

Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

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

PLANNING STAFF

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

December 2, 2020

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, December 02, 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.

In order to limit the number of people gathering at any one time and our effort to adhere to required “social distancing” protocols, we are staggering the times of various hearings over several hours. These times are identified in () next to each agenda item. We are encouraging attendees to arrive no more than 15 minutes before their scheduled hearing. An agenda item will not begin before the time posted.

****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, DECEMBER 2, 2020

Approval of minutes of the regular meeting held November 18, 2020.

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

ANNEXATIONS AND RELATED CHANGE OF ZONES:

1.1a ANNEXATION 20012, to annex approximately 21.45 acres, on property generally located at S. 94th and Van Dorn Streets.

Page **Staff recommendation: Conditional Approval**
01 **Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov**

1.1b CHANGE OF ZONE 17030C, from AG (Agricultural District) to R-3 (Residential District) PUD (Planned Unit Development), to expand the boundaries of the Wandering Creek PUD to add approximately 20.3 acres with residential and commercial areas along with associated waivers, on property generally located at S. 94th and Van Dorn Streets.

Page
01

Staff recommendation: Conditional Approval

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

1.2a ANNEXATION 20013, to annex approximately 4.84 acres and adjacent right-of-way including the remaining portion of Lot 122 and South 98th Street, on property generally located at 8455 South 98th Street.

Page
33

Staff recommendation: Conditional Approval

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

1.2b CHANGE OF ZONE 20035, from AG (Agricultural District) to H-3 (Highway Commercial District), on property generally located at 8455 South 98th Street.

Page
33

Staff recommendation: Conditional Approval

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

CHANGE OF ZONE:

1.3 CHANGE OF ZONE 20033, from R-4 (Residential District) to R-6 (Residential District), on property generally located at 2300, 2310 and 2330 Y Street.

Page
45

Staff recommendation: Conditional Approval

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

STREET & ALLEY VACATION:

1.4 STREET & ALLEY VACATION 20005, to vacate S. 34th St. from Tree Line Dr. south to its terminus, generally located at South 34th Street and Tree Line Drive.

Page
57

Staff recommendation: Conforms to the Comprehensive Plan

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

2. REQUESTS FOR DEFERRAL:

3. ITEMS REMOVED FROM CONSENT AGENDA:

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

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

TEXT AMENDMENT:

4.1 TEXT AMENDMENT 20007, to amend Article 4.005H of the Lancaster County Zoning Regulations relating to Farm Winery, to allow craft brewery as accessory to a farm winery.

Page
63

Staff recommendation: Approval

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

(1:30 P.M. PUBLIC HEARING ITEM: **)**

COMPREHENSIVE PLAN AMENDMENT:

4.2 COMPREHENSIVE PLAN AMENDMENT 20002, to amend the 2040
Lincoln-Lancaster County Comprehensive Plan to adopt the "33rd & Cornhusker
Subarea Plan". Amendments to the Comprehensive Plan include: adding reference
to both plans in Chapter 12, updating the Future Land Use Map, updating the
Mixed-Use Redevelopment Nodes Map, updating the Commercial Centers Map, and
various updates to Chapter 10 to conform with associated amendments to the Long
Range Transportation Plan. The Subarea Plan is generally bounded by North 27th
Street and Deadman’s Run on the west, Superior Street on the north; North 48th
Street on the east and the properties immediately south of Cornhusker Highway on
the south, and the project area is approximately 590 acres.

Page
71

Staff recommendation: Approval

Staff Planner: Paul Barnes, 402-441-6372, pbarnes@lincoln.ne.gov

**PLEASE NOTE THAT WE ARE SUSPENDING THE OPPORTUNITY FOR ANYONE
WISHING TO SPEAK ON AN ITEM
NOT ON THE AGENDA UNTIL FURTHER NOTICE.**

Adjournment

PENDING LIST:

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.

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

Planning Department Staff Contacts:

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

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

* * * * *

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

ACCOMMODATION NOTICE

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

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

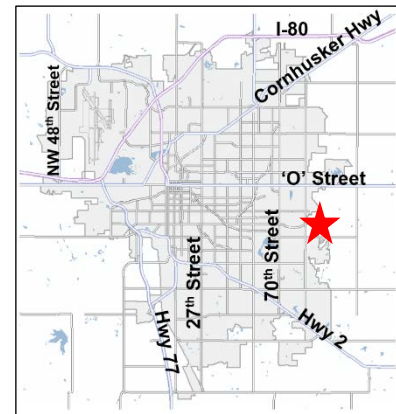
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Annexation 20012 Change of Zone 17030C	FINAL ACTION? No	DEVELOPER/OWNER Matodol, LLC
PLANNING COMMISSION HEARING DATE December 2, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION S. 94 th and Van Dorn Street

RECOMMENDATIONS: ANNEXATION 20012 CHANGE OF ZONE 17030C	CONDITIONAL APPROVAL CONDITIONAL APPROVAL
--	--

BRIEF SUMMARY OF REQUEST

This is a request to allow for the expansion of the Wandering Creek Planned Unit Development (PUD) by annexation and change of zone to include 20.3 acres near the intersection of S. 94th Street and Van Dorn Street. The change of zone is from AG Agricultural to R-3 PUD for an expansion which will include additional residential along with a neighborhood commercial area. Uses will include a commercial garden center, other commercial/office uses and additional residential. The proposal includes 40,000 square feet of new commercial and/or 40 dwellings, 50 new multi-family dwellings, and adding 12 additional residential dwellings from 213 to 225 added to the PUD.



JUSTIFICATION FOR RECOMMENDATION

The proposed amendment is justified because it is consistent with the overall Wandering Creek PUD conceptual plan and the Comprehensive Plan which identify the area to the northwest of Van Dorn Street and S. 98th Street as Neighborhood Commercial and Residential.

APPLICATION CONTACT
Brad Marshall, (402) 458-5672 or bmarshall@olsson.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The site is designated for future commercial and urban density residential land uses on the Future Land Use Map, and these requests comply with the requirements of the Zoning Ordinance and Comprehensive Plan.

WAIVERS

1. Subdivision Ordinance 26.27.010 to allow for the phasing of Rattlesnake Road so it does not have to be constructed until the residential lots on the north side are final platted. (Recommend Approval)
2. Zoning Ordinance 27.67.020 to reduce the parking requirement for garden centers from 1 stall per 300 square feet of floor area to 1 stall per 600 square feet for seasonal retail or permanent retail areas and 2 stalls for

every 3 employees on the max shift for all other areas. (Recommend Approval)

3. Zoning Ordinance 27.72.030 to allow for an increase in the allowable height from 40 to 50 feet. (Recommend Approval at 55 feet)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

P. 1.10 - The 2040 Growth Tiers Map designates this area as Tier 1, Priority B.

p. 5.6 - This site is shown as a Neighborhood Center on Map 5.1 Existing and Proposed Commercial Centers.

p. 5.6 - Residential Mixed Use is encouraged in some commercial areas, especially for Regional, Community, Neighborhood and Mixed Use Office Centers.

P. 7.2 - Neighborhoods and Housing Guiding Principles:

- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.

P. 7.4 - Strategies for Neighborhoods and Housing

- Discourage residential development in areas of environmental resources such as endangered species, saline wetlands, native prairies, and in floodplain corridors.
- Encourage preservation or restoration of natural resources within or adjacent to development.

P. 7.8 - Strategies for Developing Neighborhoods

- Encourage new development to achieve densities greater than five dwelling units per gross acre.

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

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

UTILITIES & SERVICES:

A. Sanitary Sewer: The sub-basin connection line to the Steven's Creek Trunk Sewer was completed in June, 2019 for the connection and extension to serve the Wandering Creek PUD area. So sanitary sewer is available for both the commercial and residential components of the PUD.

B. Water: A 16" water main is located in Van Dorn Street from S. 84th to S. 91st Street which was installed in 2016. The City has initiated design on extension to S. 98th Street which is anticipated within the next 2 year depending on road grade and water main design schedule. Since the developer owns all the parcels in this area on the north side of Van Dorn Street they can extend water mains internally to service their development expansion.

C. Roads: The development expansion area includes full access intersection with Van Dorn Street at S.94th Street. This will include temporary right and left turn lanes at this intersection. It may be required to have a traffic study done when the remaining of the site is built out to ensure no changes needed for the build-out intersection improvements. However, for this first phase with the temporary improvements this is not required given the limited extent of the commercial area. The second phase of the commercial area will also include a connection to S. 98th Street with an extension of Rattlesnake Road.

D. Parks and Trails: The nearby trail would extend along the north side of the creek that extends from near Resort Drive to South 98th Street. This creek is part of a minimum flood corridor with an associated conservation easement. A potential public park is shown as part of the conceptual residential area outside of this expansion area in the north part of the PUD. This public park is shown on the potential Lincoln Public Schools (LPS) property and is subject to future agreements being completed between LPS and the City of Lincoln.

E. Fire Protection: After annexation, fire protection will be provided by Lincoln Fire & Rescue (LFR). LFR Station 12 located at Pioneers Boulevard and S. 84th Street will serve this area within department response time goals

ANALYSIS

1. This request is for an amendment to the Wandering Creek Planned Unit Development (PUD) to allow for the expansion of the PUD boundary by approximately 20.3 acres. The expansion will include adding 40,000 square feet of commercial and/or 40 dwellings, 50 multi-family dwellings, and 12 additional residential dwellings. The entire PUD will include up to 10,000 square feet per building or 12 dwellings for Residential Transition, 645 multi-family dwellings or 480 person (healthcare), 40,000 square feet of commercial and/or 40 dwellings and 225 dwelling units. Planned uses include a garden center, commercial/office uses and residential.
2. The PUD expansion area includes Neighborhood Commercial and Residential areas that were conceptually identified as such with the original PUD. The proposed change of zone includes 20.3 acres rezoned from AG Agricultural to R-3 Residential PUD. The proposed amendment does not include the entire area that is shown as Conceptual Neighborhood Commercial in the existing PUD. A future phase will include the remaining area which is at the northwest corner of Van Dorn Street and S. 98th Street to the east of the current proposed expansion.
3. As part of the proposed PUD notes, all B-2 uses otherwise permitted, permitted conditionally or permitted through special permit will be allowed as a permitted uses in the B-2 (Neighborhood Commercial) area except that broadcast towers, personal wireless services facilities, excavation and stone milling and theaters (indoor) shall remain special permitted uses. Examples of uses that will be permitted instead of conditional or by special permit include health care facilities, residential, health care facilities, non-residential, private schools, motorized vehicle wash facilities, and social halls.
4. Comprehensive Plan Amendment 17007 was approved on February 12, 2018. This amended the 2040 Lincoln-Lancaster County Comprehensive Plan to show Commercial at the northwest corner of 98th and Van Dorn Streets. The also included amending the Commercial Centers map to show a Neighborhood Center at the same location. A Neighborhood Center typically ranges in size from 50,000 to 150,000 square feet of commercial space with those meeting the incentive criteria having up to 225,000 square feet. Examples include Lenox Village at S. 70th Street and Pioneers Boulevard, and Coddington Park Center at West A Street and Coddington Avenue.
5. Regarding the requested waivers:
 - Subdivision Ordinance 26.27.010 to allow for the phasing of Rattlesnake Road so it does not have to be constructed until the residential lots on the north side are final platted. This is appropriate as the Rattlesnake Road segment to the north of the garden center is not needed until the residential lots are platted. Access for the garden center and other commercial proposed at this time will be from Van Dorn Street.
 - Zoning Ordinance 27.67.020 to reduce the parking requirement for garden centers from 1 stall per 300 square feet of floor area to 1 stall per 600 square feet for seasonal retail or permanent retail areas and 2 stalls for every 3 employees on the max shift for all other areas. This is appropriate as the garden center use will not be of the same intensity of retail parking demand as a typical retail store. Also, retail uses in certain districts such as B-3 and H-2 are already allowed parking at the 1 stall per 600 square feet.
 - Zoning Ordinance 27.72.030 to allow for an increase in the allowable height from 40 to 50 feet for the B-2 (Neighborhood Commercial) area. This is an appropriate waiver request as other commercial building height adjustments have been approved. This would allow commercial/office buildings up to 4 stories in height. Planning is recommending 55 feet for waiver height in case apartments would be proposed in the B-2 area. Typically apartments have requested up to 55 feet in height.
6. The proposed commercial and residential areas are consistent with the overall Wandering Creek PUD. The original CZ17030 approval included conceptual neighborhood commercial at the location in question along with residential.
7. The site is designated for future commercial and urban density residential land uses on the Future Land Use Map, and these requests comply with the requirements of the Zoning Ordinance and Comprehensive Plan.

EXISTING LAND USE & ZONING: Vacant, undeveloped land; AG

SURROUNDING LAND USE & ZONING

North: Agriculture; AG
South: Firethorn Golf Course; AGR
East: Agricultural; AG
West: Single Family Residential, Wandering Creek PUD; R-3

APPLICATION HISTORY:

December, 2018 CZ17030A approved December 17, 2018 expanded the Wandering Creek Planned Unit Development (PUD) which was originally approved on February 15, 2018 through Change of Zone 17030. The original PUD included 78.66 acres. The expansion took the PUD to 134.42 acres in total size. The CZ17030A approval added approximately 55.76 acres to the development including 119 additional residential dwellings. This included 830 total dwellings, including up to 595 total multifamily dwellings or up to 480 persons as part of health care residential, and up to 10,000 square feet of office residential transition use which could include up to 12 dwellings.

August, 2020 CZ17030B approved August 31, 2020 amended the Wandering Creek PUD for the multi-family area to reduce the required parking from 1.75 spaces per dwelling to 1.5 spaces per dwelling unit. This proposal was based on the percentage of the units, 65% minimum, that will be studios and 1-bedroom units with 35% of the units at maximum consisting of 2-bedroom units. The multi-family area is located in the southwest part of the PUD near S. 88th Street and Bobtail Road and consists of approximately 20.67 acres.

APPROXIMATE LAND AREA:

Annexation 20012: 21.45 acres, more or less
Change of Zone 17030C: 20.3 acres, more or less

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: Council District #2

LEGAL DESCRIPTION:

Annexation 20012:
A tract of land composed of a portion of Lot 64, I.T., and a portion of Lot 65, I.T., along with a portion of Van Dorn Street right of way located in the SE 1/4 of Section 35-10-7 and a portion of Van Dorn Street right of way located in the NE 1/4 of Section 2-9-7, Lincoln, Lancaster County, Nebraska, generally located at S. 94th and Van Dorn Streets (See attached legal description).

Change of Zone 17030C:
A tract of land composed of a portion of Lot 64 I.T., and a portion of Lot 65 I.T., all located in the SE ¼ of Section 35-10-7 Lincoln, Lancaster County, Nebraska (See attached legal description).

Prepared by

George Wesselhoft, Planner
(402) 441-6366 or gwesselhoft@lincoln.ne.gov
Date: November 19, 2020

Applicant/Owner: Matodol, LLC
601 P Street
Lincoln, NE 68508
(402) 458-5632 or mpalmer@olsson.com

Contact: Brad Marshall, Olsson
601 P Street
Lincoln, NE 68508
(402)-458-5672 or bmarshall@olsson.com

F:\DevReview\CZ\17000\CZ17030C Wandering Creek.gjw.docx

CONDITIONS OF APPROVAL - ANNEXATION 20012

Before scheduling with the City Council:

1. Revise the legal descriptions to the satisfaction of GIS Survey and the County Engineer.

CONDITIONS OF APPROVAL - CHANGE OF ZONE 17030C

This approval permits the expansion of the Wandering Creek Planned Unit Development and allows for the addition of 40,000 square feet of commercial and/or 40 dwellings, 50 multi-family dwellings, and 12 additional residential dwellings to the PUD for a total of 10,000 square feet per building or 12 dwellings for Residential Transition, 645 multi-family dwellings or 480 person (healthcare), 40,000 square feet of commercial and/or 40 dwellings and 225 dwelling units in the overall PUD with the following waivers:

1. Subdivision Ordinance 26.27.010 all streets abutting and within a new subdivision shall be paved with curbs and gutters if the street is within the city limits or if the subdivision will be annexed with the approval of the subdivision to allow Rattlesnake Road completion with final platting of residential lots.
2. Zoning Ordinance 27.67.020 required parking of 1 stall per 300 square feet of floor area to 1 stall per 600 square feet for seasonal retail or permanent retail areas and 2 stalls for every 3 employees on the max shift for all other areas.
3. Zoning Ordinance 27.72.030 maximum height for B-2 zoning area from 40 feet to 55 feet.

Site Specific Conditions:

1. Before receiving building permits or before a final plat is approved 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 Label floodplain conservation easement as NRD conservation easement.
 - 1.2 Revise Planned Unit Development (PUD) Note 25 to state "Lots 1-9,Block 5 cannot be final platted until a Letter of Map Revision (LOMR) is approved by FEMA for the modification to the floodplain from Crossing D to upstream of Crossing C. Lots 28-31 Block 4 and Lots 8-12 Block 24 cannot be final platted until a LOMR is approved by FEMA for the modification to the floodplain from 98th St. to Crossing D."
 - 1.3 Add labels for the proposed contours.
 - 1.4 In all places, refer to the commercial area as the B-2 area and not some other name.
 - 1.5 Delete Note 10. From the PUD Notes.
 - 1.6 Generalize height waiver to all of the B-2 area and change to 55 feet.
 - 1.7 Delete PUD Note 22.
 - 1.8 Sheet 3 of 23: Label as Future Commercial and Multifamily for area outside current expansion at the northwest corner of Van Dorn Street and S. 98th Street.
 - 1.9 Sheet 3 of 23: Label Block 3, Lot 24 as Multi-Family.
 - 1.10 Sheet 3 of 23: Show right of way for future roundabout at Van Dorn Street and S. 98th Street.

- 1.11 Add note to General Site Notes: The property currently addressed 9300 Van Dorn Street will need an address change to any new street, with any costs for this change paid by the developer prior to platting and relinquishing access to Van Dorn St.
- 1.12 Revise the legal description per the County Engineer 11/10/20 comments.
- 1.13 Add Subdivision Ordinance waiver for Rattlesnake Road to the list of waivers.

Standard Conditions:

2. The following conditions are applicable to all requests:
 - 2.1 Before occupying the dwelling units/buildings all development and construction shall substantially comply with the approved plans.
 - 2.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 2.3 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.
 - 2.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.
 - 2.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
 - 2.6 The site plan as approved with this 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.
3. Before receiving building permits, the developer shall provide the following documents to the Planning Department:
 - 3.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the planned unit development has been recorded.
4. Before issuance of building permits, final plat(s) shall be approved by the City.

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

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be

completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance. **A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for sidewalks and street trees along major streets that have not been improved to an urban cross section. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.**

Before a final plat may be approved, Developer agrees, as subdivider, must enter into an agreement with the City whereby Developer agrees:

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

To complete the paving of private roadway, *and temporary turnarounds and barricades located at the temporary dead-end of the private roadways* shown on the final plat within two (2) years following the approval of this final plat.

to complete the installation of sidewalks along both sides of *the streets (private roadways) and along* the (direction and name of street) as shown on the final plat within four (4) years following the approval of the final plat.

to complete the installation of sidewalks along (name the improved major street) as shown on the final plat within two (2) years following the approval of this final plat.

to construct the sidewalk in the pedestrian way easements at the same time as adjoining streets are paved and to agree that no building permit shall be issued for construction on until such time as the sidewalk in the pedestrian way easement is constructed.

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

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

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

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

to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat

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

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

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

to complete the planting of street trees along Van Dorn Street shown on the final plat within two (2) years following the approval of this final plat.

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

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

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

to timely complete any other public or private improvement or facility required by the Land Subdivision Ordinance which inadvertently may have been omitted from the above list of required improvements.

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

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

to complete the public and private improvements shown on the *Planned Unit Development*.

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

to maintain the outlots on a permanent and continuous basis.

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

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

to maintain the street trees along the private roadways and landscape screens, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

to maintain the sidewalks in the pedestrian way easements in good order and condition, including repair and replacement as reasonably necessary, on a permanent and continuous basis.

to maintain the private facilities which have common use or benefit in good order and condition and state of repair, including the routine and reasonable preventive maintenance of the private improvements, on a permanent and continuous basis.

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

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

- (1) Developer shall not be relieved of Developer's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.

- (2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

to inform all purchasers and users of land located within the 100 year floodplain and that the grading of the lots and outlots within the 100 year floodplain shall be in conformance with the grading plan approved with the Wandering Creek R-3 PUD change of zone 17030C or as amended by the Director of Planning. The volume of fill material brought into each lot and outlot from outside the floodplain shall not exceed that shown on the approved grading plan accompanying the PUD.



