## Lincoln City - Lancaster County

# PLANNING COMMISSION AGENDA

### PLANNING COMMISSION

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

### PLANNING STAFF

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

## February 17, 2021

**NOTICE:** **The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, February 17, 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, FEBRUARY 17, 2021

Approval of minutes of the regular meeting held January 20, 2021.

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

**ANNEXATION AND RELATED CHANGE OF ZONE:**

1.1a ANNEXATION 21001, to annex approximately 41.33 acres, on property generally located at the SW corner of West Old Cheney Road and West Folsom Street.
**Staff recommendation: Approval**
**Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov**

1.1b CHANGE OF ZONE 21001, from AG (Agricultural District) to R-3 (Residential District), on property generally located at the SW corner of West Old Cheney Road and West Folsom Street.

*Page 01*

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

**CHANGE OF ZONE:**

1.2 CHANGE OF ZONE 07060C, to revise the site plan for Wilderness Heights PUD (Planned Unit Development), on property generally located at South 40th Street and Yankee Hill Road.

*Page 13*

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

**SPECIAL PERMIT:**

1.3 SPECIAL PERMIT 21002, to allow for excavation, on property generally located at 4200 Yankee Hill Road. ***** FINAL ACTION *****

*Page 29*

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

**WAIVER:**

1.4 WAIVER 21002, to waive the requirement that every lot shall front upon and have access to a public street per Section 26.23.140 (g) of the Subdivision Ordinance, on property generally located at 1701 Windhoek Drive. ***** FINAL ACTION *****

*Page 41*

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

**CORRECTED RESOLUTION:**

1.5 PRELIMINARY PLAT 20005, correction to Planning Commission Resolution PC-01739, adopted on January 6, 2021, for an H-4 (General Commercial District) preliminary plat consisting of one lot, on property generally located at approximately N. 64th Street and Arbor Road. ***** FINAL ACTION *****
**Preliminary Plat 20005 Resolution**
**Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov**

**2. REQUESTS FOR DEFERRAL:**

**WAIVER:**

2.1 WAIVER 21001, to waive the 3-to-1, width-to-depth ratio requirement, on property generally located at 3239 South 46th Street. ***** FINAL ACTION *****
**Staff recommendation: Approval**
**Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov**

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

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

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

**COMPREHENSIVE PLAN AMENDMENT:**

4.1 *Page 49* COMPREHENSIVE PLAN AMENDMENT 21001, to amend the 2040 Lincoln-Lancaster County Comprehensive Plan to include the "City of Lincoln Climate Action Plan".
**Staff recommendation: Approval**
**Staff Planner: Paul Barnes, 402-441-6372, pbarnes@lincoln.ne.gov**

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

**COMPREHENSIVE PLAN WITH RELATED ITEMS:**

4.2a *Page 87* COMPREHENSIVE PLAN CONFORMANCE 21001, to review as to conformance with the 2040 Lincoln-Lancaster Comprehensive Plan, the "Wyuka Redevelopment Plan" generally located at 3600 R Street.
**Staff recommendation: In Conformance with the Comprehensive Plan**
**Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov**

4.2b *Page 115* CHANGE OF ZONE 21004, from P (Public Use District) and R-2 (Residential District) to R-4 (Residential District), on property generally located at 3600 R Street.
**Staff recommendation: Approval**
**Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov**

4.2c *Page 125* SPECIAL PERMIT 21003, to allow for a CUP (Community Unit Plan) with up to 98 residential dwelling units on 8.72 acres, with associated waivers, on property generally located at 3600 R Street. ***** FINAL ACTION *****
**Staff recommendation: Conditional Approval**
**Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov**

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

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**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, *Director* | 402-441-6364 | dcary@lincoln.ne.gov |
| Stephen Henrichsen, *Development Review Manager* | 402-441-6374 | shenrichsen@lincoln.ne.gov |
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| Tom Cajka, *Planner* | 402-441-5662 | tcajka@lincoln.ne.gov |
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| Rachel Jones, *Planner* | 402-441-7603 | rjones@lincoln.ne.gov |
| Andrew Thierolf, *Planner* | 402-441-6371 | athierolf@lincoln.ne.gov |
| George Wesselhoft, *Planner* | 402-441-6366 | gwesselhoft@lincoln.ne.gov |
| Brian Will, *Planner* | 402-441-6362 | bwill@lincoln.ne.gov |
| Kellee Van Bruggen, *Transportation Planner* | 402-441-6363 | kvanbruggen@lincoln.ne.gov |
| Allan Zafft, *Transportation Planner* | 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

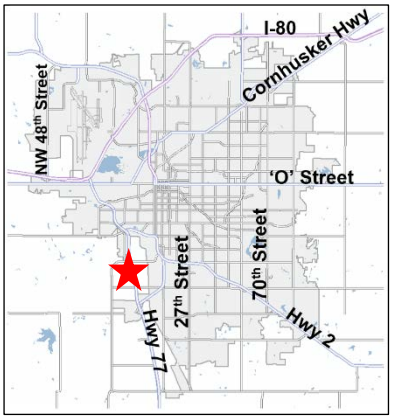
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

| APPLICATION NUMBER | FINAL ACTION? | DEVELOPER/OWNER |
|---|---|---|
| Annexation #21001<br>Change of Zone #21001 | No for both applications | SW. Folsom Development, LLC |
| **PLANNING COMMISSION HEARING DATE** | **RELATED APPLICATIONS** | **PROPERTY ADDRESS/LOCATION** |
| February 17, 2021 | None | SW of the intersection of S. Folsom St. and W. Old Cheney Rd. |

## RECOMMENDATIONS: ANNEXATION #21001 APPROVAL
## CHANGE OF ZONE #21001 APPROVAL

**BRIEF SUMMARY OF REQUEST**

This is a combined staff report for two related applications associated with the SW Village Heights property, located approximately between SW 12th Street and S. Folsom Street, south of W. Old Cheney Road. The annexation request includes approximately 41.33 acres and the change of zone includes approximately 36.97 acres. The proposed change of zone is from AG to R-3. This proposal is a portion of phase 2 in a larger subdivision that will develop incrementally with anticipated future phases of annexation and rezoning requests.




**JUSTIFICATION FOR RECOMMENDATION**

The subject property is abutting the city limits to the south, and a full range of municipal services can be provided if annexed. It is within the City's Future Service Limits, and designated for future urban residential land uses. A change of zone from AG (Agriculture) to R-3 (Residential) is consistent with the Future Land Use Map designation, and compatible with surrounding development. Both requests comply with the Zoning Ordinance and are consistent with the Comprehensive Plan.

**APPLICATION CONTACT**
Brandon Bartek, Olsson Associates
(402) 458-5632
bbartek@olssonassociates.com

**STAFF CONTACT**
Tom Cajka, Planner
(402) 441-5662
tcajka@lincoln.ne.gov

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

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

**KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN**

P. 1.10 – The 2040 Growth Tiers Map designates this area as Tier 1, Priority B, and within boundary of the Future Service Limit.

P. 7.2 - Neighborhoods and Housing Guiding Principles:

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

P. 7.4 – Strategies for Neighborhoods and Housing

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

P. 7.4-7.8 - Strategies for Developing Neighborhoods

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

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

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

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

**P 12.14-15 - The ANNEXATION POLICY**- of the 2040 Comprehensive Plan.

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

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

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

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

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

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

The character of existing residential areas should be respected as much as possible during the annexation process. When low density "acreage" areas are proposed for annexation due to the City's annexation policy, additional steps

should be taken to ease the transition as much as possible, such as public meetings, advance notice and written explanation of changes as a result of annexation. In general, many aspects of acreage life may remain unchanged, such as zoning or covenants. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners.

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

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

**UTILITIES & SERVICES**

Sanitary Sewer: Sanitary sewer to this location is still under construction and should be available by June of 2021.

Water: A water main is available in Palm Canyon Dr. to serve this area. A connection from Palm Canyon Dr. to S. Folsom Street is to be built with the construction of the round-about at this location.

Roads: The developer is responsible for paving S. Folsom Street to W. Old Cheney Rd

Parks and Trails: The City has funds to subsidize trail construction in S. Folsom Street. The trail will extend to W. Old Cheney Rd. The developer will pay for 5 feet of a 10 foot wide trail as they are responsible for a 5 foot wide sidewalk along S. Folsom Street anyhow. The City will pay for the extra 5 feet in width.

A. Fire Protection: After annexation, fire protection will be provided by Lincoln Fire Rescue (LFR). This development is approximately five minutes of travel time from our nearest fire station however LRF goal is four minutes of travel time from the nearest fire station.

**ANALYSIS**

1. These are two associated requests for an annexation and a change of zone. The annexation request includes approximately 41.33 acres and the change of zone includes approximately 36.97 acres. The difference in acreage is the annexation includes right-of-way along S. Folsom Street and W. Old Cheney Road, but the change of zone does not. Right-of-way is typically void of any zoning classification district. This proposal is a portion of phase 2 and will develop incrementally with anticipated future phases of annexation and rezoning requests.

2. The development can be served by the full range of city services.

3. The area of the annexation and change of zone is part of an overall development. The overall development was approved by Southwest Village Heights 1st Addition preliminary plat in January 2020. The area of the preliminary plat is proposed to be annexed and rezoned in phases.

4. The subject property is located within the Southwest Rural Fire District. Under State law, the District can petition for compensation from the annexing municipality for lost revenue based upon the amount of service area annexed. For voluntary annexations such as this one, any costs due to the district are to be borne by the developer. In this case, staff has conducted the financial analysis and there should be no funds due to the District.

5. Annexation and re-zoning of the area of these requests will facilitate new residential development at urban densities contiguous to the existing City limits of Lincoln with all public utilities. The site is designated for future urban density residential land uses on the Future Land Use Map, and these requests comply with the requirements of the Zoning Ordinance and Comprehensive Plan.

**6.** The proposed R-3 zoning for future residential lots is compatible with the adjacent land uses. To the south is a previously approved R-3 residential subdivision and to the north, east, and west is vacant/agricultural land zoned AG. To the west and southwest is the remainder of the preliminary plat of Southwest Village Heights 1st Addition.

**CONDITIONS OF APPROVAL for AN21001:** none

**CONDITIONS OF APPROVAL for CZ21001:** none

**EXISTING LAND USE & ZONING:** vacant/agricultural land; AG

**SURROUNDING LAND USE & ZONING:**
North: vacant/agricultural land; AG
South: vacant/agricultural land/residential lots; R-4 and R-3
East: vacant/agricultural land; AG
West: vacant/agricultural land; AG

**APPLICATION HISTORY:**

| | |
|---|---|
| July 2018 | Annexation #18004 and Change of Zone #18017 for Southwest Village Heights was approved by the City Council. This annexed approximately 42 acres with a change of zone from AG to R-3. |
| January 2020 | Preliminary Plat #18002 for Southwest Village Heights 1st Addition was approved by the Lincoln-Lancaster County Planning Commission. |
| March 30, 2020 | Change of Zone #19030 for a change of zone from R-3 to R-4 on 15.82 acres was approved by the City Council. |

**APPROXIMATE LAND AREA:** 41.33 acres (annexation); 36.97 acres (change of zone)

**PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT:** District #3

**LEGAL DESCRIPTION:** see attached for both applications

Prepared by:

_____
Tom Cajka, Planner
(402) 441-5662

Date: February 4, 2021

Applicant: Brandon Bartek
Olsson Associates
601 P Street, Suite 200
Lincoln, NE 68508

Owner: SW Folsom Development, LLC
1640 Normandy Court, Ste. A
Lincoln, NE 68512

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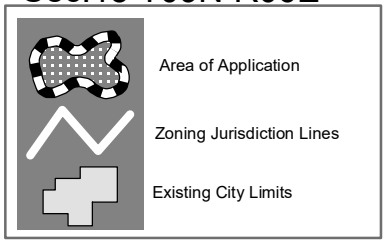
*2020 aerial*

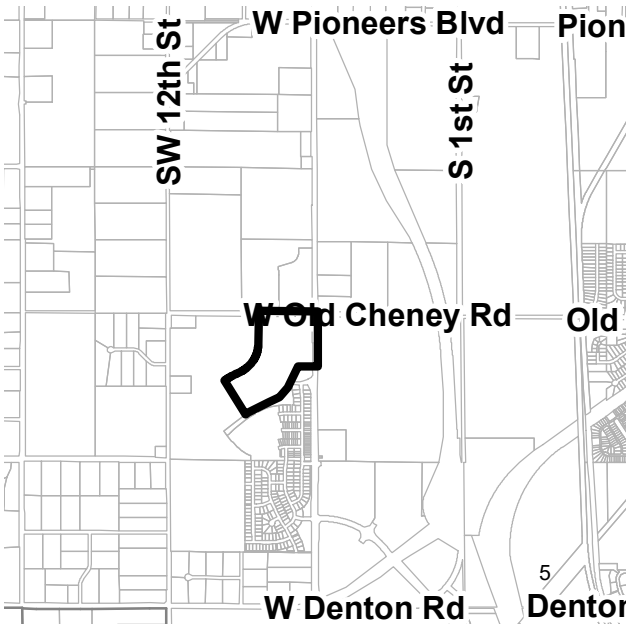
**Annexation #: AN21001**
**Southwest Village Heights**
**S Folsom St & W Old Cheney Rd**

## Zoning:

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

Two Square Miles:
Sec.10 T09N R06E
Sec.15 T09N R06E

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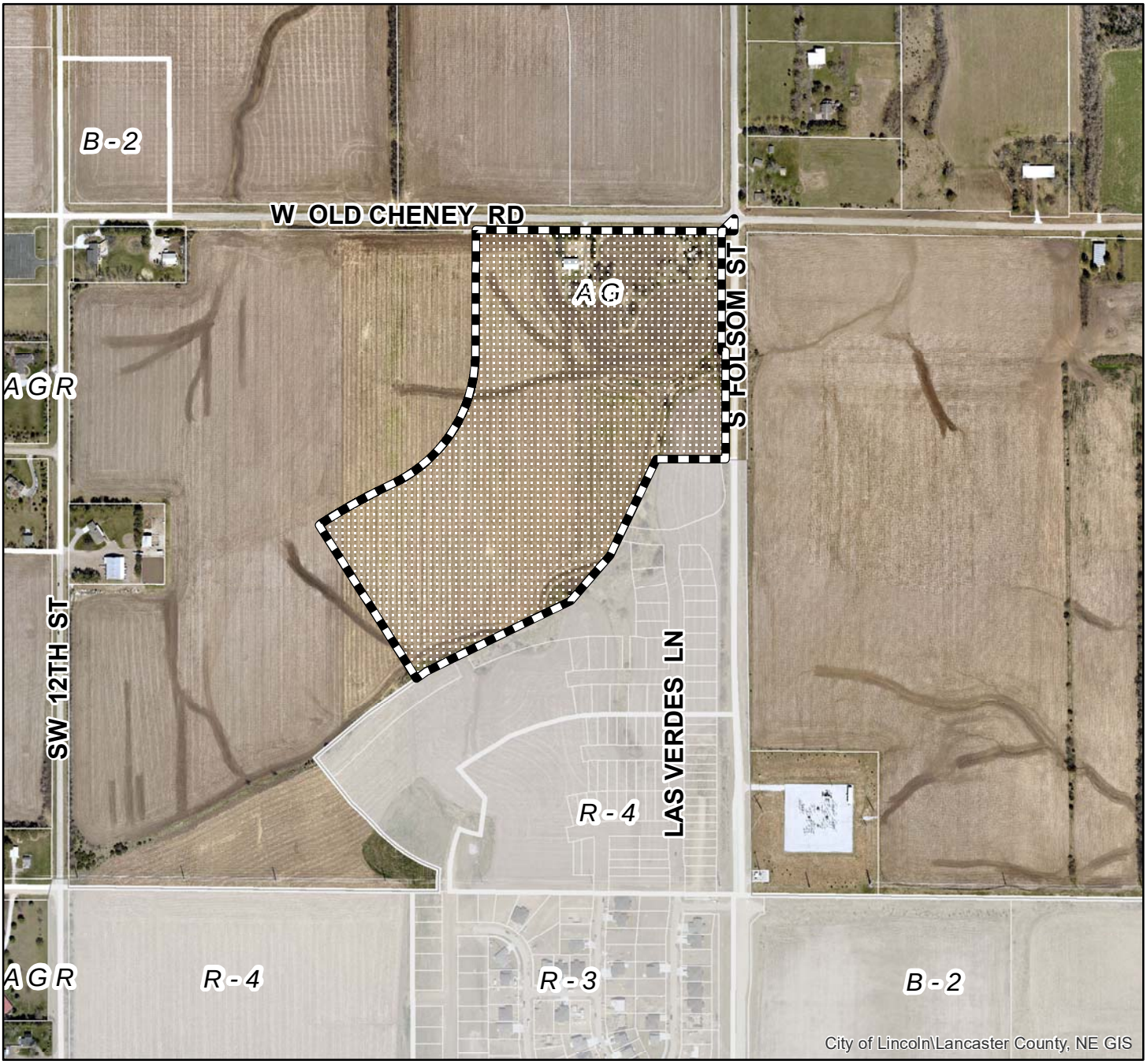


