

Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

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Tom Beckius: Vice-Chair
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David R. Cary: Director
Geri Rorabaugh: Administrative Officer
Rhonda Haas: Office Specialist

October 28, 2020

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, October 28, 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.

The Lincoln/Lancaster County Planning Commission will meet on Wednesday, October 28, 2020 in the City Council Chambers immediately following the Regular Planning Commission meeting, for a briefing on Affordable Housing Coordinated Action Plan. ****Please Note** Planning Commission briefings are for informational purposes only and no public testimony will be taken.**

****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, OCTOBER 28, 2020

Approval of minutes of the regular meeting held October 14, 2020.

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

COMPREHENSIVE PLAN CONFORMANCE:

- 1.1 COMPREHENSIVE PLAN CONFORMANCE 20014, to review as to
Page conformance with the 2040 Lincoln Lancaster County Comprehensive Plan, a
01 proposed amendment to the Lincoln Center Redevelopment Plan, to add the

"Terminal Building Redevelopment Project", on property generally located at 947 O Street and 139 S. 10th Street.

Staff recommendation: In Conformance with the Comprehensive Plan
Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

- 1.2 COMPREHENSIVE PLAN CONFORMANCE 20015, to review as to conformance with the 2040 Lincoln-Lancaster Comprehensive Plan, a proposed amendment to the Lincoln Center Redevelopment Plan, to add the "1040 O Street Redevelopment Project", including renovation and rehabilitation of a 6-story building, on property generally located at 1040 O Street.

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Staff recommendation: In Conformance with the Comprehensive Plan
Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

CHANGE OF ZONE WITH RELATED ITEM:

- 1.3 CHANGE OF ZONE 08057B, to allow revisions to the development plan which propose modifications to the Zoning Ordinance regulations for motorized vehicle sales, on property generally located at 2928 North 48th Street.

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Staff recommendation: Conditional Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

- 1.4a CHANGE OF ZONE 20029, from R-3 (Residential District) to H-3 (Highway Commercial District), on property generally located west of North 33rd Street and Schworer Drive.

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Staff recommendation: Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

- 1.4b PRELIMINARY PLAT 20004, for a new preliminary plat consisting of two lots, on property generally located West of North 33rd Street and Schworer Drive.

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***** FINAL ACTION *****
Staff recommendation: Conditional Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

SPECIAL PERMIT:

- 1.5 SPECIAL PERMIT 961A, to allow for the expansion of a non-conforming use for the sale of alcohol for consumption on the premises, on property generally located at 3340 West A Street. ***** FINAL ACTION *****

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

2. REQUESTS FOR DEFERRAL:

3. ITEMS REMOVED FROM CONSENT AGENDA:

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

MISCELLANEOUS:

4.1 MISCELLANEOUS 20002, to amend the Long-Range Transportation Plan (LRTP) to expand the scope of the Fletcher Avenue Project (currently shown as 84th to 98th Street), by extending the project limits from the current east terminus of 98th Street east to 148th Street.

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Staff recommendation: Approval

Staff Planner: Allan Zafft, 402-441-6369, azafft@lincoln.ne.gov

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

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Adjournment

PENDING LIST: *None.*

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

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

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**The Planning Commission agenda may be accessed on the Internet at
<http://www.lincoln.ne.gov/city/plan/pcagenda/index.htm>**

ACCOMMODATION NOTICE

The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the City of Lincoln, please contact the Director of Equity and Diversity, Lincoln Commission on Human Rights, at 402 441-7624 as soon as possible before the scheduled meeting date in order to make your request.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

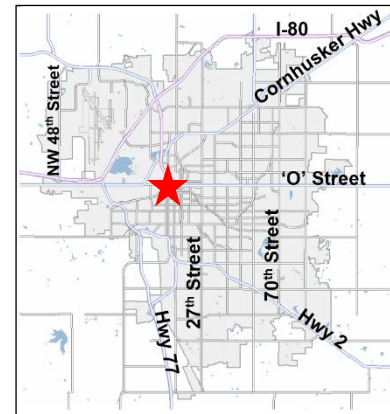
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Comprehensive Plan Conformance 20014	FINAL ACTION? No	DEVELOPER/OWNER Terminal Building LLC
PLANNING COMMISSION HEARING DATE September 30, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 947 O Street, 139 S 10 th Street (10 th & O)

RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

Review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, a proposed amendment to the Lincoln Center Redevelopment Plan that identifies the Terminal Building Redevelopment Project. The Project includes the renovation and rehabilitation of the Terminal Building with a mix of retail, office, and residential uses.



JUSTIFICATION FOR RECOMMENDATION

The Project is consistent with the Comprehensive Plan, Downtown Master Plan, and the Lincoln Center Redevelopment Plan. It will provide for adaptive reuse of an historic structure, utilize existing infrastructure, and meet the desire for a mix of uses in the downtown area.

APPLICATION/STAFF CONTACT

Hallie Salem
City of Lincoln Urban Development Dept
(402) 441-7866
hsalem@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

In addition to the specific elements listed above, this project contributes to the continued strengthening of the downtown core, which is a guiding principle reflected throughout the Comprehensive Plan, Downtown Master Plan, and Lincoln Center Redevelopment Plan.

COMPREHENSIVE PLAN SPECIFICATIONS:

- p. 1.2 The community continues its commitment to a strong Downtown. A strong, vital Downtown provides a common center for all of Lincoln and Lancaster County and will be a catalyst for future growth. LPlan 2040 acknowledges Downtown's unique role and will guide decisions that will maintain Downtown's vitality and enhance its contribution to the quality of life of all Lincoln and Lancaster County.
- p. 1.3 Downtown Lincoln continues to serve as the heart of our community and is an asset for all Nebraska residents.
- p. 1.3 Downtown Lincoln continues to serve its role as the central location for commerce, government, entertainment and the arts.
- p. 1.3 Downtown Lincoln is promoted as a vibrant mixed use neighborhood, offering choices for residential lifestyles and daily needs commerce in a walkable and bicycle-friendly environment.
- p. 1.9 The area is shown as Commercial on the Future Land Use map.
- p. 2.7 Lincoln will continue to have managed and contiguous growth, including strengthening our Downtown core.
- p. 2.8 Mixed use redevelopment, adaptive reuse, and well-designed and appropriately-placed infill development, including residential, commercial and retail uses, are encouraged.
- p. 4.6 The community's distinctive character and desirable quality of life for current residents and for future generations should be supported by exercising stewardship of historic resources throughout the county, while maximizing benefits of past investments in public infrastructure and private property. The Plan encourages the continued use and maintenance of historic resources, including properties not formally designated as landmarks.
- p. 5.4 Business & Economy Strategies for Downtown: The City should preserve and enhance Downtown's role as...A major focus for new residential reuse, infill, and redevelopment.
- p. 5.4 Business & Economy Strategies for Downtown: the City should preserve and enhance Downtown's role as the principal cultural, entertainment, and tourism center, and the center for hotels and conventions.
- p. 6.1 The primary focus for new dwelling units is the "Greater Downtown" which includes Downtown proper, Antelope Valley, the Haymarket, South Haymarket, Telegraph District and Innovation Campus.
- p. 6.2 Target existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and more efficiently utilize existing infrastructure.
- p. 6.3 Support development and implementation of the Downtown Master Plan, South Haymarket Neighborhood Plan and the Antelope Valley Redevelopment Plan.
- p. 6.3 Strategies for Greater Downtown...Maintain the urban environment, including a mix of land uses with a major focus on residential uses.
- p. 7.9 Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.

DOWNTOWN MASTER PLAN SPECIFICATIONS:

- p. 4.1.1 Residential is the strongest market opportunity in Downtown. Downtown housing enhances the region's competitive edge by helping to retain and recruit both young and highly skilled labor. In addition, more residents will make Downtown more vital and support other sectors, including retail and employment.

- p. 4.1.4 Examine existing incentives, such as the City's TIF Policy and Turnback Tax, and develop ways to support a variety of housing types and price points, (affordable, market rate, senior, for sale, high end/ luxury, townhomes, condos) particularly for middle class families.
- p. 4.1.4 Support creation of housing at higher densities in Downtown, and include housing as a key component of mixed use developments.
- p. 4.4.6 The O Street improvements identified in this plan should strengthen and extend the retail, dining and entertainment segments.
- p. 4.4.7 Continue to focus retail efforts, including other active uses, on 14th Street, P Street, and the O Street Corridor.
- p. 4.4.7 Reuse or redevelop vacant or underutilized spaces as opportunities arise.
- p. 4.5.5 Respect historic properties and encourage reuse instead of demolition, wherever possible.
- p. 4.6.16 Catalyst Project: Enhance the Front Door to Downtown - includes a façade improvement program, streetscape enhancements, and general support of reuse and rehab of underutilized or vacant spaces.
- p. 4.6.17 Any future buildings along O Street should respect the existing character, and active uses should be encouraged on the ground floor of buildings to engage the public realm. Streetscape improvements should be made to O Street to create an even more vibrant and lively street. These improvements will attract more people Downtown and will provide a great environment for people already living and working in Downtown.
- p. 4.6.18 Identify buildings that have redevelopment opportunity and work with private developers to encourage redevelopment, particularly for residential uses.
- p. 5.1 Inventory existing buildings and opportunity sites for housing and engage local owners in redevelopment planning. Examples may include Class C office buildings and underutilized historic buildings such as the Gold's and Atrium Buildings.

LINCOLN CENTER REDEVELOPMENT PLAN SPECIFICATIONS:

- p. III-8 Intensify and strengthen Lincoln's central business district as a focal point for regional development;
- p. III-8 Provide for compact and interrelated development in order to increase the amount and variety of activity in the core while increasing pedestrian convenience and visual interest;
- p. III-8 Encourage rehabilitation/renovation of existing structures throughout the Community Redevelopment Area;
- p. III-9 Encourage the development of mixed use projects that attract and maintain commercial activity and residential developments in the Downtown and Haymarket areas;
- p. III-9 Encourage development that is consistent and complementary to existing land uses, architectural systems, and building materials found Downtown and in the Haymarket;
- p. III-9 Encourage expanded housing opportunities and types to foster 24-hour activity and a lively street;
- p. III-9 Encourage the development of a vibrant retail presence.

ANALYSIS

1. This is an amendment to the Lincoln Center Redevelopment Plan that identifies the Terminal Building Redevelopment Project.
2. Elements of the Project include:
 - a. Rehabilitation of the Terminal Building first floor for public retail/dining and a small amount of private office use, with public access to the main atrium of the building.
 - b. Renovation of floors two and three for continuing use as commercial floor space.
 - c. Conversion of floors four through ten into 30 to 35 market rate residential condominiums.

The Project will also include the replacement of windows, restoration of existing historical elements (including exterior awnings and ticket windows), installation of necessary energy-efficient upgrades to the building's energy system, and streetscape enhancements.

3. The overall goals of the Project are to strengthen the long-term viability of the City's downtown district, support the continued vibrancy of the downtown district, remove blighted and substandard conditions, support the revitalization of O Street as a principal downtown corridor, provide additional housing opportunities, and preserve the valuable character of the existing historic buildings in the district. The Project will accomplish these goals by redeveloping an existing historic building, renovating and upgrading underutilized office space, or otherwise rehabilitating the space for an alternate use in the downtown area. In addition, the Project will bring additional retail, office, residential, and dining space that will foster more commercial activity downtown, while also revitalizing the interface between the building and the street through first-floor and streetscape improvements.
4. The Project is consistent with goals in the Comprehensive Plan. One of the overarching goals of the Comprehensive Plan is to promote the City's downtown district as a vibrant mixed-use neighborhood. The Comprehensive Plan's Chapter on Business & Economy includes the retention of existing businesses, as well as the enhancement of the City's downtown district as the center for employment, all levels of government, and hotels and conventions.

The Comprehensive Plan's Chapter on Mixed-Use Redevelopment lays out the guiding principles for mixed-use redevelopment, including targeting underdeveloped commercial areas, enhancing adjacent entryway corridors, and improving connectivity. The Mixed-Use Redevelopment Guiding Principles encourage increasing residential density by adding new dwelling units to an existing commercial area in a manner that is compatible and complementary to adjacent neighborhoods.

The project is also consistent with the Historic Preservation strategies of Chapter 4, including using landmark protections sought by the developer and rehabilitation of this building through existing public incentives.

5. The Project is consistent with the 2018 Lincoln Downtown Master Plan which emphasizes increasing the availability of diverse housing opportunities in Downtown Lincoln. The Downtown Master Plan includes the rehabilitation and upgrades of "Class C office buildings and underutilized historic buildings" as a short-term goal. The Downtown Master Plan also supports adaptive reuse of buildings as a more sustainable approach than new construction, and as a way to restore historic buildings, sustain their useful life, and support the significance of the past. One of the catalyst projects stated in the Downtown Master Plan involves the revitalization of the "O" Street corridor, and this Project will provide an opportunity to further that goal.
6. The Downtown Master Plan also includes goals to further walkability and consistency of streetscapes in the downtown district. Section 4.2 of the Downtown Master Plan provides that all streets should include a consistent streetscape design, including the installation of "safe intersections." The Downtown Master Plan identifies the intersection of 10th and O Street as a "priority intersection" for streetscape program implementation. This Project furthers the City's goals by including improvements to the streetscape of the subject block and surrounding areas. Streetscape enhancements relating to this project are still under discussion, but the final plans will take into consideration the possibility of a future O Street Corridor-wide streetscape enhancement program.

7. The Downtown Master Plan identifies O Street corridor improvements as a catalyst project. Specific items within the overall catalyst project include façade improvements for adjacent buildings, streetscape enhancements, and general support of reuse and rehab of underutilized or vacant spaces. The Terminal Building site is identified as a redevelopment opportunity.
8. The Project is also consistent with the Lincoln Center Redevelopment Plan, which encourages rehabilitation and renovation of vacant or underutilized structures in the Redevelopment Area, and development of mixed-use projects that attract and maintain commercial and residential activity in Downtown Lincoln. The primary goal of the Redevelopment Plan is to enhance the City's downtown district as the dominant multi-use center of activity within the region. The Project meets the redevelopment standards set forth in the Redevelopment Plan, including but not limited to: intensifying and strengthening the City's central business district as a focal point for regional development and the employment, entertainment, and educational hub of the community; and, encouraging rehabilitation and renovation of existing structures and the preservation of the architectural integrity and historic character of the area.
9. The Terminal Building is historically significant through its important contributions to the City's commercial growth and architectural history. Lincoln Traction Company, founder of the first streetcar in the City, built the building as its headquarters in 1916. Paul V. Hyland designed the ten-story, concrete office building with a white-glazed terracotta exterior, which the building retains today. The building is listed on the National Register of Historic Places.
10. The public investment is expected to be approximately \$3.9 million. The source of the public funds will be the tax increment generated from the private developments on the Project Site. The public investment will leverage a private investment of approximately \$20 million (the project cost will be finalized as construction costs are determined). More details can be found in the attached redevelopment plan amendment.
11. The project is scheduled for review by the Historic Preservation Commission on September 17th.

EXISTING ZONING: B-4 Lincoln Center Business District

EXISTING LAND USES: First floor commercial, vacant upper floors

SURROUNDING LAND USE AND ZONING:

North: O Street, Commercial, Park (Government Square)	B-4 Lincoln Center Business District
South: Commercial	B-4
East: 10 th Street, Commercial	B-4
West: Commercial (Hotel Redevelopment)	B-4

APPROXIMATE LAND AREA: 5 acres

Prepared by

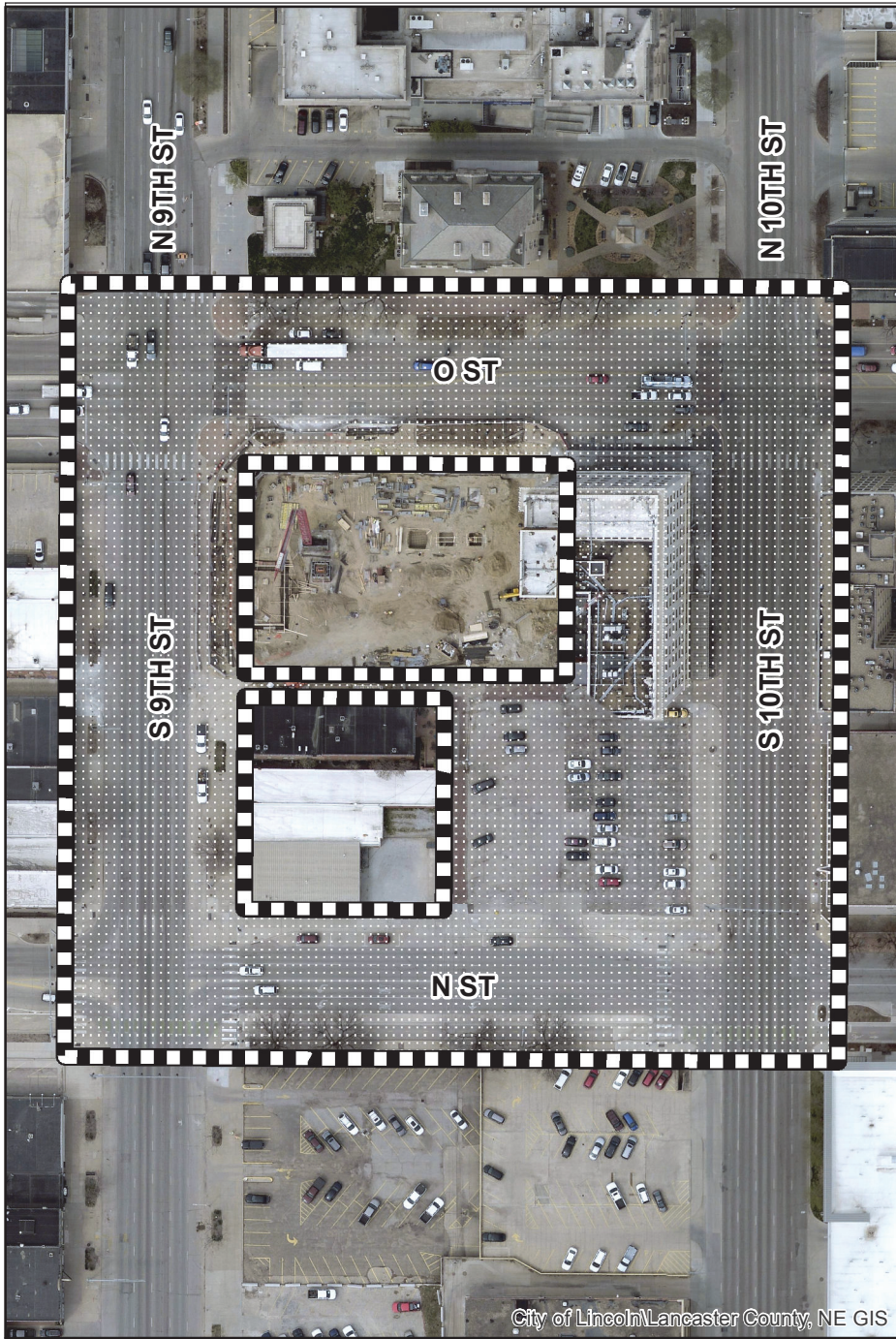
Andrew Thierolf, AICP
 Planner
 (402) 441-6371 or athierolf@lincoln.ne.gov

September 16, 2020

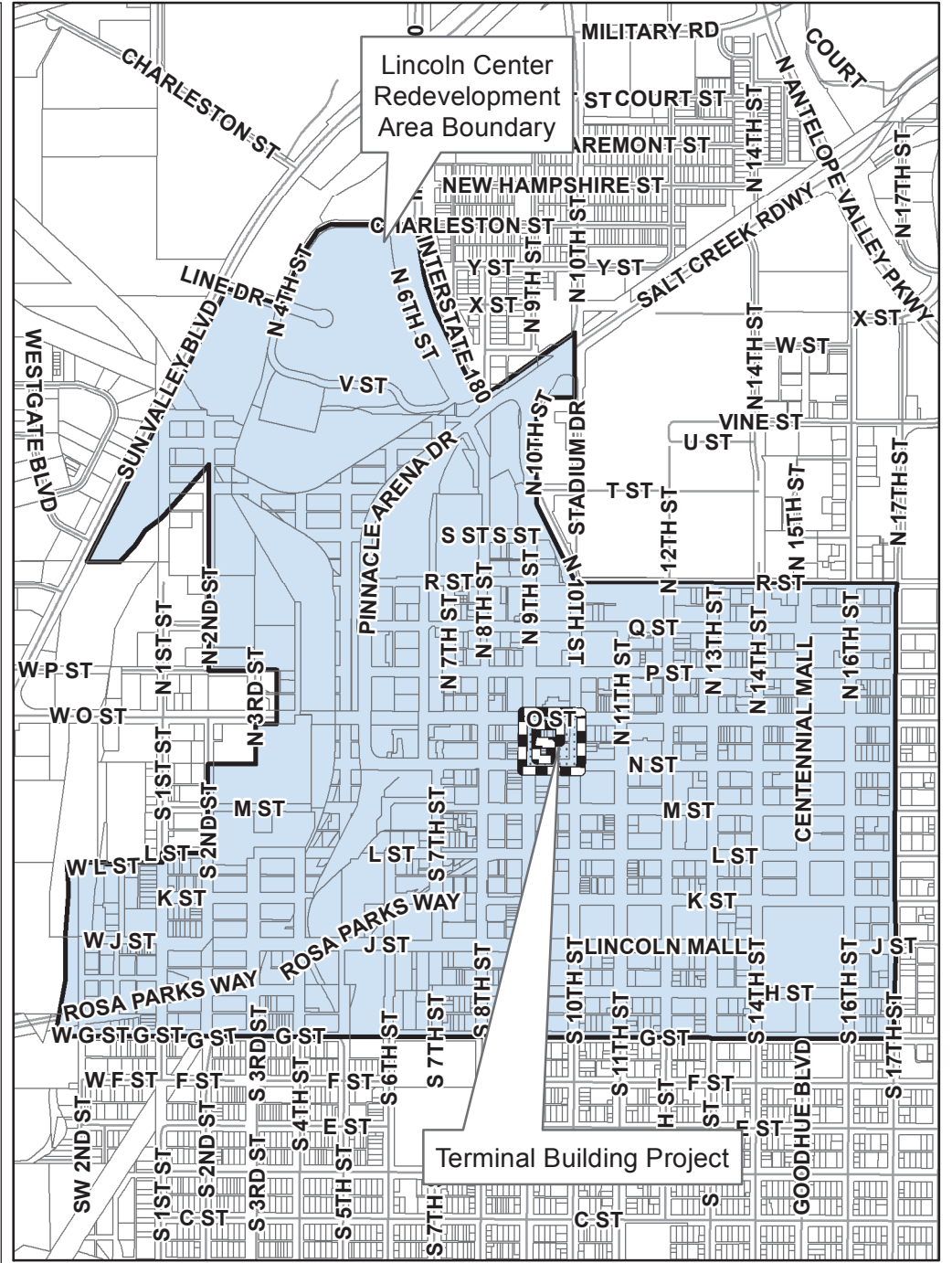
Applicant: Urban Development Department
 City of Lincoln
 555 S. 10th Street, Suite 205
 Lincoln, NE 68508

Contact: Hallie Salem
(402) 441-7866 or hsalem@lincoln.ne.gov

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City of Lincoln/Lancaster County, NE GIS



Comprehensive Plan Conformance #20014

2020 aerial

Amendment to Lincoln Center Redevelopment Area Terminal Building Redevelopment Project

AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN

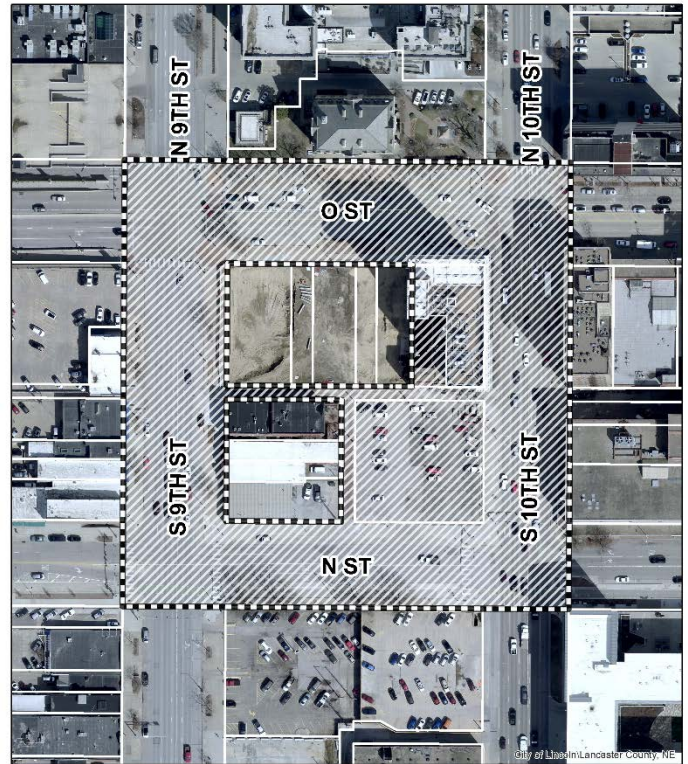
Terminal Building Redevelopment Project

This Terminal Building Redevelopment Project (the “Project”) amends the Lincoln Center Redevelopment Plan (the “Redevelopment Plan”) previously adopted by the City of Lincoln, Nebraska (the “City”). This Project includes the Terminal Building located at 947 O Street and the adjacent parcel located generally at 139 South 10th Street and adjacent rights of way (the “Project Area”). Exhibit “A” more specifically describes the Project Area.