City of Lincoln/Lancaster County, NE GIS

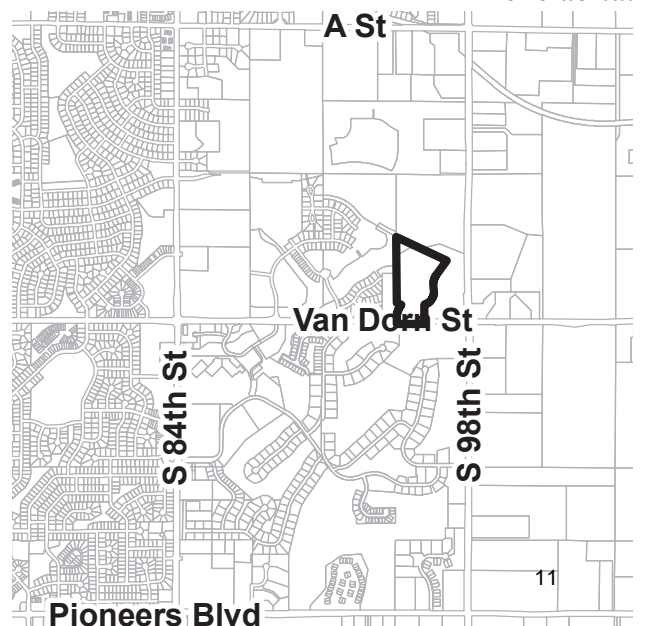
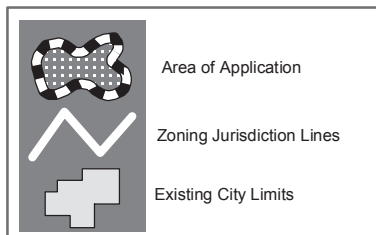
2020 aerial

Annexation #: AN20012
Wandering Creek
S 98th St & Van Dorn 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.35 T10N R07E
 Sec.02 T09N R07E





City of Lincoln/Lancaster County, NE GIS

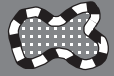


2020 aerial

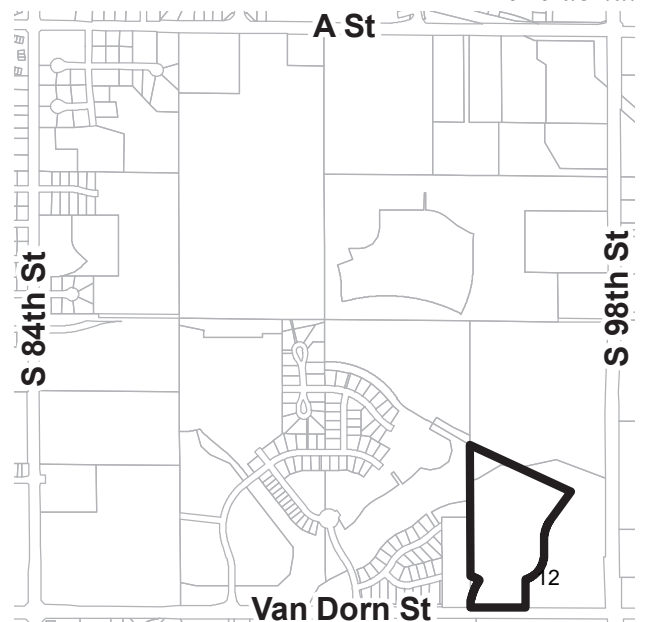
Change of Zone #: CZ17030C
Wandering Creek PUD
S 98th St & Van Dorn St

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.35 T10N R07E

	Area of Application
	Zoning Jurisdiction Lines
	Existing City Limits



LEGAL DESCRIPTION ANNEXATION

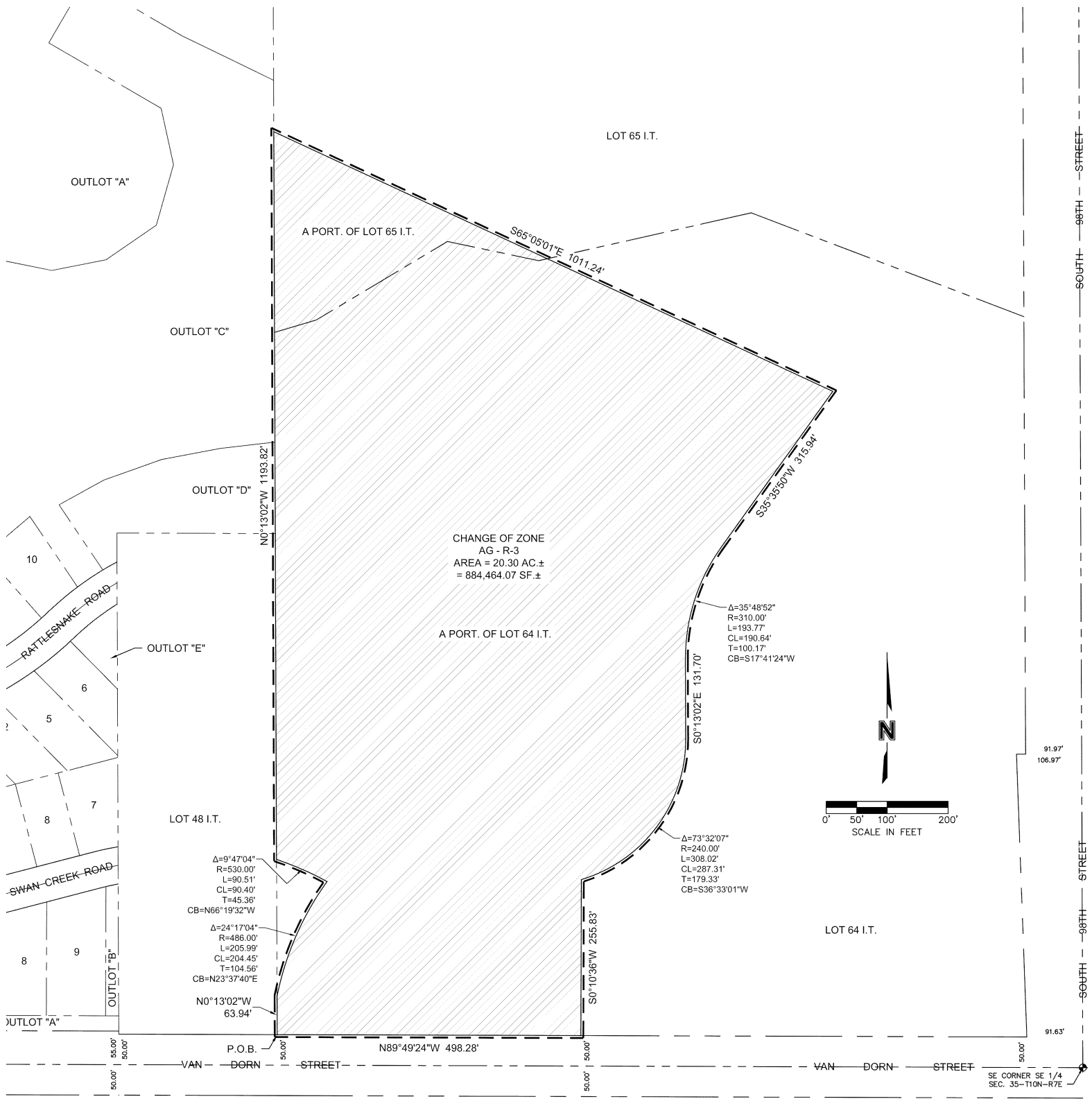
A TRACT OF LAND COMPOSED OF A PORTION OF LOT 64 I.T., A PORTION OF LOT 65 I.T., AND A PORTION OF VAN DORN STREET RIGHT-OF-WAY, ALL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., AND A PORTION OF VAN DORN STREET RIGHT-OF-WAY LOCATED IN THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., ALL IN LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 64 I.T., SAID POINT BEING THE SOUTHEAST CORNER OF LOT 48 I.T., SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF VAN DORN STREET, SAID POINT ALSO BEING 50.00' NORTH OF THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M.; THENCE NORTHERLY ON THE WEST LINE OF SAID LOT 64 I.T., SAID LINE BEING THE EAST LINE OF SAID LOT 48 I.T., ON AN ASSUMED BEARING OF N00°13'02"W, A DISTANCE OF 63.94' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 24°17'04", A RADIUS OF 486.00', AN ARC LENGTH OF 205.99', A CHORD LENGTH OF 204.45', A TANGENT LENGTH OF 104.56', AND A CHORD BEARING OF N23°37'40"E TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 09°47'04", A RADIUS OF 530.00', AN ARC LENGTH OF 90.51', A CHORD LENGTH OF 90.40', A TANGENT LENGTH OF 45.36', AND A CHORD BEARING OF N66°19'32"W TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID LOT 64 I.T., SAID POINT BEING ON THE EAST LINE OF SAID LOT 48 I.T.; THENCE N00°13'02"W, ON THE WEST LINE OF SAID LOT 64 I.T., AND ON THE WEST LINE OF LOT 65 I.T., LOCATED IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., A DISTANCE OF 1,193.82' TO A POINT; THENCE S65°05'01"E, A DISTANCE OF 1,011.24' TO A POINT; THENCE S35°35'50"W, A DISTANCE OF 315.94' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 35°48'52", A RADIUS OF 310.00', AN ARC LENGTH OF 193.77', A CHORD LENGTH OF 190.64', A TANGENT LENGTH OF 100.17', AND A CHORD BEARING OF S17°41'24"W, TO A POINT; THENCE S00°13'02"E, A DISTANCE OF 131.70' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 73°32'07", A RADIUS OF 240.00', AN ARC LENGTH OF 308.02', A CHORD LENGTH OF 287.31', A TANGENT LENGTH OF 179.33', AND A CHORD BEARING OF S36°33'01"W, TO A POINT; THENCE S00°10'36"W, A DISTANCE OF 255.83' TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LOT 64 I.T., SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF VAN DORN STREET, SAID POINT ALSO BEING 50.00' NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE CONTINUING S00°10'36"W, ON A SOUTHERLY EXTENSION OF SAID LINE A DISTANCE OF 100.00' TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID RIGHT-OF-WAY, SAID POINT BEING 50.00' SOUTH OF THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M.; THENCE N89°49'24"W, ON THE SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST

QUARTER, A DISTANCE OF 497.59' TO A POINT OF INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 64 I.T., LOCATED IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M.; THENCE NORTHERLY ON THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 64 I.T., A DISTANCE OF 100.00' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 934,257.81 SQUARE FEET OR 21.45 ACRES, MORE OR LESS.

Monday, October 26, 2020

F:\2020\1501-2000\020-1850\40-Design\Survey\SRVY\Final Plats\Documents\ANNEX Legal.docx



DWG: F:\2020\1501-2000\020-1850\40-Design\Survey\SRVY\Final Plats\Drawings\020-1850_COZ-LEGAL.dwg
 DATE: Sep 08, 2020 5:46pm XREFS:

USER: mjohnson

**LEGAL DESCRIPTION
CHANGE OF ZONE
AG – R-3**

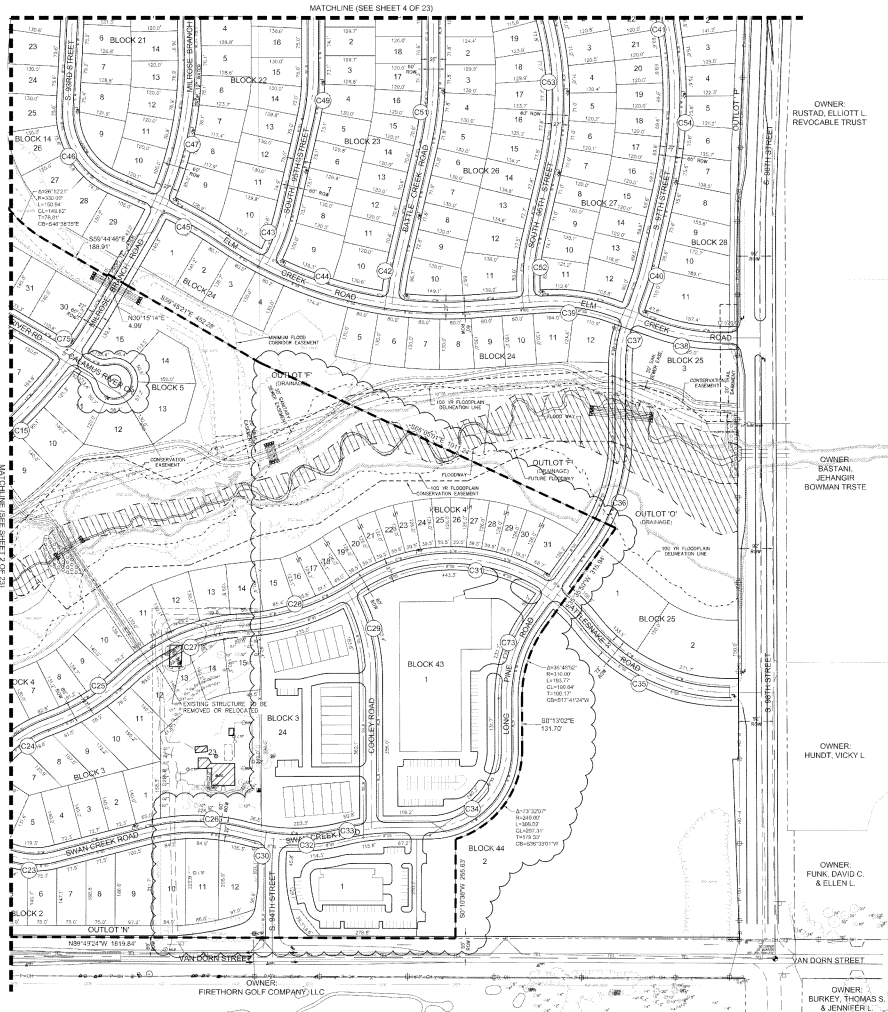
A TRACT OF LAND COMPOSED OF A PORTION OF LOT 64 I.T., AND A PORTION OF LOT 65 I.T., ALL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 64 I.T., SAID POINT BEING THE SOUTHEAST CORNER OF LOT 48 I.T., SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF VAN DORN STREET, SAID POINT ALSO BEING 50.00' NORTH OF THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M.; THENCE NORTHERLY ON THE WEST LINE OF SAID LOT 64 I.T., SAID LINE BEING THE EAST LINE OF SAID LOT 48 I.T., ON AN ASSUMED BEARING OF N00°13'02"W, A DISTANCE OF 63.94' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 24°17'04", A RADIUS OF 486.00', AN ARC LENGTH OF 205.99', A CHORD LENGTH OF 204.45', A TANGENT LENGTH OF 104.56', AND A CHORD BEARING OF N23°37'40"E TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 09°47'04", A RADIUS OF 530.00', AN ARC LENGTH OF 90.51', A CHORD LENGTH OF 90.40', A TANGENT LENGTH OF 45.36', AND A CHORD BEARING OF N66°19'32"W TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID LOT 64 I.T., SAID POINT BEING ON THE EAST LINE OF SAID LOT 48 I.T.; THENCE N00°13'02"W, ON THE WEST LINE OF SAID LOT 64 I.T., AND ON THE WEST LINE OF LOT 65 I.T., LOCATED IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., A DISTANCE OF 1,193.82' TO A POINT; THENCE S65°05'01"E, A DISTANCE OF 1,011.24' TO A POINT; THENCE S35°35'50"W, A DISTANCE OF 315.94' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 35°48'52", A RADIUS OF 310.00', AN ARC LENGTH OF 193.77', A CHORD LENGTH OF 190.64', A TANGENT LENGTH OF 100.17', AND A CHORD BEARING OF S17°41'24"W, TO A POINT; THENCE S00°13'02"E, A DISTANCE OF 131.70' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 73°32'07", A RADIUS OF 240.00', AN ARC LENGTH OF 308.02', A CHORD LENGTH OF 287.31', A TANGENT LENGTH OF 179.33', AND A CHORD BEARING OF S36°33'01"W, TO A POINT; THENCE S00°10'36"W, A DISTANCE OF 255.83' TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LOT 64 I.T., SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF VAN DORN STREET, SAID POINT ALSO BEING 50.00' NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE N89°49'24"W, ON THE SOUTH LINE OF SAID LOT 64 I.T., SAID LINE BEING THE NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 498.28' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 884,464.07 SQUARE FEET OR 20.30 ACRES, MORE OR LESS.

WANDERING CREEK
R-3 PLANNED UNIT DEVELOPMENT
SITE PLAN



olisson
PLANNING & ARCHITECTURE
1011 S. 10th Street, Suite 200
Lincoln, NE 68508
TEL: 402.471.0011
WWW.OLISSON.COM



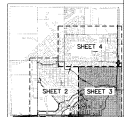
CURVE TABLE

ID	RADIUS	DELTA	LENGTH	TANGENT	CHORD LENGTH
C15	1300.00'	53.20°	728.45'	374.07'	718.96'
C23	280.00'	58.76°	223.19'	124.82'	211.76'
C24	300.00'	74.44°	213.17'	111.20'	206.95'
C25	162.82'	105.72°	248.67'	128.32'	244.14'
C26	300.00'	60.94°	248.66'	131.30'	264.07'
C27	481.91'	33.94°	334.47'	174.22'	327.80'
C28	548.83'	30.42°	350.28'	189.26'	322.24'
C29	180.00'	100.74°	231.98'	119.83'	223.98'
C30	611.21'	007.22°	78.96'	38.35'	78.54'
C31	444.00'	102.07°	445.30'	222.33'	536.30'
C32	300.00'	70.91°	255.69'	130.37'	292.92'
C33	300.00'	71.40°	253.49'	128.56'	292.18'
C34	200.00'	109.04°	251.95'	129.92'	292.77'
C35	450.00'	18.01°	473.24'	223.37'	461.05'
C36	450.00'	18.01°	473.24'	223.37'	461.05'
C37	322.65'	82.07°	124.19'	62.87'	123.42'
C38	300.00'	67.91°	189.97'	84.99'	189.12'
C39	450.00'	18.01°	473.24'	223.37'	461.05'
C40	300.00'	60.94°	248.66'	131.30'	264.07'
C41	1100.00'	10.22°	431.74'	216.68'	428.97'
C42	500.00'	10.22°	431.74'	216.68'	428.97'
C43	300.00'	11.65°	422.87'	211.74'	422.84'
C44	1000.00'	10.84°	478.95'	239.48'	463.16'
C45	1000.00'	10.84°	478.95'	239.48'	463.16'
C46	200.00'	10.84°	239.48'	119.74'	239.48'
C47	300.00'	10.84°	239.48'	119.74'	239.48'
C48	500.00'	10.84°	239.48'	119.74'	239.48'
C49	500.00'	10.84°	239.48'	119.74'	239.48'
C50	800.00'	10.84°	239.48'	119.74'	239.48'
C51	800.00'	10.84°	239.48'	119.74'	239.48'
C52	450.00'	10.84°	239.48'	119.74'	239.48'
C53	800.00'	10.84°	239.48'	119.74'	239.48'
C54	800.00'	10.84°	239.48'	119.74'	239.48'
C55	800.00'	10.84°	239.48'	119.74'	239.48'

ELEVATION TABLE

BLOCK	LOT	MIN. OPENING	LOWEST FLOOR
4	7	1200.0	1097.7
4	8	1200.0	1099.2
4	9	1200.0	1099.2
4	10	1200.0	1099.2
4	11	1200.0	1099.2
4	12	1200.0	1099.2
4	13	1200.0	1099.2
4	14	1200.0	1099.2
4	15	1200.0	1099.2
4	16	1200.0	1099.2
4	17	1200.0	1099.2
4	18	1200.0	1099.2
4	19	1200.0	1099.2
4	20	1200.0	1099.2
4	21	1200.0	1099.2
4	22	1200.0	1099.2
4	23	1200.0	1099.2
4	24	1200.0	1099.2
4	25	1200.0	1099.2
4	26	1200.0	1099.2
4	27	1200.0	1099.2
4	28	1200.0	1099.2
4	29	1200.0	1099.2
4	30	1200.0	1099.2
4	31	1200.0	1099.2
4	32	1200.0	1099.2
4	33	1200.0	1099.2
4	34	1200.0	1099.2
4	35	1200.0	1099.2
4	36	1200.0	1099.2
4	37	1200.0	1099.2
4	38	1200.0	1099.2
4	39	1200.0	1099.2
4	40	1200.0	1099.2
4	41	1200.0	1099.2
4	42	1200.0	1099.2
4	43	1200.0	1099.2
4	44	1200.0	1099.2
4	45	1200.0	1099.2
4	46	1200.0	1099.2
4	47	1200.0	1099.2
4	48	1200.0	1099.2
4	49	1200.0	1099.2
4	50	1200.0	1099.2
4	51	1200.0	1099.2
4	52	1200.0	1099.2
4	53	1200.0	1099.2
4	54	1200.0	1099.2
4	55	1200.0	1099.2
4	56	1200.0	1099.2
4	57	1200.0	1099.2
4	58	1200.0	1099.2
4	59	1200.0	1099.2
4	60	1200.0	1099.2
4	61	1200.0	1099.2
4	62	1200.0	1099.2
4	63	1200.0	1099.2
4	64	1200.0	1099.2
4	65	1200.0	1099.2
4	66	1200.0	1099.2
4	67	1200.0	1099.2
4	68	1200.0	1099.2
4	69	1200.0	1099.2
4	70	1200.0	1099.2
4	71	1200.0	1099.2
4	72	1200.0	1099.2
4	73	1200.0	1099.2
4	74	1200.0	1099.2
4	75	1200.0	1099.2
4	76	1200.0	1099.2
4	77	1200.0	1099.2
4	78	1200.0	1099.2
4	79	1200.0	1099.2
4	80	1200.0	1099.2
4	81	1200.0	1099.2
4	82	1200.0	1099.2
4	83	1200.0	1099.2
4	84	1200.0	1099.2
4	85	1200.0	1099.2
4	86	1200.0	1099.2
4	87	1200.0	1099.2
4	88	1200.0	1099.2
4	89	1200.0	1099.2
4	90	1200.0	1099.2
4	91	1200.0	1099.2
4	92	1200.0	1099.2
4	93	1200.0	1099.2
4	94	1200.0	1099.2
4	95	1200.0	1099.2
4	96	1200.0	1099.2
4	97	1200.0	1099.2
4	98	1200.0	1099.2
4	99	1200.0	1099.2
4	100	1200.0	1099.2

- EXISTING LEGEND**
- RIGHT-OF-WAY
 - SECTION LINE
 - METALINE
 - MIN. FLOOD CORROSION EASEMENT
 - CONSERVATION EASEMENT
 - 100 HR FLOODPLAIN
 - FLOODWAY
 - TREE BASE
 - STORM SEWER
 - COMMUNICATION UNDERGROUND
 - POWER OVERHEAD
 - WATER MAIN
 - SANITARY SEWER
 - FENCE LINE
- PROPOSED LEGEND**
- RIGHT-OF-WAY
 - PROPERTY LINE
 - ROADWAY CENTERLINE
 - WATER MAIN
 - SANITARY SEWER
 - FIRE HYDRANT
 - FUTURE 100 HR FLOODPLAIN
 - FLOODING LIMITS 100 HR. EVENT
 - FUTURE FLOODWAY
 - AREA OF CONCEPTUAL LAYOUT
 - LIMITS OF STUDY



REVISIONS

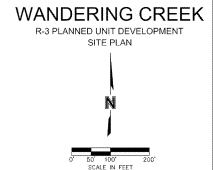
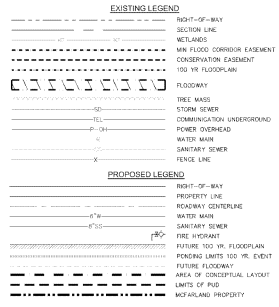
NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		
31		
32		
33		
34		
35		
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		
46		
47		
48		
49		
50		
51		
52		
53		
54		
55		
56		
57		
58		
59		
60		
61		
62		
63		
64		
65		
66		
67		
68		
69		
70		
71		
72		
73		
74		
75		
76		
77		
78		
79		
80		
81		
82		
83		
84		
85		
86		
87		
88		
89		
90		
91		
92		
93		
94		
95		
96		
97		
98		
99		
100		

