE PERMITTED ALONG THE EAST SIDE OF NORTH 86TH STREET.
 - 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.
 - ANY CONSTRUCTION OR GRADE CHANGES IN LES TRANSMISSION LINE EASEMENT CORRIDORS ARE SUBJECT TO LES APPROVAL AND MUST BE IN ACCORDANCE WITH LES DESIGN AND SAFETY STANDARDS.
 - LANDSCAPING MATERIAL SELECTIONS WITHIN EASEMENT CORRIDORS SHALL FOLLOW ESTABLISHED GUIDELINES TO MAINTAIN MINIMUM CLEARANCE FROM UTILITY FACILITIES.
 - ALL PARKING STALLS LOCATED ON LOTS 2, 3 & 5, BLOCK 1 SHALL BE SHARED COLLECTIVELY BY THE OWNER/OWNERS OF LOTS 2, 3 & 5, BLOCK 1.
 - THE TURNABOUT LOCATED AT NORTH 86TH AND GARLAND STREETS HAS BEEN DESIGNED FOR TRUCKS LARGER THAN A WB50.
 - SIDEWALKS CROSSING PARKING LOTS, DRIVE AISLES, OR PRIVATE ROADWAYS SHALL BE IDENTIFIED WITH A TEXTURE OR COLOR DIFFERENT FROM THE ADJACENT PAVING.



DATE PREPARED:
1/23/04

REVISION DATE:

5/24/04	3/24/14 A.A.
9/13/04	4/7/14
10/8/04	4/11/14
12/23/04	7/22/2020 Amend.
6/13/05	
12/28/05 A.A.	
1/27/06 A.A.	
2/15/06 A.A.	

REGA
ENGINEERING GROUP, INC.
601 OLD CHENEY RD., SUITE A
LINCOLN, NEBRASKA 68512
(402).484.7342

- ENGINEERING
- PLANNING
- LANDSCAPE ARCHITECTURE
- LAND SURVEYING

'H-4' LAND USE TABLE

LOT	BLK	BUILDING USE	BLDG. S.F.	REQ'D. STALLS	STALLS SHOWN
1	1	RESTAURANT	3,200	32	50
2	1	RESTAURANT	5,250	53	54
3	1	ATM			32
5	1	RETAIL/OFFICE	7,150	24	32
6	1	RETAIL/OFFICE	21,760	73	83
		MINI-STORAGE EXTERIOR UNITS	39,725 (109)	**1	1
		INTERIOR UNITS	(81)	**9	9
		OFFICE	600	-	3
		UNASSIGNED AREA	8,435	-	-
		TOTALS	86,120	192	232

* ALTERNATE BUILDING USE FOR LOT 4 MAY BE 30,000 S.F. OF RETAIL/OFFICE WITH A REQUIRED PARKING OF 100 STALLS.
 ** 1 STALL PER 200 UNITS REQUIRED
 *** 1 STALL PER 10 UNITS REQUIRED

SPECIAL PERMIT BOUNDARY

Lots 1, 4, 5 and 6, Anderson's Place 1st Addition and Lots 1 and 2, Anderson's Place 2nd Addition, located in the Southwest Quarter of Section 14 Township 10 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska. More particularly described by metes and bounds as follows:

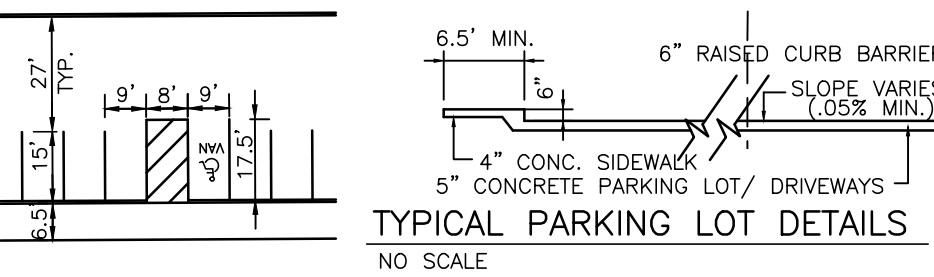
Commencing at the West 1/4 Corner of Section 14 Township 10 North Range 7 East of the Sixth P.M.; Thence South 89°24'54" East, (on assumed bearing) on the North line of the Southwest Quarter, a distance of 1326.42 feet to a found 5/8" Rebar on the North 1/16 Corner of the Southwest Quarter; Thence South 0°02'38" West, a distance of 33.00 feet; Thence North 89°24'55" West, for a distance of 560.58 feet to the POINT OF BEGINNING; Thence South 0°35'05" West, a distance of 234.50 feet; Thence South 89°24'55" East, a distance of 110.00 feet; Thence South 0°35'05" West, a distance of 49.00 feet; Thence North 89°24'55" West, a distance of 110.00 feet; Thence South 0°35'05" West, a distance of 398.61 feet; Thence South 89°24'47" West, on the North line of Morning Glory Estates 3rd Addition, a distance of 688.35 feet, to the Northwest Corner of Liberty 1st Addition, said point being on the East Right of Way of North 84th Street; Thence North 0°02'13" West on the East Right of Way of North 84th Street, a distance of 105.38 feet; Thence North 0°59'41" West, on said right of Way, a distance of 299.12 feet; Thence North 0°02'13" West, on the East Right of Way of North 84th Street, a distance of 245.00 feet; Thence North 26°39'06" East, on the Southeasterly right of way of North 84th Street, a distance of 44.53 feet, to a point on the South right of way of Leighton Avenue; Thence South 89°24'55" East, on said South right of way, a distance of 660.79 feet to the POINT OF BEGINNING, and containing a calculated area of 468,020.91 square feet or 10.74 acres more or less.

All construction, grade changes, and obstructions in LES transmission corridors require LES approval. Common obstructions include permanent structures, landscaping, and the storage of bulk materials, vehicles, and equipment. These restrictions are necessary to maintain safety, reliability, and accessibility. More information can be found on LES.com or contact Land Management at 402-467-7621.

OWNER/DEVELOPER:
SCOTT C. ANDERSON
P.O. BOX 30842
LINCOLN, NE 68503 (402) 432-0415

SURVEYOR:
DEREK A. BEENBLOSSOM
ALLEN SURVEYING & MAPPING
12700 NORTH 56TH STREET
LINCOLN, NE 68514 (402) 466-4366

ENGINEER:
LYLE L. LOTH
ENGINEERING/SURVEYING/PLANNING
601 OLD CHENEY ROAD, SUITE 'A'
LINCOLN, NE 68512 (402) 421-2500



CURVE DATA:

(A) CH = 212.13'
 CH BRC. = S. 44°24'52" E.
 Δ = 89°59'54"
 R = 150.00'
 T = 150.00'
 L = 235.61'

SHEET LEGEND:

SITE PLAN	1
LANDSCAPE PLAN	2
UTILITY PLAN	3
PRE & POST GRADING	4
GRADING PLAN	5
GRADING PLAN AA#14014	5A
PROFILE SHEET	6

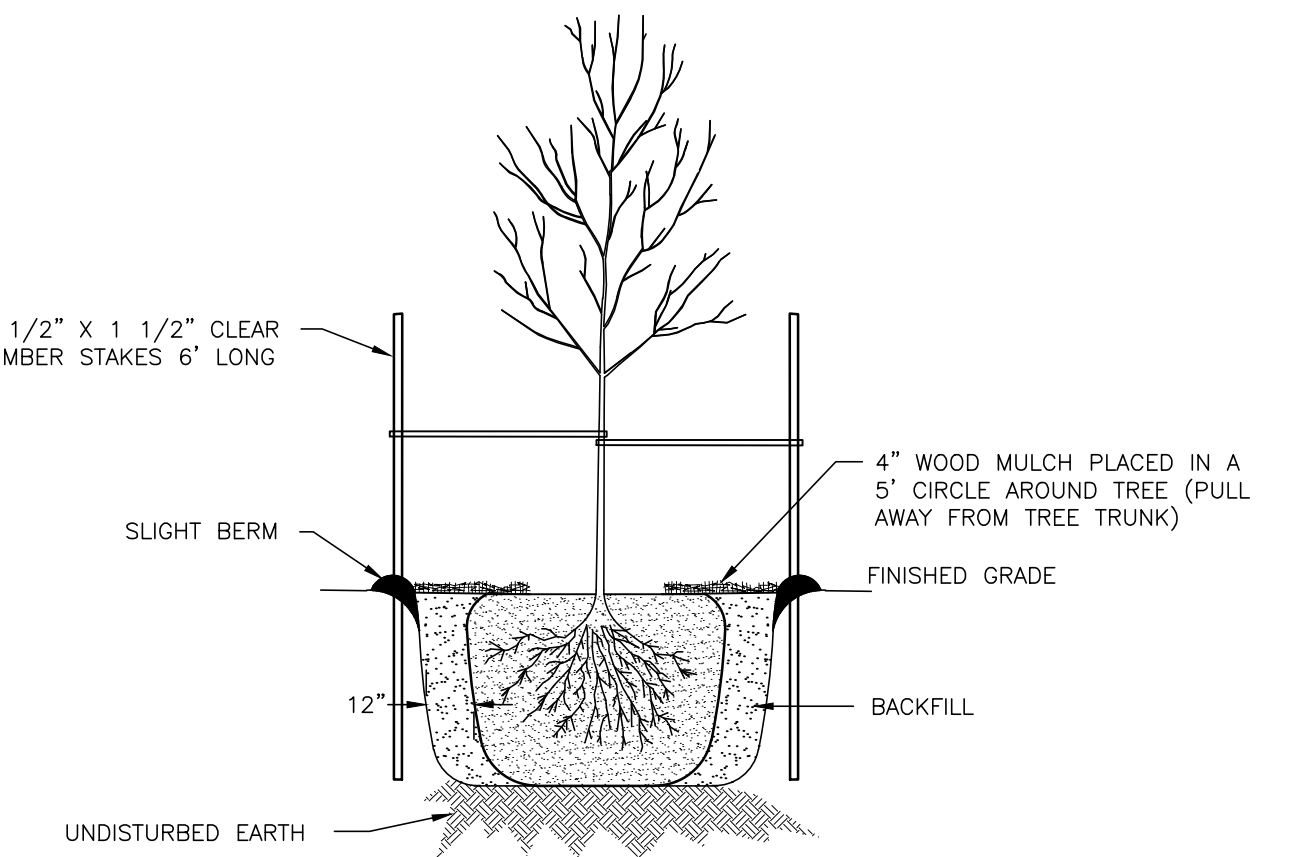
SITE PLAN

SHEET 1 OF 6

ANDERSON'S PLACE

ANNEXATION #04002
 CHANGE OF ZONE #04011
 SPECIAL PERMIT #04009A
 PRELIMINARY PLAT #04007

- NOTES:
- LANDSCAPING MATERIAL SELECTIONS WITHIN EASEMENT CORRIDORS SHALL FOLLOW ESTABLISHED GUIDELINES TO MAINTAIN MINIMUM CLEARANCE FROM UTILITY FACILITIES.
 - ALL REQUIRED SCREENING AND LANDSCAPING IS NOT SHOWN AND WILL BE PROVIDED AT THE TIME OF BUILDING PERMIT.



TYPICAL TREE PLANTING DETAIL
 SCALE: NONE

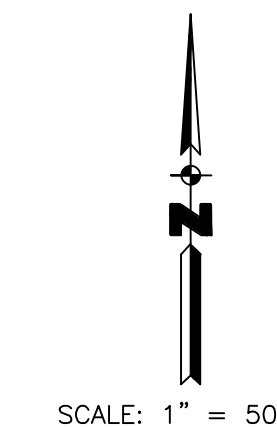
DATE PREPARED:
 1/23/04

REVISION DATE:
 5/24/04 3/24/14 A.A.
 9/13/04 4/7/14
 10/8/04 4/11/14
 12/23/04 7/22/2020 Amend.
 6/13/05
 12/28/05 A.A.
 1/27/06 A.A.
 2/15/06 A.A.

REGA
 ENGINEERING
 GROUP, INC.

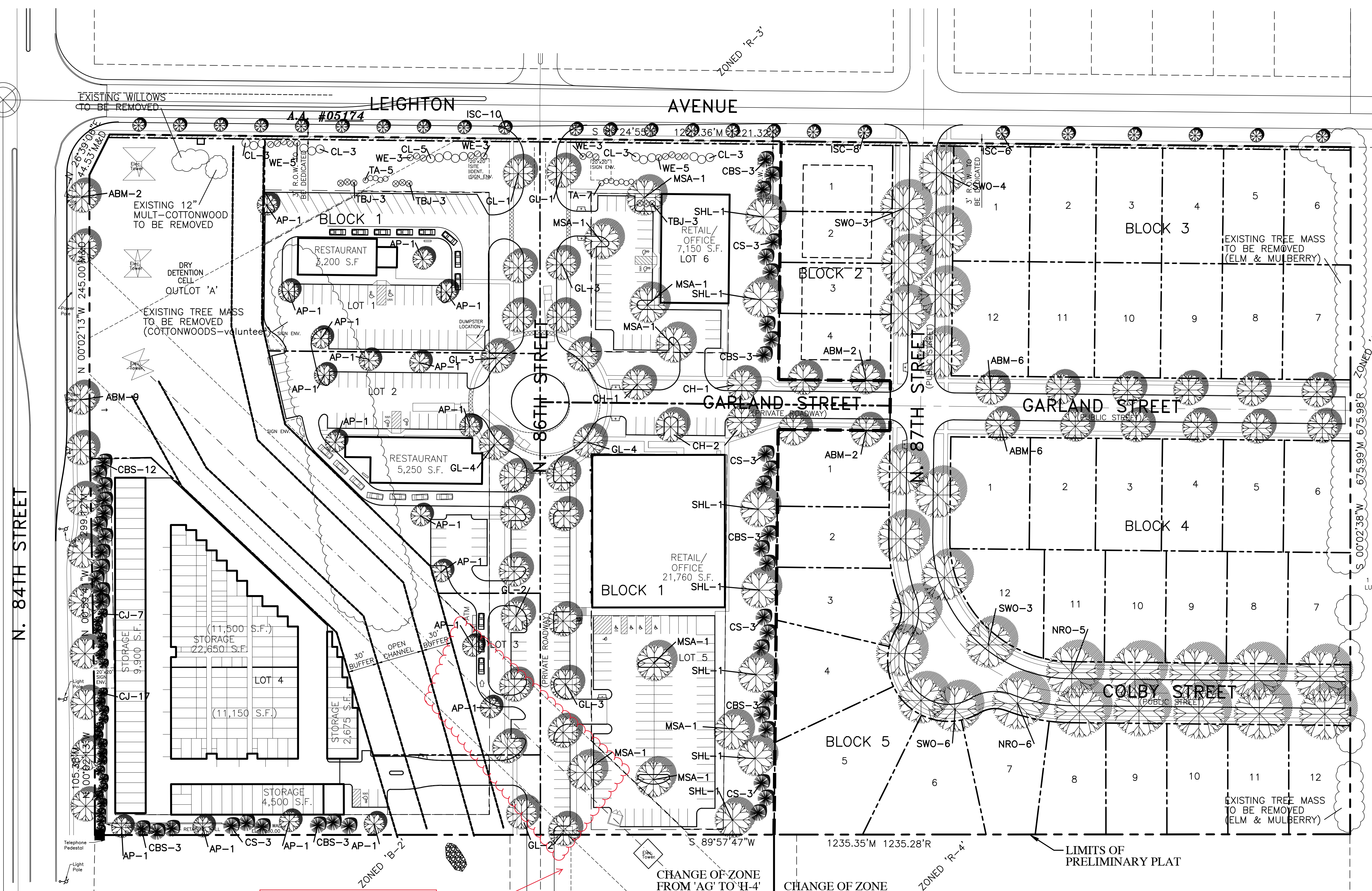
601 OLD CHENEY RD., SUITE A
 LINCOLN, NEBRASKA 68512
 (402) 484-7342

- ENGINEERING
- PLANNING
- LANDSCAPE ARCHITECTURE
- LAND SURVEYING



SCALE: 1" = 50'

LANDSCAPE PLAN SHEET 2 OF 6



Trees within transmission corridors must have a maximum mature height of 15' or less. They should be located outside of the area 15' on either side of the transmission centerline. This includes any overhangs. No portion of the mature tree shall encroach into this 30'.