The Project

The Project involves the redevelopment and rehabilitation of the Terminal Building, a National Register historic landmark in the City’s downtown business area. The Terminal Building is historically significant to the City through its important contributions to the City’s commercial growth and architectural history. Lincoln Traction Company, founder of the first streetcar in the City, built the building as its headquarters in 1916. Paul V. Hyland designed the ten-story, concrete office building with a white-glazed terra-cotta exterior, which the building retains today. The Terminal Building currently requires substantial renovation and redevelopment to maintain habitability and continue to function as a commercial building with new residential.

The Redeveloper, 947 Terminal LLC, a Nebraska limited liability company, plans to rehabilitate the first floor of the building for public retail and dining use and a small amount of private office use, with public access to the main atrium of the building. The first floor rehabilitation will include the restoration of existing historical elements, including the ticket windows and other original features of the building. The Redeveloper will also renovate Floors 2 and 3 for continuing use as commercial office space. Additionally, the Redeveloper plans to convert floors 4 through 10 of the building into 30 to 35 market rate residential condominiums.



Terminal Building Redevelopment Project: Project Area

 Terminal Building Project Area

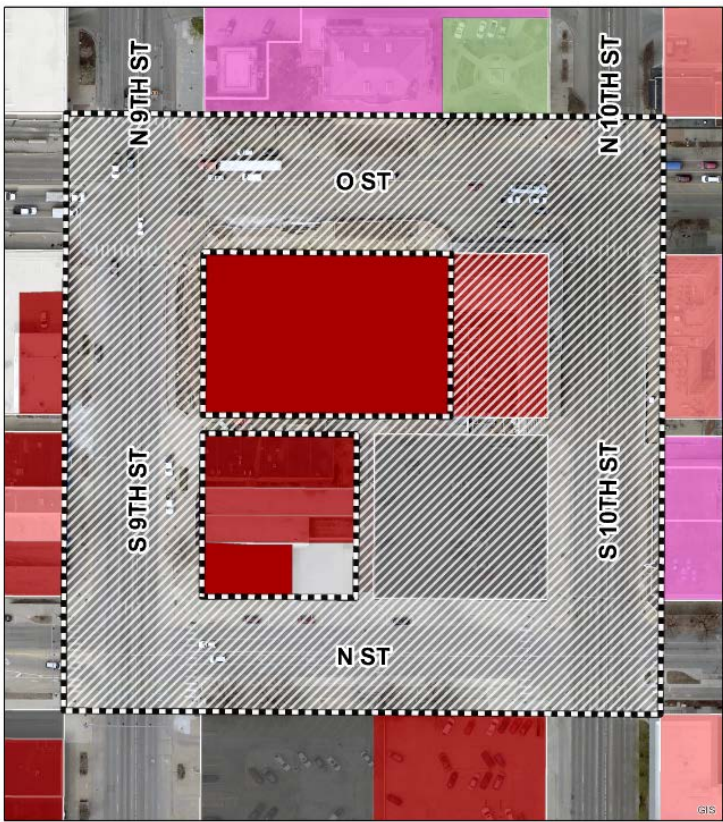
Final Plan for 2024 Amendment



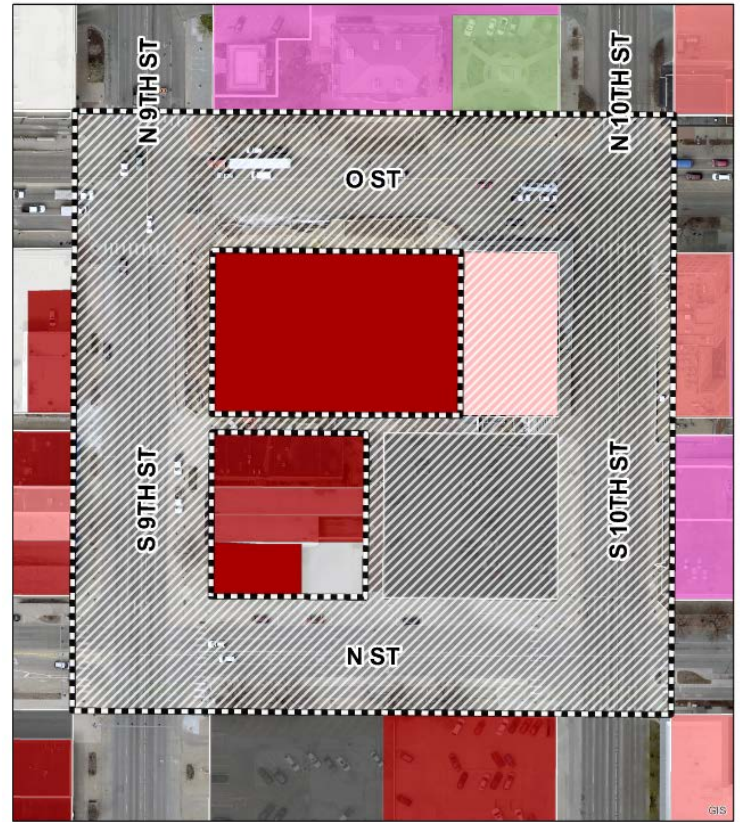
The renovation will include the replacement of windows. The project also includes the restoration of original awnings on the exterior of the building and installation of necessary energy-efficient upgrades to the building’s energy system. The redeveloper anticipates doing all of this work in a manner that limits disruption to the existing office tenants in the Building, however some tenants may be permanently displaced. The redeveloper may relocate existing tenants to different floors within the building during construction.

The overall goals of the Project are to strengthen the long-term viability of the City’s downtown district, support the continued vibrancy of the downtown district, remove blighted and substandard conditions, support the revitalization of O Street as a principal downtown corridor, provide additional housing opportunities, and preserve the valuable character of the existing historic buildings in the district. The Project will accomplish these goals by redeveloping an existing historic building, renovating and upgrading underutilized office space, or otherwise rehabilitating the space for an alternate use in the downtown area. In addition, the Project will bring additional retail, office, residential, and dining space that will foster more commercial activity downtown, while also revitalizing the interface between the building and the street through first-floor and streetscape improvements.

The mix of proposed uses would fit well with surrounding land uses, which are primarily commercial uses. See the Current Land Use map and Future Land Use map below.



Terminal Building Redevelopment Project: Current Land Use



Terminal Building Redevelopment Project: Future Land Use



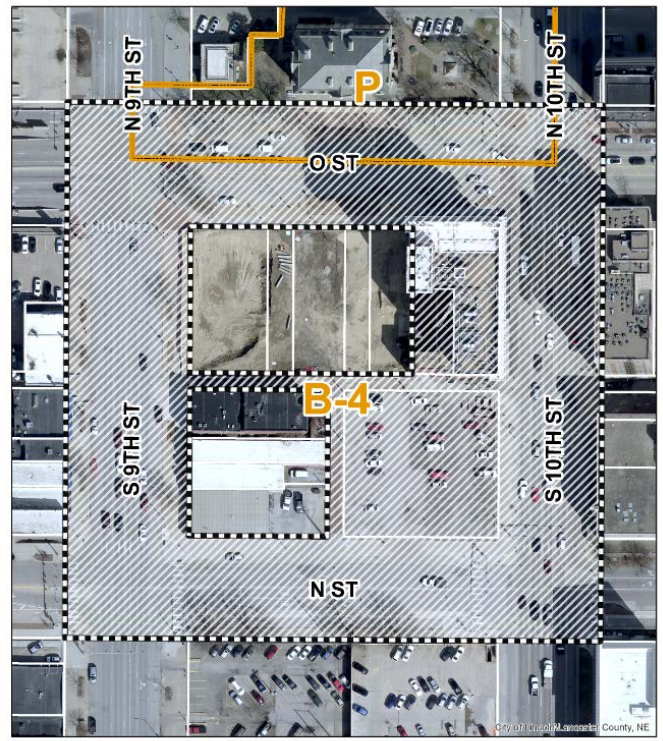
The Project Site is located in the “B-4” Lincoln Center Business District zoned area, which covers much of the City’s downtown district. The B-4 District permits the proposed uses. The B-4 District’s permitted uses encourage the downtown district to remain the dominant multi-use center and key focal point of business, social, and cultural activity in the City.

Conformance with Comprehensive Plan

Section 18-2113, of the Community Development Law, requires the City to review the Project and find that the proposed land uses and building requirements in the Project Area are designed with the general purpose of accomplishing, in conformance with the general plan, a coordinated, adjusted, and harmonious development of the City and its environs, which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.

This Project is consistent with the LPlan 2040, 2016 Update, the Lincoln-Lancaster County 2040 Comprehensive Plan (“Comprehensive Plan”). One of the overarching goals of the Comprehensive Plan is to promote the City’s downtown district as a vibrant mixed-use neighborhood. The Comprehensive Plan’s Chapter on Business & Economy includes the retention of existing businesses, as well as the enhancement of the City’s downtown district as the center for employment, all levels of government, and hotels and conventions. The Comprehensive Plan’s Chapter on Mixed-Use Redevelopment lays out the guiding principles for mixed-use redevelopment, including targeting underdeveloped commercial areas, enhancing adjacent entryway corridors, and improving connectivity. The project is also consistent with the Historic Preservation strategies of Chapter 4, including using landmark protections sought by the developer and rehabilitation of this building through existing public incentives. The Guiding Principles in Chapter 6 (Mixed Use Redevelopment) encourage increasing residential density by adding new dwelling units to an existing commercial area in a manner that is compatible and complementary to adjacent neighborhoods.

This Project is also consistent with the Lincoln Center Redevelopment Plan, which encourages rehabilitation and renovation of vacant or underutilized structures in the Redevelopment Area, and development of mixed-use projects that attract and maintain commercial and residential activity in Downtown Lincoln. The primary goal of the Redevelopment Plan is to enhance the City’s downtown district as the dominant multi-use center of activity within the region. The Project meets the redevelopment standards set forth in the Redevelopment Plan, including but not limited to: intensifying and strengthening the City’s central business district



Terminal Building Redevelopment Project: Zoning

Terminal Project Area Zoning

City of Lincoln, Urban Development



as a focal point for regional development and the employment, entertainment, and educational hub of the community; and, encouraging rehabilitation and renovation of existing structures and the preservation of the architectural integrity and historic character of the area.

The Project is consistent with the 2018 Lincoln Downtown Master Plan (the “Downtown Master Plan”) which emphasizes increasing the availability of diverse housing opportunities in Downtown Lincoln. The Downtown Master Plan includes the rehabilitation and upgrades of “Class C office buildings and underutilized historic buildings” as a short-term goal. The Downtown Master Plan also supports adaptive reuse of buildings as a more sustainable approach than new construction, and as a way to restore historic buildings, sustain their useful life, and support the significance of the past. One of the catalyst projects stated in the Downtown Master Plan involves the revitalization of the “O” Street corridor and this Project will provide an opportunity to further that goal.

The Downtown Master Plan also includes goals to further walkability and consistency of streetscapes in the downtown district. Section 4.2 of the Downtown Master Plan provides that all streets should include a consistent streetscape design, including the installation of “safe intersections.” The Downtown Master Plan identifies the intersection of 10th and O Street as a “priority intersection” for streetscape program implementation. This Project furthers the City’s goals by including improvements to the streetscape of the subject block and surrounding areas.

The Project represents a significant private investment in the Redevelopment Area. Publicly funded redevelopment activities may include: site acquisition, site preparation, demolition, utility and right of way improvements, façade/historic building enhancements, energy efficiency enhancements, streetscape improvements, and other public improvements, enhancements, and expenses as permitted under Neb. Rev. Stat § 18-2117.03.

Statutory Elements

Public Improvements: As part of the Project, the Redeveloper will undertake additional O Street and 10th Street improvements, including streetscape enhancements and the possible removal of underground vaults. Additional alley improvements may also be necessary to facilitate the project. While the Redeveloper anticipates that the other public facilities and utilities will adequately meet demands of the Project, public utility and right of way improvements are eligible TIF expenses.

Property Acquisition, Demolition, and Disposal: The Project requires significant up-front investment for site acquisition and preparation. The City does not intend to acquire property, nor would the City use eminent domain if the City did acquire property for the Project. The Redeveloper has contracted to acquire the Site contingent upon the approval of TIF for the Project.

The Redeveloper is undertaking the Project to attract commercial tenants, as well retain existing commercial tenants by rehabilitating the building for utilization as office, retail, dining and residential space. Without the redevelopment and rehabilitation of the Project, the Redeveloper believes that the Terminal Building would continue to be underutilized and sit in disrepair. There are currently no residential tenants, therefore, there are no tenants on site needing relocation. Should relocation assistance be required for any tenants within the Project Area, the relocation requirements will be followed, as outlined in the Redevelopment Plan.

Population Density: Any added residential use within the Project Area will be consistent with the Comprehensive Plan and approved in a redevelopment agreement prior to implementation. The redevelopment will add 30 to 35 residential condominiums, which will contribute to a small increase in population density in the Redevelopment Area.

Land Coverage: The Project will make use of existing improvements in the Project Area. The Project will not change land coverage on the Project Area, as it will make use of the existing building. The Project will comply with the applicable land-coverage ratios and zoning requirements of the City. Should any land coverage changes occur within the Project Area, they will conform to the Comprehensive Plan and City regulations.

Traffic Flow, Street Layouts, and Street Grades: The Project may marginally increase traffic flow resulting from an increase in customers and employees of the commercial space traveling to and from the Project Area. The Project may include the vacation of the east west and/or remaining north south alleys located within the Project Area. The Redeveloper will work with Lincoln Transportation and Utilities and the adjacent owners to coordinate improvements to the alley and necessary easements. The Redeveloper will utilize TIF funding to improve mobility within the Project Area as a result of streetscape improvements. The project is not expected to impact street grades.

Parking: The City's zoning code does not provide parking requirements in a B-4 District. The existing parking lot within the Project Area will provide adequate parking for the Project.

Zoning, Building Code, and Ordinances: The Project Area is currently zoned B-4 Lincoln Center Business District. The B-4 District permits the Project's proposed uses. No other subdivision or re-zoning of the Project Area is expected to be required as part of the Project. The Development Services Center will work with Redeveloper to ensure that applicable building code requirements and ordinances will be satisfied.

Proposed Cost and Financing of the Project

In addition to the purchase of the land and existing building, the estimated total cost to implement the Project is approximately \$24,000,000, which includes approximately \$3,900,000 in related public improvements and enhancements. The source of the public funds for these improvements will be the tax increment generated from the private developments on the Project Area.

Cost Benefit Analysis for the Project

As required by Nebraska Community Development Law (Neb. Rev. Stat. §18-2113), the City has analyzed the costs and benefits of the Project including:

Tax Revenues

The base value for the Project is \$5,092,800, which was the combined value of the Project Area in 2020. The Project's estimated final conservative assessed valuation is approximately \$22,340,006. The Project will likely generate approximately \$5,213,265 in total tax increment, or \$347,551 in annual TIF revenue to assist with the cost of the construction of public improvements and enhancements related to the Project. Developer intends to utilize an estimated \$3.9 million of available TIF revenue for the construction of the Project. The public investment will leverage approximately \$11,956,000 in private sector resources. The TIF funds shall be subject to further adjustment as the Project costs are defined. For the purpose of the calculation below, the Not to Protest Value and Anticipated Completed Valuation is assumed to be the average of the estimated low and high ends of the projected completed valuation range.

Tax Increment Financing Analysis		
Description		Amount
Base Value	2020 Valuation	\$5,092,800
Not to Protest Value	Anticipated completed valuation	\$22,340,006
Increment Value	= Completed value – Base value	\$17,247,206
Annual TIF Increment	= Increment x Est. Levy (2.015115)	\$347,551
Available Principal	= TIF Increment x 15 years @ 4%	\$3,864,207

The City will forgo approximately 15.78 percent of these annual collections over the fifteen (15) years to support the Project. The tax increment gained from the Project would not be available for use as City general tax revenues over that time, but would be used toward bond repayment. After the 15-year period or the debt has been retired, the taxing jurisdictions will split the increase in annual taxes paid according to the tax levy.

Public Infrastructure and Community Public Service Needs Impacts

The Project will have a positive impact on existing public spaces. The Project will facilitate the preservation of the historic building, maintaining the history and character of the downtown area and the City. The improvements to the streetscape will have a positive impact on active commuting and mobility along two principal corridors of the City. The Project will not have an adverse impact on City services, but instead will generate additional revenue providing support for those services.

Employment within the Project Area

The redevelopment of the commercial restaurant, retail, and office spaces is expected to retain and/or create between 65 and 125 full-time-equivalent jobs within the Redevelopment Area boundary. Additionally, the Project will support temporary construction jobs during the redevelopment of the Project.

Employment in the City outside the Project Area

According to the 2016 Census, County Business Patterns, North American Industry Classification System, 8,427 total establishments in Lancaster County employed approximately 136,325 persons. Though the impact of the Project on city-wide employment would be minimal, retail and dining uses are supportive of entertainment-related commercial services and related employment in the downtown district and City-wide. Additionally, new housing is supported of retail and other commercial services in the area.

Impact on Student Populations of School Districts

The Project will not materially impact the student population of Lincoln Public Schools due to the small number of units and unit sizes. The residential units constructed will primarily be of interest to smaller households, including empty-nesters and young professionals.

Other Impacts

While the use of tax increment financing will defer receipt of the incremental ad valorem real property taxes generated by the Project for up to 15 years, there will be additional revenue generated, including sales taxes imposed on the goods and services provided within the Project Area and income taxes paid by those working and living within the Project Area. Ultimately, the Project will benefit the community through higher property tax payments at the completion of the 15-year collection.

Finding of Need for TIF

Section 18-2116 of the Community Development Law requires the City Council to make the following findings before authorizing the use of Community Development Financing:

- The redevelopment project and plan as proposed would not be economically feasible without the use of Tax Increment Financing; and,
- The redevelopment project as proposed would not occur in the Community Development area without the use of Tax Increment Financing.

The Urban Development Department believes that the private and public improvements proposed in this Project would not occur “but for” the utilization of tax increment financing in the Redevelopment Area. It would not be economically feasible for the Redeveloper to complete the Project without tax increment financing because the existing site conditions constitute a barrier to development that it cannot adequately remedy without the use of tax increment financing.

Project Schedule and Implementation

Following the approval of the Project, the following steps will occur in the implementation of the Project:

- The City will negotiate the redevelopment agreement for the Project with the Redeveloper and submit to City Council for approval.
- Following agreement approval, the City may issue and sell Community Improvement Financing bonds or notes to fund the public improvements related to the Project.
- The City will review construction drawings of public and private improvements.
- TIF-funded public improvements will be competitively bid, as needed and required by the Purchasing Department.
- The Redeveloper will construct private and public improvements and enhancements.
- Reimbursement for eligible public improvements and enhancements will occur when invoices have been approved and increment is received.

Exhibit "A"
Legal Description

The Land is described as follows:

Project Area

139 South 10th Street: COUNTY CLERKS SUBDIVISION (OF LOTS 19 - 21 BLOCK 54 LINCOLN), Lot A - F

Terminal Building: COUNTY CLERKS SUBDIVISION (OF LOTS 1 - 6 BLOCK 54 LINCOLN), Lot A - C, & G & H



Urban Development Department
555 South 10th Street Suite 205 Lincoln NE 68508
402-441-7868 lincoln.ne.gov

September 2, 2020

Andrew Thierolf, AICP
Lincoln Lancaster County Planning Department
City / County Building
555 S 10th Street
Lincoln, NE 68508

Dear Andrew:

Please find the Terminal Building Redevelopment Project amendment application attached, which proposes to amend the Lincoln Center Redevelopment Plan to create a new project area.

Once submitted through Project Dox, please forward the proposed amendment to the Planning Commission for their consideration of its consistency with the Comprehensive Plan at the September 30, 2020 public hearing. We request that the amendment also be scheduled at City Council for introduction on October 19, 2020 and public hearing on October 26, 2020.

If you have any questions about the plan amendment or schedule, please contact me at 402.441.7866 or hsalem@lincoln.ne.gov.

Best Regards,

A handwritten signature in black ink, appearing to read "Hallie Salem".

Hallie Salem
Downtown Redevelopment Manager

MEETING RECORD

NAME OF GROUP:	HISTORIC PRESERVATION COMMISSION
DATE, TIME AND PLACE OF MEETING:	Thursday, September 17, 2020, 1:30 p.m., Room 113, 1 st Floor, County-City Building, 555 S. 10 th Street, Lincoln, Nebraska.
MEMBERS IN ATTENDANCE	Melissa Dirr Gengler, Nancy Hove Graul, Jim Johnson, Greg McCown, Jim McKee and Greg Newport; the seventh seat of this Commission is vacant.
OTHERS IN ATTENDANCE	Paul Barnes, Stacey Hageman and Rhonda Haas of the Planning Department.
STATED PURPOSE OF MEETING:	Historic Preservation Commission Meeting

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

ADVISORY REVIEW OF WORK AT 947 O STREET AT THE TERMINAL BUILDING, A PROPERTY LISTED IN THE NATIONAL REGISTER OF HISTORIC PLACES
PUBLIC HEARING: **SEPTEMBER 17, 2020**

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

Hallie Salem, Urban Development (via zoom), stated that this is a redevelopment project for the Terminal Building. They want more thoughts and input about the proposed improvements to the building from the HPC members, because this is a Tax Increment Finance (TIF) project and because of the status of the building.

David Levy, Baird Holm Law Firm, came forward on behalf of REV Development and stated this project is before you today for advisory, because they are seeking TIF dollars and this building is on the National Register of Historic Buildings. Levy shared that the exterior plan for the building is to replace the windows, clean and repair the façade material, repair and replace the awnings. The first floor is for retail and dining with a small amount of office space and there will be public access to the main atrium of the building. The next two floors will be office space and the floors above that will be for redeveloped for residential condominiums.

Newport inquired about the brick on the first floor. Shawn Adamek, Architectural Innovations, came forward and stated that they will be removing the brick on the first floor and replacing it with black terracotta, which will be keeping with the original materials of the building. Newport

asked if the original terracotta was black to start with. Adamek stated that the existing terracotta was white and there was a gray stone granite behind the brick originally. He shared that they wanted to open up, highlight and pay tradition to the original material on the first floor. Newport stated if it was not, originally terracotta was it originally stone. Adamek stated that from what they can see now there is a brick, granite stone under that and the original terracotta. Newport inquired if that meant that there was three layers. Adamek explained that the brick was added in the 70's and the granite was sometime before that. Newport stated that he has a concern with using black terracotta. Hove Graul inquired what if they find out that the original terracotta is useable. Adamek stated that they would be open to keeping the original terracotta. He shared that McGill Restoration is working on the upper floors of the building finishing and repairing cracks in the terracotta and when completed they will be using the same material on the first floor. Hove Graul inquired if the terracotta is usable on the first floor would they keep with the original color or paint the terracotta. Adamek stated that he imagines that they would keep the original color. Discussion continued on the flooring.

Gengler stated that she has had a discussion with the developer about possibly pursuing historic tax credits, which may influence some of the design decisions. Gengler stated that she would be abstaining from the conversation, because they are still trying to decide which direction they are going to go, and she further stated that she would still have questions about the design standard as presented before HPC today.

Gengler inquired about the window replacement with the black anodized windows, and asked if that was the frame and not the window. Adamek said correct, and there are dark bronze or black on the upper floor windows.

McCown inquired if the original terracotta was white, why would they decide to use black. Adamek stated they wanted to highlight and accent the first floor to make it stand out. Opening up the sunshade canopy and enlarging the windows is part of that, as well. McCown asked if the dimensions of the windows would be changing also. Adamek said yes, only on the first floor.

Hove Graul stated that she does not feel that the black would actually accent it, but just by opening, the windows and changing the canopy would be enough of an accent on the first floor, and she further stated that she has concerns with changing something so integral with the aesthetics of the building by painting the terracotta black. Hove Graul stated that it is fabulous that they are paying attention and investing in this building, but has concerns with changing something so integral to the aesthetics of the building. Levy stated this was just for advisory and they do appreciate the comments of the commission members, and will definitely take the comments made into account.

McKee stated that there are several historic photographs of this building, and he further stated that he does not remember ever seeing black terracotta or dark terracotta. Adamek stated that he does not know if there was originally black either. McKee stated that the pictures go back to

roughly the World War I period, when the building was built.

Newport inquired if this item was just an advisory item for the committee. Stacey Hageman, Planning Department, said yes. Newport stated that they would just have to trust the members that have the vote. Levy stated that there would be minutes of this meeting for the Planning Commissioners to review, and he further stated that they would take what the commissioner have said into account. Hageman stated that this discussion would be taken into consideration when staff prepares the redevelopment agreement.

Newport inquired if the rest of the brick around the building would be left in its natural state once repaired. Adamek said yes.

Gengler inquired if the renderings illustrating the black terracotta is in just portions, or if it is across the entire storefront façade on both sides. Adamek stated that the renderings do reflect the black terracotta, on both the north and east facing first floor façade.