SITE PLAN
WANDERING CREEK
R-3 PLANNED UNIT DEVELOPMENT
LINCOLN, NEBRASKA

2000

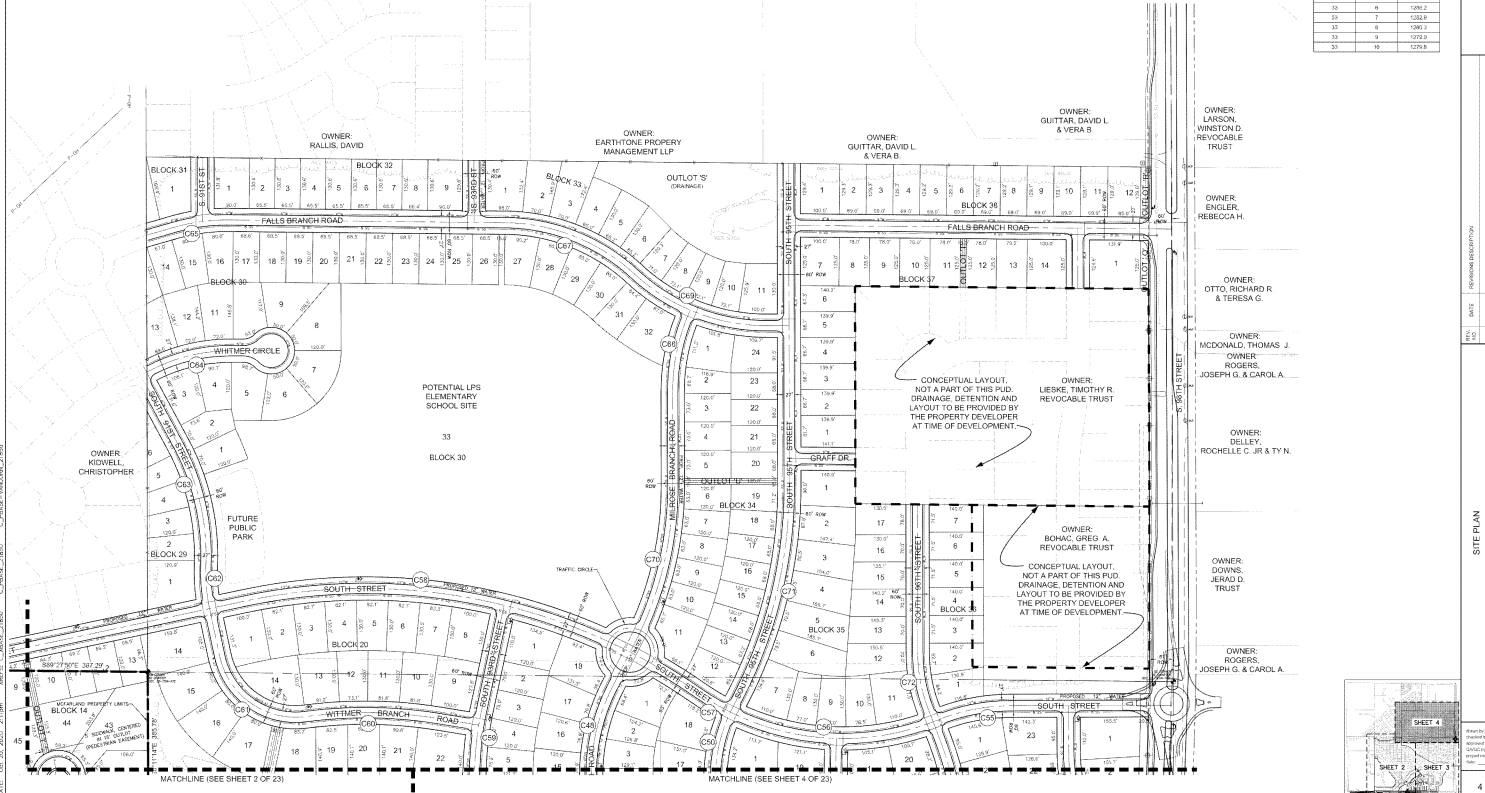
SHEET 3 OF 23

PI	PC	PT	TS	TL	CHORD LENGTH
10	100.00	0.0000	0.0000	0.0000	0.0000
15	100.00	0.0000	0.0000	0.0000	0.0000
20	100.00	0.0000	0.0000	0.0000	0.0000
25	100.00	0.0000	0.0000	0.0000	0.0000
30	100.00	0.0000	0.0000	0.0000	0.0000
35	100.00	0.0000	0.0000	0.0000	0.0000
40	100.00	0.0000	0.0000	0.0000	0.0000
45	100.00	0.0000	0.0000	0.0000	0.0000
50	100.00	0.0000	0.0000	0.0000	0.0000
55	100.00	0.0000	0.0000	0.0000	0.0000
60	100.00	0.0000	0.0000	0.0000	0.0000
65	100.00	0.0000	0.0000	0.0000	0.0000
70	100.00	0.0000	0.0000	0.0000	0.0000
75	100.00	0.0000	0.0000	0.0000	0.0000
80	100.00	0.0000	0.0000	0.0000	0.0000
85	100.00	0.0000	0.0000	0.0000	0.0000
90	100.00	0.0000	0.0000	0.0000	0.0000
95	100.00	0.0000	0.0000	0.0000	0.0000
100	100.00	0.0000	0.0000	0.0000	0.0000



ELEVATION TABLE

BLOCK	LOT	MIN. OPENING
11	19	1281.2
11	18	1281.2
11	17	1281.0
20	1	1282.2
23	2	1282.2
20	3	1281.7
20	4	1282.2
20	5	1281.7
20	6	1282.2
20	7	1282.2
20	8	1281.0
20	9	1279.8



issson
R-3 PLANNED UNIT DEVELOPMENT
LINCOLN, NEBRASKA

REVISIONS

NO.	DATE	REVISION DESCRIPTION

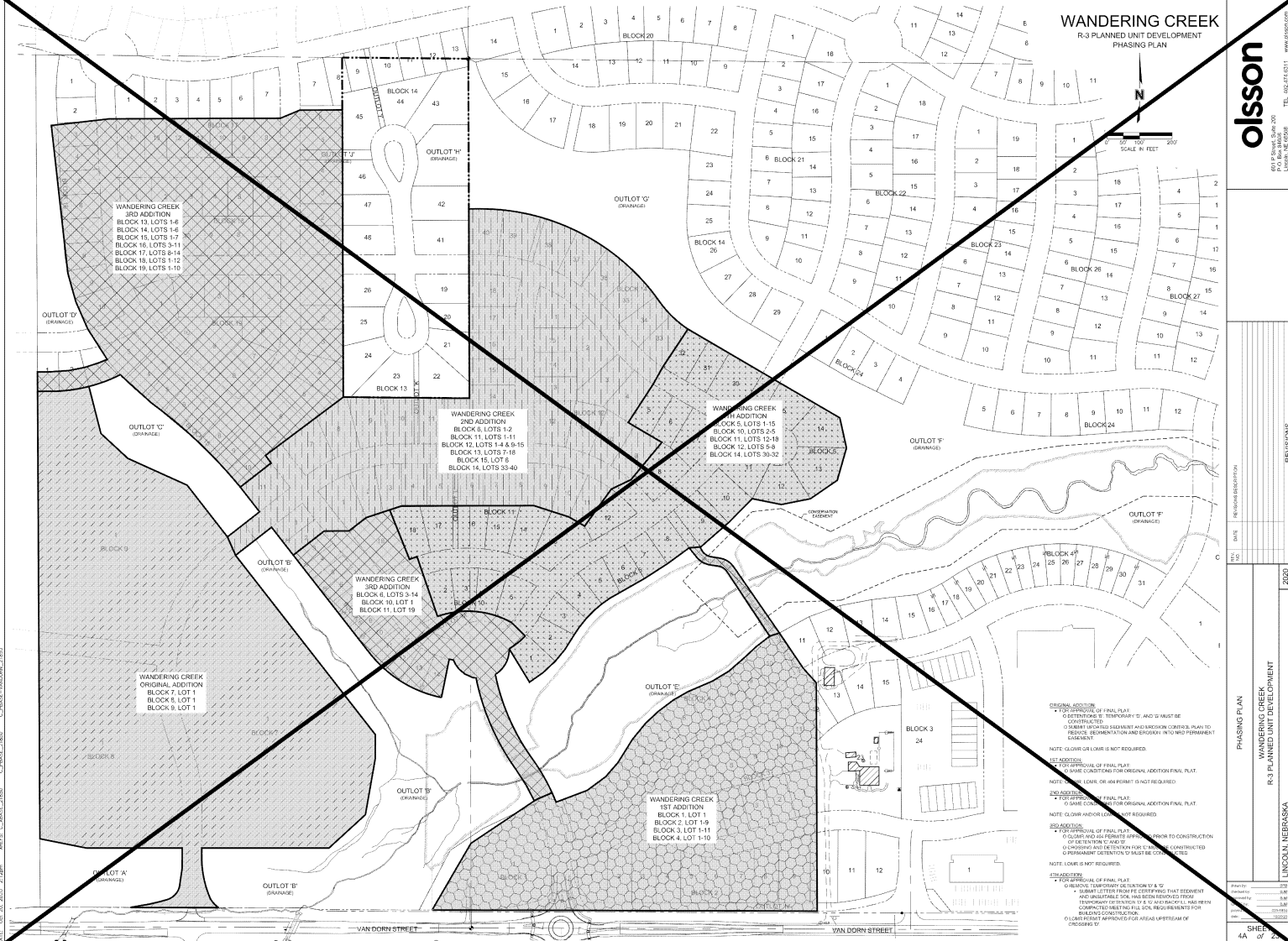
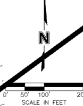
SITE PLAN
WANDERING CREEK
R-3 PLANNED UNIT DEVELOPMENT

DATE: 11/15/2020
SCALE: 1" = 40'

SHEET 4 OF 23

WANDERING CREEK
R-3 PLANNED UNIT DEVELOPMENT
PHASING PLAN

olsson
P.L.L.C.
1001 S. 10th Street, Suite 200
Lincoln, NE 68508
TEL: 402.471.0211
WWW.OLSSON.PLLC



ORIGINAL ADDITION
 1. FOR APPROVAL OF FINAL PLAT:
 a. DETENTIONS 'B', 'TEMPORARY' 'D', AND 'D' MUST BE CONSTRUCTED.
 b. A 24-HOUR PERMEABLE SURFACE WITH REDUCED CURBS IS REQUIRED TO REDUCE SEDIMENTATION AND EROSION INTO AND FROM PERMANENT CHANNELS.
 NOTE: CLOSURE OR LOWR IS NOT REQUIRED.

1ST ADDITION
 1. FOR APPROVAL OF FINAL PLAT:
 a. SAME CONDITIONS FOR ORIGINAL ADDITION FINAL PLAT.
 NOTE: CLOSURE OR LOWR, OR AAS PERMIT IS NOT REQUIRED.

2ND ADDITION
 1. FOR APPROVAL OF FINAL PLAT:
 a. SAME CONDITIONS FOR ORIGINAL ADDITION FINAL PLAT.
 NOTE: CLOSURE AND/OR LOWR IS NOT REQUIRED.

3RD ADDITION
 1. FOR APPROVAL OF FINAL PLAT:
 a. CLOSURE AND AAS PERMIT APPROVED PRIOR TO CONSTRUCTION OF RESERVATION TO AAS PERMIT.
 b. PERMANENT DETENTION 'D' MUST BE CONSTRUCTED.
 NOTE: LOWR IS NOT REQUIRED.

4TH ADDITION
 1. FOR APPROVAL OF FINAL PLAT:
 a. PERMANENT DETENTION 'D' & 'D' b. SUBMIT LETTER FROM THE CERTIFYING THAT SEDIMENT AND EROSION CONTROL HAS BEEN PROVIDED THROUGHOUT THE CONSTRUCTION PERIOD.
 c. PERMANENT DETENTION 'D' & 'D' b. SUBMIT LETTER FROM THE CERTIFYING THAT SEDIMENT AND EROSION CONTROL HAS BEEN PROVIDED THROUGHOUT THE CONSTRUCTION PERIOD.
 d. CLOSURE PERMIT APPROVED FOR AREAS UPSTREAM OF OCCURRENCE 'D'.

REVISIONS

NO.	DATE	REVISION DESCRIPTION

PHASING PLAN
 WANDERING CREEK
 R-3 PLANNED UNIT DEVELOPMENT
 LINCOLN, NEBRASKA

DATE: 12/20/2020
 SHEET 4A OF 24

WANDERING CREEK
R-3 PLANNED UNIT DEVELOPMENT
GRADING & DRAINAGE PLAN

disson
800 S. 10th Street, Suite 200
Lincoln, NE 68508
TEL: 800.225.0011 www.disson.com

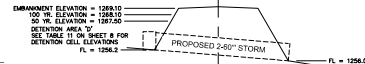
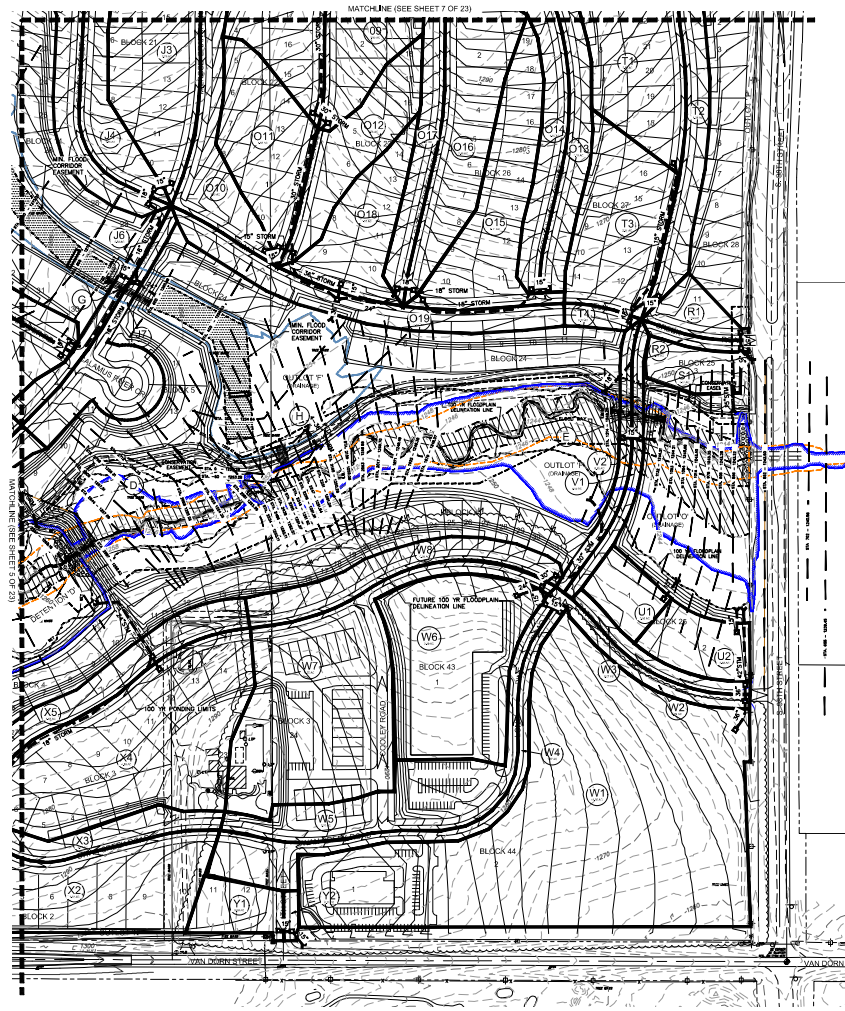


PROPOSED LEGEND

- PROPOSED STORM SEWER
- PROPOSED DRAINAGE AREA
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- WETLAND IMPACTS
- ADDITIONAL MINIMUM FLOOD CORRIDOR FOR WATER QUALITY
- PROPOSED FLOODPLAIN CROSS SECTION & ELEVATION
- DRAINAGE AREA LABEL
- APPROXIMATE LOCATION OF SHADE CONTROL STRUCTURES

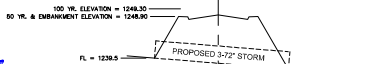
EXISTING LEGEND

- RIGHT-OF-WAY SECTION LINE
- WETLANDS
- MIN. FLOOD CORRIDOR EASEMENT
- CONSERVATION EASEMENT
- 100 YR. FLOODPLAIN
- FLOODWAY
- TREE MASS
- STORM SEWER
- COMMUNICATION UNDERGROUND



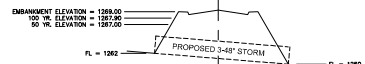
TOTAL DISCHARGE (CFS)	ELEVATION (FT)	STORM EVENT
176	1286.2	20YR
622	1286.2	50YR
960	1286.2	50YR
960	1286.2	100YR

CROSSING: 14' - PEDESTRIAN
NOT TO SCALE



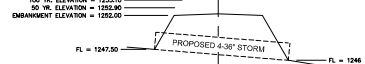
TOTAL DISCHARGE (CFS)	ELEVATION (FT)	STORM EVENT
266	1248.3	50YR
797	1248.3	50YR
960	1248.3	50YR
1127	1248.3	100YR

CROSSING: 12' - 97TH STREET
NOT TO SCALE



TOTAL DISCHARGE (CFS)	ELEVATION (FT)	STORM EVENT
129	1287.0	20YR
391	1287.0	50YR
585	1287.0	50YR
585	1287.0	100YR

CROSSING: 12' - MILROSE BRANCH ROAD
NOT TO SCALE

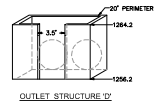


TOTAL DISCHARGE (CFS)	ELEVATION (FT)	STORM EVENT
371	1252.8	20YR
585	1252.8	50YR
585	1252.8	50YR
578	1252.8	100YR

CROSSING: 14' - PEDESTRIAN TRAIL
NOT TO SCALE

ELEVATION TABLE

BLOCK	LOT	MIN. OPENING	LOWEST FLOOR
1	7	1287.0	1286.0
2	8	1278.1	1280.0
3	9	1278.1	1280.0
4	10	1278.1	1280.0
5	11	-	1280.0
6	12	-	1280.0
7	13	-	1280.0
8	14	-	1280.0
9	15	-	1280.0
10	16	-	1280.0
11	17	-	1280.0
12	18	-	1280.0
13	19	-	1280.0
14	20	-	1280.0
15	21	-	1280.0
16	22	-	1280.0
17	23	-	1280.0
18	24	-	1280.0
19	25	-	1280.0
20	26	-	1280.0
21	27	-	1280.0
22	28	-	1280.0
23	29	-	1280.0
24	30	-	1280.0
25	31	-	1280.0
26	32	-	1280.0
27	33	-	1280.0
28	34	-	1280.0
29	35	-	1280.0
30	36	-	1280.0
31	37	-	1280.0
32	38	-	1280.0
33	39	-	1280.0
34	40	-	1280.0
35	41	-	1280.0
36	42	-	1280.0
37	43	-	1280.0
38	44	-	1280.0
39	45	-	1280.0
40	46	-	1280.0
41	47	-	1280.0
42	48	-	1280.0
43	49	-	1280.0
44	50	-	1280.0
45	51	-	1280.0
46	52	-	1280.0
47	53	-	1280.0
48	54	-	1280.0
49	55	-	1280.0
50	56	-	1280.0
51	57	-	1280.0
52	58	-	1280.0
53	59	-	1280.0
54	60	-	1280.0
55	61	-	1280.0
56	62	-	1280.0
57	63	-	1280.0
58	64	-	1280.0
59	65	-	1280.0
60	66	-	1280.0
61	67	-	1280.0
62	68	-	1280.0
63	69	-	1280.0
64	70	-	1280.0
65	71	-	1280.0
66	72	-	1280.0
67	73	-	1280.0
68	74	-	1280.0
69	75	-	1280.0
70	76	-	1280.0
71	77	-	1280.0
72	78	-	1280.0
73	79	-	1280.0
74	80	-	1280.0
75	81	-	1280.0
76	82	-	1280.0
77	83	-	1280.0
78	84	-	1280.0
79	85	-	1280.0
80	86	-	1280.0
81	87	-	1280.0
82	88	-	1280.0
83	89	-	1280.0
84	90	-	1280.0
85	91	-	1280.0
86	92	-	1280.0
87	93	-	1280.0
88	94	-	1280.0
89	95	-	1280.0
90	96	-	1280.0
91	97	-	1280.0
92	98	-	1280.0
93	99	-	1280.0
94	100	-	1280.0



OUTLET STRUCTURE "D"
NOT TO SCALE



DATE: 10/20/2020 10:50:00 AM
DRAWN BY: J. HARRIS
CHECKED BY: J. HARRIS
SCALE: AS SHOWN
PROJECT: WANDERING CREEK R-3 PLANNED UNIT DEVELOPMENT
SHEET: 7 OF 23

REVISIONS

NO.	DATE	DESCRIPTION
1	10/20/2020	ISSUED FOR PERMIT

GRADING & DRAINAGE PLAN
WANDERING CREEK
R-3 PLANNED UNIT DEVELOPMENT
LINCOLN, NEBRASKA



October 28, 2020

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

Re: Amendment to Special Permit CZ17030B
Wandering Creek R-3 PUD

Dear Mr. Cary,

Olsson is submitting on behalf of Matodol LLC, the developer of Wandering Creek located north of Van Dorn Street and west of S. 98th Street, a request for an Amendment to the Wandering Creek R-3 Planned Unit Development CZ17030B to expand the PUD boundary by approximately 20.3 acres ("Property"). The Property was previously shown on the PUD plans conceptually outside the R-3 PUD as Neighborhood Commercial and Residential.

The Amendment shows additional details of the Property street connections internally with the extensions of Swan Creek Road, Cooley Road, and Rattlesnake Road. It also shows S. 94th St. connecting to Van Dorn Street at the location consistent with the Van Dorn Coalition Annexation Agreement. A traffic memo will be provided to support the proposed turn lanes at 94th and Van Dorn.

The Property is planned for residential uses, a garden center and commercial/offices uses. B-2 zoning is being proposed in the areas shown as a Neighborhood Commercial center. The B-2 zoning will support the garden center, commercial and office uses. A height waiver is being requested in the B-2 zone to allow buildings up to 50 feet to allow up to four story buildings. Alcohol sales are also being requested to be a permitted use in the B-2.