STREET TREE SCHEDULE

KEY	COMMON NAME/BOTANICAL NAME	STREET NAME	SIZE	METHOD	SPREAD	HEIGHT	QUAN.
ABM	AUTUMN BLAZE RED MAPLE <i>Acer rubrum</i> "Autumn Blaze"	North 84th Street Garland Street	1 1/2" DIA.	B & B	30'	35'	27
ISC	INDIAN SUMMER CRAB <i>Malus</i> "Indian Summer"	Leighton Avenue	5'-6'	B & B	12'	15'	24
GL	GREENSPIRE LINDEN <i>Tilia cordata</i> "Greenspire"	North 86th Street	1 1/2" DIA.	B & B	30'	40'	23
SWO	SWAMP WHITE OAK <i>Quercus bicolor</i>	North 87th Street	1 1/2" DIA.	B & B	50'	60'	16
NRO	NORTHERN RED OAK <i>Quercus rubra</i>	Colby Street	1 1/2" DIA.	B & B	50'	60'	11
CH	COMMON HACKBERRY <i>Celtis occidentalis</i>	Garland Street	1 1/2" DIA.	B & B	35'	40'	4

LANDSCAPE SCHEDULE

KEY	COMMON NAME / BOTANICAL NAME	SIZE	METHOD	SPREAD	HEIGHT	QUAN.
MSA	DISCOVERY ELM <i>Ulmus davidiana</i> "Discovery"	1 1/2" DIA.	B & B	35'	45'	8
AP	ADAM CRABAPPLE <i>Malus</i> "Adams"	1 1/2" DIA.	B & B	20'	20'	18
SHL	SKYLINE HONEYLOCUST <i>Gleditsia triacanthos inermis</i> "Skyline"	1 1/2" DIA.	B & B	35'	35'	7
TBJ	TABLETOP BLUE JUNIPER <i>Juniperus scopulorum</i> "Tabletop Blue"	18"-24"	B & B	6'	4'	9
TA	TECHNY ARBORVITAE <i>Thuja occidentalis</i> "Techny"	3'-4'	B & B	5'	12'	12
WE	WINGED EUONYMUS(Burning Bush) <i>Euonymus alata</i>	2'-3'	B & B	6'	10'	19
CL	COMMON LILAC <i>Syringa vulgaris</i>	3'-4'	B & B	8'	10'	17
CS	COLORADO SPUCE <i>Picea pungens</i>	4'-5'	B & B	15'	25'	15
CBS	COLORADO BLUE SPUCE <i>Picea pungens glauca</i>	4'-5'	B & B	15'	25'	30
CJ	COLOGREEN JUNIPER <i>Juniperus scopulorum</i> "Cologreen"	4'-5'	B & B	9'	15'	24

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

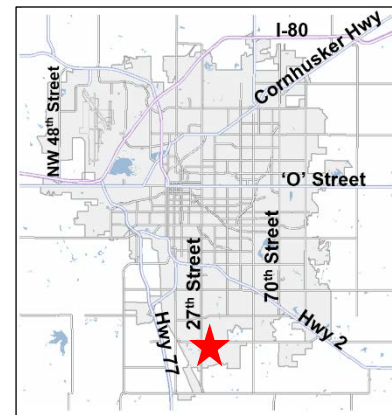
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #09022D	FINAL ACTION? Yes	DEVELOPER/OWNER BAM Properties, LLC
PLANNING COMMISSION HEARING DATE August 19, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 3201 Yankee Hill Road (S. 33 rd Street and Yankee Hill Road)

RECOMMENDATION: APPROVAL WITH CONDITIONS

BRIEF SUMMARY OF REQUEST

This is a request to amend the Wilderness Place Special Permit at S. 33rd Street and Yankee Hill Road to increase the maximum floor area for the car dealership by 15,000 square feet. No new waivers are requested.



JUSTIFICATION FOR RECOMMENDATION

There are a number of vehicle sales businesses along Yankee Hill Road. This proposed expansion should not have any negative effects as all setbacks and minimum parking requirements will be observed.

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

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan supports appropriate commercial development that is sensitive to existing neighborhoods. The proposal meets this standard given that the existing setbacks and parking standards will be met.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

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

P. 5.1-5.2 - Business & Economy Guiding Principles

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

ANALYSIS

1. The proposal is for an increase in floor area for the car dealership from 44,111 square feet to 59,111 square feet.
2. Three separate building expansion areas are identified on the north and south sides of the dealership. The use is classified under zoning as motorized vehicle sales and service. The floor area for the other two uses in the special permit will remain the same, which are the convenience store and car wash/auto detailing.
3. There are a number of vehicle sales businesses along Yankee Hill Road. This proposed expansion should not have any negative effects as the setbacks and parking standards will be met. The dealership owns adjacent property to the west within the Wilderness Hills Commercial Planned Unit Development, CZ #16036A that is approved for motorized vehicle sales and repair use. The property is under common ownership with this lot and will be treated as one premises. Required parking for the dealership may be located in either area.
4. The building expansion should not significantly impact traffic demand along Yankee Hill Road. Due to the smaller size of the expansion, no additional traffic information was required.
5. Design standards apply to the building that were carried over from when the property was within Use Permit #154. The design standards review will take place at the building permit stage.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: H-4; motorized vehicle sales and service

SURROUNDING LAND USE & ZONING

North: R-3; residential healthcare facility

South: R-5; multi-family dwellings

East: H-4; motorized vehicle sales and service

West: B-2 PUD; motorized vehicle sales and service

APPLICATION HISTORY: See attached.

APPROXIMATE LAND AREA: 6.78 acres

LEGAL DESCRIPTION: Lot 1, Wilderness Place Addition, Lincoln, Lancaster County, Nebraska.

Prepared by

Rachel Jones, Planner

Date: August 6, 2020

Owner/Applicant: BAM Properties, LLC
3201 Yankee Hill Road
Lincoln, NE 68516

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

F:\DevReview\SP\09000\SP09022D Wilderness Place.rkj.docx

APPLICATION HISTORY - SPECIAL PERMIT #09022D

- June 2004 Special Permit #1999 was approved by the City Council for the Wilderness Hills Community Unit Plan. This site was shown for multi-family dwellings and was annexed and zoned R-5.
- Jan. 2005 Special Permit #1999A was approved by the City Council, which continued to show this property for multi-family dwellings. Several administrative amendments were approved by the Planning Director. This site was removed from the boundary with Administrative Amendment #09058.
- Oct. 2009 Special Permit #09022 for Planned Service Commercial was approved by the Planning Commission for up to 50,000 square feet of floor area.
- Nov. 2009 Change of Zone #09025 from R-5 to H-4 was approved by the City Council.
- Aug. 2013 Special Permit #09022A was approved by the Planning Commission to allow convenience stores, gas pumps, fast food restaurants and car washes.
- May 2014 Special Permit #09022B was approved by the Planning Commission to sell alcoholic beverages for consumption off the premises.
- May 2018 Special Permit #09022C was approved by the City Council for a waiver to reduce the west setback to 0 feet.

CONDITIONS OF APPROVAL - SPECIAL PERMIT #09022D

Per Section 27.63.470 this approval permits a Special Permit for Planned Service Commercial for 70,836 square feet of total floor area.

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

Standard Conditions:

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



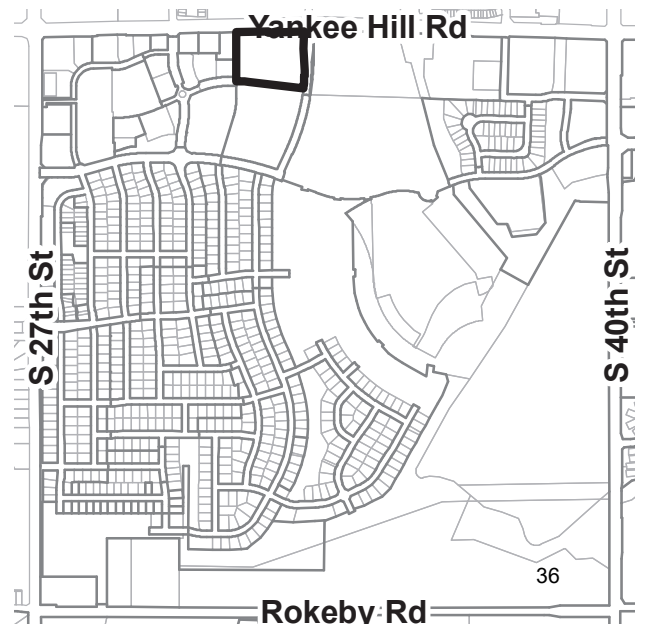
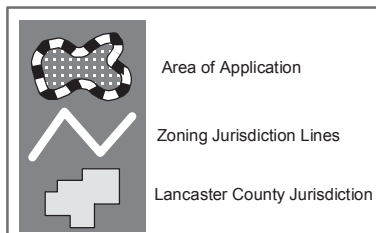
Special Permit #: SP09022D
Wilderness Place
S 33rd St & Yankee Hill Rd

2018 aerial

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 T09N R07E





Civil Design Group, Inc.

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

July 21, 2020

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

Re: Amendment to the Wilderness Place Special Permit #09022D to expand the permitted square footage

Dear Mr. Cary:

On behalf of BAM Properties we submit the enclosed application for an amendment to Wilderness Place SP #09022D. We are expanding the existing dealership main building from 44,111 sq ft to 59,111 sq ft, an increase of 15,000 sq ft. The expansion areas are shown on the site plan sheet. The over all uses of the building remain consistent with the approved uses on the special permit.

With this application we submit the following items:

- Special Permit Fee of \$988.00
- All plan sheets, uploaded via Project Dox

I hope that this letter in conjunction with the plan sets assists you in reviewing this application. Please feel free to call me at (402) 434-8494 so that I can address any questions you may have.

Sincerely,

Mike Eckert
JDS

Mike Eckert, AICP

cc: BAM Properties

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

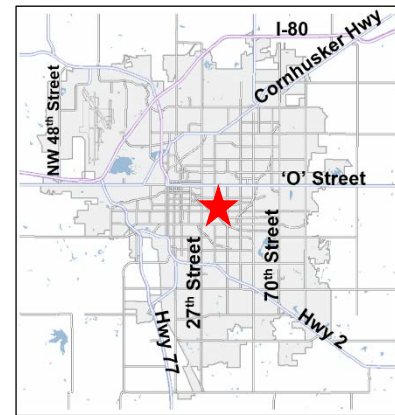
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit 20025	FINAL ACTION? Yes	OWNER Aaron Bridge
PLANNING COMMISSION HEARING DATE August 19, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 3810 B Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

A request per Section 27.63.280 for Expansion of a Nonstandard Use to accommodate the expansion of a nonstandard detached garage with a setback reduction from 2 feet to 0 feet for the side yard. The property is located on the north side of B Street east of S. 38th Street. In the zoning ordinance, Section 27.72.120 Accessory Buildings requires that accessory buildings which are detached and not part of the principal structure have a side yard setback of 2 feet. The proposed side yard setback for the garage expansion is 0' 6" inches which matches the existing garage setback.



JUSTIFICATION FOR RECOMMENDATION

The nonconforming condition is caused by the fact that the garage is original to the house built in 1949 and predates the current Zoning Ordinance requirement for accessory structure placement for the side yard setback.

The proposed garage expansion will add 13 feet to the back (north) side of the garage and will increase the structure area from 240 square feet to 396 square feet. The proposal will not negatively impact the neighbors while the garage expansion will be built to current building code standards.

APPLICATION CONTACT

Aaron Bridge, (402) 840-0931 or aarbridge95@gmail.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan encourages maintaining appropriate density and unique architectural features within existing neighborhoods, and a variety of housing types. This proposal maintains an existing feature within an established neighborhood, and is typical of other special permits approved to allow reconstruction or expansion of a garage.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

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

P. 7.2 - Neighborhoods & Housing Guiding Principles

- Promote sustainability and resource conservation by preserving and improving housing in existing neighborhoods.
- Distribute and preserve affordable housing throughout the community to be near job opportunities and to provide housing choices within existing and developing neighborhoods.
- Make available a safe residential dwelling for all citizens.
- Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.

P. 7.9 - Strategies for Redevelopment in Existing Neighborhoods

- Promote the preservation, maintenance and renovation of existing housing and neighborhoods throughout the city, with special emphasis on low and moderate income neighborhoods.
- Encourage well-designed and appropriately placed density, including within existing apartment complexes and special needs housing where there is land available for additional buildings or expansions.
- 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.
- Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.
- 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 an application to allow the expansion of a nonstandard detached garage which does not conform to the minimum 2 foot side yard setback for detached accessory buildings. The property is located on the north side of B Street east of S. 38th Street. The existing garage is original to the house which was built in 1949 and was built 0' 6" inches from the side yard property line.
2. The property is zoned R-2 Residential. Per Section 27.72.120 Accessory Buildings, accessory buildings which are attached or within 6 feet of the main building shall comply with the setbacks of the main structure except that where there is an unenclosed deck or walkway this shall not be considered part of the main building, nor subject to the height and yard requirements of the main building. The existing garage is 6' 4" from the deck. So in this case, the setback requirements for detached accessory buildings apply which include a 2 foot side yard setback requirement.
3. The requested setback waiver is to accommodate the expansion of a detached garage which is setback less than the required 2 foot side yard setback for detached accessory buildings. The requested waiver is the reduction of the side yard setback from 2 feet to 0 feet.
4. The applicant notes that the garage is original to the house built in 1949 and that it is similar to most other single stall garage units in the Brownbilt neighborhood which is a historic district. The proposed extension would keep the same hip roof design with new siding, adding a side door with small gable and installing new windows.
5. 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 detached garage was original to the house constructed in 1949 and prior to the current Zoning Ordinance requirements.

6. 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 garage extension will maintain the same setback as the existing from the side property line. The extension will consist of 156 square feet and as such there will still be ample rear yard space on the property.

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

There will be no change in terms of density of land use or effects on adjacent property as the garage expansion will only 156 square feet in size with no other change to the property.

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

If the Special Permit were not granted the applicant could still expand the existing detached garage, however, the addition would have to be at least 2 foot from the side property line. In this case, the applicant wants to retain the existing building and expand it for more room for storage. It would be possible but less practical to design an offset in the addition of 1.5 feet to meet the 2 foot setback requirement.