Have Graul stated that aesthetically it is almost two different buildings with the black, and there is nothing of the elements above that ties into the first 20-feet of elevation. She stated that historically she would like to see something brought down or reutilized from the pictures, because right now it looks like two different architectures. Hove Graul stated that she feels that it needs more historical elements from that time period, used in the bottom portion.

McCown stated the terracotta used with the raised rectangular profile, looks as if it stops at the brick and asked if it would go all the way down. Adamek stated that they would need to have a discussion with the restoration company to see if they could replicate the pattern and design. He shared that he assumes they will be able to replicate the pattern, because it would need done on the upper levels as well as, going all of the way down. McCown asked if the sunshade canopy would end at that point or if it would it extend, because at that juncture, it is going from a white to a painted black line, and he further asked what the transition would be. Adamek shared that the transition would be below the cornice and it would be black below that. McCown stated that the entire panel would be black. Adamek said yes. He shared they would be eliminating that sunshade canopy, which was not original to the building.

McKee inquired about interior lobby on the second floor and if anything would be done with that area. Adamek stated that they would keep the mezzanine, but eliminating the stairs that went to the suites.

Levy stated that the redeveloper recognizes that the ground floor lobby does have a public nature to it, and with the national register and a historic building like this, they are taking great care in doing the renovation of the ground floor in a historical manner.

McKee stated that the vaults under the sidewalk would be lost. Adamek said correct, and that the vaults need to be removed to do the streetscape, but the bank vault would be staying.

Newport asked if the glass would be clear. Adamek said yes the glass would be clear. McKee asked if that included the glass above the canopy. Adamek said yes. McCown stated the glass would be clear with no tinting. Adamek said yes.

Newport asked if it was their intention to not do signage on the canopy. Adamek stated that there have not been any discussions to have signage on the canopy. Levy stated that the need for signage would come from the first floor and would be limited to the restaurant.

McCown asked about the exposed look of the fire escapes on the side of the building. Newport inquired if they have been told to remove the fire escapes. Adamek stated that the plan is to enclose the stairs and they would use brick to try to match the existing façade and there have been discussions about using a nicer corrugated panel. Newport encouraged the developer to have a conversation with the Fire Department about keeping the stairs, which has been allowed with modifications and if the rules are followed. Levy stated as a cost measure they would follow up on this.

Action:

McKee moved approval of the concept, and encouraged the redeveloper, as mentioned in the above discussion, to look carefully at the white terracotta, seconded by Johnson and carried 5-0: Hove Graul, Johnson, McKee, Newport and McCown voting 'yes'; Gengler abstained.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

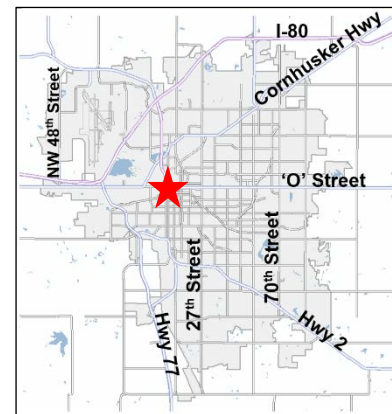
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Comprehensive Plan Conformance 20015	FINAL ACTION? No	DEVELOPER/OWNER Lincoln Electric System (LES)
PLANNING COMMISSION HEARING DATE October 28, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 1040 O Street (11 th & O)

RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

Review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, a proposed amendment to the Lincoln Center Redevelopment Plan that identifies the 1040 O Street Redevelopment Project. The Project includes the renovation and rehabilitation of the Lincoln Liberty Life Insurance Building with a mix of commercial and residential uses.



JUSTIFICATION FOR RECOMMENDATION

The Project is consistent with the Comprehensive Plan, Downtown Master Plan, and the Lincoln Center Redevelopment Plan. It will provide for adaptive reuse of an historic structure, utilize existing infrastructure, and meet the desire for a mix of uses in the downtown area.

APPLICATION/STAFF CONTACT

Hallie Salem
City of Lincoln Urban Development Dept
(402) 441-7866
hsalem@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

In addition to the specific elements listed above, this project contributes to the continued strengthening of the downtown core, which is a guiding principle reflected throughout the Comprehensive Plan, Downtown Master Plan, and Lincoln Center Redevelopment Plan.

COMPREHENSIVE PLAN SPECIFICATIONS:

- p. 1.2 The community continues its commitment to a strong Downtown. A strong, vital Downtown provides a common center for all of Lincoln and Lancaster County and will be a catalyst for future growth. LPlan 2040 acknowledges Downtown's unique role and will guide decisions that will maintain Downtown's vitality and enhance its contribution to the quality of life of all Lincoln and Lancaster County.
- p. 1.3 Downtown Lincoln continues to serve as the heart of our community and is an asset for all Nebraska residents.
- p. 1.3 Downtown Lincoln continues to serve its role as the central location for commerce, government, entertainment and the arts.
- p. 1.3 Downtown Lincoln is promoted as a vibrant mixed use neighborhood, offering choices for residential lifestyles and daily needs commerce in a walkable and bicycle-friendly environment.
- p. 1.9 The area is shown as Commercial on the Future Land Use map.
- p. 2.7 Lincoln will continue to have managed and contiguous growth, including strengthening our Downtown core.
- p. 2.8 Mixed use redevelopment, adaptive reuse, and well-designed and appropriately-placed infill development, including residential, commercial and retail uses, are encouraged.
- p. 4.6 The community's distinctive character and desirable quality of life for current residents and for future generations should be supported by exercising stewardship of historic resources throughout the county, while maximizing benefits of past investments in public infrastructure and private property. The Plan encourages the continued use and maintenance of historic resources, including properties not formally designated as landmarks.
- p. 5.4 Business & Economy Strategies for Downtown: The City should preserve and enhance Downtown's role as...A major focus for new residential reuse, infill, and redevelopment.
- p. 5.4 Business & Economy Strategies for Downtown: The City should preserve and enhance Downtown's role as the principal cultural, entertainment, and tourism center, and the center for hotels and conventions.
- p. 6.1 The primary focus for new dwelling units is the "Greater Downtown" which includes Downtown proper, Antelope Valley, the Haymarket, South Haymarket, Telegraph District and Innovation Campus.
- p. 6.2 Target existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and more efficiently utilize existing infrastructure.
- p. 6.3 Support development and implementation of the Downtown Master Plan, South Haymarket Neighborhood Plan and the Antelope Valley Redevelopment Plan.
- p. 6.3 Strategies for Greater Downtown...Maintain the urban environment, including a mix of land uses with a major focus on residential uses.
- p. 7.9 Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.

DOWNTOWN MASTER PLAN SPECIFICATIONS:

- p. 4.1.1 Residential is the strongest market opportunity in Downtown. Downtown housing enhances the region's competitive edge by helping to retain and recruit both young and highly skilled labor. In addition, more residents will make Downtown more vital and support other sectors, including retail and employment.

- p. 4.1.4 Examine existing incentives, such as the City's TIF Policy and Turnback Tax, and develop ways to support a variety of housing types and price points, (affordable, market rate, senior, for sale, high end/ luxury, townhomes, condos) particularly for middle class families.
- p. 4.1.4 Support creation of housing at higher densities in Downtown and include housing as a key component of mixed use developments.
- p. 4.4.6 The O Street improvements identified in this plan should strengthen and extend the retail, dining and entertainment segments.
- p. 4.4.7 Continue to focus retail efforts, including other active uses, on 14th Street, P Street, and the O Street Corridor.
- p. 4.4.7 Reuse or redevelop vacant or underutilized spaces as opportunities arise.
- p. 4.5.5 Respect historic properties and encourage reuse instead of demolition, wherever possible.
- p. 4.6.16 Catalyst Project: Enhance the Front Door to Downtown - includes a façade improvement program, streetscape enhancements, and general support of reuse and rehab of underutilized or vacant spaces.
- p. 4.6.17 Any future buildings along O Street should respect the existing character, and active uses should be encouraged on the ground floor of buildings to engage the public realm. Streetscape improvements should be made to O Street to create an even more vibrant and lively street. These improvements will attract more people Downtown and will provide a great environment for people already living and working in Downtown.
- p. 4.6.18 Identify buildings that have redevelopment opportunity and work with private developers to encourage redevelopment, particularly for residential uses.
- p. 5.1 Inventory existing buildings and opportunity sites for housing and engage local owners in redevelopment planning. Examples may include Class C office buildings and underutilized historic buildings such as the Gold's and Atrium Buildings.

LINCOLN CENTER REDEVELOPMENT PLAN SPECIFICATIONS:

- p. III-8 Intensify and strengthen Lincoln's central business district as a focal point for regional development;
- p. III-8 Provide for compact and interrelated development in order to increase the amount and variety of activity in the core while increasing pedestrian convenience and visual interest;
- p. III-8 Encourage rehabilitation/renovation of existing structures throughout the Community Redevelopment Area;
- p. III-9 Encourage the development of mixed use projects that attract and maintain commercial activity and residential developments in the Downtown and Haymarket areas;
- p. III-9 Encourage development that is consistent and complementary to existing land uses, architectural systems, and building materials found Downtown and in the Haymarket;
- p. III-9 Encourage expanded housing opportunities and types to foster 24-hour activity and a lively street;
- p. III-9 Encourage the development of a vibrant retail presence.

ANALYSIS

1. This is an amendment to the Lincoln Center Redevelopment Plan that identifies the 1040 O Street Redevelopment Project. The Project includes redevelopment and rehabilitation of the Lincoln Liberty Life Insurance Building (currently owned by LES). The property was declared as surplus in 2018 with application CPC18013. LES plans to vacate the building in 2021.
2. The completed Project will include:
 - a. Approximately 7,100 square feet of commercial or commercial/residential uses on the building's first floor.
 - b. Approximately 30,500 square feet of residential condominiums and residential commons area on the upper five floors. An estimated 21 to 23 one-and two-bedroom residential condominiums will be constructed.The redeveloper also desires to lease up to 52 parking stalls from nearby private or public parking facilities.
3. The overall goals of the Project are to strengthen the long-term viability of Downtown Lincoln, support the 24/7 vibrancy of Downtown, preserve historic buildings in the district, create additional housing opportunities, and improve the pedestrian environment. The Project will accomplish these goals by redeveloping an existing historically-significant building into a mixed-use residential and commercial building. The project proposes to restore or enhance many of the favorable historic façade features of the building. The Project will further improve O Street through the enhancement of streetscape features and strengthen O Street as one of the Principal Entryway Corridors into Downtown.
4. The Project is consistent with goals in the Comprehensive Plan. One of the overarching goals of the Comprehensive Plan is to promote downtown Lincoln as a vibrant mixed-use neighborhood. The Comprehensive Plan's chapter on Mixed-Use Redevelopment lays out the guiding principles for mixed-use redevelopment, including targeting underdeveloped commercial areas, enhancing adjacent entryway corridors, and improving connectivity. The Plan encourages mixed-use redevelopment and adaptive reuse.

The Comprehensive Plan also supports the preservation, protection, and promotion of the character and unique features of urban neighborhoods, including the preservation of historical and architectural elements.

5. The Project is consistent with the 2018 Lincoln Downtown Master Plan. The Plan encourages the reuse or redevelopment of vacant or underutilized spaces as opportunities arise. The Downtown Master Plan includes the rehabilitation and upgrades of "underutilized historic buildings" as a short-term goal. The Plan supports adaptive reuse of buildings as a more sustainable approach than new construction, and as a way to restore historic buildings, sustain their useful life, and support the significance of the past. The Plan also supports the creation of housing at higher densities at diverse price points and encourages increasing Downtown residential density to drive improvements to retail, restaurants, and to create a more vibrant Downtown.
6. The Downtown Master Plan identifies O Street corridor improvements as a catalyst project. Specific items within the overall catalyst project include façade improvements for adjacent buildings, streetscape enhancements, and general support of reuse and rehab of underutilized or vacant spaces. This site is identified as a redevelopment opportunity.
7. The Project is also consistent with the Lincoln Center Redevelopment Plan. The primary goal of the Redevelopment Plan is to enhance Downtown Lincoln as the dominant mixed-use/multi-use center of activity within the region. The Project meets the redevelopment standards set forth in the Lincoln Center Redevelopment Plan, including but not limited to: intensifying and strengthening Lincoln's central business district as a focal point for regional development; encouraging the development of mixed-use projects that attract and maintain commercial and residential activity; expand housing opportunities to foster 24-hour activity; and, encouraging rehabilitation/renovation of existing structures and the preservation of the architectural integrity and historic character of the area.

8. The building originated in 1907-8 as the "Little Building," a five-story commercial building designed by Fiske & Dieman. A 1936 remodel included the addition of decorative limestone at the first-floor level and a windowless sixth floor, replacing the cornice. The lime-stone clad building is one of Lincoln's best Art Deco-style buildings. The building underwent a historic rehabilitation in 1987, after which it was designated as a National Register of Historic Places property in 1988.
9. The project was reviewed by the Historic Preservation Commission on October 15th. Summary notes are attached.
10. The public investment is expected to be approximately \$0.9 to \$1 million. The source of the public funds will be the tax increment generated from the private developments on the Project Site. The public investment will leverage a private investment of approximately \$6.1 million (the project cost will be finalized as construction costs are determined). Publicly funded redevelopment activities may include the following: site acquisition, façade/historic building enhancements, energy efficiency enhancements, streetscape improvements, and other public improvements, enhancements, and expenses as permitted under Neb. Rev. Stat § 18-2117.03, and the Community Development Law in the Lincoln Center Redevelopment Area.

EXISTING ZONING: B-4 Lincoln Center Business District

EXISTING LAND USES: Commercial/office

SURROUNDING LAND USE AND ZONING:

North: Residential, YMCA	B-4 Lincoln Center Business District
South: O Street, Commercial	B-4
East: 11 th Street, Commercial	B-4
West: Commercial	B-4

APPROXIMATE LAND AREA: 2.8 acres

Prepared by

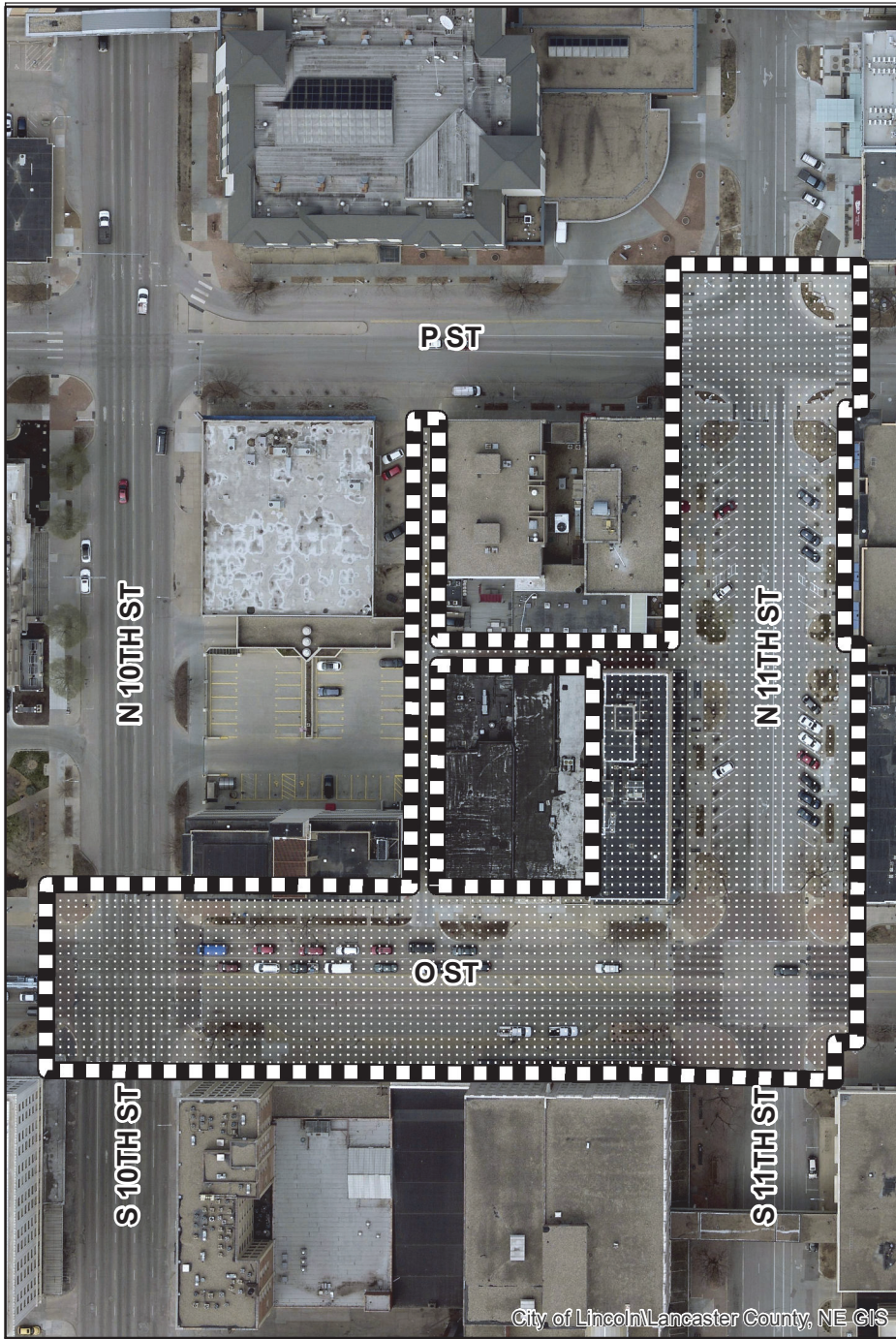
Andrew Thierolf, AICP
 Planner
 (402) 441-6371 or athierolf@lincoln.ne.gov

October 19, 2020

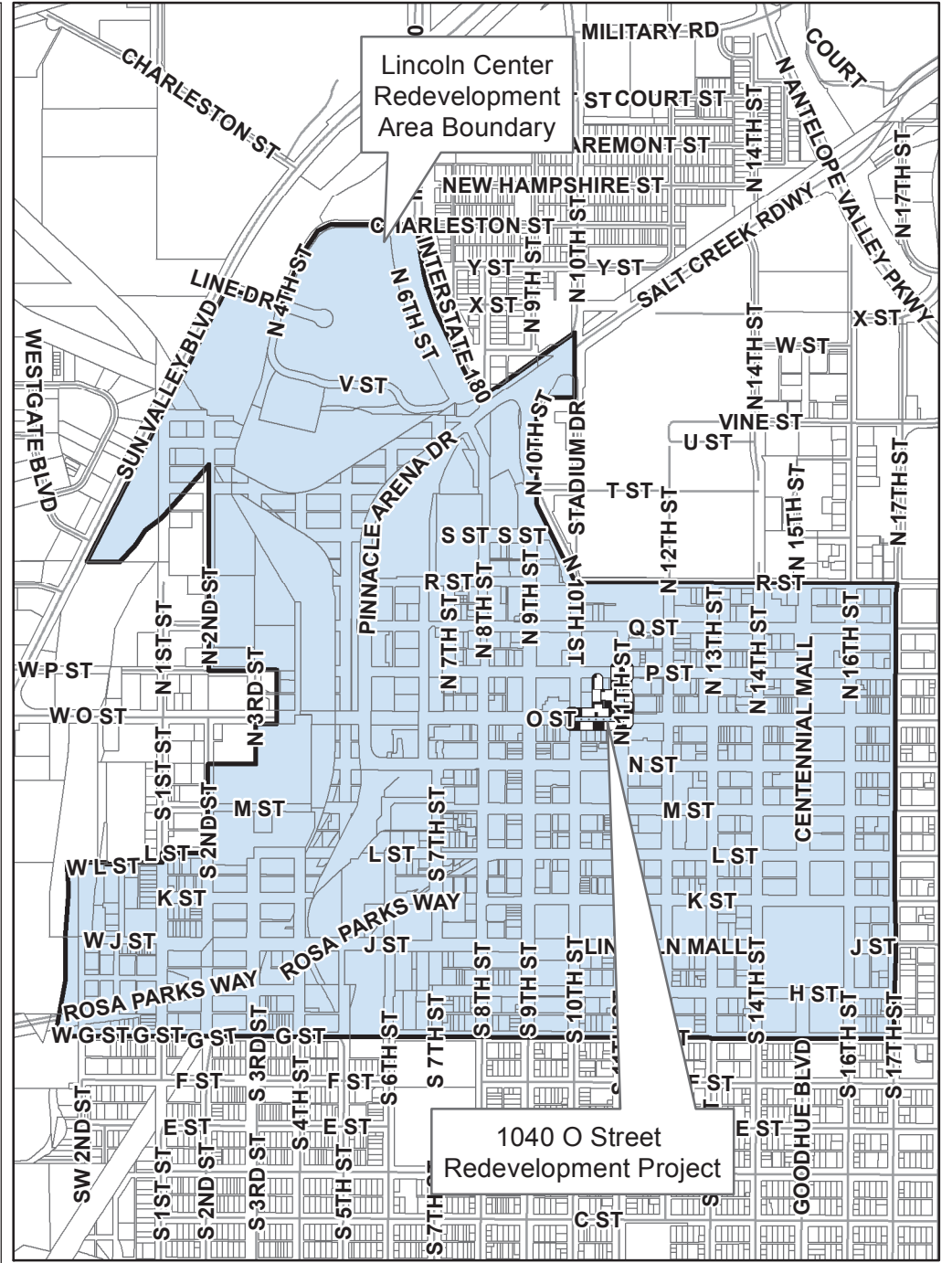
Applicant: Urban Development Department
 City of Lincoln
 555 S. 10th Street, Suite 205
 Lincoln, NE 68508

Contact: Hallie Salem
 (402) 441-7866 or hsalem@lincoln.ne.gov

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City of Lincoln/Lancaster County, NE GIS



Comprehensive Plan Conformance #20015

2020 aerial

Amendment to Lincoln Center Redevelopment Area 1040 O Street Redevelopment Project

1040 O STREET REDEVELOPMENT PROJECT AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN

Project Description

The 1040 O Street Redevelopment Project (the “Project”) includes the redevelopment of the Lincoln Liberty Life Insurance Building generally located at 1040 O Street, and more particularly described as Lincoln Original, Block 42, Lots 20 and 21, City of Lincoln, Lancaster County, Nebraska (the “Project Site”). The Project Area will include the project site and adjacent rights of way. The Project Area is depicted on the Project Area Exhibit below.



1040 O Street Redevelopment Project: Project Area

 1040 O Street Redevelopment Project

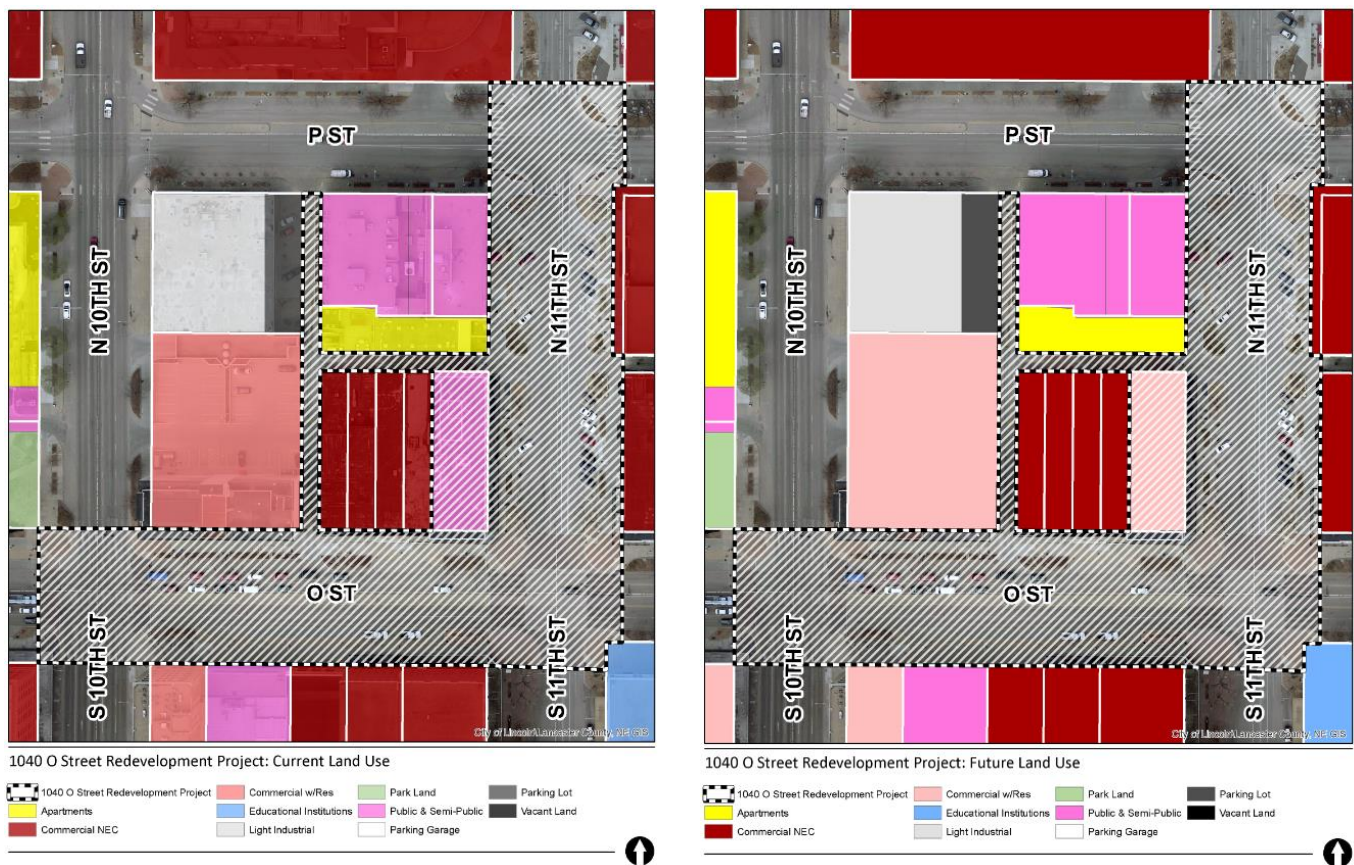


The Project involves the redevelopment and rehabilitation of the existing six-story 1040 O Street Building. The building originated in 1907-8 as the “Little Building,” a five-story commercial building designed by Fiske & Dieman. A 1936 remodel included the addition of decorative limestone at the first floor level and a windowless sixth floor, replacing the cornice. The limestone clad building is one of Lincoln’s best Art Deco-style buildings. The building underwent a historic rehabilitation in 1987, after which it was designated as a National Register of Historic Places property in 1988.

