

Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

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PLANNING STAFF

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

January 20, 2021

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, January 20, 2021, 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, JANUARY 20, 2021

Approval of minutes of the regular meeting held January 6, 2021.

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

COMPREHENSIVE PLAN CONFORMANCE:

- 1.1 COMPREHENSIVE PLAN CONFORMANCE 20018, to review as to
conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, two
proposed amendments to the South of Downtown Redevelopment and Strategic
Plan, 1) extending the boundary of the plan south to include the area between
16th and 17th Streets, to Garfield Street, 2) adding the "1645 Washington Street

Redevelopment Project", for renovation of an existing 8-unit apartment building, on property generally located at 1645 Washington Street.

Staff recommendation: In Conformance with the Comprehensive Plan

Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

CHANGE OF ZONE:

- 1.2 CHANGE OF ZONE 20040, from R-2 (Residential District) to B-1 (Local
Page Business District), on property legally described as all that portion of the South
17 186.5 feet of Lot 1, Third Addition to Normal, which is not presently zoned B-1, on
property generally located at 3930 South Street.

Staff recommendation: Approval

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

USE PERMIT:

- 1.3 USE PERMIT 18005A, to amend existing Use Permit 18005 to expand it by
Page approximately 0.82 acres to allow signs in adjacent outlots, on property generally
23 located at South 84th Street and Firethorn Lane. ***** FINAL ACTION *****

Staff recommendation: Conditional Approval

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

MISCELLANEOUS:

- 1.4 MISCELLANEOUS 20003, to review the proposed determination that the Wyuka
Page West Redevelopment Area be declared a blighted and substandard area as
33 defined in the Nebraska Community Development Law. The study area is
generally located from O Street to Vine Street, between North 35th Street and
the western portion of Wyuka Cemetery.

Staff recommendation: Finding of Substandard and Blighted Conditions

Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@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: ***)**

CHANGE OF ZONE:

- 4.1 CHANGE OF ZONE 15016B, to amend the Wilderness Creek PUD by revising
Page the site plan and a change of zone from R-3 (Residential District) to R-5
41 (Residential District), on property generally located at South 33rd Street and
Wilderness Hills Boulevard.

Staff recommendation: Conditional Approval

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

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

TEXT AMENDMENT:

4.2 TEXT AMENDMENT 20008, to amend Article 13.048 sections (g) through (j), and
Page other amendments throughout Article 13.048 as necessary for harmonization and
56 consistency, of the Lancaster County zoning regulations regarding Commercial
Wind Energy Conversion Systems.

Staff recommendation: Approval of Two Revisions

Staff Planner: Stephen Henrichsen, 402-441-6374, shenrichsen@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
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Paul Barnes, <i>Long Range Planning Manager</i>	402-441-6372	pbarnes@lincoln.ne.gov
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Tom Cajka, <i>Planner</i>	402-441-5662	tcajka@lincoln.ne.gov
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Andrew Thierolf, <i>Planner</i>	402-441-6371	athierolf@lincoln.ne.gov
George Wesselhoft, <i>Planner</i>	402-441-6366	gwesselhoft@lincoln.ne.gov
Brian Will, <i>Planner</i>	402-441-6362	bwill@lincoln.ne.gov
Kellee Van Bruggen, <i>Transportation Planner</i>	402-441-6363	kvanbruggen@lincoln.ne.gov
Allan Zafft, <i>Transportation Planner</i>	402-441-6369	azafft@lincoln.ne.gov

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

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The Planning Commission agenda may be accessed on the Internet at
<https://app.lincoln.ne.gov/city/plan/boards/pc/pc.htm>

ACCOMMODATION NOTICE

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

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

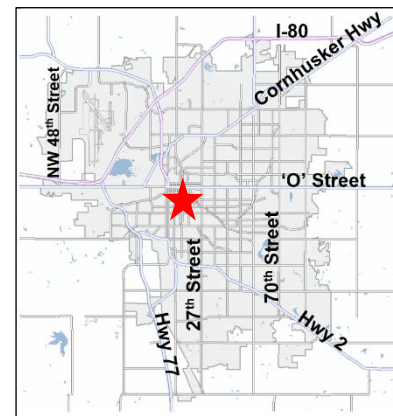
APPLICATION NUMBER Comprehensive Plan Conformance 20018 1645 Washington Redevelopment Project	FINAL ACTION? No	DEVELOPER/OWNER Dreamvesting Capitol Group LLC
PLANNING COMMISSION HEARING DATE January 20, 2021	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION Between 16 th & 17 th , A & Garfield Streets

RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

Review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, two proposed amendments to the South of Downtown Redevelopment and Strategic Plan:

- Add the 1645 Washington Redevelopment Project to include rehabilitation of an existing vacant 8-plex for affordable housing.
- Expand the redevelopment area to include the blocks between 16th & 17th and A & Garfield Streets (which includes 1645 Washington).



JUSTIFICATION FOR RECOMMENDATION

The Project is consistent with the Comprehensive Plan and South of Downtown Redevelopment and Strategic Plan. It will help to meet the city's need for affordable dwelling units while utilizing existing infrastructure.

APPLICATION/STAFF CONTACT

Ernie Castillo
City of Lincoln Urban Development Dept
(402) 441-7855
ecastillo@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

Specific statements in the Comprehensive Plan that most directly support this project include:

- Mixed use redevelopment, adaptive reuse, and well-designed and appropriately-placed infill development, including residential, commercial and retail uses, are encouraged.
- Provide safe and decent affordable and special needs housing for low- and moderate-income households.
- Promote the preservation, maintenance and renovation of existing housing and neighborhoods throughout the city, with special emphasis on low-and-moderate-income neighborhoods.

COMPREHENSIVE PLAN SPECIFICATIONS:

- p. 1.9 The area is shown on the edge of a Commercial/Urban Density Residential boundary 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. 6.1 The primary focus for new dwelling units is the "Greater Downtown" which includes Downtown proper, Antelope Valley, the Haymarket, South Haymarket, Telegraph District and Innovation Campus. 1645 Washington Street is located one block south of the informal Greater Downtown southern boundary of A Street.
- p. 7.2 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.

Preserve areas designated for multi-family and special needs housing in approved plans to support a distributed choice in affordable housing.

Provide safe and decent affordable and special needs housing for low- and moderate-income households.

- p. 7.4 Create housing opportunities for residents with special needs throughout the city that are integrated into and compatible with residential neighborhoods.

- p. 7.9 Promote the preservation, maintenance and renovation of existing housing and neighborhoods throughout the city, with special emphasis on low-and-moderate-income neighborhoods.

Recognize that broad economic diversity within existing neighborhoods encourages reinvestment and improves quality of life for all residents while acknowledging the need for affordable housing.

Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.

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

SOUTH OF DOWNTOWN REDEVELOPMENT AND STRATEGIC PLAN SPECIFICATIONS:

(page numbers are based on draft submitted with CPC20017)

- p. 61 Redevelopment activities and opportunities for private improvements; Development of a rental rehab housing improvement program. This project addresses the quality of rental units in the South of Downtown Redevelopment Area. Improvements and enhancements that support private rehabilitation of existing housing will be identified by Urban Development staff and program guidelines will be established. The source of funds for public improvements made in this area will be Community Improvement Financing (commonly referred to as Tax Increment Financing or TIF) generated from growth in valuations and the private developments within the project area. The South of Downtown area will be designated a TIF District and short-term debt is expected to be issued to obligate future funds in phases. The City may issue Community Improvement Financing bonds or notes to fund the public improvements related to the project. The City will divide the taxes for the Project Area and will estimate the availability of funds over a three- to four year period.

- p. 65 The 1645 Washington area is directly south of the Neighborhood District, which is expected to remain residential in nature.
- p. 73 Strategy: Focus on problem property and increase code and parking enforcement.
- p. 79 Strategy: Increase funding for housing, especially affordable housing and workforce housing.

ANALYSIS

1. This application includes two proposed amendments to the South of Downtown Redevelopment and Strategic Plan:
 - a. Adding the 1645 Washington Redevelopment Project to include rehabilitation of an existing vacant 8-plex for affordable housing.
 - b. Expanding the redevelopment area to add the blocks between 16th & 17th and A & Garfield Streets (which includes 1645 Washington).
 2. The 1645 Washington project includes the rehabilitation of an existing 8-plex. The building has been vacant and deteriorating for several years. Updates include a complete interior renovation that will result in 4 two-bedroom units and 4 one-bedroom units across a total of 6,228 square feet.
- The exterior of the building will also see substantial updates with a new roof, windows, siding, fascia, gutters, downspouts, doors, landscaping, and a paved 8-stall parking area in the rear of the building.
3. The purpose of the Redevelopment Plan expansion is to include 1645 Washington and the immediate surrounding area within the Redevelopment Plan boundary. This is needed because the 1645 Washington project must be within the Redevelopment Plan boundary to be eligible for Tax Increment Financing (TIF). The area was declared blighted in April 2008 as part of the South Capitol Area Blighted and Substandard Determination Study.
 4. The new area will be part of the “Neighborhood District” in the South of Downtown Redevelopment and Strategic Plan. The district is intended to remain residential in nature, which aligns with the multi-family use of 1645 Washington project.
 5. The goal of the 1645 Washington project is to strengthen the Lincoln community by providing affordable rental property in close proximity to downtown Lincoln, as well as to encourage more redevelopment of the unique yet blighted area of south-downtown Lincoln. The project will make a positive impact to the area by redeveloping a longtime vacant property into one of the most updated properties in the neighborhood.
 6. The project is consistent with the Comprehensive Plan. Several of the most direct Comprehensive Plan statements that apply to this project are listed below.

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

The project will restore eight dwelling units to an existing neighborhood, utilizing existing investments in utilities, streets, parks, schools, transit, and other services. It is directly adjacent to a small commercial center that includes a grocery store and other neighborhood-scale businesses. The surrounding neighborhood has a mix of housing types ranging from detached single family to multi-family apartment buildings.

p. 7.2 Provide safe and decent affordable and special needs housing for low- and moderate-income households.

The project intends to create affordable units. Details about affordability thresholds for the units and monitoring will be determined with the redevelopment agreement.

p. 7.9 Promote the preservation, maintenance and renovation of existing housing and neighborhoods throughout the city, with special emphasis on low-and-moderate-income neighborhoods.

The 1645 Washington property has been vacant and deteriorating for several years. The project will rehabilitate the existing structure with substantial interior and exterior enhancements. Rehabilitation of the property into affordable units would not be financially feasible without TIF assistance.

7. The public investment is expected to be approximately \$50,000. Exact uses of public funds are still under negotiation and will be identified in the redevelopment agreement, subject to approval by the Mayor and City Council. These public investments will leverage the private investments of approximately \$500,000 (the project cost will be finalized as construction costs are determined).

Upon completion of the project, the assessed value of the property will increase by an estimated \$264,000 (from \$35,000 to \$299,000). The tax increment gained from this redevelopment project area would not be available for use as City general tax revenues over the 15-year tax increment financing period, but instead would be used toward bond repayment. After the 15-year period or the debt has been retired, whichever is sooner, the increase in annual taxes paid will be split among the taxing jurisdictions according to the tax levy. More details can be found in the Cost Benefit Analysis section of the attached redevelopment plan amendment.

8. The project was reviewed by Urban Design Committee on January 5th. An excerpt from the unofficial meeting minutes is attached. The project will receive additional review by Urban Design Committee at their February 2nd meeting.

EXISTING ZONING: B-3 Commercial (the 8-plex use can continue as legal non-conforming)

EXISTING LAND USES: Vacant 8-plex

SURROUNDING LAND USE AND ZONING:

North: Commercial, Residential	B-3 Commercial, R-6 Residential
South: Commercial	B-3
East: Commercial	B-3
West: Residential	R-2 Residential

APPROXIMATE LAND AREA: 0.15 acres (6,691 sq ft)

Prepared by

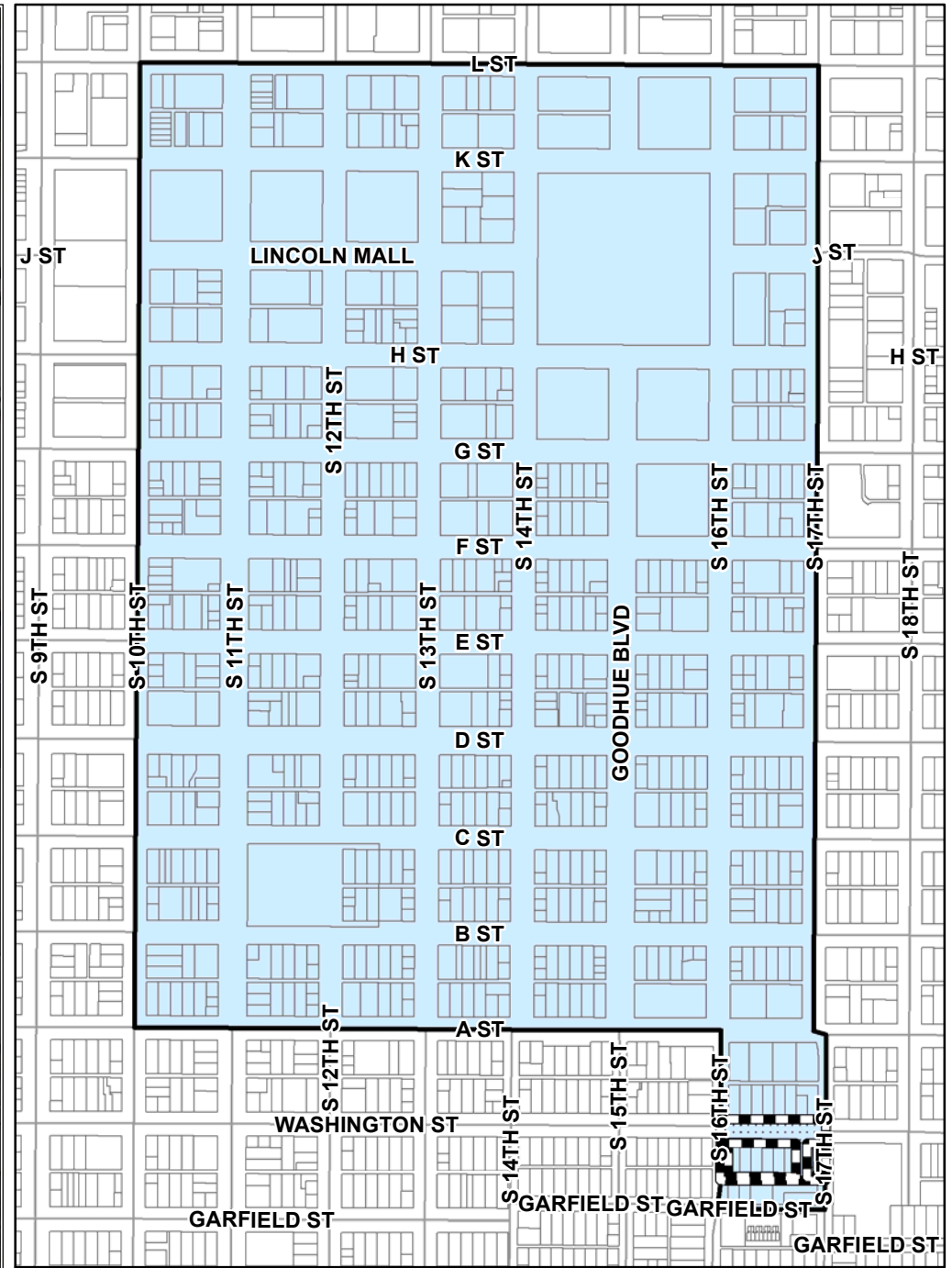
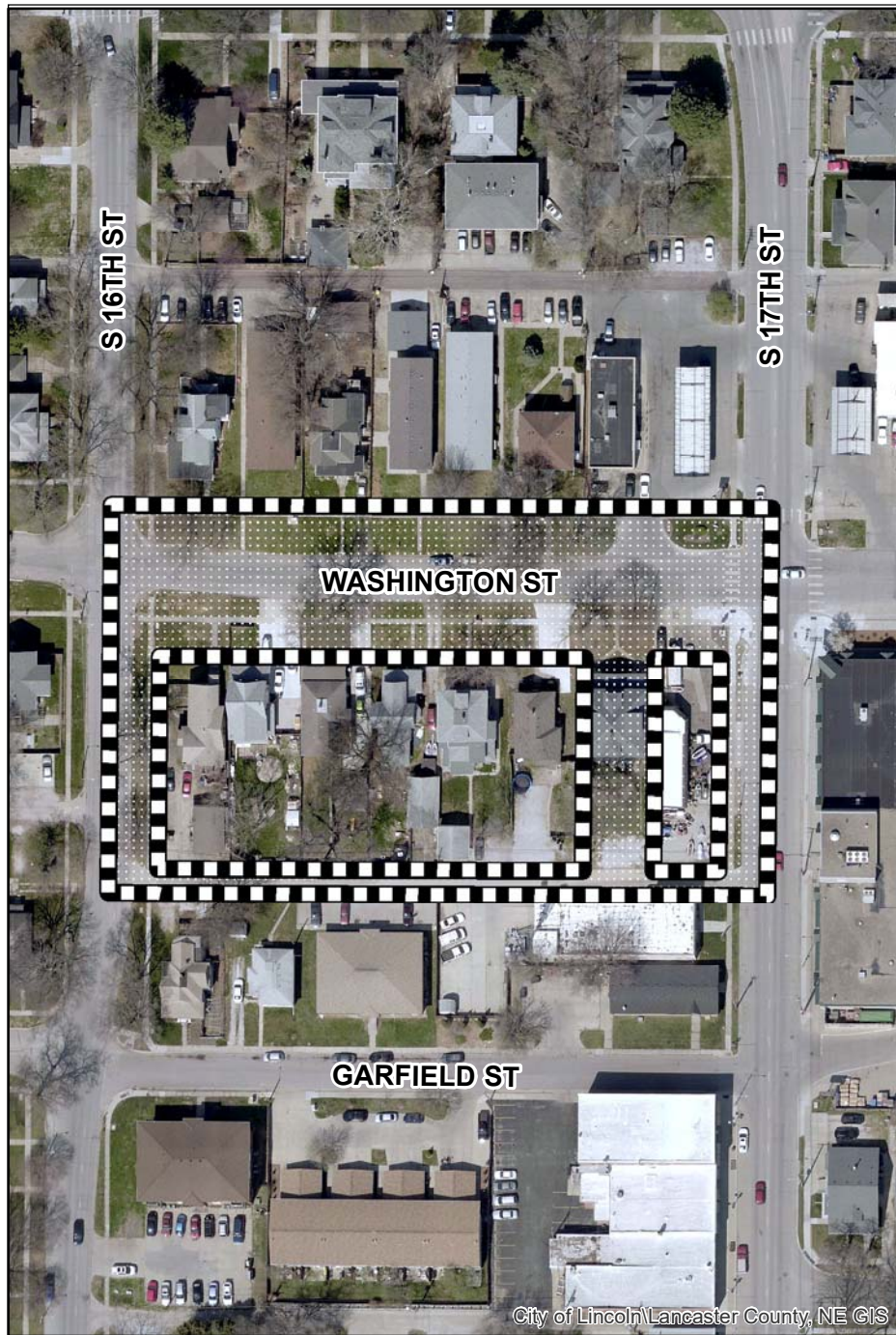
Andrew Thierolf, AICP
(402) 441-6371 or athierolf@lincoln.ne.gov

January 11, 2021

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

Contact: Ernie Castillo, Urban Development Department
(402) 441-7855
ecastillo@lincoln.ne.gov

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Comprehensive Plan Conformance #20018
South of Downtown Redevelopment Plan Boundary Revision and
1645 Washington Street Redevelopment Project

2020 aerial

December 9, 2020

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

Dear David:

Enclosed is an amendment to the South of Downtown Redevelopment & Strategic Plan that identifies the 1645 Washington Street Redevelopment Project. The project includes the redevelopment of the property at 1645 Washington Street into affordable housing. The site is located 1645 Washington Street.

Please forward the Plan Amendment to the Planning Commission for their earliest consideration for Comprehensive Plan compliance. My understanding is that the Plan Amendment should be on the January 6, 2021 agenda.

If you have questions or need additional information, Please contact me at 402-441-7855 or at ecastillo@lincoln.ne.gov.

Sincerely,

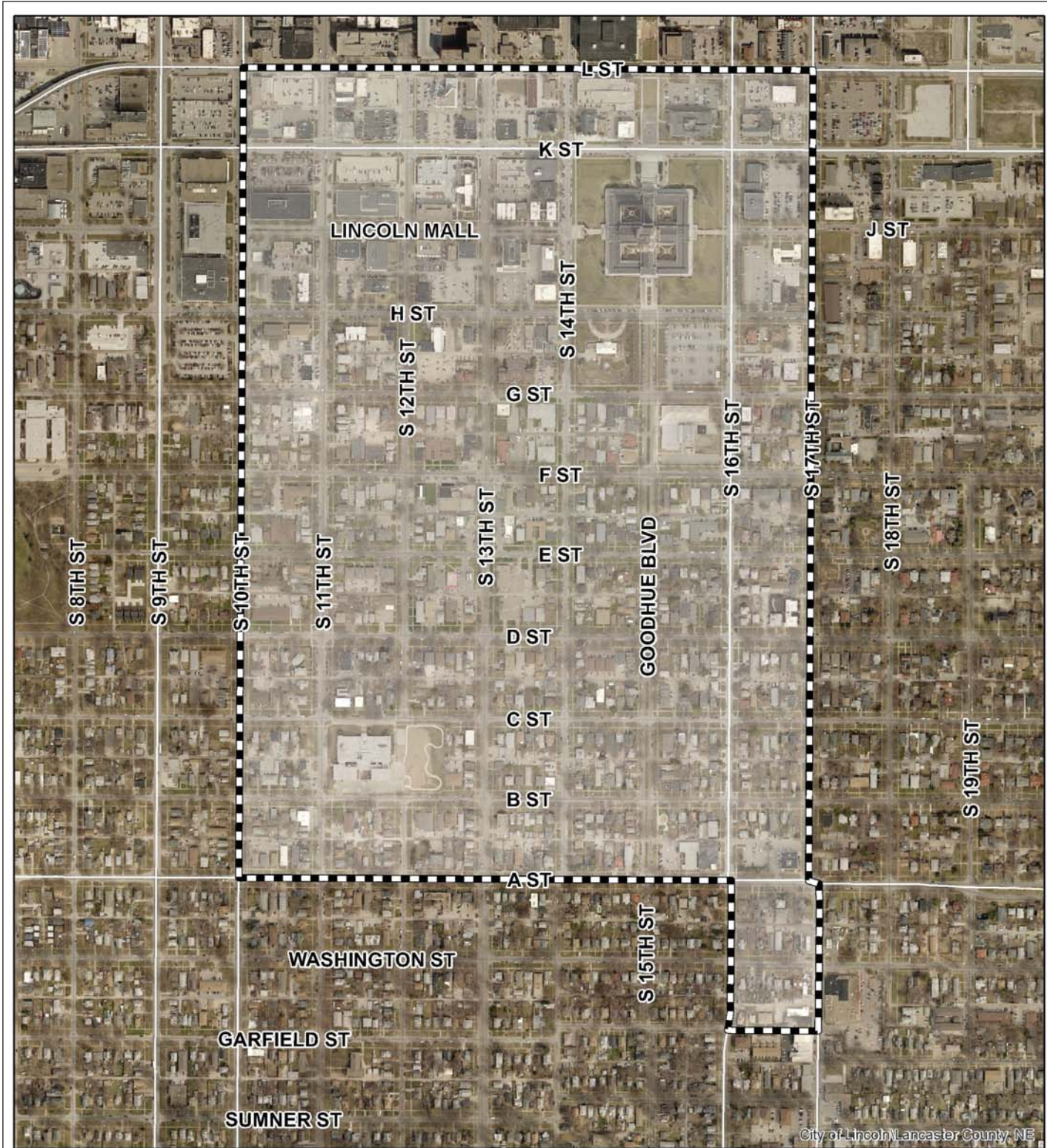


Ernie Castillo

Cc: Dan Marvin, Director, Urban Development
Dallas McGee, Urban Development
Andrew Thierolf, Planning

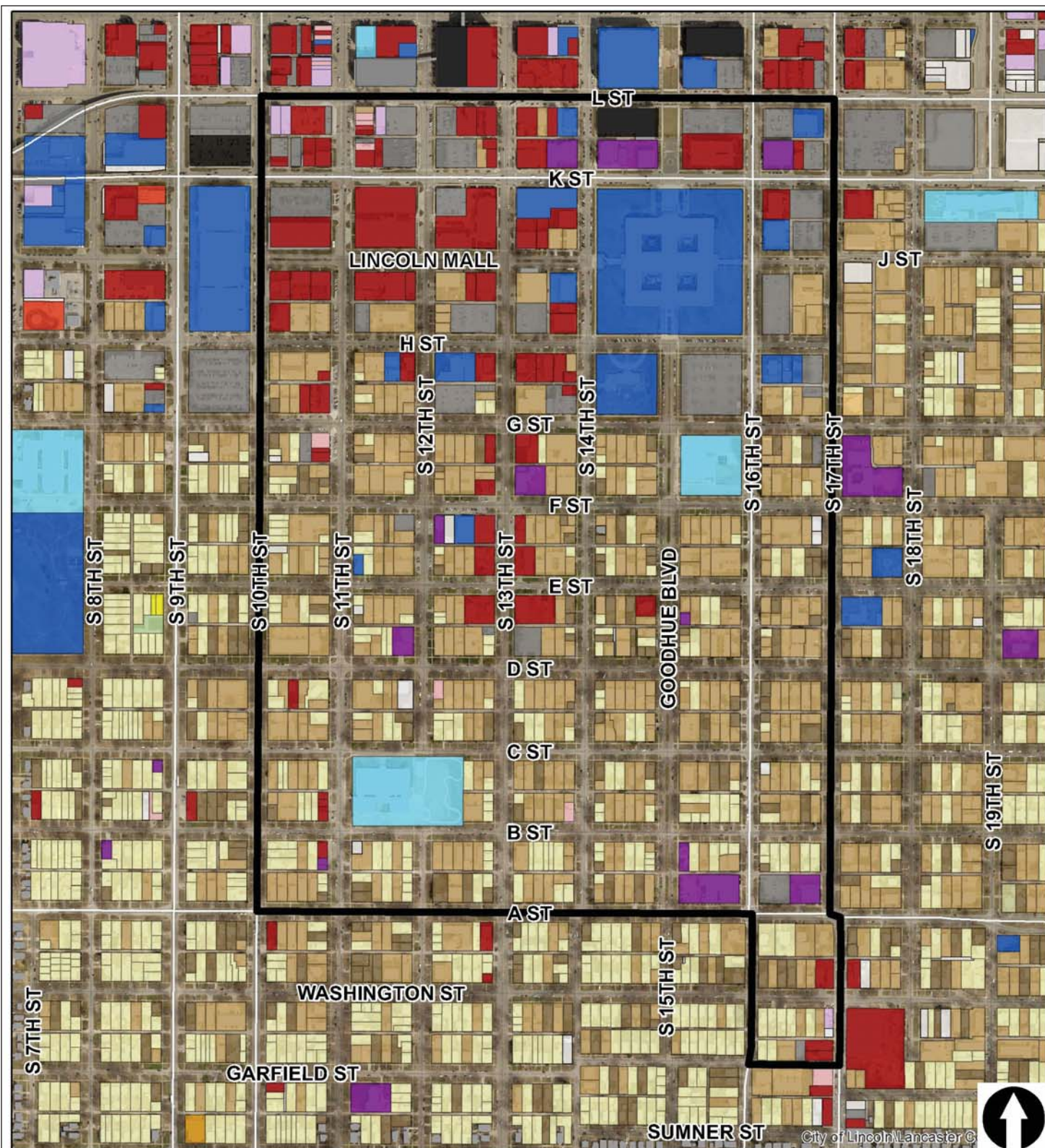
1645 Washington Street Redevelopment Project—Part 1

The boundary of the *South of Downtown Redevelopment and Strategic Plan*, currently under public review, is amended to extend to the south, between 16th and 17th Streets, to Garfield Street. See (below) the revised maps of the South of Downtown Redevelopment area.