7. The special permit is warranted because: 1) the existing garage predates current Zoning Ordinance requirements, 2) the expansion will be built in line with the existing garage and will only consist of 156 square feet 3) the garage addition will be built to current building code and 4) there will be no negative impact to the neighborhood and 5) special permits for expansion of nonconforming to allow garage construction have been approved numerous times.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Single Family Detached; R-2

SURROUNDING LAND USE & ZONING

North, South, East & West: Single Family Detached; R-2

APPROXIMATE LAND AREA: 0.16 acres

LEGAL DESCRIPTION: Lot 7, Block 4, Brownbilt Addition, located in the SE 1/4 of Section 30-10-07, Lincoln, Lancaster County, Nebraska

Prepared by

George Wesselhoft, Planner
gwesselhoft@lincoln.ne.gov or at 402-441-6366
Date: August 6, 2020

Owner/Applicant: Aaron Bridge
3810 B Street
Lincoln, NE 68510
(401) 840-0931or aarbridge95@gmail.com

Contact: Same as above

F:\DevReview\SP\20000\SP20025 3810 B Street.gjw.docx

CONDITIONS OF APPROVAL - SPECIAL PERMIT 20025

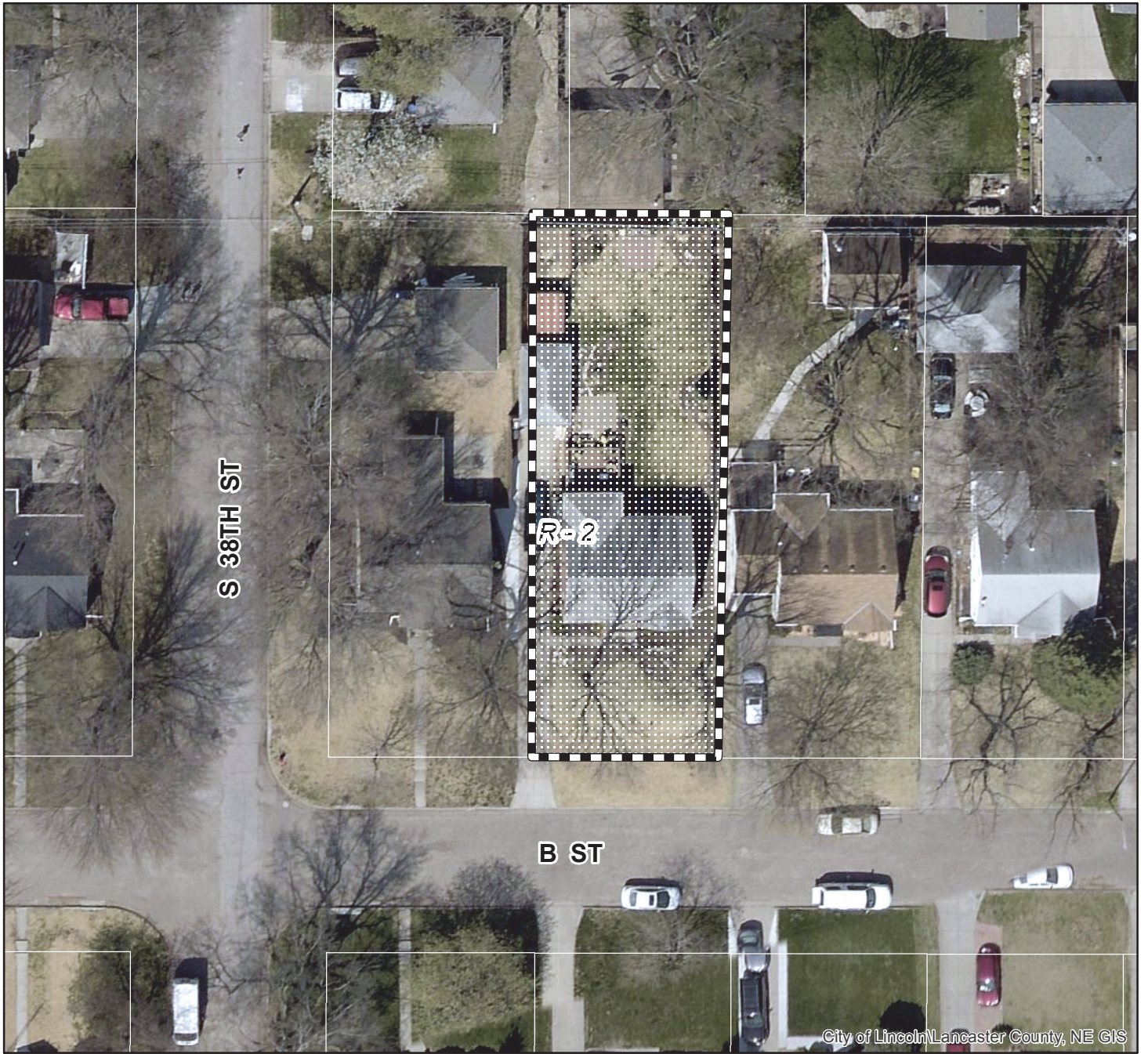
Per Section 27.63.280 this approval permits the construction of a garage extension, with reduction of the side yard setback from 2 feet to 0 feet.

Site Specific Conditions:

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a reproducible final plot plan including 2 copies.
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.



City of Lincoln Lancaster County, NE GIS

2020 aerial

Special Permit #: SP20025
S 38th St & B St

Zoning:

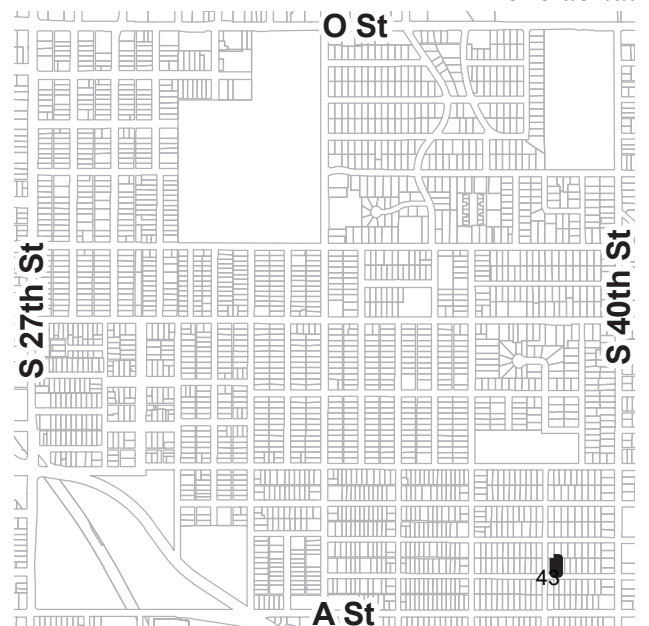
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

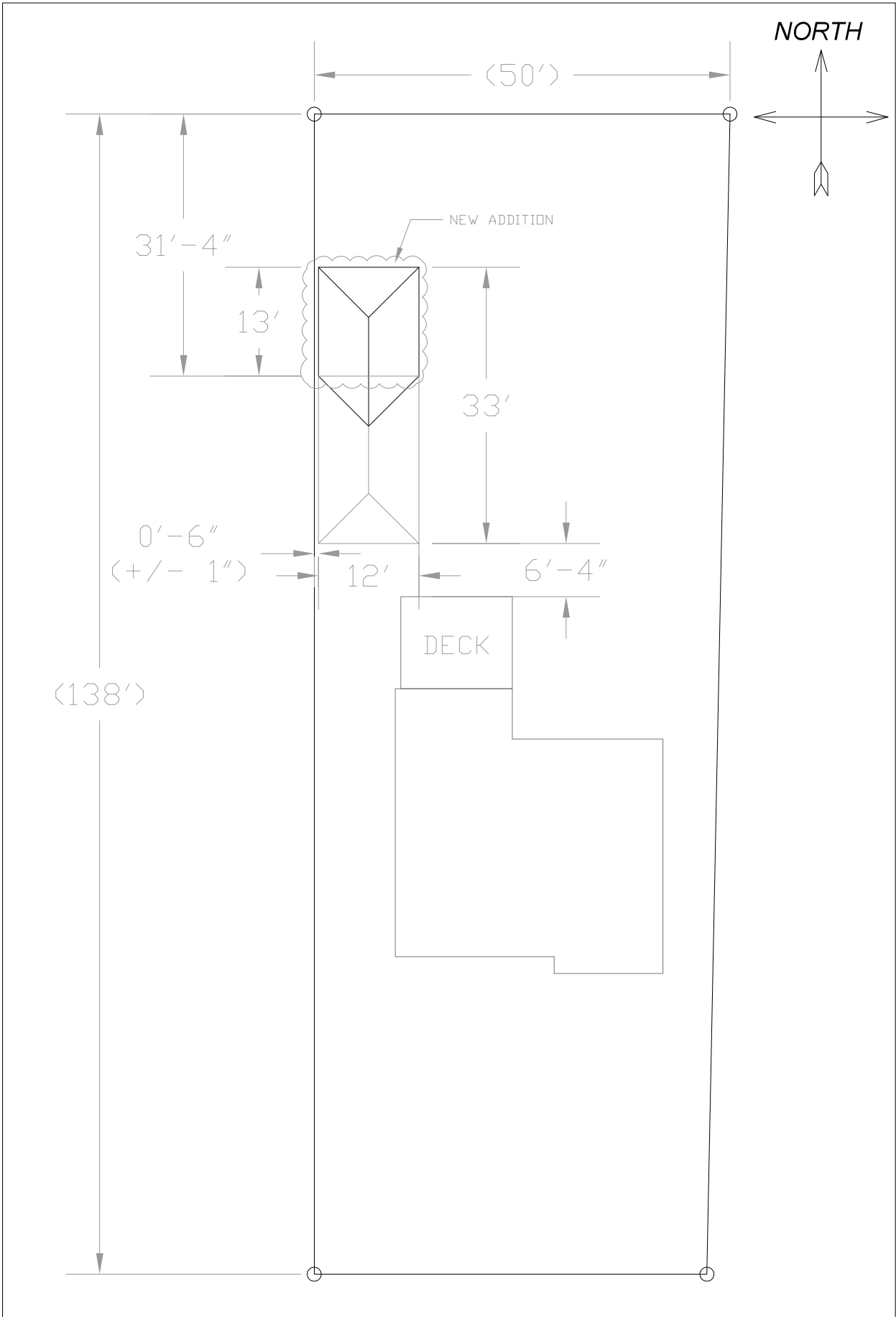
One Square Mile:
 Sec.30 T10N R07E

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction





PROJECT: GARAGE EXTENSION
 OWNER: AARON BRIDGE
 PHONE: 402-840-0931
 ADDRESS: 3810 B ST. LINCOLN, NE, 68510
 BROWNBUILT, BLOCK 4, LOT 7
 PARCEL ID: 1730444007000

OVERALL SIZE:
 EXISTING: 12'X20' (240 SQFT)
 WITH ADDITION: 12'X33' (396 SQFT)

REV.
2

LEFT BLANK FOR LINCOLN BUILDING & SAFETY DEPT.

SCALE: 3/32" : 1'

PAPER SIZE: 17"X11"

7/20/2020

PROJECT: GARAGE EXTENSION
OWNER: AARON BRIDGE
PHONE: 402-840-0931
ADDRESS: 3810 B ST. LINCOLN, NE, 68510
BROWNBILT, BLOCK 4, LOT 7
PARCEL ID: 1730444007000



City of Lincoln Planning Department,

I would like to apply for a special permit to enlarge a nonstandard building i.e. my detached garage. A special permit is required due to my setback of 6" instead of 24". With your approval, I would like to obtain a building permit to finish the addition.

My house is in the Brownbilt residential historic district and was built in 1949. The detached garage, which was original to the house, is in the North West corner of the lot. The garage is like most single stall units in the Brownbilt neighborhood. It features a hip roof, wood siding, no eaves, and an off-center garage door to make room for the narrow drive along the side of the house.

I was fortunate enough to receive a NIFA loan and was able to buy a house in this neighborhood. I moved in this spring while working from home. My Fiancée and I look forward to maintaining the property, making improvements, and calling it a home for our family someday. One of those improvements is extending the garage to make room for mowers, gardening supplies, and work benches. We would like to create enough room to clear out the garage and make room for one of our vehicles.

When I first looked at the house, I noticed the possibility of extending the garage to the North and salvaging the existing structure. I don't have the funds to tear down the garage, remove the concrete, and start over. Additionally, my backyard could not hold a large garage with correct setbacks if I were to build a new one. I think there is also something to be said about the design of the garage and building a modern structure could diminish the aesthetic, being in a historical neighborhood. My garage could increase from 240sqft to 396sqft without taking too much space from the backyard. My vision is to make a seamless extension by keeping the hip roof design, re-siding the entire structure, adding a side door with a small gable, and installing new windows. My Fiancée plans on adding landscaping and window boxes around the garage in our yard.

It is also worth noting that these improvements are greatly appreciated by our neighbor (to the West) who has been wanting this for a long time. Our new siding, paint color, and window removal (along property line per fire code) are appreciated and supported by our neighbor. The old flaking barn red paint will instead be a brown/grey color that will complement her limestone house as well as our gutter and trim color.

I have located the corner markers and verified setback measurements with a tape measure. My garage is 6" (+/- 1") to the East of the property line and over 6 feet away from my neighbors' garage. While this extension follows the same setback as the original garage, it does not reduce accessibility between properties.

Please consider my application for approval and thank you for your time.

Sincerely,

Aaron Bridge

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

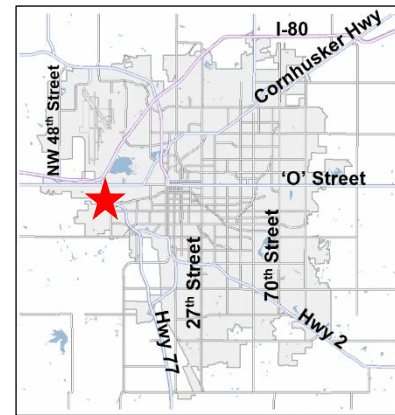
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Street and Alley Vacation #20003	FINAL ACTION? No	DEVELOPER/OWNER Natures Variety, Inc.
PLANNING COMMISSION HEARING DATE August 19, 2020	RELATED APPLICATIONS WVR #20003	PROPERTY ADDRESS/LOCATION 235 SW 32 nd St.

RECOMMENDATION: CONFORMS TO THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

Natures Variety and Meyer Properties are requesting to vacate West View Avenue from SW 32nd Street to the west end of West View Avenue. The request is due to expansion plans by Natures Variety.



JUSTIFICATION FOR RECOMMENDATION

Due to the expansion of Natures Variety, West View Avenue would not be able to extend to the west. Without the extension the street only serves 2 properties and neither property needs it for access. There is no benefit to the general public to retain this as part of the transportation system.

APPLICATION CONTACT

Tom Huston, 402-474-6900
thuston@clnewilliams.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

Vacation of this public right-of-way will not negatively impact the transportation system and subject to the conditions of approval, this request is in conformance with the Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 10.14 - The street is not shown on the Functional Street and Road Classification plan.

P. 10.14 - Local streets and alleys are not included in the functional classification.

ANALYSIS

1. This application is to vacate West View Avenue west of SW 32d Street. Natures Variety is the property owner on the south and west side of W. View Avenue and Meyer Properties is the owner on the north side of the street. Natures Variety will purchase all of the vacated right-of-way from the City.
2. There is a water main and storm sewer in W. View Ave. The water main will need to be removed and an easement is required for the storm sewer.
3. Natures Variety desires to expand their current operations by combining the 2 existing buildings and increasing the floor area with a large addition. Natures Variety bought the adjacent Lot 111 I.T. and their expansion plans would block W. View Avenue from extending to the west. The new expansion will require the two existing lots to be merged into one lot through a final plat. With the final plat and the expansion of Natures Variety operation, West View Avenue will no longer be able to extend to the west. Since West View Avenue will no longer serve a public use and only serve Natures Variety, the street is no longer needed. Due to topography, the lot to the north cannot access W. View Ave.
4. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council.
5. The approval of Waiver 20003 on July 22, 2020 allows for the two lots to be merged into one lot through a final plat. With the final plat and the expansion, W. View Ave. is not longer needed.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: I-1, Industrial and H-3, Highway Commercial

SURROUNDING LAND USE & ZONING

North:	H-3 Highway Commercial	Storage
South:	I-1 Industrial	Manufacturing
East:	I-1 Industrial	Warehouse
West:	I-1 Industrial	Vacant
	H-3 Highway Commercial	Vacant

APPROXIMATE LAND AREA: 21,120 square feet, more or less

LEGAL DESCRIPTION: All of W. View Avenue from the west right-of-way line of S.W. 32nd Street to its western limit.