Upon completion of improvements, the building is expected to include approximately 7,100 square feet of commercial or commercial and residential uses on the first floor, and approximately 30,500 square feet of residential condominiums and residential commons area on the upper five floors. An estimated 21 to 23 one- and two-bedroom residential condominiums will be constructed.

The overall goals of this project are to strengthen the long-term viability of Downtown Lincoln, support the 24/7 vibrancy of Downtown, preserve historic buildings in the district, create additional housing opportunities, and improve the pedestrian environment. The Project will accomplish these goals by redeveloping an existing historically-significant building into a mixed-use residential and commercial building. The project proposes to restore or enhance many of the favorable historic façade features of the building. The Project will further improve O Street through the enhancement of streetscape features and strengthen O Street as one of the Principal Entryway Corridors into Downtown.

The mix of proposed uses would fit well with surrounding land uses, which are largely a mix of commercial, residential, and public uses. See the Current Land Use map and Future Land Use map below.



The Project Site is located in the “B-4” Lincoln Center Business zoning district. The B-4 District provides for the proposed uses, and is designed to encourage Downtown to remain the dominant multi-use center and key focal point of business, social, and cultural activity in the City of Lincoln. Existing zoning is shown below. Land zoned “P” or Public is adjacent to the project area.

The Project is consistent with *LPlan 2040*, the *Lincoln-Lancaster County 2040 Comprehensive Plan*. One of the overarching goals of *LPlan 2040* is to promote downtown Lincoln as a vibrant mixed-

use neighborhood. The *Comprehensive Plan's* chapter on Mixed-Use Redevelopment lays out the guiding principles for mixed-use redevelopment, including targeting underdeveloped commercial areas, enhancing adjacent entryway corridors, and improving connectivity. The *Plan* encourages mixed-use redevelopment and adaptive reuse. The *Comprehensive Plan* supports the preservation, protection, and promotion of the character and unique features of urban neighborhoods, including the preservation of historical and architectural elements.

The Project is also consistent with the *Lincoln Center Redevelopment Plan*. The primary goal of the *Redevelopment Plan* is to enhance Downtown Lincoln as the dominant mixed-use/multi-use center of activity within the region. The Project meets the redevelopment standards set forth in the *Lincoln Center Redevelopment Plan*, including but not limited to:

intensifying and strengthening Lincoln's central business district as a focal point for regional development; encouraging the development of mixed-use projects that attract and maintain commercial and residential activity; expand housing opportunities to foster 24-hour activity; and, encouraging rehabilitation/renovation of existing structures and the preservation of the architectural integrity and historic character of the area.

The Project is consistent with the *2018 Lincoln Downtown Master Plan*. The *Plan* encourages the reuse or redevelopment of vacant or underutilized spaces as opportunities arise. The *Downtown Master Plan* includes the rehabilitation and upgrades of “underutilized historic buildings” as a short-term goal. The *Plan* supports adaptive reuse of buildings as a more sustainable approach than new construction, and as a way to restore historic buildings, sustain their useful life, and support the significance of the past. The *Plan* also supports the creation of housing at higher densities at diverse price points and encourages increasing Downtown residential density to drive improvements to retail, restaurants, and to create a more vibrant Downtown.

The Project represents a significant private investment in the Lincoln Center Redevelopment Area. Publicly funded redevelopment activities may include the following: site acquisition, façade/historic building enhancements, energy efficiency enhancements, streetscape improvements, and other public improvements, enhancements, and expenses as permitted under Neb. Rev. Stat § 18-2117.03, and the Community Development Law in the Lincoln Center Redevelopment Area.

Statutory Elements

Property Acquisition, Demolition, and Disposal: The City does not intend to acquire property, nor would the City use eminent domain if the City did acquire property for this project. The



1040 O Street Redevelopment Project: Zoning

1040 O Street Redevelopment Project Zoning



proposed redeveloper currently controls the Project Site through a contract with the owner. The building will be vacated by the current owner in 2021; therefore, there are no tenants on site needing relocation. Should relocation assistance be required, all relocation requirements will be followed, as outlined in the Lincoln Center Redevelopment Plan.

Population Density: The Project consists of the construction of up to 23 residential units, and up to 34 bedrooms. As a result, the Project is anticipated to increase population density in the Lincoln Center Redevelopment Area, consistent with objectives of the Lincoln Downtown Master Plan.

Land Coverage: The Project is not expected to change land coverage on the Project Site, as it will make use of the existing building. The Project will comply with the applicable land-coverage ratios and zoning requirements of the City of Lincoln.

Traffic Flow, Street Layouts, and Street Grades: The Project is likely to decrease traffic flow resulting from a change in use from commercial office to mostly residential. The developer may seek to make changes to the rights of way to accommodate access to the site. The Project does not include vacating any streets or alleys. The project can accommodate any future changes from one-way to two-way traffic.

Parking: The redeveloper desires to lease up to 52 parking stalls from nearby private or public parking facilities. The existing configuration of on-street parking around the site will support future uses.

Zoning, Building Code, and Ordinances: The Project is a permitted use in the B-4 District. No other subdivision or rezoning of the Project Site is expected to be required as part of the Project. The Development Services Center will work with the development to ensure that applicable building code requirements and ordinances will be satisfied.

Proposed Cost and Financing

The estimated total cost to implement the Project is approximately \$7,100,000, which includes approximately \$900,000 to \$1 million in public financing. The project cost will be finalized as construction costs are determined. The source of the public funds for these improvements will be the tax increment generated from the private developments on the Project Site.

Cost Benefit Analysis

As required by Nebraska Community Development Law (Neb.Rev.Stat. §18 2113), the City has analyzed the costs and benefits of the proposed Project including:

Tax Revenues

At current estimates of a final assessed value of approximately \$8.2 million, the project is expected to generate an estimated \$900,000 to \$1 million in TIF revenue for the construction of public improvements and enhancements related to the project.

Upon completion of the Project, the assessed value of the Project Site will increase by an estimated \$6 million as a result of the private investment for the Project. This will result in an increase in estimated annual property tax collections during the 15 year TIF period of approximately \$100,000 which will be available to finance the costs of construction of the public improvements related to the Project. The public investment will leverage approximately \$7.1 million in private sector financing. The TIF funds shall be subject to further adjustment as project costs are defined.

The City will forgo approximately 15.78 percent of these annual collections or approximately \$15,780 per year up to 15 years to support the project. The tax increment gained from this redevelopment project area would not be available for use as City general tax revenues over that time, but be used toward bond repayment. After the 15 year period or the debt has been retired, the increase in annual taxes paid will be split among the taxing jurisdictions according to the tax levy.

Public Infrastructure and Community Public Service Needs Impacts

The Project will have a positive impact on existing public infrastructure. TIF increment will be used to make improvements to rights-of-way, including street and streetscape improvements, among other potential public infrastructure improvements in the Lincoln Center Redevelopment Area. It is not anticipated that the Project will have an adverse impact on City services, but instead will generate additional revenue providing support for those services.

Employment within the Project Area

Following the relocation of the current owner, it is anticipated that the Project will generate additional employment within the Project Area boundaries, with employment on the first floor commercial level and management and maintenance of the housing unit common areas. Current estimates for new employment in the Project Area is up to 21 FTEs. Further, the Project will create expanded housing opportunities for employees working within or around Greater Downtown.

Employment in the City outside the Project Area

Approximately 143,596 persons were employed in 8,659 total establishments in Lancaster County in 2018, according to the Census, County Business Patterns, North American Industry Classification System. The 2018 median household income for the City of Lincoln was \$55,224, according to the 2014 – 2018 American Community Survey 5-Year estimates.

While the impact of this Project on city-wide employment would be minimal, housing would support commercial employment, as well as the provision of employment-supportive services in the Downtown and City-wide.

The Project is not expected to adversely affect employment in the City outside the Lincoln Center Redevelopment Area. Instead, the reuse and preservation of the building within the Project Site and the Lincoln Center Redevelopment Area is anticipated to enhance the aesthetics of Downtown Lincoln. As a result, it is anticipated that the Project will support current retail and services in the area, which will support jobs in the Lincoln Center Redevelopment Area and the City of Lincoln as a whole.

Other Impacts

While the use of tax increment financing will defer the majority of the incremental ad valorem real property taxes generated by the Project for up to 15 years, there will be additional revenue generated by the Project from, for example, sales taxes generated by the commercial and residential tenants of the Project, as well as income taxes paid by those working in the project area. Upon completion of the 15-year TIF period, the Project will benefit the community through higher property tax revenue.

Finding of Need for TIF

Section 18-2116 of the Community Development Law requires the City Council to make the following findings before authorizing the use of Community Development Financing:

- the redevelopment project and plan as proposed would not be economically feasible without the use of Tax Increment Financing; and,
- the redevelopment project as proposed would not occur in the Community Development area without the use of Tax Increment Financing.

The Urban Development Department believes that the private and public improvements proposed in this plan amendment would not occur “but for” the utilization of tax increment financing in the Lincoln Center Redevelopment Area. It would not be economically feasible for the redeveloper to construct the Project improvements without tax increment financing because the existing site conditions constitute a barrier to development that cannot be adequately remedied without the use of tax increment financing.

Project Schedule and Implementation

Following the approval of the Plan Amendment, the following steps will occur in the implementation of the project:

- The City will negotiate a redevelopment agreement with the developers and submit to City Council for approval.
- Following agreement approval, the City may issue and sell Community Improvement Financing bonds or notes to fund the public improvements related to the project.
- Construction drawings of public and private improvements will be reviewed.
- TIF-funded public improvements will be competitively bid, as needed and required by the Purchasing Department.
- The private and public improvements and enhancements will be constructed.
- Reimbursement for eligible public improvements and enhancements will occur when invoices have been approved and increment is received.

September 30, 2020

Andrew Thierolf, AICP
Lincoln Lancaster County Planning Department
City / County Building
555 S 10th Street
Lincoln, NE 68508

Dear Andrew:

Please find the 1040 O Street Redevelopment Project amendment application and text attached, which proposes to amend the Lincoln Center Redevelopment Plan to create a new project area.

Once submitted through Project Dox, please forward the proposed amendment to the Planning Commission for their consideration of its consistency with the Comprehensive Plan at the October 28, 2020 public hearing. We request that the amendment also be scheduled at City Council for introduction on November 16, 2020 and public hearing on November 23, 2020.

If you have any questions about the plan amendment or schedule, please contact me at 402.441.7866 or hsalem@lincoln.ne.gov.

Best Regards,



Hallie Salem
Downtown Redevelopment Manager

**Excerpt from
MEETING RECORD**

Advanced public notice of the Historic Preservation Commission meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Wednesday, October 7, 2020.

NAME OF GROUP: HISTORIC PRESERVATION COMMISSION

DATE, TIME AND PLACE OF MEETING: Thursday, October 15, 2020, 1:30 p.m., Council Chambers, 1st Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska.

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

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

STATED PURPOSE OF MEETING: Historic Preservation Commission Meeting

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

McCown requested a motion approving the minutes for the meeting of September 17, 2020. Motion for approval made by Johnson seconded by Newport and carried 5-0: Hove Graul Johnson, McKee, Newport and McCown voting 'yes'; Gengler absent.

The opportunity was given for persons with limited time or with an item not appearing on the agenda to address the Commission. No one appeared.

ADVISORY REVIEW OF WORK AT 1040 O STREET AT THE LINCOLN LIBERTY LIFE BUILDING, A PROPERTY LISTED IN THE NATIONAL REGISTER OF HISTORIC PLACES
PUBLIC HEARING: **OCTOBER 15, 2020**

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

Hageman stated item comes before the Commissioners as an advisory review item because it is a Tax Increment Financing (TIF) project. She shared that Hallie Salem from Urban Development will be introducing this item.

Hallie Salem, Urban Development (testified via Zoom teleconference), stating that this is a redevelopment project which they are very excited about. She shared that Craig Gies came to Urban Development with this project for the Lincoln Liberty Life Building. The project shows the building will have residential and commercial uses and there will be a redevelopment agreement moving forward. Salem stated that the plan amendment will go before the Planning Commission this month, and City Council next month.

Craig Gies came forward and stated that currently the Lincoln Liberty Life Building is being used by LES, as office space, and BIC development is purchasing the building and taking over ownership in April 2021. They are proposing a new use with commercial and residential condominiums. The exterior of this building is not as involved as some of their prior projects have been, and the exterior will stay as it is to keep with the character of the building. The improvements to the exterior include the restoration of the existing façade, including minor tuckpointing, cleaning the limestone and the windows on the upper floors are to be replaced. The window replacement will remain the same basic size, style and location on the south and east elevations. The existing canopy will be repaired and repainted where needed. There is a recessed area on the west and north elevation where exterior decks are being considered. There is a possibility of adding skylights on a raised area of the roof to bring in natural light to the top floor. The skylight additions are not expected to be visible from the street. The LES sign will be coming down. He shared the building project will be called “Ten40 O”. Gies stated the upper floors will be residential condos and some form of commercial would be on the main level. They will be no docks or sidewalk renovations. The historic entrance on the east side seems to be the most historic portion of the building, which is still intact. When the lobby in the southeast corner is opened-up they will be able to see if some of the historic components are still there. They hope to keep the character of the outside of the building and renovate the inside of the building to house new residents to the downtown area.

McCown stated that compared to the last project, this project seems easier. Gies said that LES has taken good care of the building and it will be easier.

McKee inquired what was on the upper floor on the end with no windows and what the plans are for the area. Gies stated the original building was only five floors and they did add a sixth floor, which is currently being used as a board room and conference rooms. He shared that it may become a community space for the condo owners to use or it might become a larger condo, because of this the floor is more unique than the others. McKee stated that it will be more of a challenge, because residential units would need lighting and that would be difficult without changing the character of the building. Gies explained if they were to bring in natural lighting it to that floor it would be in the form of skylights and they have also thought this area could be a work-from-home area, for the condo owners.

McCown asked if the limestone deco cap extends just beyond the south and east ends or does it go all the way around the building. Gies stated that he thinks that it is just on the two elevations. McCown asked what was on the backside of the building. Gies explained that it was just a brick façade and because of the code and its proximity to building to the west, windows

could not be added on that side.

Newport inquired if the intention was to condoize the building. Gies said yes. McCown asked if there would be mixed uses with commercial on the first floor. Gies shared that currently it is all LES and they are using the main floor as retail for their operation. He shared they have had some conversations about having one or two units on the first floor, but for now it will be for some form of commercial business. At this point, the market is dictating what type of commercial might be there and with the changing times restaurants are having a harder time.

Gies stated the east side of the building was filled in with brick by LES, and they are looking at opening it up again because that the current brick does not match well. McKee said that he would agree, and it should be reexamined as glass rather than infill, just for the character of the building.

McCown wondered what the condition of the brick was in the corner under the LES sign. McKee stated that it was probably just fine. Gies stated hopefully it was fine.

McKee stated good job. Newport said well done.

Action:

None taken.

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LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

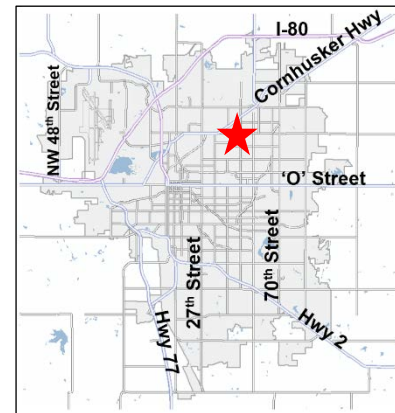
APPLICATION NUMBER Change of Zone #08057B	FINAL ACTION? No	DEVELOPER/OWNER Azzam Khalaf
PLANNING COMMISSION HEARING DATE October 28, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 2928 N. 48 th Street

RECOMMENDATION: APPROVAL WITH CONDITIONS

BRIEF SUMMARY OF REQUEST

This is a request to amend the University Place Planned Unit Development (PUD) to allow for an existing motorized vehicle sales use at 2928 N. 48th Street. The property also contains an existing house.

The amendment would allow the motorized vehicle sales use to continue operating, when it would not otherwise be permitted under the PUD or zoning ordinance. Several conditions are proposed to improve the appearance of the property and bring it into compliance with other zoning regulations. Any redevelopment of the site would result in discontinuation of the vehicle sales.



JUSTIFICATION FOR RECOMMENDATION

Vehicle sales have been operating on the site for upwards of 20 years. The proposal would allow the longstanding use to continue with several conditions in place to improve the property and create a workable site layout. The conditions will result in an overall benefit to the public and surrounding land uses. The Comprehensive Plan and the University Place PUD generally support a mix of land uses like those that exist on the site today.

APPLICATION CONTACT

DaNay Kalkowski, (402) 435-6000 or danay@sk-law.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan supports a mix of uses and infill commercial development that is compatible with existing neighborhoods.

WAIVERS

1. Waiver to Section 27.62.100.c.1 that no facility for motorized vehicle sales/service/repair shall be permitted to locate within 100 feet of any residential use or district in the B-3 zoning district. (Recommend Approval)
2. Waiver to Section 27.72.030.a to allow motorized vehicle sales in the 30-foot rear yard setback as shown on the site plan. (Recommend Approval)
3. Waiver of the Parking Lot Design Standards to the satisfaction of the Planning Director. (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. 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.
- Provide flexibility to the marketplace in siting future commercial and industrial locations.
- Strive for predictability for neighborhoods and developers.
- Encourage and provide incentives for mixed uses in future developments.

P. 5.14-5.16 - Strategies for Commercial Infill

- Discourage auto-oriented strip commercial development and seek opportunities for residential mixed use redevelopment and/ or transit oriented development of existing commercial strips.
- Develop infill commercial areas to be compatible with the character of the area.
- Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.
- Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses, and take steps to ensure expansions are in scale with the adjacent neighborhood, are properly screened, fulfill a demonstrated need and are beneficial to health and safety.
- Ensure the priority in older areas is on retaining areas for residential development. Prior to approving the removal of housing in order to provide for additional parking to support existing centers, alternatives such as reduced parking requirements, shared parking, additional on-street parking, or the removal of other commercial structures should be explored.
- Encourage efforts to find new uses for abandoned, under-utilized or "brownfield" sites that are contaminated, through redevelopment and environmental mitigation.
- Maintain and encourage ethnically diverse commercial establishments that are convenient to existing neighborhoods.

ANALYSIS

1. This is a request to amend the University Place Planned Unit Development (PUD) to allow for the continuation of an existing motorized vehicle sales use at 2928 N. 48th Street. The property also contains an existing house that is currently approved as a rooming house with six dwelling units.
2. The property owner leased the property for his vehicle sales business beginning in approximately 2014 and purchased it in 2018. It appears the property had been used for vehicle sales for many years before he began leasing it, starting around 1995. Upon submitting plans to the Building & Safety Department to pave a parking area, it was discovered that the use is illegal because it does not comply with the condition in the B-3 zoning district that motorized vehicle sales must be at least 100 feet from residential uses and districts. There are residential uses to the east across the alley.
3. The property will be required to follow the attached site plan showing the proposed parking layout and landscaping. Three stalls are required for the vehicle sales use, and one stall is required for the dwelling. The other stalls may be occupied by vehicles for display. The parking stalls south of the office building will be designated for the required stalls. The parking aisle width for the required stalls will meet parking lot design standards. A narrower drive aisle width is shown for those stalls that will serve as display parking; however, display parking is not required to meet parking lot design standards.
4. A waiver is proposed to allow motorized vehicle sales and office uses in the 30 foot rear yard setback as shown on the site plan. This would be an allowance for the existing building in the rear of the property that is used for the sales office.

5. The amendment would allow motorized vehicle sales to continue under several conditions that will improve the appearance of the property and bring it into compliance with other zoning regulations:
 - a. Establish a landscaped front yard along N. 48th Street, south of the existing house. Landscape screening that meets the parking lot screening standards will be required along the stalls behind the front yard.
 - b. A revised parking layout that meets minimum parking and design standards with parking barriers to prevent vehicles from encroaching into the front yard. A general waiver is included allowing modification of the Parking Lot Design Standards to the satisfaction of the Planning Director, which will allow reasonable modifications to be made to accommodate the final parking design.
 - c. Removal of the existing driveway leading to the garage on N. 48th Street. Access will be taken from the alley or across the property to the south assuming that permission for that access has been granted.
 - d. A 6-foot high opaque fence will be installed on the alley along the southern 20-22 feet of the east property line to screen the residential uses.
 - e. Reduce the permitted dwelling units in the house from six to one. The house is a former rooming house that was originally approved for six dwelling units. The owner proposes to change the use to a single family dwelling.
6. The owner has made several improvements to the house, largely on the interior including new floors, appliances, and fixing the mechanical systems and intends to install new siding on the exterior.
7. Any redevelopment of the site would result in discontinuation of the vehicle sales use. Any new uses, buildings or development would be required to comply with the zoning regulations except as otherwise modified by the PUD.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Motorized vehicle sales and rooming house; B-3

SURROUNDING LAND USE & ZONING

North: Commercial; B-3
 South: Commercial; B-3
 East: Single and two-family residential dwellings; R-6
 West: Huntington Elementary School; P

APPLICATION HISTORY

- | | |
|-----------|--|
| Jan. 2009 | The University Place PUD was approved under Change of Zone #08057 adjusting allowed land uses, parking regulations, and sign regulations. |
| Jun. 2011 | Change of Zone #08057A was approved by the City Council to allow the sale of alcohol for consumption on the premises as a conditional use, with a waiver to required parking for such use added in conjunction with an existing use. |
| Mar. 2014 | Administrative Amendment #14007 to Change of Zone #08057A was approved by the Planning Director to not provide additional parking stalls associated with expansion of the MoJava restaurant. |

APPROXIMATE LAND AREA (AREA OF AMENDMENT): 0.23 acres

LEGAL DESCRIPTION (AREA OF AMENDMENT): The north 25 feet of Lot 11 except the west 7.5 feet and Lot 12 except the west 7.5 feet, Block 40, University Place, Lincoln, Lancaster County Nebraska.

Prepared by

Rachel Jones, Planner

Date: October 19, 2020

Contact: DaNay Kalkowski
Seacrest & Kalkowski, PC, LLO
1128 Lincoln Mall, Suite 105
Lincoln, NE 68508
(402) 435-6000 or danay@sk-law.com

Owner/Applicant: Azzam Khalaf
2240 N. 82nd Street
Lincoln, NE 68504
(402) 570-5526

F:\DevReview\CZ\08000\CZ08057B University Place.rkj.docx

CONDITIONS OF APPROVAL - CHANGE OF ZONE #08057B

This approval permits motorized vehicle sales on the property at 2928 N. 48th Street with conditions, with a waiver to Section 27.62.100.c.1 to allow a motorized vehicle sales/service/repair facility to locate within 100 feet of a residential use or district in the B-3 zoning district, a waiver to Section 27.72.030.a to allow motorized vehicle sales and office uses in the 30 foot rear yard setback as shown on the site plan, and waiver of the Parking Lot Design Standards to the satisfaction of the Planning Director.