*2020 aerial*

**Change of Zone #: CZ21001 (AG to R-3)**
**Southwest Village Heights**
**S Folsom St & W Old Cheney Rd**

## Zoning:

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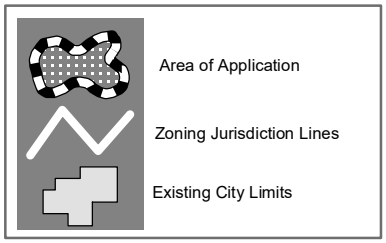
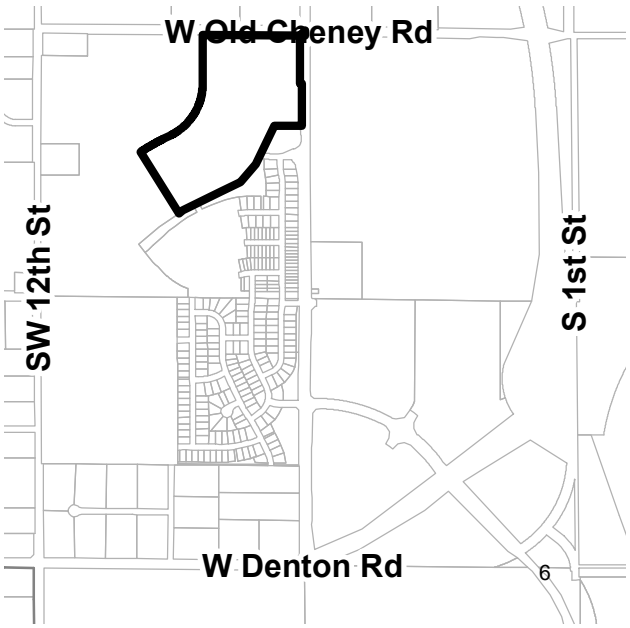
| **B-4** | Lincoln Center Business District |
| **B-5** | Planned Regional Business District |
| **H-1** | Interstate Commercial District |
| **H-2** | Highway Business District |
| **H-3** | Highway Commercial District |
| **H-4** | General Commercial District |
| **I-1** | Industrial District |
|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

One Square Mile:
Sec.15 T09N R06E

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DATE: Jan 14, 2021 8:30am XREFS: C_XBASE_173161 C_PBASE_173161 C_FBASE_173161

# SOUTHWEST VILLAGE HEIGHTS

SITE PLAN

LIMITS OF PRELIMINARY PLAT

LIMITS OF CHANGE OF ZONE TO R-3

LIMITS OF ANNEXATION

0 150 300 SCALE IN FEET

N

| | | |
|---|---|---|
| SITE PLAN | REV NO | DATE / REVISIONS DESCRIPTION |
| SOUTHWEST VILLAGE HEIGHTS | | |
| LINCOLN NEBRASKA 2021 | | |

SHEET 1 of 1

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

LEGAL DESCRIPTION
ANNEXATION

A TRACT OF LAND COMPOSED OF LOT 40 I.T., A PORTION OF SOUTH FOLSOM RIGHT-OF-WAY AND A PORTION OF WEST OLD CHENEY ROAD RIGHT-OF-WAY, ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., A PORTION OF SOUTH FOLSOM RIGHT-OF-WAY LOCATED IN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 6 EAST, OF THE 6TH P.M., AND A PORTION OF OLD CHENEY ROAD RIGHT-OF-WAY LOCATED IN THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER, OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M.; THENCE SOUTHERLY ON THE EAST LINE OF SAID NORTHWEST QUARTER ON AN ASSUMED BEARING OF S00°06'58"W, A DISTANCE OF 50.01' TO A POINT; THENCE S88°54'16"E, ON A LINE THAT IS 50.00’ SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 15, A DISTANCE OF 50.01' TO THE NORTHWEST CORNER OF LOT 32 I.T. IN THE NORTHEAST QUARTER OF SAID SECTION 15, SAID POINT BEING THE **TRUE POINT OF BEGINNING**; THENCE S00°06'58"W, ON A WEST LINE OF SAID LOT 32 I.T., SAID LINE BEING THE EAST RIGHT-OF-WAY LINE OF SOUTH FOLSOM STREET, SAID LINE ALSO BEING 50.00’ EAST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHWEST QUARTER , A DISTANCE OF 900.88' TO A POINT; THENCE N89°52'59"W, ON THE EXTENSION OF A SOUTH LINE OF LOT 40 I.T., IN THE NORTHWEST QUARTER OF SAID SECTION 15, AND ON THE SOUTH LINE OF SAID LOT 40 I.T., A DISTANCE OF 355.13' TO A SOUTHEAST CORNER OF SAID LOT 40 I.T.; THENCE S25°49'25"W, ON A SOUTHEAST LINE OF SAID LOT 40 I.T., A DISTANCE OF 422.57' TO A SOUTHEAST CORNER OF SAID LOT 40 I.T.; THENCE S40°29'33"W, ON A SOUTHEAST LINE OF SAID LOT 40 I.T., A DISTANCE OF 238.05' TO A SOUTHEAST CORNER OF SAID LOT 40 I.T.; THENCE S64°11'59"W, ON A SOUTHEAST LINE OF SAID LOT 40 I.T., A DISTANCE OF 220.34' TO A SOUTHEAST CORNER OF SAID LOT 40 I.T.; THENCE S63°50'23"W, ON A SOUTHEAST LINE OF SAID LOT 40 I.T., A DISTANCE OF 414.40' TO A SOUTHEAST CORNER OF SAID LOT 40 I.T.; THENCE S54°33'37"W, ON A SOUTHEAST LINE OF SAID LOT 40 I.T., A DISTANCE OF 48.99' TO A SOUTHEAST CORNER OF SAID LOT 40 I.T.; THENCE N32°26'47"W, ON A SOUTHWEST LINE OF SAID LOT 40 I.T., A DISTANCE OF 719.98', TO A SOUTHWEST CORNER OF SAID LOT 40 I.T., SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 06°33'37", A RADIUS OF 2,355.00', AN ARC LENGTH OF 269.64', ON A WEST LINE OF SAID LOT 40 I.T., A CHORD LENGTH OF 269.49', A TANGENT LENGTH OF 134.97', AND A CHORD BEARING OF N60°06'14"E TO A NORTHWEST CORNER OF SAID LOT 40 I.T.; THENCE N63°23'03"E, ON A NORTHWEST LINE OF SAID LOT 40 I.T., A DISTANCE OF 78.09', TO A WEST CORNER OF SAID LOT 40 I.T., SAID POINT BEING A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 63°05'59", A RADIUS OF 570.00', AN ARC LENGTH OF 627.74', ON A WEST LINE OF SAID LOT 40 I.T., A CHORD LENGTH OF 596.49', A TANGENT LENGTH OF 349.98', AND A CHORD

BEARING OF N31°50'03"E, TO A POINT; THENCE N00°17'03"E, ON A WEST LINE OF SAID LOT 40 I.T. AND ITS' EXTENSION, A DISTANCE OF 590.92' TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF WEST OLD CHENEY ROAD, SAID POINT ALSO BEING 50.00' NORTH OF THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE S89°43'02"E, ON THE SOUTH LINE OF LOT 64 I.T. AND THE SOUTH LINE OF LOT 63 I.T., IN THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., SAID LINE BEING THE NORTH RIGHT-OF-WAY LINE OF SAID WEST OLD CHENEY ROAD, ALSO SAID LINE BEING 50.00' NORTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 971.03' TO A SOUTHEAST CORNER OF SAID LOT 63 I.T.; THENCE S89°19'51"E, A DISTANCE OF 100.00' TO A SOUTHWEST CORNER OF LOT 51 I.T., IN THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M.; THENCE S00°04'18"E, A DISTANCE OF 100.04' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 1,800,311.99 SQUARE FEET OR 41.33 ACRES, MORE OR LESS.

November 19, 2020

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LEGAL DESCRIPTION
CHANGE OF ZONE

A TRACT OF LAND COMPOSED OF LOT 40 I.T., LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER, OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M.; THENCE SOUTHERLY ON THE EAST LINE OF SAID NORTHWEST QUARTER ON AN ASSUMED BEARING OF S00°06'58"W, A DISTANCE OF 50.00' TO A POINT; THENCE N89°43'02"W, ON A LINE 50.00’ SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 50.00' TO THE NORTHEAST CORNER OF SAID LOT 40 I.T., SAID POINT BEING THE **TRUE POINT OF BEGINNING**; THENCE S00°06'58"W, ON AN EAST LINE OF SAID LOT 40 I.T., SAID LINE BEING A WEST LINE OF SOUTH FOLSOM STREET RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00’ WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 475.79' TO AN EAST CORNER OF SAID LOT 40 I.T; THENCE S89°53'02"E, ON A NORTH LINE OF SAID LOT 40 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 17.00' TO AN EAST CORNER OF SAID LOT 40 I.T., SAID POINT ALSO BEING 33.00’ WEST OF THE EAST LINE OF SAID NORTHWEST QUARTER; THENCE S00°06'58"W, ON AN EAST LINE OF SAID LOT 40 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 33.00’ WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 426.09' TO A SOUTHEAST CORNER OF SAID LOT 40 I.T.; THENCE N89°52'59"W, ON A SOUTH LINE OF SAID LOT 40 I.T., A DISTANCE OF 272.13' TO A SOUTHEAST CORNER OF SAID LOT 40 I.T.; THENCE S25°49'25"W, ON A SOUTHEAST LINE OF SAID LOT 40 I.T., A DISTANCE OF 422.57' TO A SOUTHEAST CORNER OF SAID LOT 40 I.T.; THENCE S40°29'33"W, ON A SOUTHEAST LINE OF SAID LOT 40 I.T., A DISTANCE OF 238.05' TO A SOUTHEAST CORNER OF SAID LOT 40 I.T.; THENCE S64°11'59"W, ON A SOUTHEAST LINE OF SAID LOT 40 I.T., A DISTANCE OF 220.34' TO A SOUTHEAST CORNER OF SAID LOT 40 I.T.; THENCE S63°50'23"W, ON A SOUTHEAST LINE OF SAID LOT 40 I.T., A DISTANCE OF 414.40' TO A SOUTHEAST CORNER OF SAID LOT 40 I.T.; THENCE S54°33'37"W, ON A SOUTHEAST LINE OF SAID LOT 40 I.T., A DISTANCE OF 48.99' TO A SOUTHEAST CORNER OF SAID LOT 40 I.T.; THENCE N32°26'47"W, ON A SOUTHWEST LINE OF SAID LOT 40 I.T., A DISTANCE OF 719.98', TO A SOUTHWEST CORNER OF SAID LOT 40 I.T., SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 06°33'37", A RADIUS OF 2,355.00', AN ARC LENGTH OF 269.64', ON A WEST LINE OF SAID LOT 40 I.T., A CHORD LENGTH OF 269.49', A TANGENT LENGTH OF 134.97', AND A CHORD BEARING OF N60°06'14"E TO A NORTHWET CORNER OF SAID LOT 40 I.T.; THENCE N63°23'03"E, ON A NORTHWEST LINE OF SAID LOT 40 I.T., A DISTANCE OF 78.09' TO A WEST CORNER OF SAID LOT 40 I.T., SAID POINT BEING A POINT OF CURVATURE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 63°05'59", A RADIUS OF 570.00', AN ARC LENGTH OF 627.74', ON A WEST LINE OF SAID LOT 40 I.T. A CHORD LENGTH OF 596.49', A TANGENT LENGTH OF 349.98', AND A CHORD BEARING OF

N31°50'03"E TO A WEST CORNER OF SAID LOT 40 I.T.; THENCE N00°17'03"E, ON A WEST LINE OF SAID LOT 40 I.T., A DISTANCE OF 490.92', TO A NORTHWEST CORNER OF SAID LOT 40 I.T., SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF WEST OLD CHENEY ROAD, SAID POINT ALSO BEING 50.00’ SOUTH OF THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE S89°43'02"E, ON THE NORTH LINE OF SAID LOT 40 I.T., SAID LINE BEING THE SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00’ SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 971.64' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 1,610,282.63 SQUARE FEET OR 36.97 ACRES, MORE OR LESS.

November 19, 2020

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# LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

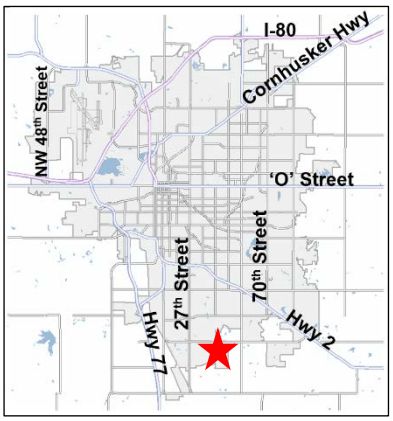
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

| APPLICATION NUMBER | FINAL ACTION? | DEVELOPER/OWNER |
|---|---|---|
| Change of Zone #07060C – Wilderness Heights PUD | No | Lincoln Federal Bancorp, Inc. |
| **PLANNING COMMISSION HEARING DATE** | **RELATED APPLICATIONS** | **PROPERTY LOCATION** |
| February 17, 2021 | None | S. 40th Street and Yankee Hill Road |

## RECOMMENDATION: CONDITIONAL APPROVAL

**BRIEF SUMMARY OF REQUEST**

This is a request to revise the site plan of the Wilderness Heights Planned Unit Development (PUD) by replacing 120,000 sq. ft. of commercial floor area with a 442-unit apartment complex. The proposed site plan also revises the street and block layout. The request is for up to 273 single family or single family attached dwelling units, 1,131 multi-family dwelling units and 214,000 sq. ft. of commercial floor area. Several waivers are requested to building height, setbacks, block length, and lot layout.




**JUSTIFICATION FOR RECOMMENDATION**

This site is appropriate for a mix of office, commercial, and residential uses. This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

**APPLICATION CONTACT**
Scott Osterhaus, (402) 458-5630 or
sosterhaus@olssonassociates.com

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

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The proposed amendment aligns with the commercial center designation and residential urban density future land use. The site layout provides adequate spacing for residential uses from the gas pipeline in Yankee Hill Road. Multi-family dwellings are encouraged to locate near commercial centers as shown on the site plan. The overall PUD density fits within an urban residential character and a mix of residential dwelling types is supported in the Comprehensive Plan.

**WAIVERS**

1. Exceed block length for Blocks 4, 5, 6 and 17 (Recommend Approval)
2. Allow Blocks 13 and 17 to exceed 1,000 feet with no pedestrian easement. (Recommend Approval)
3. Increase the building height to 55' for multi-family. (Recommend Approval)

Other waivers listed on the Cover Sheet were previously approved under CZ07060B.

**KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN**

P. 12.3 - this site is shown as future commercial, urban density residential, and green space 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. 12.4 - Green Space. Public or privately-owned areas predominantly used for recreation, such as parks, golf courses, soccer or ball fields, and trails. Many green space areas also serve functions such as buffers between incompatible uses and as stormwater management areas.

P. 5.17 - There are considerations for industrial uses in regard to the potential impact on adjacent property. In 2005, a Joint Committee of the Board of Health and Planning Commission began to meet regularly to discuss issues of common interest; including industrial land uses that use and store hazardous materials. The Joint Committee developed reports called Use and Storage of Hazardous Materials and Pipelines Carrying Hazardous Materials.

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.
- Encourage preservation or restoration of natural resources within or adjacent to commercial or industrial development.
- Encourage commercial centers to encompass a broad range of land uses with the integration of compatible land use types.