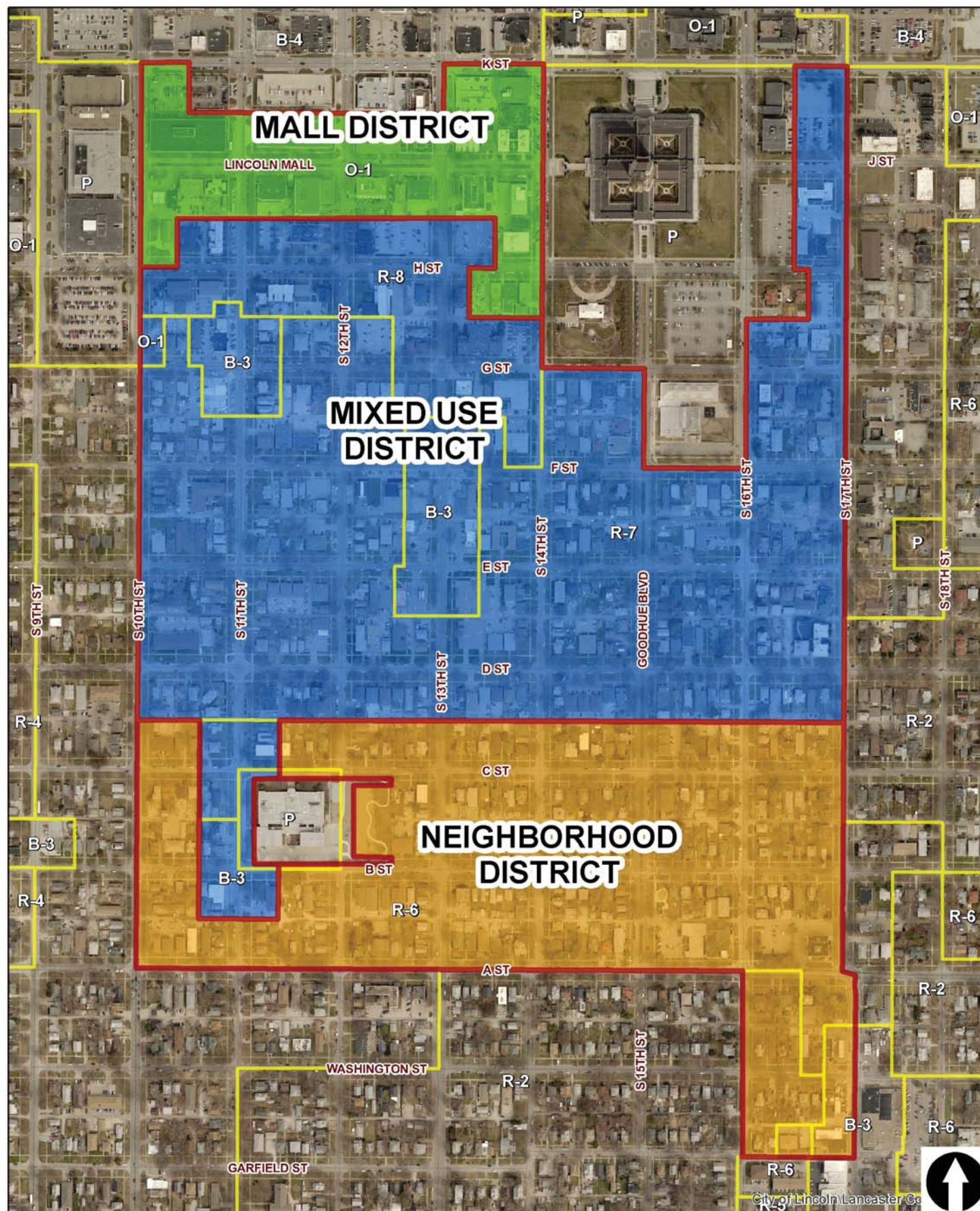
South of Downtown plus 1645 Washington -- Plan / Project Area

 Area Boundary



South of Downtown plus 1645 Washington -- Current Land Use

Plan Area	Duplex	Utility	Public & Semi-Public
Single Family (Detached)	Bed & Breakfast	Light Industrial	Religious
Single Family House (Attached)	Nursing Home	Open Space	Parking Garage
Rooming House	Commercial & Residential	Parks	Parking Lot
Apartments	Commercial	Education	Vacant



1645 Washington Street Redevelopment Project—Part 2

• *Project Description*

The **1645 Washington Street Redevelopment Project** (the “Project”) includes redevelopment of the property at 1645 Washington, into an 8-unit residential multi-family apartment building. It will consist of 4 two-bedroom units and 4 one-bedroom units, totaling 6,228 livable square feet.

The Project is approximately located on the southwest corner of A Street and 17th Street. The site of the Project is legally described as: Chases (S S) Subdivision, Block 2, Lot 2, Lincoln, Lancaster County, Nebraska (the “Project Site”). The Project Site has most recently been a multi-family conversion that has been vacant for over 6 years.

The goal of the Project is to strengthen the Lincoln community by providing affordable rental property in close proximity to downtown Lincoln, as well as to encourage more redevelopment of the unique yet blighted area of south-downtown Lincoln. The Project is surrounded by residential and residential rental property as well as commercial property on the east. The Project will make a positive impact to the area by redeveloping a longtime vacant property into one of the most updated properties in the neighborhood.

The Project is consistent with the area, and is intended to provide additional quality affordable housing, as desired by the City. Publicly funded redevelopment activities may include site acquisition, streetscape, construction and/or extension of utilities and other infrastructure, and other public area enhancements, related activities, and costs permitted under the Community Development Law.

• *Statutory Elements*

- Property Acquisition, Demolition and Disposal: The proposed redeveloper owns the Project Site. The City does not intend to acquire property nor would the City use eminent domain for the Project. The Project Site consists of the dilapidated multi-family structure, which will require partial



1645 Washington Street: Project Area

Project Area Boundary



1645 Washington Street: Current Land Use

Project Area Boundary

Single Family

Group Quarters

Apartments

Duplex

Commercial

Light Industrial

Parking Lot

Vacant Land



1645 Washington Street: Current Zoning

Project Area Boundary

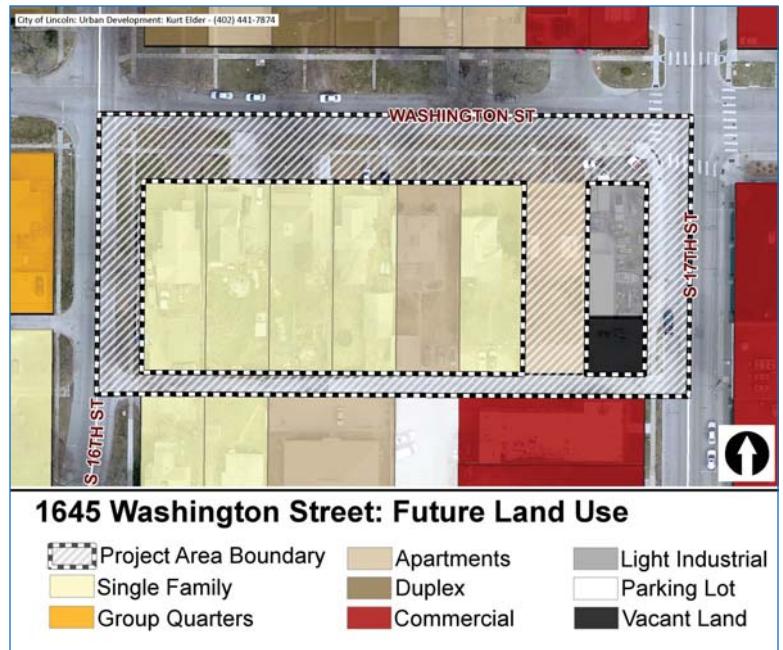
Zoning District Boundary

demolition as part of rehabilitation of the structure. No relocation of individuals or businesses is required.

- Population Density: The population density of the Project Area will increase slightly as the property is currently vacant with no tenants or residents. The Project Site will be redeveloped into 8 one-bedroom residential units.
- Land Coverage: Land coverage and building density will be altered with the construction of one new multi-family building on the Project Site. For future land use, see the map on the next page.
- Zoning, Building Code and Ordinances: The Project site is currently zoned B-3 Commercial. The Project is a permitted use for this District.
- Traffic Flow, Street Layouts and Street Grades: The Project is not likely to result in a significant increase in traffic. There is no impact to street layouts or grades and no streets will be vacated.
- Parking: The Project will not reduce existing parking in the area. The Project will provide for 1 parking stall per unit at the rear of the building.

• **Proposed Cost and Financing**

The estimated total cost to implement the Project is \$500,000, which will generate approximately \$73,724. The City expects to issue a tax increment financing bond in the amount of \$50,000 which is expected to be supported by the tax increment generated at an interest rate of 5%. Tax Increment Financing will be dedicated to public improvements



and enhancements in the project area. The remainder of the Project will be financed via a mix of owner's equity, traditional bank financing, and other economic incentives that may be available for the Project. Funding sources and uses will be negotiated as a part of the redevelopment agreement, which will be subject to approval by the Mayor and City Council.

Publicly funded redevelopment activities may include site acquisition, environmental studies and surveying, site preparation and remediation, utility improvements or relocation, energy efficiency improvements, façade enhancements, street and streetscape improvements, and other public improvements related activities and costs as permitted under the Community Development Law.

The Urban Development Department believes that the private and public improvements proposed in this plan amendment would not occur "but for" the utilization of TIF. Project improvements would not

Base Value	<i>Current Assessed Value</i>	\$35,000
Not to Protest Value	<i>Not to Protest Value</i>	\$299,000
Increment Value =	<i>New Assessed Value - Base Value</i>	\$264,000
Annual TIF Increment Generated =	<i>Increment value x 2.015115%</i>	\$5,266
Total Estimated TIF Available =	<i>Annual Increment x 14 years @ 5%</i>	\$73,724

be possible to the extent proposed without TIF. The estimated sources of TIF are as follows:

Upon completion of construction, the assessed value of the property within the Project Area is estimated to increase by approximately \$264,000. This will result in an increase of annual property tax collections of \$5,266 for a total increase over the 15 year TIF Period (accounting for a one-year construction period) of \$73,724 available to pay back TIF funds. (See table, above.)

- **Cost Benefit Analysis**

- Public Infrastructure and Community Public Service Needs Impacts: It is not anticipated that the Project will have an adverse impact on existing public infrastructure, nor that the Project will have an adverse impact on City services, but instead will generate additional revenue providing support for those services.
- Employment within the Redevelopment Area: It is not anticipated that the Project will have an adverse impact on employers and employees of firms locating or expanding within the boundaries of the Project Site. It is anticipated that the construction of a multi-family residential building may create additional full time temporary employment within the Project Site.

- Employment in the City outside the Redevelopment Project Area: The Project is not expected to adversely affect employment in the City outside the Project Site, but will provide additional affordable housing to workers in the area which should benefit surrounding employers.
- Impacts on the student populations of school districts within the City: The Project is not expected to have a material impact on student populations of school districts in the City of Lincoln. The Project does consist of 8 residential dwelling units and some portion of these units may become occupied by families with children; however, given the limited size of the Project and that it will consist of one-bedroom dwellings, it is unlikely that all or a majority of the units would be occupied by families or that the number of children would have a material impact on the population of any school within the City.
- Other Impacts: The development of the Project Site will create additional affordable housing in an area of need.

Excerpt MEETING RECORD

Advanced public notice of the Urban Design Committee meeting was posted on the County-City bulletin board and the Planning Department's website.

NAME OF GROUP:	URBAN DESIGN COMMITTEE
DATE, TIME AND PLACE OF MEETING:	October 6, 2020, County-City Building, City Council Chambers, 555 S. 10 th Street, Lincoln, NE.
MEMBERS IN ATTENDANCE:	Mark Canney, Tammy Eagle Bull, Peter Hind, Tom Huston, Gil Peace and Michelle Penn; (Emily Deeker absent).
OTHERS IN ATTENDANCE:	Paul Barnes, Stacey Hageman and Teresa McKinstry of the Planning Dept.; Tim Gergen and Kelsey Moline of Clark Enersen Partners; David Wiebe of Architectural Design Associates; Emily Anderson; Fred Hoppe; Jeri Schlickbernd with DVG Realty and Matt Olberding from Lincoln Journal Star appeared in person. Steve Henrichsen of the Planning Dept.; Dan Marvin, Dallas McGee, Hallie Salem and Ernie Castillo with Urban Development Dept.; Michael Sands; Justin Hernandez; Ray Plumb; and Jake Hoppe appeared online via © Zoom Video Communications; and other interested citizens.

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

Penn then called for a motion approving the minutes of the regular meeting held October 6, 2020. Motion for approval made by Eagle Bull, seconded by Hind and carried 5-0: Canney, Eagle Bull, Hind, Peace and Penn voting 'yes'; Huston absent at time of vote; Deeker absent.

1645 WASHINGTON

Members present: Canney, Eagle Bull, Hind, Huston, Peace and Penn; Deeker absent.

Michael Sands appeared via Zoom. He is an attorney in Omaha. He showed an elevation of the property. This is a rehab. As a rehab project, it will not change the character of the neighborhood or use. It will be a multi-family dwelling. It is in a fairly dilapidated state. There will be a number of façade enhancements.

Penn understands this is not a historic area. Hageman stated this is a redevelopment project, so public money is being used. This is unique in that it is sort of in the South of Downtown area.

Sands stated they are applying for TIF money. It will be low and moderate income housing.

Peace inquired about the history of the building. The windows appear different. Hageman doesn't know why the windows are different and why it looks different.

Jeri Schlickbernd stated that this was acquired a few years ago and there was water damage throughout the building. Some windows had to be replaced so the building would be sealed. Peace asked if the windows will stay. Ray Plumb stated that he is a contractor and all the windows have been replaced with egress size. There are frames in around the larger window and standard casement was used.

Huston understands this is being repurposed for eight additional housing units. Anything we can do to enhance the exterior, he would support.

Canney sees this is set up for occupancy by twelve people. He questioned if the infrastructure is satisfactory to support this. Sands responded that they should have all the hookups and everything available. Dan Marvin added that the back is being paved for parking.

Hind inquired if the TIF funds will pay for siding, fascia, gutters, downspouts and the roof. Huston believes they are eligible for building enhancements. Sands stated that they already have plenty of TIF eligible expenses. They will probably allocate TIF funds to go towards other things that are more resolute. Hind is having a difficult time with the size of the replacement windows that have already happened. It would have been nice to see the character of the house somewhat preserved. Sands believes there were a lot of undertakings that needed to happen to preserve the inside of the house. It is not a historical building and it is obviously in a considerable state of disrepair. They met with the Near South Neighborhood Association and they were very happy to have someone take on this building. Schlickbernd noted that these newer windows are on the sides of the building with trees and fairly close to the neighboring properties. She doesn't believe you will see much of these windows. They met with the neighborhood association and they were very excited about their rehab.

Peace knows this is not an easy project. He understands the windows are done. He wishes the original size could have been used. He would love to see an alternative to the vinyl siding. That would be a shame on this building. He would urge them to look at a Hardie board material that would last and preserve the look of the home. He would encourage keeping the narrow reveal. The nice part of the home is the old mitered corners. He would love to see the TIF money get raised to preserve the exterior. He has a hard time with any city funding going towards a house with vinyl siding. This is a part of Lincoln that we are trying to encourage and incentivize. He would like to see the message spread that TIF money can be used for a nice project.

Canney concurred with Hind and Peace on the vinyl siding. He would leave the foundation without paint. Plumb noted the foundation is already painted.

Penn sees that this house has a beautiful front porch. Schlickbernd noted they are not changing the architecture. They will remain. This is the first someone has mentioned not using vinyl siding. They have restored about 300 properties between Omaha and Lincoln and they are definitely open to suggestions.

Hind would suggest a motion with the suggestion that the applicant investigate a product for the siding as something other than vinyl and not painting the foundation. At the very least he would like to see a stipulation that the front of the building facing a public street is restored and not covered with vinyl.

Plumb stated that the front porch is built over the basement bedroom. The flooring on the porches have to be waterproofed and enclosed to prevent water from going into the basement.

Hind would like to see this project come back with drawings and elevations. Closing in the porch would be a massive change to the appearance of the front of the house.

Sands doesn't really want to hire an architect for further drawings. His client is already stretched thin. Penn noted that no elevations have been provided of what this will look like. Sands stated she was correct. They have not hired an architect. Plumb added this is not a full gutting project. Penn believes the expectation is that TIF money will be used. That is part of the Urban Design Committee inquiring what the money will be used for. She believes the front is an important part of the building. You don't have to hire an architect to do the elevations. She doesn't have any idea what this will look like when it is done. She agrees with Hind. She would like to see something more.

Huston disagreed. We have never had something match up with TIF dollars. We don't negotiate the redevelopment agreement. Penn disagrees that the windows on the side are the best use of the TIF money. Hind doesn't know how we can vote on this. We don't know what the final design will be. Huston is guessing they have time to come back in February and show a little more detail. Hind noted this could be drawn a number of different ways. You enclose the porches and the character of this building is changed forever. That would change it dramatically.

Sands stated they submitted their proposal to the City and were told it would be sufficient.

Huston believes some additional design information at the February meeting would be helpful.

ACTION:

Huston moved for a one month deferral, seconded by Hind.

Peace stated it sounds like there is a plan to enclose the porch. He would encourage looking at a way to save the porches.

Motion carried 6-0: Canney, Eagle Bull, Hind, Huston, Peace and Penn voting 'yes'; Deeker absent.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

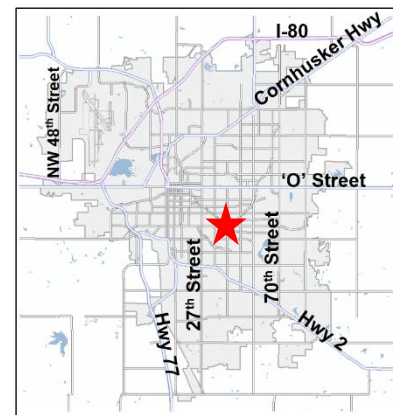
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Change of Zone 20040	FINAL ACTION? No	OWNER American Nebraska Limited Partnership
PLANNING COMMISSION HEARING DATE January 20, 2021	RELATED APPLICATIONS None	PROPERTY ADDRESS 3930 South Street

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone over approximately 0.10 acres from R-2 Residential District to B-1 Local Business District for the property located at the northwest corner of S. 40th and South Streets. This majority of the applicant's property is already zoned B-1. This proposal is to rezone a small portion in the northeast corner that is presently zoned R-2 to B-1 so that all the property is zoned the same.



JUSTIFICATION FOR RECOMMENDATION

This proposal will provide for consistent zoning by changing a small corner area to match the rest of the property.

APPLICATION CONTACT

Brian Lang, (402) 458-5691 or
blang@olsson.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The future land use map designates the property as commercial. This change of zone is consistent with this designation and fits the established pattern of land uses on the north side of South Street between South 40th Street and Normal Boulevard.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.9 This site is shown as future commercial on the 2040 Lincoln Area Future Land Use Plan.

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

p. 5.2 Strive for predictability for neighborhoods and developers.

p. 7.10 Figure 7.2 Detailed Strategies for Existing Neighborhoods: 1. Encourage a mix of compatible land uses in neighborhoods: a. Similar uses on the same block face.

ANALYSIS

1. This is a request for a change of zone from R-2 Residential District to B-1 Local Business District over 0.10 acres located on the northeast part of the property at the northwest corner of S. 40th Street and South Street. The applicant is requesting this change of zone so that the entire property is zoned the same as the majority of the property is already zoned B-1.
2. The majority of this property has been zoned commercial since before the 1979 zoning update with commercial use on the property since at least the 1960s. The commercial building presently on the property was most recently used as a bank and was built in 1977. The adjoining commercial land uses to the north and west are also long established.
3. The property immediately to north as part of CZ3135 approved in July, 1998 rezoned an approximate 83 feet by 100 feet area of land from R-2 to B-1 to allow a ground sign in the front yard setback for an office building. The ground sign was not otherwise allowed in the location with the R-2 zoning. It was noted in the staff report that a zoning line "offset" was historically used at locations in the City to ensure a green space front yard for districts that did not have use permits. This would seem to explain why the property in question has the small R-2 zoned area, which is in alignment with the R-2 zoning to the north beyond the area that was changed to B-1 in 1998.
4. While it is not certain, it appears that this commercial property when combined with the property to the north, had a perimeter ring of R-2 zoning along the north and east sides. It appears this was done to provide a greater setback to the residential uses to the north and east. However, over time this pattern has been revised. This type of split zoning is no longer done in Lincoln. It is appropriate for both this and the property to the north to be zoned entirely B-1 like other commercial properties in the City.
5. The future land use map in the 2040 Comprehensive Plan designates this property for commercial. The long term land use will be the same as it has been for decades.
6. Changing the zoning for the small portion of this property that is zoned R-2 to B-1 is appropriate at this location and matches the established pattern of commercial land uses on the north side of South Street between S. 40th Street and Normal Boulevard.