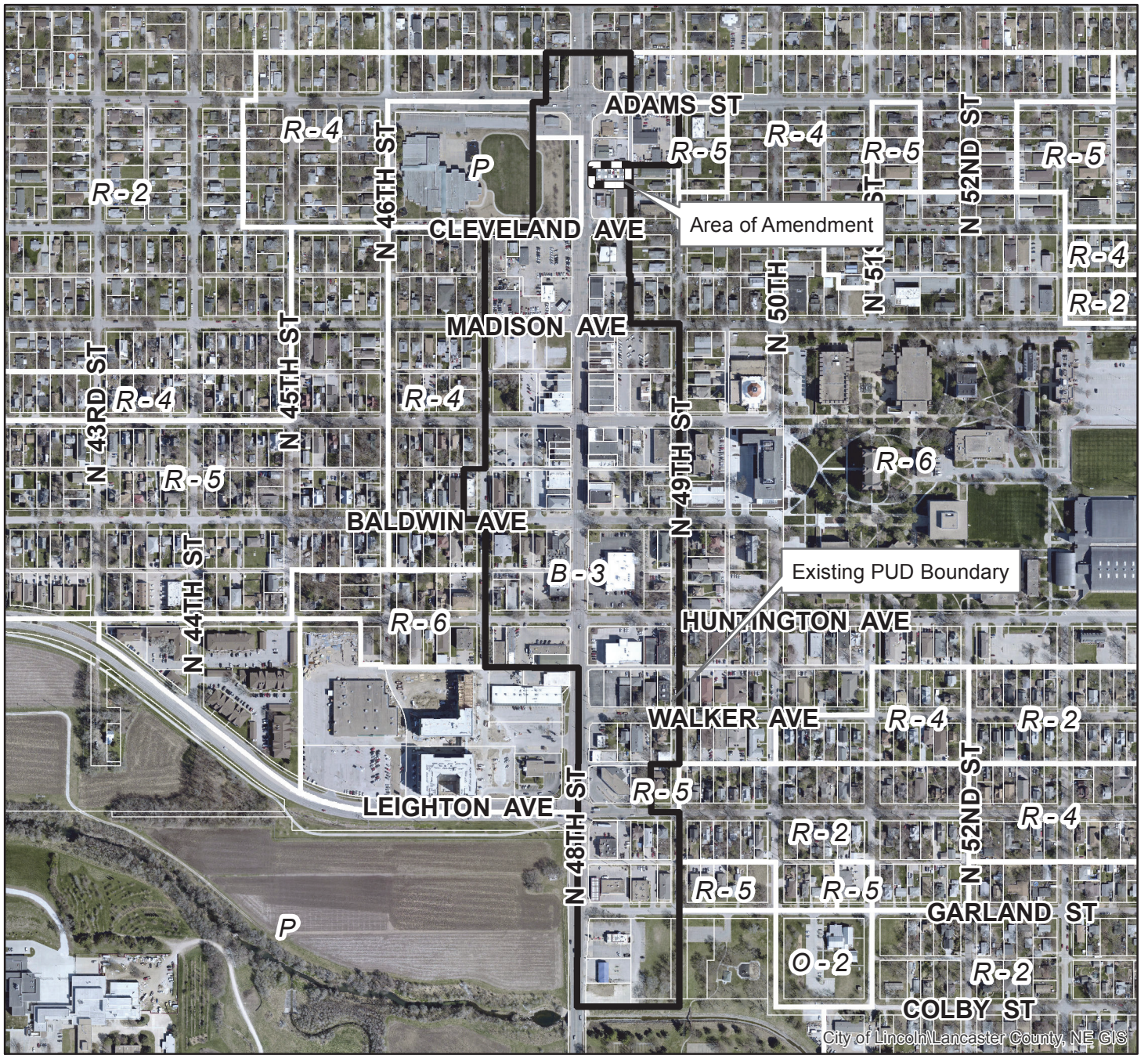
Site Specific Conditions:

1. Before receiving building permits the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council.
 - 1.1 Incorporate the Second Addendum and Conditions of Approval into a revised version of the Development Plan that references the attached site plan. Specify that any demolition and new buildings involving the motor vehicles sales use on the property at 2928 N. 48th Street shall be in full conformance with Title 27 except as otherwise modified by this Planned Unit Development; notwithstanding the above, if existing buildings involving the motor vehicle sales use are damaged by fire, explosion, act of God, or the public enemy, they may be restored according to the approved site plan.
 - 1.2 Revise the condition regarding landscaping south of the house to state that it will meet the standards for parking lot screening.
 - 1.3 On the site plan, label the four required parking stalls south of the office for office and resident parking.
 - 1.4 Add the following notes to the site plan:
 - 1.4.1 "Signs need not be shown on this site plan, but need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation".
 - 1.4.2 "Existing building locations are approximate and are not meant to establish new setbacks. The Planning Director may modify zoning requirements to permit the use as generally shown on the site plan."
2. Before receiving building permits, the developer shall provide the following documents to the Planning Department:
 - 2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the planned unit development has been recorded.

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 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 3.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.

- 3.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.
- 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
- 3.6 The site plan as approved with this ordinance voids and supersedes all previously approved site plans, however all ordinances approving previous permits remain in full force and effect unless specifically amended by this ordinance.

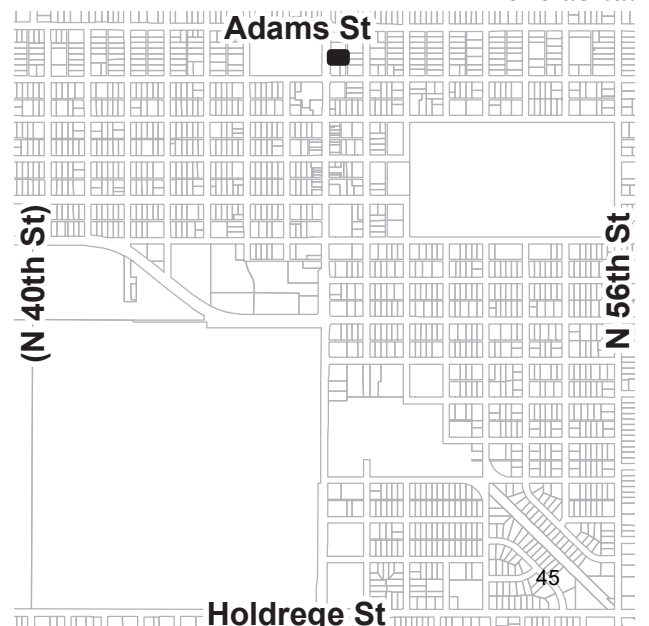
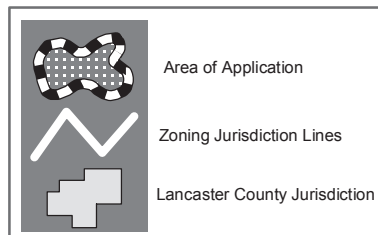


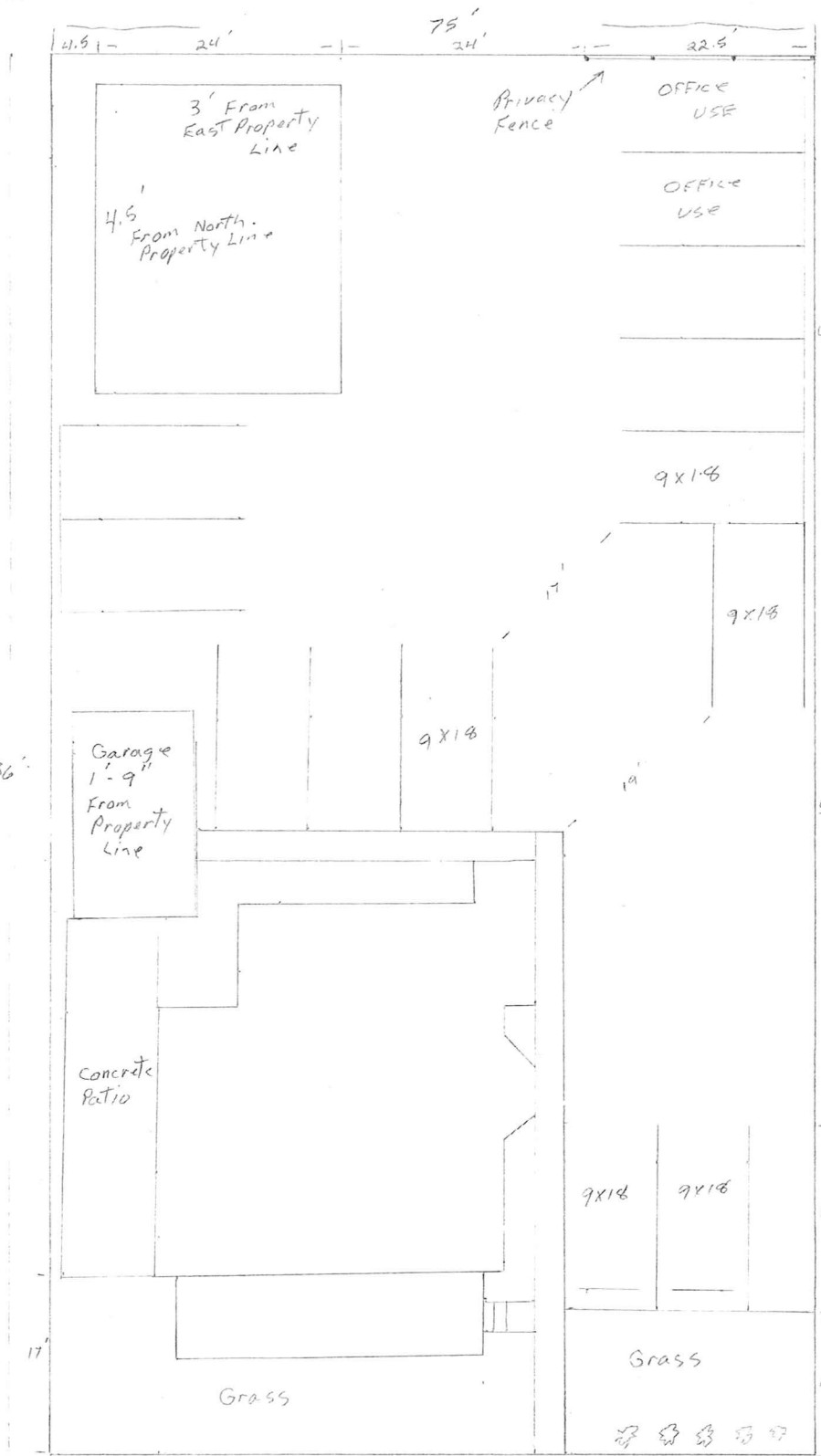
Change of Zone #: CZ08057B
University Place PUD
N 48th St & Adams St

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.17 T10N R07E





Proposed
Parking Lot
2928 N 48th

ALL STALLS are
9x18
Set back 1' from
Property Lines

A+H Auto

Concrete
Curb Steps on
South side of House

Access To be relinquished
Curb To be Filled in

Sidewalk



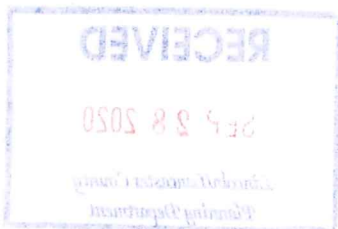
SECOND ADDENDUM
TO THE DEVELOPMENT PLAN
FOR THE
UNIVERSITY PLACE PLANNED UNIT DEVELOPMENT
CZ#08057A

1. An adjustment to L.M.C. §27.62.100 for 2928 N. 48th Street removing the condition that no motorized vehicle sales and/or repair facilities shall be located within 100 feet of any residential use or district.



CONDITIONS FOR APPROVAL
OF THE
SECOND ADDENDUM
TO THE DEVELOPMENT PLAN
FOR THE
UNIVERSITY PLACE PLANNED UNIT DEVELOPMENT
CZ#08057A

1. Improve the streetscape along N. 48th Street by (i) establishing a front yard from the face of the house to the property line, (ii) removing all pavement and gravel from the front yard and installing a landscape screen to the parking area south of the house; and (iii) installing parking barriers along the parking area south of the house to keep cars properly parked in the future.
2. Improve traffic safety by removing the driveway onto N. 48th Street from the north side of the house.
3. Improve screening for neighbors to the east by installing a 6 feet high opaque fence along the southern 20-22 feet of the site on the east property line.
4. Reduce the permitted dwelling units in the house from six to one.





SEACREST & KALKOWSKI, PC, LLO

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

September 28, 2020

HAND DELIVERY

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

RE: Amendment to University Place Planned Unit Development

Dear David:

Our office represents Azzam Khalaf, the owner of the property located at 2928 N. 48th Street (the “Property”). The Property is located within the University Place Planned Unit Development (“PUD”). Mr. Khalaf is requesting an amendment to the PUD that will remove the condition in L.M.C. §27.62.100 not allowing motorized vehicle sales to be located within 100 feet of any residential use or district. The amendment will allow the automobile sales use that has existed on the Property for over 20 years to continue. Mr. Khalaf was unaware that the automobile sales use on the Property was not compliant with City zoning when he leased the Property in 2014 and purchased it in December 2018. He recently learned of the noncompliance when submitting plans to pave the parking area.

Mr. Khalaf is willing to make several improvements to the Property as conditions to the City’s approval of the PUD amendment. First, he is willing to improve the streetscape along N. 48th Street by (i) establishing a front yard from the face of the house to the property line, (ii) removing all pavement and gravel from the front yard and installing a landscape screen to the parking area south of the house; and (iii) installing parking barriers along the parking area south of the house to keep cars properly parked in the future. Second, he will remove the driveway onto N. 48th Street from the north side of the house to improve traffic safety. Third, he will improve screening for neighbors to the east by installing a 6 feet high opaque fence along the southern 20-22 feet of the site on the east property line. Finally, Mr. Khalaf will reduce the permitted dwelling units in the house from six to one.

The automobile sales use has been operating on this Property for many years, and Mr. Khalaf has received no complaints from neighbors over the past years six years he has been operating on the Property. Amending the PUD to permit the automobiles sales use to continue on the Property will not detrimentally impact the surrounding neighbors. Instead, the conditions

identified above will result in improvements to the site that benefit the surrounding neighbors and neighborhood.

Enclosed please find the following:

- i. a City of Lincoln Application Form;
- ii. a check in the amount of \$988 made payable to the City of Lincoln for the application fee;
- iii. Language for Second Addendum to the Development Plan for the University Place Planned Unit Development CZ#08057A; and
- iv. Site Plan for the Property with an attached list of conditions for approval.

We are scheduled to meet with the University Place Community Organization to discuss the PUD amendment on October 13, 2020.

We appreciate the comments and feedback we have received from staff to date and look forward to working with them on this amendment.

Very truly yours,



DANAY KALKOWSKI

For the Firm

Enclosures

cc: James Michael Bowers



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

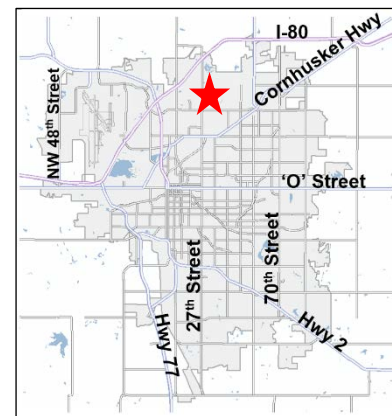
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Change of Zone 20029	FINAL ACTION? No	DEVELOPER Dennis R Schworer, LLC
PLANNING COMMISSION HEARING DATE September 30, 2020	RELATED APPLICATIONS Preliminary Plat 20004	PROPERTY LOCATION N. 33 rd Street and Schworer Drive

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from R-3 Residential District to H-3 Highway Commercial District over one lot associated with a new preliminary plat. The area was originally conceived as residential many years ago but has since had several changes of zone to highway commercial and industrial. The proposed zoning fits the character of the area.



JUSTIFICATION FOR RECOMMENDATION

This is the location of a proposed commercial development that would encompass office, commercial, and warehouse uses. The proposed H-3 zoning is appropriate according to the future land use map and removes an undesirable circumstance where residential zoning is adjacent to industrial zoning.

APPLICATION CONTACT

Matt Langston, (402) 474-6311 or m-langston@olsson.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The future land use map identifies this site as industrial. The future land use will be updated to commercial with the 2050 Comprehensive Plan based on this proposal. The proposed highway commercial zoning is reflective of the intended uses and removes residential zoning adjacent to industrial uses, which is supported by the Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

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

P. 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.

P. 5.18 - Public Health & Safety Measures: Industrial zoning districts should be primarily for industrial uses. Risk Reduction: In areas where industrial and residential uses are already close, efforts should focus on changes in the quantity and type of hazardous materials used and on increasing the distance between where hazardous materials are stored and residential districts. Notification: Persons living in close proximity to businesses with hazardous materials should be notified of the hazards.

ANALYSIS

1. This request is for a change of zone from R-3 Residential District to H-3 Highway Commercial District over 6.87 acres on one irregular tract. A related application for Preliminary Plat 20004 was submitted showing two lots in anticipation of developing a mix of office, commercial and warehouses uses.
2. This area along N. 33rd Street, north of Superior Street was initially zoned residential but has been changed over time to highway commercial and industrial zoning. The property proposed to be re-zoned has been vacant for many years.
3. There is industrial and highway commercial zoning on three sides. Therefore, highway commercial zoning is appropriate. It also eliminates the potential for residential dwelling units adjacent to industrial zoning, which poses a hazard and is contrary to the goals of the Comprehensive Plan.
4. The future land use map designates the property for future industrial uses; however, the lesser highway commercial zoning is supported and is similar to nearby uses. The future land use map in the Comprehensive Plan will be updated to reflect the change.

EXISTING LAND USE & ZONING: Vacant; R-3

SURROUNDING LAND USE & ZONING:

North: Commercial; H-3

South: LES substation; P

East: Vehicle sales and vacant; H-3

West: Industrial and commercial; I-1 and H-4

APPROXIMATE LAND AREA: 6.87 acres

LEGAL DESCRIPTION: A TRACT OF LAND COMPOSED OF LOT 70 I.T., LOCATED IN THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA.

Prepared by

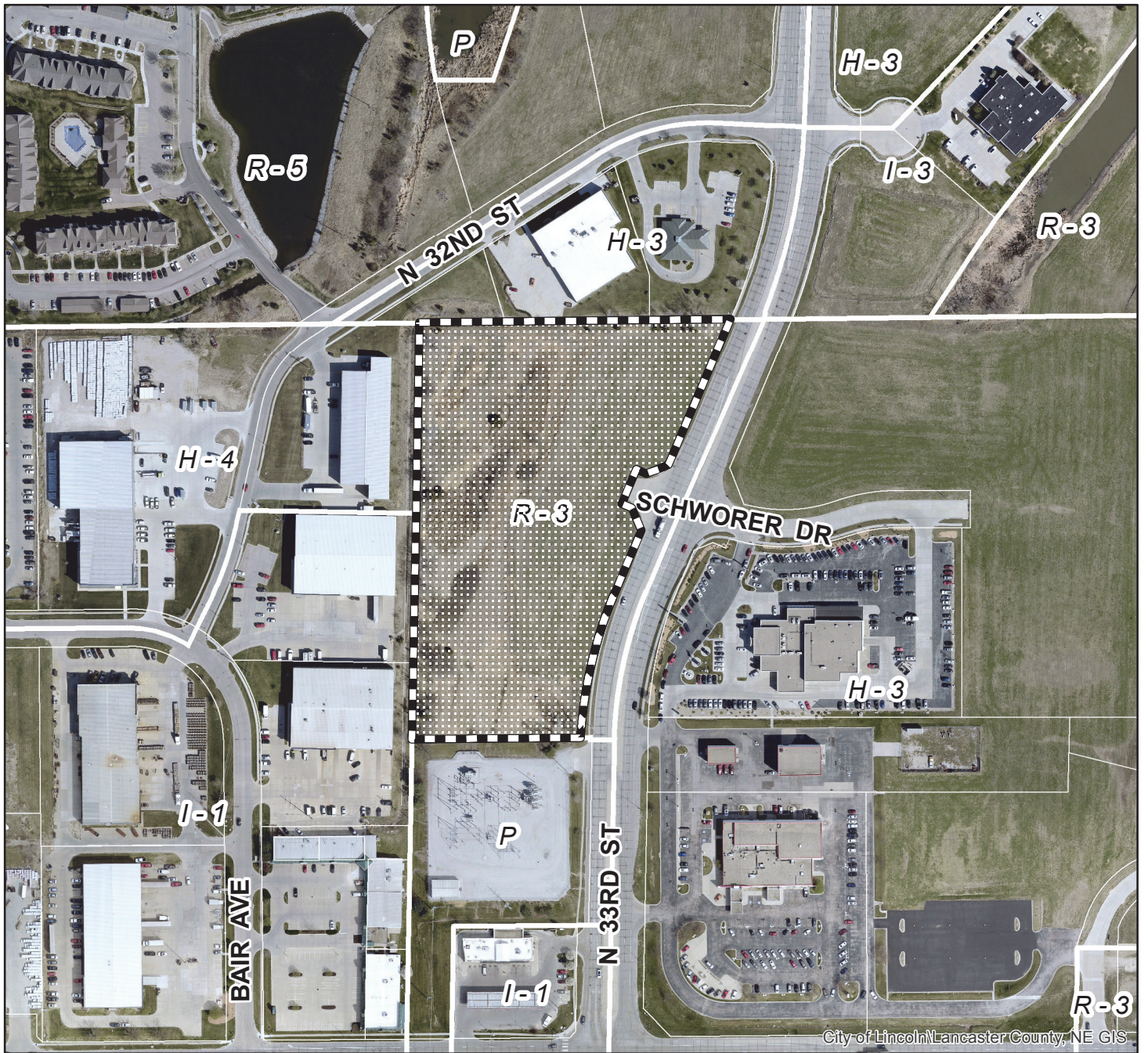
Rachel Jones, Planner

Date: September 18, 2020

Owner: Dennis R Schworer LLC
417 Ridgewood Drive
Bellevue, NE 68005
(402) 734-3330

Applicant/Contact: Matt Langston
Olsson
601 P Street, Suite 200
Lincoln, NE 68508
(402) 474-6311 or mlangston@olsson.com

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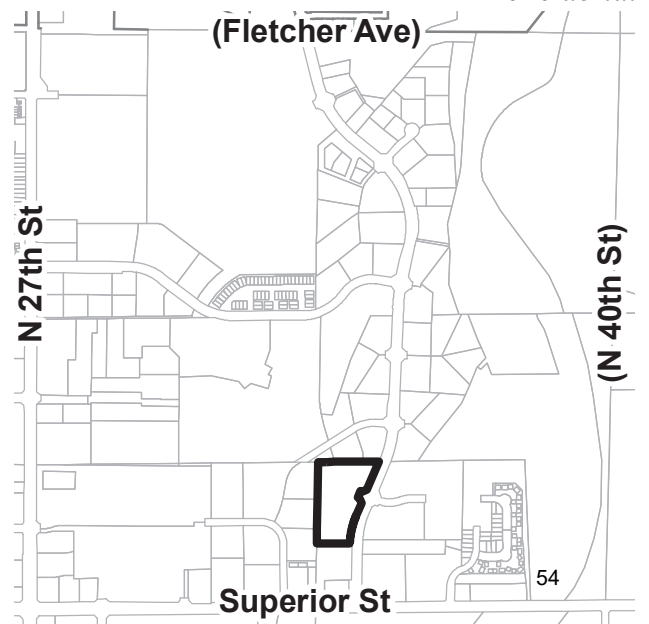
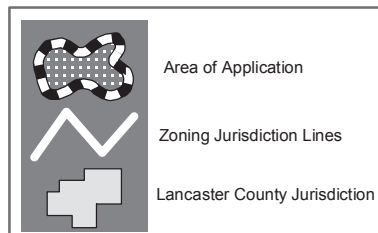
**Change of Zone #: CZ20029 (R-3 to H-3) and
Preliminary Plat #: PP20004
Schworer Commercial Center
N 33rd St & Schworer Dr**

2020 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
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- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
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- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
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- I-3 Employment Center District
- P Public Use District

**One Square Mile:
Sec.06 T10N R07E**





September 2, 2020

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

Re: Schworer Commercial Center
Change of Zone and Preliminary Plat
Olsson Project No. 017-2386

Dear Mr. Cary,

On behalf of Dennis R Schworer, the owner of the real property legally described as a S6, T10, R7, 6TH P.M., Lot 70 SE lying inside Lincoln City limits, located in Lancaster County, Nebraska ("the Property").

Mr. Schworer is proposing a Preliminary Plat and change of zone for a mixed use of office, commercial, and warehouse (non-residential) on Property containing 6.87 acres. The Preliminary Plat proposes 26,000 sq. ft. of allowable floor area for the varying uses.

We request the following waiver with this application to accommodate the best use of the available land and will not encroach on any existing or future neighboring uses:

1. To reduce the internal yard setbacks between the two lots and outlot, per table 27.72.030(a).

A majority of the Site contains mitigated wetlands, located to the south and west of the buildable area. The wetlands will be placed in an outlot and the development will utilize the previously construct Schworer Drive as a shared access to N. 33rd Street.

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

1. City of Lincoln Application, including:
 - a. Preliminary Plat
 - b. Change of Zone from R-3 to H-3
2. Preliminary Plat Site Plan
3. Change of Zone Exhibit and Legal
4. Application fees in the amount of \$3,109.55

Plans and other supporting documents will be submitted to ProjectDox upon notification from the Planning Staff. We appreciate your consideration of the above request and look forward to working with the City staff on this proposed Preliminary Plat and Change of Zone. If you require further information or have any questions, please do not hesitate to contact me at mlangston@olsson.com or (402) 458-5013.