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

P. 5.7-5.8 - Strategies for Commercial Centers
- Disperse Commercial Centers throughout the community to support convenience of access and to lessen impacts on infrastructure.
- Locate Commercial Centers where they will have access to arterial streets with adequate capacity and be supported by transit, trails, sidewalks, and local streets.
- Discourage “four corner commercial development.”
- Encourage multiple street connections to adjacent residential neighborhoods to allow convenient access for neighboring residences and pedestrians without the use of arterial streets, but exercise care in designing the street network to minimize undesirable traffic impacts.
- Include higher density residential uses within and/or adjacent to all Commercial Centers except for Highway Oriented Commercial Areas.
- Discourage single use centers. Office parks should include supporting retail and residential components, while shopping centers should include supporting office and residential uses.
- Develop smaller stores next to larger anchor stores in centers to encourage small businesses and to provide a variety of goods and services for customers utilizing the centers.
- Incorporate or enhance green space and other public spaces, where possible.
- Design streets and public spaces to enhance pedestrian activity and support multiple modes of transportation.
- Create a pedestrian-oriented environment in the physical arrangement of buildings and parking.
- Develop Commercial Centers as compact clusters or mixed use nodes with appropriate site design features to accommodate shared parking and ease of pedestrian movement, to minimize impacts on adjacent areas, and encourage a unique character.
- Discourage auto-oriented strip commercial development; Commercial Centers should not be developed in a linear strip along a roadway or be completely auto-oriented.

- Design new Commercial Centers in a manner that facilitates future development and intensification of land uses on the site.
- Elevate building design for centers.
- Design buildings and land uses at the edge of the center to be compatible with adjacent residential land uses. Examples of compatible land uses include apartments, mixed use residential buildings, offices, assisted living facilities, or child care centers. Buildings should be compatible in terms of height, building materials and setback. Small compatible commercial buildings at the edge could include retail or service uses. Buildings with more intrusive uses should have greater setbacks, screening requirements and be built of more compatible materials.
- Locate the most intensive commercial uses, such as restaurants, car washes, grocery stores, gas stations/convenience stores and drive through facilities nearer to the major street or roadway and furthest from the residential area (unless contained within a mixed use center). Lighting, dumpsters, loading docks and other service areas should be screened from residences.

P. 7.2 - Neighborhoods & Housing Guiding Principles
- Encourage public investment in neighborhood infrastructure and services such as parks, pools, libraries, and neighborhood business districts.
- 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.
- 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.

P. 10.19 - Pipeline Freight: There are 17 major pipelines in Lincoln and Lancaster County. The majority transport petroleum or natural gas products. One of the lines transports anhydrous ammonia, which is a product used in agricultural production. All of the pipelines are managed by four firms in Lancaster County.

P. 11.23 - Strategy for Natural Gas Service: Land uses with vulnerable populations such as occupied residential structures, childcares, retirement facilities, schools, or hospitals are not recommended to be located within pipeline planning areas. For large high pressure natural gas pipelines, pipeline planning areas are established based upon a formula that takes into consideration the pressure and diameter of the natural gas pipeline. Other uses such as residential garages, commercial and industrial uses, parking lots, open spaces or roads are acceptable uses within pipeline planning areas.

**ANALYSIS**

1. This application is to revise the site plan for Wilderness Heights PUD. The revised plan replaces 120,000 sq. ft. of commercial floor area with a 442-unit apartment complex and changes the street and block layout. The site plan overall includes 214,000 square feet of office and commercial floor area, 223 single family or single-family attached lots, and 960 multi-family dwelling units.

2. A maximum of 1,131 multi-family dwelling units are permitted in the PUD. The site plan shows 223 single family/single-family attached and 960 multi-family units with the remainder designated as unassigned. These unassigned units could be added at a later date thorough an administrative amendment.

| | |
|---|---|
| 223 | Single family attached/detached units are shown on the plan |
| 960 | Mulit-family units are shown on the plan |
| 221 | Unassigned units that could be a mix of additional single family or multi-family units |
| 1,404 | Total approved units |

3. The site is appropriate for an apartment complex with future commercial to the north and west. It is also bounded by a street on the south and east. The Comprehensive Plan encourages higher density residential uses next to commercial areas.

4. The applicant is requesting a waiver to allow Blocks 4, 5, 6 and 17 to exceed the maximum block length of 1,320 feet. Block 4 is for the new proposed apartment complex and one commercial lot. It is not unusual to have blocks exceeding the maximum length for large apartment complexes.

5. The applicant is requesting a waiver for Blocks 13 and 17 to exceed 1,000 feet without a pedestrian easement. Block 13 only exceeds the 1,000 feet by about 19 feet. Also, the route here to the park from the last pedestrian sidewalk in Block 14 to the north is only slightly increased by not having a sidewalk. The park is on the east end south of Block 13, so the pedestrian sidewalk is not important to pedestrian circulation.

6. Block 17 is a large apartment complex that was previously granted a waiver for block length. The approved plan under CZ07060B showed the current Block 17 as Block 18. Block 18 was granted a waiver to exceed block length and waived the pedestrian easement.

7. Other height waivers have been approved and are typical for apartments. An increase to 55 feet was approved for the apartment southwest of this site. The increased height should not impact any property negatively as streets border two sides, commercial to the north and west. 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-3: max height allowed up to 60 feet
  - B-2: max height allowed up to 50 feet
- Wilderness Hills CUP (northwest corner of 33rd & Wilderness Hills Blvd zoned R-5)
  - 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))
  - 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)
  - 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)
  - 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)
  - B-2: max height allowed up to 55 feet
  - R-5: max height allowed up to 55 feet
- Iron Ridge (southeast of 27th & Rokeby Road, Outlot J, Iron Ridge 1st Addition)

    - 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)

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Apartments, commercial and vacant/undeveloped. R-5, R-3, B-2 and O-3 all in PUD

**SURROUNDING LAND USE & ZONING**

North: Former Golf course approved for apartments; AG and R-3 PUD
South: Southwood Lutheran Church and single family lots, R-3 and R-4
East: Vacant land in a PUD approved for commercial and single family uses, plus existing large-lot single family residential lots; R-3 PUD and AGR
West: Commercial, apartments and undeveloped land; H-4, R-3 and R-5

**APPLICATION HISTORY:** See attached.

**APPROXIMATE LAND AREA:** 152.33 acres

**LEGAL DESCRIPTIONS:** See attached.

Prepared by

_____
Tom Cajka, Planner

Date: February 5, 2021

Owner/Applicant: Lincoln Federal Bancorp Inc. c/o Leo Schumacher
1101 "N" Street
Lincoln, NE 68508
(402) 474-1400 or lschumacher@lincolnfed.com

Contact: Scott Osterhaus
Olsson Associates
601 P Street, Suite 200
Lincoln, NE 68508
(402) 458-5630

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## APPLICATION HISTORY – CHANGE OF ZONE #07060C

| | |
|---|---|
| Sept. 2006 | Use Permit #06005 for Yankee Hill Plaza was approved by the Planning Commission for 216,000 square feet of office and commercial floor area and change of zone to B-2. The applicant requested the project not be forwarded to City Council, and rescinded the application in April 2009. |
| Oct. 2007 | Special Permit #07046 was approved to allow soil mining on this site for a period of three years. |
| Dec.–Apr. 2008 | The City Council approved Annexation #07003 and Change of Zone #07060 from AG to R-3 and B-2 PUD for Wilderness Heights. Preliminary Plat #07004 was approved by the Planning Commission for 309 single family lots and a 225,000 square foot commercial center. |
| Jul. 2013 | The City Council approved Change of Zone #07060A to rezone a small area from B-2 PUD to R-3 and remove the area from the PUD, and allow vehicle sales and service as a permitted use. |
| Nov. 2015 | Administrative Amendment #15109 to Change of Zone #07060A approved a change of use from vehicle sales and service to commercial and revised lot layout. |
| Aug. 2016 | Administrative Amendment #16057 to Change of Zone #07060A established architectural design standards for the commercial blocks. |
| Aug. 2018 | CZ#07060B to expand the boundary of the PUD and revise the site plan was approved by the City Council. |

## CONDITIONS OF APPROVAL – CHANGE OF ZONE #07060C

This approval permits up to 1,404 dwelling units and up to 214,000 square feet of total commercial and office floor area with the following waivers:

1. Exceed block length for Blocks 4,5,6 and 17
2. Allow Blocks 13 and 17 to exceed 1,000 feet with no pedestrian easement.
3. Increase the building height to 55' for multi-family.

All previous waivers under CZ07060B are approved.

**Site Specific Conditions:**

1. Before receiving building permits or before a final plat is approved the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council.

   1.1 Change S. 43rd St. to Greystone road.

   1.2 Label S. 44th St.

   1.3 Change State Hill Drive adjacent Block 2 as Greystone Road.

   1.4 Label Wilderness Hills Blvd adjacent Block 12.

   1.5 Delete all clouds on all sheets.

   1.6 Delete Note 15 as it is similar to Note 6. Delete Note 20.

   1.7 Change the multi-family subtotal to 960 to match the number shown on the plan.

   1.8 Remove crossed out notes and renumber the notes.

   1.9 Show the right-of-way to be dedicated along S. 40th St. and Yankee Hill Rd on Sheet 3.

   1.10 Detention analysis needs to account for the smaller townhome and single family lots compared with the larger lots in the previously approved plan, as well as the additional commercial lots and multi-family lots. Need to make sure that the runoff to Hohensee is not increased from the approved CLOMR. a. Provide model output for all revised drainage areas, and 2-, 10-, and 100-year events.

   1.11 In Table 9 in the drainage report, remove the "Potential Arterial Street Improvement Projects" from the table, as this has not been agreed upon yet by the City.

   1.12 Submit the Request for Alternative form for the proposal to convert row crops to native prairie grass to meet the water quality requirements.

   1.13 Submit Water Quality Control form. This form is needed, even with the use of an alternative measure.

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.

3. Before issuance of building permits, final plat(s) shall be approved by the City.

**Standard Conditions:**

4. The following conditions are applicable to all requests:

4.1 Before occupying the dwelling units/buildings all development and construction shall substantially comply with the approved plans.

4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

4.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.

4.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.

4.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

4.6 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.

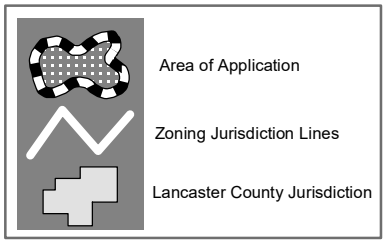
*2020 aerial*

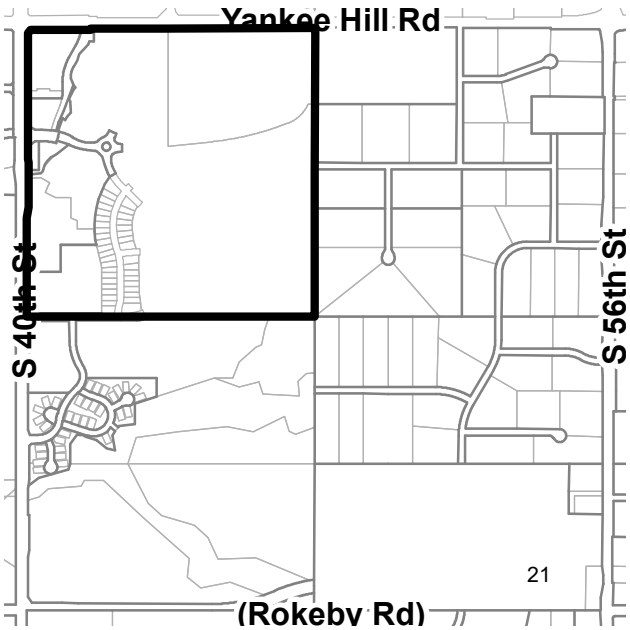
**Change of Zone #: CZ07060C**
**Wilderness Heights PUD**
**S 40th St & Yankee Hill Rd**

## Zoning:

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

One Square Mile:
Sec.29 T09N R07E



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# WILDERNESS HEIGHTS AMENDMENT TO THE PLANNED UNIT DEVELOPMENT
# SITE PLAN

0' 50' 100' 200'
SCALE IN FEET

## CURVE DATA

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 1 | Δ=028°32'23" R=450.00' L=224.15' CL=221.84' TL=114.45' | 10 | Δ=012°17'54" R=250.00' L=53.66' CL=53.56' TL=26.93' | 19 | Δ=006°03'35" R=2687.13' L=284.20' CL=284.07' TL=142.23' | 28 | Δ=006°03'35" R=2991.06' L=316.34' CL=316.20' TL=158.32' | 37 | Δ=002°33'05" R=450.00' L=20.04' CL=20.04' TL=10.02' | 46 | Δ=077°14'40" R=150.00' L=202.23' CL=187.25' TL=119.84' |
| 2 | Δ=029°36'57" R=416.50' L=215.29' CL=212.90' TL=110.11' | 11 | Δ=016°31'49" R=450.00' L=129.38' CL=128.95' TL=65.37' | 20 | Δ=012°03'05" R=634.54' L=133.47' CL=133.22' TL=66.98' | 29 | Δ=008°05'26" R=329.54' L=69.31' CL=69.19' TL=34.79' | 38 | Δ=008°05'26" R=530.00' L=74.84' CL=74.78' TL=37.48' | 47 | Δ=006°00'37" R=1000.00' L=104.90' CL=104.85' TL=52.50' |
| 3 | Δ=020°34'35" R=383.50' L=137.76' CL=137.02' TL=69.63' | 12 | Δ=013°34'16" R=450.00' L=106.59' CL=106.34' TL=53.54' | 21 | Δ=015°44'58" R=300.00' L=82.46' CL=82.20' TL=41.49' | 30 | Δ=003°25'36" R=635.00' L=303.97' CL=301.07' TL=154.95' | 39 | Δ=030°30'08" R=455.00' L=242.22' CL=239.38' TL=124.06' | 48 | Δ=025°20'50" R=300.00' L=132.72' CL=131.64' TL=67.46' |
| 4 | Δ=020°36'54" R=450.00' L=161.91' CL=161.04' TL=81.84' | 13 | Δ=023°50'36" R=151.50' L=63.05' CL=62.59' TL=31.99' | 22 | Δ=028°01'09" R=450.00' L=220.06' CL=217.88' TL=112.28' | 31 | Δ=006°00'41" R=970.00' L=101.77' CL=101.72' TL=50.93' | 40 | Δ=046°33'28" R=780.00' L=633.82' CL=616.52' TL=335.58' | 49 | Δ=019°10'34" R=300.00' L=100.41' CL=99.94' TL=50.65' |
| 5 | Δ=028°36'37" R=450.00' L=224.97' CL=222.63' TL=114.89' | 14 | Δ=051°37'35" R=150.00' L=135.16' CL=130.63' TL=72.56' | 23 | Δ=039°16'49" R=450.00' L=308.51' CL=302.50' TL=160.59' | 32 | Δ=008°39'41" R=3301.16' L=383.80' CL=383.58' TL=192.11' | 41 | Δ=012°53'58" R=450.00' L=101.31' CL=101.10' TL=50.87' | 50 | Δ=031°55'20" R=450.00' L=250.72' CL=247.49' TL=128.71' |
| 6 | Δ=018°01'56" R=450.00' L=141.62' CL=141.04' TL=71.49' | 15 | Δ=018°11'41" R=802.60' L=254.87' CL=253.80' TL=128.52' | 24 | Δ=002°21'19" R=350.00' L=14.39' CL=14.39' TL=7.19' | 33 | Δ=044°31'44" R=450.00' L=349.73' CL=340.99' TL=184.23' | 42 | Δ=011°41'50" R=150.00' L=30.62' CL=30.57' TL=15.36' | 51 | Δ=013°34'49" R=450.00' L=106.66' CL=106.41' TL=53.58' |
| 7 | Δ=007°55'38" R=1000.00' L=71.45' CL=71.44' TL=35.74' | 16 | Δ=042°49'25" R=450.00' L=336.34' CL=328.56' TL=176.46' | 25 | Δ=020°52'48" R=200.00' L=34.37' CL=34.33' TL=17.23' | 34 | Δ=059°18'49" R=150.00' L=155.28' CL=148.44' TL=85.41' | 43 | Δ=044°31'44" R=150.00' L=116.58' CL=113.65' TL=61.41' | 52 | Δ=012°02'33" R=450.00' L=94.58' CL=94.41' TL=47.47' |
| 8 | Δ=016°01'53" R=2500.00' L=699.50' CL=697.22' TL=352.05' | 17 | Δ=005°45'48" R=450.00' L=45.26' CL=45.25' TL=22.65' | 26 | Δ=038°38'50" R=500.00' L=337.26' CL=330.90' TL=175.33' | 35 | Δ=019°01'39" R=575.00' L=190.95' CL=190.08' TL=96.36' | 44 | Δ=004°25'14" R=600.00' L=46.29' CL=46.28' TL=23.16' | | |
| 9 | Δ=054°54'11" R=300.00' L=287.47' CL=276.65' TL=155.85' | 18 | Δ=042°03'55" R=500.00' L=367.09' CL=358.90' TL=192.26' | 27 | Δ=032°41'30" R=170.00' L=97.00' CL=95.69' TL=49.86' | 36 | Δ=012°07'48" R=1290.00' L=274.27' CL=273.71' TL=137.63' | 45 | Δ=004°26'53" R=400.00' L=31.05' CL=31.05' TL=15.53' | | |