EXISTING LAND USE & ZONING: Commercial; R-2

SURROUNDING LAND USE & ZONING

North:	Commercial; B-1
South:	Commercial; B-1
East:	Single Family Detached; R-2
West:	Commercial; B-1

APPROXIMATE LAND AREA: 0.10 acres

LEGAL DESCRIPTION: All that portion of the South 186.5 feet of Lot 1, Third Addition to Normal, which is not presently zoned B-1 located in the NE 1/4 of Section 31-10-7, Lincoln, Lancaster County, Nebraska.

Prepared by

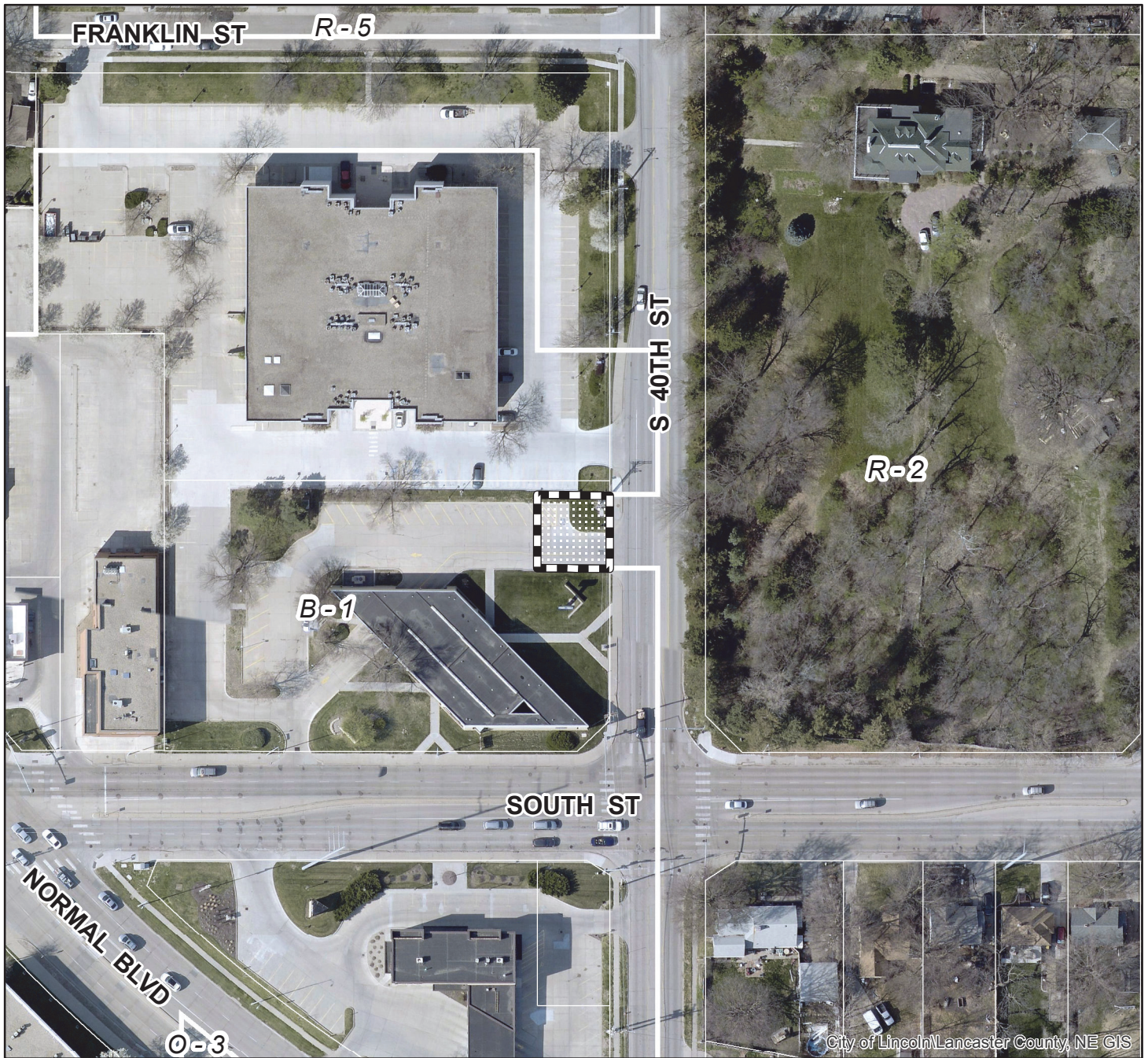
George Wesselhoft, Planner

Date: January 7, 2021

Applicant/Owner: American Nebraska Limited Partnership – Max Eckert
6922 Hollywood Boulevard
Suite 300
Hollywood, CA 90028
323-462-2212
Meckert@ralphedwards.com

Contact: Brian Lang - Olsson
601 P Street
Suite 200
Lincoln, NE 68508
402-458-5691
blang@olsson.com

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City of Lincoln/Lancaster County, NE GIS

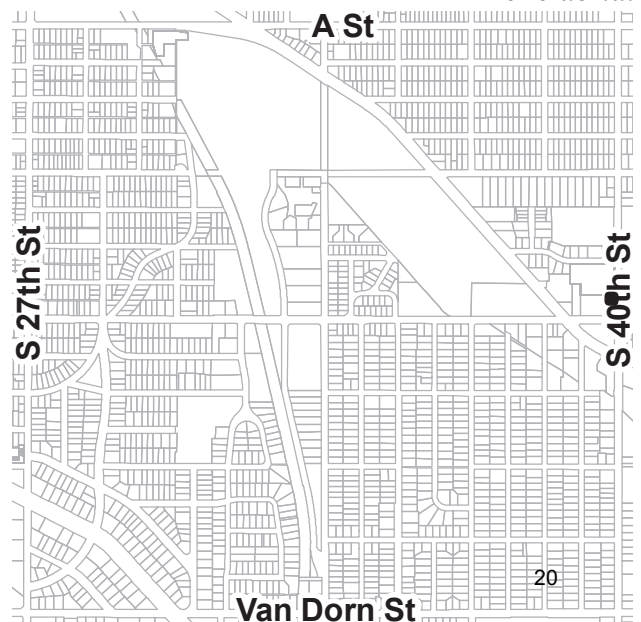
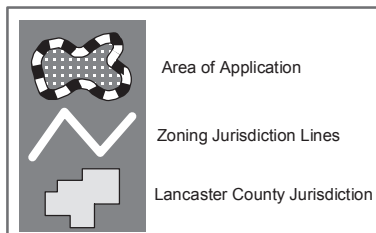
2020 aerial

Change of Zone #: CZ20040 (R-2 to B-1) S 40th St & South St

Zoning:

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

One Square Mile:
Sec.31 T10N R07E





December 23, 2020

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

Re: 3930 South St - Change of Zone
Olsson Project No. 020-3893

Dear Mr. Cary,

On behalf of American Nebraska Limited Partnership, owner of the real property legally described as a portion of THIRD ADDITION TO NORMAL (OF S1/2 S1/2 SE NE 31-10-7), Lot 1, S186.5' EX TRI IN SE CORNER (BEING 21.5' ON E, 23' ON S, & 40.48' ON NW) & EX S9' & S186.5' LOT 2 EX S9' & S186.5' E60' LOT 3 EX S9', all located in Lancaster County, Nebraska ("the Property").

We are requesting a change of zone for small portion of the property in the NE corner over the current entrance drive. This small portion is currently zoned R-2 and we would be proposing to change that to match the bulk of the property to B-1 Zoning. The R-2 area is approximately 0.10 acres.

The development team has met with City Staff to discuss the proposed applications and will continue to work with Staff as the plans are reviewed.

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

1. City of Lincoln Application
2. COZ Exhibit
3. Application fees in the amount of \$412.00

Plans and other supporting documents will be submitted to ProjectDox upon notification from the Planning Staff. We appreciate your consideration of the above request and look forward to working with you on this proposed Rokeby Ridge Preliminary Plat. If you require further information or have any questions, please do not hesitate to contact me at bmarshall@olsson.com or (402) 458-5672.

Sincerely,



Brad J Marshall, P.E.

Enclosures.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER
Use Permit #18005A

FINAL ACTION?
Yes

DEVELOPER/OWNER
Todd Blome, Marchant, LLC

PLANNING COMMISSION HEARING DATE
January 20, 2021

RELATED APPLICATIONS
None

PROPERTY ADDRESS/LOCATION
3533 South 85th Street
South 84th Street and Firethorn Lane

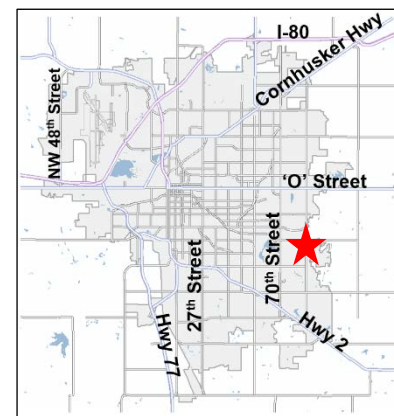
RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to expand the existing use permit by approximately 0.82 acres to include three small outlots. The outlots are currently inside the boundary of the neighboring use permit for the Firethorn Office Park, UP#107E. This request simply moves them from one use permit to another.

The reason for moving outlots relates to signs for the office buildings under construction. The buildings are sited in such a way as to not allow adequate space for freestanding signs. Including the outlots will allow the signs to be placed in a logical location to better inform the public.

If the outlots remain outside the boundary of this use permit and not a part of this development, the signs would be considered off-premises signs and would otherwise not be allowed. Signs are allowed in outlots when the outlots are a part of the development and zoning overlay.



APPLICATION CONTACT

Brian Lang, 402-458-5691 or
blang@olsson.com

STAFF CONTACT

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

JUSTIFICATION FOR RECOMMENDATION

The outlots are for the purpose of storm water detention. They will remain as such cannot be developed with buildings or structures. They are owned by the owners of the adjacent properties covered by the use permit, and so their care and maintenance will be their responsibility. It makes sense that they are moved from UP#107E to this use permit.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

Moving the outlots from one use permit to another will have no effect on their use as they will continue to provide necessary storm water detention. Their regulation and oversight simply transfers from one zoning overlay to another, and they will continue to meet the requirements of the Zoning and Subdivision Ordinances consistent with the Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

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

P. 5.1-5.2 - Business & Economy Guiding Principles

- Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.
- Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.
- Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.
- Provide flexibility to the marketplace in siting future commercial and industrial locations.
- Strive for predictability for neighborhoods and developers.
- Encourage and provide incentives for mixed uses in future developments.

P. 5.14-5.16 - Strategies for Commercial Infill

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

ANALYSIS

1. The original use permit, UP#18005, was approved September 20, 2018 allowing up to 26,400 square feet of commercial floor area. At that time the site was also rezoned to O-3 and created three lots for office buildings over approximately 2.74 acres.
2. This request seeks to expand the use permit by 0.82 acres to include three outlots (shown as Outlot C on the attached site plan) used for storm water detention facilities. The area of the outlots is a holdover from the creation of Firethorn Lane and are within the boundary of the adjacent use permit, UP#107 for the Firethorn Office Park.
3. The office building on Lot 1 is sited in such a way that there is not adequate area to locate a free-standing sign on the north side of the building. The owner of Lot 1 is also the owner of the adjacent outlot, even though the outlot is located in the adjacent UP#107E.

Being located outside the subject development and within the boundary of another use permit, a free-standing or center sign serving Lot 1 or the development is not allowed in the adjacent outlot. It would be considered an off-premise sign and is not permitted. By including the outlots within the boundary of the subject use permit, allowed signs serving the buildings within the development can be located on them.

4. Moving the area of the outlots from one use permit to another does violate any area or setback requirements of the Zoning Ordinance or Design Standards and has no significant impact. Subject to the recommended conditions of approval, this request complies with the Zoning Ordinance and Comprehensive Plan.

EXISTING LAND USE & ZONING: O-3 Office, Single-family Residential

RELATED HISTORY:

Sep 2018 – UP#18005 for 26,400 square feet of commercial floor area and CZ#18013 from AGR to R-1 and O-3.

Apr 1998 – UP#107 for 459,000 square feet of commercial floor area and CZ#3100 from AGR to O-3 were approved.

SURROUNDING LAND USE & ZONING

North: Open Space, Religious Assembly	O-3, AGR
South: Residential	AGR
East: Open Space, Residential	R-1
West: S. 84 th St, Residential	R-4

APPROXIMATE LAND AREA: Approximately 3.56 acres, more or less

LEGAL DESCRIPTION: See attached description.

Prepared by

Brian Will, Planner
January 6, 2021

Applicant/Contact: Brian Lang
Olsson Associates
601 P Street
Lincoln, NE 68508
blang@olsson.com
402-458-5691

Owner: Todd Blome
Marchant, LLC
3533 South 85th Street
Lincoln, NE 68520
402-483-7781

CONDITIONS OF APPROVAL:

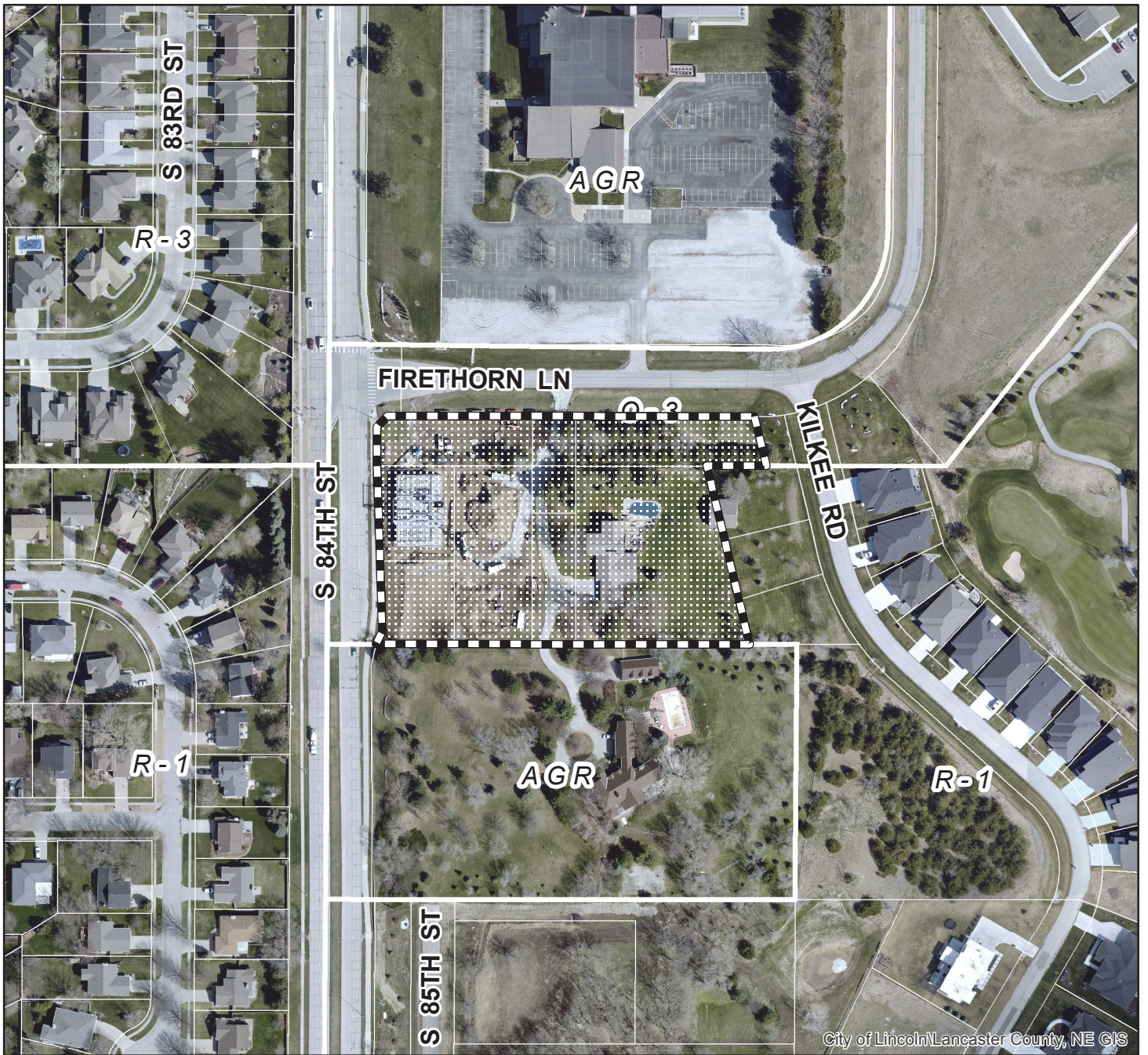
Per Section 27.63.320 this approval permits the 0.82 acre expansion of a use permit for up to 26,400 square feet of commercial floor.

Site Specific Conditions:

1. Prior to sign permits:
 - 1.1 The permittee shall cause to be prepared and submitted to the Planning Department 2 copies of a reproducible final plot plan.
 - 1.2 Provide verification from the Register of Deeds that the letter of acceptance as required by the approval of the use permit has been recorded.
 - 1.3 An administrative amendment to UP#107E is approved showing the boundary of the use permit reduced by the area of expansion of this request.

Standard Conditions:

2. The following conditions are applicable to all requests:
 - 2.1 Before erecting signs or occupying the buildings all development and construction shall substantially comply with the approved plans.
 - 2.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
 - 2.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
 - 2.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, 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 therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.



Use Permit #: UP18005A
Firethorn 84
S 84th St & Firethorn La

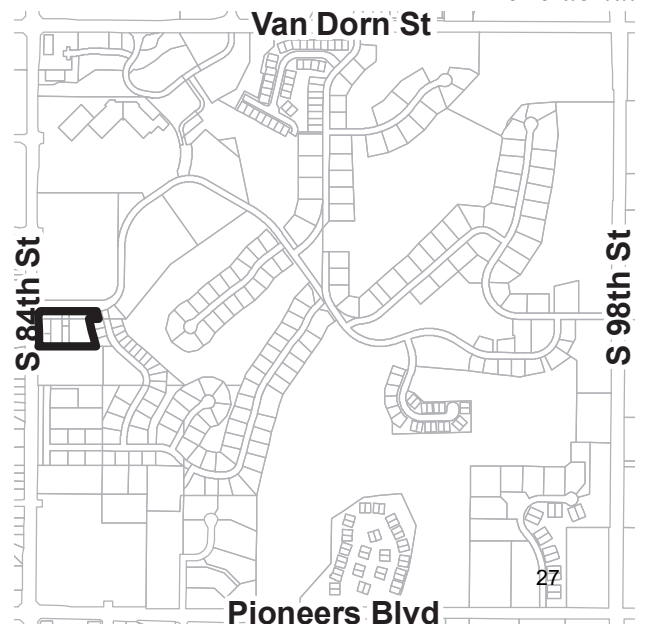
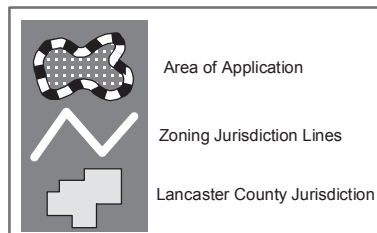
2020 aerial

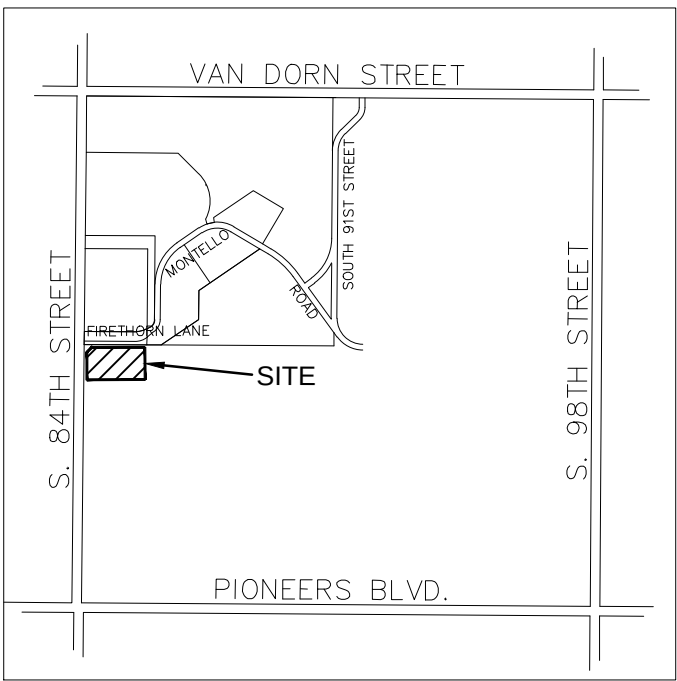
Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
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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

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Three Square Miles:
Sec.02 T09N R07E





VICINITY MAP

OWNERS & DEVELOPERS
PHILIP WENTA
8453 FIRETHORN LN
LINCOLN, NE 68520
PHONE: (402)309-0858

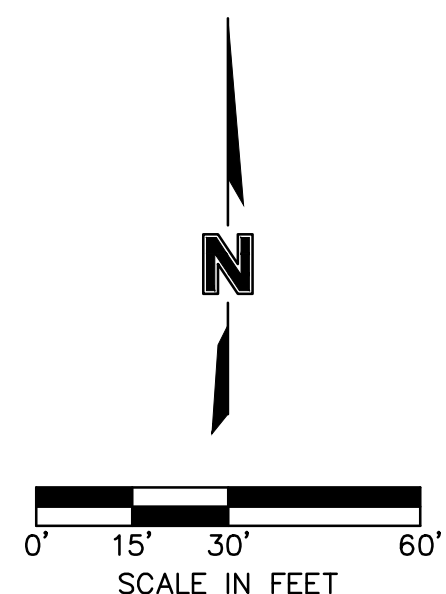
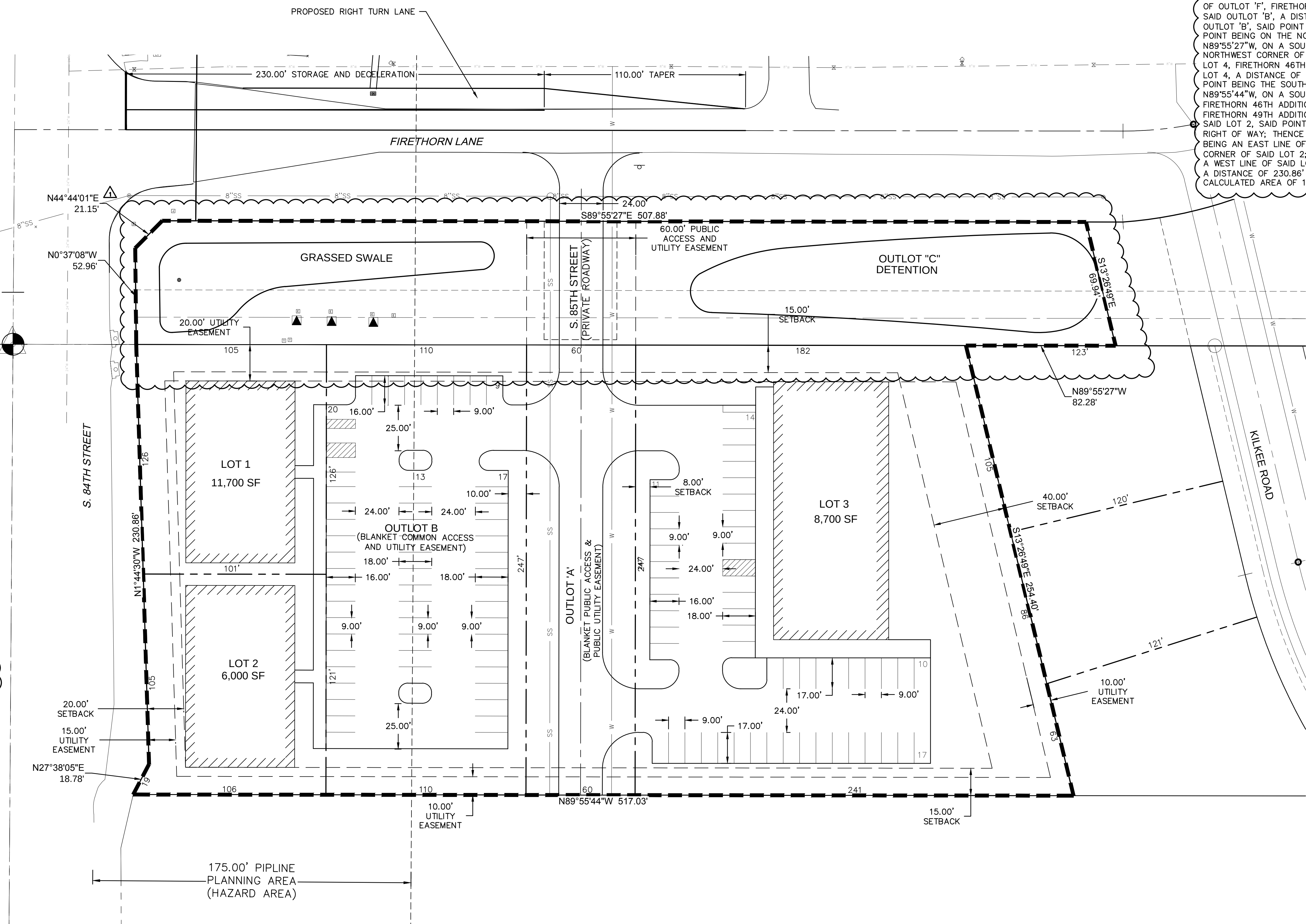
ENGINEER & PREPARER
OLSSON ASSOCIATES
601 P STREET
LINCOLN, NE 68508
PHONE: (402) 474-6311