Sincerely,


Matt Langston
Enclosures.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

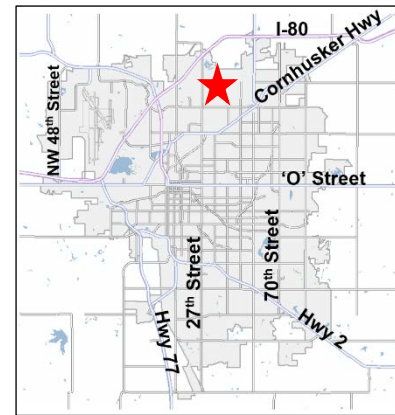
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Preliminary Plat 20004	FINAL ACTION? Yes	DEVELOPER/OWNER Dennis R Schworer, LLC
PLANNING COMMISSION HEARING DATE September 30, 2020	RELATED APPLICATIONS Change of Zone 20029	PROPERTY ADDRESS/LOCATION N. 33 rd Street and Schworer Drive

RECOMMENDATION: APPROVAL WITH CONDITIONS

BRIEF SUMMARY OF REQUEST

This is a request for a preliminary plat to develop two lots and one outlet for wetlands that will have shared access to N. 33rd Street. The proposed zoning is H-3 Highway Commercial under the related application for Change of Zone 20029. No subdivision waivers are requested.



JUSTIFICATION FOR RECOMMENDATION

Provided the associated request for a change of zone is approved, this preliminary plat complies with the requirements of the Land Subdivision Ordinance and is consistent with the Comprehensive Plan.

APPLICATION CONTACT
Matt Langston, (402) 474-6311 or
m-langston@olsson.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The future land use map identifies this site as industrial. The future land use will be updated to commercial with the 2050 Comprehensive Plan based on this proposal. The proposed highway commercial use is reflective of the intended uses and removes the potential for residential uses adjacent to industrial zoning, which is supported by the Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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P. 5.18 - Public Health & Safety Measures: Industrial zoning districts should be primarily for industrial uses. Risk Reduction: In areas where industrial and residential uses are already close, efforts should focus on changes in the quantity and type of hazardous materials used and on increasing the distance between where hazardous materials are stored and residential districts. Notification: Persons living in close proximity to businesses with hazardous materials should be notified of the hazards.

ANALYSIS

1. This request is for a new preliminary plat over one irregular tract, located west of N. 33rd Street and Schworer Drive.
2. The preliminary plat shows two lots with a shared access point on N. 33rd Street opposite Schworer Drive. There will be an outlot west of the lots containing wetlands. A right turn lane must be shown and installed as a condition of approval. The proposed zoning is H-3 Highway Commercial District in anticipation of developing the site with office, commercial and warehouses uses.
3. A large outlot on the west side contains wetlands. The Planning Department's support of the change of zone is contingent upon approval of the preliminary plat and a subsequent final plat, which will address issues such as grading and drainage, wetland delineation, lot layout and access.
4. Preliminary plats do not approve a specific maximum floor area or number of parking stalls. Development will follow the standard H-3 zoning uses, setbacks, building height, and minimum parking.
5. A condition of approval states that prior to approval of building permits, an application must be submitted to vacate right-of-way at the access point on N. 33rd Street to the satisfaction of LTU. Because the access point will serve a private driveway and not a public street, the right-of-way is not necessary and should be vacated and maintained by the property owner. In addition, right-of-way will need to be dedicated for the right turn lane.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Vacant; R-3

SURROUNDING LAND USE & ZONING:

North: Commercial; H-3

South: LES substation; P

East: Vehicle sales and vacant; H-3

West: Industrial and commercial; I-1 and H-4

APPROXIMATE LAND AREA: 6.87 acres

LEGAL DESCRIPTION: A TRACT OF LAND COMPOSED OF LOT 70 I.T. , LOCATED IN THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M. , CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA.

Prepared by

Rachel Jones, Planner

Date: September 18, 2020

Owner: Dennis R Schworer LLC
417 Ridgewood Drive
Bellevue, NE 68005
(402) 734-3330

Applicant/Contact: Matt Langston
Olsson
601 P Street, Suite 200
Lincoln, NE 68508
(402) 474-6311 or mlangston@olsson.com

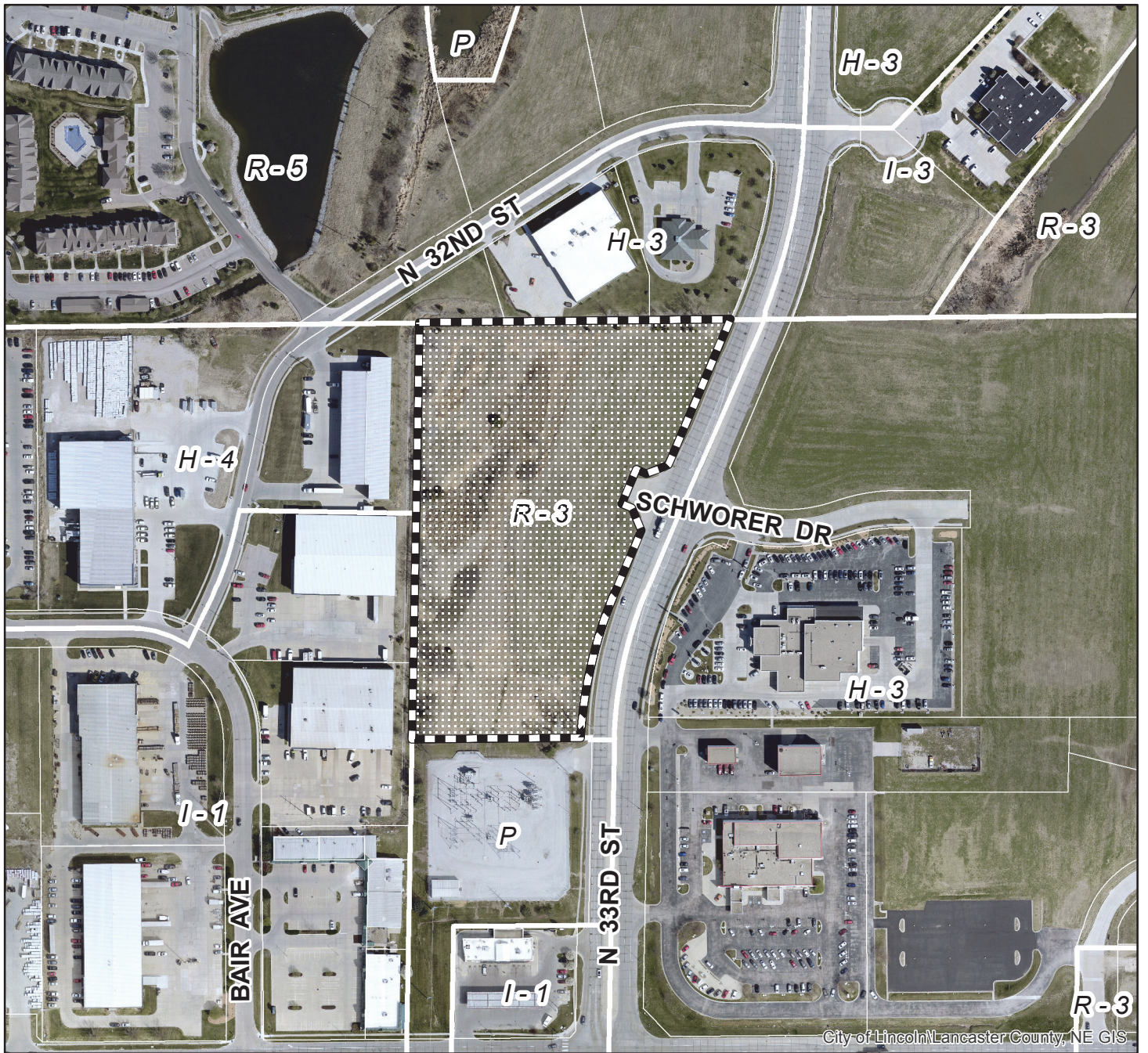
F:\DevReview\PP\20000\PP20004 Schworer Commercial Center.rkj.docx

CONDITIONS OF APPROVAL - PRELIMINARY PLAT #20004

This approval permits a preliminary plat creating two lots and one outlet.

Site Specific Conditions:

1. The subdivider shall complete the following instructions and submits the documents and plans and 2 copies to the Planning Department office:
 - 1.1 Revise the preliminary plat to show:
 - 1.1.1 Show a right turn lane and associated right-of-way to be dedicated to the satisfaction of LTU.
 - 1.1.2 Show the area of right-of-way to be vacated as per condition of approval 1.2.
 - 1.1.3 Delete the waiver and land use table from the site plan, as zoning setbacks cannot be waived with a preliminary plat, nor will there be specific floor areas or uses approved.
 - 1.1.4 For information purposes, label the setbacks as per the H-3 district.
 - 1.1.5 Delete General Notes 5, 8 and 9 as they are not necessary. Add a sentence to Note 7 stating that the site plan is entirely conceptual and is not being approved with the preliminary plat.
 - 1.1.6 Add a General Note stating that a final plat is required prior to obtaining building permits and a surety for detention will be required at the time of final plat.
 - 1.1.7 Add utility easements as shown on the attached drawing from LES, except that no blanket utility easement is allowed over Outlot A to protect the wetlands. Add existing utility easement #2001-046305 to the drawing.
 - 1.1.8 Resolve the comments by GIS Survey on the bearings and CAD file.
 - 1.1.9 Revise the application letter to delete mention of the setback waiver.
 - 1.1.10 Address the following comments from Watershed Management to the satisfaction of LTU:
 - 1.1.10.1 Submit information regarding the outflows from the proposed detention into the wetlands and any information for the wetlands that can be provided for their analysis.
 - 1.1.10.2 The drawdown orifice design should consider the 24-hour requirement to begin at the peak of the storm event, not at the beginning of the rain event.
 - 1.1.10.3 Address the markups on the grading plan.
 - 1.2 Prior to building permit, there must be approval of a final plat, which includes an approved application to vacate right-of-way at the stub entry point on N. 33rd Street to the satisfaction of LTU.
2. The City Council approves associated request:
 - 2.1 Change of Zone 20029
3. Final Plats will be approved by the Planning Director.



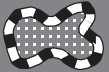


Change of Zone #: CZ20029 (R-3 to H-3) and Preliminary Plat #: PP20004 Schworer Commercial Center N 33rd St & Schworer Dr

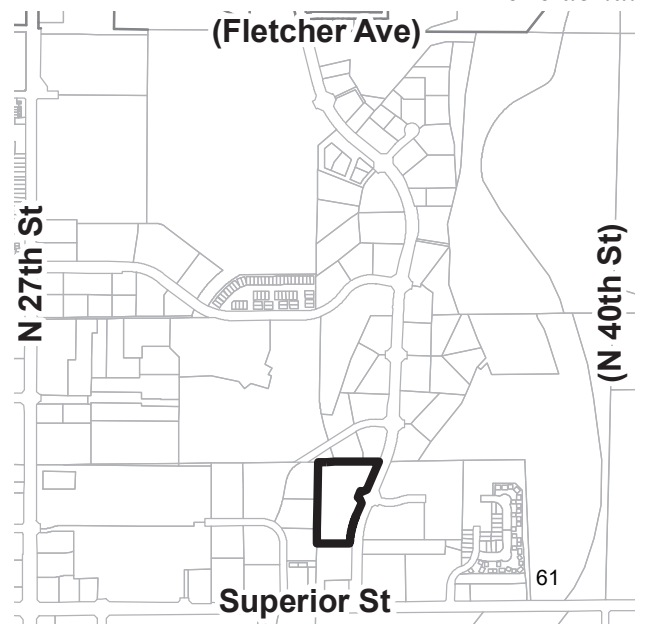
2020 aerial

Zoning:

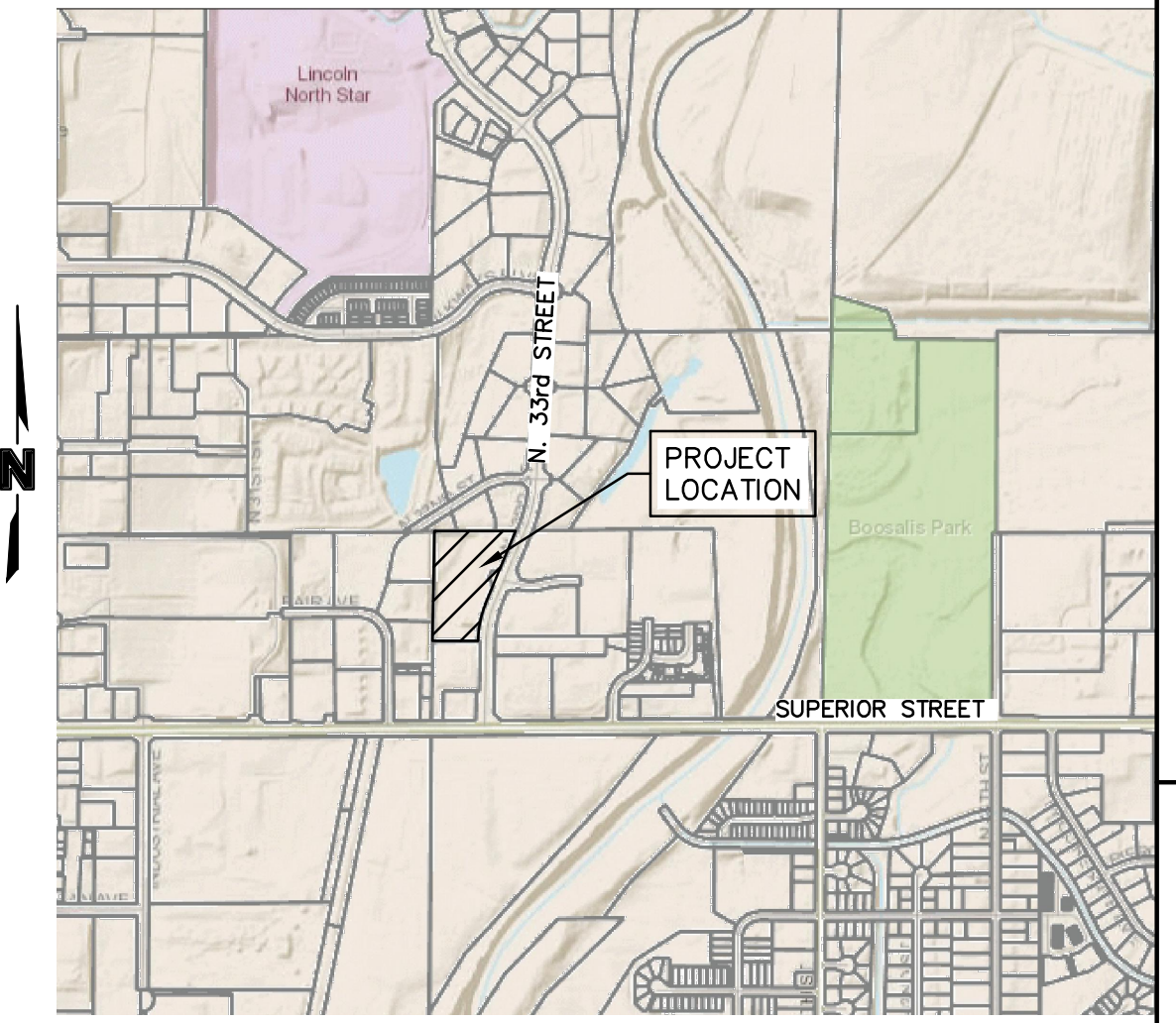
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- I-3 Employment Center District
- P Public Use District

**One Square Mile:
Sec.06 T10N R07E**

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



SCHWORER COMMERCIAL CENTER PRELIMINARY PLAT



VICINITY MAP
NO SCALE

OWNER/DEVELOPER
DENNIS SCHWORER LLC
417 RIDGEWOOD DRIVE
LINCOLN, NE 68005

ENGINEER
OLSSON
601 'P' STREET
SUITE 201
LINCOLN, NE 68508
402-458-5013

GENERAL NOTES

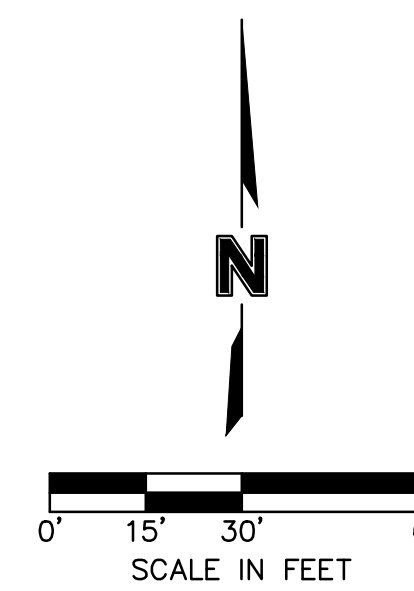
- ALL PAVEMENT RETURN RADII TO BE 20' (MIN.) UNLESS OTHERWISE NOTED.
- ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
- DIRECT VEHICULAR ACCESS TO N 33RD STREET SHALL BE RELINQUISHED EXCEPT AS SHOWN.
- ALL ELEVATIONS ARE TO NAVD 1988.
- ALL EAVES, CANOPIES AND OTHER BUILDING PROJECTIONS MAY EXTEND OVER THE BUILDING ENVELOPE LINES BUT NOT LOT LINES.
- ALL DRIVES SHALL BE 24' WIDE TYPICAL UNLESS OTHERWISE NOTED.
- FINAL SITE LAYOUT AND INDIVIDUAL LANDSCAPE PLANS FOR COMMERCIAL BUILDINGS TO BE SUBMITTED AT TIME OF BUILDING PERMIT.
- SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE, AND MUST BE APPROVED BY BUILDING AND SAFETY DEPARTMENT PRIOR TO INSTALLATION.
- THE DEVELOPER RESERVES THE RIGHT TO CONSTRUCT BUILDINGS WITHIN THE BUILDING ENVELOPES SHOWN.

LAND USE TABLE

LOT NUMBER	USE	PARKING REQUIRED	PARKING PROVIDED	FLOOR AREA (SQ. FT.)
1	OFFICE / WAREHOUSE	44	44	13,000
2	OFFICE / WAREHOUSE	44	46	13,000
TOTAL		88	90	26,000

WAIVERS

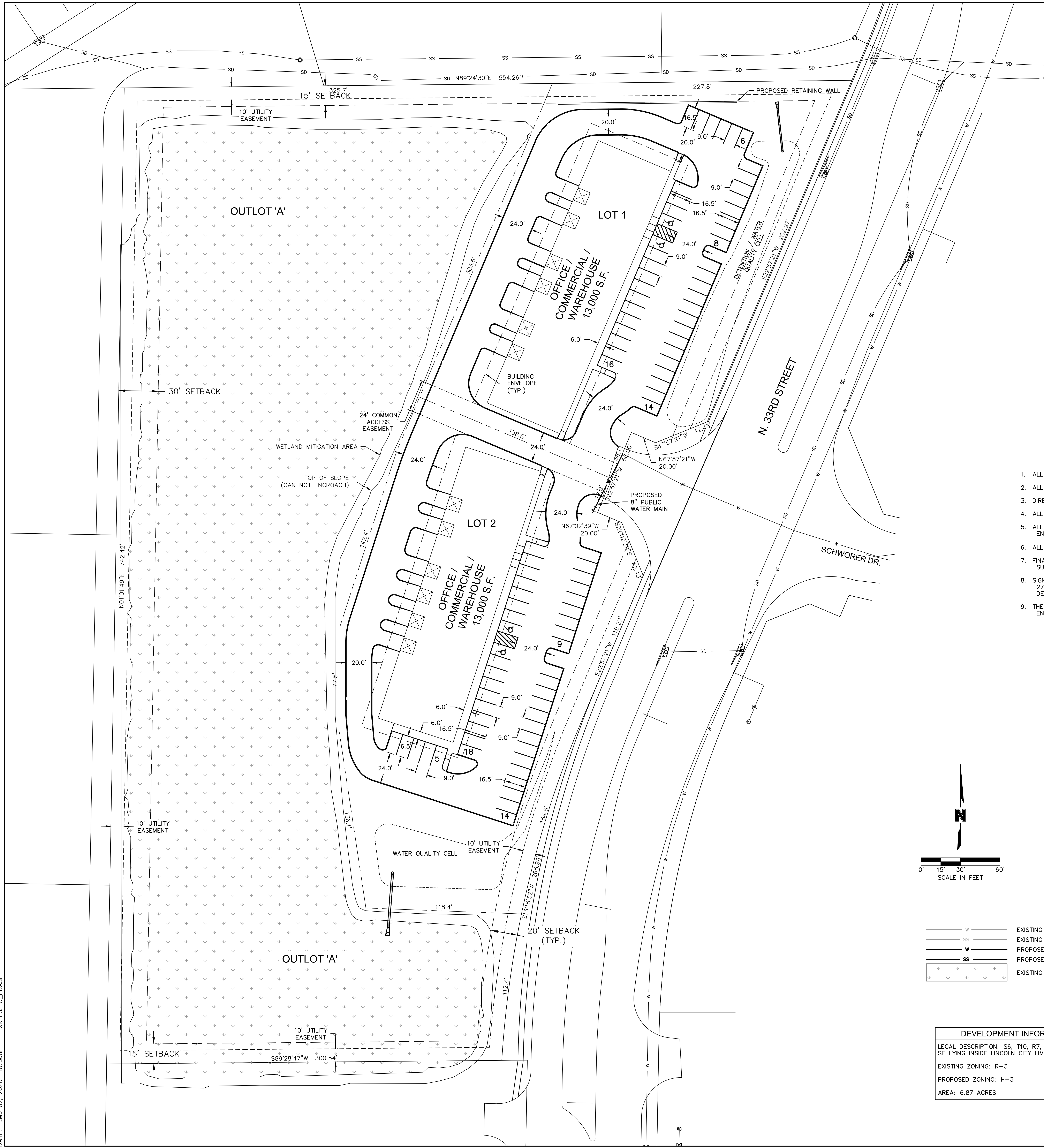
- TO THE INTERNAL SETBACKS TO 0'.



- W — EXISTING WATER MAIN
- SS — EXISTING SANITARY SEWER MAIN
- w — PROPOSED WATER MAIN
- ss — PROPOSED SANITARY SEWER MAIN
- ▨ EXISTING WETLANDS

DEVELOPMENT INFORMATION

LEGAL DESCRIPTION: S6, T10, R7, 6TH P.M., LOT 70 SE LYING INSIDE LINCOLN CITY LIMITS.
EXISTING ZONING: R-3
PROPOSED ZONING: H-3
AREA: 6.87 ACRES



DWG: F:\2017\2001-2500\017-2386\40-Design\Auscad\Preliminary Plans\Sheets\SIT.dwg USER: mlmgstgn
 DATE: Sep 02, 2020 10:56am XREFS: C:\PBASE

olsson

601 'P' Street, Suite 200
Lincoln, NE 68508
TEL 402.474.8311 www.olsson.com

REVISIONS

REV. NO.	DATE	REVISIONS DESCRIPTION

SITE PLAN

SCHWORER COMMERCIAL CENTER
PRELIMINARY PLAT

LINCOLN, NEBRASKA

2020

drawn by: MCL
checked by: ENG
approved by: ENG
checked by: ENG
project no.: L19-0223
drawing no.: C_SIT.DWG
date: 09.29.2019

SHEET

1 of 3



September 2, 2020

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

Re: Schworer Commercial Center
Change of Zone and Preliminary Plat
Olsson Project No. 017-2386

Dear Mr. Cary,

On behalf of Dennis R Schworer, the owner of the real property legally described as a S6, T10, R7, 6TH P.M., Lot 70 SE lying inside Lincoln City limits, located in Lancaster County, Nebraska ("the Property").

Mr. Schworer is proposing a Preliminary Plat and change of zone for a mixed use of office, commercial, and warehouse (non-residential) on Property containing 6.87 acres. The Preliminary Plat proposes 26,000 sq. ft. of allowable floor area for the varying uses.