## COMMERCIAL LAND USE TABLE– O–3 & B–2 USE AREA

| LOT/BLOCK | ZONING (USE) | LOT AREA (ACRE) | BUILDING AREA (SQ FT) (OPTION 1 PEDESTRIAN ORIENTATION |
|---|---|---|---|
| LOT 1/ BLOCK 1 | COMMERCIAL | 4.50 | 45,000 |
| LOT 2/ BLOCK 1 | COMMERCIAL | 0.53 | 5,000 |
| LOT 3/ BLOCK 1 | COMMERCIAL | 1.65 | 13,000 |
| LOT 1/BLOCK 2 | COMMERCIAL | 1.70 | 6,500 |
| LOT 2/BLOCK 2 | COMMERCIAL | 1.45 | 8,000 |
| LOT 3/BLOCK 2 | COMMERCIAL | 1.61 | 8,000 |
| LOT 4/BLOCK 2 | COMMERCIAL | 1.04 | 7,500 |
| LOT 1/BLOCK 3 | COMMERCIAL | 1.42 | 14,000 |
| LOT 2/BLOCK 3 | COMMERCIAL | 1.66 | 5,000 |
| LOT 3/BLOCK 3 | COMMERCIAL | 1.48 | 10,000 |
| LOT 4/BLOCK 3 | COMMERCIAL | 1.74 | 5,000 |
| LOT 1/BLOCK 4 | COMMERCIAL | 7.51 | 87,000 |
| | | | |
| TOTAL O–3 & B–2 LOTS | | 26.29 | 214000 |

## P.U.D. RESIDENTIAL DENSITY ALLOWED

| | | |
|---|---|---|
| RESIDENTIAL ACRES | 72.45 SINGLE FAM (R3) | 38.96 MULTI FAM (R5 & B2) |
| MAX. DENSITY UNITS/ACRE | 6.96 | 29.04 |
| MAXIMUM RESIDENTIAL UNITS | 504 | 1131 |
| P.U.D. RESIDENTIAL DENSITY UTILIZATION AS SHOWN ON PLAN | 223 | 960 |
| SUBTOTAL | 223 | 942 |
| UNASSIGNED | 50 | 171 |
| APPROVED RESIDENTIAL UNITS | 273 | 1131 |

*171 UNASSIGNED MULTI–FAMILY UNITS MAY BE BUILT IN THE B–2 AREA OUTSIDE OF THE PIPELINE PLANNING AREA.

## LEGEND

- EASEMENT
- PROPOSED SETBACK (B2, O3, AND R5 AREAS SHOWN)
- PROPOSED ROW
- P.U.D. BOUNDARY
- LIMITS OF CONSERVATION EASEMENT
- HIGH–PRESSURE GAS PIPELINE
- EXISITNG 100–YR FLOOD PLAIN
- PROPOSED 100–YR FLOOD PLAIN
- 8" SAN. PROPOSED SANITARY SEWER
- 6" WAT PROPOSED WATER MAIN
- PIPELINE PLANNING AREA


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


REVISIONS

| REV. NO. | DATE | REVISIONS DESCRIPTION |
|---|---|---|
| 1 | 5–26–20 | LOT LAYOUT AROUND SOUTH 42ND STREET |
| 2 | 01–20–21 | SINGLE FAMILY LOTS, B–2 MULTI FAMILY, WATER QUALITY RELOCATION |

SITE PLAN

WILDERNESS HEIGHTS
AMENDMENT TO THE PLANNED UNIT DEVELOPMENT
LINCOLN, NEBRASKA

2021

| | |
|---|---|
| drawn by: | --- |
| checked by: | BJM |
| approved by: | BJM |
| QA/QC by: | BJM |
| project no.: | 020-2297 |
| drawing no.: | |
| date: | 01-20-21 |

SHEET 3 of 14

DWG: F:\2020\2001-2500\020-2297\40-Design\AutoCAD\Preliminary Plans\Sheets\GNCVC_SIT_0202297.dwg
DATE: Feb 03, 2021 6:07pm
XREFS: SURROUNDING C_PBASE_0202297 ARISTO
USER: jmichalski 12270_FLOOD

# WILDERNESS HEIGHTS AMENDMENT TO THE PLANNED UNIT DEVELOPMENT
# COVER SHEET

## SHEET INDEX


| | |
|---|---|
| COVER SHEET | SHEET 1 |
| USE PLAN | SHEET 2 |
| SITE PLAN | SHEET 3 |
| GRADING & DRAINAGE PLAN | SHEET 4–10 |
| STREET PROFILES | SHEET 11–14 |


## DEVELOPER/OWNER

LINCOLN FEDERAL BANCORP, INC.
1101 'N' STREET,
LINCOLN, NEBRASKA 68508
PHONE: (402) 474-1400

## ENGINEER & PREPARER

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

## LEGAL DESCRIPTION

A TRACT OF LAND COMPOSED OF LOT 50 I.T., AND LOT 51 I.T., OUTLOTS 'A' AND 'B', WILDERNESS HEIGHTS ADDITION, OUTLOTS 'A' AND 'B', WILDERNESS HEIGHTS 1st ADDITION, AND LOT 1, WILDERNESS HEIGHTS 1st ADDITION, ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6th P.M.; THENCE EASTERLY ON THE NORTH LINE OF SAID NORTHWEST QUARTER ON AN ASSUMED BEARING OF N89°51'06"E, A DISTANCE OF 87.90' TO A POINT; THENCE S00°08'54"E, A DISTANCE OF 60.00' TO THE NORTHWEST CORNER OF OUTLOT 'A', WILDERNESS HEIGHTS 1st ADDITION, SAID POINT BEING ON A SOUTH RIGHT–OF–WAY LINE OF YANKEE HILL ROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE N89°51'06"E, ON A NORTH LINE OF SAID OUTLOT 'A', SAID LINE BEING A SOUTH LINE OF SAID RIGHT–OF–WAY, SAID LINE ALSO BEING 60.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 230.62' TO A NORTH CORNER OF SAID OUTLOT 'A'; THENCE S00°08'54"E, ON AN EAST LINE OF SAID OUTLOT 'A', SAID LINE BEING A WEST LINE OF SAID RIGHT–OF–WAY, A DISTANCE OF 10.00' TO A NORTH CORNER OF SAID OUTLOT 'A'; THENCE N89°51'06"E, ON A NORTH LINE OF SAID OUTLOT 'A', AND ON THE NORTH LINE OF OUTLOT 'B', WILDERNESS HEIGHTS 1st ADDITION, SAID LINE BEING A SOUTH LINE OF SAID RIGHT–OF–WAY, SAID LINE ALSO BEING 70.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 336.49' TO THE NORTHEAST CORNER OF SAID OUTLOT 'B', SAID POINT BEING ON A WEST LINE OF LOT 51 I.T.; THENCE N00°08'54"W, ON A WEST LINE OF SAID LOT 51 I.T., SAID LINE BEING A EAST LINE OF SAID RIGHT–OF–WAY, A DISTANCE OF 20.00' TO THE NORTHWEST CORNER OF SAID LOT 51 I.T.; THENCE N89°51'06"E, ON THE NORTH LINE OF SAID LOT 51 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT–OF–WAY, SAID LINE ALSO BEING 50.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1,985.76' TO THE NORTHEAST CORNER OF SAID LOT 51 I.T., SAID POINT BEING ON THE EAST LINE OF SAID NORTHWEST QUARTER; THENCE S00°04'33"W, ON THE EAST LINE OF SAID LOT 51 I.T., AND ON THE EAST LINE OF LOT 50 I.T., SAID LINE BEING THE EAST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 2,592.30' TO THE SOUTHEAST CORNER OF SAID LOT 50 I.T., SAID POINT BEING THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE S89°59'32"W, ON THE SOUTH LINE OF SAID LOT 50 I.T., SAID LINE BEING THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 2,585.42' TO THE SOUTHWEST CORNER OF SAID LOT 50 I.T., SAID POINT BEING 50.00' EAST OF THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER, SAID POINT ALSO BEING ON A EAST RIGHT–OF–WAY LINE OF SOUTH 40th STREET; THENCE N00°02'40"W, ON A WEST LINE OF SAID LOT 50 I.T., SAID LINE BEING A EAST LINE OF SAID RIGHT–OF–WAY, SAID LINE ALSO BEING 50.00' EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 884.77' TO A WEST CORNER OF SAID LOT 50 I.T.; THENCE N08°33'29"E, ON A WEST LINE OF SAID LOT 50 I.T., SAID LINE BEING A EAST LINE OF SAID RIGHT–OF–WAY, A DISTANCE OF 100.28' TO A WEST CORNER OF SAID LOT 50 I.T., SAID POINT BEING 65.00' EAST OF THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE N00°02'40"W, ON A WEST LINE OF SAID LOT 50 I.T., AND ON A WEST LINE OF LOT 51 I.T., SAID LINE BEING A EAST LINE OF SAID RIGHT–OF–WAY, SAID LINE ALSO BEING 65.00' EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 334.05' TO A WEST CORNER OF SAID LOT 51 I.T.; THENCE N89°55'19"E, ON A NORTH LINE OF SAID LOT 51 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT–OF–WAY, A DISTANCE OF 5.00' TO THE SOUTHWEST CORNER OF OUTLOT 'A', WILDERNESS HEIGHTS ADDITION; THENCE N00°02'40"W, ON A WEST LINE OF SAID OUTLOT 'A', SAID LINE BEING A EAST LINE OF SAID RIGHT–OF–WAY, SAID LINE ALSO BEING 70.00' EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 215.37' TO A WEST CORNER OF SAID OUTLOT 'A'; THENCE N52°11'02"E, ON A NORTHWEST LINE OF SAID OUTLOT 'A', SAID LINE BEING A SOUTHEAST LINE OF SAID RIGHT–OF–WAY, A DISTANCE OF 67.00' TO THE NORTHWEST CORNER OF SAID OUTLOT 'A'; SAID POINT BEING ON A SOUTH RIGHT–OF–WAY LINE OF HOHENSEE DRIVE; THENCE N89°57'20"E, ON A NORTH LINE OF SAID OUTLOT 'A', AND ON A NORTH LINE OF SAID LOT 51 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT–OF–WAY, A DISTANCE OF 57.98' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 13°13'09", A RADIUS OF 594.00', AN ARC LENGTH OF 137.05' ON A NORTH LINE OF SAID LOT 51 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT–OF–WAY, A CHORD LENGTH OF 136.74', A TANGENT LENGTH OF 68.83', AND A CHORD BEARING OF S83°26'06"E, TO A WEST CORNER OF SAID LOT 51 I.T., SAID POINT BEING THE SOUTHEAST CORNER OF SAID RIGHT–OF–WAY; THENCE N13°10'29"E, ON A WEST LINE OF SAID LOT 51 I.T., SAID LINE BEING A EAST LINE OF SAID RIGHT–OF–WAY, A DISTANCE OF 108.00' TO A WEST CORNER OF SAID LOT 51 I.T., SAID POINT BEING THE NORTHEAST CORNER OF SAID RIGHT–OF–WAY, SAID POINT ALSO BEING A POINT OF CURVATURE FOR A NON–TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 13°13'09", A RADIUS OF 702.00', AN ARC LENGTH OF 161.97' ON A SOUTH LINE OF SAID LOT 51 I.T., ON A SOUTH LINE OF OUTLOT 'B', WILDERNESS HEIGHTS ADDITION, ON A SOUTH LINE OF OUTLOT 'A', WILDERNESS HEIGHTS 1st ADDITION, AND ON A SOUTH LINE OF LOT 1, WILDERNESS HEIGHTS 1ST ADDITION, SAID LINE BEING A NORTH LINE OF SAID RIGHT–OF–WAY, A CHORD LENGTH OF 161.61', A TANGENT LENGTH OF 81.34', AND A CHORD BEARING OF N83°26'06"W TO A SOUTH CORNER OF SAID LOT 1; THENCE S89°57'20"W, ON A SOUTH LINE OF SAID LOT 1, SAID LINE BEING A NORTH LINE OF SAID RIGHT–OF–WAY, A DISTANCE OF 57.98' TO THE SOUTHWEST CORNER OF SAID LOT 1, SAID POINT BEING ON A EAST RIGHT–OF–WAY LINE OF SOUTH 40TH STREET; THENCE S59°23'49"W, ON A SOUTHWEST LINE OF SAID LOT 1, SAID LINE BEING A NORTHEAST LINE OF SAID RIGHT–OF–WAY, A DISTANCE OF 65.58' TO A WEST CORNER OF SAID LOT 1, SAID POINT BEING 66.55' EAST OF THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE N06°53'14"W, ON A WEST LINE OF SAID LOT 1, SAID LINE BEING A EAST LINE OF SAID RIGHT–OF–WAY, A DISTANCE OF 54.95' TO WEST CORNER OF SAID LOT 1, SAID POINT BEING 60.00' EAST OF THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE N00°02'40"W, ON A WEST LINE OF SAID LOT 1, AND ON A WEST LINE OF OUTLOT 'A', WILDERNESS HEIGHTS 1st ADDITION, SAID LINE BEING ON A EAST LINE OF SAID RIGHT–OF–WAY, SAID LINE ALSO BEING 60.00' EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 477.56' TO A WEST CORNER OF SAID OUTLOT 'A'; THENCE N89°57'20"E, ON A NORTH LINE OF SAID OUTLOT 'A', SAID LINE BEING A SOUTH LINE OF SAID RIGHT–OF–WAY, A DISTANCE OF 10.00' TO A WEST CORNER OF SAID OUTLOT 'A'; THENCE N00°02'40"W, ON A WEST LINE OF SAID OUTLOT 'A', SAID LINE BEING A EAST LINE OF SAID RIGHT–OF–WAY, SAID LINE ALSO BEING 70.00' EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 310.02' TO A WEST CORNER OF SAID OUTLOT 'A'; THENCE N44°53'23"E, ON A NORTHWEST LINE OF SAID OUTLOT 'A', SAID LINE BEING A SOUTHEAST LINE OF SAID RIGHT–OF–WAY, A DISTANCE OF 25.49' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 6,635,584.76 SQUARE FEET OR 152.33 ACRES, MORE OR LESS.