FIRETHORN 84 SITE PLAN

GENERAL NOTES

- ALL PAVING RADII TO BE 20' UNLESS OTHERWISE NOTED.
- ALL DRIVES SHALL BE A MINIMUM 24 FEET WIDE UNLESS OTHERWISE NOTED.
- ALL STREET INTERSECTIONS ARE AT 90° UNLESS OTHERWISE NOTED.
- LOTS MAY BE CREATED WITHOUT FRONTAGE TO A PUBLIC STREET IF THEY HAVE ACCESS TO A PUBLIC ACCESS EASEMENT.
- ADJUSTMENTS IN THE FLOOR AREA OF EACH BUILDING MAY BE MADE AT TIME OF BUILDING PERMIT.
- THE EXISTING ZONING IS AGR. THE PROPOSED ZONING IS O-3.
- SIGNS, LANDSCAPING, AND SCREENING ARE NOT REQUIRED TO BE SHOWN ON THE PLANS. ALL SIGNS, LANDSCAPING, AND SCREENING SHALL COMPLY WITH THE O-3 ZONING DISTRICT AND CITY OF LINCOLN DESIGN STANDARDS, AND THEY SHALL BE SHOWN AT THE TIME OF SIGN AND BUILDING PERMITS, RESPECTIVELY.
- LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY ON FUTURE FINAL PLATS.
- ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
- SANITARY SEWER MAINS TO BE 8 INCH PIPE SIZE, UNLESS OTHERWISE SHOWN. WATER MAINS TO BE 6 INCH PIPE SIZE UNLESS OTHERWISE SHOWN. WATER & SEWER MAINS TO BE BUILT TO CITY OF LINCOLN SPECIFICATIONS.
- ALL WATER MAINS AND SANITARY SEWER MAINS TO BE PUBLIC.
- ALL ELEVATIONS ARE BASED ON NAVD 1988 DATUM.
- EAVES, OVERHANGS, WINDOW SWINGS, DOOR SWINGS, AIR CONDITIONER UNITS ETC. MAY ENROACH OVER THE SETBACK LINES. ENROACHMENTS ARE NOT ALLOWED OVER PROPERTY LINES AND MUST CONFORM TO BUILDING AND LIFE SAFETY CODES.
- ALL LAYOUTS SHOWN WITHIN THE USE PERMIT ARE CONCEPTUAL. SPECIFIC DETAILED PLANS WILL BE SUBMITTED WITH INDIVIDUAL SITE PLANS AS THE ARE DEVELOPED AT TIME OF BUILDING PERMIT APPLICATION, IN ACCORDANCE WITH CITY OF LINCOLN DESIGN STANDARDS.
- TO THE BEST OF THE PROPERTY OWNER'S KNOWLEDGE, NO OTHER WETLANDS ARE LOCATED ON THE PROPERTY.
- NO RESIDENTIAL DWELLINGS, HOTELS, MOTELS, CHILDCARE FACILITIES, SCHOOLS, HEALTHCARE FACILITIES, OR RETIREMENT FACILITIES SHALL BE ALLOWED WITHIN THE PIPELINE PLANNING AREA AS DESIGNATED ON THE PLANS.
- PARKING TO BE PROVIDED IN COMPLIANCE WITH THE ZONING ORDINANCE.
- SETBACKS FOR PARKING AND BUILDINGS AS PER THE ZONING ORDINANCE UNLESS OTHERWISE NOTED.
- PERIMETER BOUNDARY OF THE USE PERMIT SHALL BE USED FOR OUTDOOR LIGHTING TRESPASS AND GLARE REQUIREMENTS FOR THE ENTIRE DEVELOPMENT, ALLOWING EXTERIOR BUILDING AND PARKING LOT LIGHTING TO TRESPASS ONTO INTERNAL PROPERTY LINES WITHIN THE PERIMETER BOUNDARY.
- DIRECT ACCESS TO SOUTH 84TH STREET WILL BE RELINQUISHED AT THE TIME OF THE FINAL PLAT.
- THE PRIVATE ROADWAY SHALL BE PLATTED INTO TWO SEPARATE OUTLOTS TO FACILITATE CONSTRUCTION IN TWO PHASES. ESCROWS FOR CONSTRUCTION OF BOTH PHASES SHALL BE ESTABLISHED WITH THE FIRST FINAL PLAT. CONSTRUCTION OF PHASE 1 OF THE PRIVATE ROADWAY SHALL OCCUR IN CONJUNCTION WITH DEVELOPMENT OF LOT 1 AND LOT 2. CONSTRUCTION OF PHASE 2 OF THE PRIVATE ROADWAY SHALL OCCUR IN CONJUNCTION WITH DEVELOPMENT OF LOT 3 FOR ANY USE OTHER THAN ONE SINGLE FAMILY RESIDENCE.

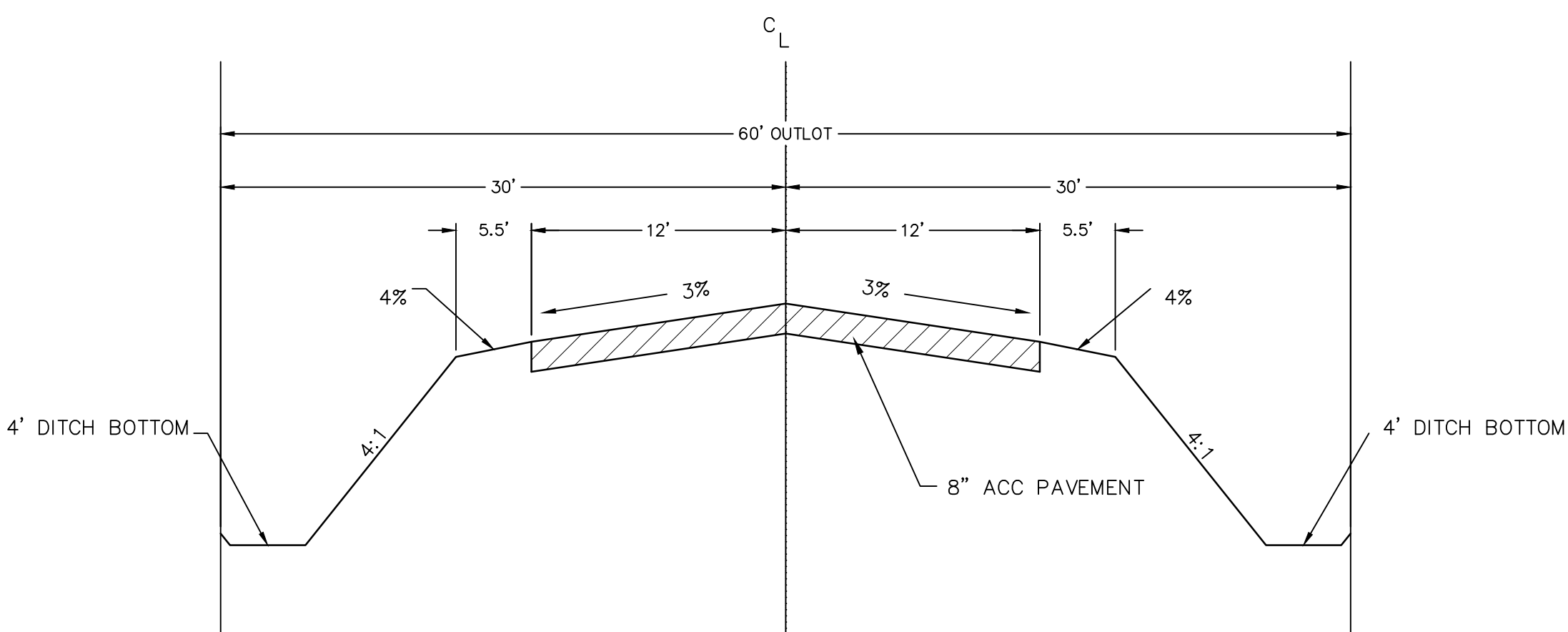
22. DETAILS OF ALL SIGNS, INCLUDING TYPE, LOCATION, HEIGHT AND SIZE WILL BE SHOWN AT THE TIME OF PERMITTING. ALL FREE STANDING SIGNS ALLOWED FOR EACH MAIN BUILDING PER THE SIGN ORDINANCE MAY BE PLACED IN AN OUTLOT. SIGNS MAY ONLY IDENTIFY BUSINESSES WITHIN THE BOUNDARIES OF THE USE PERMIT. EACH MAIN BUILDING IS ALLOWED ONLY ONE SIGN IN ONE OUTLOT IF MULTIPLE OUTLOTS ARE SHOWN IN THE BOUNDARY OF THE USE PERMIT. CENTER SIGNS ARE ALSO ALLOWED TO BE LOCATED IN AN OUTLOT. SIGNS NEED NOT BE SHOWN ON THE SITE PLAN.



LEGEND

---	CENTER LINE
- - - -	PROPERTY LINE
---	SECTION LINE
---	RIGHT OF WAY
---	EASEMENT
SS	SANITARY SEWER LINE
SD	STORM SEWER LINE
W	WATER LINE
G	UNDERGROUND GAS MAIN
P-UG	UNDERGROUND POWER
⊗	PROPOSED FIRE HYDRANT
X	PROPOSED WATER MAIN VALVE
⊕	PROPOSED STORM SEWER INLET
•	PROPOSED SURVEY MONUMENT BOX
○	PROPOSED SANITARY SEWER
W	PROPOSED WATER MAIN
SD	PROPOSED STORM SEWER MAIN
1270	PROPOSED MAJOR CONTOUR
1269	PROPOSED MINOR CONTOUR
1270	EXISTING MAJOR CONTOUR
1269	EXISTING MINOR CONTOUR

WAIVER TABLE		
26.27.020	LINCOLN MUNICIPAL CODE	FOR SIDEWALK
26.27.090	LINCOLN MUNICIPAL CODE	TO ALLOW STREET TREES TO BE PLANTED ON PRIVATE PROPERTY
26.27.070	LINCOLN MUNICIPAL CODE	FOR ORNAMENTAL LIGHTING
CHAPTER 2.25 SECTION 3.6.2	LINCOLN DESIGN STANDARDS	TO REQUIRE CONCRETE CURBS ON BOTH SIDES OF THE ROADWAY
CHAPTER 2.25 SECTION 3.5	LINCOLN DESIGN STANDARDS	ALLOW MINIMUM ROADWAY WIDTH, MEASURED FROM EDGE OF PAVEMENT TO EDGE OF PAVEMENT TO BE 24 FEET
27.72.030	LINCOLN MUNICIPAL CODE	THE FRONT, SIDE AND REAR SETBACKS FOR ALL LOTS ARE REDUCED TO 0'.



PRIVATE ROADWAY TYPICAL CROSS SECTION
NOT TO SCALE

LEGAL DESCRIPTION

A TRACT OF LAND COMPOSED OF LOT 4 AND OUTLOTS 'D' AND 'E' FIRETHORN 46TH ADDITION AND LOTS 1 AND 2, AND OUTLOT 'A', FIRETHORN 49TH ADDITION, ALL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST AND OUTLOT 'A' 'B' AND 'C', FIRETHORN 46TH ADDITION ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF OUTLOT 'A', FIRETHORN 46TH ADDITION, SAID POINT BEING THE NORTHWEST CORNER OF LOT 1, FIRETHORN 49TH ADDITION, SAID POINT BEING ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., SAID POINT BEING 67.76' EAST OF THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER, SAID POINT BEING ON AN EAST RIGHT OF WAY LINE OF SOUTH 84TH STREET; THENCE NORTHERLY ALONG THE WEST LINE OF SAID OUTLOT 'A'; SAID LINE BEING AN EAST LINE OF SAID RIGHT OF WAY, ON AN ASSUMED BEARING OF N00°37'08"W, A DISTANCE OF 52.96' TO A NORTHWEST CORNER OF SAID OUTLOT 'A'; THENCE N44°44'01"E, ON A NORTHWEST LINE OF SAID OUTLOT 'A', SAID LINE BEING A SOUTHEAST LINE OF SAID RIGHT OF WAY, A DISTANCE OF 21.15' TO A NORTHWEST CORNER OF SAID OUTLOT 'A'; THENCE S89°55'27"E, ON THE NORTH LINE OF SAID OUTLOT 'A' AND A NORTH LINE OF OUTLOTS 'B' AND 'C', FIRETHORN 46TH ADDITION, A DISTANCE OF 507.88' TO THE NORTHEAST CORNER OF OUTLOT 'B', SAID POINT BEING THE NORTHWEST CORNER OF OUTLOT 'F', FIRETHORN 46TH ADDITION; THENCE S13°26'49"E, ON A WEST LINE OF SAID OUTLOT 'B', SAID POINT BEING A SOUTHEAST CORNER OF SAID OUTLOT 'F', SAID POINT BEING ON THE NORTH LINE OF LOT 3 FIRETHORN 46TH ADDITION; THENCE N89°55'27"W, ON A SOUTH LINE OF SAID OUTLOT 'B', A DISTANCE OF 82.28' TO THE NORTHWEST CORNER OF SAID LOT 3, SAID POINT BEING THE NORTHEAST CORNER OF LOT 4, FIRETHORN 46TH ADDITION; THENCE S13°26'49"E, ON A WEST LINE OF SAID LOT 4, A DISTANCE OF 254.40' TO THE SOUTHEAST CORNER OF SAID LOT 4, SAID POINT BEING THE SOUTHWEST CORNER OF LOT 1, FIRETHORN 46TH ADDITION; THENCE N89°55'44"W, ON A SOUTH LINE OF SAID LOT 4, AND A SOUTH LINE OF OUTLOT 'E', FIRETHORN 46TH ADDITION, AND A SOUTH LINE OF OUTLOT 'A' AND LOT 2, FIRETHORN 49TH ADDITION, A DISTANCE OF 517.03' TO THE SOUTHWEST CORNER OF SAID LOT 2, SAID POINT BEING ON THE EAST LINE OF SAID SOUTH 84TH STREET RIGHT OF WAY; THENCE N27°38'05"E, ON A WEST LINE OF SAID LOT 2, SAID LINE BEING AN EAST LINE OF SAID RIGHT OF WAY, A DISTANCE OF 18.78' TO A WEST CORNER OF SAID LOT 2; THENCE N01°44'30"W, ON A WEST LINE OF SAID LOT 2, AND A WEST LINE OF SAID LOT 1, SAID LINE BEING AN EAST LINE OF SAID RIGHT OF WAY A DISTANCE OF 230.86' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 155,282.87 SQUARE FEET OR 3.56 ACRES, MORE OR LESS.

601 P Street, Suite 200
Lincoln, NE 68508
TEL 402.474.6311
www.olson.com

REV.	NO.	DATE	REVISION DESCRIPTION
1	1	12/22/20	AMENDMENT TO UPD805 UPDATE BOUNDARY AND NOTE

SITE PLAN

FIRETHORN 84
USE PERMIT

2020

LINCOLN, NE

drawn by: MRO
checked by: BAL
approved by: BJM
QA/QC by: BJM
project no.: 018-0445
drawing no.: 12-22-20

SHEET
1 of 5



December 22, 2020

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

Re: Firethorn 84 Use Permit
Applications for Amendment to Firethorn 84 UP18005
Olsson Project No. 018-0445, 019-2912

Dear Mr. Cary,

On behalf of Marchant LLC, we are submitting this application for an amendment to the Firethorn 84 Use Permit UP18005

The plans are being updated with the following changes:

- Revise the boundary and legal description to include the outlot on the north side of the property, Outlot C.
- Note added to site plan to allow signage to be placed in outlots within the boundary of the Use Permit.

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

1. City of Lincoln Application, including:
2. Use Permit Site Plan
3. Application fees in the amount of \$1,153.00

Plans and other supporting documents will be submitted to ProjectDox upon notification from the Planning Staff. We appreciate your consideration of the above request and look forward to working with you on this proposed Administrative Amendment to Wilderness Creek PUD. If you require further information or have any questions, please do not hesitate to contact me at blang@olsson.com or (402) 458-5691.

Sincerely,

A handwritten signature in blue ink that reads "Brian Lang". The signature is written in a cursive, flowing style.

Brian Lang

LEGAL DESCRIPTION

A TRACT OF LAND COMPOSED OF LOT 4 AND OUTLOTS 'D' AND 'E' FIRETHORN 46TH ADDITION AND LOTS 1 AND 2, AND OUTLOT 'A', FIRETHORN 49TH ADDITION, ALL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST AND OUTLOT 'A' 'B' AND 'C', FIRETHORN 46TH ADDITION ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

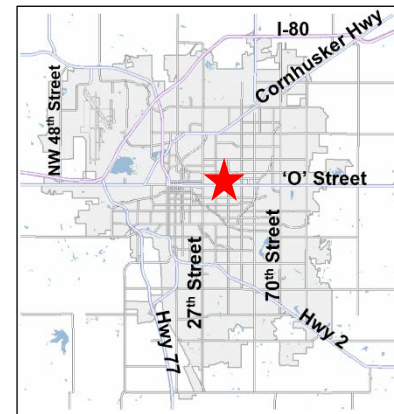
APPLICATION NUMBER Miscellaneous 20003	FINAL ACTION? No	DEVELOPER/OWNER Wyuka Cemetery, et al.
PLANNING COMMISSION HEARING DATE January 20, 2021	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION Generally O Street to Vine Street, N. 35 th Street to Wyuka Cemetery

RECOMMENDATION: FINDING OF SUBSTANDARD AND BLIGHTED CONDITIONS

BRIEF SUMMARY OF REQUEST

This Blight and Substandard Determination Study is to apply the criteria set forth in the Nebraska Community Development Law to the designated Wyuka West Redevelopment Area. Generally, the Wyuka West Redevelopment Area is located in central Lincoln and includes the far western portion of Wyuka Cemetery property, including the Wyuka Funeral Home, Historic Stables, Rudge Memorial Chapel and Wyuka Park and Garden areas as well as adjacent neighborhood properties. This area is located between O Street and Vine Street from Wyuka property to N. 35th Street.

The Wyuka West Redevelopment Area qualifies as substandard and blighted within the definition set forth in the Nebraska Community Development Law, NEB REV STAT '18-2103, as determined by the Wyuka West Redevelopment Area Blight and Substandard Determination Study. The Substandard and Blight Determination Study is consistent with the redevelopment and revitalization activities identified in Lincoln-Lancaster County 2040 Comprehensive Plan.



JUSTIFICATION FOR RECOMMENDATION

The Wyuka West Blight and Substandard Determination Study provides sufficient evidence that the Wyuka West Redevelopment Area qualifies under Nebraska Community Development Law as substandard and blighted. This finding will further allow for redevelopment to improve the area.

Nebraska Community Development Law, NEB REV STAT '18-2109 requires the Planning Commission to review whether an area is substandard and blighted. A recommendation of the Planning Commission is required to be provided to the City Council prior to a redevelopment area being declared blighted and substandard.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan encourages maintenance and enhancement of infrastructure, well designed and appropriately placed density and encourages infill and redevelopment in the urban core. The finding of substandard and blighted conditions in furtherance of the Redevelopment Area is consistent with the Comprehensive Plan.

APPLICATION CONTACT

Ernie Castillo, (402) 441-7855 or
ecastillo@lincoln.ne.gov

STAFF CONTACT

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

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 4.6 - Placemaking

Major entryways to Lincoln... should be studied, protected, and enhanced to create and express community pride.

P.5.2 - Guiding Principles for Business and Economy

Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.

Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.

P. 7.9 - Strategies for Redevelopment in Existing Neighborhoods

Maintain and enhance infrastructure and services in existing neighborhoods

Encourage well-designed and appropriately placed density, including within existing apartment complexes and special needs housing where there is land available for additional buildings or expansions.

Recognize that broad economic diversity within existing neighborhoods encourages reinvestment and improves quality of life for all residents while acknowledging the need for affordable housing.

ANALYSIS

1. This is a request to determine whether the Wyuka West Redevelopment Area should or should not be declared substandard and blighted per ' 18-2103 (11) Nebraska Revised Statutes. After an area is declared substandard and blighted, the City may proceed with the preparation and approval of a Redevelopment Plan. Redevelopment activities may include utilizing Tax Increment Financing (TIF) from private development to pay for public infrastructure and improvements. A total of 11 Parcels and 25 acres within the City of Lincoln are within this request. Comprehensive Plan conformity must be found by the respective jurisdiction.
2. The Urban Development Department hired a consultant who conducted the study to determine whether or not there was a presence of substandard or blighting conditions in the study area per '18-2103 (11) Nebraska Revised Statutes.
3. According to the land use categories identified in the Blight Study, approximately 4.4% of the land is in commercial use, 2.0% of the land is in single family residential use, 33.6% is public use, 10% public streets and alleys, and 50% is vacant/undeveloped.
4. All of the land within the study area is inside the City of Lincoln corporate limits.
5. The Urban Development Department requests the determination study be reviewed by the Planning Commission for conformance with the Comprehensive Plan.
6. A **substandard** area is defined in the Nebraska Revised Statutes as containing a predominance of buildings or improvements with at least one of four conditions present:
 1. Dilapidation/deterioration
 2. Age or obsolescence
 3. Inadequate provision for ventilation, light, air, sanitation or open spaces
 4. a) High density of population and overcrowding; or
b) The existence of conditions which endanger life or property by fire and other causes; or
c) Any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, and is detrimental to the public health, safety, morals or welfare.
7. According to the Blight Study, the area qualifies as **substandard** because three of the four factors were found to have a strong presence while one of four was found to be present to a reasonable extent in the study area.
 - A) Dilapidation, deterioration, age or obsolescence of structures is evident in that three of the seven

structures in the area have minor defects with two structures found to be deteriorating with major defects. (Pages 25-28).

- B) Based on field evaluation 86% of structures are over 40 years of age. (Page 29).
- C) Based on field evaluation conducted by the consultant, 55% of parcels have minor to major excessive debris which could pose a threat to human health, with public infrastructure with sanitary sewer approximately 30-50 years in age and water lines around 50 years in age with undersized and outmoded material (Page 30).
- D) Any combination of factors that are detrimental to the public health, safety, morals or welfare is present with reasonable presence of deterioration among structures, some segments of water mains undersized for fire flow purposes, the presence of dirt/gravel surfaced streets, and several vacant, underdeveloped or underutilized tracts of land (Page 31).

8. A **blighted** area is defined in the Nebraska Revised Statutes as having the presence of one or more of the twelve following conditions:

- 1. A substantial number of deteriorated or deteriorating structures;
- 2. Existence of defective or inadequate street layout;
- 3. Faulty lot layout in relation to size, adequacy, accessibility or usefulness;
- 4. Insanitary or unsafe conditions;
- 5. Deterioration of site or other improvements;
- 6. Diversity of ownership;
- 7. Tax or special assessment delinquency exceeding the fair value of the land;
- 8. Defective or unusual conditions of title;
- 9. Improper subdivision or obsolete platting;
- 10. The existence of conditions which endanger life or property by fire or other causes;
- 11. Any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or constitutes an economic or social liability;
- 12. Is detrimental to the public health, safety, morals, or welfare in its present condition and use; and in which there is at least one of the following conditions:
 - a) Unemployment in the designated blighted area is at least one hundred twenty percent of the state or national average;
 - b) The average age of the residential or commercial units in the area is at least 40 years;
 - c) More than half of the platted and subdivided property in the area is unimproved land that has been within the City for 40 years and has remained unimproved during that time;
 - d) The per capita income of the designated blighted area is lower than the average per capita income of the city or City in which the area is designated; or
 - e) The area has had either stable or decreasing population based on the last two decennial censuses.