Prepared by

Tom Cajka, Planner

Date: August 6, 2020

Applicant: Tom Huston
233 S. 13th St. Suite 1900
Lincoln, NE 6850
402-474-6900
thuston@clinewilliams.com

Contact: Same as applicant

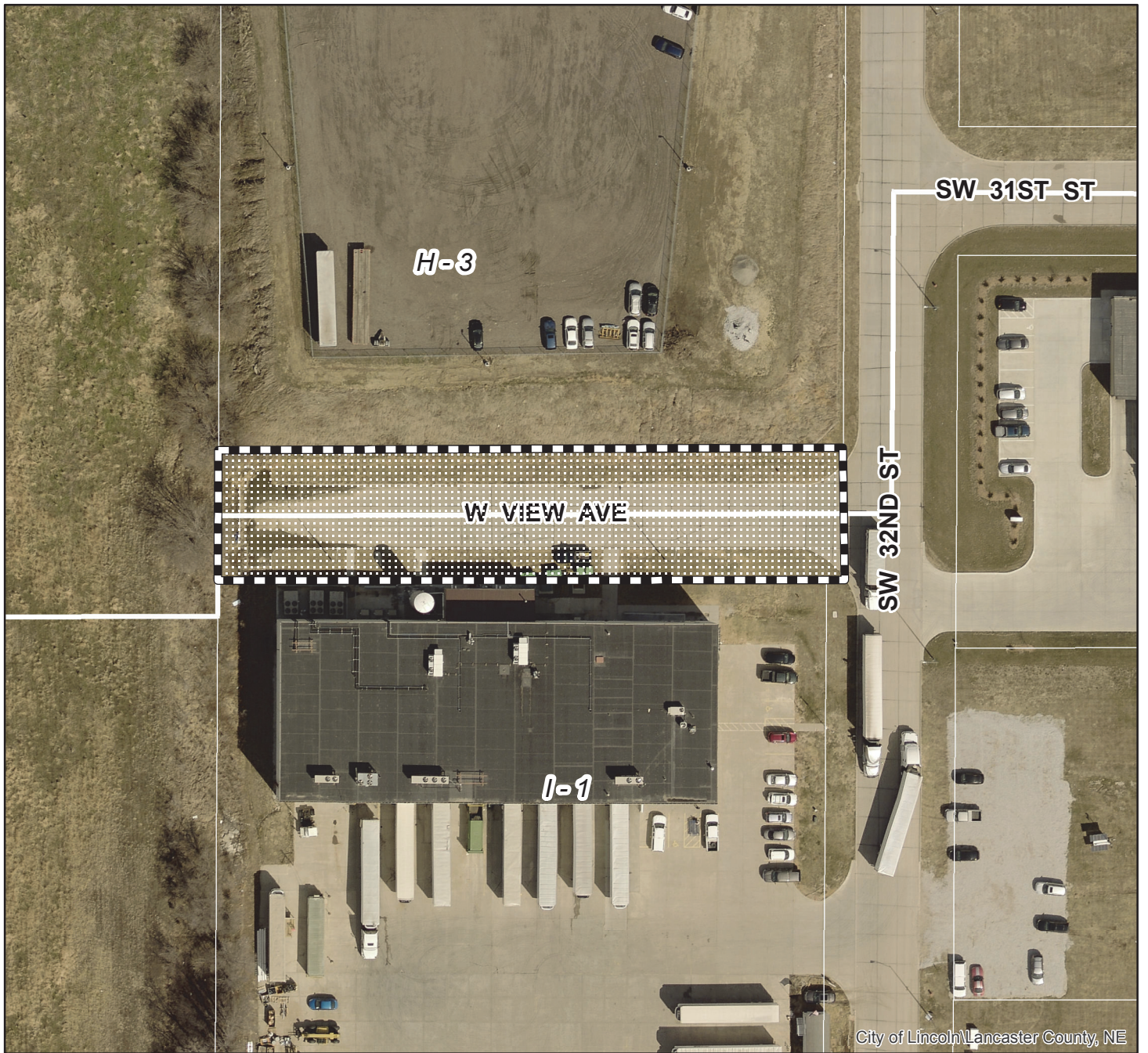
Owner: Nature's Variety
55 Westport Ave.
St. Louis, MO 63146
321-221-9988
woertli@naresvariety.com

F:\DevReview\SAV\20000\SAV2003 W. View.tjc.docx

CONDITIONS OF APPROVAL - STREET AND ALLEY VACATION #20003

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

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.
- 1.2 Include retention of utility easements by City with deed transfer.
- 1.3 Abandon the water main in W. View Ave.



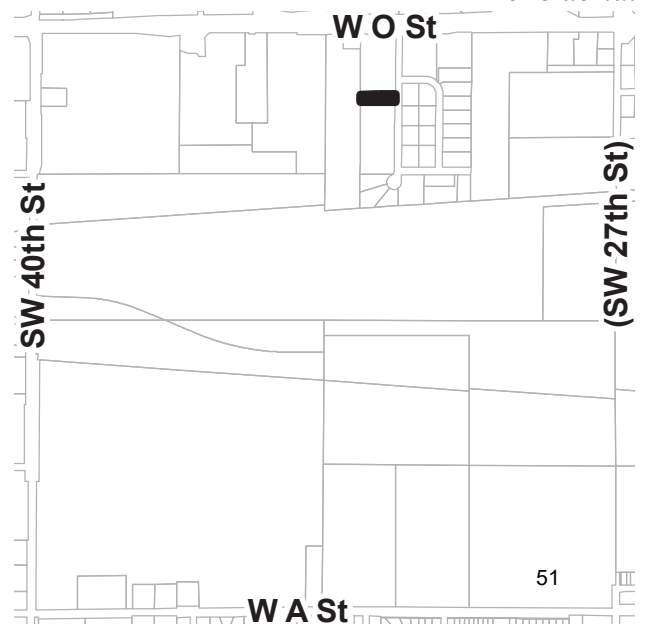
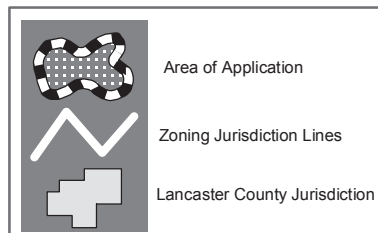
2018 aerial

Street and Alley Vacation #: SAV20003
SW 32nd 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.29 T10N R06E





SAV 20003 West View Ave

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

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

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

All of that portion of West View Avenue from the west right of way line of Southwest 32nd Street westward
a distance of approximately 320 feet

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

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

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

Lot One (1), EDM Industrial Center, 1st Addition, Lincoln, Lancaster County, Nebraska

DATED this 2 day of June, 2020

Nature's Variety, Inc.

By: Bobby L Harris
Bobby Harris, Chief Operations Officer

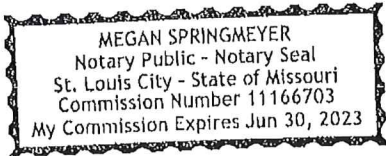
***(ALL TITLEHOLDERS OF THE REAL ESTATE DESCRIBED ON THE PRECEDING PAGE
MUST SIGN THIS PETITION BEFORE A NOTARY PUBLIC)***

STATE OF Mo)
) ss.
St. Louis COUNTY)

The foregoing instrument was acknowledged before me on this 2 day of June,
2020, by Bobby Harris, Chief Operations Officer of Nature's Variety, Inc.,
on behalf of the corporation.

(Seal)

[Signature]
Notary Public



SIGNATURE PAGE FOR CORPORATION

INFORMATION SHEET

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

1. Name of Petitioner (Current Titleholder/s): Nature's Variety, Inc.

If more than one individual, indicate if you are:

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

2. Petitioner's Address: 6200 N 56th Street, Lincoln, NE 68504

3. Petitioner's Telephone Number: (402) 466-8303

4. Name of street, alley, or other public way sought to be vacated: _____

All of that portion of West View Avenue from the west right of way line of Southwest 32nd Street westward
a distance of approximately 320 feet

5. Legal description of Petitioner's property which abuts the public way sought to be vacated: _____

Lot One (1), EDM Industrial Center, 1st Addition, Lincoln, Lancaster County, Nebraska

6. Why are you seeking to have this street, alley, or other public way vacated?

Nature's Variety intends to build a new 250,000 square foot production plant located on the parcel directly to the south of West View Avenue. West View Avenue has never been developed into a through street and vacating the roadway will give Nature's Variety the additional space it needs to complete its expansion project.

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

It will become part of Nature's Variety's expansion project

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

X YES NO

9. Name and address of person to whom tax statement should be sent:

Nature's Variety, Inc.

55 Westport Plaza Dr, Ste # 200

Saint Louis, MO 63146

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

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

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

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

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

All of that portion of West View Avenue from the west right of way line of Southwest 32nd Street westward a distance of approximately 320 feet

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

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

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

Lot 18, Irregular Tracts located in the Northeast Quarter of Section 29, Township 10 North, Range 6 East of the 6th Principal Meridian, Lancaster County, Nebraska; AND

Lots 79 and 80, Irregular Tracts located in the Northeast Quarter of Section 29, Township 10 North, Range 6 East of the 6th Principal Meridian, Lancaster County, Nebraska.

DATED this 17 day of July, 2020

Meyer Properties, LLC

[Name of Titleholder]

By: [Signature]
Manager

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

STATE OF Nebraska)
Seward COUNTY) ss.

The foregoing instrument was acknowledged before me on this 17 day of July,
2020, by Bob Meyer, Manager of Meyer Properties, LLC, on behalf
of said limited liability company.

(Seal)

[Signature]
Notary Public



SIGNATURE PAGE FOR LIMITED LIABILITY COMPANY

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

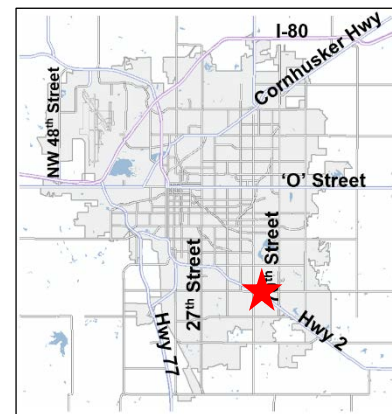
APPLICATION NUMBER Change of Zone #20025 From R-1 to O-3	FINAL ACTION? No	OWNER Black Forest Holdings, LLC
PLANNING COMMISSION HEARING DATE August 19, 2020	RELATED APPLICATIONS UP#20009 Black Forest Office SP#1786B Black Forest Estates CUP	PROPERTY LOCATION South 62 nd Street and Old Cheney Road

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This request is associated with UP#20009, a use permit over 3.61 acres for up to 25,000 square feet of commercial floor area. Originally part of the Black Forest Estates Community Unit Plan (CUP), the land is being removed from the CUP and re-zoned to allow for an office building.

This part of the original CUP was designated for multiple-family dwellings and zoned R-1. However, R-1 does not allow the proposed office building.



JUSTIFICATION FOR RECOMMENDATION

The O-3 Office zoning district is designed to serve as a transition between more intensive commercial uses and residential uses. The limits on allowed uses and required screening/landscaping help make O-3 appropriate in proximity to residential land uses.

The area proposed for O-3 is adjacent to the Vandervoort Office Park which is also zoned O-3. The Future Land Use Map of the Comprehensive Plan designates future commercial land uses on the south side of Old Cheney Road directly across from this site.

APPLICATION CONTACT

DaNay Kalkowski
danay@sk-law.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Future Land Use Map designates the area of this change of zone for urban-density residential land uses. However, at 3.61 areas in area it does not meet the five-acre threshold requiring the plan to be amended for re-designation to commercial. Minor deviations are anticipated. Given the surrounding land uses/land use designations, O-3 zoning is a compatible zoning designation for this site. This request is generally consistent with the Zoning Ordinance and the Future Land Use Map of the Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

P. 1.2 - Quality of Life Assets:

- The community continues its commitment to strong, diverse neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies.
- LPlan 2040 is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's new and established neighborhoods.

P. 2.8 - Guiding Principles for Community Form: The Urban Environment

- Natural and environmentally sensitive areas should be preserved within and between neighborhoods. Conservation areas and open lands should be used to define and connect different neighborhoods. The natural topography and features of the land should be preserved by new development to maintain the natural drainageways and minimize land disturbance.
- Mixed use redevelopment, adaptive reuse, and well-designed and appropriately-placed infill development, including residential, commercial and retail uses, are encouraged.

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

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

P. 7.2 - Neighborhoods & Housing Guiding Principles

- Distribute and preserve affordable housing throughout the community to be near job opportunities and to provide housing choices within existing and developing neighborhoods.
- Make available a safe residential dwelling for all citizens.
- Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Preserve areas designated for multi-family and special needs housing in approved plans to support a distributed choice in affordable housing.
- Provide safe and decent affordable and special needs housing for low- and moderate-income households.

ANALYSIS

1. This is a request for a change of zone from R-1 to O-3 to allow for 25,000 square feet of commercial floor area. The 3.61 acre site lies within the boundary of the Black Forest Estates CUP, but is being removed and proposed to be rezoned to O-3 to allow for a 25,000 square foot office building.
2. Surrounding land uses include the Vandervoort Office Park to the west, which is also zoned O-3. To the north and east the site is adjacent to future dwellings within the revised site plan for the Black Forest Estates CUP, which is part of the associated application for SP#1786B. The south side of Old Cheney Road is currently developed with

acreages zoned R-1 and AGR, but the Future Land Use Map was amended several years ago to show commercial on both sides of South 62nd Street. It is anticipated that when this area redevelops it will be with commercial uses.

3. The site is designated for future Urban-density Residential Land Uses, not commercial land uses on the Future Land Use Plan. The Land Use Plan is required to be amended when tracts in excess of five acres in area are proposed for zoning not consistent with the Plan. Tracts smaller than that are not required to have the Plan amended, as minor deviations are anticipated by the Comprehensive Plan.
4. The O-3 Office Park District is designed to serve as a transitional zoning district between more intensive commercial zoning districts and residential areas. It includes setbacks, screening/landscaping requirements, and limitations on allowed uses to help ensure compatibility.
5. The area of O-3 is shown as part of the revised site plan for the Black Forest Estates CUP. There are no existing dwellings adjacent, and all future dwelling to be built with advance awareness of the proposed O-3 and office building.
6. The subject tract was designed for multiple-family dwellings as part of the original Black Forest Estates CUP. Conversion to office will result in an anticipated vehicle trip generation no greater, and likely less than the equivalent area developed with multiple-family dwellings.
7. This request generally complies with the requirements of the Zoning Ordinance and the Comprehensive Plan and will allow for an appropriate use of the land.

EXISTING LAND USE & ZONING:

Vacant/Undeveloped R-1

ASSOCIATED APPLICATIONS:

- UP#20009 for Black Forest Office to allow 25,000 square feet of commercial floor area.
- SP#1786B for Black Forest Estates CUP to allow up to 67 dwelling units.

APPROXIMATE LAND AREA: 3.61 acres more or less

SURROUNDING LAND USE & ZONING

North: Vacant/Undeveloped	R-1
South: Residential	AGR
East: Vacant, Residential	R-1
West: Commercial	O-3

APPLICATION HISTORY:

MAY 1979 - The property was converted from A-1 Single-family Residential to R-1 Residential with the 1979 Zoning Update.

NOV 1984 - City Council approved Special Permit #1114 - the Pheasant Run Community Unit Plan to the east. The City Council Resolution amended the site plan by removing the road connection from Tanglewood Lane to Pheasant Lane (now called Pheasant Run Place). The plans retained a connection from S. 68th Street to Grouse Place via Brushwood Lane and to the east via Tallowood Ave.

MAY 1987 - City Council approved Special Permit #1114B, which amended the lot layout of the Pheasant Run Community Unit Plan and removed the street connection to Brushwood Lane. Staff had requested that the street connection to Colonial Hills remain.

1988 - City Council requested that staff study potential vehicular outlets from Colonial Hills to Old Cheney Road.

JUN 1996 - City Council approved SP#1615, the Tallow Wood CUP, which over a staff recommendation of denial, created a cul-de-sac east of Pheasant Run and closed off the final potential connection from Pheasant Run to Hickory Crest and Colonial Hills.

DEC 1999 - City Council approved the Black Forest Estates Preliminary Plat and Community Unit Plan, which approved a road connection to Tanglewood Lane to be completed after 10 years or the construction of the 60th of 88 units within Black Forest Estates.

DEC 1999 - The Mayor vetoed City Council's action, noting that the street connection to Colonial Hills must be completed earlier than stipulated in the original resolutions.

JAN 2000 - City Council approved the Black Forest Estates Preliminary Plat and SP#1786 for the Community Unit Plan using a substitute resolution which mandated an earlier street connection to Tanglewood Lane in Colonial Hills. It stated that the entire connection to Tanglewood Lane shall be completed or the completion thereof guaranteed by a bond or an approved escrow of security agreement prior to the earlier of (a) scheduling the Phase II final plat on the Planning Commission agenda or (b) the final platting of the 40th dwelling unit.

AUG 2001 - SP#1786A was approved adjusting certain setbacks and waiving certain sidewalks within the Black Forest Estates CUP.

LEGAL DESCRIPTION: See attached legal description.