## GENERAL SITE NOTES

1. THE PROPOSED LOT LINES ARE CONCEPTUAL AND MAY VARY IN THE FINAL PLAT.
2. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
3. ALL PAVING RADII ARE TO BE 20 FEET UNLESS OTHERWISE NOTED.
4. ALL INTERSECTION ANGLES SHALL BE 90° UNLESS OTHERWISE NOTED.
5. ALL ELEVATIONS ARE BASED ON NAVD 1988 DATUM.
6. SIGNS NEED NOT BE SHOWN ON THE SITE PLAN, BUT WILL BE SHOWN AT THE TIME OF SIGN PERMIT AND WILL BE PER ZONING ORDINANCE 27.69. SIGNAGE ALLOWED SHALL BE BASED ON THE ZONING DESIGNATION AREAS SHOWN ON SHEET 2 OF 14, "USE PLAN".
7. RIGHT–OF–WAY WIDTHS: REFERENCE TYPICAL STREET CROSS SECTIONS, THIS SHEET.
8. CROSS ACCESS AND PARKING EASEMENTS WILL BE GRANTED IN BLOCKS 1–4, EXCEPT LOT 2 BLOCK 4 (APARTMENT SITE).
9. DIRECT VEHICULAR ACCESS TO PUBLIC STREETS IS RELINQUISHED ACCEPT AS SHOWN.
10. DEVELOPMENT SHALL BE RESTRICTED BY THE CONSERVATION EASEMENT PER THE TERMS AND CONDITIONS OF THE CONSERVATION EASEMENT. DEVELOPMENT SHALL ALSO BE RESTRICTED BY NEW GROWTH AREA STANDARDS PER THE CITY FLOODPLAIN STANDARDS. (NOTE THERE IS NO LONGER A FLOOD PRONE AREA ANYMORE AS THIS CORRIDOR HAS BEEN ADOPTED BY FEMA AS A FLOODPLAIN AREA)
11. ALL SITE IMPROVEMENTS SHALL CONFORM TO THE CONDITIONS OF THE APPROVED LOWER PLATTE SOUTH NRD CONSERVATION EASEMENT. THERE WILL BE NO UTILITIES INSTALLED, NOR STRUCTURES, NOR GRADING WITHOUT PRIOR APPROVAL BY THE PUBLIC WORKS AND UTILITIES DIRECTOR AND THE LPSNRD PER THE CONSERVATION EASEMENT.
12. OUTLOTS WILL BE MAINTAINED BY THE DEVELOPER AND/OR FUTURE HOME OWNERS ASSOCIATIONS.
13. INDIVIDUAL LOT AND PARKING LAYOUT, PEDESTRIAN CIRCULATION AND BUILDING ORIENTATION FOR BLOCKS 1–4 IS CONCEPTUAL AND SHALL BE FINALIZED BY ADMINISTRATIVE AMENDMENT. THE PEDESTRIAN WAY EASEMENT THROUGH LOT 1, BLOCK 4 BETWEEN STATE HILL DRIVE AND HOHENSEE DRIVE WILL BE COORDINATED AT TIME OF BUILDING PERMIT FOR LOT 1 BLOCK 4.
14. THE DEVELOPER SHALL WORK WITH THE CITY OF LINCOLN ON A LOCATION FOR A TRANSIT STOP IF REQUESTED BY THE CITY.
15. SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE, AND MUST BE APPROVED BY THE BUILDING & SAFETY DEPARTMENT PRIOR TO INSTALLATION.
16. THE OWNER OF LOT 1, BLOCK 1; LOT 1, BLOCK 2; AND LOTS 1–4, BLOCK 3 SHALL NOTIFY PURCHASERS OF LOT ADJACENT TO YANKEE HILL ROAD OF THE APPROXIMATE LOCATION OF THE HIGH PRESSURE GAS PIPELINE UNDER THE EASTBOUND LANES OF YANKEE HILL ROAD.
17. ALL NECESSARY CLOMR (CONDITIONAL LETTER OF MAP REVISION), LOMR (LETTER OF MAP REVISION), LOMA (LETTER OF MAP AMENDMENT) WILL BE OBTAINED FOR MODIFICATIONS TO FLOODPLAIN.
18. A) FOR BUILDING PERMITS IN THE B–2 COMMERCIAL USE AREA ADJACENT TO OUTLOT 'C', AFTER GRADING AND COMPLETION OF THE DRAINAGE STRUCTURES LOCATED WITHIN FLOODPLAIN, AND PRIOR TO BUILDING PERMIT APPROVALS, A LETTER OF MAP REVISION FROM FEMA NEEDS TO BE OBTAINED AND SUBMITTED TO THE CITY REFLECTING FINAL GRADES AND NEW FLOODPLAIN.
B) IN THE R–5 MULTI–FAMILY AREA, BUILDING PERMITS MAY NOT BE APPROVED FOR BUILDING 'A' UNTIL THE LETTER OF MAP REVISION IS APPROVED.
19. NO DWELLING UNITS ARE PERMITTED WITHIN THE PIPELINE PLANNING AREA.
20. (NOTE 20 HAS BEEN REMOVED WITH REVISION #4).
21. PRIOR TO FINAL PLATTING OF S. 48TH STREET, PROVIDE THE ADDITIONAL RIGHT–OF–WAY AND HAVE APPROVED EXECUTIVE ORDERS, OR BY ASSESSMENT DISTRICT IF APPROVED BY THE CITY COUNCIL, FOR CONSTRUCTION OF PAVING FOR S. 48TH STREET AS SHOWN ON THE SITE PLAN.
22. FOR LOT 14 BLOCK 17, PRIOR TO A BUILDING PERMIT FOR ANY RESIDENTIAL UNITS THERE MUST BE:
A) A CONNECTION TO WILDERNESS HILLS BLVD.
B) ROUNDABOUT AT THE INTERSECTION OF WILDERNESS HILLS BLVD. AND SOUTH 40TH STREET MUST BE COMPLETED OR APPROVED FOR CONSTRUCTION BY PUBLIC WORKS AND UTILITIES.
23. FOR LOTS 15 AND 16, BLOCK 17, THE CONSTRUCTION OF UP TO 200 DWELLING UNITS IS ALLOWED WITH JUST A CONNECTION TO HOHENSEE DRIVE. AFTER THE FIRST 200 DWELLING UNITS ARE CONSTRUCTED, THE CONNECTION TO SOUTH 40TH STREET BETWEEN HOHENSEE DRIVE AND WILDERNESS HILLS BLVD. MUST BE COMPLETED OR APPROVED FOR CONSTRUCTION BY LINCOLN TRANSPORTATION AND UTILITIES.
24. THE LAYOUT OF LOT 23, BLOCK 17 MUST BE APPROVED BY ADMINISTRATIVE AMENDMENT. IF THE FINAL LAYOUT OF LOT 23 CHANGES SUBSTANTIALLY, AN ADMINISTRATIVE AMENDMENT WILL BE REQUIRED.
25. A COMMON ACCESS EASEMENT IS SHOWN THROUGH LOT 15, BLOCK 17 FROM SOUTH 40TH STREET TO LOT 14. BLOCK 17 IN THE EVENT THAT LOT 14 BECOMES A MULTI–FAMILY LOT, SEPARATE FROM LOT 15, THE COMMON ACCESS EASEMENT WILL BE REMOVED. IN THE EVENT THAT LOT 14 BECOMES SINGLE FAMILY ATTACHED OR DETACHED LOTS, THE COMMON ACCESS EASEMENT WILL ALSO BE REMOVED IF LOTS 14 & 15 ARE COMBINED INTO ONE MULTI–FAMILY LOT.
26. RIGHT–OF–WAY AND EASEMENTS FOR THE ROUND–A–BOUT AT THE INTERSECTION OF SOUTH 40TH STREET AND WILDERNESS HILLS BLVD SHALL BE DEDICATED AT NO COST WHEN REQUESTED BY THE CITY FOR IMPROVEMENTS TO SAID STREETS.
27. THE DEVELOPER AGREES TO RELINQUISH ACCESS TO HOHENSEE DRIVE FOR THE DOUBLE FRONTAGE LOTS SHOWN IN BLOCK 5. THE DEVELOPER ALSO AGREES TO RELINQUISH ACCESS TO HOHENSEE DRIVE FOR LOTS 1 & 22, BLOCK 8, AND LOT 1, BLOCK 9.

## WAIVERS – (CITY OF LINCOLN SUBDIVISION REGULATIONS AND DESIGN STANDARDS)

R–3 PUD OVERLAY WAIVERS:
1. ALLOW SANITARY SEWER TO FLOW OPPOSITE STREET GRADES.
2. ALLOW SANITARY SEWER TO EXCEED MAXIMUM DEPTH.
3. ALLOW LOT LINES NOT AT RIGHT ANGLES OR RADIAL TO A STREET.
4. ALLOW BLOCK LENGTH GREATER THAN 1,000 FEET WITHOUT A PEDESTRIAN WAY FOR BLOCK 13.
5. ALLOW BLOCKS 5 & 6 TO EXCEED MAXIMUM BLOCK LENGTH OF 1,320 FEET.

O–3 PUD OVERLAY WAIVERS:
6. ALLOW INTERSECTIONS LESS THAN 1/4–MILE APART ON YANKEE HILL ROAD.
7. REDUCE INTERNAL SETBACKS TO 0 FEET.

B–2 PUD OVERLAY WAIVERS:
8. REDUCE INTERNAL SETBACKS TO 0 FEET.
9. INCREASE THE BUILDING HEIGHT FROM 40 FEET TO 55 FEET FOR COMMERCIAL AND MULTI–FAMILY USES.
10. ALLOW THE FOLLOWING PERMITTED USES: MOTORIZED VEHICLE SALES AND SERVICE, AND RESIDENTIAL DWELLINGS ON THE FIRST FLOOR OUTSIDE OF THE PIPELINE PLANNING AREA.
11. ALLOW BLOCK 4 TO EXCEED MAXIMUM BLOCK LENGTH OF 1,320 FEET.

R–5 PUD OVERLAY WAIVERS:
12. INCREASE THE BUILDING HEIGHT FROM 35 FEET TO 55 FEET FOR MULTI–FAMILY UNITS.
13. ALLOW BLOCK LENGTH GREATER THAN 1,000 FEET WITHOUT A PEDESTRIAN WAY FOR BLOCK 17.
14. ALLOW BLOCK 17 TO EXCEED MAXIMUM BLOCK LENGTH OF 1,320 FEET.

## LEGEND

- EASEMENT
- PROPOSED SETBACK (B2, O3, AND R5 AREAS SHOWN)
- PROPOSED ROW
- P.U.D. BOUNDARY
- LIMITS OF CONSERVATION EASEMENT
- PIPELINE PLANNING AREA

SCALE IN FEET: 0, 75', 150', 300'

## *BUILDING DESIGN CRITERIA*

1. THE FOLLOWING BUILDING DESIGN CRITERIA SHALL BE CERTIFIED BY A REGISTERED ARCH ITECT IN WRITING THAT THE BUILDING DESIGN COMPLIES WITH THE DESIGN CRITERIA CONTAINED HEREIN AT THE TIME OF BUILDING PERMIT. EXCEPTIONS WILL REQUIRE APPROVAL FROM THE PLANNING DIRECTOR AT THE TIME OF BUILDING PERMIT.
2. ALL BUILDINGS WITHIN THE B-2 AND O-3 DESIGNATED AREAS SHALL BE SUBJECT TO THESE DESIGN CRITERIA.
3. BUILDING FOOTPRINTS (SINGLE OR MULTI-STORY) 25,000 SQUARE FEET OR LESS, A MINIMUM OF 35% OF THE EXTERIOR FACADE AREA OF THE BUILDING SHALL BE BRICK, STONE, OR CULTURED STONE.
4. BUILDING FOOTPRINTS (SINGLE OR MULTI-STORY) OVER 25,000 SQUARE FEET, A MINIMUM OF 40% OF THE EXTERIOR FACADE AREA OF THE BUILDING SHALL BE BRICK, STONE, CULTURED STONE, STONE MASONRY, OR A COMBINATION THEREOF.
5. EXPOSED CONCRETE UNIT MASONRY, WHETHER GRAY, INTEGRALLY COLORED, OR BURNISHED, SHALL NOT BE USED, EXCEPT SPLIT-FACE CONCRETE MASONRY OR CONCRETE MASONRY WITH A BRICK MASONRY OR STONE VENEER MAY BE USED IF COMPATIBLE WITH THE OVERALL EXTERIOR COLOR PALETTE.
6. SYNTHETIC STUCCO AND EXTERIOR INSULATION AND FINISH SYSTEMS OR STUCCO WALL SYSTEMS MAY BE USED BUT SHALL NOT BE THE MAIN EXTERIOR FIELD MATERIAL AND SHALL ONLY BE USED AS AN ACCENT. COLORS FOR EIFS OR STUCCO SHALL BE COMPATIBLE WITH THE BRICK AND STONE COLORS.
7. ACCENTS OF ARCHITECTURAL PRE-CAST MAY BE USED PROVIDED THAT THE STYLE AND COLOR ARE COMPATIBLE WITH THE DESIGN PALETTE AND COMPLIMENTARY TO THE BRICK AND STONE COLOR RANGE. EXPOSED STRUCTURAL PRE-CAST CONCRETE SHALL NOT BE USED, BUT STRUCTURAL PRE-CAST CONCRETE MAY BE USED WITH A BRICK MASONRY VENEER COMPATIBLE WITH THE OVERALL EXTERIOR COLOR PALETTE.
8. EXPOSED CAST-IN-PLACE CONCRETE SHALL NOT BE USED. CAST-IN-PLACE CONCRETE WITH A BRICK MASONRY VENEER COMPATIBLE WITH THE OVERALL EXTERIOR COLOR PALETTE MAY BE USED.
9. WINDOWS AND STOREFRONT SYSTEMS SHALL BE CONSTRUCTED OF EXTRUDED ALUMINUM. ALUMINUM STOREFRONT FRAMES SHALL BE THERMALLY BROKEN. FINISH FOR THE WINDOW SYSTEM SHALL BE COMPATIBLE WITH THE OVER ALL EXTERIOR COLOR PALETTE.
10. GLAZING SHALL BE 1" INSULATING GLASS WITH LOW-E COATING. GLASS SHALL BE SELECTED TO PROVIDE PROPER THERMAL PERFORMANCE TO MEET BUILDING CODE REQUIREMENTS. COLOR SHALL BE "CLEAR" AND/OR GRAY.
11. GLAZED IN METAL INSULATED WALL PANELS OR INSULATED METAL WALL PANELS THAT ARE INTEGRAL TO THE ALUMINUM WINDOW FRAMING SYSTEM SHALL BE PERMITTED. THE FINISH AND COLOR OF THE INSULATED WALL PANELS SHALL BE COMPATIBLE WITH THE OVERALL EXTERIOR COLOR PALETTE FOR THE ALUMI NUM WINDOW SYSTEMS.
12. METAL FLASHING, GUTTERS AND DOWNSPOUTS SHALL BE PRE-FINSHED AND SHALL BE COMPATIBLE WITH THE OVERALL EXTERIOR COLOR PALETTE AND SHALL CLOSELY MATCH THE COLOR OF THE ALUMINUM WINDOW SYSTEM COLOR.
13. ROOFS FOR ONE STORY BUILDINGS SHALL BE SLOPED OR COMBINATION OF SLOPED AND "FLAT". ROOFS FOR BUILDINGS OF MORE THAN ONE STORY SHALL BE SLOPED AND FLAT OR FLAT. ROOFS WITH SLOPES SHALL HAVE A MAXIMUM SLOPE OF 5:12. ROOF ELEMENTS MAKING UP NOT MORE THAN 25% OF THE TOTAL ROOF AREA MAY BE OF ANY PITCH.
14. ALL ROOF-MOUNTED EQUIPMENT SHALL BE ADEQUATELY AND COMPLETELY SCREENED FROM ANY PROPERTY ADJACENT TO PUBLIC RIGHT OF WAYS AND/OR PEDESTRIANS' VIEWS BY MEANS OF EXTER IOR BUILDING WALLS OR SCREEN WALLS. ALL ROOFTOP SCREENING SHALL BE INTEGRALLY DESIGNED INTO THE BUILDING BY USE OF ROOF PARAPETS AND WALLS.
15. FOLLOWING ITEMS SHALL BE EITHER LOCATED OUT OF DIRECT PUBLIC VIEW OR ADEQUATELY SCREENED BY A SCREEN WALL.
    - GAS METERS AND ANY ASSOCIATED PIPING
    - ELECTRIC METERS AND ANY ASSOCIATED CONDUITS
    - TRANSFORMERS
    - TRASH COMPACTORS
    - ANY GROUND-INSTALLED EQUIPMENT
    - TRASH DUMPSTERS, SERVICE AREAS AND RECYCLING BINS AND GREASE INTERCEPTORS.