9. The study found the following 8 **blighting** factors to be present to a strong extent in the study area:

- A) Defective or inadequate street layout (Page 37).
- B) Faulty Lot Layout (Page 38).
- C) Insanitary or unsafe conditions (Page 39).
- D) Deterioration of site improvements (Page 40).
- E) Improper subdivision or obsolete platting (Page 42).
- F) Conditions which endanger life or property by fire and other causes (Page 43).
- G) Other environmental and blighting factors (Page 45).
- H) The average age of all structures in the area is estimated at 76 years while the average age of residential structures is 86 years (Page 45).

10. The study finds there is at least a reasonable distribution of all four factors that constitute an area as substandard within the study area, and out of 12 possible factors that constitute an area blighted, 8 are strongly present in the area. Therefore it is the conclusion of the study that sufficient conditions and factors meet the criteria of substandard and blight as evidenced in the Blight Study. These factors present a serious barrier to the planned and coordinated development of the area, have created an environment that negatively impacts private sector investment in the area, and serve as a detriment to the overall healthy economic

growth and physical development of the community.

11. The Blight & Substandard Determination Study is on file with the Urban Development Department and the Planning Department.

EXISTING LAND USE & ZONING: Commercial, Single Family Detached, Public, Vacant;
B-1 Local Business District, P Public District, R-4 Residential District

SURROUNDING LAND USE & ZONING

North: Single Family Detached; R-2 Residential

South: Single Family Detached, Commercial; B-1 Commercial, O-2 Office

East: Wyuka Cemetery; P Public

West: Single Family Detached, Duplex, Multi-family, Office; R-4 Residential, O-2 Office

APPROXIMATE LAND AREA: 25 acres

LEGAL DESCRIPTION: See Attached

Prepared by

George Wesselhoft, Planner

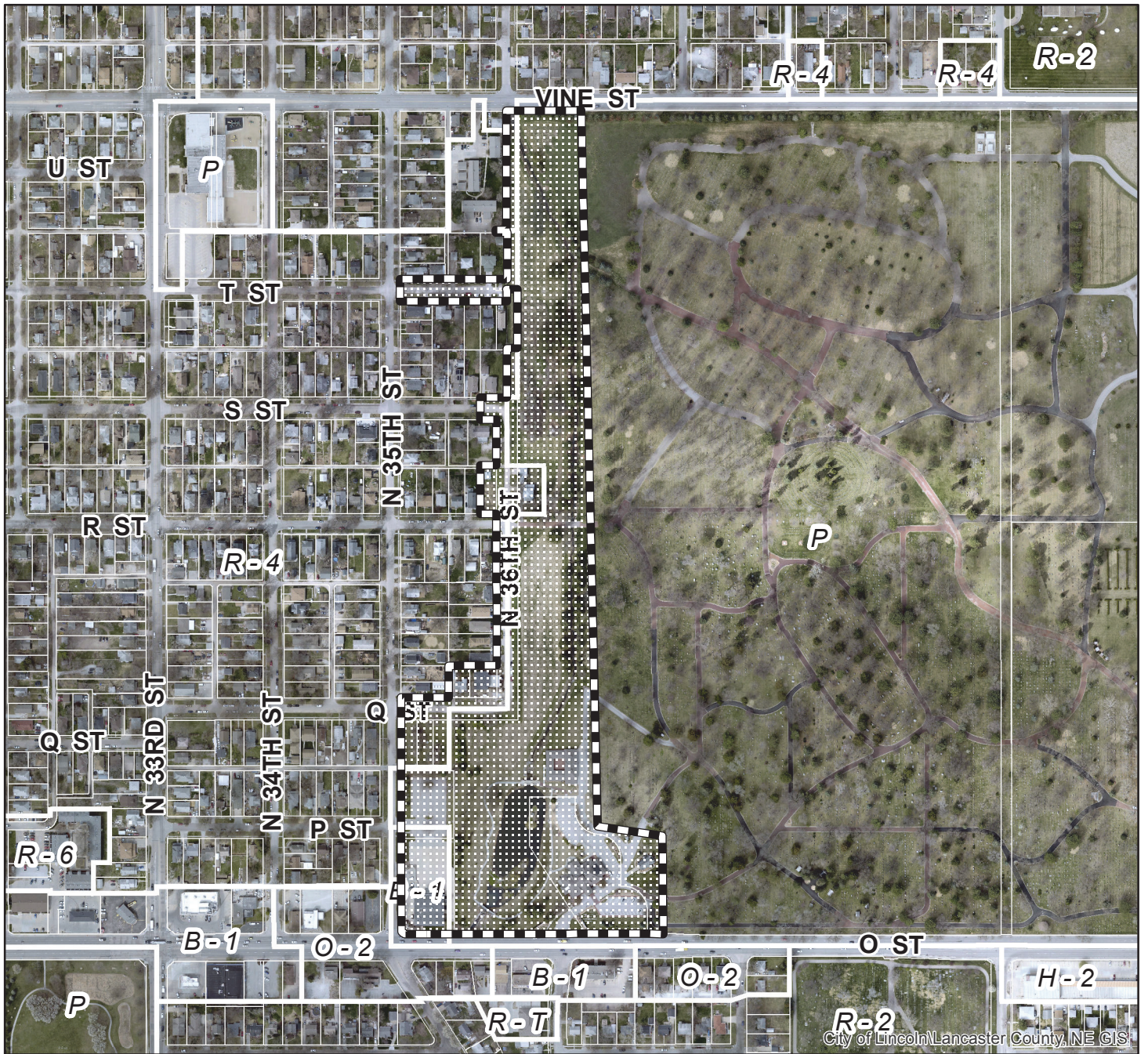
Date: January 7, 2021

Applicant: Dan Marvin, Urban Development
555 S. 10th Street
Lincoln, NE 68508
(402) 441-7126
dmarvin@lincoln.ne.gov

Contact: Ernie Castillo
555 S. 10th Street
Lincoln, NE 68508
(402) 441-7855
ecastillo@lincoln.ne.gov

Owner: Wyuka Cemetery
3600 O Street
Lincoln, NE 68510

F:\DevReview\MISC\20000\MISC20003 Wyuka Blight & Substandard Determination Study.gjw.docx



City of Lincoln/Lancaster County, NE GIS

2020 aerial

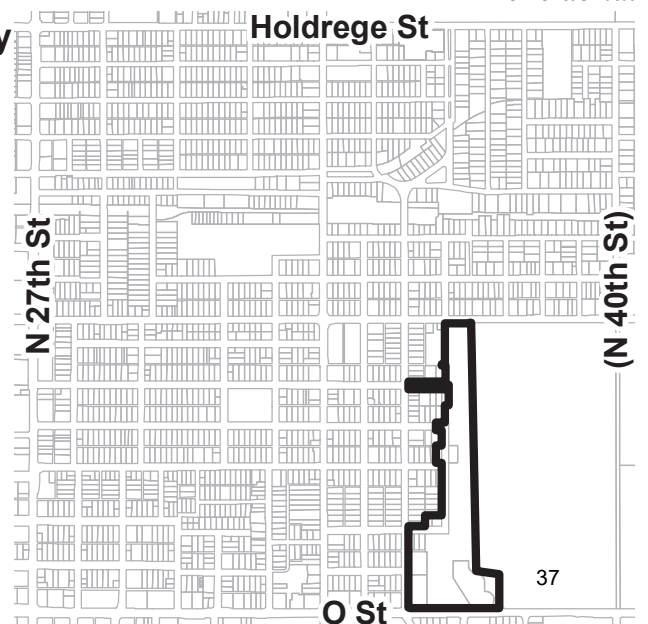
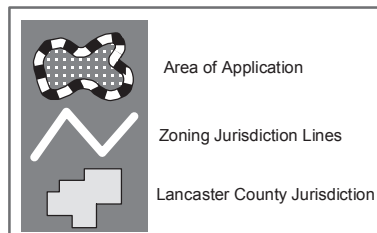
Miscellaneous #: MISC20003
Wyuka Blight & Substandard Determination Study
N 36th St & R St

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

PDF: F:\Boards\PC\Internet\out\

Three Square Miles:
Sec.19 T10N R07E





URBAN DEVELOPMENT DEPARTMENT
555 South 10th Street, Suite 205 | Lincoln, NE 68508
402-441-7606 | lincolnne.gov

December 23, 2020

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

Dear David:

Enclosed is a copy of the Blight & Substandard Determination Study for the Wyuka West Redevelopment Area.

Please forward this study to the Planning Commission for their earliest consideration for Comprehensive Plan conformance. My understanding is that this should be on the January 20, 2021 agenda.

If you have questions or need additional information, Please contact me at 402-441-7855 or at ecastillo@lincoln.ne.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ernie Castillo'.

Ernie Castillo

Cc: Dan Marvin, Director, Urban Development
Dallas McGee, Urban Development
Andrew Thierolf, Planning

BLIGHT & SUBSTANDARD DETERMINATION STUDY

EXECUTIVE SUMMARY

Purpose of Study

The purpose of this **Blight and Substandard Determination Study** is to apply the criteria set forth in the **Nebraska Community Development Law**, Section 18-2103, to the designated **Wyuka West Redevelopment Area** in **Lincoln, Nebraska**. The results of this **Study** will assist the City of Lincoln in declaring the **Redevelopment Area** as both **blighted and substandard**.

Location

The referenced **Wyuka West Redevelopment Area**, in the City of Lincoln, Nebraska, includes the following **Property IDs and Legal Descriptions**:

1. 1719407011000. RIDGEWAY, BLOCK 8, LOT 12.
2. 1719416002000. RIDGEWAY, BLOCK 7, LOT 6, W82'.
3. 1719417001000. RIDGEWAY, BLOCK 14, LOT 4.
4. 1719417002000. RIDGEWAY, BLOCK 14, LOT 5.
5. 1719417003000. RIDGEWAY, BLOCK 14, LOT 6.
6. 1719417006000. RIDGEWAY, BLOCK 14, LOT 7-10, W15' & W165' VAC P ST ADJ.
7. 1719418001000. RIDGEWAY, BLOCK 19, LOT 3, W15' & LOTS 4-9 EX PT IN SW CORNER LOT 7 FOR ST & LOT 10 W15' & VAC E-W ALLEY ADJ.
8. 1719419006000. RIDGEWAY, BLOCK 7, LOT 1, 3-5, & LOT 6 EX W82' & PT VAC 36 ST B/T VINE & S ST EX PART ABUTTING LOT 3, BLOCK 7 RIDGEWAY ADD & B/T Q & O ST & VAC R ST B/T 36TH & CEMETERY & BLOCK 14 LOTS 1-3 & 10-12 EX W15' LOT 10 & VAC ALLEY ADJ & BLOCK 19 LOTS 1-3.
9. 1719419007000. RIDGEWAY, BLOCK 20, LOT 1-6.
10. 1719421001000. SPAHN ADDITION, LOT 1.
11. 1719421002000. SPAHN ADDITION, LOT 2.

Generally, the **Wyuka West Redevelopment Area** is located in central Lincoln and comprises the far-western portion of Wyuka Cemetery, including the Wyuka Funeral Home, Historic Stables, Rudge Memorial Chapel and Wyuka Park and Gardens area, as well as adjacent, neighborhood properties. **Illustration 1, Context Map, Page 2**, identifies the location of the **Area** in relation to the City of Lincoln. An aerial image of the **Area** is provided in **Illustration 2, Page 3**. Primary public streets within and surrounding the **Redevelopment Area** are 'O,' 'Q,' 'S' and 'T' Streets, Vine Street and North 35th and 36th Streets. The **Area** equals an estimated **25 acres** and is primarily composed of vacant/undeveloped tracts of land, paved and unpaved streets, public land uses associated with Wyuka Cemetery, as well as a few residential and commercial properties.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

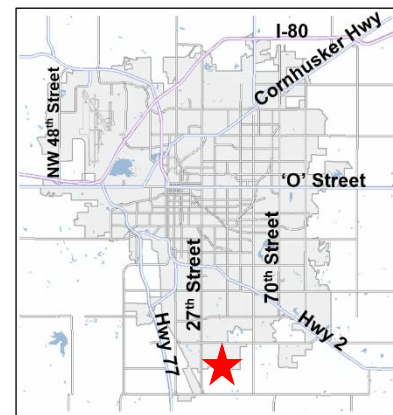
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Change of Zone #15016B	FINAL ACTION? No	DEVELOPER/OWNER Lincoln Federal Bancorp
PLANNING COMMISSION HEARING DATE January 20, 2021	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION S. 33 rd St. and Wilderness Hills Blvd.

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to amend the existing Wilderness Creek Planned Unit Development (PUD) by replacing 18 townhome lots and 58 single family lots with a 480-unit apartment complex with a waiver to increase the height to 55 feet. This amendment will change the underlying zoning on approximately 23 acres from R-3 to R-5 for the apartment complex.



JUSTIFICATION FOR RECOMMENDATION

This site is appropriate for multi-family residential. This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

APPLICATION CONTACT

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

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

Multifamily dwellings are encouraged to locate near commercial centers as shown on the site plan, and the overall density fits the urban density residential land use definition. PLEASE INCLUDE A FEW MORE SENTENCES ON COMP PLAN SUPPORT FOR MIXED USE AND HIGHER DENSITY NEAR SCHOOLS AND CLOSER TO MAJOR STREETS This project is only one block from an arterial street and is on two streets that function as collectors.

WAIVERS

1. Increase the height from 35 feet to 55 feet for Lot 1, Block 8. (Recommend Approval)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

P. 12.4 - Commercial. Areas of retail, office, service and residential mixed uses. Commercial uses may vary widely in their intensity of use and impact.

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

P. 7.2 - Neighborhoods & Housing Guiding Principles

- Encourage public investment in neighborhood infrastructure and services such as parks, pools, libraries, and neighborhood business districts.
- Distribute and preserve affordable housing throughout the community to be near job opportunities and to provide housing choices within existing and developing neighborhoods.
- Make available a safe residential dwelling for all citizens.
- Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.
- Encourage acreages to develop in appropriate areas and preserve farmland.
- Preserve areas designated for multi-family and special needs housing in approved plans to support a distributed choice in affordable housing.

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.
- Provide adequate spacing from pipelines and areas where hazardous chemicals could be used and stored; notify property owners and residents along the pipeline about hazards and emergency actions.
- Encourage substantial connectivity and convenient access to neighborhood services (stores, schools, parks) from residential areas.
- Incorporate interconnected networks of streets, transit, trails, and sidewalks with multiple connections within and between neighborhoods and commercial centers to maximize access and mobility to provide alternatives to and reduce dependence upon the automobile.
- Provide sidewalks on both sides of all streets, or in alternative locations as allowed through design standards or review process.

P. 7.4-7.8 - Strategies for Developing Neighborhoods

- Encourage new development to achieve densities greater than five dwelling units per gross acre.
- Implement procedures to provide notice to potential buyers about the location of pipelines and hazardous chemical use and storage, and to encourage adequate spacing be provided from pipelines and areas where hazardous chemicals could be used and stored.

ANALYSIS

1. This application is to revise the site plan for Wilderness Creek Planned Unit Development (PUD). The revised site plan would remove 18 townhome lots and 58 single-family lots between Wilderness Hills Blvd. and Crescent Dr; east of S. 33rd and replace it with a 480-unit apartment complex. This application also includes a change of zone from R-3 to R-5 for this area. The commercial floor area remains unchanged at 284,050 sq. ft.
2. The applicant is requesting a height increase from 35 feet to 55 feet for the apartments. This waiver was previously granted for the existing apartment complex south of Hohensee Dr. All other waivers granted with CZ15016A would continue with this application.

3. The submitted plans do not include a grading or drainage plan or a layout of the apartment complex. The intent of this application is to approve the increased density and the change of zone. If approved, detailed plans will be submitted with an administrative amendment.
4. The area of change is 23.34 acres. Under R-3 the maximum density is 162 dwelling units. An R-5 zoning district allows a maximum density of 677 dwelling units. This request is for 480 dwelling units. With the proposed 480 dwelling units, the total number of dwelling units within the PUD would be 718.
5. The original plan approved in 2015 had a 300-unit apartment complex and 54 attached single-family dwelling units at this location. The plan was amended in 2018 to remove the apartment complex and have only single-family and attached single-family dwellings.
6. The area to the north of the proposed apartment complex are 3 different car dealerships. To the west is an apartment complex and to the east is a drainageway of approximately 210 feet wide buffering the apartment complex from the single-family attached dwellings. To the south, across Wilderness Hills Blvd an arterial, is a future elementary school site and future single-family residential.
7. This site is appropriate for an apartment complex with two commercial centers nearby, Wilderness Hills Commercial to the west and Yankee Hill Commercial Center on the north side of Yankee Hill Rd.
8. The request for R-5 zoning is consistent with the zoning of the other apartment complexes to the west and southeast. There is a bus route one block to the north and a future bike trail is adjacent to this site.
9. A neighborhood meeting was held on January 7, 2021. Three neighbors attended the meeting. The developer's engineer reviewed the history of the project and showed the previous approved plans. Neighbors in attendance were there mainly to learn about the project and the process.
10. Lincoln Transportation and Utilities did not have concerns with traffic on S. 33rd St. or Wilderness Hills Blvd. These streets were designed to serve greater traffic than a typical residential street.
11. Other height waivers have been approved and are typical for apartments. An increase to 50 feet was approved for the apartment directly west of this site and an increase to 55 feet was approved for the apartments to the southeast of this site. The increased height should not impact any property negatively as streets border two sides, commercial to the north and drainageway to the east. Below is a list of other height waivers for apartments.

Height Waivers in Vicinity:

- Wilderness Hills Commercial PUD (southeast corner of 27th & Yankee Hill all zoned B-2 now)
 - o O-3: max height allowed up to 60 feet
 - o B-2: max height allowed up to 50 feet
- Wilderness Hills CUP (northwest corner of 33rd & Wilderness Hills Blvd zoned R-5)
 - o R-5: max height allowed up to 50 feet
- Wilderness Creek PUD (CZ15016A land zoned H-4 and R-5, between 33rd and 40th from Yankee Hill Road to south including few lots south of Hohensee Dr. zoned R-5 and H-4))
 - o R-5: max height allowed up to 55 feet
- Wilderness Hills South PUD (Approved at Planning Commission, Pending City Council, northwest corner of 40th and Rokeby Road – land outside the city limits today)
 - o R-5: max height allowed up to 55 feet
- Wilderness Commons PUD (CZ06075A zoned B-2 west of 40th Street south of Hohensee about ¼ mile)
 - o B-2: max height allowed up to 55 feet
- Wilderness Heights PUD (CZ07060B zoned B-2, O-3 and R-5 southeast of 40th & Yankee Hill Road)
 - o B-2: max height allowed up to 55 feet
 - o R-5: max height allowed up to 55 feet
- Iron Ridge (southeast of 27th & Rokeby Road, Outlot J, Iron Ridge 1st Addition)
 - o R-3: max height allowed up to 65 feet
- Chateau at Yankee Hill PUD (CZ19031 zoned R-3 on north side of Yankee Hill Road at about 44th Street to 48th Street)

- o R-3: max height allowed up to 65 feet

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Area of amendment is undeveloped and zoned R-3, Residential. The PUD area is composed of commercial, multi-family residential and single-family residential. Zoning is H-4-General Commercial; R-5- Residential and R-3- Residential.

SURROUNDING LAND USE & ZONING

North:	R-4-Residential B-2 Planned Neighborhood Business	Multi-family Commercial
South:	R-3/R-5-Residential, B-2- Planned Neighborhood Business P-Public	Multi-family Undeveloped Undeveloped
East:	O-3-Office Park R-5-Residential	Office and undeveloped Multi-family and undeveloped
West:	H-4-General Commercial R-5-Residential	Auto sales Multi-family

APPLICATION HISTORY

July 13, 2015:	CZ15016 was approved by the City Council for 410 dwelling units and 200,000 sq. ft. of commercial floor area.
August 20, 2018:	CZ#15016A was approved by City Council for 438 dwelling units and 247,000 sq. ft. of commercial floor area.
May 23, 2019:	AA#19025 to increase the commercial floor area from 247,000 sq. ft. to 259,000 sq. ft. was approved by the Planning Director.
December 14, 2020:	AA#20069 to increase the commercial floor area from 259,000 sq. ft. to 284,050 sq. ft. was approved by the Planning Director.

APPROXIMATE LAND AREA: Area of amendment 23 acres. Overall PUD is 105.66 acres.

LEGAL DESCRIPTION: See attached.

Prepared by

Tom Cajka, Planner

Date: January 11, 2021

Applicant: Brad Marshall
Olsson
601 "P" St. Suite 200
Lincoln, NE 68508
bmarshall@olsson.com

Contact: Brian Lang
Olsson

601 "P" St. Suite 200
Lincoln, NE 68508
402-458-5691
blang@olsson.com

Owner: Lincoln Federal Bancorp
8400 Maddox Lane
Lincoln, NE 68520
402-474-1400

F:\DevReview\CZ\15000\CZ15016B Wilderness Creek PUD.tjc.docx

CONDITIONS OF APPROVAL - CHANGE OF ZONE #15016B

This approval permits 718 dwelling units and 284,050 sq. ft. of commercial floor area together with a waiver to increase the maximum height to 55 feet for the R-5 area. All previous waivers are approved.

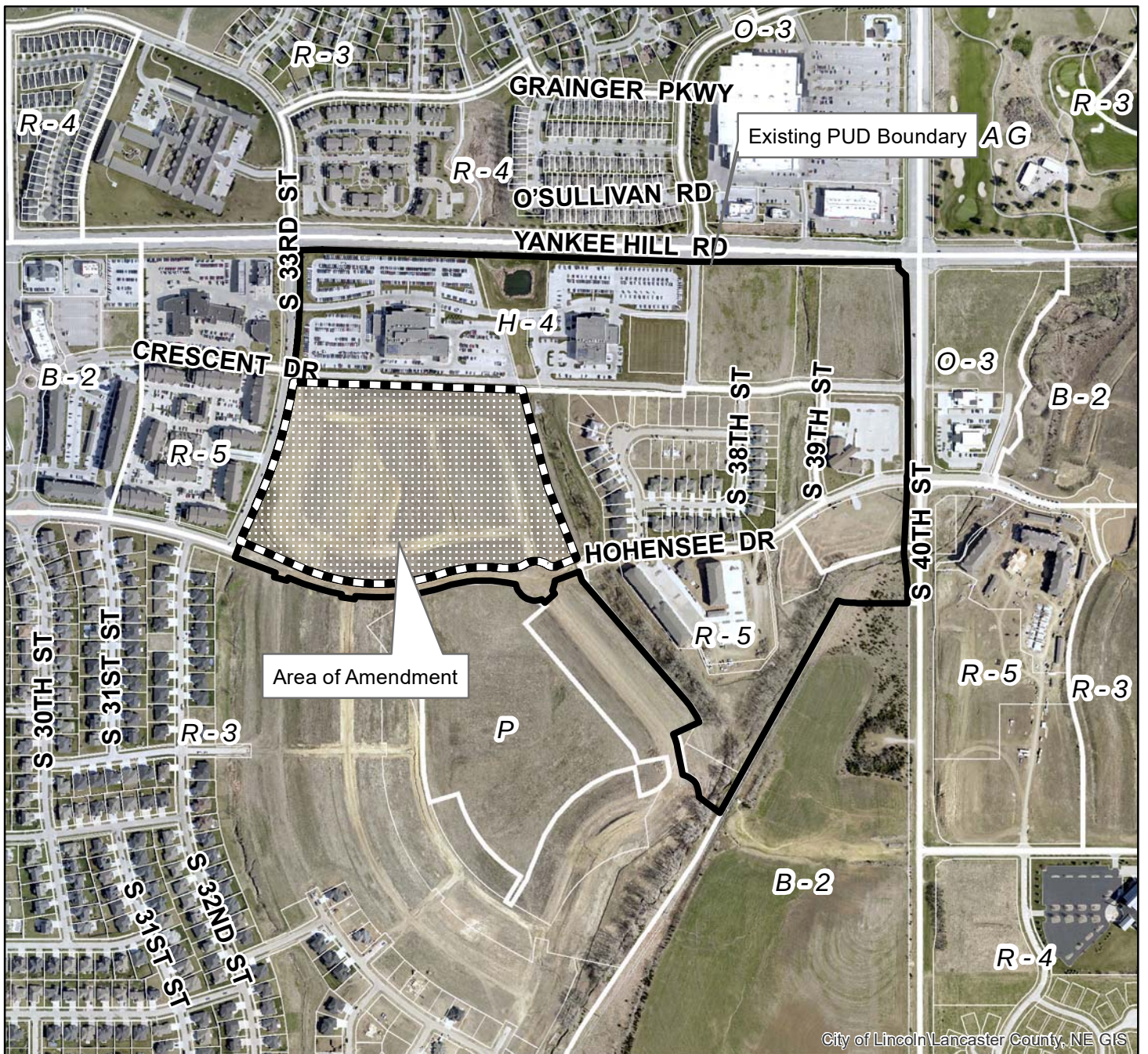
Site Specific Conditions:

1. 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 Update the legal description
 - 1.2 Change either the north or east lot line setback to a side yard setback.
 - 1.3 Correct the overlapping text.
 - 1.4 Make corrections per GIS Survey check.
 - 1.5 Add the following note, "An administrative amendment to the PUD must be submitted and approved showing all necessary grading and drainage details (including, but not limited to, detention, water quality, and storm drainage) to the satisfaction of LTU Watershed Management Division prior to the approval of any building permits (including limited permits)."
 - 1.6 Add a note that the setback to the trail will be equal to the height of the building if the height is over 35 feet.
2. Before receiving building permits, the developer shall provide the following documents to the Planning Department:
 - 2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the planned unit development has been recorded.