Prepared by

Brian Will, Planner
August 3, 2020

Owner/
Applicant: Black Forest Holdings
 c/o Jeff Salem
 9810 Hollow Tree Drive
 Lincoln, NE 68512
 402-437-6409
 Jeffsalem35@gmail.com

Contact: DaNay Kalkowski
 Seacrest and Kalkowski
 1128 Lincoln Mall
 Lincoln, NE 68508
 402-435-6000
 danay@sk-law.com

F:\DevReview\CZ\20000\CZ20025 Black Forest Estates Office.bjw.docx



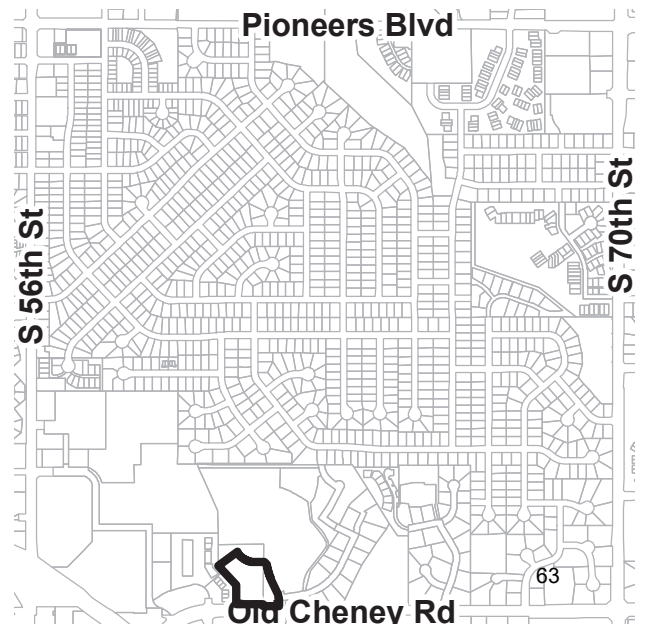
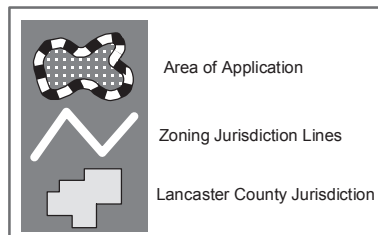
2020 aerial

**Use Permit #: UP2009 and
Change of Zone #: CZ20025 (R-1 to O-3)
Black Forest Estates
Black Forest Dr & Old Cheney 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.09 T09N R07E**





SEACREST & KALKOWSKI, PC, LLO

KENT@SK-LAW.COM | DANAY@SK-LAW.COM

July 22, 2020

David Cary, Director
Planning Department
555 South 10th Street
Lincoln, NE 68508

RE: Amendment to Special Permit No. 1786A
Change of Zone from R-1 to O-3 and Use Permit

Dear David:

Our office represents Black Forest Holdings LLC, developer of Black Forest Estates located north of Old Cheney Road and east of Edgewood Shopping Center (“Developer”). Developer is requesting the following: (i) an amendment to Special Permit No. 1786A – Black Forest Estates Community Unit Plan (“Special Permit”) to revise the lot and street layout and to remove approximately 3.61 acres in the southwest corner from the Special Permit (“Special Permit Amendment”); (ii) a Change of Zone for the property removed from the Special Permit from R-1 to O-3 (“Office Site”); and (iii) a Use Permit on the Office Site permitting a single building containing up to 25,000 square feet of medical office use.

The Special Permit Amendment continues to show the S. 63rd Street connection from Black Forest Estates to Tanglewood Lane in the Colonial Hills neighborhood as required by the existing Special Permit. However, the internal street connection of Crosscut Lane to Black Forest Drive has been removed at the request of the existing Black Forest Estates homeowners and a pedestrian connection is being shown. All of the property remaining under the Special Permit Amendment is planned for single family residential use.

As a result of discussions with Black Forest Estates homeowners over the years, it became clear to the Developer that the neighbors would strongly prefer and support office use over any multifamily use contemplated within the Special Permit. Developer was approached by Lincoln Pediatric Group (“LPG”), searching for a 2+ acre site that would allow them to construct a new one story office building to accommodate their growing practice. In selecting a site, LPG wanted to be in close proximity to its existing business at 70th and Pioneers so the practice could continue to serve and grow its clients. LPG has been providing pediatric care in the Lincoln community for over 50 years. The O-3 zoning and Use Permit are appropriate land uses in the location shown. The office is a transitional use and consistent with the office use to the west and the future commercial use to the south designated within the Comp Plan.

The development team has held multiple meetings with the Black Forest Estates homeowners and held a Zoom meeting with all surrounding neighbors invited on June 29, 2020. There was a good representation of neighbors from both Colonial Hills and Black Forest Estates involved in the Zoom meeting. There has been absolutely no neighbor objection to the addition of office use next to Old Cheney Road. In fact, the Black Forest Estates homeowners have expressed their support for the use in multiple meetings. In addition, all neighbors have supported single family residential use on the remainder of the site. The S. 63rd Street and Crosscut Lane street connections have been widely discussed with many neighbor concerns expressed about increased traffic into the developed areas. The neighbors

also identified drainage questions and concerns that will be addressed with the Drainage and Grading Plan being submitted.

Enclosed please find the following:

- a. City of Lincoln Zoning Application for Change of Zone from R-1 to O-3;
- b. City of Lincoln Zoning Application for Use Permit;
- c. City of Lincoln Zoning Application for Amendment to Special Permit No. 1786A;
- d. Application fees in the amount of \$6,854.65
Use Permit: \$1,583.65 (\$988 base + \$595.65 (\$165/acre x 3.61 acres))
CUP: \$988 base + \$3,295 max. per acre fee
Change of Zone: Greater than one acre \$988.
- e. Site Plan for the Use Permit and Special Permit Amendment.
- f. Rendering for proposed Lincoln Pediatric Group building.

Developer is requesting a block length waiver for Black Forest Drive that is required due to the removal of the Crosscut Lane connection. The construction of the Crosscut Lane connection to Black Forest Drive would cause a significant impact to the existing homes at 6330 and 6400 Black Forest Drive. There is a large grade differential that would need to be addressed with construction of a roadway in this location between two existing homes and several mature trees would be lost. Neighborhood connectivity is being addressed by the addition of a pedestrian walkway from Black Forest Drive to Crosscut Lane in lieu of the roadway connection. Due to the small number of homes along Black Forest Drive, the pedestrian walkway provides ample neighborhood connectivity while avoiding impact to the existing homes.

Brad Marshall from Olsson, Inc. will be uploading the Project Plans to project docs once Planning Staff has created the project files and docs. If you have any questions regarding the enclosed or need any additional information, please feel free to contact me or Brad.

Very truly yours,

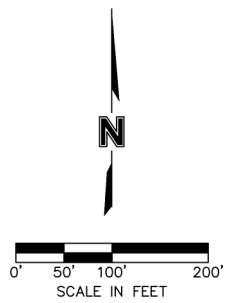
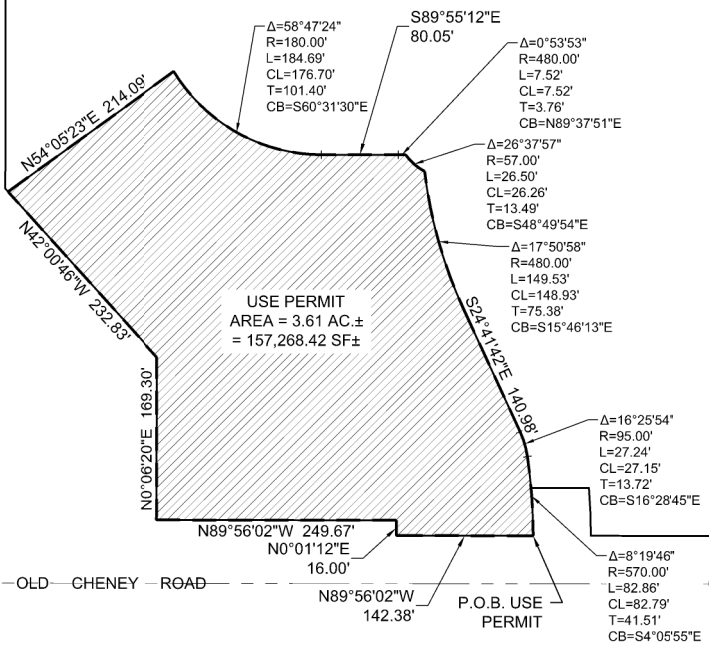


DANAY KALKOWSKI
For the Firm

Enclosures

cc: Council Richard Meginnis

DWG: F:\2019\1001-1500\019-1469\40-Design\Survey\SRV\Final\Plot\Drawings\019-1469_UP-PP-CUP.dwg
 DATE: Jul 17, 2020 3:26pm XREFS: USER: mjohnson



LEGAL DESCRIPTION USE PERMIT

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 2, AND A PORTION OF OUTLOT "A", BLACK FOREST ESTATES 2ND ADDITION, ALL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF OUTLOT "A", BLACK FOREST ESTATES 2ND ADDITION, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF SOUTH 62ND STREET, AND ON THE NORTH RIGHT-OF-WAY LINE OF OLD CHENEY ROAD; THENCE WESTERLY ON THE SOUTH LINE OF SAID OUTLOT "A", SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., ON AN ASSUMED BEARING OF N89°56'02"W, A DISTANCE OF 142.38' TO THE SOUTHWEST CORNER OF SAID OUTLOT "A"; THENCE N00°01'12"E, ON A WEST LINE OF SAID OUTLOT "A", SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 16.00' TO THE SOUTHEAST CORNER OF LOT 2, BLACK FOREST ESTATES 2ND ADDITION; THENCE N89°56'02"W, ON THE SOUTH LINE OF SAID LOT 2, SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 66.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 249.67' TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE N00°06'20"E, ON A WEST LINE OF SAID LOT 2, A DISTANCE OF 169.30' TO A WEST CORNER OF SAID LOT 2; THENCE N42°00'46"W, ON THE SOUTHWEST LINE OF SAID LOT 2, A DISTANCE OF 232.83' TO A POINT; THENCE N54°05'23"E, A DISTANCE OF 214.09' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 58°47'24", A RADIUS OF 180.00', AN ARC LENGTH OF 184.69', A CHORD LENGTH OF 176.70', A TANGENT LENGTH OF 101.40', AND A CHORD BEARING OF S60°31'30"E TO A POINT; THENCE S89°55'12"E, A DISTANCE OF 80.05' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 00°53'53", A RADIUS OF 480.00', AN ARC LENGTH OF 7.52', A CHORD LENGTH OF 7.52', A TANGENT LENGTH OF 3.76', AND A CHORD BEARING OF N89°37'51"E, TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 26°37'57", A RADIUS OF 57.00', AN ARC LENGTH OF 26.50', A CHORD LENGTH OF 26.26', A TANGENT LENGTH OF 13.49', AND A CHORD BEARING OF S48°49'54"E TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 17°50'58", A RADIUS OF 480.00', AN ARC LENGTH OF 149.53', A CHORD LENGTH OF 148.93', A TANGENT LENGTH OF 75.38', AND A CHORD BEARING OF S15°46'13"E TO A POINT; THENCE S24°41'42"E, A DISTANCE OF 140.98' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 16°25'54", A RADIUS OF 95.00', AN ARC LENGTH OF 27.24', A CHORD LENGTH OF 27.15', A TANGENT LENGTH OF 13.72', AND A CHORD BEARING OF S16°28'45"E, TO A POINT OF COMPOUND CURVATURE FOR A CURVE IN A CLOCKWISE, HAVING A CENTRAL ANGLE OF 08°19'46", A RADIUS OF 570.00', AN ARC LENGTH OF 82.86' ON A NORTHERLY EXTENSION OF A

EAST LINE OF SAID OUTLOT "A", AND ON A EAST LINE OF SAID OUTLOT "A", A CHORD LENGTH OF 82.79', A TANGENT LENGTH OF 41.51', AND A CHORD BEARING OF S04°05'55"E TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 157,268.42 SQUARE FEET OR 3.61 ACRES, MORE OR LESS.

Friday, July 17, 2020
F:\2019\1001-1500\019-1469\40-Design\Survey\SRVY\Final Plat\Documents\019-1469_Use_Permit-Legal.docx

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 #1786B - Black Forest Estates Community Unit Plan (CUP)	FINAL ACTION? Yes	DEVELOPER/OWNER Black Forest Holdings, LLC
PLANNING COMMISSION HEARING DATE August 19, 2020	RELATED APPLICATIONS Change of Zone #20025 Use Permit #20009	PROPERTY ADDRESS/LOCATION South 62 nd Street and Old Cheney Road

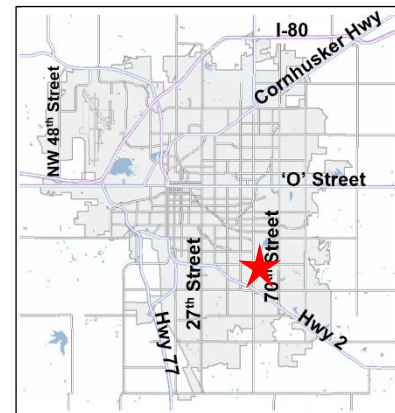
RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for an amendment to the Black Forest Estates Community Unit Plan (CUP) located at approximately South 62nd Street and Old Cheney Road. The CUP is approximately 35.18 acres in area and proposes approximately 70 dwelling units. Based upon the land area involved, a maximum density of 136 dwelling units would be allowed.

This request both revises the lot layout within the CUP and reduces the boundary by 3.61 acres for the associated request for UP#20009 for a 25,000 square foot office building.

Waivers were approved by previous amendments to the CUP, the only additional waiver with this request is to block length. The site plan shows a pedestrian easement in an outlot instead of the original Crosscut Lane street connection.



JUSTIFICATION FOR RECOMMENDATION

The full range of municipal services can be provided to serve this development. The Comprehensive Plan designates the area of the CUP for future urban density land uses. Infill development such as this is encouraged by the Comprehensive Plan. However, there is no practical difficulty associated with the Crosscut Lane connection and the block length waiver should be denied as a result. Minor revisions are required, but with those changes this request otherwise complies with the Zoning Ordinance and Comprehensive Plan.

APPLICATION CONTACT

DaNay Kalkowski at 402-435-6000
danay@sk-law.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The area of the CUP is designated for urban density residential development. The proposed plan shows single-family dwellings. The proposed density complies with the Comprehensive Plan land use designation.

WAIVERS

- 1. Block length in excess of 1,320' - LMC Sec. 26.23.130(a) - Denial
(In Block 2 to eliminate Crosscut Lane between Carveth Drive and Black Forest Drive)

WAIVERS PREVIOUSLY GRANTED

- 1. Front yard setback to 5' (except along Old Cheney Road)

2. Adjust rear setback for Lot 10 (now Lot 11), Block 2 to 5'
3. Waived sidewalks on the west side of Black Forest Drive and both sides of Black Forest Court.
4. Accessory dwelling units described as a single living unit having less than 1,000 square feet of floor space and that would generally consist of an apartment on top of a garage, connected to a garage or main home, or existing in the basement that would be typically used by an older family member, college student or renter as affordable housing often referred to as a 'granny flat'. One accessory dwelling unit may be permitted on each of the lots in Blocks 4 - 6 (now Blocks 3 and 4).

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.8 - This site is designated for future urban density residential land uses in the 2040 Lincoln Area Future Land Use Plan.

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.
- Distribute and preserve affordable housing throughout the community to be near job opportunities and to provide housing choices within existing and developing neighborhoods.
- Make available a safe residential dwelling for all citizens.
- Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Provide flexibility to the marketplace in siting future residential development locations.

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. 7.4-7.8 - Strategies for Developing Neighborhoods

- Encourage new development to achieve densities greater than five dwelling units per gross acre.
- Encourage substantial connectivity and convenient access to neighborhood services (stores, schools, parks) from residential areas.
- 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.
- Develop with shorter block lengths for connectivity.

P. 10.23 - Transportation Goals

- Goal 2: Improve the efficiency, performance and connectivity of a balanced transportation system.

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

ANALYSIS

1. This is a request for an amendment to the existing Black Forest Estates CUP located at approximately South 62nd Street and Old Cheney Road. The property is already zoned R-1 as a result of the 1979 Zoning Update. At 35.18 acres in area, there is a maximum potential for up to 136 dwelling units per the Design Standards, where 70 are shown on the proposed site plan. The site is already annexed and all City services are available to serve the development.
2. Originally approved in 1999, the site plan then showed 54 single-family lots, with an area along the western edge of the CUP for future development of up to 45 multiple-family dwellings. The proposed plan revised the internal lot and street layout showing 70 lots, but deletes a 3.61 acre parcel at the southwest corner of the development for an office building. The associated applications CZ#20025 and UP#20009 now cover that site.

3. Since the original approval, a portion of the CUP has been built-out. All of Black Forest Drive, and portions of Pinoak Drive and Crosscut Lane, all private roadways, were built and the adjacent lots were platted and developed. The 3.61 acre parcel at the southwest corner has been deleted, and the remaining layout has been revised as shown on the proposed site plan.
4. The applicant requests one waiver:
 - a. Allow block length in excess of 1,320' - Lincoln Municipal Code (LMC) Sec. 26.23.130(a) states: Block lengths shall not exceed 1,320 feet *except where a major street, school, park, or other man-made barrier, lake, or other natural barrier forms one boundary of a block*. Block lengths shall not exceed 1,000 feet in neighborhoods originally platted prior to December 31, 1949.

This condition is created by not completing the street connection for Crosscut Lane to Black Forest Drive. The question of whether the connection was necessary was debated during both the original approval in 1999 and again with SP#1786A in 2001. Both times the Planning Commission found the connection necessary and maintained that it continue to be shown. It was noted then that the street connections (both Crosscut Lane and South 63rd Street discussed later in this report) were the result of lengthy negotiations on the part of the City and the developer with neighborhood involvement and should not change.