The Wandering Creek PUD is continuing to develop well in accordance with the original conceptual plans that included lot layouts and grading / drainage. The drainage study is not being updated because the proposed drainage plan is in conformance with the approved drainage study. The PUD grading plan has been updated to reflect the proposed layout.

Matodol also would like to eliminate plan sheets previously approved with the PUD showing the initial phasing and grading for the development. The development has progressed and completed many of the phases and completed the detention for the current and future phases of the development. The only remaining item that has not been completed is an approved FEMA Letter of Map Revision (LOMR); however, the application is currently being reviewed by FEMA. Matodol has designated lots that cannot be final platted on the PUD plans until the LOMR is approved by FEMA.

Olsson and DaNay Kalkowski have met with City Staff in preapplication meetings to discuss the proposed applications and will continue to work with Staff as the plans are reviewed.

R-3 PUD Requests / Waivers:

1. Waiver to 27.67.020 to reduce the parking requirement for garden centers from 1 stall per 300 square feet of floor area to 1 stall per 600 square feet for seasonal retail or permanent retail areas and 2 stalls for every 3 employees on the max shift for all other areas.
Justification: Garden centers have floor areas that are seasonal and include "grow" areas that are not utilized for retail uses.
2. Waiver to 27.27.010 to allow phasing of Rattlesnake Road.
Justification: Rattlesnake Road is north of the garden center not needed until the residential lots on the north side are final platted.

B-2 Zone Overlay Waivers:

1. Waiver to 27.72.030 to increase the allowable height from 40 feet to 50 feet.
Justification: Additional height would allow commercial/office buildings up to 4 stories and consistent with other commercially zoned property in Lincoln.

Enclosed please find the following:

1. City of Lincoln Zoning Application for Change of Zone from AG to R-3 PUD
2. PUD site plan (8 ½ x 11)
3. Application Fees in the amount of \$4,283
PUD: \$988 base + \$3,295 max per acres fee
4. Site Plan for the PUD Amendment

Please contact me if you have any questions or require any additional material. Brandon Bartek will upload pdf files to Projectdox once he receives notification. Please contact Brandon (Bbartek@olsson.com) to complete the upload.

Sincerely,



Brad Marshall, PE

cc: DaNay Kalkowski, Seacrest & Kalkowski P.C.

Department Review Status Report

Project Name: CZ17030C

Workflow Started: 10/21/2020 11:28 AM

Report Generated: 11/17/2020 05:50 AM

Cycle	Department	Reviewer	Email	Status	Reviewer Comments	Applicant Comments
1	Allo Communications					
	Building and Safety	Ron Rehtus	rrehtus@lincoln.ne.gov			
	County Health	Chris Schroeder	cschroeder@lincoln.ne.gov	Recommend Approval	The LLCHD does not object to the approval of this amendment.	
	Development Review Manager	Stephen Henrichsen	shenrichsen@lincoln.ne.gov	Corrections Required		
	Fire Department	Patrick Borer	pborer@lincoln.ne.gov	Recommend Approval	Lincoln Fire and Rescue recommends approval of this application.	
	LES	LES Reviews	edreviewer@les.com	Recommend Approval	10/26/20 See LES Transmission Corridor Use Restrictions - Review #1 pdf. -SLS	
	Lincoln Police Department	Luke Bonkiewicz	lpd1691@cjis.lincoln.ne.gov	Recommend Approval		
	Lower Platte South NRD	Tracy Zayac	tzayac@lpsnrd.org	Corrections Required	The "floodplain conservation easement" should be labeled as an NRD conservation easement.	
	Parks and Recreation	Sara Hartzell	shartzell@lincoln.ne.gov	Recommend Approval		
	Planner Review	George Wesselhoft	gwesselhoft@lincoln.ne.gov	Corrections Required	Remove note 10 from PUD Notes as the Stevens Creek project is completed for this PUD.	
	LTU - Engineering Services	Brion Perry	bperry@lincoln.ne.gov	Recommend Approval		
LTU - Watershed Management	Tim Zach	TZach@lincoln.ne.gov	Corrections Required	1. Revise PUD Note 25 to state: "Lots 1-9,Block 5 cannot be final platted until a Letter of Map Revision (LOMR) is approved by FEMA for the modification to the floodplain from Crossing D to upstream of Crossing C. Lots 28-31 Block 4 and Lots 8-12 Block 24 cannot be final platted until a LOMR is approved by FEMA for the modification to the floodplain from 98th St. to Crossing D." 2. Labels are missing for the proposed contours.		

Department Review Status Report

1	Street Name Review	Terry Kathe	tkathe@lincoln.ne.gov	No Review Required	That extension of Rattlesnake and Swan Creek Road do not appear to cause an issue and the addition of Long Pine Road and Cooley Rd appear to be able to be logically addressed. Demo permits are necessary for any structures removed or building permits are required for the property currently addressed 9300 Van Dorn Street The property currently addressed 9300 Van Dorn Street would need an address change to any new street, with any costs for this change paid by the developer prior to platting and relinquishing access to Van Dorn St.	
	Windstream					
	GIS Survey	Chad Kendall	ckendall@lancaster.ne.gov	Corrections Required	In the legal description it calls out the subdivision Waterford Estates 3rd, I think this should be Wandering creek 3rd.	
	Planning Review	Andrew Thierolf	AThierolf@lincoln.ne.gov	Recommend Approval	City Council District 2	
	LTU - Wastewater	Brian Kramer	bakramer@lincoln.ne.gov	Recommend Approval		
	LTU - Water					

Department Review Status Report

1	County Engineer	JOHN BERRY	jberry@lancaster.ne.gov	Corrections Required	<p>Upon review, this office would offer the following comments for CZ17030C "Wandering Creek PUD" (v3), submittal dated 11/10/2020. 1. (Resubmitted) On several of the descriptions there is an error either in the descriptions or on the plat, on the 6th line of the descriptions, a bearing of N00-13-02W is shown, but on the plat it shows N00-12-40W. 2. (Resubmitted) An analysis needs to be done on County Structure W-36 (10' x 5' x 124' box) to show the area of impact for a 100-year event. a. The future 100-year floodplain is shown, please verify the information includes the grading of S. 98th Street 3. (Resubmitted) The intersecting road centerline grade on Rattle Snake Creek Road must slope at a minimum of -2.00% grade away from County road S. 98th Street to the road Right-of-way line (existing or proposed, whichever is greater) to prohibit water from entering the adjacent County roadway. 4. (Resubmitted) The intersecting road centerline grade on South Street must slope at a minimum of -2.00% grade away from County road S. 98th Street to the road Right-of-way line (existing or proposed, whichever is greater) to prohibit water from entering the adjacent County roadway. 5. (Resubmitted) The intersecting road centerline grade on Elm Creek Road must slope at a minimum of -2.00% grade away from County road S. 98th Street to the road Right-of-way line (existing or proposed, whichever is greater) to prohibit water from entering the adjacent County roadway. 6. (Resubmitted) Clarify the road name, "Rattlesnake Road" and "Rattle Snake Creek Road" (jvb, alk klw, resubmitted 11-10-2020)</p>	
---	-----------------	------------	-------------------------	----------------------	---	--

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Annexation #20013 Change of Zone #20035	FINAL ACTION? No (both applications)	DEVELOPER/OWNER Mark Lewis/ Roger Byrne
PLANNING COMMISSION HEARING DATE December 2, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION South 98 th Street and Yankee Hill Road

**RECOMMENDATIONS: ANNEXATION #20013
CHANGE OF ZONE #20035**

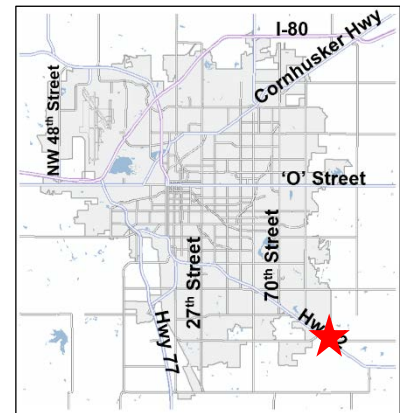
**CONDITIONAL APPROVAL
CONDITIONAL APPROVAL**

BRIEF SUMMARY OF REQUEST

This is a combined staff report for two related applications. The project is named 8455 Place and proposes annexation and rezoning to allow for the redevelopment of the former residential property.

The tract is 4.84 acres in area and was developed with a single-family dwelling up until about a year ago when the dwelling was removed. It is adjacent to the city limit on the north where it borders the Southlake residential development, and therefore is eligible to be annexed.

The change of zone request is from AG to H-3. The site plan submitted shows the development of the tract as a single lot. The applicant's letter is requesting H-3 zoning to allow for those uses as described under Lincoln Municipal Code Section 27.06.170 Heavy Commercial Services.



JUSTIFICATION FOR RECOMMENDATION

The subject property is adjacent to the city limit, and the full range of municipal services can be provided if annexed. A change of zone to H-3 deviates from the uses typically associated with the residential land use designation, but given the constraints associated with this tract H-3 zoning is appropriate and allows for a reasonable use of land. Making an accommodation with respect to the zoning designation to allow for a non-residential use is appropriate given the restrictions on the intensity of the land uses as stated in the associated annexation/zoning agreement. A signed agreement between the applicant and the City prior to City Council consideration is a recommended condition of approval.

APPLICATION CONTACT

Mike Eckert 402-434-8494 or meckert@civildg.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The site is designated for future residential land uses on the Future Land Use Map. The proposed zoning deviates from this designation but is appropriate given the development constraints. Given the limitations imposed by the associated annexation/development agreement, compatibility with surrounding land uses can be maintained. These requests comply with the intent of the Zoning Ordinance and goals of the Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.8 - The 2040 Future Land Use Map designates urban density residential land uses for this site.

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

-Natural and environmentally sensitive areas should be preserved within and between neighborhoods. Conservation areas and open lands should be used to define and connect different neighborhoods. The natural topography and features of the land should be preserved by new development to maintain the natural drainageways and minimize land disturbance.

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

-Within the City of Lincoln or incorporated villages.

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

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

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

-In areas compatible with existing or planned residential uses.

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

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

-In a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan. P. 6.1 - 1,000 dwelling units are slated for existing residentially-zoned land throughout the existing city, primarily on vacant lots. The remaining 4,000 dwelling units are anticipated to be located primarily in Mixed Use Redevelopment Nodes and Corridors including existing commercial centers and along major transportation corridors.

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

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

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

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

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

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

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

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

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

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

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

UTILITIES & SERVICES:

- A. Sanitary Sewer: Public sanitary sewer is available in the adjacent development and can serve this site.
- B. Water: Public water is available and can be extended to serve this site.
- C. Roads: Access to the site is from South 98th Street, an asphalt county road adjacent to this site. South 98th is an arterial street and turn lanes need to be added to support this development. The access point into the site also needs to be relocated as far north as is practical. Both the length of the turn lanes and the location of the driveway need to be approved by Lincoln Transportation and Utilities (LTU) and shown on the associated site plan.
- D. Fire Protection: After annexation, fire protection will be provided by Lincoln Fire Rescue (LFR). The new fire/police station at South 63rd Street and Pine Lake Road will provide coverage to this site.

ANALYSIS

1. These are related requests for both annexation and a change of zone from AG to H-3 to allow for the re-use of a 4.84 acre residential acreage tract.
2. The property was developed with a single-family dwelling which was removed over a year ago. The dwelling was located in the Cheney Sanitary and Improvement District (SID) and was served by its community sanitary sewer system. It is also located inside the boundary of the Rural Water District #1 (RWD#1).

For the City to annex properties located inside the boundary of the SID, according to State Statute they must first be released from the district by action of the SID Board. The owner petitioned the SID for release and it was granted earlier this year.

RWD#1 is allowed compensation under an agreement with the City upon annexation as a result of lost service area. In cases of voluntary annexation such as this, the cost is passed on to the applicant. Typically, evidence of a signed settlement agreement with RWD#1 demonstrating the payment has been made is required before consideration of the annexation request is advanced to the City Council. This settlement has not yet been approved by RWD#1 but will need to be prior to Council consideration.

3. The area to be annexed is located within Tier I, Priority A, and all utilities, including public water and sanitary sewer, are available to serve the site. The development will be able to be served by the full range of city services. Sanitary sewer and water will be extended along an existing utility easement in an outlot in the adjacent residential development to the north provided for just this purpose.

However, sanitary sewer is not gravity flow and will require an ejector pump system to pump effluent back to the sanitary sewer main in Southlake. The City's Sanitary Sewer Lift Station Policy prohibits pumping facilities from connecting to the City's municipal system where they are to remain in place for more than six years, and where the station would serve multiple users. In this case, the lot will be prohibited by the terms of the agreement from subdividing and so the pump station will serve a single user only. This limited application has been allowed on several occasions around the city, primarily single-family dwellings where basements are not deep enough to gravity flow to adjacent sanitary sewer and does not violate the Policy.

4. The property is adjacent to the city limit, can be served by all municipal services, and is urban in character given it was previously developed for residential uses and is adjacent to urban density residential development. This request for annexation complies with the criteria of the Annexation Policy and is eligible for annexation.
5. Because the property will not be subdivided or have a zoning overlay where the City has authority for site plan review approval, the associated annexation/zoning agreement is necessary to ensure requirements that would otherwise apply are adhered to during development. A preliminary list of those is as follows:
 1. Prior to rezoning to H-3 annexation is required.
 2. The property will need to connect to City sewer and water available in the Southlake development adjacent to the north via the utility easement provided.
 3. This property will be developed as one lot and not subdivided.
 4. A 6' water service line will be extended from Topher Blvd to provide water service and fire protection at the developer's cost. This will require installation of a fire hydrant on the property.
 5. The meter for the water service cannot be more than 400' from the water main, however service lines can extend beyond the meter.
 6. Access to S. 98th will be limited to one driveway, location as delineated on the associated site plan.
 7. Right and left turn lanes in South 98th Street will be constructed by the developer, length and location as delineated on the associated site plan.
 8. A deviation request allowing the access point onto South 98th Street has been approved by the Director of Lincoln Transportation and Utilities Department.
 9. Dedication of right-of-way to accommodate the future improvement of S. 98th Street is as shown on the associated site plan.
 10. A building envelope is defined by a 20' perimeter setback with the exception that the setback adjacent to Highway 2 is 30', where the existing trees/landscaping/screening located in the 30' setback are to be preserved.
 11. An administrative amendment will be submitted prior to building permit showing all necessary grading and drainage details, including but not limited to detention and water quality.
 12. Allowed uses will be limited to those as per LMC Section 27.06.170.
6. The site plan delineates a building envelope by establishing a perimeter setback around the parcel. The setbacks shown comply with the requirements of the Zoning Ordinance, except a larger 30' setback is shown adjacent to Highway 2. This increased setback in addition to the requirement to maintain the existing tree stand is intended to reduce the impact of the development on the Highway 2 entryway corridor. Other larger commercial developments along Highway had been required to provide green open space at 200' from the center line of the highway, a landscaping provision since removed from the Comprehensive Plan. The application of that great an open space requirement would make a large a portion of this 4.84 acre parcel undevelopable.
7. Provision #12 from the list above list limits the allowed uses to those stated in LMC Section 27.06.170 Heavy Commercial Services. According to the applicant, the most likely user of the site would either be Contractor Services or Mini Warehouses (mini-storage).
8. South 98th Street is an arterial street. It has not been improved to City standards adjacent to this development and is an asphalt county road. Until is improved, temporary improvements are required to accommodate this proposal. Right and left turn lanes need to be installed and are shown on the site plan. Their design needs to be approved by by LTU and then reflected on the site plan.

The property has one driveway onto South 98th Street. However, it needs to be relocated to a location suitable to relate to the turn lanes and approved by LTU. Its specific location also needs to be reflected on the site plan. LTU has noted that the driveway location will require an approved Deviation Request to the City's Access Management Policy approved by the Director of LTU.

The necessary public right-of-way is shown being dedicated to accommodating the future improvements in South 98th Street.

- 9. Other review comments of note:
 - City County Health Department - Existing wells must be de-commissioned or obtain an annual well permit.
 - Lincoln Fire Rescue - Noted that the applicant needs to be aware this location is outside their four-minute response time goal.
- 10. The subject property is located within the Southeast Rural Fire District #1. Under State law, the District can petition for compensation from the annexing municipality for lost revenue based upon the amount of service area annexed. For voluntary annexations such as this one, any costs due to the district are to be borne by the developer. In this case, staff has conducted the financial analysis and there should be no funds due to the District.
- 11. The site is designated for future Urban Residential land uses on the Future Land Use Map. The provisions proposed for the associated annexation/zoning agreement will ensure that the site will develop in a manner compatible with surrounding properties and not negatively impact them.

Given the limitation of sanitary sewer service, these requests will allow a reasonable use of the property without violating any City policy. Subject to the recommended conditions of approval these requests comply with the requirements of the Zoning Ordinance and Comprehensive Plan.

EXISTING LAND USE & ZONING: Agriculture; AG

SURROUNDING LAND USE & ZONING

North: Residential	R-3
South: Highway 2/Yankee Hill Road Interchange	
East: Residential	AG
West: Highway 2, Commercial	H-3

APPROXIMATE LAND AREA: 4.84 acres more or less.

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District #2

LEGAL DESCRIPTION:

Annexation #20013:	Lot 64, located in the SE 1/4 of Section 23-9-7, and adjacent right-of-way including the remaining portion of Lot 122 and South 98th Street, Lancaster County, Nebraska.
Change of Zone #20035:	Lot 64, located in the SE 1/4 of Section 23-9-7, Lancaster County, Nebraska.

Prepared by

Brian Will,
November 18, 2020
bwill@lincoln.ne.gov or 402-441-6362

Applicant: Mark Lewis
3010 Durado Court
Lincoln, NE 68520
402-499-4793
mlewishomes@gmail.com

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

Owner: Roger Byrne
13711 South 54th Street
Roca, NE 68430
roguyne@yahoo.com

F:\DevReview\AN\20000\AN20013 CZ20035 8455 Place.bjw.docx

CONDITIONS OF APPROVAL - ANNEXATION #20013

1. Before these requests are approved by the City Council the owner will enter into an annexation/zoning agreement with the City of Lincoln.

CONDITIONS OF APPROVAL - CHANGE OF ZONE #20035

This approval permits a change of zone from AG to H-3 subject to the terms of the associated annexation/zoning agreement.

Site Specific Conditions:

1. The Developer enters into an annexation/zoning agreement before the City Council approves the change of zone.
2. The City Council approves associated request:
 - 2.1 Annexation #20013.
3. Before 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:
 - 3.1 Revise the site plan to show turn lanes in South 98th Street to the satisfaction of LTU.
 - 3.2 Revise the site plan to show the driveway onto South 98th Street in a location approved by LTU.
 - 3.3 Add a note stating that the existing screening along Highway 2 is to remain.

Standard Conditions:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the dwelling units/buildings all development and construction shall substantially comply with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 4.3 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.
 - 4.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.
 - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.



City of Lincoln/Lancaster County, NE GIS

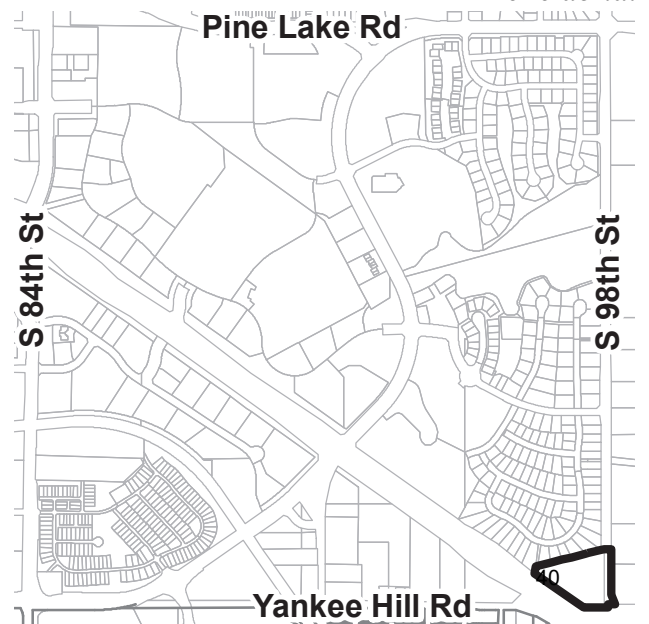
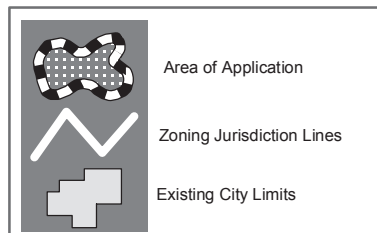
2020 aerial

Annexation #: AN20013
S 98th St & Yankee Hill Rd

Zoning:

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

One Square Mile:
 Sec.23 T09N R07E





City of Lincoln/Lancaster County, NE GIS




2020 aerial

**Change of Zone #: CZ20035 (AG to H-3)
S 98th St & Yankee Hill Rd**

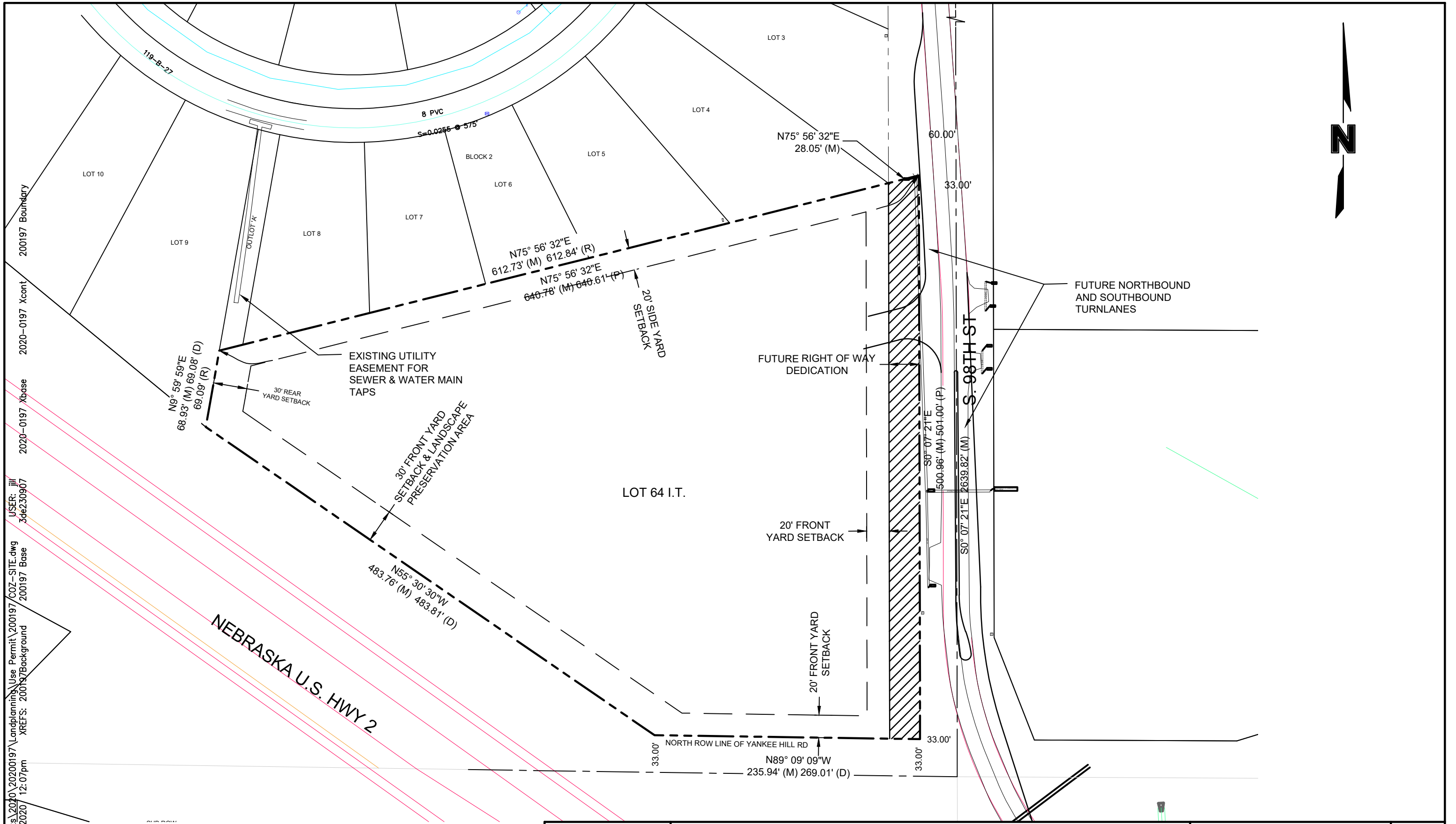
Zoning:

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

One Square Mile:
Sec.23 T09N R07E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





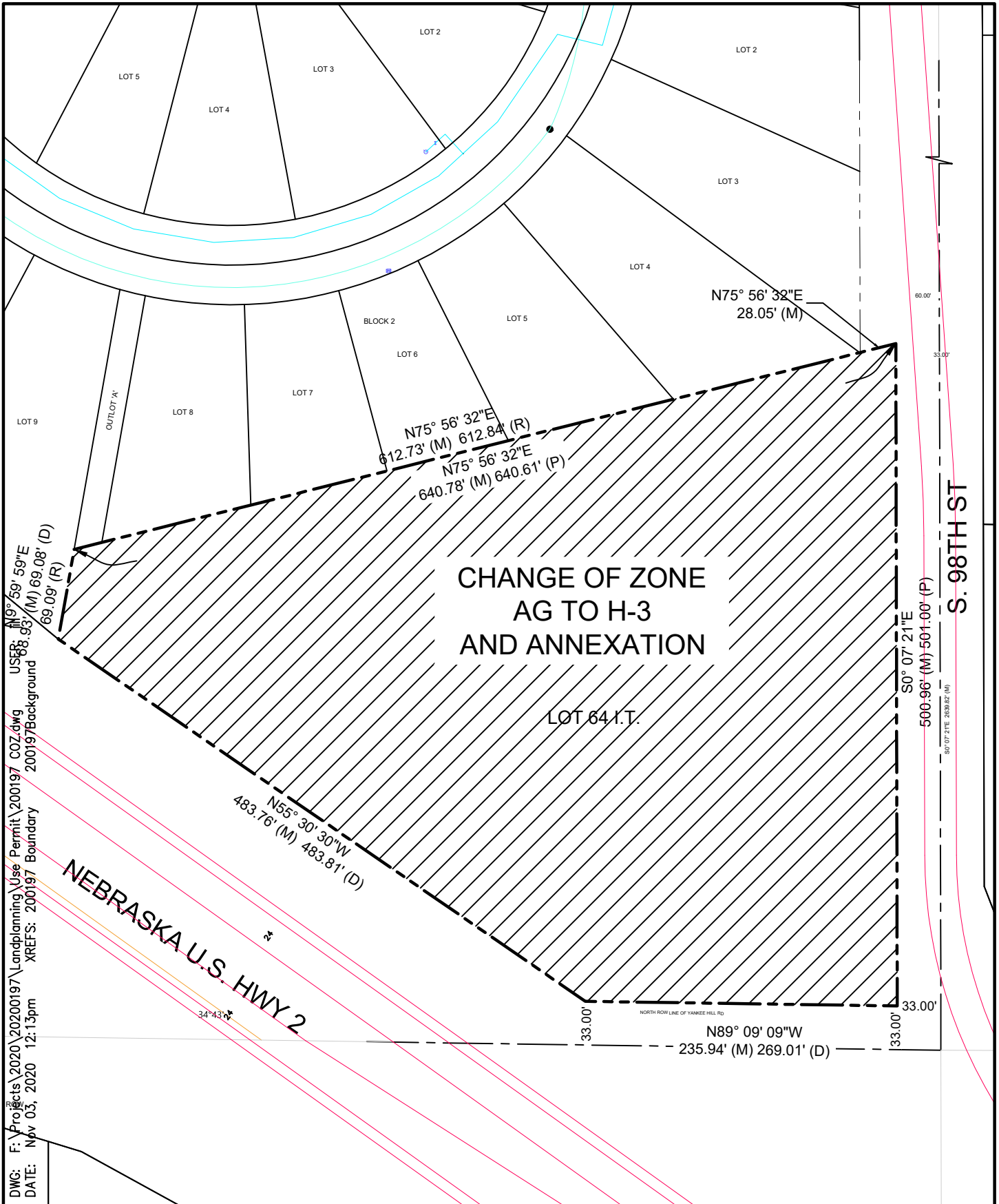
DWG: F:\Projects\2020\20200197\Landplanning\Use Permit\200197\COZ-SITE.dwg
 DATE: Nov 03, 2020 12:07pm
 USER: jil
 3de230907
 XREFS: 200197\Background
 200197 Base
 2020-0197 Xbase
 2020-0197 Xcont
 200197 Boundary

drawn by: jds
 checked by: -
 project no.: 2020-0197
 date: 11/03/2020

8455 PLACE
CHANGE OF ZONE - SITE EXHIBIT
LINCOLN, NEBRASKA

Civil Design Group, Inc.
 8535 EXECUTIVE WOODS, DR., SUITE 200
 Lincoln, Nebraska 68512
 Ph. 402-434-8494 Fax 866-215-8747
 www.civildg.com
CONSULTING ENGINEERS • LAND USE PLANNERS
 CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING

EXHIBIT
1



DWG: F:\Projects\2020\20200197\Landplanning\Use Permit\200197_COZ.dwg
 DATE: Nov 03, 2020 12:13pm
 XREFS: 200197 Boundary
 200197 Background
 USB: 88.93' (M) 69.08' (D)

drawn by: JDS
 checked by: -
 project no.: 2020-0197
 date: 10/29/2020

**CHANGE OF ZONE
8455 PLACE
LINCOLN, NEBRASKA**

Civil Design Group, Inc.
 8535 EXECUTIVE WOODS, DR., SUITE 200
 Lincoln, Nebraska 68512
 Ph. 402-434-8494 Fax 866-215-8747
 www.civildg.com

CONSULTING ENGINEERS • LAND USE PLANNERS
 CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING

EXHIBIT
1



Civil Design Group, Inc.

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

November 3, 2020

Mr. David Cary, Director
Lincoln/Lancaster County Planning Department
555 S. 10th St, Room 213
Lincoln, NE 68508

RE: Request for a Change of Zone from AG to H-3 and associated annexation for Lot 64, Section 23-9-7 generally located at 8455 S. 98th Street. CDG project 2020-0197

Dear Mr. Cary:

On behalf of Roger Bryne and Mark Lewis we submit the attached application for a Change of Zone from AG to H-3 and the associated request for annexation of 4.84 acres of land located at 8455 S. 98th Street in Lancaster County. Planning staff has thoroughly reviewed the development options for this parcel and prepared for the annexation of this land with the implementation of utility easements in the adjacent Southlake 10th Addition Outlot 'A' that will be utilized for the sewer and water main taps for this land.

We request that Planning and Law Departments prepare a zoning agreement for this property that will include, but not be limited to the following conditions for H-3 Zoning: 1) to allow the permitted (P) H-3 uses as shown in LMC 27.6.170 "Commercial Services Use Group Table", 2) to require the installation of access turn lanes in S. 98th Street at lengths approved by LTU based on traffic generation tables, 3) to preserve the tree mass along Hwy 2 for screening and reduce the building line setback along Hwy 2 to 30', 4) require the final plat to be one lot with private force main sewer and water main connections to Topher Blvd via Southlake 10th Addition, Outlot 'A', and 5) require an approved grading and drainage plan and associated maintenance easement to be filed prior to granting building permit(s).

With this application, we are submitting:

- A zoning exhibit
- Change of Zone application and review fee of \$988.00

I hope that this letter in conjunction with the exhibit provides you with sufficient information to review this application. As always, please call at 402-434-8494 if you have any questions.

Sincerely,

Mike Eckert, AICP

cc: Roger Bryne, Mark Lewis

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

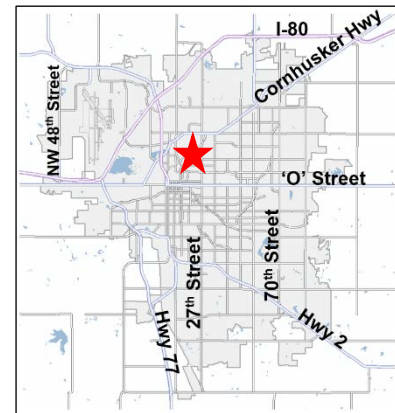
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Change of Zone 20033	FINAL ACTION? No	DEVELOPER/OWNER LA Real Estate LLC
PLANNING COMMISSION HEARING DATE December 2, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION N. 23 rd & Y Streets

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from R-4 (Residential) to R-6 (Residential) on three properties located at the northeast corner of N. 23rd and Y Streets. The site consists of approximately 0.45 acres and includes two vacant parcels and one parcel with a single-family home that will be removed. A 12-unit multi-family building is proposed.



JUSTIFICATION FOR RECOMMENDATION

This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan because the proposal will allow for increased density and housing options through residential re-development.

APPLICATION CONTACT

Aaron and Loni Burd
(402) 419-6718
lonibrown15@gmail.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This property is designated as Residential - Urban Density. The proposed R-6 zoning aligns with Residential - Urban Density which includes multi-family and single-family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. The proposal will include twelve units on close to a half acre site.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.9 - This site is designated for Residential - Urban Density on the 2040 Lincoln Area Future Land Use Plan.

P. 1.2 - Quality of Life Assets:

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

P. 7.2 - Neighborhoods & Housing Guiding Principles

- Continue policies such as landmark districts and down-zonings that maintain a mix of single-family and multi-family housing and support home ownership and the preservation and enhancement of historic properties.
- Promote sustainability and resource conservation by preserving and improving housing in existing neighborhoods.
- Make available a safe residential dwelling for all citizens.
- Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Provide flexibility to the marketplace in siting future residential development locations.

P. 7.9 - Redevelopment in Existing Neighborhoods

- Widely varying techniques are utilized to achieve redevelopment in existing neighborhoods such as the following examples: 3. Tearing down more than one structure and building a new multi-family building or a group of other housing types (resulting in a net increase in density)

P. 7.10-11 - Detailed Strategies for Existing Neighborhoods

- Redevelopment and infill should strive for compatibility with the character of the neighborhood and adjacent uses (i.e., parking at rear, similar setback, height and land use).
- Encourage alley access and shared driveways to parking areas in order to reduce interruptions to pedestrian traffic, to preserve on street parking capacity, and to reduce automobile conflict points.

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

ANALYSIS

1. This is a request for a change of zone from R-4 (Residential) to R-6 (Residential) to allow for multi-family residential and increase the density that would be allowed in this area. The site includes three parcels comprising approximately 0.45 acres in total. Two of the parcels had single family homes which have been removed. One parcel has an existing single-family home which will also be removed.
2. Re-zoning of the area will facilitate a new 12-unit multi-family building. This building will face Y Street with off street parking to be provided on the north side of the building. The proposal will follow all the setbacks required for the R-6 zoning district, provide the required parking at 1.75 spaces per unit, and also comply with Neighborhood Design Standards for exterior building elevations.
3. The proposed building design includes four 2-bedroom units per floor with 3 stories. (see attached) There would be front covered entry porch access as well as rear access to the parking lot behind the building. The parking lot includes 22 parking stalls, which is one more than the 21 stalls required.
4. This area is located three blocks west of the N. 27th Street commercial corridor on the north side of Y Street, which is classified as a major collector in the Comprehensive Plan (p. 10.14). While the general zoning pattern on the north side of Y Street at this location is R-4 Residential, there is R-6 Residential directly to the south across Y Street from approximately 200 feet east of N. 22nd Street to N. 24th Street. There is also nearby H-3 Commercial zoning to the east along the south side of Y Street. Therefore, R-6 zoning for this site or adjoining sites along the north side of Y Street to the east is appropriate because it would expand the existing R-6 area and allow for increased density and housing options along the Y Street corridor. While not within 300 feet of this site, there is existing I-1 industrial zoning to the west closer to N. 22nd Street which would limit further residential rezoning in that direction.

5. An increase in density and allowing for multi-family residential on this site is consistent with the Comprehensive Plan because the site and general vicinity on the north side of Y Street are identified as Urban Residential which aims to achieve greater residential density including more than fifteen dwelling units per acre. The allowable density if duplexes were otherwise constructed would be 6 units compared to the proposed 12 units with the multi-family building under the R-6 zoning.
6. A zoning agreement is proposed as a condition of approval. This agreement includes provisions which require the site to be developed in general conformance with the site plan and building elevations submitted with the change of zone application (see attached). In addition, this agreement will require the paving of the alley adjacent to the properties as the use will be more intensive with access from the alley.
7. The developer attended a Zoom meeting of the Clinton Neighborhood Organization where the proposal for the multi-family residential project was presented. This meeting was held on October 5, 2020. The Neighborhood Organization after further review of the proposal stated their position as neutral.
8. This proposal aligns with the Comprehensive Plan for Redevelopment in Existing Neighborhoods (p 7.9) and for Strategies for Existing Neighborhoods (pages 7.10-7.11) which encourages parking in the rear and alley access and by adding additional infill dwelling units.

CONDITIONS OF APPROVAL: See attached

EXISTING LAND USE & ZONING: Vacant, single family residential; R-4

SURROUNDING LAND USE & ZONING

North: Single Family Residential; R-4 (Residential)
 South: Church; R-6 (Residential)
 East: Single Family Residential; R-4 (Residential)
 West: Single Family Residential; R-4 (Residential)

APPROXIMATE LAND AREA: 0.45 acres

LEGAL DESCRIPTION: Lots 7-9 and the west 27' of Lot 10, Block 2, Moore's Subdivision of Lot 5 located in the NE 1/4 of Section 24-10-6, Lincoln, Lancaster County, Nebraska

CONDITIONS OF APPROVAL:

1. Applicant signs a zoning agreement concerning the site plan and building elevations for their multi-family project on the properties and alley paving requirement before the City Council approves the change of zone.

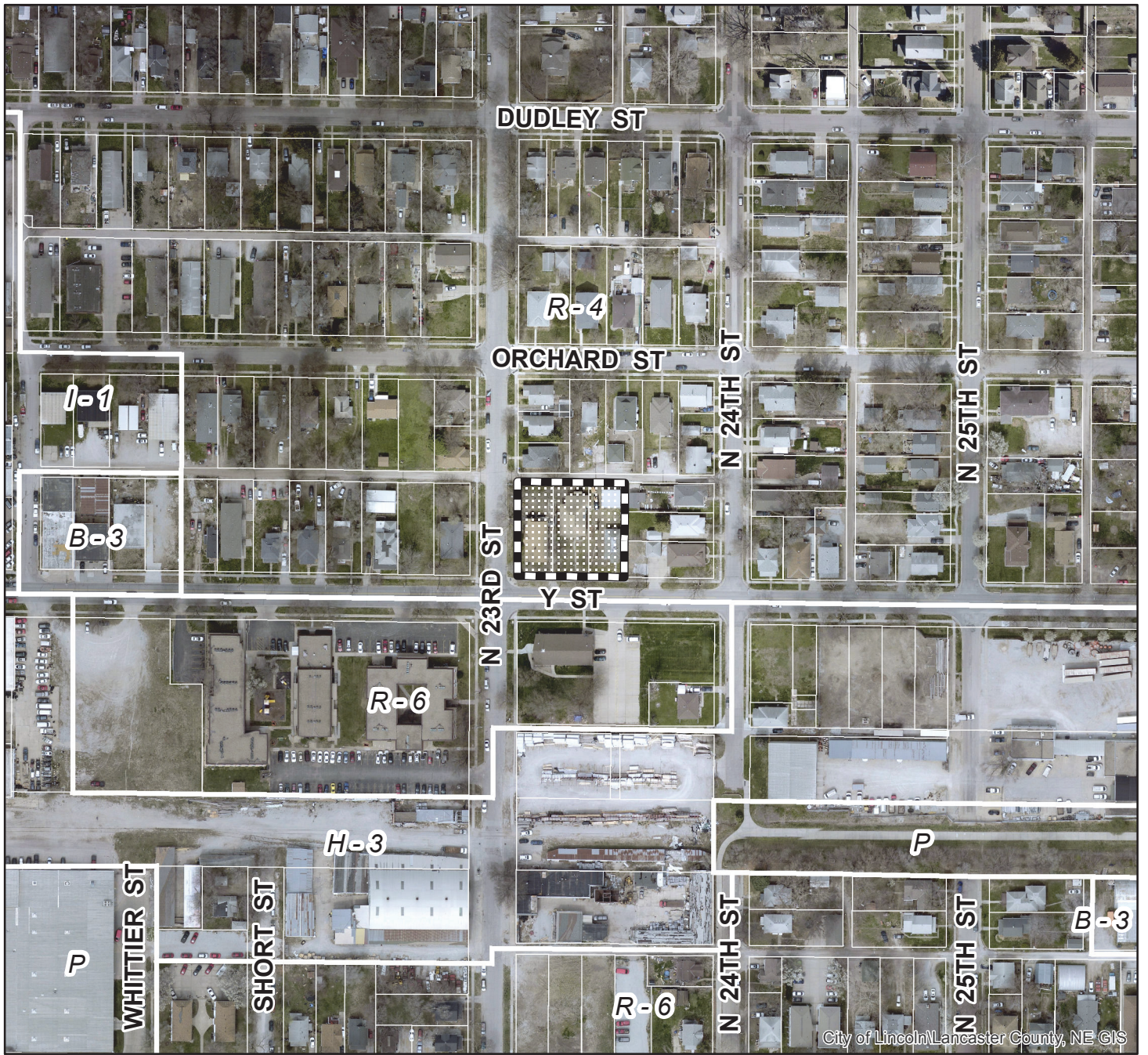
Prepared by

George Wesselhoft, Planner
 (402) 441-6366 or gwesselhoft@lincoln.ne.gov
 Date: November 19, 2020

Applicant/Owner: Aaron and Loni Burd/LA Real Estate LLC
 1358 Shire Lane
 Eagle, NE 68347
 (402) 419-6718 or lonibrown15@gmail.com

Contact: Aaron and Loni Burd
 1358 Shire Lane
 Eagle, NE 68347
 (402) 419-6718 or lonibrown15@gmail.com

F:\DevReview\CZ\20000\CZ20033 Y Street R-4 to R-6.gjw.docx



City of Lincoln Lancaster County, NE GIS

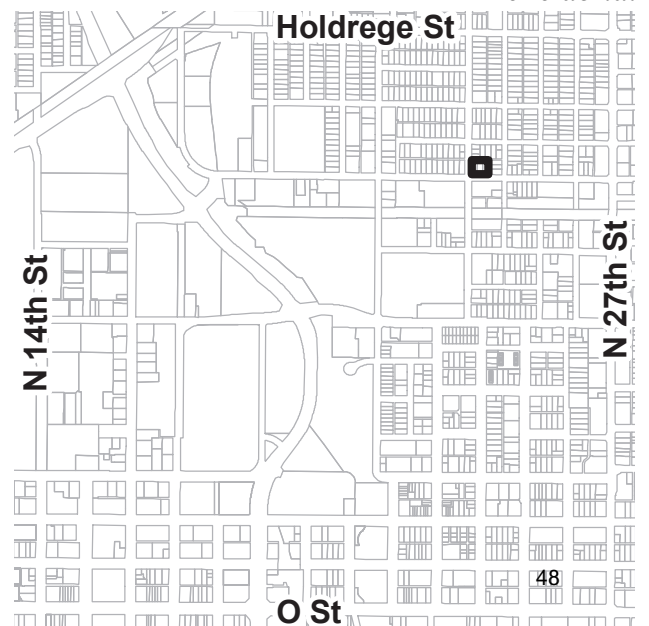
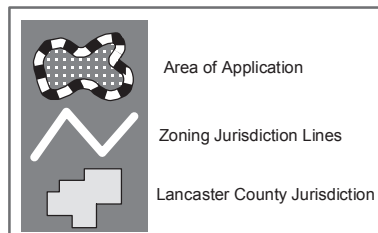
2020 aerial

**Change of Zone #: CZ20033 (R-4 to R-6)
N 23rd St & Y 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.24 T10N R06E**



L.A. Real Estate

N 23RD ST

EXISTING STREET TREES TO REMAIN

PARKING 12 UNITS
1.75 STALLS PER UNIT
22 STALLS PROVIDED

PROPOSED 12 PLEX

d
s
i
g
n
s
Riley



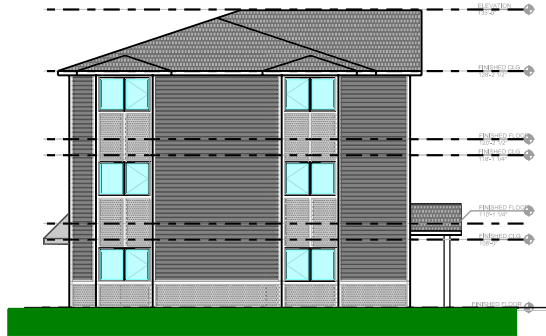
2300 Y STREET
2310 Y STREET
2330 Y STREET