Standard Conditions:

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

- 3.6 The site plan as approved with this ordinance voids and supersedes all previously approved site plans, however all ordinances approving previous permits remain in full force and effect unless specifically amended by this ordinance.



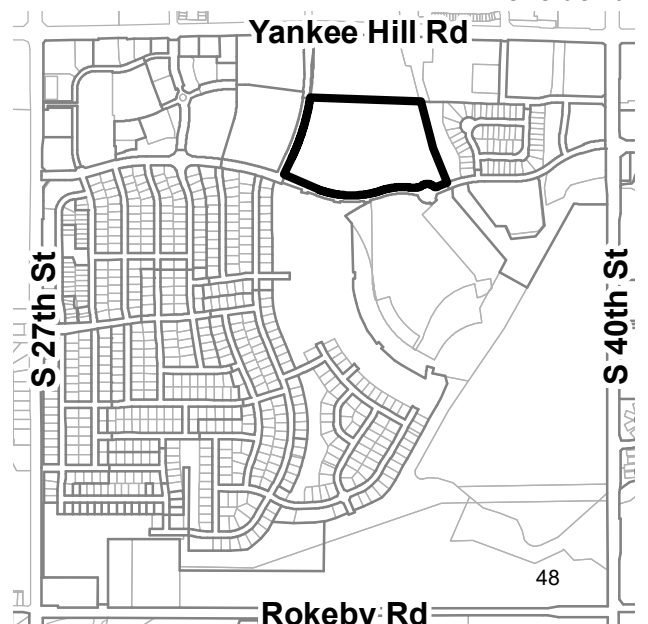
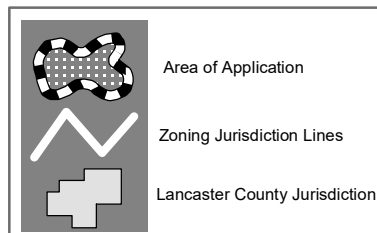
Change of Zone #: CZ15016B
Wilderness Creek PUD
S 33rd St & Yankee Hill Rd

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

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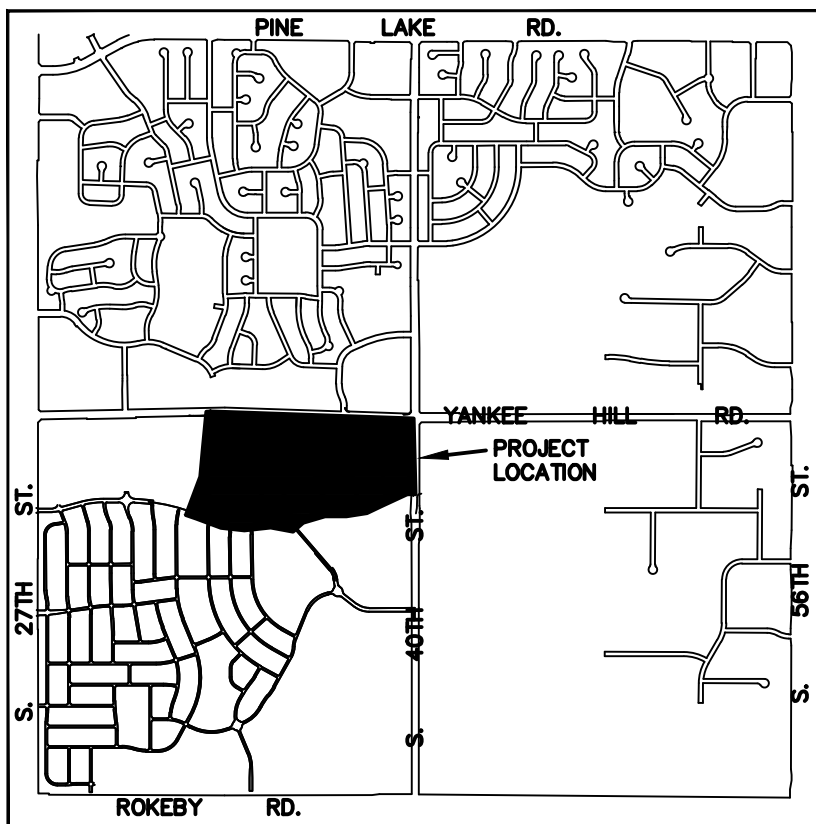
One Square Mile:
Sec.30 T09N R07E



AMENDMENT TO
THE WILDERNESS CREEK PUD
SITE PLAN

OWNER & DEVELOPER
LINCOLN FEDERAL BANCORP, INC
1101 "N" STREET
LINCOLN, NE 68508
PHONE: 402-474-1400

ENGINEER & PREPARER
OLSSON ASSOCIATES
601 "P" STREET
LINCOLN, NE 68508
PHONE: 402-474-6311



VICINITY MAP
NOT TO SCALE

LEGEND

---	PROPERTY LINE
---	EASEMENT LINE
---	CENTERLINE
---	LOT SETBACK LINE
---	PROPOSED WATER MAIN
---	PROPOSED SANITARY SEWER
---	PROPERTY BOUNDARY
---	MIN FLOOD CORRIDOR
---	CONSERVATION EASEMENT
---	100 YEAR FLOOD PLAN
---	PROPOSED 100 YEAR FLOOD PLAN

STREET CENTERLINE CURVE DATA

(A)	$\Delta=039^{\circ}04'42''$ R=900.00' L=613.84' CL=602.01' TL=319.40'	(K)	$\Delta=121^{\circ}15'10''$ R=113.50' L=240.20' CL=197.82' TL=201.65'
(B)	$\Delta=028^{\circ}42'38''$ R=600.00' L=300.66' CL=297.52' TL=153.55'	(L)	$\Delta=014^{\circ}10'06''$ R=450.00' L=111.28' CL=110.99' TL=55.92'
(C)	$\Delta=021^{\circ}03'08''$ R=800.00' L=293.95' CL=292.29' TL=148.65'	(M)	$\Delta=025^{\circ}18'48''$ R=200.00' L=88.36' CL=87.64' TL=44.91'
(D)	$\Delta=039^{\circ}04'15''$ R=500.00' L=340.96' CL=334.39' TL=177.41'		
(E)	$\Delta=039^{\circ}04'12''$ R=800.00' L=545.62' CL=535.01' TL=283.85'		
(F)	$\Delta=034^{\circ}09'49''$ R=350.00' L=1015.63' CL=205.62' TL=107.55'		
(G)	$\Delta=006^{\circ}46'47''$ R=276.51' L=1015.63' CL=32.70' TL=16.38'		
(H)	$\Delta=016^{\circ}57'14''$ R=350.00' L=1012.89' CL=103.19' TL=52.16'		
(I)	$\Delta=016^{\circ}57'14''$ R=350.00' L=103.57' CL=103.19' TL=52.16'		
(J)	$\Delta=090^{\circ}00'00''$ R=113.50' L=178.29' CL=160.51' TL=113.50'		

BOUNDARY CURVE DATA

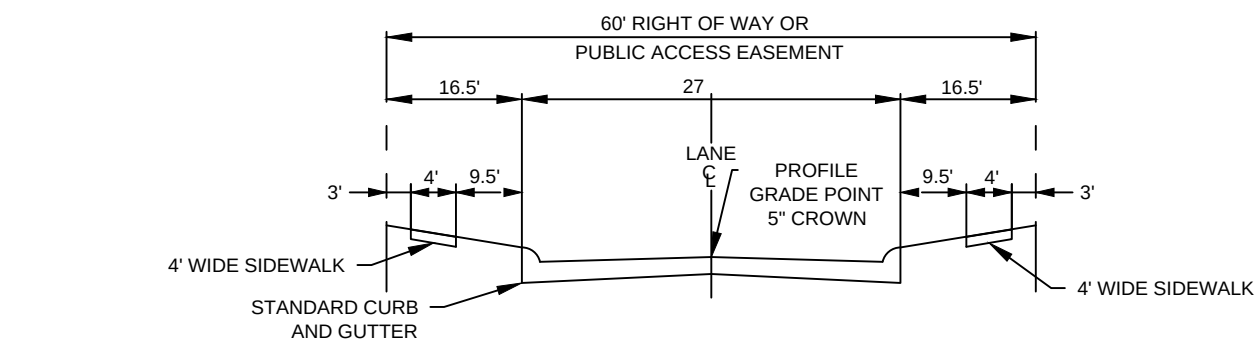
(1)	$\Delta=504^{\circ}13'$ R=2080.80' L=184.14' CL=184.08' TL=92.13' CB=N4°42'00"E	(8)	$\Delta=284^{\circ}38'$ R=2080.80' L=184.14' CL=184.08' TL=92.13' CB=S88°14'32"W
(2)	$\Delta=195^{\circ}37'$ R=2033.00' L=709.42' CL=705.83' TL=358.35' CB=N14°59'29"E	(9)	$\Delta=100^{\circ}47'37''$ R=86.50' L=152.17' CL=133.29' TL=104.55' CB=S60°05'32"W
(3)	$\Delta=224^{\circ}28'$ R=480.00' L=20.17' CL=44.38' TL=22.96' CB=N15°45'24"E	(10)	$\Delta=294^{\circ}34'00''$ R=86.50' L=20.17' CL=44.38' TL=22.96' CB=N15°45'24"E
(4)	$\Delta=150^{\circ}04'$ R=420.00' L=13.45' CL=13.45' TL=6.72' CB=S15°28'12"W	(11)	$\Delta=173^{\circ}05'2''$ R=371.73' L=113.63' CL=113.19' TL=57.26' CB=S32°25'36"W
(5)	$\Delta=1054^{\circ}59'$ R=930.00' L=177.19' CL=176.92' TL=88.86' CB=N14°29'34"W	(12)	$\Delta=142^{\circ}32'$ R=280.00' L=133.57' CL=120.69' TL=84.23' CB=S35°59'52"W
(6)	$\Delta=132^{\circ}50'$ R=930.00' L=120.44' CL=120.69' TL=84.23' CB=S75°35'50"W	(13)	$\Delta=882^{\circ}29'$ R=86.50' L=133.57' CL=120.69' TL=84.23' CB=S35°59'52"W
(7)	$\Delta=728^{\circ}13'$ R=930.00' L=120.44' CL=120.69' TL=84.23' CB=S75°35'50"W	(14)	$\Delta=1206^{\circ}23'$ R=430.00' L=90.86' CL=90.86' TL=45.60' CB=N83°45'12"E

GENERAL SITE NOTES

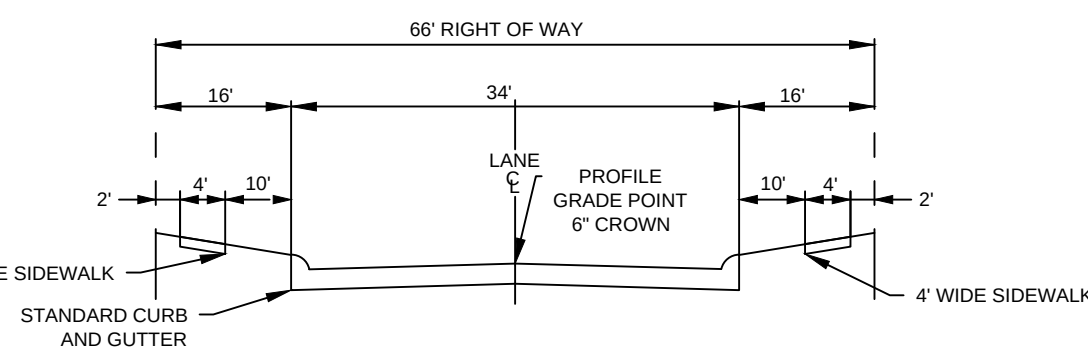
- ALL SANITARY SEWERS & WATER MAINS TO BE PUBLIC.
- ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
- ALL PAYING RADI TO BE 20' UNLESS OTHERWISE NOTED.
- DIRECT VEHICULAR ACCESS TO YANKEE HILL ROAD & SOUTH 40TH STREET IS RELINQUISHED EXCEPT AS SHOWN.
- ALL ELEVATIONS ARE BASED ON NAVD 1988.
- SIDEWALKS TO BE BUILT ALONG BOTH SIDES OF PUBLIC & PRIVATE STREETS.
- ALL SIDEWALKS SHALL BE 4' WIDE MINIMUM AND ALL SIDEWALK EASEMENTS SHALL BE 10' WIDE. (UNLESS OTHERWISE NOTED)
- CENTER ISLANDS IN CUL-DE-SACS, AND ROUNDABOUTS SHALL BE LANDSCAPED AND MAINTAINED BY PROPERTY OWNERS ASSOCIATION.
- AN ASSOCIATION SHALL BE ESTABLISHED TO MAINTAIN ALL OPEN SPACES.
- BUILDING LAYOUTS SHOWN ARE CONCEPTUAL AND MAY VARY AT THE TIME OF FINAL PLAT.
- ALL STREET DIMENSIONS ARE TO BACK OF CURB.
- EXACT LOCATIONS OF WATER, SEWER, DRAINAGE AND PAVING WILL BE SUBMITTED WITH INDIVIDUAL SITE PLANS AT TIME OF BUILDING PERMIT IN ACCORDANCE WITH CITY OF LINCOLN DESIGN STANDARDS.
- DETAILS OF ALL SIGNS, INCLUDING TYPE, HEIGHT AND SIZE, WILL BE SUBMITTED SEPARATELY FOR REVIEW WITH THE BUILDING PERMIT AND NEED NOT BE SHOWN ON THE PLAN, AND SHALL BE IN ACCORDANCE WITH LINCOLN MUNICIPAL CODE TITLE 22.
- AT TIME OF FINAL DESIGN AND FINAL PLATTING THE ROUNDABOUT WILL BE DESIGNED TO ACCOMMODATE A WB-50 VEHICLE AS PER DESIGN STANDARDS. ADDITIONAL RIGHT-OF-WAY MAY BE REQUIRED IF A LARGER RADI IS NEEDED FOR THESE VEHICLES.
- BUILDING LAYOUTS SHOWN ARE CONCEPTUAL AND MAY VARY AT TIME OF BUILDING PERMIT.
- BUILDINGS ARE ALLOWED ANYWHERE OUTSIDE OF THE SETBACKS.
- DWELLINGS, SCHOOLS, AND CHILDCARE FACILITIES ARE NOT ALLOWED IN THE PIPELINE PLANNING AREA.
- SIGNS NEED NOT BE SHOWN ON THIS PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE, AND MUST BE APPROVED BY BUILDING AND SAFETY DEPARTMENT PRIOR TO INSTALLATION.
- LANDSCAPING AROUND THE MOTORIZED VEHICLE DISPLAY AREAS WILL AT MINIMUM MEET THE DESIGN STANDARDS SCREENING/LANDSCAPING REQUIREMENTS FOR PARKING LOTS IN ADDITION TO ANY OTHER SCREENING/LANDSCAPING REQUIREMENTS FOR THIS SITE BY THE ZONING ORDINANCE OR DESIGN STANDARDS.
- SETBACKS ARE PER THE ZONING DISTRICT OF THE OVERLYING ZONING AREA INDICATED, EXCEPT AS SHOWN ON THE SITE PLAN.
- DEVELOPMENT TO COMPLY WITH THE DESIGN STANDARDS FOR PEDESTRIAN CIRCULATION IN COMMERCIAL AND INDUSTRIAL AREAS AS APPLICABLE AT THE TIME OF BUILDING PERMITS.
- AVAILABLE FLOOR AREA IN THE H-4 AREA IS 284,050 SF.
- DEVELOPER AGREES TO DONATE ANY TEMPORARY AND PERMANENT EASEMENT FOR CONSTRUCTION OF TRAIL AND ASSOCIATED IMPROVEMENTS AT THE TIME THE PROJECT IS DESIGNED AND CONSTRUCTED.
- A FLOODPLAIN DEVELOPMENT PERMIT IS REQUIRED PRIOR TO ANY GRADING IN THE FLOODPLAIN.
- AFTER GRADING AND PRIOR TO FINAL PLAT, A LETTER OF MAP REVISION FROM FEMA NEEDS TO BE OBTAINED AND SUBMITTED TO THE CITY REFLECTING FINAL GRADES AND THE NEW FLOODPLAIN (LOTS WITH ANY PORTION CURRENTLY LOCATED WITHIN THE FLOODPLAIN MAY NOT BE FINAL PLATTED UNTIL LOMR HAS BEEN APPROVED).
- A 404 PERMIT MUST BE OBTAINED FROM THE CORPS OF ENGINEERS TO IMPACT WETLANDS OR WATERS OF THE US.
- ALL PROPOSED BUILDABLE LOTS UPSTREAM OF WILDERNESS HILLS BLVD LOCATED CURRENTLY IN THE FLOODPLAIN OR PROPOSED FLOODPLAIN MAY NOT BE FINAL PLATTED UNTIL A LOMR HAS BEEN APPROVED.
- SEE WILDERNESS HILLS DEVELOPMENT REPORT AND MODELING, LAST UPDATED WITH AA18004.
- A CLOMR (CONDITIONAL LETTER OF MAP REVISION) MUST BE OBTAINED FOR WILDERNESS HILLS BLVD CROSSING AND MODIFICATION TO THE FLOODPLAIN. NO WORK OF THIS CROSSING NOR GRADING SHALL OCCUR IN THE AFFECTED PROPOSED FLOODPLAIN UNTIL THE CLOMR IS OBTAINED.

WAIVERS

- ALLOW DOUBLE FRONTAGE LOTS.
- MINIMUM ROADWAY TANGENT LENGTH BETWEEN HORIZONTAL CURVES.
- MINIMUM ROADWAY INTERSECTION TANGENT LENGTH.
- MINIMUM ROADWAY CENTERLINE RADIUS.
- TO INCREASE BUILDING HEIGHT MAXIMUM 55 FT FOR R-5 ZONING AREA.
- TO REDUCE REAR SETBACK TO 10' FOR R-5 ZONING AREA.
- TO REDUCE FRONT YARD SETBACK FROM 20' TO 15' FOR LOT 18, BLOCK 5



60' R.O.W. TYPICAL ROADWAY CROSS SECTION
(S. 34TH, S. 35TH, S. 37TH RESIDENTIAL, S. 38TH, S. 39TH)
(WILDERNESS HILLS, HOHENSEE, BROADBEAR, TWIN CREEK, CRESCENT)
NOT TO SCALE



66' R.O.W. TYPICAL ROADWAY CROSS SECTION
(S. 37TH STREET COMMERCIAL, CRESCENT DRIVE)
NOT TO SCALE

olsson

601 P Street, Suite 200
P.O. Box 6698
Lincoln, NE 68508
TEL 402.474.6311
WWW.OLSSON.COM

REVISIONS

REV	DATE	DESCRIPTION
1	7-2-19	JACQUES EASEMENT REVISION
2	7-2-19	REVISION TO SITE PLAN
3	7-2-19	ADDRESS CITY PLANNING AND ZONING COMMENTS
4	7-24-19	REVISION TO SITE PLAN
5	7-24-19	REVISION TO SITE PLAN
6	7-24-19	REVISION TO SITE PLAN
7	12-01-20	REVISION TO SITE PLAN
8	12-01-20	REVISION TO SITE PLAN
9	12-21-20	REVISION TO SITE PLAN

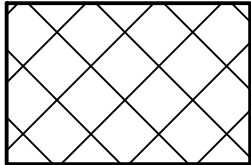
SITE PLAN
ADMINISTRATIVE AMENDMENT TO
WILDERNESS CREEK PUD

2019

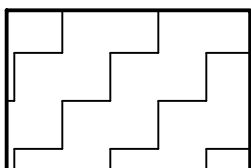
drawn by:	MBC
checked by:	BAL
approved by:	B3M
checked by:	B3M
project no.:	015-0628
drawing no.:	12.21.20