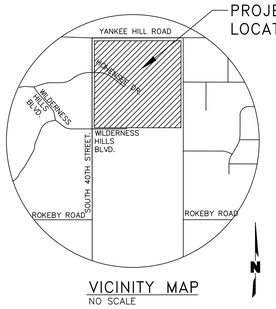
## BOUNDARY CURVE DATA

A: Δ=13°13'09" R=594.00' L=137.05' CL=136.74' T=68.83' CB=S83°26'06"E

B: Δ=13°13'09" R=702.00' L=161.97' CL=161.61' T=81.34' CB=N83°26'06"W

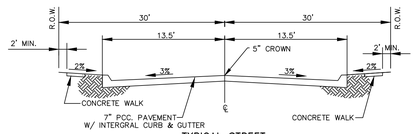
## VICINITY MAP

NO SCALE



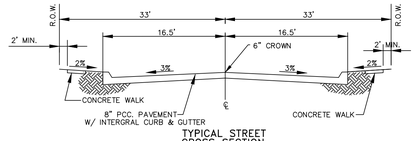

## TYPICAL STREET CROSS SECTION

WILDERNESS HILLS BLVD (EAST OF SOUTH 42ND STREET), ALL RESIDENTIAL ROADS SOUTH OF HOHENSEE DRIVE
NOT TO SCALE



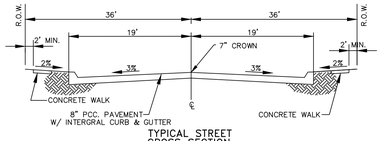

## TYPICAL STREET CROSS SECTION

WILDERNESS HILLS BLVD (FROM PRAIRIE WIND DR. TO SOUTH 42ND STREET), HOHENSEE DRIVE (EAST OF GREYSTONE ROAD),
NOT TO SCALE




## TYPICAL STREET CROSS SECTION

WILDERNESS HILLS BLVD (FROM SOUTH 40TH STREET TO PRAIRIE WIND ROAD),
NOT TO SCALE




## ANTICIPATED USE FOR OUTLOTS

| OUTLOT | PUBLIC ACCESS | PED. WAY | BLANKET UTILITY EASEMENT | GREEN SPACE | DRAINAGE WAY | PUBLIC UTILITY EASEMENT | CONSERVATION EASEMENT | RESERVED FOR FUTURE DEVELOPMENT |
|---|---|---|---|---|---|---|---|---|
| A | | | | X | X | | X | |
| B | X | X | X | | | X | | |
| C | | | | X | X | | X | |
| D | X | | X | | | X | | |
| E | | | X | X | | | | |
| F | | X | X | | | | | |
| G | | X | X | | | | | |
| H | | X | X | | | | | |
| I | | | X | X | X | | | |
| J | | | X | X | X | | | |
| K | | | X | X | X | | | |
| L | | | X | | | | | |
| M | | X | X | | | | | |
| N | | X | X | | | | | |

## 100 YR NWT–SEUSC PROFILE ELEVATIONS

| STATION | WATER SURFACE ELEVATION |
|---|---|
| 5582.809 | 1251.17 |
| 5390 | 1248.13 |
| 5300 | 1247.94 |
| 5220 | 1246.95 |
| 5135 | 1247.22 |
| 5020 | 1246.13 |
| 4928.984 | 1245.49 |
| 4322 | 1244.80 |
| 4267 | CULVERT |
| 4202 | 1242.53 |
| 4072 | 1242.52 |
| 3971.693 | 1242.44 |
| 3875 | CULVERT |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Lincoln, NE 68508
TEL 402.474.6311
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| REV. NO. | DATE | REVISIONS DESCRIPTION |
|---|---|---|
| 1 | 11–5–18 | O–3 SETBACKS/ NOTE 18 |
| 2 | 3–26–19 | NOTE 18, APARTMENT LAYOUT/NOTE 23/SPLIT BLOCK 18 LOT 15 |
| 3 | 5–28–20 | NOTE 18, APARTMENT LAYOUT/NOTE 23/SPLIT BLOCK 18 LOT 15 |
| 4 | 01–20–21 | PAT. RD. MOTHS & 42ND/ NOTE 10/15 & 42ND ST./ NOTE 20/ 4 SF LOTS, B–2 MULTIFAMILY, WATER QUALITY RELOCATION |

COVER SHEET

WILDERNESS HEIGHTS
AMENDMENT TO THE PLANNED UNIT DEVELOPMENT
LINCOLN, NEBRASKA

2021

drawn by:
checked by: BJM
approved by: BJM
QA/QC by: BJM
project no.: 020-2297
drawing no.:
date: 01-20-21

SHEET 1 of 14

DWG: F:\2020\2001-2500\020-2297\40-Design\AutoCAD\Preliminary Plans\Sheets\GNCV\C_COV_0202297.dwg
DATE: Feb 03, 2021 6:05pm
XREFS: SURROUNDING C_FBASE_RDWY C_FBASE_0202297
USER: jmichalski 122770_FLOOD 122770 _Conservation Easement ARISTO

**LEGAL DESCRIPTION**

A TRACT OF LAND COMPOSED OF LOT 55 I.T., OUTLOTS “A”, AND “B” WILDERNESS HEIGHTS ADDITION, LOT 1, AND OUTLOT “B”, WILDERNESS HEIGHTS 1ST ADDITION, OUTLOTS “A” AND “D”, THE REMAINING PORTION OF OUTLOT “B”, LOTS 1 AND 2, BLOCK 1, WILDERNESS HEIGHTS 2ND ADDITION, OUTLOT “A” WILDERNESS HEIGHTS 3RD ADDITION, LOTS 1 AND 2, WILDERNESS HEIGHTS 4TH ADDITION, LOTS 1 THROUGH 22, BLOCK 1, LOTS 1 THROUGH 8, BLOCK 2, LOTS 1 THROUGH 9, BLOCK 3, AND OUTLOT “A” WILDERNESS HEIGHTS 6TH ADDITION, A PORTION OF HOHENSEE DRIVE, A PORTION OF STATE HILL DRIVE, A PORTION OF GREYSTONE ROAD, A PORTION OF WILDERNESS HILLS BOULEVARD, A PORTION OF SOUTH 42ND STREET AND A PORTION OF YELLOWPEAK ROAD, ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M.; THENCE EASTERLY ON THE NORTH LINE OF SAID NORTHWEST QUARTER ON AN ASSUMED BEARING OF N89°51'06"E, A DISTANCE OF 87.90' TO A POINT; THENCE S00°08'54"E, A DISTANCE OF 60.00' TO THE NORTHWEST CORNER OF LOT 2, WILDERNESS HEIGHTS 2ND ADDITION, SAID POINT BEING ON A SOUTH RIGHT-OF-WAY LINE OF YANKEE HILL ROAD, SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE N89°51'06"E, ON A NORTH LINE OF SAID LOT 2, SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 60.00’ SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 230.62' TO A NORTH CORNER OF SAID LOT 2; THENCE S00°08'54"E, ON A EAST LINE OF SAID LOT 2, SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 10.00' TO A NORTH CORNER OF SAID LOT 2; THENCE N89°51'06"E, ON A NORTH LINE OF SAID LOT 2, AND ON THE NORTH LINE OF OUTLOT “B”, WILDERNESS HEIGHTS 1ST ADDITION, SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 70.00’ SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 336.49' TO THE NORTHEAST CORNER OF SAID OUTLOT “B”, SAID POINT BEING ON A WEST LINE OF OUTLOT “A”, WILDERNESS HILLS 6TH ADDITION; THENCE N00°08'54"W, ON A WEST LINE OF SAID OUTLOT “A”, SAID LINE BEING AN EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 20.00' TO THE NORTHWEST CORNER OF SAID OUTLOT “A”; THENCE N89°51'06"E, ON THE NORTH LINE OF SAID OUTLOT A, AND A NORTH LINE OF LOT 55 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00’ SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1,985.76' TO THE NORTHEAST CORNER OF SAID LOT 55 I.T., SAID POINT BEING ON THE EAST LINE OF SAID NORTHWEST QUARTER; THENCE S00°04'33"W, ON THE EAST LINE OF SAID LOT 55 I.T., AND AN EAST LINE OF SAID OUTLOT “A”, WILDERNESS HEIGHTS 6TH ADDITION, SAID LINE BEING THE EAST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 2,592.30' TO THE SOUTHEAST CORNER OF SAID OUTLOT “A”, SAID POINT BEING THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE S89°59'32"W, ON THE SOUTH LINE

OF SAID NORTHWEST QUARTER, A DISTANCE OF 2,585.42' TO A POINT, SAID POINT BEING 50.00’ EAST OF THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE N00°02'40"W, ON AN EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00’ EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 884.77' TO A POINT: THENCE N08°33'29"E, ON AN EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 100.28' TO A POINT, SAID POINT BEING 65.00’ EAST OF THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE N00°02'40"W, ON AN EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 65.00’ EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 334.05' TO A POINT; THENCE N89°55'19"E, ON A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 5.00' TO THE SOUTHWEST CORNER OF OUTLOT “A”, WILDERNESS HEIGHTS ADDITION; THENCE N00°02'40"W, ON A WEST LINE OF SAID OUTLOT “A”, SAID LINE BEING AN EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 70.00’ EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 215.37' TO A WEST CORNER OF SAID OUTLOT “A”; THENCE N52°11'02"E, ON A NORTHWEST LINE OF SAID OUTLOT “A”, SAID LINE BEING A SOUTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 67.00' TO A NORTHWEST CORNER OF SAID OUTLOT “A”, SAID POINT BEING ON A SOUTH RIGHT-OF-WAY LINE OF HOHENSEE DRIVE; THENCE N89°57'20"E ON A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 57.98' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 13°13'09", A RADIUS OF 594.00', AN ARC LENGTH OF 137.05' ON A SOUTH LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 136.74', A TANGENT LENGTH OF 68.83', AND A CHORD BEARING OF S83°26'06"E, TO A POINT, SAID POINT BEING THE SOUTHEAST CORNER OF SAID RIGHT-OF-WAY; THENCE N13°10'29"E, ON AN EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 108.00' TO A NORTHEAST CORNER OF SAID RIGHT-OF-WAY, SAID POINT ALSO BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 13°13'09", A RADIUS OF 702.00', AN ARC LENGTH OF 161.97' ON A NORTH LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 161.61', A TANGENT LENGTH OF 81.34', AND A CHORD BEARING OF N83°26'06"W TO A SOUTH CORNER OF LOT 1, WILDERNESS HEIGHTS 1ST ADDITION; THENCE S89°57'20"W, ON A SOUTH LINE OF SAID LOT 1, SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 57.98' TO THE SOUTHWEST CORNER OF SAID LOT 1, SAID POINT BEING ON A EAST RIGHT-OF-WAY LINE OF SOUTH 40$^{TH}$ STREET; THENCE N59°23'49"W, ON A SOUTHWEST LINE OF SAID LOT 1, SAID LINE BEING A NORTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 65.58' TO A WEST CORNER OF SAID LOT 1, SAID POINT BEING 66.55’ EAST OF THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE N06°53'14"W, ON A WEST LINE OF SAID LOT 1, SAID LINE BEING AN EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 54.95' TO WEST CORNER OF SAID LOT 1, SAID POINT BEING 60.00’ EAST OF THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE N00°02'40"W, ON AN EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 60.00’ EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 477.56' TO A POINT; THENCE N89°57'20"E, ON A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 10.00' TO A POINT; THENCE N00°02'40"W, ON AN EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 70.00’ EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 310.02'

TO A POINT; THENCE N44°53'23"E, ON A SOUTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 25.49' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 6,635,584.76 SQUARE FEET OR 152.33 ACRES, MORE OR LESS.

FEBRUARY 8, 2021
F:\2020\2001-2500\020-2297\40-DESIGN\SURVEY\SRVY\DESCRIPTION\015-1906_UPDATED-PP-LEGAL_NEW_LOTS.DOC

olsson

January 20, 2021

Mr. David Cary
Planning Department, City of Lincoln
County-City Building
555 So. 10th Street
Lincoln, NE 68508

RE: Amendment to Wilderness Heights PUD

Dear David:

On behalf of Lincoln Federal Bancorp, Inc. we are requesting an Amendment to the Wilderness Heights PUD. The reasons for the Amendment are as follows.

1. We are requesting a revision to the total number of single family residential units in the R-3 use area. The total number of allowed units will change from 216 to 273 units. Along with this revision there will be a change to the overall layout of the street system in the R-3 use area as well as the addition of several townhome lots on Music Lane.

2. In addition to the current approved 500 multifamily units along south 40th street, we are requesting 460 multi-family units in a portion of the B-2 area to the north of Hohensee. The density calcs for this revision are shown on the Site Plan. There are minor changes to the commercial layout as a result.

3. We are requesting to move the water quality from this site to the combined water quality site at Wilderness Hills South. The Drainage/Grading Plans, and the drainage report have been revised to include this change as well as any changes to the drainage calcs as a result of the lot changes. An exhibit will be included to show the proposed distribution of water quality credits.

Attached please find the following:
1. Application.
2 Application fee in the amount of $988.00

The revised plans and drainage information will be uploaded when the ProjectDox folder has been created.
Feel free to give me a call if you have any questions or need any additional information.

Scott Osterhaus

Enclosures

CC: File
*F:\2020\2001-2500\020-2297\20-Management\Communication\LCary 1-20-21.docx*

601 P Street / Suite 200 / Lincoln, NE 68508
O 402.474.6311 / olsson.com

# LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

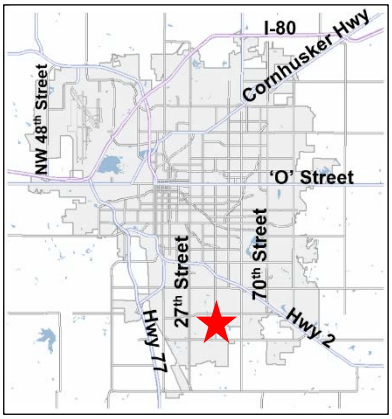
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

| APPLICATION NUMBER | FINAL ACTION? | DEVELOPER/OWNER |
|---|---|---|
| Special Permit #21002 | Yes | MB Landholdings LLC |
| **PLANNING COMMISSION HEARING DATE** | **RELATED APPLICATIONS** | **PROPERTY ADDRESS/LOCATION** |
| February 17, 2021 | None | NE of S. 40th St. and Yankee Hill Rd. |

## RECOMMENDATION: CONDITIONAL APPROVAL

**BRIEF SUMMARY OF REQUEST**

This is a request per Section 27.63.160 of Lincoln Municipal Code for Excavation. The property is currently in the AG Agricultural District. The boundary of the special permit is approximately 23.13. The area of excavation is approximately 21 acres.




**JUSTIFICATION FOR RECOMMENDATION**

This application with the conditions of approval meet the requirements for an Excavation special permit. There are few houses nearby. There is no significant impact on adjacent properties with proposed conditions.

**APPLICATION CONTACT**

Jake Whitefoot, Gana Trucking & Excavating
402-794-5000 jakew@ganatrucking.com

**STAFF CONTACT**

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

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The special permit for excavation of soil is in conformance with the 2040 Comprehensive Plan. It helps support road and development projects that support growth of the community.

**ANALYSIS**

1. This request is for a special permit for soil excavation. The special permit area is 23.13 acres and the area of excavation is 21.4 acres. Approximately 200,000 cubic yards of soil is planned to be excavated. The special permit is for three years. After three years a new special permit would be required. The operations impact on the street system, adjacent properties and the community would be reviewed after 3 years before a new special permit would be approved.
2. The site plan shows an access drive from Yankee Hill Road, approximately 650 feet east of the intersection of S. 40th St. and Yankee Hill Rd. No access is allowed to S. 40th St.
3. The site is the former Yankee Hill golf course and is proposed for future commercial development. A recently approved apartment complex, Chateau at Yankee Hill, was approved east of this site. An acreage development is located approximately 1,400 feet to the east.

4. Operating hours shall be limited to daylight hours, Monday through Saturday.
5. The construction access appears to be at the existing drive to 4200 Yankee Hill Drive. Lincoln Transportation and Utilities (LTU) requires that the construction access be at the existing drive.
6. Yankee Hill Road will be under construction in 2021. The street improvement project will be between S. 40th St. and S. 56th St. and is anticipated to take one year. During construction access to the site will need to be coordinated with LTU. After the street construction is completed, access to the mine site must be from S. 44th Street. Some of the soil excavated for this site will be used for the Yankee Hill Road project.
7. During the soil mining process, the land owner will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but are not limited to, application of water or other dust suppression chemicals.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** AG-Agriculture Undeveloped, former golf course

**SURROUNDING LAND USE & ZONING**

| | | |
|---|---|---|
| North: | AG Agriculture | Undeveloped, former golf course |
| South: | O-3 Office Park | Undeveloped |
| | B-2 Planned Neighborhood Business | Undeveloped |
| East: | R-3 Residential | Undeveloped, future apartment complex |
| West: | B-2 Planned Neighborhood Business | Commercial |

**APPROXIMATE LAND AREA:** 23.13 acres.

**LEGAL DESCRIPTION:** see attached

Prepared by

_____
Tom Cajka, Planner

Date: February 2, 2021

Applicant: Gana Trucking and Excavating
2200 W. Panama Rd.
Martell, NE 68404
402-794-5000
jakew@ganatrucking.com

Contact: Same as applicant

Owner: MBH Landholdings, LLC
2627 Kendra Lane
Lincoln, NE 68512
402-429-7600
timpieper@siddillion.com

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## CONDITIONS OF APPROVAL – SPECIAL PERMIT #21002

Per Section 27.63.160 this approval permits soil excavation for a period of three (3) years from the date of approval of this special permit.