EXISTING STREET TREES TO REMAIN

YST



SOUTH / FRONT ELEVATION

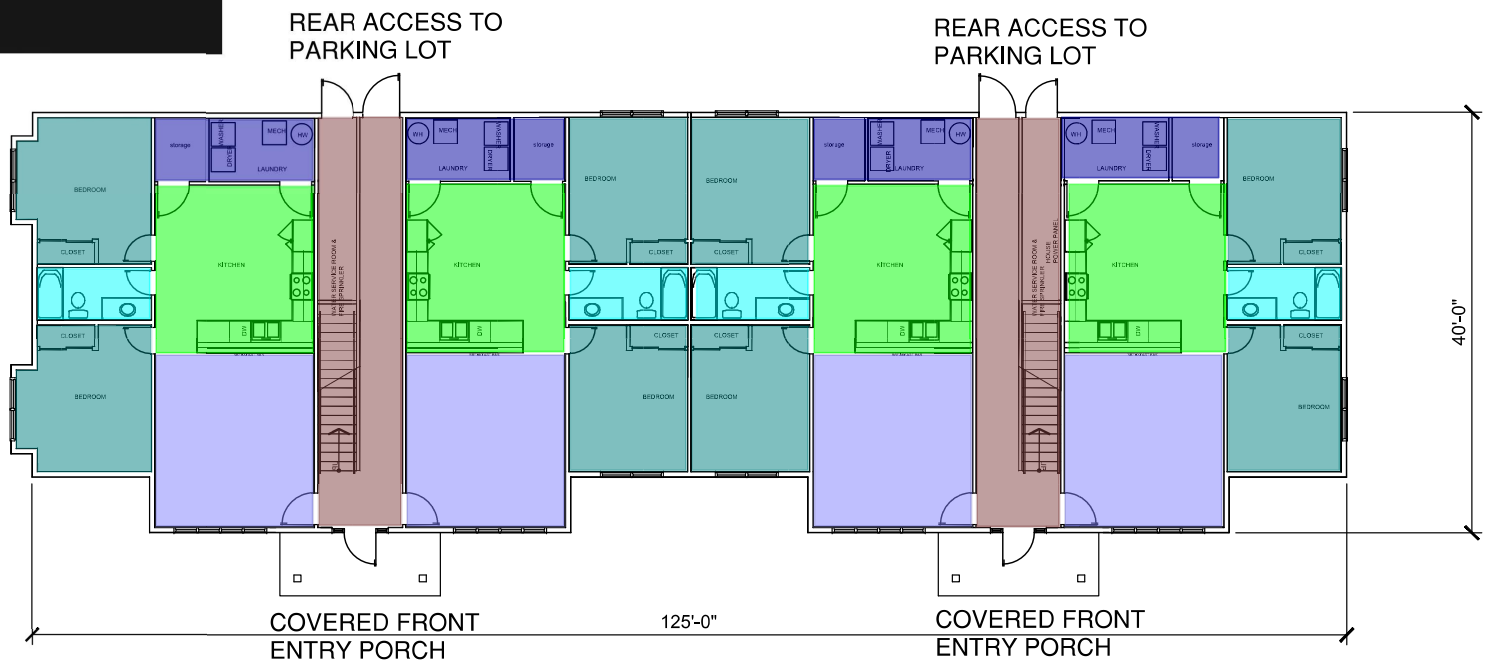


WEST ELEVATION



PROPOSED 12 PLEX
 (4) 2 BEDROOM / 1 BATH UNITS PER FLOOR
 3 STORIES TALL

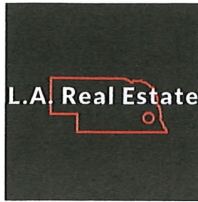
2300 Y STREET
 2310 Y STREET
 2330 Y STREET



PROPOSED 12 PLEX
 (4) 2 BEDROOM / 1 BATH UNITS PER FLOOR
 3 STORIES TALL



2300 Y STREET
 2310 Y STREET
 2330 Y STREET



LA REAL ESTATE

Aaron & Loni Burd | lonibrown15@gmail.com | 402.540.7659 | 402.419.6718

To whom it may concern,

This letter is to request a change of zone for the properties we've listed on the attached change of zone application form from R4 to R6.

We are in the process of developing a multiplex located at 2300, 2310, and 2330 Y ST in Lincoln, Nebraska. This plan includes a residential apartment building with off street parking.

We presented our plan to the Clinton Neighborhood Association via Zoom on October 5th, 2020 and they remain neutral. We ask the change of zone be granted, to allow our site to be developed properly and to its full potential. No waivers are requested for this project.

Respectfully,

Aaron and Loni Burd
402.419.6718

DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT

This Development and Conditional Zoning Agreement (“Agreement”) is hereby made and entered into this _____ day of _____, 2020, by and between the L.A. Real Estate, LLC (“LA Real Estate”), and the City of Lincoln, Nebraska, a municipal corporation, hereinafter referred to as “City.”

RECITALS

I.

LA Real Estate has requested that the City, through Change of Zone 20033 (“CZ 20033”), change the zoning description from R-4 Residential District to R-6 Residential District on property owned by LA Real Estate and legally described as:

MOORES SUBDIVISION (OF LOT 5 NE 24-10-6), BLOCK 2,
Lot 7, & W5' LOT 8;

MOORES SUBDIVISION (OF LOT 5 NE 24-10-6), BLOCK 2,
Lot 8, E23' & W27' LOT 9

MOORES SUBDIVISION (OF LOT 5 NE 24-10-6), BLOCK 2,
Lot 9, E23' & W27' LOT 10

All Lincoln, Lancaster County, Nebraska

(the “Subject Property”)

II.

Approval of CZ 20033 would allow LA Real Estate to construct multi-family housing with off street parking on the subject property.

III.

LA Real Estate has represented to the City that it intends to construct the multi-family housing in conformance with the Site Plan, Floor Plan, and Elevation attached as Exhibit A.

IV.

LA Real Estate has represented to the City a willingness to pave the alley abutting the Subject Property as a condition of a change of zone from R-4 to R-6.

V.

The City, as a condition of rezoning the Subject Property, will require L.A. Real Estate to enter into this Agreement to assure that the L.A. Real Estate will develop the Subject Property in conformance with Exhibit A and pave the alley abutting the subject property.

NOW THEREFORE, in consideration of the above recitals and the following terms and conditions, the parties agree as follows:

1. The City hereby agrees to grant LA Real Estate's request to rezone the Subject Property from R-4 Residential District to R-6 Residential.

2. In consideration for the City rezoning the Subject Property from R-4 Residential District to R-6 Residential, LA Real Estate agrees to:

- a. Develop the Subject Property in conformance with the Site Plan, Floor Plan, and Elevation as they appear on Exhibit A.
- b. Pave the alley abutting the Project Site prior to occupancy of the new multifamily housing structure.

3. The Parties agree the Planning Director, upon request, may approve revised site plans, floor plans, and elevations so long as revisions do not materially alter the general development plan and proposed use of the subject property as multi-family residential housing and off street parking.

4. This Agreement shall run with the Subject Property and shall be binding upon the LA Real Estate and its respective successors and assigns.

5. This Agreement, when executed by the parties, shall be recorded by the City in the office of the Register of Deeds of Lancaster County, Nebraska, filing fees to be paid by LA Real Estate.

IN WITNESS WHEREOF, the parties herein have executed this Agreement on the day and year set forth above.

(Signature Page to Follow)

City of Lincoln, Nebraska,
a municipal corporation

Leirion Gaylor Baird

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this ____ day of _____,
2020, by Leirion Gaylor Baird, Mayor of the City of Lincoln.

Notary Public

L.A. Real Estate, LLC,

By: _____

_____, Member
(Printed Name)

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this ____ day of _____,
2020, by _____, Member of the LA Real Estate

Notary Public

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

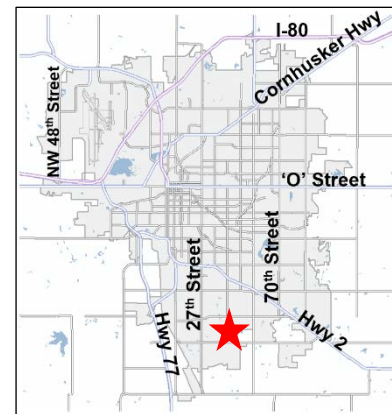
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Street and Alley Vacation #20005	FINAL ACTION? No	DEVELOPER/OWNER Lincoln Federal Bancorp lschumacher@lincolnfed.com
PLANNING COMMISSION HEARING DATE December 2, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION S. 34 th St and Tree Line Dr.

RECOMMENDATION: CONFORMS TO THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

This request is to vacate S. 34th St. south of Tree Line Dr. The street vacation is requested because S. 34th St. is no longer required to connect to Rokeby Rd.



JUSTIFICATION FOR RECOMMENDATION

The connection of S. 34th St. from Tree Line Dr. to Rokeby Rd was removed with the approval of the Wilderness Hills South Planned Unit Development. With the street no longer required to be connected to Rokeby Rd., this small portion of S. 34th St. is no longer necessary.

APPLICATION CONTACT

Brad Marshall, Olsson
(402) 458-5672 bmarshall@olsson.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

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

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

- P. 10.14 - This street is not shown on the Functional Street and Road Classification plan.
- P. 10.14 - Local streets and alleys are not included in the functional classification.

ANALYSIS

1. This application is to vacate S. 34th Street from Tree Line Drive south to the end of S. 34th St. Lincoln Federal Bancorp is the property owner on the east, west and south side of S. 34th Street. The owner will acquire the vacated right-of-way (ROW.)
2. Wilderness Hills Preliminary Plat originally showed S. 34th Street extending from Tree Line Drive to Rokeby Road. The street connection was removed by Wilderness Hills South Planned Unit Development (PUD) approved in 2020. The street connection was removed due to cost, impact upon the drainageway and long-term maintenance concerns. A pedestrian easement is required in lieu of the street. With the street no longer connecting to Rokeby Road, this street stub is not needed.

3. The owner has submitted a final plat, Wilderness Hills 13th Addition. The final plat shows the vacated ROW for future lots.
4. There is a sanitary sewer manhole and piping within the vacated right-of-way. A sanitary sewer easement will be required. The final plat has an easement for the sanitary sewer.
5. Vacation of the right-of-way will not affect the transportation system and is consistent with the Comprehensive Plan.
6. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Public street and vacant land R-3 Residential

SURROUNDING LAND USE & ZONING

North:	R-3 Residential	Vacant lots and single-family houses
South:	R-3 Residential	Undeveloped
East:	R-3 Residential	Vacant lots and single-family houses
West:	R-3 Residential	Vacant lots and single-family houses

APPLICATION HISTORY:

August 23, 2018	Wilderness Hills 8 th Addition which dedicated S. 34 th St. south of Tree Line Drive was approved by the Planning Director.
October 26, 2020	CZ #20017 Wilderness Hills South Planned Unit Development was approved by the City Council.

APPROXIMATE LAND AREA: 8,967 square feet

LEGAL DESCRIPTION: see attached

Prepared by

Tom Cajka, Planner

Date:

Applicant: Lincoln Federal Bancorp Inc
8400 Maddox Drive
Lincoln, NE 68521
(402) 474-4200
lschumacher@lincolnfed.com

Contact: Brad Marshall
Olsson
601 P St. Suite 200
Lincoln, NE 68508
(402) 458-5672
bmarshall@olsson.com

Owner: Same as applicant

F:\DevReview\SAV\20000\SAV20005 S. 34th.tjc.docx

CONDITIONS OF APPROVAL - STREET AND ALLEY VACATION #20005

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

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.



City of Lincoln/Lancaster County, NE GIS

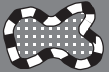


2020 aerial

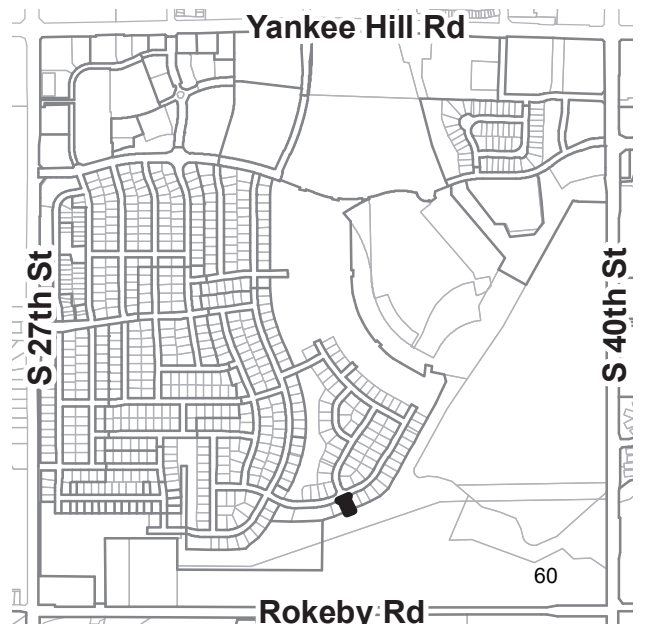
Street and Alley Vacation #: SAV20005
S 34th St & Tree Line Dr

Zoning:

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

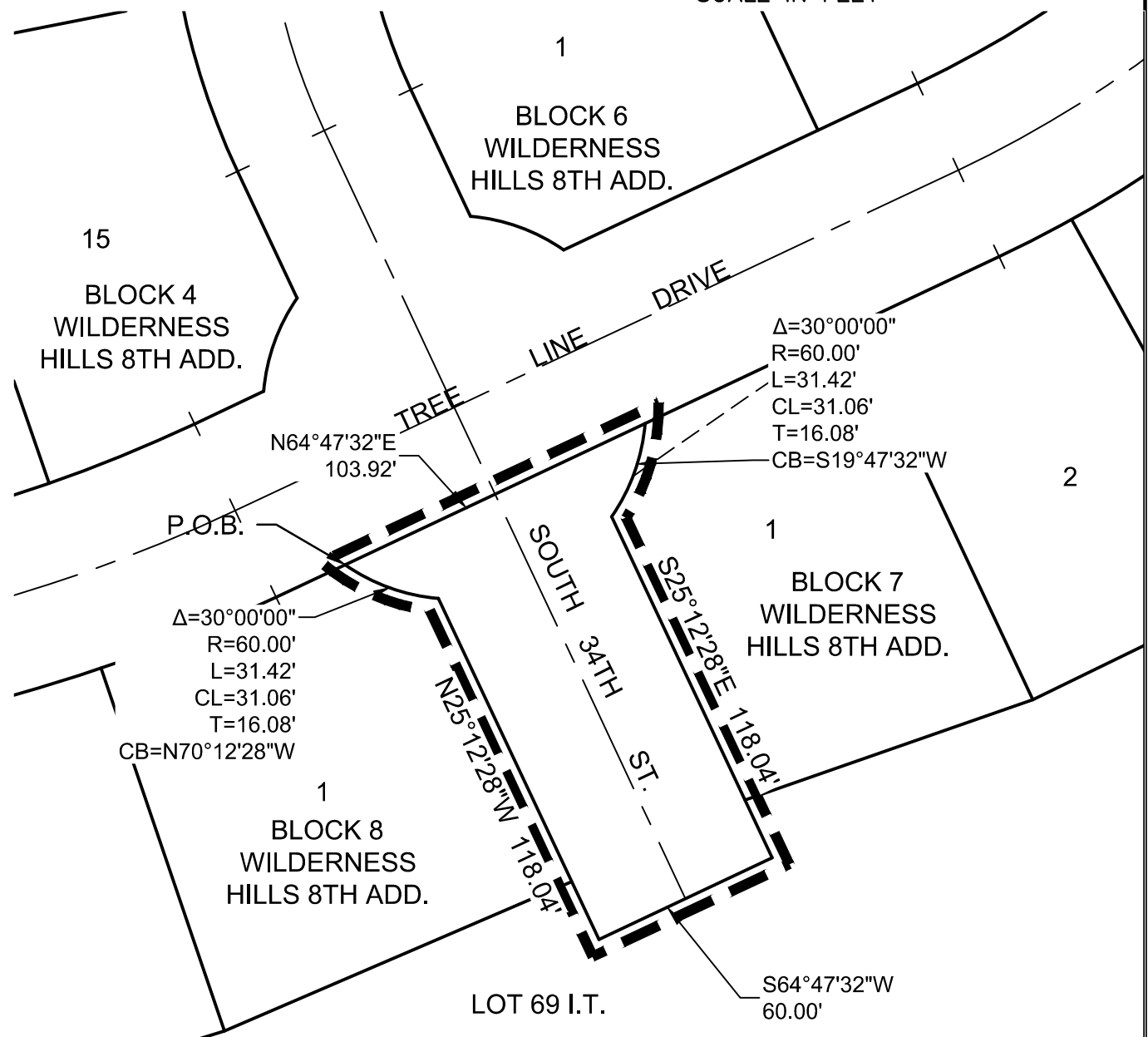
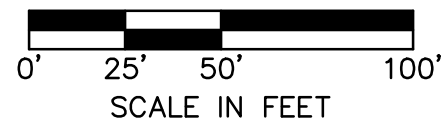
One Square Mile:
Sec.30 T09N R07E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



60

DWG: F:\2020\2501-3000\020-2934\40-Design\Survey\SRV\Final Plat\Drawings\ROW_VAC_WH13A_020-2934.dwg
 DATE: Oct 21, 2020 9:09am
 USER: abroeker
 XREFS:



PROJECT NO:	020-2934
DRAWN BY:	ALB
DATE:	10/20/2020

**SOUTH 34TH STREET
 VACATION**



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

EXHIBIT	
	2

DWG: F:\2020\2501-3000\020-2934\40-Design\Survey\SRV\Final Plat\Drawings\ROW_VAC_WHI3A_020-2934.dwg
 DATE: Oct 21, 2020 9:08am
 XREFS:

PROJECT NO: 020-2934
 DRAWN BY: ALB
 DATE: 10/20/2020

**SOUTH 34TH STREET
 VACATION**

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

EXHIBIT
 1

A TRACT OF LAND COMPOSED OF A PORTION SOUTH 34TH STREET RIGHT OF WAY, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A NORTHWEST CORNER OF LOT 1, BLOCK 8, WILDERNESS HILLS 8TH ADDITION, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE N64°47'32"E, A DISTANCE OF 103.92' TO A NORTHWEST CORNER OF LOT 1, BLOCK 7, WILDERNESS HILLS 8TH ADDITION, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 30°00'00", A RADIUS OF 60.00', AN ARC LENGTH OF 31.42' ON A NORTHWEST LINE OF SAID LOT 1, BLOCK 7, SAID LINE BEING AN EAST RIGHT OF WAY LINE OF SOUTH 34TH STREET, A CHORD LENGTH OF 31.06', A TANGENT LENGTH OF 16.08', AND A CHORD BEARING OF S19°47'32"W TO A WEST CORNER OF SAID LOT 1, BLOCK 7; THENCE S25°12'28"E, ON A WEST LINE OF SAID LOT 1, BLOCK 7, AND A WEST LINE OF LOT 69 I.T., SAID LINE BEING AN EAST LINE OF SAID RIGHT OF WAY, A DISTANCE OF 118.04' TO A NORTHWEST CORNER OF SAID LOT 69 I.T.; THENCE S64°47'32"W, ON A NORTH LINE OF SAID LOT 69 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT OF WAY, A DISTANCE OF 60.00' TO A NORTHWEST CORNER OF SAID LOT 69 I.T.; THENCE N25°12'28"W, ON AN EAST LINE OF SAID LOT 69 I.T., AND ON AN EAST LINE OF SAID LOT 1, BLOCK 8, SAID LINE BEING A WEST LINE OF SAID RIGHT OF WAY, A DISTANCE OF 118.04' TO AN EAST CORNER OF SAID LOT 1, BLOCK 8, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 30°00'00", A RADIUS OF 60.00', AN ARC LENGTH OF 31.42', ON AN EAST LINE OF SAID LOT 1, BLOCK 8, SAID LINE BEING A WEST LINE OF SAID RIGHT OF WAY, A CHORD LENGTH OF 31.06', A TANGENT LENGTH OF 16.08', AND A CHORD BEARING OF N70°12'28"W TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 8,967.26 SQUARE FEET OR 0.21 ACRES, MORE OR LESS.



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Text Amendment #20007	FINAL ACTION? No
PLANNING COMMISSION HEARING DATE December 2, 2020	RELATED APPLICATIONS None

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

Amend Article 4.005h Farm Winery to allow microbrewery as accessory use to a farm winery and to limit the sales from the microbrewery to 25% of the gross wine sales. Additional revisions were included in the text amendment by the County Attorney. These revisions reformat and revise the text, but don't substantially change the initial provisions for a farm winery.

JUSTIFICATION FOR RECOMMENDATION

Allowing microbrewery as accessory to farm winery could help ensure these businesses have success. The revisions allow a microbrewery as an accessory use. Some potential winery operators have shown an interest in providing craft beer to their customers in addition to the wine. This text amendment allows craft brewing as a minor element of the operation. Microbreweries themselves are typically located in urban areas near customers and are closer to manufacturing in operation. However, as a minor element accessory to a winery they could be appropriate with the limitations included in the text.

APPLICATION CONTACT

Dale Lilyhorn, (402)890-3932
dale@windcrestwinery.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan encourages the retention and expansion of existing businesses. The text amendment balances the need for wineries in rural areas, with the option for a minor complimentary accessory brewing use.

ANALYSIS

1. This request is to amend the AG-Agriculture District Article 4.005h Farm Winery. The applicant is requesting that farm wineries also be allowed to have an accessory microbrewery. Farm Wineries are allowed in the AG district as a conditional use. The microbrewery would be accessory to the farm winery. This would not allow a microbrewery by itself as a permitted or conditional use.
2. The State defines a microbrewery as any small brewery producing a maximum of twenty thousand (20,000) barrels of beer per year.
3. Microbreweries themselves are typically located in urban areas near customers and are closer to manufacturing in operation. While wineries in Lancaster County typically locate near the source of grapes, that is not the case for breweries. Beer making involves hops and other farm products, but the production facility is more like a commercial or industrial use. In Lincoln, microbreweries are located in both commercial and industrially zoned areas. A microbrewery runs at a different scale in terms of production, transportation and product sales compared to a winery.
4. The applicant is the owner of Windcrest Winery and has been trying to sell the winery for some time. The applicant's letter states that possible buyers lost interest when they learned they could not sell beer. Currently, no

microbreweries are located in a winery or in rural parts of Lancaster County. This would be a new accessory use to the winery. The intent of the proposal is for beer to be an option for customers who don't want wine but are visiting the winery with other customers. Thus, the microbrewery would be a small component of the winery and the scale would be significantly different than a free-standing brewery.