WILDERNESS CREEK PUD
DEVELOPMENT PLAN

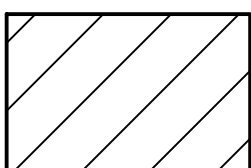
ZONING DESIGNATION
AREAS LEGEND



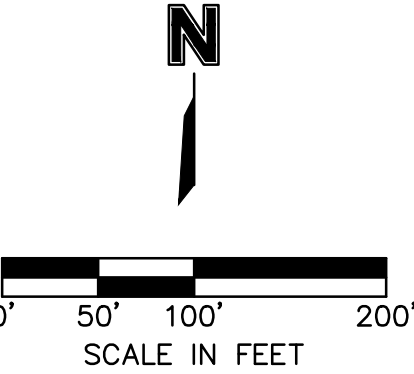
H-4



R-3



R-5



LEGAL DESCRIPTION

I HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED THE SUBDIVISION TO BE KNOWN AS WILDERNESS CREEK ADDITION, A SUBDIVISION COMPOSED OF WILDERNESS CREEK ADDITION AND WILDERNESS CREEK 2ND ADDITION, LOCATED IN THE NORTH HALF 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:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., THENCE WESTERLY ON THE NORTH LINE OF SAID NORTHEAST QUARTER ON AN ASSUMED BEARING OF N89°04'24"W A DISTANCE OF 86.02 TO A POINT; THENCE S01°54'18"W A DISTANCE OF 80.00 TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF YANKEE HILL ROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE S44°02'26"E ALONG THE SOUTHWEST RIGHT-OF-WAY LINE OF SOUTH 40TH STREET, A DISTANCE OF 41.88 TO A POINT BEING 59.03 WEST OF THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE S01°27'40"E ALONG THE WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 365.03 TO A POINT, SAID POINT BEING 50.00 WEST OF THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE S00°02'40"E ALONG THE WEST LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00 WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 600.00 TO A POINT; THENCE S03°11'53"W ALONG THE WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 176.78 TO A POINT, SAID POINT BEING 60.00 WEST OF THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE S03°11'53"W ALONG THE WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 88.39 TO A POINT; THENCE S08°22'21"E ALONG THE WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 138.00 TO A POINT; THENCE S00°02'40"E ALONG THE WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 87.23 TO A POINT; THENCE N89°48'24"W A DISTANCE OF 238.41 TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 12°06'23" A RADIUS OF 430.00, AN ARC LENGTH OF 90.86, A CHORD LENGTH OF 90.69, A TANGENT LENGTH OF 45.60, AND A CHORD BEARING OF N83°40'12"W TO A POINT; THENCE S29°03'35"W A DISTANCE OF 1075.77 TO A POINT; THENCE N82°42'50"W A DISTANCE OF 137.07 TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 88°28'29" A RADIUS OF 86.50, AN ARC LENGTH OF 133.57, A CHORD LENGTH OF 120.69, A TANGENT LENGTH OF 84.23, AND A CHORD BEARING OF N85°59'26"W TO A POINT; THENCE N10°31'41"W A DISTANCE OF 114.74 TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 14°23'23" A RADIUS OF 280.00, AN ARC LENGTH OF 70.82, A CHORD LENGTH OF 70.82, A TANGENT LENGTH OF 35.80, AND A CHORD BEARING OF N17°46'27"W TO A POINT; THENCE N89°22'01"E A DISTANCE OF 129.18 TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 17°30'52" A RADIUS OF 371.73, AN ARC LENGTH OF 113.83, A CHORD LENGTH OF 113.39, A TANGENT LENGTH OF 57.20, AND A CHORD BEARING OF N82°25'38"W TO A POINT; THENCE N40°45'59"W A DISTANCE OF 703.23 TO A POINT; THENCE N21°05'45"W A DISTANCE OF 42.25 TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF HOHENSEE DRIVE; THENCE S68°54'15"W ON THE SOUTH RIGHT-OF-WAY LINE OF HOHENSEE DRIVE, A DISTANCE OF 114.64 TO A POINT, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 29°43'40" A RADIUS OF 86.50, AN ARC LENGTH OF 44.88 ON THE SOUTH RIGHT-OF-WAY LINE OF HOHENSEE DRIVE, A CHORD LENGTH OF 44.39, A TANGENT LENGTH OF 22.86, AND A CHORD BEARING OF S14°03'04"W TO A POINT; THENCE S40°46'55"E ON THE SOUTH RIGHT-OF-WAY LINE OF HOHENSEE DRIVE, A DISTANCE OF 18.91 TO A POINT; THENCE S49°13'09"W ON THE SOUTH RIGHT-OF-WAY LINE OF HOHENSEE DRIVE, A DISTANCE OF 60.00 TO A POINT; THENCE N40°49'59"W ON THE SOUTH RIGHT-OF-WAY LINE OF HOHENSEE DRIVE, A DISTANCE OF 18.91 TO A POINT, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 100°47'37" A RADIUS OF 86.50, AN ARC LENGTH OF 152.17 ON THE SOUTH RIGHT-OF-WAY LINE OF HOHENSEE DRIVE, A CHORD LENGTH OF 133.29, A TANGENT LENGTH OF 104.55, AND A CHORD BEARING OF N80°05'32"W TO A POINT; THENCE N79°24'09"W ON THE SOUTH RIGHT-OF-WAY LINE OF HOHENSEE DRIVE, A DISTANCE OF 38.10 TO A POINT, SAID POINT BEING A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 28°42'38" A RADIUS OF 28.62 ON THE SOUTH RIGHT-OF-WAY LINE OF HOHENSEE DRIVE, A CHORD LENGTH OF 282.64, A TANGENT LENGTH OF 145.88, AND A CHORD BEARING OF S88°14'32"W TO A POINT, SAID POINT BEING A POINT OF REVERSE CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 07°25'13" A RADIUS OF 930.00, AN ARC LENGTH OF 120.44 ON THE SOUTH RIGHT-OF-WAY LINE OF HOHENSEE DRIVE, A CHORD LENGTH OF 120.38, A TANGENT LENGTH OF 60.37, AND A CHORD BEARING OF S75°35'50"W TO A POINT; THENCE S08°50'33"E ON THE SOUTH RIGHT-OF-WAY LINE OF HOHENSEE DRIVE, A DISTANCE OF 13.38 TO A POINT; THENCE S81°09'21"W ON THE SOUTH RIGHT-OF-WAY LINE OF HOHENSEE DRIVE, A DISTANCE OF 60.00 TO A POINT; THENCE N89°59'39"W ON THE SOUTH RIGHT-OF-WAY LINE OF HOHENSEE DRIVE, A DISTANCE OF 13.38 TO A POINT, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 13°20'37" A RADIUS OF 390.00, AN ARC LENGTH OF 216.65 ON THE SOUTH RIGHT-OF-WAY LINE OF HOHENSEE DRIVE, A CHORD LENGTH OF 216.16, A TANGENT LENGTH OF 108.82, AND A CHORD BEARING OF S89°40'41"W TO A POINT; THENCE S88°12'01"W ON THE SOUTH RIGHT-OF-WAY LINE OF HOHENSEE DRIVE, A DISTANCE OF 13.38 TO A POINT; THENCE N81°47'59"W ON THE SOUTH RIGHT-OF-WAY LINE OF HOHENSEE DRIVE, A DISTANCE OF 60.00 TO A POINT; THENCE N88°12'01"E ON THE SOUTH RIGHT-OF-WAY LINE OF HOHENSEE DRIVE, A DISTANCE OF 13.38 TO A POINT, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 10°54'59" A RADIUS OF 390.00, AN ARC LENGTH OF 177.19 ON THE SOUTH RIGHT-OF-WAY LINE OF HOHENSEE DRIVE, A CHORD LENGTH OF 176.92, A TANGENT LENGTH OF 88.89, AND A CHORD BEARING OF N74°29'44"W TO A POINT; THENCE N89°02'09"W ON THE SOUTH RIGHT-OF-WAY LINE OF HOHENSEE DRIVE, A DISTANCE OF 71.82 TO A POINT, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 02°24'28" A RADIUS OF 480.00, AN ARC LENGTH OF 20.17 ON THE SOUTH RIGHT-OF-WAY LINE OF HOHENSEE DRIVE, A CHORD LENGTH OF 20.17, A TANGENT LENGTH OF 10.09, AND A CHORD BEARING OF N81°47'59"W TO A POINT; THENCE N81°47'59"W ON THE SOUTH RIGHT-OF-WAY LINE OF HOHENSEE DRIVE, A DISTANCE OF 131.87 TO A POINT, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF WILDERNESS HILLS BOULEVARD; THENCE N20°28'27"E ON THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 74.84 TO A POINT; THENCE N88°37'18"W ON A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 8.02 TO A POINT, SAID POINT BEING ON A EAST RIGHT-OF-WAY LINE OF SOUTH 25TH STREET; THENCE N84°59'23"E ON THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 163.80 TO A POINT, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 19°59'37" A RADIUS OF 2,033.00, AN ARC LENGTH OF 709.42 ON THE EAST LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 705.83, A TANGENT LENGTH OF 358.35, AND A CHORD BEARING OF N14°59'26"E TO A POINT, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 05°04'13" A RADIUS OF 2,080.80, AN ARC LENGTH OF 184.14 ON THE EAST LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 184.08, A TANGENT LENGTH OF 92.13, AND A CHORD BEARING OF N64°42'00"E TO A POINT; THENCE N02°00'50"E ON THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 106.80 TO A POINT; THENCE N00°00'50"W ON THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 140.12 TO A POINT; THENCE S88°35'37"W ON THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 0.97 TO A POINT; THENCE N01°15'19"W ON THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 27.86 TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF YANKEE HILL ROAD, SAID POINT ALSO BEING 60.00 SOUTH OF THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 30; THENCE N88°49'33"E ON THE SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 60.00 SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 99.10 TO A POINT; THENCE S88°09'42"E ON THE SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 60.00 SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 30, A DISTANCE OF 2,554.53 TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 4,802,703.72 SQUARE FEET OR 105.66 ACRES, MORE OR LESS.

ZONING DESIGNATION AREAS NOTES

1. THE R-3, R-5, & H-4 ZONING DESIGNATION AREAS FOLLOW THE LMC TITLE 27 REGULATIONS FOR THE R-3, R-5, & H-4 ZONING DISTRICTS RESPECTIVELY UNLESS OTHERWISE NOTED ON THE PUD.
2. ADJUSTMENTS IN THE LOCATION OF THE ZONING DESIGNATION BOUNDARIES MAY BE APPROVED BY ADMINISTRATIVE AMENDMENT.

olsson

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Lincoln, NE 68508
TEL 402.474.6311
www.olsson.com

REV. NO.	DATE	REVISIONS DESCRIPTION
1	2-24-17	SIGN REGULATIONS CLARIFICATION
2	7-24-18	REVISIONS TO ZONING LIMITS
3	7-24-18	REVISIONS TO ZONING LIMITS
4	7-24-18	REVISIONS TO ZONING LIMITS
5	7-24-18	REVISIONS TO ZONING LIMITS
6	7-24-18	REVISIONS TO ZONING LIMITS
7	7-24-18	REVISIONS TO ZONING LIMITS
8	7-24-18	REVISIONS TO ZONING LIMITS
9	7-24-18	REVISIONS TO ZONING LIMITS

DEVELOPMENT PLAN
ADMINISTRATIVE AMENDMENT TO
WILDERNESS CREEK PUD

drawn by: MRC
checked by: BML
approved by: BML
checked by: BML
project no.: 015-0626
drawing no.: 12.21.20
date: 12.21.20

DESCRIPTION

A LEGAL DESCRIPTION OF THIS PUD IS COMPOSED OF LOTS 1 THROUGH 3, BLOCK 1, LOT 1, BLOCK 2, LOT 1, BLOCK 3, AND OUTLOTS "A", "B", AND "C", WILDERNESS CREEK ADDITION; LOTS 1 THROUGH 20, BLOCK 1, LOTS 1 THROUGH 18, BLOCK 2, LOTS 1 THROUGH 14, BLOCK 3, AND OUTLOTS "A", "B" AND "C", WILDERNESS CREEK 1ST ADDITION; LOT 1 AND OUTLOT "A", WILDERNESS CREEK 3RD ADDITION; LOT 1 AND OUTLOT "A" WILDERNESS CREEK 4TH ADDITION; AND LOT 1, WILDERNESS CREEK 5TH ADDITION, LOCATED IN THE NORTH HALF 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:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M.; THENCE WESTERLY ON THE NORTH LINE OF SAID NORTHEAST QUARTER ON AN ASSUMED BEARING OF N88°05'42"W, A DISTANCE OF 86.02' TO A POINT; THENCE S01°54'18"W, A DISTANCE OF 60.00' TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF YANKEE HILL ROAD, SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE S44°05'25"E, ALONG THE SOUTHWEST RIGHT-OF-WAY LINE OF SOUTH 40TH STREET, A DISTANCE OF 41.68' TO A POINT BEING 59.03' WEST OF THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE S01°27'46"E, ALONG THE WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 365.03' TO A POINT, SAID POINT BEING 50.00' WEST OF THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE S00°02'40"E, ALONG THE WEST LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00' WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 600.00' TO A POINT; THENCE S03°11'53"W, ALONG THE WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 176.78' TO A POINT, SAID POINT BEING 60.00' WEST OF THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE S03°11'53"W, ALONG THE WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 88.39' TO A POINT; THENCE S06°22'21"E, ALONG THE WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 136.09' TO A POINT; THENCE S00°02'40"E, ALONG THE WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 87.23' TO A POINT; THENCE N89°48'24"W, A DISTANCE OF 218.41' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 12°06'23", A RADIUS OF 430.00', AN ARC LENGTH OF 90.86', A CHORD LENGTH OF 90.69', A TANGENT LENGTH OF 45.60', AND A CHORD BEARING OF N83°45'12"W, TO A POINT; THENCE S29°03'35"W, A DISTANCE OF 1075.77' TO A POINT; THENCE N52°42'43"W, A DISTANCE OF 117.07' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 88°28'29", A RADIUS OF 86.50', AN ARC LENGTH OF 133.57', A CHORD LENGTH OF 120.69', A TANGENT LENGTH OF 84.23', AND A CHORD BEARING OF N35°59'52"W, TO A POINT; THENCE N10°31'41"W, A DISTANCE OF 114.74' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 14°29'32", A RADIUS OF 280.00', AN ARC LENGTH OF 70.82', A CHORD LENGTH OF 70.63', A TANGENT LENGTH OF 35.60', AND A CHORD BEARING OF N17°46'27"W, TO A POINT; THENCE N65°22'01"E, A DISTANCE OF 129.18' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 17°30'52", A RADIUS OF 371.73', AN ARC LENGTH OF 113.63', A CHORD LENGTH OF 113.19', A TANGENT LENGTH OF

57.26', AND A CHORD BEARING OF N32°25'36"W, TO A POINT; THENCE N40°46'55"E, A DISTANCE OF 703.23' TO A POINT; THENCE N21°05'45"W, A DISTANCE OF 42.23' TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF HOHENSEE DRIVE; THENCE S68°54'15"W, ON THE SOUTH RIGHT-OF-WAY LINE OF HOHENSEE DRIVE, A DISTANCE OF 114.64 TO A POINT, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 29°43'40", A RADIUS OF 86.50', AN ARC LENGTH OF 44.88' ON THE SOUTH RIGHT-OF-WAY LINE OF WILDERNESS HILLS DRIVE, A CHORD LENGTH OF 44.38', A TANGENT LENGTH OF 22.96', AND A CHORD BEARING OF S14°03'40"W TO A POINT; THENCE S40°46'55"E, ON THE SOUTH RIGHT-OF-WAY LINE OF WILDERNESS HILLS DRIVE, A DISTANCE OF 18.91' TO A POINT; THENCE S49°13'05"W, ON THE SOUTH RIGHT-OF-WAY LINE OF WILDERNESS HILLS DRIVE, A DISTANCE OF 60.00' TO A POINT; THENCE N40°46'55"W, ON THE SOUTH RIGHT-OF-WAY LINE OF WILDERNESS HILLS DRIVE, A DISTANCE OF 18.91' TO A POINT, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 100°47'37", A RADIUS OF 86.50', AN ARC LENGTH OF 152.17' ON THE SOUTH RIGHT-OF-WAY LINE OF WILDERNESS HILLS DRIVE, A CHORD LENGTH OF 133.29', A TANGENT LENGTH OF 104.55', AND A CHORD BEARING OF N60°05'32"W TO A POINT; THENCE N79°24'09"W, ON THE SOUTH RIGHT-OF-WAY LINE OF WILDERNESS HILLS DRIVE, A DISTANCE OF 39.10' TO A POINT, SAID POINT BEING A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 28°42'38", A RADIUS OF 570.00', AN ARC LENGTH OF 285.62' ON THE SOUTH RIGHT-OF-WAY LINE OF WILDERNESS HILLS DRIVE, A CHORD LENGTH OF 282.64', A TANGENT LENGTH OF 145.88', AND A CHORD BEARING OF S86°14'32"W, TO A POINT, SAID POINT BEING A POINT OF REVERSE CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 07°25'13", A RADIUS OF 930.00', AN ARC LENGTH OF 120.44' ON THE SOUTH RIGHT-OF-WAY LINE OF WILDERNESS HILLS DRIVE, A CHORD LENGTH OF 120.36', A TANGENT LENGTH OF 60.31', AND A CHORD BEARING OF S75°35'50"W TO A POINT; THENCE S08°50'39"E, ON THE EAST RIGHT-OF-WAY LINE OF CASTLE PINE DRIVE, A DISTANCE OF 13.38' TO A POINT; THENCE S81°09'21"W, ON THE SOUTH RIGHT-OF-WAY LINE OF CASTLE PINE DRIVE, A DISTANCE OF 60.00' TO A POINT; THENCE N08°50'39"W, ON THE WEST RIGHT-OF-WAY LINE OF CASTLE PINE DRIVE, A DISTANCE OF 13.38' TO A POINT, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 13°20'50", A RADIUS OF 930.00', AN ARC LENGTH OF 216.65' ON THE SOUTH RIGHT-OF-WAY LINE OF WILDERNESS HILLS DRIVE, A CHORD LENGTH OF 216.16', A TANGENT LENGTH OF 108.82', AND A CHORD BEARING OF S89°40'41"W TO A POINT; THENCE S08°12'01"W, ON THE EAST RIGHT-OF-WAY LINE OF WILDERNESS SKY DRIVE, A DISTANCE OF 13.38' TO A POINT; THENCE N81°47'59"W, ON THE SOUTH RIGHT-OF-WAY LINE OF WILDERNESS SKY DRIVE, A DISTANCE OF 60.00' TO A POINT; THENCE N08°12'01"E, ON THE WEST RIGHT-OF-WAY LINE OF WILDERNESS SKY DRIVE, A DISTANCE OF 13.38' TO A POINT, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 10°54'59", A RADIUS OF 930.00', AN ARC LENGTH OF 177.19' ON THE SOUTH RIGHT-OF-WAY LINE OF WILDERNESS HILLS DRIVE, A CHORD LENGTH OF 176.92', A TANGENT LENGTH OF 88.86', AND A CHORD BEARING OF N74°29'34"W TO A POINT; THENCE N69°02'05"W, ON THE SOUTH RIGHT-OF-WAY

LINE OF WILDERNESS HILLS DRIVE, A DISTANCE OF 71.82' TO A POINT, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 01°50'04", A RADIUS OF 420.00', AN ARC LENGTH OF 13.45' ON THE EAST RIGHT-OF-WAY LINE OF GREEN VALLEY LANE, A CHORD LENGTH OF 13.45', A TANGENT LENGTH OF 6.72', AND A CHORD BEARING OF S15°28'12"W TO A POINT; THENCE N75°26'50"W, ON THE SOUTH RIGHT-OF-WAY LINE OF GREEN VALLEY LANE, A DISTANCE OF 60.00' TO A POINT, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 02°24'28", A RADIUS OF 480.00', AN ARC LENGTH OF 20.17' ON THE WEST RIGHT-OF-WAY LINE OF GREEN VALLEY LANE, A CHORD LENGTH OF 20.17', A TANGENT LENGTH OF 10.09', AND A CHORD BEARING OF N15°45'24"E TO A POINT; THENCE N69°02'05"W, ON THE SOUTH RIGHT-OF-WAY LINE OF WILDERNESS HILLS DRIVE, A DISTANCE OF 191.87' TO A POINT, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF WILDERNESS HILLS BOULEVARD; THENCE N20°28'27"E, ON THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 74.84' TO A POINT; THENCE N68°37'18"W, ON A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 8.02' TO A POINT, SAID POINT BEING ON A EAST RIGHT-OF-WAY LINE OF SOUTH 33RD STREET; THENCE N24°56'23"E, ON THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 163.90' TO A POINT, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 19°59'37", A RADIUS OF 2,033.00', AN ARC LENGTH OF 709.42' ON THE EAST LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 705.83', A TANGENT LENGTH OF 358.35', AND A CHORD BEARING OF N14°59'29"E TO A POINT, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 05°04'13", A RADIUS OF 2,080.80', AN ARC LENGTH OF 184.14' ON THE EAST LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 184.08', A TANGENT LENGTH OF 92.13', AND A CHORD BEARING OF N04°42'00"E TO A POINT; THENCE N02°00'50"E, ON THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 106.88' TO A POINT; THENCE N00°00'35"W, ON THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 140.13' TO A POINT; THENCE S89°35'37"W, ON THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 0.97' TO A POINT; THENCE N01°15'19"W, ON THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 27.86' TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF YANKEE HILL ROAD, SAID POINT ALSO BEING 60.00' SOUTH OF THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 30; THENCE N88°45'33"E, ON THE SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 60.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 99.10' TO A POINT; THENCE S88°05'42"E, ON THE SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 60.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 30, A DISTANCE OF 2,554.53' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 4,602,703.72 SQUARE FEET OR 105.66 ACRES, MORE OR LESS.



December 21, 2020

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

Re: Wilderness Creek R-3 PUD
Applications for Amendment to Wilderness Creek PUD
Olsson Project No. 015-0265, 020-2297

Dear Mr. Cary,

On behalf of Lincoln Federal Bancorp, Inc, we are submitting this application for an amendment to the Wilderness Creek R-3 PUD.

The plans are being updated with the following changes:

- Revise the zoning area from R-3 to R-5 for the area located north of Wilderness Hills BLVD and east of S. 33rd St, now Lot 1, Block 8 on the Prelim Plat
- Removed 18 townhome lots and 58 single family lots and proposing a 480-unit multifamily complex in its place. Max Density in R-5 allows 29.04 units per acre. Proposed lot is 23.34 acres allowing 677 units. We would also propose to extend all previously approved waivers for the R-5 areas to be extended to the new proposed R-5 area.

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

1. City of Lincoln Application, including:
2. PUD Site Plan
3. Application fees in the amount of \$3,295.00 (Max Fee)

Plans and other supporting documents will be submitted to ProjectDox upon notification from the Planning Staff. We appreciate your consideration of the above request and look forward to working with you on this proposed Administrative Amendment to Wilderness Creek PUD. If you require further information or have any questions, please do not hesitate to contact me at bmarshall@olsson.com or (402) 458-5672.

Sincerely,

A handwritten signature in blue ink that reads "Brad Marshall". The signature is written in a cursive, flowing style.

Brad Marshall

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 #20008FINAL ACTION?
NoPLANNING COMMISSION HEARING DATE
January 20, 2021RELATED APPLICATIONS
None**RECOMMENDATION: APPROVAL OF TWO REVISIONS****BRIEF SUMMARY OF REQUEST**

This request is from the Lancaster County Board to amend the County zoning regulations regarding wind turbines. The County Board has directed the Lincoln/ Lancaster County Planning Department to develop and propose the following revisions to Section 13.048 Commercial Wind Energy Conversion System (CWECS):

1. Reducing the setback to a non-participating dwelling unit described in Section 13.048 g 2
2. Revising or eliminating the setbacks described in Section 13.048 h.
3. Revising the sound regulations described in Section 13.048 i., including eliminating the daytime/ nighttime distinction and providing a single sound threshold.
4. Clarifying that the noise study required by Section 13.048 j. shall be completed by a third party.

JUSTIFICATION FOR RECOMMENDATION

The change to the setback in Section g and the clarification to the noise study are appropriate. The setback in Section 13.048 g is not oriented to public health, but instead to visual impact. Revising the setback to the original recommendation and pre-2019 standard of 3.5 times turbine height is appropriate. The revision for the noise study being done by a third party is a minor but useful clarification to the original intent.

The key protection of the public health is the noise standard. In the past the Lincoln-Lancaster County Health Department (LLCHD) spent considerable time and research on scientific peer-reviewed evidence relative to wind turbine noise and reported annoyance for non-participating properties. The scientific research and papers reviewed by the LLCHD indicate that participating property owners report much less annoyance relative to non-participating property owners that are exposed to wind turbine noise. Annoyance is the primary health concern related to wind turbine noise as this sensation can lead to sleep deprivation, stress, and potentially other negative health outcomes.

Given the importance of combating the pandemic and distributing the vaccines to the public, the top priority of the Health Department and the community is on these two efforts. Also, the required deadline for holding the Planning Commission hearing on January 20th, 2021, did not provide enough time for research to verify if anything has significantly changed in the past two years related to the noise standard.

APPLICATION CONTACT

Lancaster County Board

STAFF CONTACTStephen Henrichsen, (402) 441-6374 or
shenrichsen@lincoln.ne.gov

In addition, any proposed change to the noise standard should be made available to the public in advance of public hearings for review and discussion. Previous efforts related to wind turbines included significant public information efforts. Due to the challenges of the pandemic and the deadline to hold a public hearing, there hasn't been adequate time for a similar public information process.

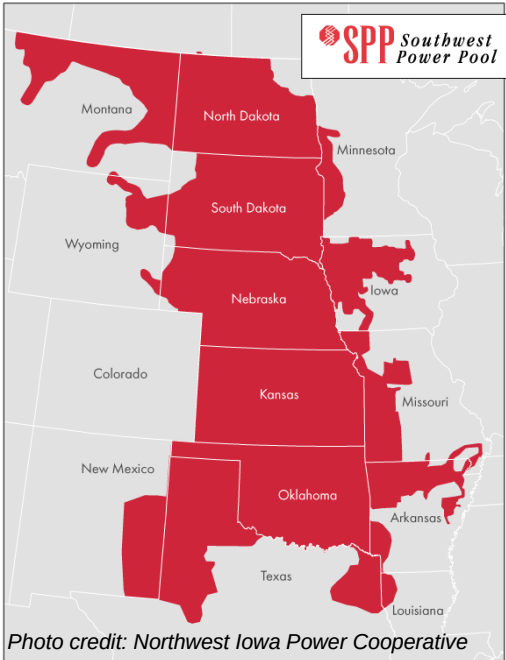
COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan encourages renewable energy, but not at the cost of the health of surrounding property owners. The previously adopted noise standards protect the public's health. At this time, there is not sufficient evidence to support increasing the noise standard. In 2015 and 2018, Health Department staff spent a considerable amount of time reviewing the research and talking with experts about the impacts of noise on public health. Given the serious health impacts of the pandemic, there has not been sufficient time to conduct this review again. What limited review that was performed within the time constraints did not provide definitive support for increasing the noise standard.

Lancaster County is not like other counties in the state. There are a significant number of houses scattered throughout the County. As of November 2020, there were over 8,670 dwelling units in Lancaster County outside of Lincoln and the other incorporated communities. These residents should be protected from the negative impacts of adjacent land uses. As an example of a recent change to Lancaster County regulations that protects rural residents from potential negative impacts of an adjacent land use, Lancaster County recently instituted significant setbacks of 1 to 1.5 miles to medium or large size confined animal feeding operations (AFO). The residents near wind turbines who decline to participate in the project should be afforded protection of their property and health. The County has afforded such protection for the residents near an AFO.

Even without large commercial grade wind turbine projects locating in Lancaster County, the community can still support this use by purchasing renewable energy. The City and County also have regulations that allow smaller size turbines for personal or business use. There can still be protection of residents and support for renewable energy. While maintaining the current noise standard might make locating a commercial grade wind energy project in our County more difficult, a company seeking to build such a project continues to have the option to sign up residents to participate in the project and therefore allow for the higher noise standard to be used. The health of residents who decline to participate in such a project should remain protected by keeping the current noise standard.

Additionally, it is worth noting that every public utility providing electrical power in Lancaster County is a member of the Southwest Power Pool (SPP), and the power provided to residents and businesses comes from generation resources in the SPP. The share of electricity generated in the SPP by wind has steadily grown from 5.56% of total electrical generation in 2011 to 31.22% of total electrical generation in 2020, surpassing coal-powered electrical generation for the first time (30.94% from coal in 2020). Because Lancaster County's electricity is being delivered by the SPP, continued growth of wind energy generation in the SPP means county residents can continue to receive an increasing amount of electricity from renewable sources, achieving goals in the 2040 Comprehensive Plan that will be discussed in the following section.



KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

The importance of building sustainable communities — communities that conserve and efficiently utilize our economic, social, and environmental resources so that the welfare of future generations is not compromised — has long been recognized. This concept has grown in importance with increased understanding of the limits to energy supplies and community resources, the likelihood that energy costs will continue to increase in the future, the climatic impacts of energy consumption, and the impacts on the physical and economic health of the community. LPlan 2040 describes a community that values natural and human resources, supports advances in technology, and encourages development that improves the health and quality of life of all citizens. (P.1.4)

Efforts are made to attract new and expanding industries that serve the emerging markets for more sustainable products and services. (P. 1.5)

LPlan 2040 supports the preservation of land in the bulk of the County for agricultural and natural resource purposes. (p.7.12)

Promote renewable energy sources. (P. 11.2)

Lincoln must develop a comprehensive strategy of fuel diversity and encourage conservation, alternative forms of energy and modern energy technologies. (P. 11.3)

Energy from renewable resources such as solar, geothermal, and wind technologies generally does not contribute to climate change or local air pollution and generally conserves nonrenewable resources. (P. 11.4)

Continue to encourage and expand wind and solar access to buildings and other land uses. (P. 11.7)

ANALYSIS

1. The direction from the County Board to draft new regulations was approved on November 10th as per the attached letter. Originally this request identified the December 16th Planning Commission agenda for public hearing. However, on December 8th, the County Board noted that “since the time of our letter the local public health emergency has intensified, making it impracticable for the Health Department to devote sufficient time to the review of these amendments before December 16, 2020.” Their request was amended to be on the Planning Commission agenda for public hearing on Wednesday, January 20, 2021. As of January 11th, the Lincoln-Lancaster County ‘COVID Risk Dial’ has remained in the ‘Red’ category for several weeks, indicating an ongoing severe risk of spread of COVID-19. Given the public health challenges at this time, both the Health Department and the Planning Department believe that such changes to the wind energy regulations should be delayed until the pandemic situation has significantly improved, thus allowing for research and a public information process similar to past efforts.

Background on Wind Energy Regulations: Text Amendment #15009 of 2015

2. In 2015 a Working Group was formed to revise the text that permits commercial wind energy projects with adequate protection of property owners and residents. Six public meetings were held between March and May of 2015, and significant information was available on the Planning Department website for review. The outcome of the meetings was a draft text that was presented to Planning Commission at their public hearing on August 19, 2015. This process resulted in the text amendment approved in November 2015.
3. The current regulations provide protection to non-participating property owners by the following aspects:
 - a. Shadow flicker—shadow flicker shall not fall upon any non-participating dwelling for more than a total of 30 hours per any calendar year.
 - b. Setbacks- the setback shall be 2 times the turbine height measured to the property line, or 5 times the turbine height measured to the closest exterior wall of the dwelling, whichever is greater. The turbine must be a minimum of 1,000 feet from the property line.

- c. Noise- No turbine shall exceed 40 dBA maximum 10-minute L_{eq} between the hours of 7:00 a.m. to 10:00 p.m. and 37 dBA maximum 10-minute L_{eq} from the hours of 10:00 p.m. to 7:00 a.m. L_{eq} is the average noise level over a specified time period.
 - d. There shall be a minimum 3-acre area within a lot that is not affected by setbacks or noise levels of a turbine.
4. The text amendment established other provisions such as decommissioning, protection of endangered species and view corridors, road maintenance agreements, noise monitoring and complaints. These provisions are not under consideration for revision by the current request.

Text Amendment #18011 of 2018-2019

- 5. In November 2018, the applicant, NextEra, requested to amend Section 13.048 Commercial Wind Energy Conversion Systems to add text that would allow a participating property to have a higher noise level. Noise levels for non-participating properties remained unchanged. Initially the applicant had requested a change to the setbacks, but that was withdrawn. A participating owner is one who has signed a contract with a wind energy developer, even though a turbine may not be located on their property. They are compensated for any potential impact and are considered a participating property for the purposes of this regulation.
- 6. The 2018 application requested a 10-minute maximum L_{eq} noise limit of 50 dBA for all hours of the day and night for participating owners. This means that in any 10 consecutive minutes throughout the day and night the noise level cannot exceed 50 dBA on average.
- 7. The Lincoln-Lancaster County Health Department (LLCHD) recommended approval for the proposed text change that establishes a 50 dBA maximum 10-minute L_{eq} for all hours of the day and night for participating properties. The key justification for this recommendation lies with the LLCHD recognizing the scientific peer-reviewed evidence relative to wind turbine noise and reported annoyance for participating properties. The scientific research and papers reviewed by the LLCHD indicate that participating property owners report much less annoyance relative to non-participating property owners that are exposed to wind turbine noise. Annoyance is the primary health concern related to wind turbine noise, as this sensation can lead to sleep deprivation, stress, and potentially other negative health outcomes. In addition, LLCHD's review of the most recent scientific research on wind turbine noise and health continues to validate that the current noise level limits of 37 dBA at night and 40 dBA during the day for NON-participating property owners is protective of the health of those people who choose not to participate in the wind energy project.
- 8. Further analysis and conclusions from LLCHD were included in the staff report. (The staff report for TX18011 can be found [here.](#)) The applicant had worked extensively with the Health Department on the proposal prior to the application.
- 9. NextEra submitted an analysis of noise impacts conducted by Ollson Environmental Health Management. The conclusion of the analysis is that there is scientific justification to allow commercial wind energy conversion systems to have a 10-minute maximum L_{eq} noise limit of 50 dBA for participating properties.
- 10. NextEra had Epsilon Associates conduct a sound level modeling analysis on a hypothetical, but realistic layout that involved 54 wind turbines. The analysis was included in the staff report. The turbines had a total blade tip height of 500 feet. A total of 157 homes were used in the analysis. The analysis found that to maintain the 37 dBA required for non-participating dwellings the turbines would need to be a minimum of one mile from the dwelling. The staff report provided additional Wind Energy Information about the analysis and noise impacts.
- 11. The amendment was approved in March 2019. The amendment did not change any of the protections to non-participating properties. Based on the analysis performed by Epsilon Associates all property owners within a one-mile radius would have to participate for a wind turbine to be allowed.

Proposed Text Amendment #20008

12. The current request from the County Board has four parts. Each part will be discussed separately.

First Request: Setback to Non-participating Dwelling Unit

13. Reducing the setback to a non-participating dwelling unit described in Section 13.048(g)2. Currently this section reads:

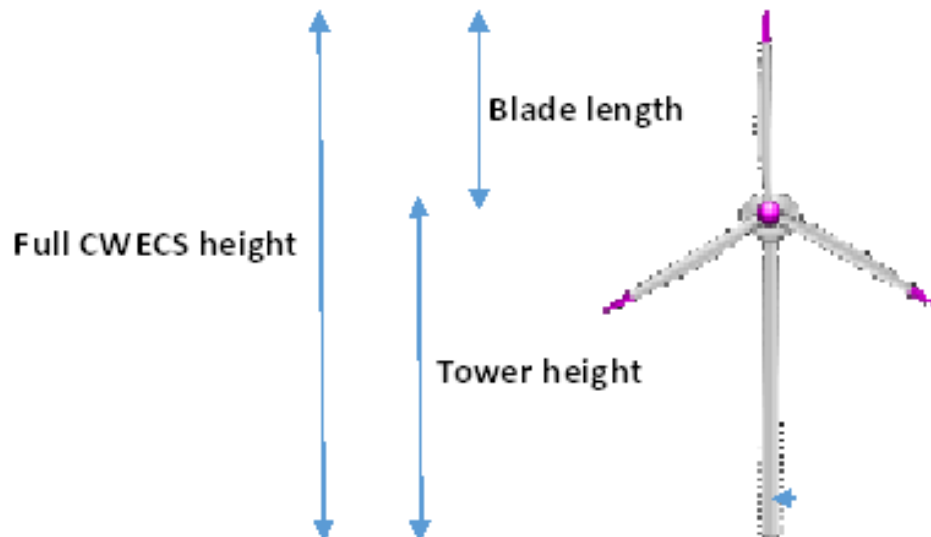
For a non-participating lot, the setback shall be 2 times the turbine height measured to the property line, or 5 times the turbine height, measured to the closest exterior wall of the dwelling unit, whichever is greater, but at a minimum 1,000 feet to the property line. (Emphasis added.)

14. Prior to the 2019 amendment, the text read:

For a non-participating lot, the setback shall be 2 times the turbine height measured to the property line, or 3 1/2 times the turbine height measured to the closest exterior wall of the dwelling, whichever is greater, but at a minimum of 1,000 feet to the property line

15. For the purposes of this section, the turbine height is equal to the hub height, plus the rotor radius. The turbine height was displayed in 2015 in Exhibit 1 as the "Full CWECS height."

Exhibit 1: Tower Height



16. The primary purpose of the setback was not to protect the public health. The noise standards were proposed as the primary method to protect the public health of nearby property owners. As noted from the 2018 amendments, the current noise standard results in about a one-mile separation from a dwelling to the turbine in order to meet the noise standards. The setbacks were focused on the visual impact of the wind turbines and their impact on the use of adjacent properties. Specific setbacks were also set to the county right-of-way. It is practically impossible in most circumstances to screen a wind turbine from view. Unlike other special permitted uses in the County, such as confined feeding operations or solar facilities, a wind turbine can be imposing visually and can be seen from great distances.

17. In March 2019, the setback was increased from 3.5 times the turbine height to 5 times the turbine height. For example, the setback to a 400-foot tall wind turbine was increased from 1,400 feet to 2,000 feet. A turbine of 500 feet had the setback increased from 1,750 feet to 2,500 feet.

18. In March 2020 the County Board adopted new regulations for Animal Feeding Operations (AFO). The setbacks for Animal Feeding Operations as per Article 13.035 b (6) were as follows:

The Medium or Large AFO shall be setback, at a minimum, from the nearest wall of a dwelling that is not associated with the Medium or Large AFO and from any area designated as Residential-Low Density in the Future Land Use Plan of the Lincoln/ Lancaster County Comprehensive Plan as follows:

Medium or Large Open AFO	5,280 feet (1mile)
Large Enclosed AFO	3,960 feet (0.75 miles)
Medium Enclosed AFO	2,640 feet (0.50 miles)

19. The setback from an Open or Enclosed AFO to places such as cemeteries, schools, health care facilities, and parks was set at 1 mile to a Medium AFO and to 1.5 miles to a Large AFO. This setback included enclosed AFO which have a much more limited odor impact. The setback is probably equal to or larger than the setback based on the current noise standard for wind turbine. It is unlikely a wind turbine would generate enough noise to require a 1.5-mile setback such as to a Large AFO.
20. The setbacks to residential uses and public uses significantly limited the options to locate an AFO within Lancaster County. Since the adoption of the standards, there have been no new applications for an AFO in the County. Given the number of residences and public places in the County it is unlikely there will be a new application and that any new AFOs will likely locate in other counties instead.
21. Reducing the setback to 3.5 times the turbine height to a non-participating property owner is appropriate. This may result in increased visual impact on non-participating properties. However, the primary protection will remain the noise standards, which are protective of public health and result in a greater separation than the minimum setback to a dwelling.

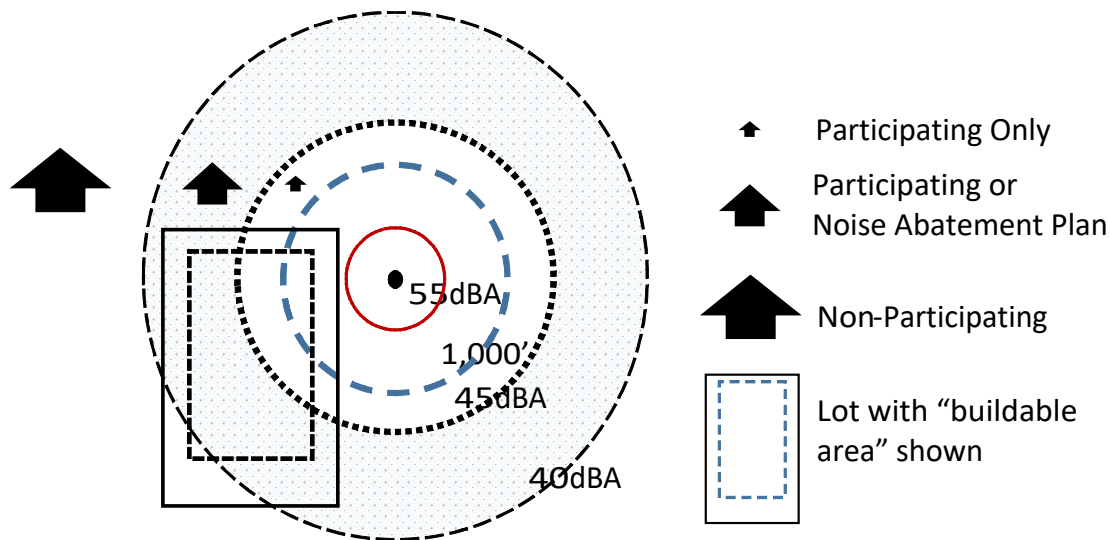
Second Request: Setback to Vacant Lot

22. The second request is to revise or eliminate the setbacks described in Section 13.048 h regarding the impact of a noise turbine on a vacant lot. The other setbacks and noise standards dealt with the impact to existing dwelling units. This section was specifically established to protect landowners who had not yet built a dwelling on their property. This section states:

(h) The turbine(s) shall not impact a non-participating lot, (vacant or occupied; of any size), to the extent that, because of the location of turbine(s), the lot owner is left with less than three (3) acres of land outside of the CWECS setbacks and the noise impact area in Section (i) below, unless they are part of an agreement with the CWECS owner/operator.

23. The exhibit on the next page is for the review of setbacks and noise on non-participating vacant lots.

Exhibit 2: Noise Contours and 1,000-foot Setback Effect on Unbuilt Lot.



Wind Turbine (center) with noise contours and 1,000-foot setback from dwellings shown. Lot with “buildable area” (area within the required district setbacks) demonstrates there is only a small area in the lower left corner that would remain outside the noise and 1,000-foot setback.

24. This regulation is primarily directed at vacant lots, though it also applies to unoccupied lots. During the 2015 public information process, many property owners came forward who owned vacant lots of various sizes. In many cases they had owned the land for years with the intent of someday building a home on the property. Since the noise standards apply to dwelling units, they were concerned about the impact of a new turbine on their vacant lot. Once the tower is built, they still have the legal right to build a house on their own land. But now it could fall within a higher noise impact area, reducing the enjoyment of their property and potentially impacting their health. The regulation in Section (h) required that at least three (3) acres of land be outside the noise impact area for a vacant lot that is non-participating. For example, if their lot was 40 acres, 37 acres could be impacted by sound levels of 40 to 60 dBA, but at least three acres would be outside the 40 dBA daytime noise limit.
25. This requirement should not be revised. It provides a reasonable way to provide some protection of current owners while still allowing wind turbine development. As part of past text changes to the wind energy regulations, non-participating property owners actually wanted their entire lot to be outside of the 40 dBA daytime noise level. They argued they should be able to locate anywhere on their land without being subject to higher noise. This regulation only provides a minimum of 3 acres outside of the noise levels instead of the entire property.

Third Request: Sound Regulations

26. The third request is to revise the sound regulations described in Section 13.048 i., including eliminating the daytime/nighttime distinction and providing a single sound threshold.
27. Throughout most of 2020, the Health Department has been focused on the COVID-19 pandemic and has most recently been additionally focused on the distribution of the COVID vaccines. As of January 2, 2021, Lancaster County had over 23,000 confirmed cases and over 150 deaths. The number of cases and deaths nationwide has recently been at an all-time high.
28. Past major text amendments have included a considerable amount of research time as well as public input prior to the Planning Commission public hearing. For example, both the original wind energy regulations in 2015 and the more recent animal feeding operations regulations had significant public process prior to the Planning Commission hearing. The 2018 amendment to the wind energy regulations occurred only after

considerable discussion by the wind developer with the Health Department and time to review the pertinent studies nationwide.

29. In the case of both wind energy and animal feeding operations, there are conflicting claims and studies noted by both sides. It took considerable time for staff to review all the various studies and claims during these past efforts.
30. A major text amendment should also allow time for the Planning Commission and County Board to be provided with informational briefings and pertinent information in advance of hearings. In terms of the wind energy amendments, the Health Department provided the Planning Commission a considerable amount of information and a briefing well in advance of the hearing. In the current case, there was not adequate time available to provide this level of information to the Planning Commission or the public.
31. The 2040 Lincoln/ Lancaster County Comprehensive Plan encourages public participation and information. The Plan states:

“The City of Lincoln and Lancaster County have long encouraged the public to participate in local government activities. Keeping people knowledgeable about and involved in the Comprehensive Plan’s implementation is crucial to ensuring its ultimate success. A key to securing community interest in the planning process is early involvement. An emphasis should be placed on providing ample, “up front” participation.” (page 12.9)
32. At this time changes to the noise standards are not recommended. The recommendation is to leave the noise standards unchanged, and instead request the Health Department review the noise standards when the pandemic conditions improve in the community and the vaccination process is complete. When there is time for research of any new materials since 2018, it should be followed by a public information process prior to the Planning Commission hearing.

Fourth Request: Clarify Noise Study

33. The fourth request is to clarify that the noise study required by Section 13.048 j. shall be completed by a third party. The purpose of Section (j) is to require each application for wind turbines include a noise study modeling the impact of the project. The amendment will clarify this study must be done by a third party, not the applicant or the County. The existing text would be revised as follows:

(j) Each application shall include a third-party professional pre-construction noise study which includes all property within at least one mile of a tower support base and must be able to demonstrate compliance with the noise standards in paragraph (i). The protocol and methodology for such studies shall be submitted to the Lincoln-Lancaster County Health Department for review and approval. Such studies shall include noise modeling for all four seasons and include typical and worst-case scenarios for noise propagation. The complete results and full study report shall be submitted to the Lincoln-Lancaster County Health Department for review and approval.

Conclusion

34. The revision for the setback for non-participating properties from 5 times to 3.5 times turbine height is appropriate as that was the original standard and recommendation. This setback is primarily oriented to visual impact. The noise standard is the primary regulation to protect the public health.
35. The clarification to the text in the fourth request regarding a third party conducting a noise study is appropriate. It is a minor but useful clarification.
36. The remaining two requests should not be approved at this time. As noted, Lancaster County is in the midst of a major health crisis and thus the Lincoln-Lancaster County Health Department staff have not had adequate time to conduct the necessary research to recommend any potential changes to the noise standard. Nor has there been the opportunity to conduct a public information process for changes to the noise standard or the setback to vacant lots. A future effort that can be conducted when pandemic conditions in the community improve and the vaccine distribution is completed can be done.

37. As noted in the 2015 staff report “Large commercial wind turbine projects have successfully located in other counties in Nebraska. However, the land use characteristics in Lancaster County are not like most other counties in Nebraska. There is significant residential development on smaller lots scattered throughout Lancaster County.” The noise standards should first and foremost protect the public health. They should not be revised in order to place wind turbines in Lancaster County, even though there are thousands of homes scattered throughout the county. Wind turbines can be appropriate in a rural area, if that area either has few homes or the existing homeowners have elected to participate in the project. Any revisions to the noise standards should only follow a public process commensurate with those that have preceded previous changes to the wind turbine regulations.

Recommendation

38. If the County Board desires to revise the noise standards, the recommendation is that this matter be evaluated after the pandemic and vaccination process is over to allow time for research and a public process for education and review. This would be similar to the process followed for other major text amendments.

The following are the two recommended changes in the current text:

Revise the setback to a non-participating dwelling unit back to the previously approved setback, by amending Section 13.048(g)2 as follows:

For a non-participating lot, the setback shall be two (2) times the turbine height measured to the property line, or 5-three and one-half (3.5) times the turbine heights measured to the closest exterior wall of the dwelling, whichever is greater, but at a minimum of 1,000 feet to the property line.

Clarify section 13.048 j. as follows:

Each application shall include a third-party professional pre-construction noise study which includes all property within at least one mile of a tower support base and must be able to demonstrate compliance with the noise standards in paragraph (i). The protocol and methodology for such studies shall be submitted to the Lincoln-Lancaster County Health Department for review and approval. Such studies shall include noise modeling for all four seasons and include typical and worst-case scenarios for noise propagation. The complete results and full study report shall be submitted to the Lincoln-Lancaster County Health Department for review and approval.

Also, any other minor amendments in Article 13.048 as needed necessary for harmonization and consistency with these two changes in Section (g) and (j) of the Lancaster County zoning regulations regarding Commercial Wind Energy Conversion Systems.

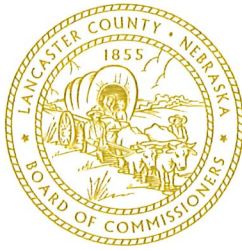
Prepared by

Stephen Henrichsen, Development Review Manager

Date: January 12, 2021

Applicant: Lancaster County Board
555 S. 10th Street
Lincoln, NE 68508

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LANCASTER COUNTY BOARD OF COMMISSIONERS

Roma Amundson

Sean Flowerday

Deb Schorr

Rick Vest

Christa Yoakum

David A. Derbin, *Chief Administrative Officer*

Ann E. Ames, *Deputy Chief Administrative Officer*

Mr. David Cary

November 10, 2020

Director

Lincoln-Lancaster County Planning Department

555 South 10th Street, Suite 213

Lincoln, Nebraska 68508

Via email: dcary@lincoln.ne.gov

Dear Mr. Cary:

As you are aware, in 2019 the Board of County Commissioners of the County of Lancaster, Nebraska, ("Board") was presented with TX18016 requesting amendments to Section 13.048 of the 1979 Zoning Resolution of Lancaster County ("Zoning Resolution").

During the public hearing process for TX18016, the Board heard proposals from the applicant and the Lincoln-Lancaster Planning Department ("Department"). In attempting to strike a balance between residential interests and wind energy development, ultimately the Board adopted the Department's proposal, with a modification to the proposal that increased the setbacks to nonparticipating lots contained in Section 13.048 g.2. *See* County Resolution No. R-19-022 (March 19, 2019) ("Resolution").

Since those text amendments were adopted in 2019, it has become apparent that the Resolution failed to strike an appropriate balance that would allow a viable path toward wind energy development. In fact, the Department recently informed us that our County currently does not have any special permits for Commercial Wind Energy Conversion Systems ("CWECS") issued under the Zoning Resolution.

It now is the intent of the Board to recalibrate Section 13.048 to (i) continue to protect residential quality of life; while also (ii) allowing a viable path toward developing CWECS in the County of Lancaster, Nebraska.

With the foregoing policy considerations in mind, the Board, pursuant to Section 22.003 of the Zoning Resolution, hereby on its own motion directs the Lincoln-

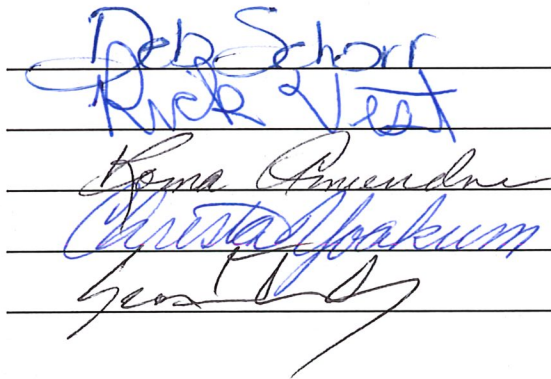
Lancaster County Planning Department to develop and propose the following revisions to Section 13.048:

1. Reducing the setback to a non-participating dwelling unit described in Section 13.048 g.2.
2. Revising or eliminating the setbacks described in Section 13.048 h.
3. Revising the sound regulations described in Section 13.048 i., including eliminating the daytime / nighttime distinction and providing a single sound threshold.
4. Clarifying that the noise study required by Section 13.048 j. shall be completed by a third-party.

The Board further directs that these revisions to Section 13.048 be presented to the Lincoln-Lancaster County Planning Commission ("Commission") at the Commission's regularly scheduled meeting on December 16, 2020.

Thank you as always for your assistance.

BY THE BOARD OF COUNTY
COMMISSIONERS OF THE COUNTY
OF LANCASTER, NEBRASKA


The block contains four handwritten signatures in blue ink, each written over a horizontal line. The signatures are: 1. Debi Schorr, 2. Rick Vest, 3. Karna Amundson, and 4. Christa Spakum. A fifth line with a signature is partially visible at the bottom.