We request the following waiver with this application to accommodate the best use of the available land and will not encroach on any existing or future neighboring uses:

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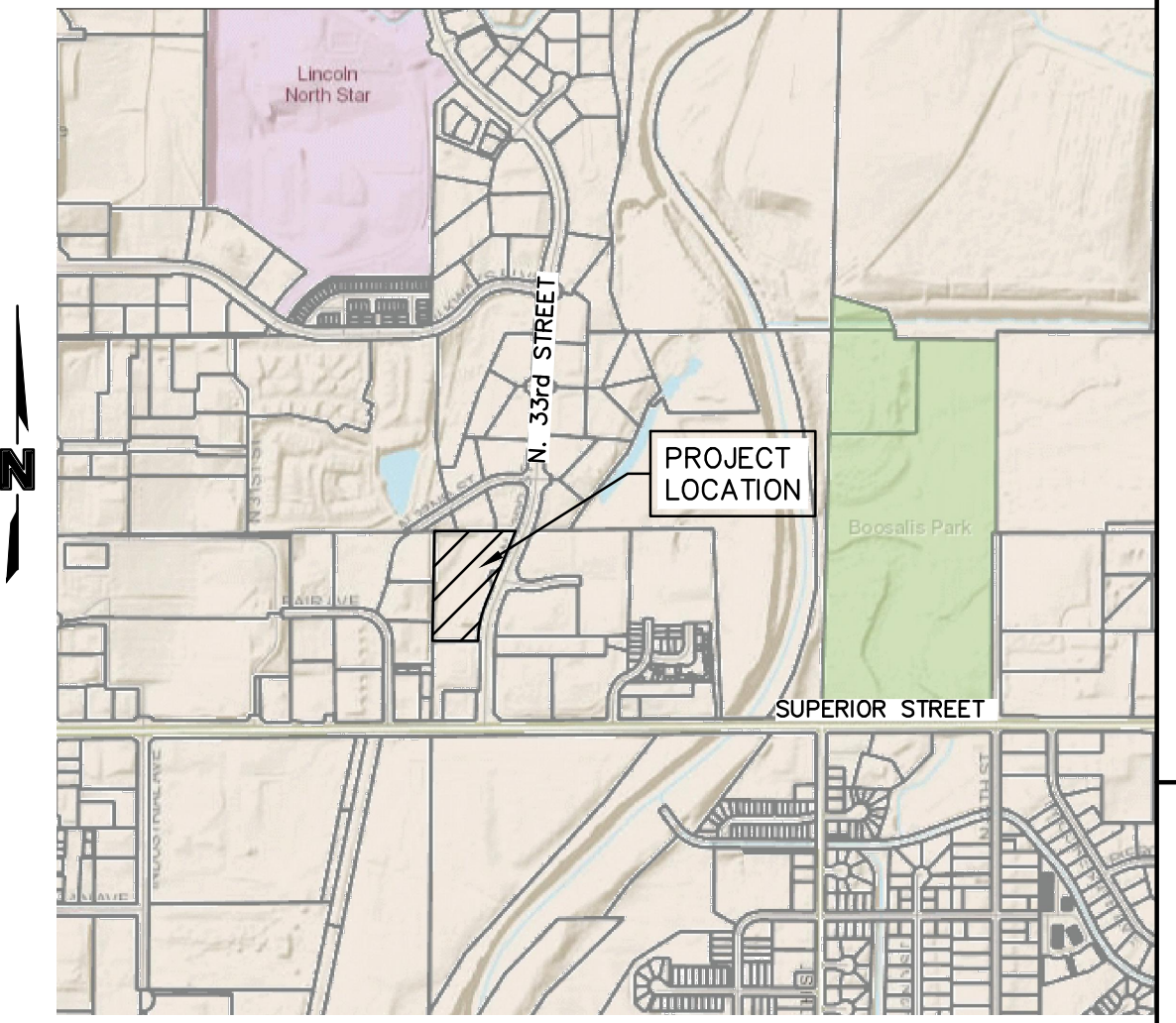
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Sincerely,

Matt Langston
Enclosures.

SCHWORER COMMERCIAL CENTER PRELIMINARY PLAT



VICINITY MAP
NO SCALE

OWNER/DEVELOPER
DENNIS SCHWORER LLC
417 RIDGEWOOD DRIVE
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GENERAL NOTES

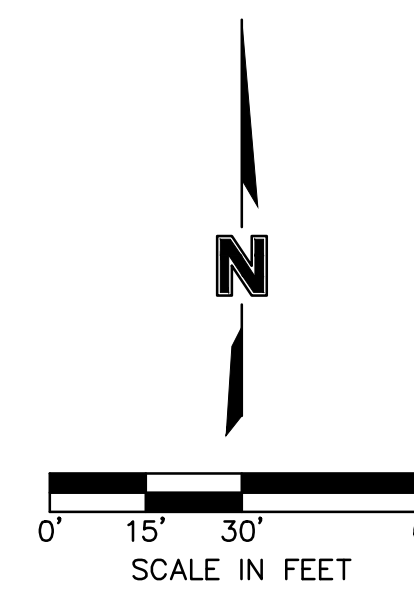
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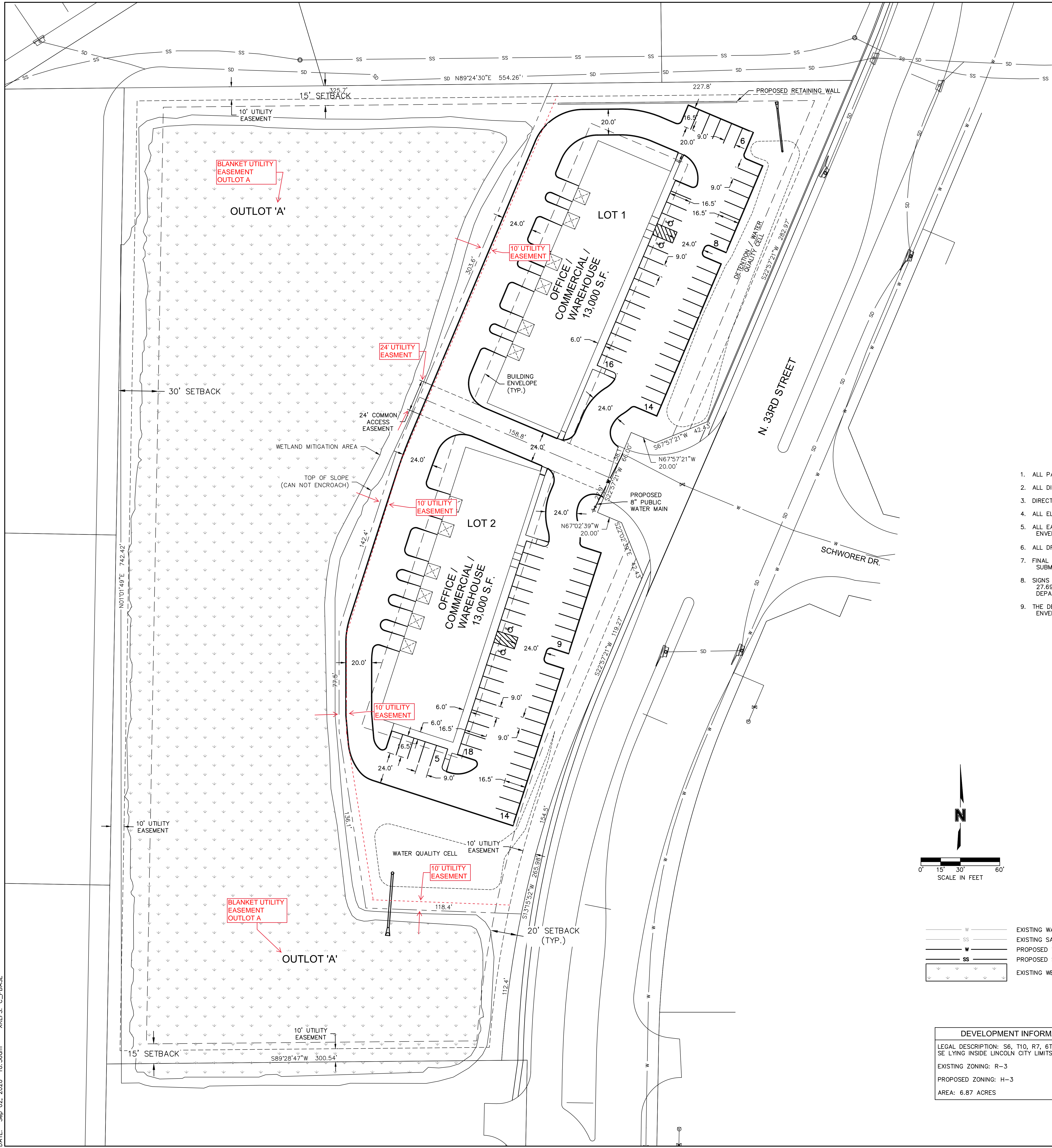
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⊘ ⊘ ⊘ ⊘ ⊘ ⊘ ⊘ ⊘ ⊘ ⊘	EXISTING WETLANDS

DEVELOPMENT INFORMATION

LEGAL DESCRIPTION: S6, T10, R7, 6TH P.M., LOT 70 SE LYING INSIDE LINCOLN CITY LIMITS.
EXISTING ZONING: R-3
PROPOSED ZONING: H-3
AREA: 6.87 ACRES



DWG: F:\2017\2001-2500\017-2386\40-Design\AutoCAD\Preliminary Plans\Sheets\SIT.dwg USER: mlangston
 DATE: Sep 02, 2020 10:56am XREFS: C:\PBASE

olsson
601 'P' Street, Suite 200
Lincoln, NE 68508
TEL 402.474.8311
www.olsson.com

REVISIONS

REV. NO.	DATE	REVISIONS DESCRIPTION

SITE PLAN
SCHWORER COMMERCIAL CENTER
PRELIMINARY PLAT
LINCOLN, NEBRASKA

2020

SHEET
1 of 3

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

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

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

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

ANALYSIS

1. This is a request to expand the area authorized for the sale of alcohol for consumption on the premises. The facility was constructed in 1960 and has always had on-sale alcohol. The property is zoned AGR Agricultural Residential with an approximately 5,000 square foot building and an unpaved parking lot.
2. The sale of alcohol was not originally regulated under the current Zoning Ordinance which was adopted in 1979. It was not until 1994 that the special permits for on and off-sale were adopted. The sale of alcohol existing prior to the date of adoption of the Zoning Ordinance in 1979 is considered a non-conforming use. Such uses are allowed to continue to operate unchanged but are eligible for expansion/modification under the special permit Section 27.63.280, which is the case with the Miller Long VFW.
3. The facility is surrounded by AGR zoned properties to the east, north and west, most of which of which are still being put to agricultural use. A small drainage extends along the west side of the subject property and will remain as open space, and the existing trees provide screening to the north and west. The south side of West A Street has been developed with residential neighborhoods, and the tract adjacent to the east of the facility is anticipated to develop residentially in the future.
4. This facility still retains a driveway onto West A Street. Single-use driveways such as this are inconsistent with the planned improvements in West A Street and are inconsistent with City's Access Management Policy. The goal for improved major streets is to locate intersections with local street every one-quarter of a mile. These provide access points into neighborhoods of commercial centers, and mean the elimination of single-use driveways. As adjacent properties develop, they will be required to provide internal local street access to this property as a requirement of developing inside the city. At such time as such access becomes available to this site, the private driveway access should be relinquished. This requirement is added as a condition of approval.
5. LMC §27.63.280 provides the following criteria shall be given specific consideration:

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

This will allow for outdoor events such as receptions and organized sports, but even so is not anticipated that the demand for the facility will increase significantly as a result of this request. The land to east is likely to develop in the near future, and is designated for future urban density land uses in the Comprehensive Plan. Mitigation of noise generated by outdoor activities that could impact future residential uses to the east is appropriate, similar to the way the outdoor area is buffered to the north and west by drainage and existing trees.

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

Given the existing land uses in the area today, the use is not incompatible at this location. As the city continues to grow in this direction and the property becomes surrounded by residential land uses as called for in the Comprehensive Plan, it will be less so. However, the existing use of the property is limited to what is permitted under the special permit, and then the AGR district which otherwise is restrictive zoning designation.

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

The area designated for the outdoor beer garden is located on the site in a manner which maintains the greatest amount of separation from developed areas. The applicant notes in the letter that the request is to help maintain revenue and to better serve the needs of its members. Such outdoor areas are not uncommon today, rather they are becoming customary and allow such facilities to better provide the services and activities that members expect.

- 6. The special permit is appropriate given the anticipated impact upon the area will not be significant. Additional screening will help an already well-screened site maintain compatibility as the area continues to develop. Subject to the recommend conditions of approval, this request is an appropriate use of land at this location and complies with the requirements of the Zoning Ordinance.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Club/Lodge; AGR Agricultural Residential

HISTORY: November 1981 - Special Permit #961 was approved allowing an approximate 1,800 square foot expansion of the facility.

SURROUNDING LAND USE & ZONING

North: Open Space/Agriculture	AGR
South: Residential	R-3
East: Agriculture	AGR
West: Open Space/Agriculture	AGR

APPROXIMATE LAND AREA: 1.89 acres more or less

LEGAL DESCRIPTION: Lot 59 located in the SW 1/4 of Section 29-10-7, Lincoln, Lancaster County, Nebraska

Prepared by

Brian Will,
October 14, 2020

Owner: Miller Long VFW Post #3606
3340 West A Street
Lincoln, NE 68501
(402) 432-1747

Contact/Applicant: James Averill
1656 Folkways Blvd
Lincoln, NE 68521
(402) 432-1747
jimboaverill@gmail.com

F:\DevReview\SP\SP961A Miller Long VFW.bjw.docx

CONDITIONS OF APPROVAL - SPECIAL PERMIT #961A

Per Section 27.63.280 this approval permits the expansion of a nonconforming use to expand the licensed premises for the sale of alcohol for consumption on the premises to allow an outdoor beer garden.

Site Specific Conditions:

1. Before the expanded sale of alcohol for consumption on the premises 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 Show a 6' -tall privacy fence or the planting of a 60% landscape screen from 0 to 10 feet in height planted along the east lot line adjacent to the extent of the area shaded for the outdoor beer garden.
 - 1.2 Add a note that states: The driveway onto West A Street will be relinquished at such time access to an internal local street network with access to West A Street becomes available as required by Lincoln Transportation and Utilities.
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 expanded sale of alcohol for consumption on the premises 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.



2020 aerial

Special Permit #: SP961A
SW 33rd St & W A St

One Square Mile:
 Sec.29 T10N R06E

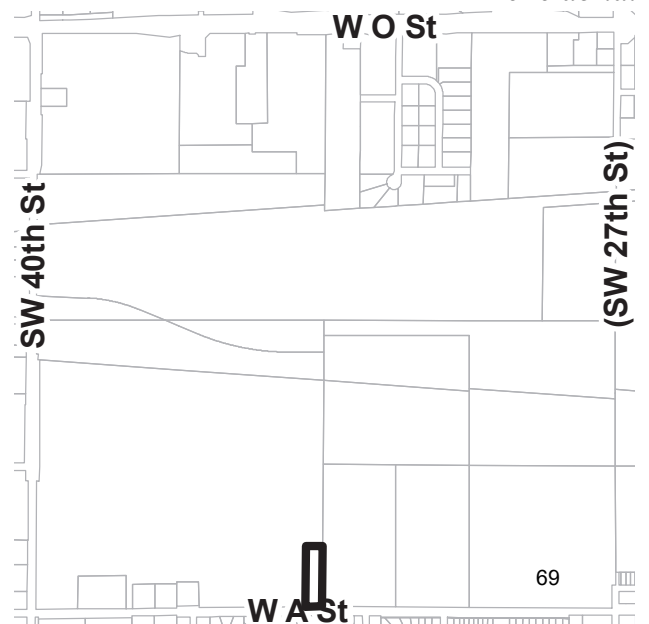
Zoning:

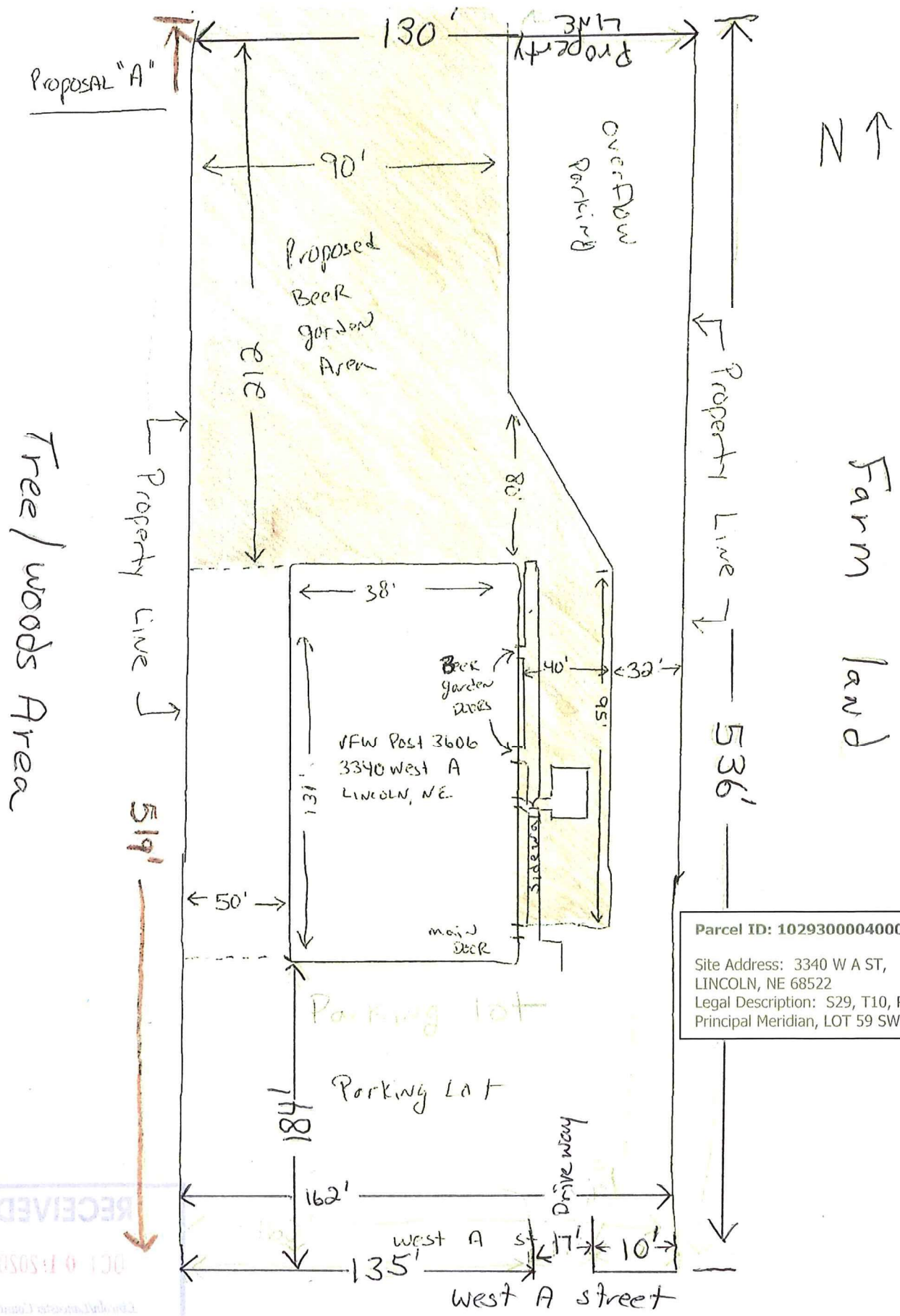
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction





Parcel ID: 1029300004000
 Site Address: 3340 W A ST,
 LINCOLN, NE 68522
 Legal Description: S29, T10, R6, 6th
 Principal Meridian, LOT 59 SW

RECEIVED
 OCT 10 1:50 PM
 Planning Department

The Miller-Long VFW Post 3606 located at 3340 West A street, Lincoln, NE is requesting permission to have a permanent outdoor beer garden area.

The outdoor beer garden area will allow us to have additional events outside our building that will benefit our members, the Veterans who have served in a Foreign War. Our VFW is the last remaining VFW in Lincoln that has a dedicated building just for our members. This area will help us increase our revenue and continue serving our members and during the current Covid-19 pandemic, the extra revenue is desperately needed.

The outdoor Beer garden area will allow us to have events outside that might include weddings, concerts, dances, volleyball, horseshoes, and in addition will allow us outdoor seating on our steak nights.

Our post is located outside of the city limits. There is currently farmland located on the property adjacent on the east side of us. On the north side and west side, we are enclosed by a wooden area and past the wooded area is more farmland. On the south side of our building is "A" street.

Access to the garden area will primarily be via two doors on the north east side of the building. These will be several gates that will allow emergency exit from the building and the garden area.

We appreciate your consideration of our request.

Jim Averill
Quartermaster
(402) 432-1747



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

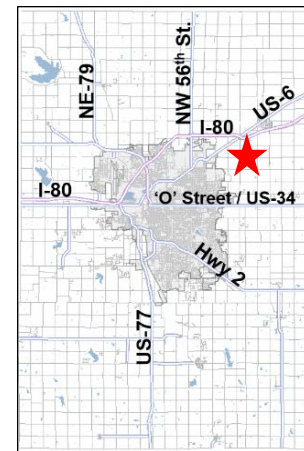
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Miscellaneous #20002	FINAL ACTION? No	DEVELOPER/OWNER N/A
PLANNING COMMISSION HEARING DATE October 28, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION N/A

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

The Lancaster County Engineer’s Office, in coordination with the Lincoln-Lancaster County Planning Department, is requesting an amendment to the Lincoln Metropolitan Planning Organization (MPO) 2040 Long Range Transportation Plan - 2016 Update to modify the project limits of the Fletcher Avenue project from “N. 84th Street to N. 98th Street” to “N. 84th Street to N. 148th Street.”



JUSTIFICATION FOR RECOMMENDATION

The proposed amendment is extending the project limits of an existing paving project on the list of Lancaster County Rural Roads Projects in the 2040 LRTP - 2016 Update. The estimated average daily traffic volumes in 2025 and 2040 of the modified project limits for Fletcher Avenue exceed the daily traffic levels of when a County gravel road qualifies for paving.

APPLICATION CONTACT

David Cary, Planning Director
(402) 441-7491
dcary@lincoln.ne.gov

Pam Dingman, County Engineer
(402) 441-7681
PDingman@lancaster.ne.gov

STAFF CONTACT

Allan Zafft, Transportation Planner
(402) 441-6369
azafft@lincoln.ne.gov

COMPATIBILITY WITH THE LONG RANGE TRANSPORTATION PLAN

The Fletcher Avenue project from N. 84th Street to N. 148th Street aligns with a variety of goals and strategies found in the 2040 LRTP - 2016 Update (see below).

Page 25 Mobility and System Reliability Goal: An efficient, reliable, and well-connected transportation system for moving people and freight.

Page 25 Safety and Security Goal: Provide a safe and secure transportation system.

Page 39 Improvements to the rural road system will occur throughout the County. The amount of new pavement installed will depend upon the growth in traffic and population, and the fiscal resources available in the future to make the improvements.

Page 42 The rural roads program includes two basic project types: 1. Rehabilitation and two lane widening projects. 2. Paving gravel roads.

ANALYSIS

1. Federal Transportation Planning Process

Federal regulations require that the region's metropolitan transportation planning process include the cooperative development of the Long Range Transportation Plan (LRTP). This transportation plan must cover no less than a 20-year planning horizon, will include both long-range and short-range strategies/actions that provide for the development of an integrated multimodal system to facilitate the safe and efficient movement of people and goods in addressing current and future transportation demand, and must be updated, at a minimum, every five years.

2. Lincoln Metropolitan Planning Organization (MPO)

The City of Lincoln, as the designated MPO, is responsible for conducting the metropolitan transportation planning process pursuant to federal requirements and assigning work as necessary to carry out this process. There are five primary participant groups in the MPO planning and decision-making process. These include: 1) the MPO Officials Committee comprised of the Mayor and the chairs and vice chairs of the City Council and County Board, plus the Nebraska Department of Transportation Director, 2) MPO Technical Advisory Committee, 3) Lincoln-Lancaster County Planning Commission, 4) various Citizen Task Forces and Advisory Committees, and 5) MPO staff (Planning Department and Lincoln Transportation and Utilities Department).

3. Long Range Transportation Plan (LRTP)

In January 2017, the Lincoln MPO Officials Committee adopted the current Lincoln MPO LRTP, 2040 Long Range Transportation Plan - 2016 Update. The development of the LRTP was a collaborative effort using input provided from state and local governments, agencies, citizens, committees, and staff that focuses on promoting an integrated multi-modal transportation network. The LRTP guides investment in the Lincoln metropolitan area's transportation system for the next 25 years based upon the region's future transportation goals and objectives, and allocates projected revenue to transportation programs and projects consistent with the Lincoln MPO's goals. The LRTP also is the basis for the development of the short-range Transportation Improvement Program (TIP) – a set of transportation improvement projects that the MPO expects to implement during the next four years.

The 2040 LRTP - 2016 Update was developed in coordination with LPlan 2040 - 2016 Update, the Lincoln-Lancaster County Comprehensive Plan. The LRTP is embedded into the Comprehensive Plan as Chapter 10.

4. Long Range Transportation Plan (LRTP) Amendment Threshold

In accordance with the *NDOT Operating Manual for Metropolitan Planning Organization Transportation Planning*, there are four main components that are used to determine whether a project change rises to the level of a LRTP amendment:

- Project Costs: Determination made based on the percentage change or dollar amount of change in federal aid. Projects, in which the federal aid changed by 20% or \$2 million, whichever is greater, will require an LRTP amendment. Anything less can be processed with an administrative modification. For projects financed with non-federal funds, NDOT suggests the MPO use the same 20%/\$2 million threshold in order to provide transparency to the public.
- Adding a Regionally Significant Project which requires FHWA or FTA funding or approval.
- Funding Sources: Adding federal funding sources or changing from one federal funding category to another (including converting advanced construction) will require an amendment.
- Scope and Term Changes: Substantial changes to project scope shown in the approved STIP or project termini changes greater than 0.25 mile will require an amendment.

A project change that does not meet the above criteria will be considered an LRTP minor revision or administrative modification.

5. Application Request

This application is to amend the 2040 LRTP -2016 Update to modify the project limits of the Fletcher Avenue project from "N. 84th Street to N. 98th Street" to "N. 84th Street to N. 148th Street." The details of the proposed amendment appear below.