5. The text proposes that sales from the microbrewery may not exceed 25% of the gross wine sales. This will help ensure that the farm winery remains the primary use. The County may require that the farm winery provide sales receipts for the past 6 months to determine if beer sales are no more than 25% of the gross wine sales.
6. The microbrewery will be limited to a Class L or LK liquor license. Class L or LK license limits sale of beer to only the beer that is brewed on site. The owner of the farm winery can hold both a farm winery license and a microbrewery license.
7. A Class L license allows a person to operate a microbrewery and produce up to 20,000 barrels of beer per year. A microbrewery may also sell to beer wholesalers for sale and distribution to licensed retailers. This license allows the manufacture and retail sale of beer for consumption on or off the licensed premises. A Class LK license allows for catering.
8. All the changes, except for section #9 and definitions, to the text are for clarifying terms and reformatting the text. The new language for microbrewery is in #9. This text amendment does not affect the regulations for farm winery, except to allow microbrewery if desired.
9. Allowing microbrewery as an accessory use to a farm winery will help support the farm winery. Adding beer sales to farm winery should not have any negative impacts to the surrounding area.

Prepared by

Tom Cajka, Planner

Date: November 23, 2020

Applicant: Dale Lilyhorn
3110 W. Branched Oak Rd.
Raymond, NE 68428
(402) 890-3932
dale@windcrestwinery.com

Contact: Same as applicant

F:\DevReview\TX\20000\TX20007 Farm Winery.tjc.docx

October 15, 2020

Lancaster County Planning

555 S 10th St

Ste 213

Lincoln, Ne 68508

County Board of Commissioners:

I am requesting a text change to Section 4.005h-Farm winery. I am the owner of Windcrest Winery and at the age of 70, I am trying to retire. The only way I can make this happen is to sell Windcrest Winery. I have had the winery listed for a period of time and it seems to take special people who wish to get into the industry.

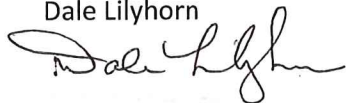
The last three possible buyers lost all interest in purchasing the winery when they learned they could not serve beer in Lancaster county. Their research showed them that the state of Nebraska allowed this but when they researched Lancaster county they find this county does not.

A craft brewery is a perfect match to a farm winery and even though I have no desire to do this pairing, the market is going in this direction. I have many customers where the woman likes wine and the man's preference is a beer so he just sits and waits for her to enjoy what she likes so he can go somewhere else and have a beer. The county will benefit from this change by allowing businesses to expand in Lancaster county rather than other counties in Nebraska.

Thank you.

Windcrest Winery

Dale Lilyhorn



dale@windcrestwinery.com

402-890-3932

ARTICLE 4 "AG" AGRICULTURAL DISTRICT

4.005 Permitted Conditional Uses

h. Farm Winery:

1. A farm winery shall produce a minimum of five hundred (500) gallons of wine on site per year on average over a consecutive three (3) year period. No farm winery shall manufacture produce wine in excess of fifty thousand gallons (50,000) per year.
2. After a farm winery has been in business for five (5) years, at least fifteen percent (15%) of the grapes, other fruit, or other suitable agricultural products used to manufacture the wine shall be grown or harvested from the farm winery itself. A farm winery must produce a minimum of fifteen percent of product from fruit or other agricultural products harvested from the premises following five years business.
3. Wines produced at the farm winery may be sold on site at wholesale and retail and/or at off premise sites holding the appropriate license.
4. Wine samples and/or consumption on the licensed premises is permitted in reasonable amounts. Samples and/or consumption of wine produced at the farm winery is permitted. If the farm winery allows sampling and/or consumption, the farm winery may serve food prepared off site by a Health Department licensed establishment. (Resolution No. 5437, February 18, 1997)
5. A farm winery may ~~sell retail~~ have retail space and sell wine related items as an accessory to wine sales ~~through tasting or wine sales room.~~ The R-retail space shall not exceed two thousand (2,000) square feet.
6. Prior to beginning operations and at all times the farm winery is operating, a farm winery shall have the required liquor licenses as required by the Nebraska Liquor Control Act. A farm winery shall be limited to a Class Y, YC, or YK, liquor license approved by the State of Nebraska, unless the farm winery has a microbrewery as provided herein.
7. A farm winery may only serve food prepared off site by a Health Department licensed establishment in association with sampling and/or consumption of wine. A farm winery may not act in the capacity of a retail food establishment. (Resolution No. 5437, February 18, 1997)
8. ~~A farm winery shall produce a minimum of 500 gallons of wine on site per year on average over a consecutive 3-year period.~~
9. A microbrewery is allowed on site as an accessory use to the farm winery.
 - a. Gross beer sales shall not exceed twenty-five percent (25%) of the gross wine sales. Upon request of the County, the farm winery shall provide sales receipts for the past 6 months.
 - b. Beer produced at the microbrewery may be sold on site at wholesale and retail and/or at off premise sites.
 - c. Samples and/or consumption of beer produced at the microbrewery is permitted.
 - d. A microbrewery may sell beer related items as an accessory to beer sales at the farm winery's retail space.

e. Prior to beginning operations and at all times the microbrewery is operating, the microbrewery shall have the required liquor licenses as required by the Nebraska Liquor Control Act. An accessory microbrewery shall be limited to a Class L or LK liquor license approved by the State of Nebraska.

10. ~~A farm winery shall only have a Class Y, YC, or YK, liquor license approved by the State of Nebraska.~~

11. The site for the farm winery and any accessory microbrewery may be on the same premises as the main residence of the owner or operator. (Resolution No. [R-17-0040](#), May 30, 2017)

ARTICLE DEFINITIONS

2.003. B.

Basement shall mean that portion of a building between floor and ceiling which is partly below and partly above grade but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

Beer shall mean a beverage obtained by alcoholic fermentation of an infusion or concoction of barley or other grain, malt and hops in water and includes, but is not limited to, beer, ale, stout, lager beer, porter, near beer, flavored malt beverage, and hard cider.

Biodegradable shall mean an organic material with the ability to be broken down using aerobic or anaerobic processes into the raw materials of nature and disappear into the environment. (Resolution No. [R-17-0040](#), May 30, 2017)

Biogas shall mean a gas produced through anaerobic digestion and is primarily composed of methane and carbon dioxide, but also may contain impurities such as hydrogen sulfide. (Resolution No. [R-17-0040](#), May 30, 2017)

Biosolids shall mean solids derived from primary, secondary or advanced treatment of domestic wastewater which have been treated through one or more controlled processes that significantly reduce pathogens and reduce volatile solids or chemically stabilize solids to the extent that they do not attract vectors. Biosolids shall include digestate resulting from the anaerobic digestion of organic materials. (Resolution No. [R-17-0040](#), May 30, 2017)

Broadcast Tower shall mean a structure for the transmission or broadcast of radio, television, radar or microwaves which exceeds the maximum height permitted in the district in which it is located.

Building Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property. Poles used for the support of wires and appurtenant equipment for supplying public utility services shall not be considered as buildings or structures under this resolution.

Buildings, Height of The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between the eaves and ridge for gable, hip, shed and gambrel roofs.

2.014. M.

Market Garden shall mean a relatively small scale farming operation (twenty (20) to forty (40) acres in size) where the production of a diversity of fruits, vegetables, herbs and flowers is grown for sales primarily for direct human consumption rather than as feed for animals or for major processing before consumption. Market gardens are distinguished from other types of farming by the inclusion of accessory uses not typically found on farms.

These accessory uses may include restaurants, agricultural education and training centers, agricultural tourism or sales of agricultural products not grown on site. (Resolution No. [R-12-0023](#), March 20, 2012)

Except for special permit applications for Commercial Feedlots under Section [13.035](#)(a) filed prior to March 10, 2020, **Medium Animal Feeding Operation** (Medium AFO) shall mean an AFO that confines or stables the type and number of animals in any of the following ranges:

- 200 to 699 mature dairy cows, whether milked or dry;
- 300 to 999 veal calves;
- 300 to 999 cattle other than mature dairy cows or veal calves. Cattle include but are not limited to heifers, steers, bulls, and cow/calf pairs;
- 750 to 2,499 swine each weighing 55 pounds or more;
- 3,000 to 9,999 swine each weighing less than 55 pounds;
- 150 to 499 horses;
- 3,000 to 9,999 sheep or lambs;
- 16,500 to 54,999 turkeys;
- 9,000 to 29,999 laying hens or broilers, if the animal feeding operation uses a liquid manure handling system;
- 37,500 to 124,999 chickens, other than laying hens, if the animal feeding operation uses other than a liquid manure handling system;
- 25,000 to 81,999 laying hens, if the animal feeding operation uses other than a liquid manure handling system;
- 1,500 to 4,999 ducks, if the animal feeding operation uses a liquid manure handling system; or
- 10,000 to 29,999 ducks, if the animal feeding operation uses other than a liquid manure handling system.

(Resolution [No. R-20-0011](#), March 10, 2020)

Microbrewery shall mean any small brewery producing a maximum of twenty thousand (20,000) barrels of beer per year.

Mini-warehouse shall mean a storage facility containing individual compartments or lockers designed to serve multiple persons and small businesses. Storage bays shall not be interconnected by interior doors or other interior means providing access from one storage bay to another. (Resolution No. [R-18-0078](#), November 20, 2018)

Mobile Home shall mean a dwelling, more than eight (8) feet wide and more than thirty two (32) feet long, and designed and built to be towed on its own chassis. (Resolution No. [R-17-0040](#), May 30, 2017)

Mobile Home Court Any mobile home court, campsite, lot, parcel, or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for mobile homes and upon which mobile homes are parked and shall include all building used or intended for use as part of the equipment thereof whether a charge is made for the use of the mobile home court and its facilities or not. "Mobile home court" shall not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for purposes of inspection and sale.

Motel A dwelling not consisting of dwelling units and occupied by more than twenty (20) persons, in which there is no central lobby to reach individual living accommodations.

2.024. W.

Wind Energy Conversion System is any device, such as a wind charger, windmill or wind turbine, which converts wind energy to a form of usable energy. (Resolution R-08-0090, October 15, 2008)

Wine shall mean any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits.

F:\DevReview\TX\20000\TX20007 proposed text..docx

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER
Comprehensive Plan Amendment 20002
33rd & Cornhusker Subarea Plan

FINAL ACTION?
No

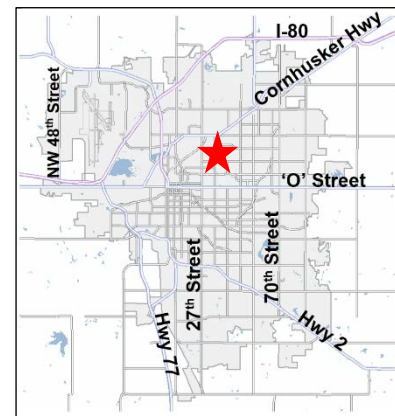
PLANNING COMMISSION HEARING DATE
December 2, 2020

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

The Director of the Planning Department requests to amend the 2040 Lincoln/Lancaster County Comprehensive Plan to adopt the 33rd & Cornhusker Subarea Plan. Proposed Comprehensive Plan items to be updated include:

- Future Land Use map in Chapters 1 and 12
- Commercial Centers map in Chapter 5
- Mixed Use Redevelopment Nodes map in Chapter 6
- Railroad crossings discussion in Chapter 10
- Candidate Roadway Capital Projects map and associated table in Chapter 10
- Subarea Plans list in Chapter 12



The draft plan is available for review at www.33rdcornhusker.com/planning.

JUSTIFICATION FOR RECOMMENDATION

The project is consistent with the overall themes found throughout the Comprehensive Plan of supporting mixed use development and redevelopment, and enhancing major corridors in the community.

STAFF CONTACT

Paul Barnes, Planning Department
(402) 441-7491 pbarnes@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Subarea Plan aligns with a variety of goals and strategies included throughout the Comprehensive Plan.

- Mixed use redevelopment, adaptive reuse, and well-designed and appropriately-placed infill development, including residential, commercial and retail uses, are encouraged throughout the Comprehensive Plan.
- The Comprehensive Plan says that major entryways to Lincoln (including Cornhusker Highway) should be studied, protected, and enhanced to create and express community pride.
- The Comprehensive Plan recommends strengthening design standards for commercial and mixed-use development along major travel corridors, to reflect a positive visual image that engenders community pride and identity.

COMPREHENSIVE PLAN SPECIFICATIONS:

- p. 1.2 Greater Downtown and nodes and corridors incorporate a mix of uses that accommodate the daily needs of residents.
- p. 1.9 The area is primarily shown as Commercial and Industrial on the Future Land Use map.
- 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. 3.12 The Salt Valley drainage basin creates a large loop primarily made up of Salt Creek and Stevens Creek. This loop comprises the Salt Valley Greenway. The greenway can include parks and open space, trails, both active and resource-based recreation, riparian and stream corridors, floodplains, threatened and endangered species habitat, saline and freshwater wetlands, agricultural land, signature landscapes, wildlife corridors, lakes and streams, abandoned rail lines, and transportation corridors.
- p. 3.13 A portion of the site (primarily identified as greenspace on the proposed land use map) is within the Salt Valley Greenway.
- p. 4.6 Major entryways to Lincoln (including Cornhusker Highway) should be studied, protected, and enhanced to create and express community pride.

Design standards should be developed, monitored, and revised as necessary to express and protect community values without imposing burdensome delays or restrictions on creativity. Well-crafted standards should add predictability and clarity to the development process, rather than imposing a design solution. Design standards for landscape elements should be developed, updated periodically and monitored and enforced with attention to long-term sustainability, or the benefit of this investment can quickly be lost.

- p. 4.7 Establish clear urban design standards and an efficient, expeditious review process for development and redevelopment of mixed use commercial/residential areas, especially focusing on the interface with residential neighborhoods, attractive streetscapes, and safe and comfortable movement of people – whatever their mode of travel.

Prepare and periodically update subarea plans for the redevelopment of mixed use corridors and nodes to facilitate predictable, expeditious, well-designed improvements and investments.

Study key entryways to Lincoln and adopt zoning tools and incentives to protect and enhance “first impressions” of the community, including a thoughtful, distinctive, and attractive system of “wayfinding” signs to key community attractions.

Continue and update a wayfinding system of related, attractive signs guiding and orienting motorists, bicyclists, and pedestrians throughout the community.

Preserve and enhance the character of key entry points and corridors into the City of Lincoln through enhanced landscaping and public art in rights-of-way, and respectful development of adjacent properties.

Strengthen design standards for commercial and mixed-use development along major travel corridors, to reflect a positive visual image that engenders community pride and identity.

The inclusion of public art should be considered during the conceptualization and design of any major public project.

Seek the early integration of the talents of artists with architects, landscape architects and engineers on public improvements.

- p. 5.2 Seek to utilize investments in existing and future public infrastructure to advance economic development opportunities.
- Encourage and provide incentives for mixed uses in future developments.
- Encourage commercial centers to encompass a broad range of land uses with the integration of compatible land use types.
- p. 5.3 Apply design standards as a tool for economic development. They provide assurances for surrounding property owners as well as prospective developers.
- p. 5.5 Commercial and industrial centers should be located:
- Outside of saline wetlands, signature habitat areas, native prairie and floodplain areas.
 - Where urban services and infrastructure are available or planned for in the near term.
 - In sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan.
 - In areas compatible with existing or planned residential uses.
 - In existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and to more efficiently utilize existing infrastructure.
 - In areas accessible by various modes of transportation (i.e. automobile, bicycle, transit, and pedestrian).
 - So that they enhance entryways or public way corridors, when developing adjacent to these corridors.
 - In a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan.
- p. 5.7 Strategies for commercial centers:
- Disperse Commercial Centers throughout the community to support convenience of access and to lessen impacts on infrastructure.
 - Locate Commercial Centers where they will have access to arterial streets with adequate capacity and be supported by transit, trails, sidewalks, and local streets.
 - Discourage “four corner commercial development.”
 - Develop Commercial Centers as compact clusters or mixed use nodes with appropriate site design features to accommodate shared parking and ease of pedestrian movement, to minimize impacts on adjacent areas, and encourage a unique character.
 - Discourage auto-oriented strip commercial development; Commercial Centers should not be developed in a linear strip along a roadway or be completely auto-oriented.
- p. 5.10 Community Centers are intended to be smaller in scale and intensity of uses than Regional Centers and serve a more targeted market and geographic area. Community Centers tend to be dominated by retail and service activities, although they can also serve as campuses for corporate office facilities and should include a mix of residential uses. When properly located, some light manufacturing or assembly when accessory to an office function may be appropriate.
- p. 5.11 Community Centers should be located approximately 1 to 1 ½ miles apart, depending upon their size, scale, function, and area population. When located at intersections, they should also not be located across an arterial street from a Neighborhood Center or another Community Center.
- p. 5.13 Highway Oriented Commercial Areas are primarily oriented to the highway traveler and highway oriented distribution, warehouse and light manufacturing companies... Since they are along entryways into the community, they should have landscaping and design standards.
- p. 5.14 Discourage auto-oriented strip commercial development and seek opportunities for residential mixed use redevelopment and/or transit oriented development of existing commercial strips.
- p. 5.16 There is an expected demand of nearly 1,400 acres of additional industrial property through 2040.

- p. 6.2 Mixed use redevelopment should:
- Target existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and more efficiently utilize existing infrastructure.
 - Occur on sites supported by adequate road and utility capacity.
 - Be located and designed in a manner compatible with existing or planned land uses.
 - Enhance entryways when developing adjacent to these corridors.
 - Preserve existing affordable housing and promote the creation of new affordable housing throughout the community.
 - Provide a diversity of housing types and choices throughout each neighborhood for an increasingly diverse population.
 - Incorporate and enhance street networks with multiple modes of transportation in order to maximize access and mobility options.
 - Promote activities of daily living within walking distance, and provide sidewalks on both sides of all streets, or in alternative locations as allowed through design standards or review process.
 - Encourage residential mixed use for identified corridors and redeveloping Regional, Community, Neighborhood, and Mixed Use Office Centers identified as nodes.
 - Develop with substantial connectivity between developing or existing neighborhoods and developing or redeveloping commercial centers.
 - Encourage preservation or restoration of natural resources within or adjacent to mixed use redevelopment areas.
- p. 6.3 The City's primary strategy for residential infill and redevelopment outside of the Greater Downtown is to encourage the redevelopment and reuse of sites and buildings in commercial areas in order to create new mixed use centers that are compatible and complimentary to adjacent neighborhoods.
- p. 6.4 Nodes encompass generalized locations of commercial and industrial land uses with access to arterial streets, public transportation, and proximity to community facilities such as parks and schools. As the foundation of a great new neighborhood, nodes should provide services and retail goods oriented to the residents in and adjacent to the development, with significant pedestrian orientation and access. The adaptive reuse of historic or other existing structures into mixed uses is encouraged. The size, scope, and spacing of a node will depend on the Commercial Center designation. Nodes should be located on arterials and should have access to public transit. They should provide adequate facilities for multi-modal transportation including a complete sidewalk network, transit stops, automobile parking and circulation, and storage of bicycles. This concept is designed and intended to be mutually beneficial for existing adjacent neighborhoods and the new mixed use neighborhood created by the redeveloped center.
- p. 6.5 Corridors represent priorities for future public transportation enhancements (such as increases in level of service), areas to encourage mixed use redevelopment of commercial strips, and connections for Mixed Use Redevelopment Nodes and/or commercial centers. Corridors are typically a half block to a block wide along arterial streets in commercially or industrially-zoned areas. Since they are often located on major arterials between commercial centers, they experience a lot of traffic and usually have transit. Corridors present opportunities for small-scale reuse or redevelopment projects and should include a mix of land use types, especially residential. The adaptive reuse of historic or other existing structures into mixed uses is encouraged. Due to the linear nature of Corridors, existing residential neighborhoods are often next door or across the alley from the commercial strip or industrial remnant. This close relationship makes the adoption of design standards very important in proceeding with this strategy.
- p. 6.6 Design standards should be developed for Mixed Use Redevelopment Nodes and Corridors...Most commercial areas of the city are not under any design review and sometimes create rough edges and poor entryways to neighborhoods. Establishing design standards for Mixed Use Redevelopment Nodes and Corridors should result in better design within commercial centers and soften the transition to surrounding neighborhoods.
- p. 6.10 Strategies for facilitating redevelopment:
- Develop subarea plans for specific areas that set a framework for development, including advance blight studies, redevelopment plans, identification of infrastructure needs and public/private roles.

- Establish stronger design standards for redevelopment projects to provide assurance that they will blend into the context of, or enhance, the surrounding neighborhood and avoid conflicting visions among developers, neighbors, and city officials.

p. 10.14 Cornhusker Highway is shown as a Principal Arterial on the Functional Classification map.

p. 12.4 Future Land Use plan categories:

- Industrial: Areas where railroads, manufacturing, trucking and transportation facilities are the dominant land use, with some commercial activities.
- Commercial: Areas of retail, office, service and residential mixed uses. Commercial uses may vary widely in their intensity of use and impact. Individual areas designated as commercial in the land use plan may not be appropriate for every commercial zoning district.
- Urban Residential: Multi-family and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre.
- Green Space: Public or privately-owned areas predominantly used for recreation, such as parks, golf courses, soccer or ball fields, and trails. Many green space areas also serve functions such as buffers between incompatible uses and as stormwater management areas. In some cases, privately-owned Green Space such as golf courses may also be appropriate to be considered for future Urban Residential development.