The application letter notes that 'neighbors have expressed traffic concerns and identified drainage questions and issues' as justification for deleting the Crosscut Lane connection to Black Forest Drive. In general, the higher the number of street connections, the more even the traffic distribution with decreased traffic anticipated on any individual street.

Lincoln Transportation and Utilities/Watershed Management has commented previously there is no technical reason that the drainage across the site can't be crossed with a street. There are no known technical issues relative to the impact upon the grading and drainage plan that can't be addressed, and concern for the crossing does not appear to be warranted.

Given the reasoning provided, there is no justification to delete the street connection and the waiver should be denied, as was twice previously done by the Planning Commission consistent with the Comprehensive Plan.

5. The South 63rd Street connection has been an issue since the approval of Pheasant Run CUP in 1984 due to the lack of direct street connections to Old Cheney Road from the Colonial Hills neighborhood. This connection of South 63rd Street to Tanglewood has been discussed since 1984, and required since 1999. The connection was supported by several neighbors, but also opposed by some. To facilitate the street connection, the City purchased an outlot for the purpose of dedicating it as right-of-way for the purpose of making the South 63rd Street connection. This street connection is shown being made on the site plan and there is no request to delete it.

In 1988, the City Council directed staff to study vehicular outlets from the Tanglewood/Colonial Hills area to Old Cheney Road. Five outlets were studied. On September 19, 1988, the City Council authorized the purchase of land in Parham Place. On March 9, 1992, the City and Quin-C (original developer of Black Forest Estates) entered into a sales agreement for the lot to provide for the street connection. One of the conditions of the sale required that the City not construct a street stub or curb return until the development of the remaining land owned by Quin-C.

Building South 63rd Street provides a much-needed connection from the neighborhood to the north to Old Cheney Road. Without it, the only connection is at Hickory Crest Road, approximately one-quarter of a mile from the intersection with South 70th Street. Otherwise, traffic is routed to South 56th and South 70th Streets. The intersections with Old Cheney Road at Pheasant Run Lane and Vandervoort Drive do not connect to the neighborhoods to the north.

The Access Management Policy calls for one-quarter mile spacing of intersections along arterial streets. The intent is to limit the number of intersections/conflict points, while still providing for adequate access to major streets. This street connection helps achieve that goal. Such connections serve to more evenly distribute vehicle trips and reduce the volume on any individual intersection.

While the timing of the South 63rd Street improvement was tied to the development of a specific number of dwelling units in Black Forest Estates, that older plan did not include a rezoning to O-3 and development of an office building with the associated applications. It is anticipated the office building will be constructed first, with the timing of the build-out of the dwellings shown on this plan uncertain. The internal streets necessary to get to South 63rd Street, as well as the construction of the connection to Tanglewood Lane, should be required to be built with both the approval of the associated use permit and this permit. This will ensure this necessary street

MAY 1987 - City Council approved Special Permit #1114B, which amended the lot layout of the Pheasant Run Community Unit Plan and removed the street connection to Brushwood Lane. Staff had requested that the street connection to Colonial Hills remain.

1988 - City Council requested that staff study potential vehicular outlets from Colonial Hills to Old Cheney Road.

JUN 1996 - City Council approved SP#1615, the Tallowood CUP, which over a staff recommendation of denial, created a cul-de-sac east of Pheasant Run and closed off the final potential connection from Pheasant Run to Hickory Crest and Colonial Hills.

DEC 1999 - City Council approved the Black Forest Estates Preliminary Plat and Community Unit Plan, which approved a street connection to Tanglewood Lane to be completed after 10 years or the construction of the 60th of 88 units within Black Forest Estates.

DEC 1999 - The Mayor vetoed City Council's action, noting that the street connection to Colonial Hills must be completed earlier than mandated by the original resolution.

JAN 2000 - City Council approved the Black Forest Estates Preliminary Plat and SP#1786 for the Community Unit Plan using a substitute resolution which mandated an earlier street connection to Tanglewood Lane in Colonial Hills. It stated that the entire connection to Tanglewood Lane shall be completed or the completion thereof guaranteed by a bond or an approved escrow of security agreement prior to the earlier of (a) scheduling the Phase II final plat on the Planning Commission agenda or (b) the final platting of the 40th dwelling unit.

AUG 2001 - SP#1786A was approved adjusting certain setbacks and waiving certain sidewalks within the Black Forest Estates CUP.

APPROXIMATE LAND AREA: 35.18 acres, more or less

LEGAL DESCRIPTION: See attached legal description.

Prepared by

Brian Will, bwill@lincoln.ne.gov
August 6, 2020

Owner/
Applicant: Black Forest Holdings
c/o Jeff Salem
9810 Hollow Tree Drive
Lincoln, NE 68512
402-437-6409
Jeffsalem35@gmail.com

Contact: DaNay Kalkowski
Seacrest and Kalkowski
1128 Lincoln Mall
Lincoln, NE 68508
402-435-6000
danay@sk-law.com

CONDITIONS OF APPROVAL - SPECIAL PERMIT #1786B

1. Per Section 27.63.320 this approval permits a Community Unit Plan for up to 70 dwelling units.

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 CUP plan set:
 - 1.1.1 Remove Notes 24, 25, and 28 (misabeled as 32) and place in a separate waiver table.
 - 1.1.2 Revise the grading and drainage plan per the review/redline comments of the LTU Watershed Management Division.
 - 1.1.3 Revise the site plan to show the Crosscut Lane street connection between Black Forest Drive and Carveth Drive.
 - 1.1.4 Add a note which states: At the time of final plat an internal street system connecting Tanglewood Lane to Old Cheney Road will be built, unless already completed as part of UP#20009.
 - 1.1.5 Show a 6' separation between the relocated trail and the back of curb, with the trail on the west side of South 62nd realigned to match.
 - 1.1.6 Revise the traffic study as noted by LTU and revise the site plan to reflect those changes if necessary.
 - 1.1.7 Make the revision and corrections as noted in the written comments and redlines as provided by Watershed Management.
2. Before a final plat is approved provide evidence of the following to the Planning Department:
 - 2.1 Provide verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
 - 2.2 Demolition permits for outbuildings not on a lot with a principal dwelling, and for the dwelling located at 6120 Old Cheney Road need to be approved.
 - 2.3 6200 Black Forest Estates must apply to be re-addressed.
 - 2.4 Apply to rename Crosscut Lane if a block length waiver is approved.
 - 2.5 Provide a bond or security for the transportation improvements and trail relocation to the satisfaction of Lincoln Transportation and Utilities.
3. Final plat(s) is/are approved by the City.

If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan 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 community unit plan 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 Community Unit Plan.

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.

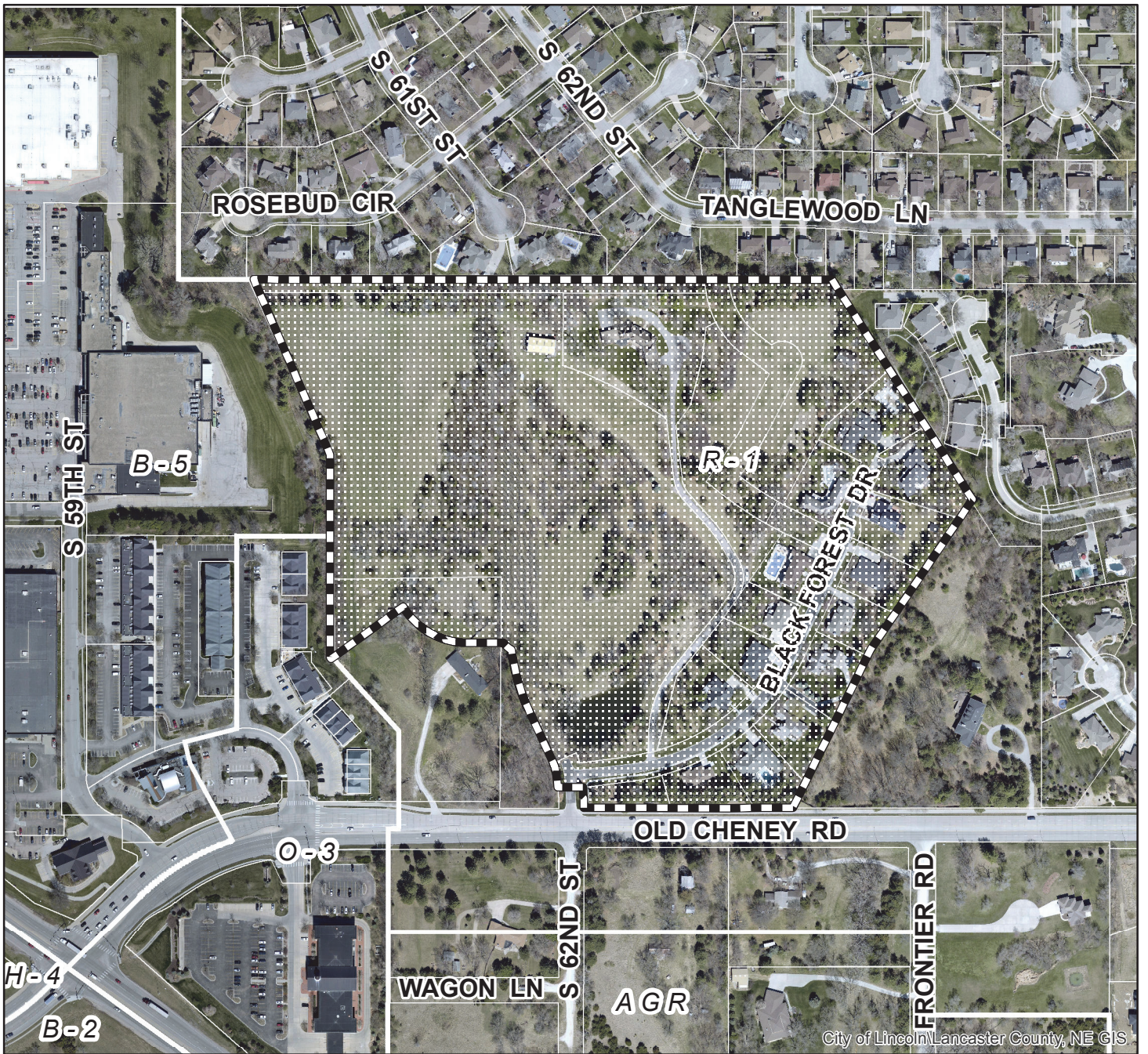
to protect the trees that are indicated to remain during construction and development.

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.
- 4.6 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.

F:\DevReview\SP\1700\SP1786B Black Forest Estates CUP.bjw.docx

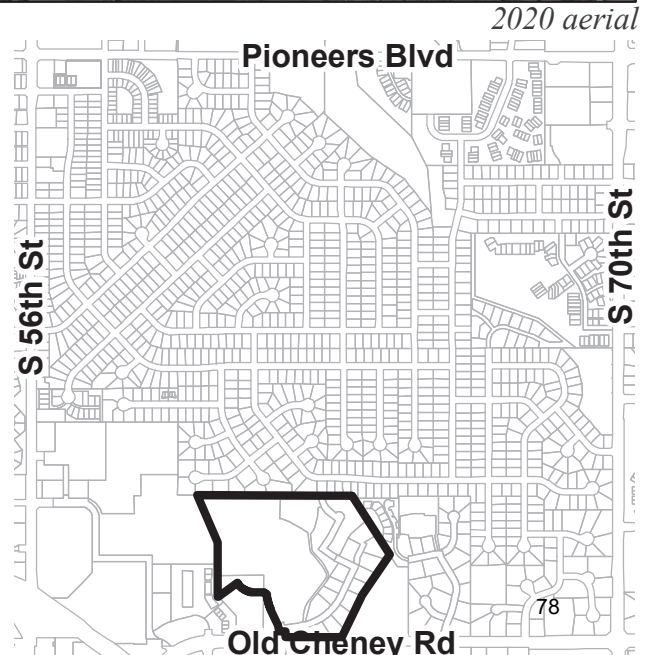
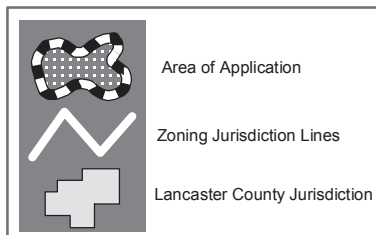


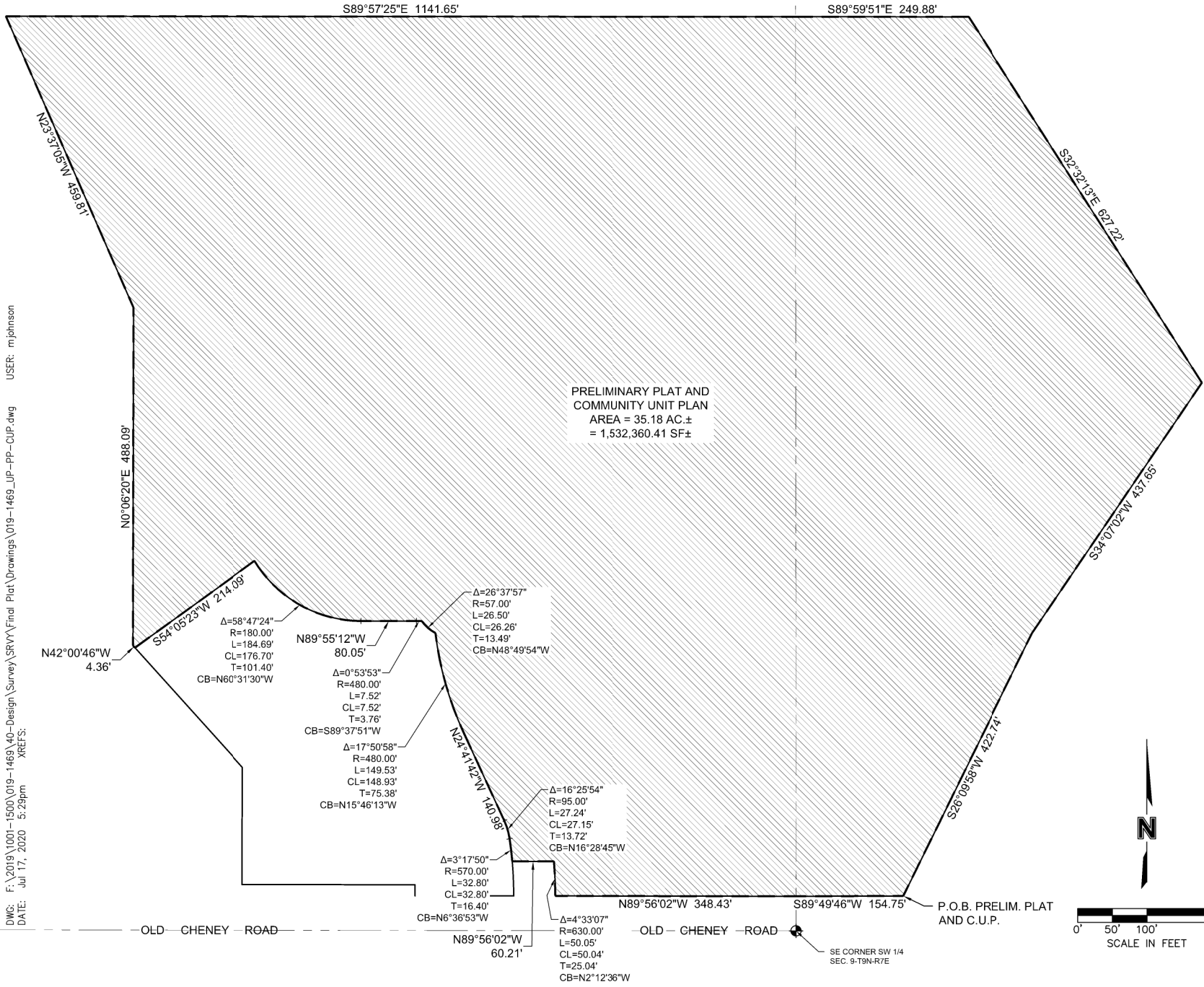
Special Permit #: SP1786B
Black Forest Estates
Black Forest Dr & Old Cheney Rd

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.09 T09N R07E





DMC: F:\2019\1001-1500\019-1469\40-Design\Survey\Final Plat\Drawings\019-1469_UP-PP-CUP.dwg USER: mjohnson
 DATE: Jul 17, 2020 3:29pm XREFS:

**LEGAL DESCRIPTION
PRELIMINARY PLAT AND
COMMUNITY UNIT PLAN**

A TRACT OF LAND COMPOSED OF LOTS 1 THROUGH 4, BLOCK 1, LOTS 1 THROUGH 5 BLOCK 2, LOTS 1 THROUGH 3, BLOCK 3, OUTLOTS "A", "B" AND "C", ALL IN BLACK FOREST ESTATES ADDITION, LOTS 1 AND 2, BLOCK 1, BLACK FOREST ESTATES 1ST ADDITION, LOT 1, OUTLOTS "B", "C" AND "D", BLACK FOREST ESTATES 2ND ADDITION, A PORTION OF LOT 2, AND A PORTION OF OUTLOT "B", BLACK FOREST ESTATES 2ND ADDITION, ALL LOCATED IN THE SOUTH HALF OF SECTION 9, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 2, BLOCK 3, BLACK FORREST ESTATES ADDITION, SAID POINT BEING ON A NORTH RIGHT-OF-WAY LINE OF OLD CHENEY ROAD; THENCE WESTERLY ON THE SOUTH LINE OF SAID LOT 2, AND ON A SOUTH LINE OF LOT 1, BLOCK 3, BLACK FOREST ESTATES ADDITION, SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., ON AN ASSUMED BEARING OF S89°49'46"W, A DISTANCE OF 154.75' TO A SOUTH CORNER OF SAID LOT 1; THENCE N89°56'02"W, ON A SOUTH LINE OF SAID LOT 1, AND ON A SOUTH LINE OF OUTLOT "B", BLACK FOREST ESTATES ADDITION, SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9, A DISTANCE OF 348.43' TO A POINT THE SOUTHWEST CORNER OF SAID OUTLOT "B", SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF SOUTH 62ND STREET, SAID POINT ALSO BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 04°33'07", A RADIUS OF 630.00', AN ARC LENGTH OF 50.05' ON THE WEST OF SAID OUTLOT "B", SAID LINE BEING THE EAST LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 50.04', A TANGENT LENGTH OF 25.04', AND A CHORD BEARING OF N02°12'36"W TO THE NORTHEAST CORNER OF SAID RIGHT-OF-WAY, SAID POINT BEING A SOUTH CORNER OF OUTLOT "A", BLACK FOREST ESTATES ADDITION; THENCE N89°56'02"W, ON THE NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 60.21' TO THE NORTH WEST CORNER OF SAID RIGHT-OF-WAY, SAID POINT BEING THE SOUTHWEST CORNER OF SAID OUTLOT "A", SAID POINT ALSO BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 03°17'50", A RADIUS OF 570.00', AN ARC LENGTH OF 32.80', ON A WEST LINE OF SAID OUTLOT "A", A CHORD LENGTH OF 32.80', A TANGENT LENGTH OF 16.40', AND A CHORD BEARING OF N06°36'53"W TO A POINT OF COMPOUND CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE, HAVING A CENTRAL ANGLE OF 16°25'54", A RADIUS OF 95.00', AN ARC LENGTH OF 27.24' ON A WEST LINE OF SAID OUTLOT "A", A CHORD LENGTH OF 27.15', A TANGENT LENGTH OF 13.72', AND A CHORD BEARING OF N16°28'45"W TO A NORTHWEST CORNER OF SAID RIGHT-OF-WAY; THENCE

N24°41'42"W, A DISTANCE OF 140.98' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 17°50'58", A RADIUS OF 480.00', AN ARC LENGTH OF 149.53', A CHORD LENGTH OF 148.93', A TANGENT LENGTH OF 75.38', AND A CHORD BEARING OF N15°46'13"W, TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 26°37'57", A RADIUS OF 57.00', AN ARC LENGTH OF 26.50', A CHORD LENGTH OF 26.26', A TANGENT LENGTH OF 13.49', AND A CHORD BEARING OF N48°49'54"W TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 00°53'53", A RADIUS OF 480.00', AN ARC LENGTH OF 7.52', A CHORD LENGTH OF 7.52', A TANGENT LENGTH OF 3.76', AND A CHORD BEARING OF S89°37'51"W TO A POINT; THENCE N89°55'12"W, A DISTANCE OF 80.05' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 58°47'24", A RADIUS OF 180.00', AN ARC LENGTH OF 184.69', A CHORD LENGTH OF 176.70', A TANGENT LENGTH OF 101.40', AND A CHORD BEARING OF N60°31'30"W, TO A POINT; THENCE S54°05'23"W, A DISTANCE OF 214.09' TO A POINT OF INTERSECTION WITH A SOUTHWEST LINE OF LOT 2, BLACK FOREST ESTATES 2ND ADDITION; THENCE N42°00'46"W, ON A SOUTHWEST LINE OF SAID LOT 2, A DISTANCE OF 4.36' TO A WEST CORNER OF SAID LOT 2; THENCE N00°06'20"E, ON A WEST LINE OF SAID LOT 2, AND ON A WEST LINE OF OUTLOT "A", BLACK FOREST ESTATES 2ND ADDITION, A DISTANCE OF 488.09' TO A WEST CORNER OF SAID OUTLOT "A"; THENCE N23°37'05"W, ON A WEST LINE OF SAID OUTLOT "A", AND ON A WEST LINE OF OUTLOT "C", BLACK FOREST ESTATES , 2ND ADDITION, A DISTANCE OF 459.81' TO THE NORTHWEST CORNER OF SAID OUTLOT "C"; THENCE S89°57'25"E, ON THE NORTH LINE OF SAID OUTLOT "C", AND ON A NORTH LINE OF OUTLOT "C", BLACK FOREST ESTATES ADDITION, A DISTANCE OF 1,141.65' TO A NORTH CORNER OF SAID OUTLOT "C"; THENCE S89°59'51"E, ON A NORTH LINE OF SAID OUTLOT "C", AND ON THE NORTH LINE OF OUTLOT "D", BLACK FOREST ESTATES ADDITION, A DISTANCE OF 249.88' TO THE NORTHEAST CORNER OF SAID OUTLOT "D"; THENCE S32°32'13"E, ON THE EAST LINE OF SAID OUTLOT "D", AND ON THE EAST LINE OF LOTS 2 AND 3, BLOCK 2, BLACK FOREST ESTATES ADDITION, A DISTANCE OF 627.22' TO AN EAST CORNER OF SAID LOT 3; THENCE S34°07'02"W, ON A EAST LINE OF SAID LOT 3, AND ON THE EAST LINE OF LOTS 4 AND 5, BLOCK 2, BLACK FOREST ESTATES ADDITION, AND ON A EAST LINE OF LOT 1, BLOCK 1, BLACK FOREST ESTATES 1ST ADDITION, A DISTANCE OF 437.65' TO AN EAST CORNER OF SAID LOT 1; THENCE S26°09'58"W, ON A EAST LINE OF SAID LOT 1, ON THE EAST LINE OF LOT 2 BLOCK 1, BLACK FOREST ESTATES 1ST ADDITION, AND ON THE EAST LINE OF LOTS 3 AND 2, BLOCK 3, BLACK FOREST ESTATES ADDITION, A DISTANCE OF 422.74' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 1,532,360.41 SQUARE FEET OR 35.18 ACRES, MORE OR LESS.



SEACREST & KALKOWSKI, PC, LLO

KENT@SK-LAW.COM | DANAY@SK-LAW.COM

July 22, 2020

David Cary, Director
Planning Department
555 South 10th Street
Lincoln, NE 68508

RE: Amendment to Special Permit No. 1786A
Change of Zone from R-1 to O-3 and Use Permit

Dear David:

Our office represents Black Forest Holdings LLC, developer of Black Forest Estates located north of Old Cheney Road and east of Edgewood Shopping Center (“Developer”). Developer is requesting the following: (i) an amendment to Special Permit No. 1786A – Black Forest Estates Community Unit Plan (“Special Permit”) to revise the lot and street layout and to remove approximately 3.61 acres in the southwest corner from the Special Permit (“Special Permit Amendment”); (ii) a Change of Zone for the property removed from the Special Permit from R-1 to O-3 (“Office Site”); and (iii) a Use Permit on the Office Site permitting a single building containing up to 25,000 square feet of medical office use.

The Special Permit Amendment continues to show the S. 63rd Street connection from Black Forest Estates to Tanglewood Lane in the Colonial Hills neighborhood as required by the existing Special Permit. However, the internal street connection of Crosscut Lane to Black Forest Drive has been removed at the request of the existing Black Forest Estates homeowners and a pedestrian connection is being shown. All of the property remaining under the Special Permit Amendment is planned for single family residential use.

As a result of discussions with Black Forest Estates homeowners over the years, it became clear to the Developer that the neighbors would strongly prefer and support office use over any multifamily use contemplated within the Special Permit. Developer was approached by Lincoln Pediatric Group (“LPG”), searching for a 2+ acre site that would allow them to construct a new one story office building to accommodate their growing practice. In selecting a site, LPG wanted to be in close proximity to its existing business at 70th and Pioneers so the practice could continue to serve and grow its clients. LPG has been providing pediatric care in the Lincoln community for over 50 years. The O-3 zoning and Use Permit are appropriate land uses in the location shown. The office is a transitional use and consistent with the office use to the west and the future commercial use to the south designated within the Comp Plan.

The development team has held multiple meetings with the Black Forest Estates homeowners and held a Zoom meeting with all surrounding neighbors invited on June 29, 2020. There was a good representation of neighbors from both Colonial Hills and Black Forest Estates involved in the Zoom meeting. There has been absolutely no neighbor objection to the addition of office use next to Old Cheney Road. In fact, the Black Forest Estates homeowners have expressed their support for the use in multiple meetings. In addition, all neighbors have supported single family residential use on the remainder of the site. The S. 63rd Street and Crosscut Lane street connections have been widely discussed with many neighbor concerns expressed about increased traffic into the developed areas. The neighbors

also identified drainage questions and concerns that will be addressed with the Drainage and Grading Plan being submitted.

Enclosed please find the following:

- a. City of Lincoln Zoning Application for Change of Zone from R-1 to O-3;
- b. City of Lincoln Zoning Application for Use Permit;
- c. City of Lincoln Zoning Application for Amendment to Special Permit No. 1786A;
- d. Application fees in the amount of \$6,854.65
Use Permit: \$1,583.65 (\$988 base + \$595.65 (\$165/acre x 3.61 acres))
CUP: \$988 base + \$3,295 max. per acre fee
Change of Zone: Greater than one acre \$988.
- e. Site Plan for the Use Permit and Special Permit Amendment.
- f. Rendering for proposed Lincoln Pediatric Group building.

Developer is requesting a block length waiver for Black Forest Drive that is required due to the removal of the Crosscut Lane connection. The construction of the Crosscut Lane connection to Black Forest Drive would cause a significant impact to the existing homes at 6330 and 6400 Black Forest Drive. There is a large grade differential that would need to be addressed with construction of a roadway in this location between two existing homes and several mature trees would be lost. Neighborhood connectivity is being addressed by the addition of a pedestrian walkway from Black Forest Drive to Crosscut Lane in lieu of the roadway connection. Due to the small number of homes along Black Forest Drive, the pedestrian walkway provides ample neighborhood connectivity while avoiding impact to the existing homes.

Brad Marshall from Olsson, Inc. will be uploading the Project Plans to project docs once Planning Staff has created the project files and docs. If you have any questions regarding the enclosed or need any additional information, please feel free to contact me or Brad.

Very truly yours,



DANAY KALKOWSKI
For the Firm

Enclosures

cc: Council Richard Meginnis

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Use Permit #20009 - Black Forest Office	FINAL ACTION? Yes	DEVELOPER/OWNER Black Forest Holdings, LLC
PLANNING COMMISSION HEARING DATE August 19, 2020	RELATED APPLICATIONS Change of Zone #20025 Special Permit #1786B	PROPERTY ADDRESS/LOCATION South 62 nd Street and Old Cheney Road

RECOMMENDATION: CONDITIONAL APPROVAL

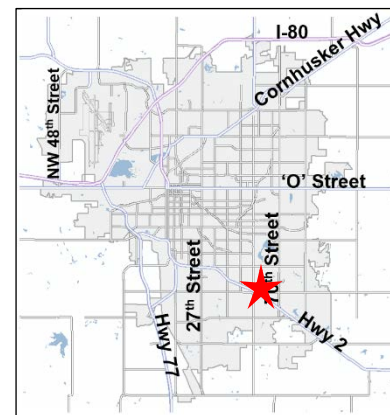
BRIEF SUMMARY OF REQUEST

This request is associated with two other applications. CZ#20025 is for a change of zone from R-1 to O-3 to allow office. SP#1786B amends the Black Forest Estates Community Unit Plan (CUP) to delete the area of this request from the boundary of the CUP.

This use permit includes one lot and one outlot. The lot is planned for a 25,000 square foot office building with an associated parking lot to serve the building. The outlot is being created primarily for a detention facility that serves both this use permit and the larger Black Forest Estates CUP. Both the use permit and the CUP share the same overall grading and drainage plan as required for a preliminary plat.

There is no direct access to the site off Old Cheney Road, rather access is off of South 62nd Street, an internal local street. A right-turn lane to be added in Old Cheney Road is shown on the site plan.

There are no waivers requested.



JUSTIFICATION FOR RECOMMENDATION

No waivers or adjustments are required for this development. It is adjacent to O-3 developed with office to the west, and the Future Land Map designates commercial land uses on the south side of Old Cheney Road at this location. O-3 is designed as a transitional zoning district intended to be compatible near residential uses. The Comprehensive Plan encourages development which includes a mix of uses.

APPLICATION CONTACT

DaNay Kalkowski at 402-435-6000 or danay@sk-law.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The O-3 Office zoning district is designed to serve as a transition between more intensive commercial uses and residential uses. The limits on allowed uses and required screening/landscaping help make O-3 appropriate in proximity to residential land uses. A mix of uses within single developments is encouraged by the Comprehensive Plan. No waivers are required or requested. This request is generally consistent with the Zoning Ordinance and the Future Land Use Map of the Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

P. 1.2 - Quality of Life Assets:

- The community continues its commitment to strong, diverse neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies.
- LPlan 2040 is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's new and established neighborhoods.

P. 2.8 - Guiding Principles for Community Form: The Urban Environment

- Natural and environmentally sensitive areas should be preserved within and between neighborhoods. Conservation areas and open lands should be used to define and connect different neighborhoods. The natural topography and features of the land should be preserved by new development to maintain the natural drainageways and minimize land disturbance.
- Mixed use redevelopment, adaptive reuse, and well-designed and appropriately-placed infill development, including residential, commercial and retail uses, are encouraged.

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

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

P. 7.2 - Neighborhoods & Housing Guiding Principles

- Distribute and preserve affordable housing throughout the community to be near job opportunities and to provide housing choices within existing and developing neighborhoods.
- Make available a safe residential dwelling for all citizens.
- Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Preserve areas designated for multi-family and special needs housing in approved plans to support a distributed choice in affordable housing.

ANALYSIS

1. This is a request for a use permit over a 3.61 acre tract of land. The area is the same as that of the associated change of zone request, CZ#20025. The use permit includes one lot and one outlot. The lot is for a 25,000 square foot office building and the associated parking lot to serve the building. The outlot is being created primarily for a detention facility that serves both this use permit and the larger Black Forest Estates CUP. This request is dependent upon the approval of CZ#20025 by City Council.

2. All City services are available to serve the site including water and sanitary sewer. No direct access to Old Cheney Road will be allowed, rather access is provided via South 62nd Street which intersects with Old Cheney Road. A draft traffic study was provided as part of the application. It has been reviewed by the Lincoln Transportation and Utilities Department (LTU) and there are requested changes. The main point of the study is to evaluate the impact of the development upon the South 62nd Street intersection, and what improvements are required to serve this and the larger Black Forest Estates CUP.

A right-turn lane is shown being added in Old Cheney Road to serve this development. The question of the adequacy of the traffic improvements is to be addressed in the traffic study, and whether what is shown is sufficient could depend upon the required corrections. Those revisions have not been made as of the writing of this report, so a condition of approval is added stating that the applicant needs to address the issues raised by LTU and to revise the site plan accordingly if required.

3. The City's bike trail system extends along the north side of Old Cheney Road in this area. The addition of a turn lane will impact the trail and it will need to be relocated as a result. This is shown on the site plan, but the extent of the relocation could be impacted by changes to the traffic study. The Parks and Recreation Department notes there must be 6' of separation between the trail and back of curb along Old Cheney Road, and that portion on the west side of South 62nd Street needs to be realigned to match it.
4. As outlined in the history of the Black Forest Estates development included this report, the connection of South 63rd Street to Tanglewood has been discussed since 1984, and required since 1999. The connection was supported by several neighbors, but also opposed by some. To facilitate the street connection, the City acquired an outlot for the purpose of dedicating it as right-of-way for the South 63rd Street connection.