**Site Specific Conditions:**

1. Before initiating excavation operations the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **3** copies with all required revisions and documents as listed below:

    1.1 On Sheet 1 note the acres of the excavated area and show the vehicle and equipment storage area.

    1.2 On Sheet 1 show the construction entrance.

    1.3 On Sheet 3 correct the sign detail. The sign must be at least 32 sq. ft. Add a note that he sign must comply with 27.63.160H LMC.

    1.4 Add a note that access to S. 40th St. is relinquished for the excavation use.

    1.5 Add a note that any tracking out of the site must be cleaned by permitee and inspected throughout the day.

    1.6 Remove fill from areas within the boundary of the excavation area.

    1.7 Renumber Sheets 1 and 3 as Sheets 1 of 2 and 2 of 2. Sheets 2, 4 and 5 are supplemental information that contain information not required for the special permit.

2. Before receiving building permits provide the following documents to the Planning Department:

    2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

3. Before beginning the excavation operation,

    3.1 The Permittee shall have

        3.1.1 Received review and permits, in required for the Federal NPDES and 404 Permits.

        3.1.2 Post performance bond in the amount of$11,235.00 ($525.00 per acre intended to be disturbed) to assure compliance with the final reclamation plan, including but not limited to regrading, topsoil conditioning, and re-vegetation. A registered professional engineer must certify at closure of operations that grading and final reclamation has been completed in accordance with the approved plans before the bond may be released.

        3.1.3 Upon completion of all terms, conditions and requirements of the special permit that are to be completed before beginning operations, the Permittee shall request the Director of Building and Safety to issue a certificate of operation. Permittee shall not begin operation until it has received said certificate of operation.

        3.1.4 A sign shall be posted and maintained at the entrance to the site. The sign shall be:

            3.1.4.1 Clearly visible from the adjacent road;

3.1.4.2 At least 32 square feet in area;

3.1.4.3 Lettering shall be at least two inches in heights, black on a white background;

3.1.4.4 The sign shall list:

(a) The approved Special Permit Number;

(b) The name, contact phone and email address for the land owner;

(c) The name, contact phone and email address for the operator/contractor;

(d) The Building and Safety Department contact number.

3.2 After beginning the excavation operations, the Permittee shall have

3.2.1 Erosion controls, including retention and sediment basins shall be provided during excavation in conformance with state and federal standards and City land erosion and sediment control regulations to prevent a change in the character of runoff onto adjacent land.

3.2.2 No more than twenty (20) acres of the site shall be open for operations at any one time. The surface shall be maintained in such a manner that surface waters do not collect and pond, unless specifically approved by the City. Underground drainage may be supplied if it connects to an existing drainage facility and is satisfactory to the City.

3.2.3 Topsoil shall be collected and stored for redistribution on the site at the termination of the operation or termination of each phase.

3.2.4 Excavation shall be conducted in such a way as not to constitute a hazard to any person, not to the adjoining properties. Dust shall be controlled on-site to meet Lincoln-Lancaster County Air Pollution Control Program regulations. In addition, the Health Department may require dust control on unpaved perimeter roads.

3.2.5 Safety screening may be required at the outer boundary of the site.

3.2.6 Operating hours shall be limited to daylight hours, Monday through Saturday.

3.2.7 The applicant will take appropriate measures, such as street sweeping or "rumble bars" as specified by the City Engineer to minimize mud or dirt tracking onto streets and roads on a continuing (daily) basis during operation.

3.2.8 Operations shall commence within one year from the date the special permit is approved or the special permit will automatically terminate and be considered null and void. All existing certificates of operation shall automatically terminate on the same date.

3.2.9 Within nine months after the completion of excavation on any portion of the site, all cuts shall be returned to a slope of less than three to one, the topography and soils shall be restored and stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public.

3.2.10 A special permit may be approved for a maximum of three-years from the date the special permit is issued.

3.2.11 Permittee shall prepare and submit an annual report to the Director of Building and Safety addressing the status and extent of operations and each condition of the special permit. Failure to submit the annual report shall constitute just cause for the City Council to revoke the special permit.

3.2.12 Permittee shall be subject to an annual site inspection by the Director of Building and Safety. The cost of such inspection shall be paid for by the applicant. Cost shall be based upon the Department of Building and Safety's hourly rate in effect on the date of the application. Building and Safety shall:

3.2.12.1 Inspect the site to determine whether terms, special conditions and requirements imposed by the City in the approval of the special permit have be met and complied with; and

3.2.12.2 Review all complaints from public and other departments/agencies and report to the Planning Director.

3.2.13 The City Engineer may require installation of traffic signs to warn motorists of excavation or stone milling operations and truck traffic.

3.2.14 The construction plans shall generally comply with the approved plans.

4. At the conclusion of the operation, the permittee shall provide to the Building & Safety Department a certificate from an engineer stating that the final grading substantially reflects the finish contours shown on the approved site plan and request a release of the performance bond.

**Standard Conditions:**

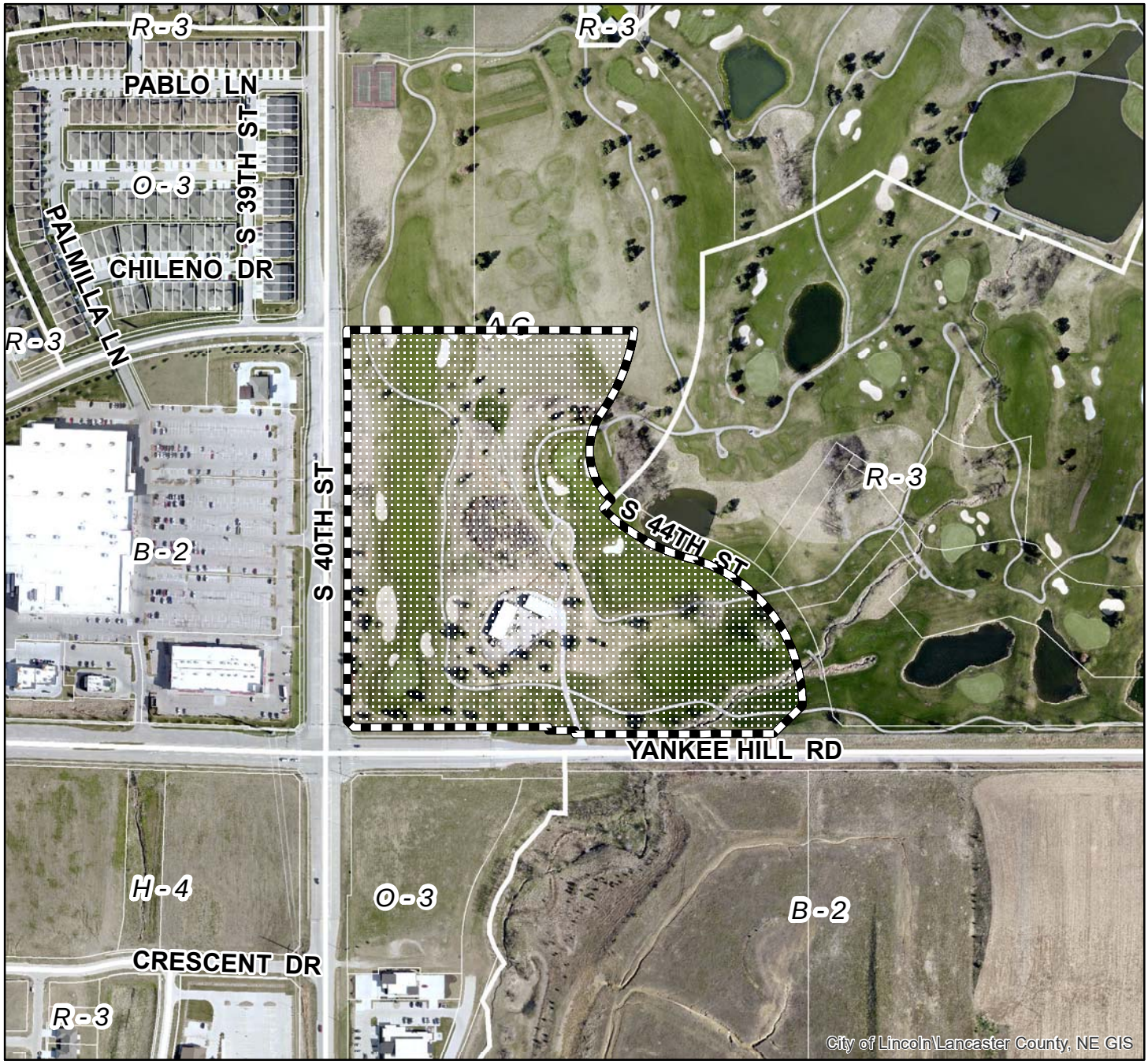
5. The following conditions are applicable to all requests:

5.1 Before starting the operation, all development and construction shall substantially comply with the approved plans.

5.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.

5.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

5.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.



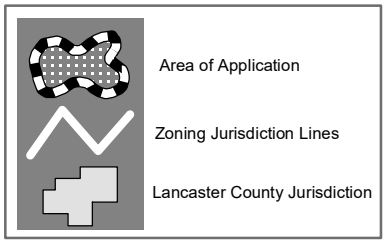

*2020 aerial*

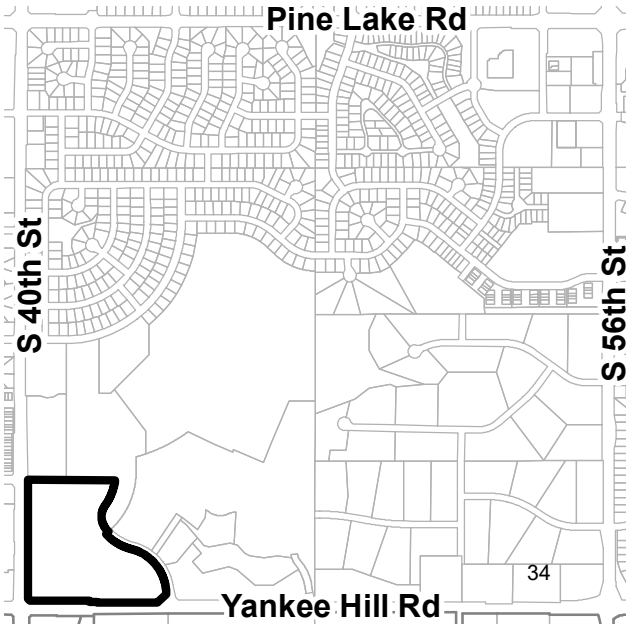
**Special Permit #: SP21002**
**S 40th St & Yankee Hill Rd**

## Zoning:

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

One Square Mile:
Sec.20 T09N R07E



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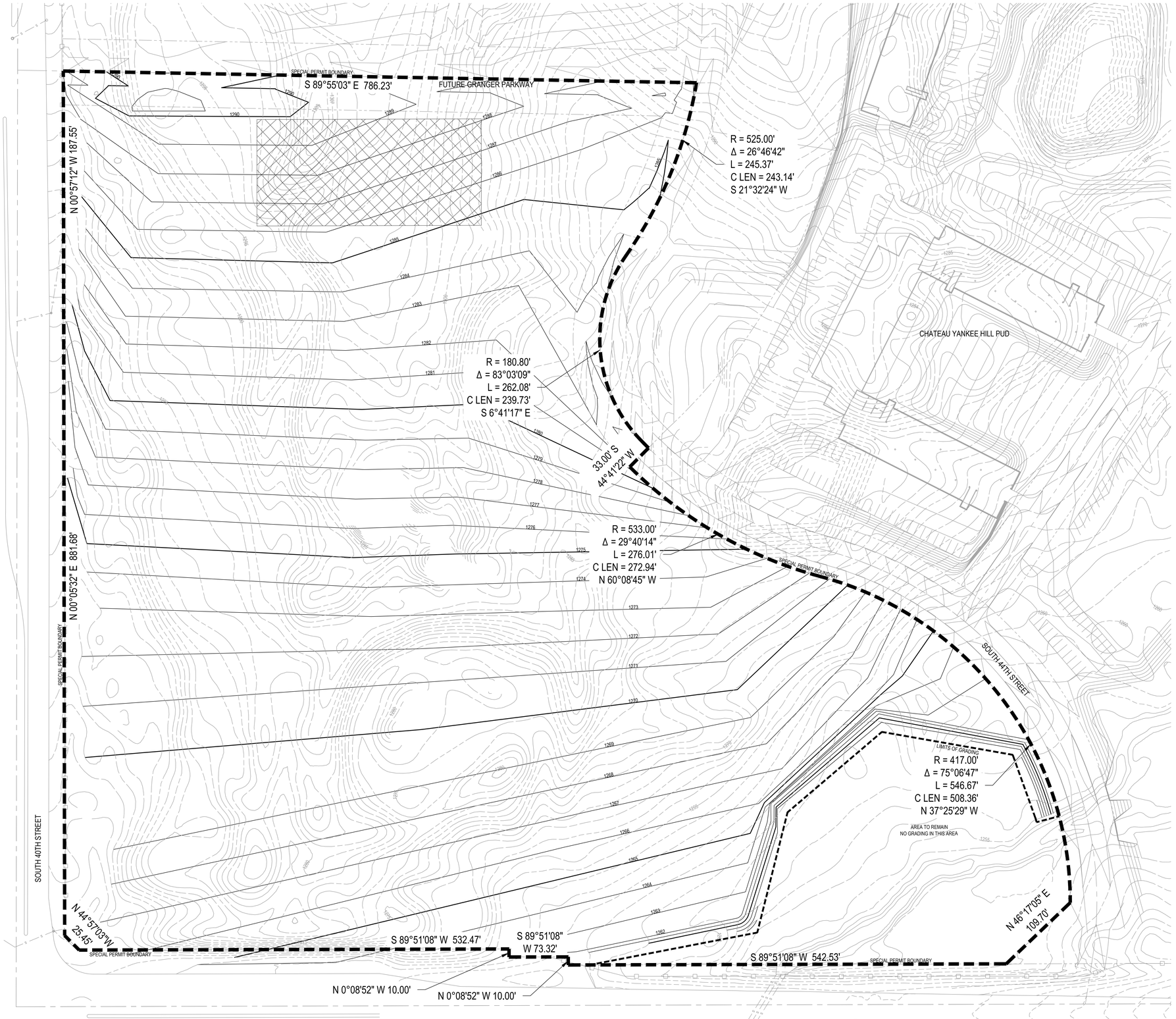



## GRADING PLAN
SCALE: 1"=50'-0"

## GENERAL NOTES

1. OPERATING HOURS SHALL BE LIMITED TO DAYLIGHT HOURS MONDAY THROUGH SATURDAY.
2. ACCESS TO THE SITE SHALL BE LIMITED TO ONE LOCATION ONLY AS SHOWN BY THE CONSTRUCTION ENTRANCE.
3. DUST CONTROL TO MEET LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL PROGRAM REGULATIONS.
4. CONTRACTOR SHALL COLLECT AND STORE TOP SOIL FOR REDISTRIBUTION TO BE USED AT TERMINATION OF GRADING.
5. CONTRACTOR SHALL POST WARNING SIGNS DURING HAULING OPERATIONS ALONG YANKEE HILL ROAD WARNING TRAFFIC OF TRUCKS ENTERING.
6. THE SPECIAL PERMIT IS APPROVED FOR THREE YEARS FROM THE DATE THE SPECIAL PERMIT IS APPROVED.
7. NO EXCAVATING SHALL TAKE PLACE WITHIN 1,000 FEET OF THE EXISTING WELL.

## GRADING NOTES

1. ALL APPLICABLE CHAPTERS AND SECTIONS FROM THE CITY OF LINCOLN STANDARD SPECIFICATIONS FOR MUNICIPAL CONSTRUCTION SHALL APPLY.
2. THE CONTRACTOR IS RESPONSIBLE FOR PROTECTION OF ALL PROPERTY CORNERS.
3. TOPSOIL SALVAGED AS PART OF THE EXCAVATION SHALL BE PLACED TO A MINIMUM DEPTH OF 6 INCHES OVER ALL AREAS DISTURBED BY THE WORK. LARGE STONES, STICKS AND LUMPS SHALL BE REMOVED OR BROKEN UP, AND THE TOPSOIL SHALL BE LEVELED AND RAKED TO MATCH ADJACENT GRADES, READY FOR SEEDING. ANY ROCK OR SAND FROM PAVING ACTIVITIES SHALL BE REMOVED PRIOR TO PLACEMENT OF TOPSOIL. ALL EXCESS SOILS, NOT RE-SPREAD WITHIN THE PROJECT LIMITS, SHALL BE REMOVED BY THE CONTRACTOR.
4. THE CONTRACTOR SHALL FINISH GRADE SLOPES AS SHOWN NO STEEPER THAN ONE FOOT VERTICAL IN 3 FEET HORIZONTAL.
5. CONTRACTOR SHALL GRADE ALL LOW SPOTS TO DRAIN.
6. CONTRACTOR SHALL ASSURE POSITIVE DRAINAGE.
7. CONTRACTOR SHALL GRADE TO CONTOURS SHOWN.
8. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS PRIOR TO COMMENCING CONSTRUCTION.
9. CONTRACTOR IS RESPONSIBLE FOR ALL TRAFFIC CONTROL AND SAFETY MEASURES, IF NECESSARY.