ANALYSIS

1. This application is to amend the Comprehensive Plan to incorporate the 33rd & Cornhusker Subarea Plan. The Subarea Plan was originally submitted in 2018 with application CPA18004. It was unanimously recommended for approval by the Planning Commission but was withdrawn prior to City Council action. The reason for withdrawing the application was to re-evaluate the preferred alignment of 33rd and Adams Streets. The Subarea Plan in this new application includes an updated street alignment, and minor map updates to match the alignment and minor text updates, but otherwise has the same content as the 2018 application. Updates to the street alignment include connecting Adams Street to the 33rd Street bridge, removal of the “fishhook” railroad crossing for Adams Street, and retaining the existing 44th Street at-grade crossing.
2. The Subarea Plan outlines the city’s plans for improvement, beautification, and overall revitalization of the subarea. The Plan includes (1) an analysis of the subarea’s existing physical, regulatory, demographic, and economic conditions and planning influences and (2) recommendations regarding land use, development and redevelopment, transportation and utility infrastructure, mobility, economic sustainability, and aesthetic enhancements. Overall, the Plan seeks to preserve and protect important existing features and resources in the subarea and coordinate new growth and development. This staff report will focus on the Subarea Plan vision, which is included in Chapter 5 (beginning on page 83).
3. The Subarea Plan includes approximately 590 acres and is generally in the area of Cornhusker Highway between N 27th and N 48th Streets, with a portion of the area extending north to Superior Street.
4. The Subarea Plan came to be through the efforts of the Railroad Transportation Safety District (RTSD) and the City of Lincoln. Recognizing the safety, mobility, and congestion concerns caused by the at-grade BNSF railroad crossings 33rd, 44th, and Adams Streets, the RTSD and the City undertook a multiyear transportation improvement project. The project began with the Planning and Environmental Linkages (PEL) study that was completed in 2016. The PEL identifies engineering solutions that address the transportation needs of an area in a manner that mitigates potential impacts to the community and natural resources. This process resulted in planning-level roadway alignment concepts for the project area.

In early 2017, the RTSD, with support from the City, concluded that it would be prudent to take a more comprehensive look at the future of Northeast Lincoln before conducting an environmental study of the project area and preliminary engineering. Therefore, it was decided to include a subarea planning process in the overall transportation improvement project.

5. The preferred alternative road alignment is shown in the Subarea Plan. It is important to note that adoption of the Subarea Plan does not mean approval of the shown road alignment; there is an ongoing separate process to determine the final road alignment. If the alignment changes in the future, the Subarea Plan will be amended to reflect the change. The alignment shown in the Subarea Plan includes a grade-separated railroad crossing at 33rd Street that also connects to Adams Street. The at-grade crossing at 44th Street would remain. The Subarea Plan includes a detailed timeline of the entire transportation project, but it is expected to be at least 8-10 years before construction on any improvements would be complete.
6. As part of the planning process, the City of Lincoln, RTSD, and the consultant team undertook a robust community engagement effort. Engagement activities included:
 - Establishment of an Advisory Committee made up of over 50 stakeholders representing both the public and private sector. The Advisory Committee met monthly throughout the plan process.
 - Three public open houses.
 - Public design charrette.
 - Online survey.
 - Website and social media campaign that included detailed information about the plan and process.

Additional engagement that occurred since the previous Subarea Plan application was withdrawn included:

- One-on-one stakeholder meetings with area businesses, property owners and residents, local community leaders, and the public at large with an interest in the project.
 - Continued Advisory Committee meetings.
 - In lieu of an in-person public meeting, an outreach effort to direct the public to the project website for updated information.
7. The Subarea Plan includes a future land use plan on page 88 (and attached) that provides the framework to allow for and encourage future development, redevelopment, reuse, and infill projects in the area. In general, the future land use plan reflects a shift from primarily industrial uses in the area (as shown on the future land use map in the Comprehensive Plan) to a mix of commercial, light industrial, higher-density residential, and green space. The proposed land uses shown in the plan are summarized below:
 - Mixed Use Nodes (located at 33rd & Cornhusker and 33rd & Superior). Uses within this designation may include a combination of retail, service, office, entertainment, flex space, and residential (on upper stories). Buildings of different scales, stories (maximum of four), and densities should be encouraged, mixing uses within a single development. This use will be shown in the Comprehensive Plan as Commercial.
 - Business/Flex Park. Uses within this designation include commercial and office uses for large and small start-up employers. This category is inherently flexible, allowing for a variety of uses, such as medical, research, and technology. The purpose of this land use is to provide a high quality, amenity-rich corporate campus environment. This use will be shown in the Comprehensive Plan as Commercial.
 - Light Industrial. Uses within this designation include light industrial uses such as warehouses and light manufacturing spaces, though also appropriate are office, retail, service, and business/industrial parks. Heavy industrial uses are not suggested for this category, such as large factories producing high levels of noise, traffic, and pollution. This use will be shown in the Comprehensive Plan as Industrial.
 - Commercial Corridor. Uses within this designation include retail, service, and office to serve visitors traveling along Cornhusker Highway, truck traffic, and the surrounding neighborhoods. Uses should include casual and drive through restaurants, multi-tenant shopping centers, and offices. These uses should primarily be concentrated along Cornhusker Highway where properties have direct access to the highway. This use will be shown in the Comprehensive Plan as Commercial.
 - Mixed Residential Neighborhood. Uses within this designation include higher density single family residences (townhomes and rowhomes), multi-family units (duplexes, condominiums, and apartments), small-scale mixed use buildings (residential on upper levels and retail/service on ground level), and recreational uses. This use will be shown in the Comprehensive Plan as Residential.

- Parks, Recreation, Open Space. Uses within this designation include natural features, such as wooded areas, greenways, and water bodies. This land use exists to preserve existing environmental assets, provide green connections throughout the subarea, and ensure adequate flood storage. This use will be shown in the Comprehensive Plan as Green Space.

8. Approximately 255 acres in the subarea that is currently zoned I-1 Industrial would have its Future Land Use designation changed to a non-industrial use (either Commercial, Urban Density Residential, or Green Space). As the sites develop/redevelop, it's expected that the zoning would change from I-1 to something more in conformance with the Future Land Use designation. There is currently approximately 3,500 acres of vacant industrially-zoned land within the City's zoning jurisdiction (including large areas in northeast Lincoln), so even if a majority of the industrial land in the subarea were eventually changed, there would still be an ample supply of available industrial zoning in the city.

The subarea will continue to be an employment hub even with the shift away from heavy industrial uses. The light industrial designation shown in the Future Land Use plan will provide opportunities for employment while still allowing most existing uses. Adoption of the Subarea Plan does not change the zoning of properties - any zoning changes would be initiated by the property owner.

9. Additional items found in the Subarea Plan include:
- A detailed existing conditions analysis.
 - A Market Positioning Strategy that provides guidance on economic growth opportunities.
 - A public input summary.
 - A Development and Redevelopment section that identifies specific development/redevelopment sites and provides recommendations for what the sites could become.
 - A Transportation and Infrastructure section that includes roadway improvement phasing, conceptual street sections, wayfinding, multi-modal connectivity, and utility improvements.
 - An Aesthetics and Quality of Life section that includes guidelines for streetscape and other aesthetic enhancements to the area.
 - An Economic Sustainability section that provides guidelines for economic growth while emphasizing the well-being of the environment and surrounding community.
10. The Subarea Plan aligns with a variety of goals and strategies included throughout the Comprehensive Plan.
- Mixed use redevelopment, adaptive reuse, and well-designed and appropriately-placed infill development, including residential, commercial and retail uses, are encouraged throughout the Comprehensive Plan.
 - The Comprehensive Plan says that major entryways to Lincoln (including Cornhusker Highway) should be studied, protected, and enhanced to create and express community pride.
 - The Comprehensive Plan recommends strengthening design standards for commercial and mixed-use development along major travel corridors, to reflect a positive visual image that engenders community pride and identity.
11. Completed concurrently with the Subarea Plan, but not being formally adopted into the Comprehensive Plan, is the Cornhusker Highway Corridor Enhancement Plan (CEP). The CEP will be used as a guidance document and is referenced in the Subarea Plan. The draft CEP is available for review at www.33rdcornhusker.com/planning.
12. The CEP details the overall look and feel of the streetscape that is envisioned for the corridor. The CEP presents a coherent system of public streetscape improvements that will work to increase the amount of landscaped space, enhance circulation, and accommodate all modes of transportation along and around Cornhusker Highway. The CEP also provides recommendations for private property design guidelines. It includes Cornhusker Highway right-of-way and adjacent properties between N 11th and N 56th Streets.

13. The Cornhusker Highway CEP includes the following items:
- A streetscape plan that separates the corridor into four distinct zones and creates a hierarchy of major intersections. The plan includes detailed street sections that show potential driving lane, access lane, and sidewalk alignments, landscaping and street trees, and other placemaking elements within the right-of-way. These elements vary across different zones and intersections in the corridor.
 - A plan to improve the pedestrian experience with benches, bicycle racks, trash receptacles, planters, transit shelters, informational kiosks, and public art. These amenities will be critical as the area evolves into a mixed use neighborhood as envisioned in the Subarea Plan.
 - Details on landscaping implementation such as recommended species, placement, and irrigation.
 - Details on wayfinding and district branding.
 - Lighting recommendations that include street lights, pedestrian lights, accent lighting, and illuminated street signs.
 - A maintenance and sustainability plan.
 - Design guidelines for private property along Cornhusker Highway. The guidelines include recommendations for building design (setbacks and orientation, facades and roofs, utility screening, etc), site design (access, landscaping, lighting, etc), and signage design. The guidelines are only recommendations and not a formal adoption of design standards.
14. An associated amendment to the Long Range Transportation Plan (LRTP) was submitted in 2018 with application MISC18003. That application was approved by the Planning Commission and the Lincoln Metropolitan Planning Organization (MPO) – City Council approval was not required. The updates made to the Subarea Plan over the past year do not require additional changes to the LRTP. Chapter 10 of the Comprehensive Plan is a copy of the LRTP. With this application, Chapter 10 will be updated to match the previously-approved LRTP amendments. LRTP amendments included references to the Subarea Plan and Corridor Enhancement Plan, addition of the 33rd & Cornhusker roadway project along with the State Fair Park Road project, and associated text, tables, and figures in the Technical Report.

APPROXIMATE LAND AREA: 590 acres

PROPOSED AMENDMENTS:

Amend the 2040 Lincoln-Lancaster County Comprehensive Plan as follows:

Pages 1.8, 1.9, 12.2, 12.3

Amend the Future Land Use map to conform to the Subarea Plan. The proposed changes are attached.

Page 5.6

Amend the Commercial Centers Map (Map 5.1) to show a Proposed Community Center near 33rd & Cornhusker and an existing Highway Oriented Commercial Center near 40th & Cornhusker. The proposed changes are attached.

Page 6.5

Amend the Mixed Use Redevelopment Nodes and Corridors Map (Map 6.1) to show 200-500 dwelling unit nodes at realigned 33rd & Cornhusker and 33rd & Superior. The existing 200-500 dwelling unit node at 27th & Cornhusker can be removed. Also add an Additional Transportation Enhancement Corridor along Cornhusker from N 11th to N 56th Street.

Pages 10.27, 10.29

Update Candidate Roadway Capital Projects map (page 10.27) and table (page 10.29) to add the Railroad Transportation Safety District's N. 33rd & Cornhusker/BNSF Rail Corridor project and the Salt Creek Roadway extension from State Fair Park Road to Cornhusker Highway

Page 10.33

Add reference to the Subarea Plan and Corridor Enhancement Plan as part of the railroad crossings discussion.

Subarea Planning:

...

- Downtown Lincoln Master Plan, December 2018
- City of Lincoln Affordable Housing Coordinated Housing Action Plan (to be added with CPA20001)
- 33rd & Cornhusker Subarea Plan (insert approval date)
- The Implementation for the Conservation of Nebraska's Easter Saline Wetlands, 2003

...

Prepared by

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

November 23, 2020

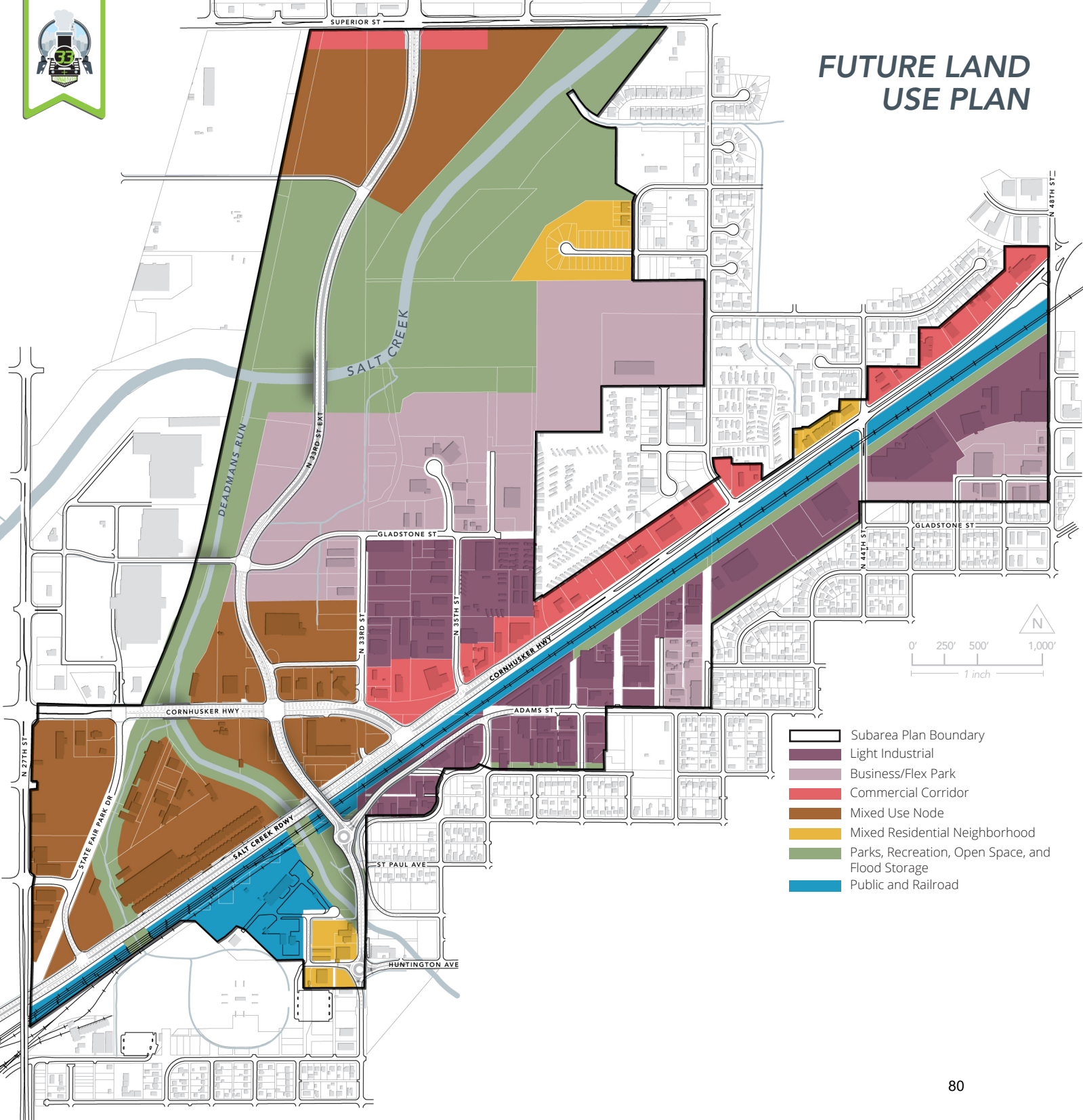
Applicant: Lincoln-Lancaster County Planning Department
555 S. 10th Street, Suite 213
Lincoln, NE 68508

Contact: Paul Barnes, Planning Department
(402) 441-7491 pbarnes@lincoln.ne.gov

F:\DevReview\CPA\20000\CPA 20002 33rd & Cornhusker.adt.docx







FUTURE LAND USE PLAN

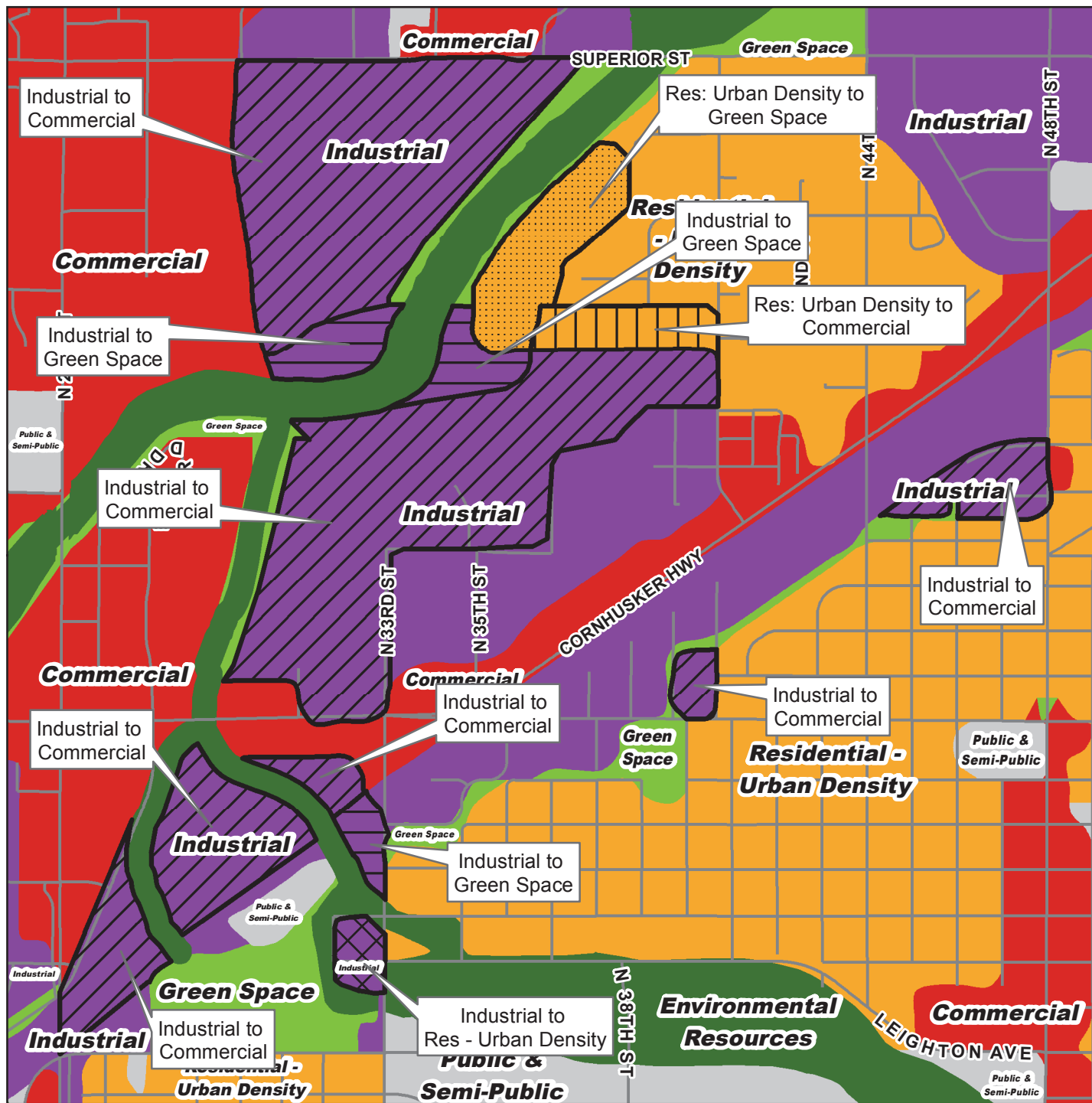


CPA # 20002
N 33rd St & Cornhusker Hwy

Proposed Land Use Change

Proposed Changes:





-  Industrial to Commercial
-  Industrial to Green Space
-  Industrial to Res - Urban Density
-  Residential - Urban Density to Commercial
-  Residential - Urban Density to Green Space








LINCOLN - LANCASTER COUNTY
PLANNING DEPARTMENT
Information Technology Services
303 South 10th Street
Lincoln, Nebraska 68508
Ph: 402.441.1491 Fax: 402.441.6377

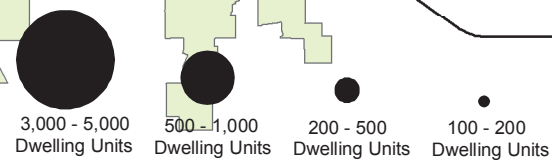


Proposed Mixed Use Corridors and Nodes Changes

-  Relocated Node (200 - 500 DUs)
-  Proposed New Node (200 - 500 DUs)
-  Delete Approved Node (200 - 500 DUs)
-  Proposed Additional TEC

-  Primary Areas for Mixed Use
Redevelopment Nodes and Corridors
-  Additional Commercial/Industrial Areas
Appropriate for Dwelling Units/Mixed Use
-  Primary Transportation Enhancement Corridor
-  Secondary Transportation Enhancement Corridor
-  Additional Transportation Enhancement Corridors

* Locations are based on strategies for Mixed Use
Redevelopment Nodes and Corridors



General Location and Estimated Potential for Future Dwelling Units



CPA # 20002
N 33rd St & Cornhusker Hwy

Proposed Commercial Center Amendment



NEW: Proposed Center (Not Site Specific)



Existing Center



Unbuilt Approved Center (Site Specific)



Proposed Center (Not Site Specific)

R

Regional Center

C

Community Center

N

Neighborhood Center

O

Mixed Use Office

H

Highway Oriented Commercial



0 5,000 10,000 20,000
Feet

f:\devreview\cpa\20000\CPA20002CommCenters.mxd
(CPA20002)

MEMORANDUM

TO: File

FROM: Lincoln-Lancaster County Planning Department

SUBJECT: 33rd & Cornhusker Subarea Plan

DATE: November 4, 2020

This is an application for a Comprehensive Plan Amendment to adopt the 33rd & Cornhusker Subarea Plan into the Lincoln-Lancaster County Comprehensive Plan. The various amendments required to the Comprehensive Plan are listed below:

- Add reference to the Subarea Plan in Chapter 12
- Update the Future Land Use map in the Comprehensive Plan to conform with the proposed Future Land Use map in the Subarea Plan
- Update the Mixed-Use Redevelopment Nodes map
- Update the Commercial Centers map
- Various updates to Chapter 10 to conform with already-approved amendments to the Long Range Transportation Plan

This plan is the result of a partnership between the City of Lincoln and the Railroad Transportation Safety District (RTSD). The process involved a consultant team, multiple city departments, elected officials, property owners, and residents along with other community stakeholders.

This item will be scheduled for Planning Commission consideration at the December 2nd hearing.

The draft plan is available for review at www.33rdcornhusker.com.