Amend Rural Road Project

- Project ID: 10
- Street: Fletcher Avenue
- Location: N. 84th Street to N. 98th Street
- Length: 2.00 miles
- Project Type: County Project
- Actions:
 1. Modify the location (project termini) to N. 84th Street to N. 148th Street
 2. Modify the length to 4.42 miles
- Other information: The Lancaster County Engineer provided the below information with the LRTP Amendment request:
 - The paving of Fletcher Avenue has been requested by the City of Waverly for the last several years. The City of Waverly would like to make Fletcher Avenue a designated truck route and remove truck traffic from Amberly Road from 148th Street to Nebraska Highway 6. A corridor study for Fletcher Avenue from N. 84th Street to N. 148th Street was conducted by Felsburg Holt & Ullevig (FHU) for Lancaster County dated September 15, 2020. This study shows the amount of traffic on Fletcher Avenue to exceed 700 ADT prior to 2025 if trucks were to be banned from Amberly Road in the City of Waverly. The corridor study is available at the hyperlink [Fletcher Avenue Corridor Study](https://app.lincoln.ne.gov/asp/city/pats/default.aspx), or through the Planning Tracking System web-page site at <https://app.lincoln.ne.gov/asp/city/pats/default.aspx> with the Application Number - MISC20002, and the file name is "MISC20002 - CORRIDOR STUDY.PDF" under the Related Documents section.
 - City of Waverly's letter of support for Fletcher Avenue to the MPO Project Selection Committee dated February 27, 2019 (attached).
 - City of Waverly's letter of support for Fletcher Avenue to the Lancaster County Commissioners dated October 22, 2019 (attached).
 - City of Waverly's resolution approved on October 9, 2019, which requests Lancaster County to remove the County designation of Amberly Road between Nebraska Highway 6 and N. 148th Street as a truck route and to recommend that Fletcher Avenue between N. 84th St. and N. 148th Street be paved and designated as the named County truck route (attached).
 - Amberly Road was designed as a truck route, however Hamlow Elementary, Waverly Middle School and Waverly High School are located along this corridor. This has created many dangerous situations for young drivers and school children crossing this busy street. The increased truck traffic on Amberly has resulted in an increased risk to safety for the traveling public, therefore Waverly has continued to request that the truck route be relocated to Fletcher Avenue.

The proposed amendment would extend the location of an existing paving project on the list of Lancaster County Rural Roads Projects. An LRTP amendment is required when project termini changes are greater than 0.25 miles.

The Rural Roads subsection in Section 5 of the LRTP (page 39) states when a County gravel road qualifies for paving as follows:

"Road improvement decisions in the County are triggered by daily traffic volumes with the amount of traffic dictating the type and degree of improvement necessary. When a road experiences traffic levels of 300 trips per day or more, a minimum of 100 feet of ROW may be acquired by the County and grading and drainage improvements may be made in anticipation of future improvement needs. At 400 trips per day, a roadway qualifies for paving, which should remain as an effective facility, with proper maintenance, until a level of 6,000 trips per day is reached. At that point a four-lane divided facility may be needed. The Future County Road Improvements Plan shows County roads which are likely candidates for two-lane paving in the future."

Fletcher Avenue Corridor Study

The table below is from the corridor study conducted by FHU dated September 15, 2020. The facility type, volume to capacity (V/C), roadway capacity level of service (LOS), and estimated average daily traffic (ADT) volumes for

each analysis scenario (2020, 2025, 2040) of Fletcher Avenue between N. 84th Street and N. 148th Street are shown.

Fletcher Avenue Improvements		ADT 2020	V/C Ratio	LOS 2020	ADT 2025	V/C Ratio	LOS 2025	ADT 2040	V/C Ratio	LOS 2040	LOS E Threshold (upper limit)
Location	Facility Type										
Fletcher Ave. (84 th St. to 112 th St.)	2-lane Rural Gravel Roadway	290	0.73	D	710	1.78	F	1,730	4.33	F	400
	2-lanes Surfaced w/o Turn Lanes	290	0.03	A	710	0.08	A	1,730	0.20	A	8,600
Fletcher Ave. (112 th St. to 134 th St.)	2-lane Rural Gravel Roadway	190	0.48	B	750	1.88	F	2,940	7.35	F	400
	2-lanes Surfaced w/o Turn Lanes	190	0.02	A	750	0.09	A	2,940	0.34	B	8,600
Fletcher Ave. (134 th St. to 148 th St.)	2-lane Rural Gravel Roadway	160	0.40	B	760	1.90	F	3,630	9.08	F	400
	2-lanes Surfaced w/o Turn Lanes	160	0.02	A	760	0.09	A	3,630	0.42	B	8,600

Note for Opening Day (2025) and Future 2040 Volume Development:

- Paving Fletcher Avenue from N 84th Street to N 148th Street is proposed for the purpose of designating a truck route with the intent of deemphasizing Amberly Road for truck traffic to access Cornhusker Highway and I-80. Truck traffic at surrounding intersections, such as N 148th Street with Adams Street and Amberly Road, was analyzed to reassign trucks to Fletcher Avenue for the future year scenarios.
- Traffic for the study area was evaluated using output from the Lincoln MPO Transportation Model for years 2015 and 2040, with the 2040 model assuming full buildout of the Lincoln East Beltway and Fletcher Avenue paved. Based upon engineering judgment and straight-line projection between 2015 and adjusted 2040 output, growth factors were produced for the study area based on methodology from the *National Cooperative Highway Research Program (NCHRP) Report 765*.

The estimated average daily traffic volumes in 2025 and 2040 of the modified project limits for Fletcher Avenue exceeds the daily traffic levels of when a County gravel road qualifies for paving.

The FHU corridor study included a truck traffic diversion as part of the analysis. The study report states the below information on the truck traffic diversion. This implies that the truck traffic diversion from Amberley Road to Fletcher Avenue should provide a safer roadway for users of Amberley Road.

“Under existing conditions Amberley Road, between 148th Street and Cornhusker Highway (US 6), has a heavy vehicle percentage of 11%. Along this roadway sits several education institutions such as Hamlow Elementary School, Waverly Middle School, and Waverly High School. Tecumseh Poultry, Matheson, and Tractor Supply Co. have industrial operations located adjacent to the corridor as well. A roadway with a high percentage of heavy vehicle traffic mixing with pedestrians, school traffic, and commuters can pose a safety issue. The mix of vehicle types can cause large speed differentials between heavy vehicles (semis) and light vehicles (cars and trucks) and can also affect traffic operations and corridor progression.

With the designation of Fletcher Road as a truck route and limiting heavy vehicle access on Amberly Road, it would be anticipated that 80-90% of the heavy vehicles shift and utilize Fletcher Road. Removing the majority of heavy vehicles should provide better operations and most importantly a safer roadway for its users, however, delivery truck traffic may still utilize Amberly Road.”

Waverly School District 145 submitted a letter to Lancaster County dated October 7, 2020 in support of making Fletcher Avenue a designated truck route (attached).

6. LRTP Revisions for the Proposed Amendment

Amend the 2040 LRTP - 2016 as follows:

Page 66 Revise the location for the Fletcher Avenue project on Map 18: Rural Roads Projects. This revision will modify the project limits of the Fletcher Avenue project from “N. 84th Street to N. 98th Street” to “N.

84th Street to N. 148th Street.”

Page 67 Revise the location and length for the Fletcher Avenue project in Table 10: Rural Roads Project. This revision will modify the project limits of the Fletcher Avenue project from “N. 84th Street to N. 98th Street” to “N. 84th Street to N. 148th Street,” and will modify the project length (miles) from “2.00” to “4.42.”

This amendment will update the associated table and figure in the Technical Report, which is a supplement to the LRTP.

7. Comprehensive Plan

The LRTP is embedded into the Comprehensive Plan. The proposed amendment to the 2040 LRTP - 2016 Update will update Chapter 10 of the Comprehensive Plan to align with the changes in the LRTP. The updates to the LPlan 2040 - 2016 Update are as follows:

Page 10.63 Revise the location for the Fletcher Avenue project on Map 18.18: Rural Roads Projects. This revision will modify the project limits of the Fletcher Avenue project from “N. 84th Street to N. 98th Street” to “N. 84th Street to N. 148th Street.”

Page 10.64 Revise the location and length for the Fletcher Avenue project in Table 10.10: Rural Roads Project. This revision will modify the project limits of the Fletcher Avenue project from “N. 84th Street to N. 98th Street” to “N. 84th Street to N. 148th Street,” and will modify the project length (miles) from “2.00” to “4.42.”

PROJECT REVIEW AND COMMENTS

In accordance with the *NDOT Operating Manual for Metropolitan Planning Organization Transportation Planning*, the public involvement procedure and reviewing body necessary for an LRTP amendment and an LRTP administrative modification should be determined at the MPO level. The MPO may set multiple thresholds as long as the first level meets the minimum threshold outlined above. If the MPO chooses to have multiple thresholds/levels of public involvement for an LRTP amendment, then the procedure must be clearly outlined in the MPO Public Involvement Plan and the MPO LRTP. Amendment procedures must be documented in the LRTP, TIP and Public Participation Plan.

The Lincoln MPO Public Participation Plan indicates that the Lincoln MPO will strive to provide a public comment period of at least 30 calendar days prior to adoption of an LRTP amendment. The comment period begins upon the posting of an LRTP amendment under consideration, at least 7 days prior to MPO Technical Committee review and continues through the MPO Officials Committee review and adoption.

The posting of the proposed amendment to the 2040 LRTP - 2016 Update is scheduled for review and action by the MPO Technical Committee and MPO Officials Committee on the following dates:

- October 16, 2020 at 3:00 p.m. MPO Technical Committee meeting
- November 16, 2020 at 11:00 a.m. MPO Officials Committee meeting

These MPO meetings are open meetings and will include time for public comment. The MPO Officials Committee will consider all comments received at its November 16, 2020 meeting.

APPLICATION HISTORY

January 13, 2017 The Lincoln MPO adopted the 2040 LRTP - 2016 Update.

June 22, 2017 The Lincoln MPO amended the 2040 LRTP - 2016 Update to reflect an updated cost for the Lincoln South Beltway project.

May 4, 2018/
November 16, 2018 The Lincoln MPO amended the 2040 LRTP - 2016 Update to support the newly adopted Performance Management Measures.

February 8, 2019 The Lincoln MPO amended the 2040 LRTP - 2016 Update to reflect the North 33rd Grade Separation and Cornhusker Highway Subarea Planning Project and the Lincoln MPO On-Street Bike Facilities Plan (Lincoln Bike Plan).

Prepared by

Allan Zafft, Transportation Planner

Date: October 19, 2020

Applicant: David Cary, 402-441-7491, dcary@lincoln.ne.gov
Pam Dingman, 402-441-7681, PDingman@lancaster.ne.gov

Contact: Allan Zafft, 402-441-6369, azafft@lincoln.ne.gov

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SCHOOL DISTRICT 145

Commitment to Excellence

Dr. Cory Worrell
Superintendent

Mr. Robin Hoffman
Business Manager

Mrs. Delanie McMillan
Student Services Director

Ms Angela Plugge
Director of Learning

Mr. Adam Bauman
Technology Director

To Whom It May Concern:

My name is Cory Worrell and I'm the superintendent of schools for District 145-Waverly. District 145 is comprised of five different communities that make up the district. This includes: Alvo, Eagle, Prairie Home, Walton and Waverly. We are a district that also has part of its footprint in four different counties: Lancaster, Saunders, Cass and Otoe. And we are a school district of roughly 300 square miles and 2100 students.

Within our district, we have seen growth in student enrollment for a number of years. This growth has been anywhere between 2 to 3% a year for the past 10 years. We are projecting similar growth well into the future. A big reason for our enrollment growth is continued construction of housing in a few areas of town. Through the years, the Evandale Development has housed many of our families and students on the east side of 148th Street. The Anderson North Park development has seen a number of new houses built on the northeast part of town. This development is currently in its sixth or seventh addition, with a couple more additions to go. And yet, another neighborhood that has seen a number of new houses constructed is the Riley Addition, which is directly south of Amberly Road in Waverly. The Riley addition has over 110 new homes built. Most of the Riley addition homes, as well as the Evandale and Anderson Park North homes, have young families living in them. And just to the west of the Riley addition, divided by Ash Hollow Creek, we will see 80 to 90 new apartments and 10-20 townhouses being built next to a day care facility in the next few years. These will also be directly south of Amberly Road.

With young families bring about increased enrollment in our district. And with increased enrollment, we also see more students and families using the town streets and sidewalks to get to our schools each day. This includes both more vehicles using our streets and students walking to our buildings. Our students that walk to our buildings in Waverly use four main streets and crossings. On 148th Street they cross at the east-west Folkstone and Castlewood Streets. Many of these students live in the Evandale Development. Off of Amberly Road, they cross at the north-south 145th and 143rd Streets. Many of these students are coming directly from a home in the Riley addition.

In Waverly, the designated truck route is Amberly Road. This truck designation has been in place for many years. Daily, many trucks, will travel from 148th Street to Amberly Road and onto Hwy 6. And the reverse is true. Many trucks will travel from

Including Communities of Alvo, Eagle, Prairie Home, Walton, and Waverly



SCHOOL DISTRICT 145

Commitment to Excellence

Hwy 6, onto Amberly Road to 148th Street. While they do this on Amberly Road, they pass by Hamlow Elementary, Waverly Middle School and Waverly High School. While traveling down 148th Street, they pass by the Waverly Intermediate School. While Amberly Road worked as the designated truck route for many years, it is no longer safe for a community that is growing and expanding. Between those four buildings in Waverly, there are over 1800 students that attend school within their walls.

The past few years our school district, along with the City of Waverly, have worked to find effective ways to keep our students safe on our streets. This includes our district placing crossing guards at strategic crossing locations before and after school for student safety. The City of Waverly also installed 4 RRFB's, Rectangular Rapid Flashing Beacons after extensive research on traffic patterns of vehicles and students walking. Both of these strategies have improved the safety of our students as they travel both on foot and in vehicles to school each day. However, the traffic and heavy use of Amberly Road and 148th Street by many trucks and heavy equipment, continues to make a situation unsafe for many students and patrons.

I ask that you put on your 1 and 6 plan a different truck route for Waverly. The plan of using Fletcher Avenue as the designated truck route would keep our students and community members safe in Waverly. It would cut down on truck traffic on Amberly Road and 148th Street which occurs at all hours of the day. It would make our roads safer for our students and parents that drive students to school. And most importantly, in my opinion, it gets large trucks off of roads that many of our students cross each day. At one point, Amberly Road made sense as a truck route. This is obviously no longer true anymore. As Waverly continues to grow, unless addressed, this problem will continue to grow as well. Thank you for your time.

Sincerely,

Dr. Cory Worrell
Superintendent
District 145-Waverly
402-786-2321
cory.worrell@district145.org

Including Communities of Alvo, Eagle, Prairie Home, Walton, and Waverly



City of Waverly, Nebraska

14130 Lancashire Street, P.O. Box 427
Waverly, Nebraska 68462
Phone: 402-786-2312 Fax: 402-786-2490
www.citywaverly.com



Mayor
Michael J. Werner

To: Lancaster County Commissioners

Council Members
Chad G. Neuhalfen
David L. Nielsen
Andrew M. Cockerill
William D. Gerdes

Date: October 22, 2019

From: Mayor Michael J. Werner, City of Waverly

Subject: Letter of support for Fletcher Avenue

City Administrator
Stephanie A. Fisher

City Clerk
Deputy Treasurer
Hope A. Staten

Lancaster County Nebraska is one of the fastest growing counties in our state if not the fastest. The city of Waverly, located in Lancaster County and approximately 4 miles east of Lincoln, NE. is consistently one of the four fastest growing cities in the state.

City Treasurer
Deputy Clerk
Patrick J. Paulsen

The City of Lincoln is the second largest city in our State. It is located in Lancaster County, and its population represents roughly 88% of the county's total population. It is fast approaching metropolitan classification (300,000 in population) while Waverly is fast approaching a city of the first class (over 5,000 in population).

Years ago, Lancaster County acquired right-of-way along Fletcher Avenue from N148th Street to 84th Street. The bulk if not all of the ROW is 100 feet wide. The County over time has graded this same stretch of road in preparation of hard surfacing (today it is a gravel road). By grading I mean widening of the road or shouldering, plus "lowering" the hills and "raising" the valleys to obtain correct line of sight standards concerning hard surfaced roads and general higher rate of vehicular travel. Unfortunately, due to money constraints and other higher priority needs this stretch of Fletcher Avenue remains un-paved or graveled.

During the summer of 2018 Lancaster County performed a traffic safety study along a stretch of N148th Street corridor. The ADTs were surprisingly high, with anticipated growth over the next 20 years in the unprecedented range. Roughly 12% of all traffic was heavy vehicles. In the fall of 2018, the city of Waverly performed a traffic study on another portion of N148th Street, along with the full length of Amberly Road. The data counts received from this study have caused our city to begin the process of implementing RRFBs at 4 separate locations. In addition, the study pointed out to us where traffic control by either signal lights or roundabouts will be needed in the very near future.

The city of Waverly has (3) public school facilities along Amberly Road, and another along N148th Street. Our southwestern portion of town is industrial by nature, and has distribution centers located there. Heavy truck traffic in and out of this area is the norm. The most common complaint the Waverly City office receives involves public safety (precisely child safety) from parents concerned about the amount and type of vehicular traffic on Amberly Road along with the section of N148th Street from HWY6 to the I80 overpass. These 2 sections of road today are flooded with an enormous amount of local

traffic. It is obvious that some heavy vehicular traffic will always occur on these stretches, but from a pure safety standpoint diversion of traffic is going to be needed.

As the 3 entities mentioned continue to grow (Lancaster County, city of Lincoln and the city of Waverly) the need and urgency to get this 64 block stretch of Fletcher Avenue paved (or hard surfaced) is becoming alarmingly evident. As such, I fully support the County Engineer's request for funding concerning the hard surfacing on this stretch of road. Furthermore, if this were to be funded, our city will work with the County in a partnership concerning the hard surfacing of N134th Street from the city limits of Waverly to Fletcher Avenue (approximately 2 miles of road).

If we try our best to be visionary, paving of Fletcher Avenue from N148th to 84th Street, and the paving of N134th from city of Waverly corporate limits to Fletcher Avenue offers a full-service solution that numerous entities will benefit from:

1. The City of Waverly, as now heavy vehicular traffic has an alternate and safer way to get in and out of Waverly or to simply bypass Waverly.
2. The City of Lincoln, more roads east of Lincoln need improvement to allow for the growth that is heading that direction now. Northeast Lincoln should have more accessibility east of them, today it is highly limited to only HWY 6.
3. The County itself, as it spreads vehicular traffic across more roads which should improve the life of the roads in general.
4. A large Archer Daniels Midland Company (ADM) terminal exists near 84th and Fletcher, this would allow more direct access to that terminal where 1,000s of semi-trucks navigate to and from yearly. The possibility of ADM expanding this terminal in a large way is highly probable.
5. This solution ties in well with the east beltway plan.

In closing, I reiterate my support on the request for this funding. The County Engineer deserves a lot of credit for being forward thinking concerning this matter. I stand beside her on this request, and believe it to be highly deserving of your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael J. Werner".

Michael J. Werner, Mayor

City of Waverly

Home: 402-786-3931

Email: mikew@citywaverly.com



City of Waverly, Nebraska

14130 Lancashire Street, P.O. Box 427
Waverly, Nebraska 68462
Phone: 402-786-2312 Fax: 402-786-2490
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Mayor
Michael J. Werner

To: MPO Project Selection Committee

City Administrator
Stephanie A. Fisher

Date: February 27, 2019

Council Members
Chad G. Neuhalfen
David L. Nielsen
Andrew M. Cockerill
William D. Gerdes

From: Mayor Michael J. Werner, City of Waverly

Subject: Letter of support for Fletcher Avenue

**City Clerk/
Deputy Treasurer**
Clinton J. Hlavaty

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**City Treasurer/
Deputy Clerk**
Patrick J. Paulsen

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Sincerely,



Michael J. Werner, Mayor

City of Waverly

Home: 402-786-3931

Email: wsswerner@windstream.net

RESOLUTION NO. 18-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAVERLY, NEBRASKA, TO PETITION THE COUNTY OF LANCASTER, NEBRASKA TO REMOVE ANY COUNTY DESIGNATION OF AMBERLY ROAD LYING BETWEEN HIGHWAY 6 AND NORTH 148TH STREET AS THE NAMED TRUCK ROUTE; TO REVOKE ANY CITY DESIGNATION OF AMBERLY ROAD LYING BETWEEN HIGHWAY 6 AND NORTH 148TH STREET AS THE NAMED TRUCK BYPASS ROUTE; TO RECOMMEND TO THE COUNTY OF LANCASTER, NEBRASKA THAT FLETCHER AVENUE LYING BETWEEN NORTH 84TH STREET AND NORTH 148TH STREET BE PAVED AND DESIGNATED AS THE NAMED COUNTY TRUCK ROUTE; TO DEMONSTRATE THE CITY'S COMMITMENT TO EXPLORING OPPORTUNITIES FOR COST-SHARING PAVING AND TRAFFIC SAFETY IMPROVEMENT PROJECTS WITH THE COUNTY OF LANCASTER, NEBRASKA WITHIN THE CITY'S EXTRATERRITORIAL JURISDICTION; AND TO SIGNAL THE CITY'S INTENT TO ENGAGE IN FURTHER STUDIES RELATED TO RELIEVING TRAFFIC CONGESTION WITHIN CITY LIMITS.

WHEREAS, the City of Waverly, Nebraska, a municipal corporation (the "City"), finds it to be desirable and in the best interest of the City and its residents to improve public safety by engaging in efforts to reduce traffic volumes and congestion within the City limits, especially in areas of the City where children and other pedestrians are commonly present; and

WHEREAS, Amberly Road lying between Highway 6 and North 148th Street had historically been designated by the County of Lancaster, Nebraska (the "County") as the named truck route, and by the City as the named truck bypass route, intersecting City limits and connecting Highway 6 to North 148th Street therein; and

WHEREAS, Hamlow Elementary School, Waverly Middle School, and Waverly High School are all presently located along the above-mentioned portion of Amberly Road, and Waverly Intermediate School is located along the below-mentioned portion of North 148th Street, thereby significantly increasing the volume of children and other pedestrians within the vicinity of said truck congestion; and

WHEREAS, the confluence of truck congestion and increased presence of children and other pedestrians along Amberly Road and North 148th Street results in an increased risk to the safety and well-being of the public; and

WHEREAS, the present location of the truck route along Amberly Road leads to an overall decrease in safety along the year-round farm to market route; and

WHEREAS, the County commissioned and paid for a study dated July 25, 2018 (the "Study") to examine safety along that portion of North 148th Street lying between Amberly Road at the north end and Old Cheney Road at the south end (the "Study Corridor"); and

WHEREAS, the Study found that traffic has increased at an unprecedented rate of 4.5% annually along the Study Corridor, heavy and/or commercial vehicles constituted an average of 8% to 12% of the traffic within the Study Corridor, and average daily traffic at the north end of the Study Corridor near Amberly Road is expected to increase from 5,850 vehicles presently to more than 15,000 vehicles by 2040; and

WHEREAS, the City finds that such projected increases in traffic volumes along the Study Corridor will exacerbate the likelihood of further truck and traffic congestion along Amberly Road within the City limits, thereby further endangering public safety and well-being and indicating a need for responsive measures by the City;

WHEREAS, the City finds that by reducing truck traffic and congestion and improving public safety through revisions to the named truck route may result in positive long-term economic benefits to the City and County alike by incentivizing businesses and industry to relocate to or expand in the City and northeast Lancaster County generally;

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF WAVERLY, NEBRASKA:

Section 1. The City hereby petitions the County to remove any existing county designation of Amberly Road lying between Highway 6 and North 148th Street as the named truck route.

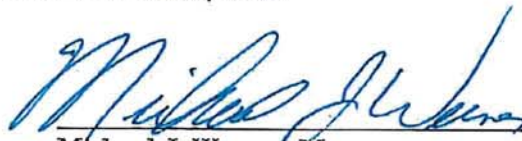
Section 2. The City shall revoke all City designations of Amberly Road lying between Highway 6 and North 148th Street as the named truck bypass route within City limits.

Section 3. The City recommends to the County that Fletcher Avenue lying between 84th Street and North 148th Street be paved and thereafter designated by the County as the named truck route to connect truck traffic between Highway 6 and North 148th Street, and that 112th Street and North 134th Street lying between Highway 6 and Fletcher Avenue be paved in order to facilitate connectivity to such named truck route, thereby improving the safety of the general public and along the year-round farm to market route and enhancing economic development through improvement of the safety and accessibility of routes available for commercial transportation.

Section 4. The City shall commit to continued exploration of opportunities to cost-share projects with the County aimed at reducing truck congestion within City limits, including but not limited to, cost-sharing arrangements for paving portions of the named truck route or routes from Highway 6 connecting to the named truck route that lie within the City's extraterritorial jurisdiction approximately between Highway 6 and Alvo Road.


Section 5. The City may commission future studies on its own or in conjunction with the County to further examine the public safety impacts of truck congestion along Amberly Road within the City limits and to identify feasible alternatives for relieving such congestion and risk to public safety.


PASSED AND APPROVED THIS 9th DAY OF OCTOBER, 2018.

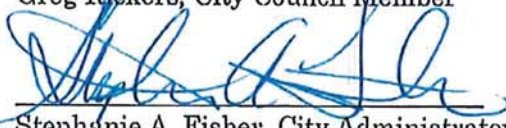

Michael J. Werner, Mayor


Chad Neuhalfen, City Council Member



John Hestermann, City Council Member


Joe Dalton, City Council Member


Greg Rickers, City Council Member


Stephanie A. Fisher, City Administrator

ATTEST:


Clinton J. Hlavaty, City Clerk/Treasurer

(SEAL)

4819-3921-3685, v. 1