In 1988, the City Council directed staff to study vehicular outlets from the Tanglewood/Colonial Hills area to Old Cheney Road. Five outlets were studied. On September 19, 1988, the City Council authorized the purchase of land in Parham Place. On March 9, 1992, the City and Quin-C (original developer of Black Forest Estates) entered into a sales agreement for the lot to provide for the street connection. One of the conditions of the sale required that the City not construct a street stub or curb return until the development of the remaining land owned by Quin-C.

Building South 63rd Street provides a much-needed connection from the neighborhood to the north to Old Cheney Road. Without it, the only connection is at Hickory Crest Road, approximately one-quarter of a mile from the intersection with South 70th Street. Otherwise, traffic is routed to South 56th and South 70th Streets. The intersections with Old Cheney Road at Pheasant Run Lane and Vandervoort Drive do not connect to the neighborhoods to the north.

The Access Management Policy calls for one-quarter mile spacing of intersections along arterial streets. The intent is to limit the number of intersections/conflict points, while still providing for adequate access to major streets. This street connection helps achieve that goal. Such connections serve to more evenly distribute vehicle trips and reduce the volume on any individual intersection.

While the timing of construction of the South 63rd Street improvement was tied to the development of a specific number of dwelling units in Black Forest Estates, that older plan did not include a rezoning to O-3 and development of an office building. It is anticipated the office building will be constructed first, with the timing of the build-out of the dwellings uncertain. The internal streets necessary to get to South 63rd Street, as well as well as the construction of the connection to Tanglewood Lane, should be required to be built with the approval of this use permit so as to no longer delay this needed and required connection.

5. There are no waivers or adjustments requested with this use permit. To show the required setbacks for the O-3 zoning district correctly, the setback adjacent to the south side of the building needs to be increased from 10' to 15'.
6. Minor corrections and changes are required on the plans and are included as recommended conditions of approval. Subject to the recommended conditions of approval, this request is consistent with the Zoning Ordinance and Comprehensive Plan and is an appropriate use of land at this location.

Prepared by

Brian Will, Planner
August 3, 2020

Owner/
Applicant:

Black Forest Holdings
c/o Jeff Salem
9810 Hollow Tree Drive
Lincoln, NE 68512
402-437-6409
Jeffsalem35@gmail.com

Contact:

DaNay Kalkowski
Seacrest and Kalkowski
1128 Lincoln Mall
Lincoln, NE 68508
402-435-6000
danay@sk-law.com

CONDITIONS OF APPROVAL - USE PERMIT #20009

Per Chapter 27.64 this approval permits a Use Permit for up to 25,000 square feet of commercial floor area.

Site Specific Conditions:

1. The City Council approves associated requests:
 - 1.1 Change of Zone #20025.
2. The permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
 - 2.1 Make the following revisions to the use permit plan set:
 - 2.1.1 Revise the site plan to show a 15' setback along the south lot line of Lot 1.
 - 2.1.2 Show a 6' separation between the relocated trail and the back of curb, with the trail on the west side of South 62nd realigned to match.
 - 2.1.3 Revise the legal description as noted by the CAD review.
 - 2.1.4 Address the comment/make the revisions as noted in the review and redline comments from The Watershed Management Division of LTU.
 - 2.1.5 Revise the traffic study as noted by LTU and revise the site plan to reflect those changes if necessary.
 - 2.1.6 Add a note which states: At the time final plat an internal street system connecting Tanglewood Lane to Old Cheney Road will be built.
 - 2.1.7 Revise the grading and drainage plan per the review/redline comments of the LTU Watershed Management Division.
3. Before a final plat is approved:
 - 3.1 Provide verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
 - 3.2 Demolition permits for outbuildings not on a lot with a principal dwelling and the dwelling located at 6120 Old Cheney Road need to be approved.
 - 3.3 6200 Black Forest Estates must apply to be re-addressed.
 - 3.4 Provide a bond or security for the transportation improvements and trail relocation to the satisfaction of Lincoln Transportation and Utilities.
4. Final plat(s) is/are approved by the City.

If any final plat on all or a portion of the approved use permit is submitted five (5) years or more after the approval of the use permit, the city may require that a new plan be submitted, pursuant to all the provisions of section 26.31.015. A new use permit 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 use permit 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 Use Permit.

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:

5. The following conditions are applicable to all requests:
 - 5.1 Before occupying the buildings or dwelling units all development and construction shall substantially comply with the approved plans.
 - 5.2 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.
 - 5.3 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.

- 5.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
- 5.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

F:\DevReview\UP\20000\UP20009 Black Forest Office.bjw.docx



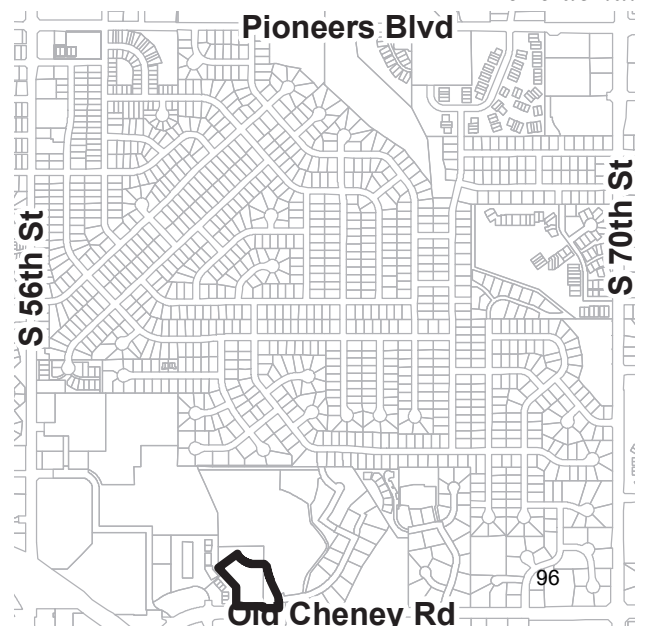
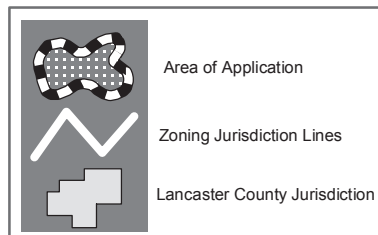
2020 aerial

**Use Permit #: UP2009 and
Change of Zone #: CZ20025 (R-1 to O-3)
Black Forest Estates
Black Forest Dr & Old Cheney Rd**

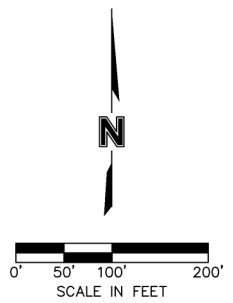
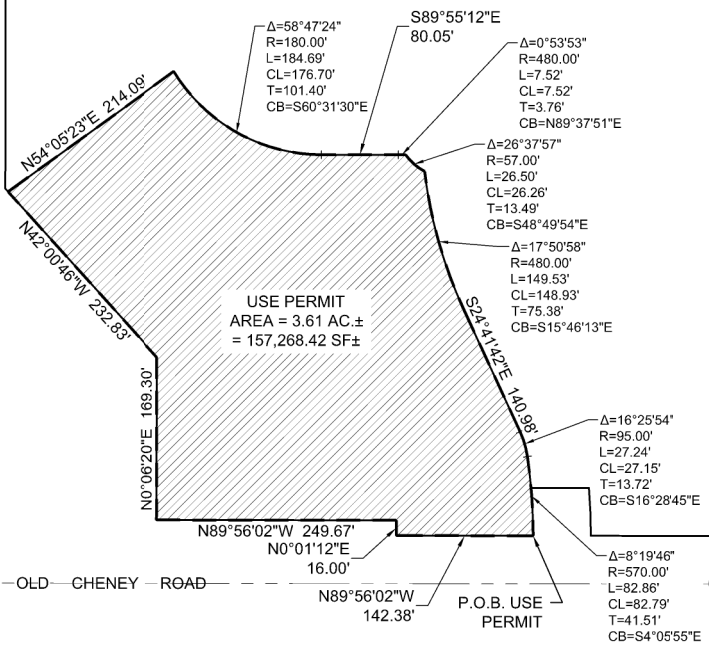
Zoning:

- 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.09 T09N R07E**



DWG: F:\2019\1001-1500\019-1469\40-Design\Survey\SRV\Final\Plot\Drawings\019-1469_UP-PP-CUP.dwg
 DATE: Jul 17, 2020 3:26pm XREFS: USER: mjohnson



LEGAL DESCRIPTION USE PERMIT

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 2, AND A PORTION OF OUTLOT "A", BLACK FOREST ESTATES 2ND ADDITION, ALL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF OUTLOT "A", BLACK FOREST ESTATES 2ND ADDITION, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF SOUTH 62ND STREET, AND ON THE NORTH RIGHT-OF-WAY LINE OF OLD CHENEY ROAD; THENCE WESTERLY ON THE SOUTH LINE OF SAID OUTLOT "A", SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., ON AN ASSUMED BEARING OF N89°56'02"W, A DISTANCE OF 142.38' TO THE SOUTHWEST CORNER OF SAID OUTLOT "A"; THENCE N00°01'12"E, ON A WEST LINE OF SAID OUTLOT "A", SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 16.00' TO THE SOUTHEAST CORNER OF LOT 2, BLACK FOREST ESTATES 2ND ADDITION; THENCE N89°56'02"W, ON THE SOUTH LINE OF SAID LOT 2, SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 66.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 249.67' TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE N00°06'20"E, ON A WEST LINE OF SAID LOT 2, A DISTANCE OF 169.30' TO A WEST CORNER OF SAID LOT 2; THENCE N42°00'46"W, ON THE SOUTHWEST LINE OF SAID LOT 2, A DISTANCE OF 232.83' TO A POINT; THENCE N54°05'23"E, A DISTANCE OF 214.09' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 58°47'24", A RADIUS OF 180.00', AN ARC LENGTH OF 184.69', A CHORD LENGTH OF 176.70', A TANGENT LENGTH OF 101.40', AND A CHORD BEARING OF S60°31'30"E TO A POINT; THENCE S89°55'12"E, A DISTANCE OF 80.05' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 00°53'53", A RADIUS OF 480.00', AN ARC LENGTH OF 7.52', A CHORD LENGTH OF 7.52', A TANGENT LENGTH OF 3.76', AND A CHORD BEARING OF N89°37'51"E, TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 26°37'57", A RADIUS OF 57.00', AN ARC LENGTH OF 26.50', A CHORD LENGTH OF 26.26', A TANGENT LENGTH OF 13.49', AND A CHORD BEARING OF S48°49'54"E TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 17°50'58", A RADIUS OF 480.00', AN ARC LENGTH OF 149.53', A CHORD LENGTH OF 148.93', A TANGENT LENGTH OF 75.38', AND A CHORD BEARING OF S15°46'13"E TO A POINT; THENCE S24°41'42"E, A DISTANCE OF 140.98' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 16°25'54", A RADIUS OF 95.00', AN ARC LENGTH OF 27.24', A CHORD LENGTH OF 27.15', A TANGENT LENGTH OF 13.72', AND A CHORD BEARING OF S16°28'45"E, TO A POINT OF COMPOUND CURVATURE FOR A CURVE IN A CLOCKWISE, HAVING A CENTRAL ANGLE OF 08°19'46", A RADIUS OF 570.00', AN ARC LENGTH OF 82.86' ON A NORTHERLY EXTENSION OF A

EAST LINE OF SAID OUTLOT "A", AND ON A EAST LINE OF SAID OUTLOT "A", A CHORD LENGTH OF 82.79', A TANGENT LENGTH OF 41.51', AND A CHORD BEARING OF S04°05'55"E TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 157,268.42 SQUARE FEET OR 3.61 ACRES, MORE OR LESS.

Friday, July 17, 2020
F:\2019\1001-1500\019-1469\40-Design\Survey\SRVY\Final Plat\Documents\019-1469_Use_Permit-Legal.docx



SEACREST & KALKOWSKI, PC, LLO

KENT@SK-LAW.COM | DANAY@SK-LAW.COM

July 22, 2020

David Cary, Director
Planning Department
555 South 10th Street
Lincoln, NE 68508

RE: Amendment to Special Permit No. 1786A
Change of Zone from R-1 to O-3 and Use Permit

Dear David:

Our office represents Black Forest Holdings LLC, developer of Black Forest Estates located north of Old Cheney Road and east of Edgewood Shopping Center (“Developer”). Developer is requesting the following: (i) an amendment to Special Permit No. 1786A – Black Forest Estates Community Unit Plan (“Special Permit”) to revise the lot and street layout and to remove approximately 3.61 acres in the southwest corner from the Special Permit (“Special Permit Amendment”); (ii) a Change of Zone for the property removed from the Special Permit from R-1 to O-3 (“Office Site”); and (iii) a Use Permit on the Office Site permitting a single building containing up to 25,000 square feet of medical office use.

The Special Permit Amendment continues to show the S. 63rd Street connection from Black Forest Estates to Tanglewood Lane in the Colonial Hills neighborhood as required by the existing Special Permit. However, the internal street connection of Crosscut Lane to Black Forest Drive has been removed at the request of the existing Black Forest Estates homeowners and a pedestrian connection is being shown. All of the property remaining under the Special Permit Amendment is planned for single family residential use.

As a result of discussions with Black Forest Estates homeowners over the years, it became clear to the Developer that the neighbors would strongly prefer and support office use over any multifamily use contemplated within the Special Permit. Developer was approached by Lincoln Pediatric Group (“LPG”), searching for a 2+ acre site that would allow them to construct a new one story office building to accommodate their growing practice. In selecting a site, LPG wanted to be in close proximity to its existing business at 70th and Pioneers so the practice could continue to serve and grow its clients. LPG has been providing pediatric care in the Lincoln community for over 50 years. The O-3 zoning and Use Permit are appropriate land uses in the location shown. The office is a transitional use and consistent with the office use to the west and the future commercial use to the south designated within the Comp Plan.

The development team has held multiple meetings with the Black Forest Estates homeowners and held a Zoom meeting with all surrounding neighbors invited on June 29, 2020. There was a good representation of neighbors from both Colonial Hills and Black Forest Estates involved in the Zoom meeting. There has been absolutely no neighbor objection to the addition of office use next to Old Cheney Road. In fact, the Black Forest Estates homeowners have expressed their support for the use in multiple meetings. In addition, all neighbors have supported single family residential use on the remainder of the site. The S. 63rd Street and Crosscut Lane street connections have been widely discussed with many neighbor concerns expressed about increased traffic into the developed areas. The neighbors

also identified drainage questions and concerns that will be addressed with the Drainage and Grading Plan being submitted.

Enclosed please find the following:

- a. City of Lincoln Zoning Application for Change of Zone from R-1 to O-3;
- b. City of Lincoln Zoning Application for Use Permit;
- c. City of Lincoln Zoning Application for Amendment to Special Permit No. 1786A;
- d. Application fees in the amount of \$6,854.65
Use Permit: \$1,583.65 (\$988 base + \$595.65 (\$165/acre x 3.61 acres))
CUP: \$988 base + \$3,295 max. per acre fee
Change of Zone: Greater than one acre \$988.
- e. Site Plan for the Use Permit and Special Permit Amendment.
- f. Rendering for proposed Lincoln Pediatric Group building.

Developer is requesting a block length waiver for Black Forest Drive that is required due to the removal of the Crosscut Lane connection. The construction of the Crosscut Lane connection to Black Forest Drive would cause a significant impact to the existing homes at 6330 and 6400 Black Forest Drive. There is a large grade differential that would need to be addressed with construction of a roadway in this location between two existing homes and several mature trees would be lost. Neighborhood connectivity is being addressed by the addition of a pedestrian walkway from Black Forest Drive to Crosscut Lane in lieu of the roadway connection. Due to the small number of homes along Black Forest Drive, the pedestrian walkway provides ample neighborhood connectivity while avoiding impact to the existing homes.

Brad Marshall from Olsson, Inc. will be uploading the Project Plans to project docs once Planning Staff has created the project files and docs. If you have any questions regarding the enclosed or need any additional information, please feel free to contact me or Brad.

Very truly yours,



DANAY KALKOWSKI
For the Firm

Enclosures

cc: Council Richard Meginnis