## LEGAL DESCRIPTION

THAT PART OF LOT 2, SPEIDEL 1st ADDITION, LOCATED IN THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6th PRINCIPAL MERIDIAN, LINCOLN, LANCASTER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOW;

COMMENCING AT THE SOUTHEAST CORNER OF LOT 2, SPEIDEL 1st ADDITION, SAID POINT BEING ON THE NORTH 50' RIGHT OF WAY LINE FOR YANKEE HILL ROAD; THENCE WESTERLY ON THE SAID NORTH RIGHT OF WAY LINE, S 89°51'08"W 1414.75', TO THE POINT OF BEGINNING; THENCE CONTINUING ON SAID RIGHT OF WAY LINE FOR THE NEXT SIX (6) COURSES, WESTERLY, S 89°51'08"W 542.53'; THENCE NORTHERLY, N 0°08'52"W 10.00'; THENCE WESTERLY, S 89°51'08"W 73.32'; THENCE NORTHERLY, N 0°08'52"W 10.00'; THENCE WESTERLY, S 89°51'08"W 532.47'; THENCE NORTHWESTERLY, N 44°57'03"W 25.45', TO A POINT ON THE EAST RIGHT OF WAY LINE FOR SOUTH 40th STREET; THENCE NORTHERLY ON SAID EAST RIGHT OF WAY LINE FOR THE NEXT TWO (2) COURSES, N 0°05'32"E 881.68'; THENCE N 0°57'12"W 187.55'; THENCE EASTERLY, S 89°55'03"E 786.23', TO A POINT ON A CIRCULAR CURVE TURNING IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 525.00', A CENTRAL ANGLE OF 26°46'42" AND AN ARC LENGTH OF 245.37'; THENCE ON SAID CURVE, HAVING A CHORD OF S 21°32'24"W 243.14', TO A POINT ON A CIRCULAR CURVE TURNING IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 180.80', A CENTRAL ANGLE OF 83°03'09" AND AN ARC LENGTH OF 262.08'; THENCE ON SAID CURVE, HAVING A CHORD OF S 6°41'17"E 239.73', THENCE SOUTHWESTERLY, S 44°41'22"W 33.00', TO A POINT ON A CIRCULAR CURVE TURNING IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 533.00', A CENTRAL ANGLE OF 29°40'14" AND AN ARC LENGTH OF 276.01'; THENCE ON SAID CURVE, HAVING A CHORD OF S 60°08'45"E 272.94', TO A POINT ON A CIRCULAR CURVE TURNING IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 417.00', A CENTRAL ANGLE OF 75°06'47" AND AN ARC LENGTH OF 546.67'; THENCE ON SAID CURVE, HAVING A CHORD OF S 37°25'29"E 508.36'; THENCE SOUTHWESTERLY, S 46°17'05"W 109.70', TO THE POINT OF BEGINNING SAID TRACT CONTAINING AN AREA OF 1,007,282.37 SQUARE FEET OR 23.124 ACRES, MORE OR LESS.

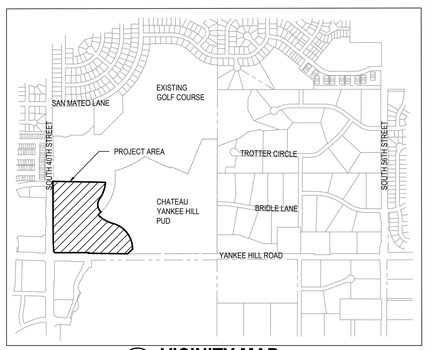
### CONTRACTOR
JAKE WHITEFOOT
GANA TRUCKING & EXCAVATING
2200 W. PANAMA ROAD
MARTELL, NE. 68404
PHONE: 402-794-4313
JAKEW@GANATRUCKING.COM

### ENGINEER
TIM GERGEN
THE CLARK ENERSEN PARTNERS
1010 LINCOLN MALL, SUITE 200
LINCOLN, NE. 68508
PHONE: 402-477-9291
TIM.GERGEN@CLARKENERSEN.COM

### OWNER
TIM PIEPER
MBH LANDHOLDINGS, LLC
2627 KENDRA LANE
LINCOLN, NE. 68512
PHONE: 402-429-7600
TIMPIEPER@SIDDILLION.COM

### MACHINERY
1. EXCAVATOR
2. SIDE DUMP
3. SCRAPER
4. DUMP TRUCK

## LEGEND
- EXISTING CONTOUR
- PROPOSED CONTOUR
- SPECIAL PERMIT BOUNDARY
- LIMITS OF GRADING
- STOCKPILE LOCATION




## VICINITY MAP
NO SCALE

The Clark Enersen Partners
Architecture
Landscape Architecture
Engineering
Interiors
clarkenersen.com
Lincoln, Nebraska
1010 Lincoln Mall, Suite 200
Lincoln, NE 68508-2883
P: 402.477.9291 F: 402.477.6542
Kansas City, Missouri
Fairway, Kansas
Fort Collins, Colorado

**Yankee Hill Mining Permit**

Lincoln, NE

TCEP No.: 269-003-21

January 20, 2021

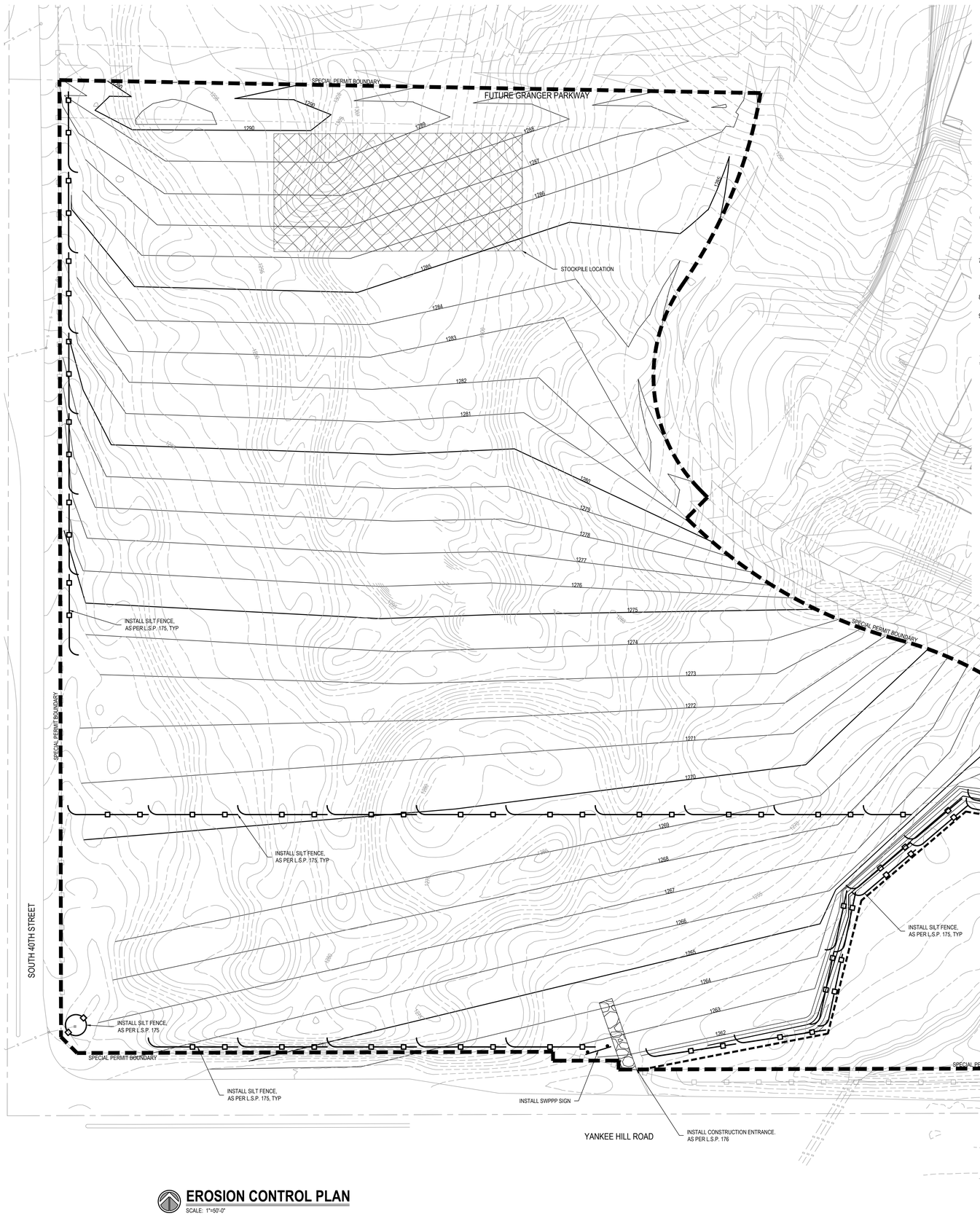
PROFESSIONAL CIVIL ENGINEER
TIMOTHY R. GERGEN
E-10344
1.20.21
REGISTERED
STATE OF NEBRASKA

Grading Plan



Nebraska811.org
Nebraska811
Know what's below. Call before you dig.

Plot Time Stamp: 1 / 21 / 2021 9:54:51 AM
File Location/Name: \\tcep-ln-srv-004\200-299\269-003-21 Gana Mining Permit\03) AutoCAD\269003-1of5.dwg




## EROSION CONTROL PLAN
SCALE: 1"=50'-0"

## EROSION CONTROLS AND FINAL STABILIZATION

1. THE PERMITTEE SHALL COMPLY WITH THE GENERAL NPDES PERMIT FOR STORM WATER DISCHARGE FROM CONSTRUCTION SITES TO WATER OF THE STATE OF NEBRASKA, ISSUED NOVEMBER 1, 2016.
2. SEQUENCE OF EROSION CONTROL BMP'S (BEST MANAGEMENT PRACTICES)
   - PRIOR TO GRADING OPERATION, INSTALL ALL SILT FENCE AND CURB INLET FILTERS
   - INSTALL STABILIZED CONSTRUCTION ENTRANCE (SEE NOTE 5) BEFORE SOIL DISTURBANCE
   - FOLLOWING SOIL DISTURBANCE, PERMANENT OR TEMPORARY STABILIZATION SHALL BE COMPLETED WITHIN SEVEN (7) CALENDAR DAYS TO THE SURFACE OF ALL PERIMETER SEDIMENT CONTROLS, TOPSOIL STOCKPILES, AND ANY OTHER DISTURBED OR GRADED AREAS ON THE PROJECT SITE WHICH ARE NOT BEING USED FOR MATERIAL STORAGE, OR ON WHICH ACTUAL EARTH MOVING ACTIVITIES ARE NOT BEING PERFORMED.

   PERMITTEE SHALL REFER TO SPECIFICATION SECTION 312500-EROSION AND SEDIMENT CONTROL SYSTEMS FOR MORE INFORMATION ON PRODUCTS TO BE USED FOR THESE BMP'S
3. THE PERMITTEE SHALL HAVE A SPILL PREVENTION AND RESPONSE PLAN THAT ADDRESSES FUELING, MAINTENANCE AND STORAGE AREAS ON-SITE INCLUDING A DESCRIPTION OF SAID CONSTRUCTION MATERIALS (WITH UPDATES AS APPROPRIATE). THIS SPILL PREVENTION PLAN SHALL BE MAINTAINED ON THE PROJECT SITE. THE PLAN SHALL COMPLY WITH THE REQUIREMENTS OF CHAPTER 18 OF NDEQ TITLE 126- RULES AND REGULATIONS PERTAINING TO THE MANAGEMENT OF WASTES.
4. ANY WASTES PRESENT OR GENERATED AT THE SITE SHALL BE DISPOSED OF IN COMPLIANCE WITH NDEQ REGULATIONS.
   REGULATIONS THAT MAY HAVE APPLICATION IN THIS RESPECT INCLUDE, BUT ARE NOT NECESSARILY LIMITED TO:
   - NDEQ TITLE 119 - RULES AND REGULATIONS PERTAINING TO THE ISSUANCE OF PERMITS UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
   - NDEQ TITLE 128 - RULES AND REGULATIONS GOVERNING HAZARDOUS WASTE MANAGEMENT IN NEBRASKA
   - NDEQ TITLE 129 - NEBRASKA AIR QUALITY REGULATIONS
   - NDEQ TITLE 130 - RULES AND REGULATIONS PERTAINING TO LIVESTOCK WASTE CONTROL
   - NDEQ TITLE 132 - INTEGRATED SOLID WASTE MANAGEMENT REGULATIONS
5. THE PERMITTEE SHALL PROVIDE A STABILIZED SURFACE FOR EACH CONSTRUCTION ENTRANCE AS DELINEATED ON THE SITE PLAN. THE STABILIZED SURFACE SHALL CONSIST OF A 6" THICK BASE OF CRUSHED ROCK OVER A WOVEN GEOTEXTILE FABRIC MANUFACTURED BY MIRAFI, PRODUCT #HP 370 OR EQUAL AS APPROVED BY ARCHITECT. IF TRAFFIC ON SITE EXCEEDS MORE THEN 25 VEHICLES PER DAY, A WASH DOWN STATION FOR TRUCKS SHALL BE INSTALLED AND STREET SWEEPING SHALL BE PERFORMED.
6. DUST BLOWING CONTROL
   THE PERMITTEE SHALL USE EITHER OF THE FOLLOWING MEASURES OR A COMBINATION OF BOTH IF NECESSARY:
   A. TANK TRUCK OR OTHER SUCH EQUIPMENT TO SPREAD WATER ON THE SOIL SURFACE.
   B. INSTALL PICKET FENCE WIND BREAKS. FENCES SHALL BE PLACED AT THE RIGHT ANGLE TO THE PREVAILING WIND CURRENTS.
7. THE PERMITTEE SHALL REMOVE ACCUMULATED SEDIMENT FROM BEHIND SILT FENCES DURING THE LIFE OF THIS CONTRACT. ACCUMULATION OF SEDIMENT MUST NOT BE ALLOWED TO REACH ABOVE HALF THE HEIGHT OF THE FENCE. ALL EROSION CONTROL FEATURES SHALL BE KEPT IN WORKING ORDER DURING THE LIFE OF THIS CONTRACT AT NO ADDITIONAL COST TO THE OWNER.
8. LITTER, CONSTRUCTION DEBRIS AND CONSTRUCTION CHEMICALS MUST BE PREVENTED FROM ENTERING RECEIVING WATERS.
9. THE PERMITTEE SHALL BE RESPONSIBLE FOR ENSURING THAT FINAL STABILIZATION IS ACCOMPLISHED ON ALL NON-IMPERVIOUS SURFACES OF THE CONSTRUCTION SITE PRIOR TO SUBMITTING FORM CSW-NOT. REFERENCE PART III, PARAGRAPH 'M', SUBPARAGRAPH 1, SECTIONS A-H IN THE GENERAL NPDES PERMIT FOR STORM WATER DISCHARGE FROM CONSTRUCTION SITES TO WATER OF THE STATE OF NEBRASKA, ISSUED NOVEMBER 1, 2016.

TEMPORARY SEEDING

TEMPORARY SEED ALL DISTURBED AREAS FOR EROSION CONTROL PURPOSES INCLUDING ANY LAND THAT WAS NOT DISTURBED BY GRADING OPERATIONS.
SEED WITH SEED OATS AT A RATE OF 64 LBS/ACRE

GENERAL INFORMATION

1. THE FUNCTION OF THIS PROJECT IS EXCAVATE AND EXPORT DIRT FOR AN EXCAVATION MINING PERMIT.
2. THE FOLLOWING ITEMS ARE LISTED IN CHRONOLOGICAL ORDER THAT THE WORK IS EXPECTED TO OCCUR:
   A. APRIL 2021 - STRIP SITE AND INSTALL EROSION CONTROL MEASURES
   B. APRIL 2021 TO APRIL 2024 - COMPLETE MINING OPERATIONS
   C. ONGOING TO APRIL 2024 - MAINTAIN BMP'S & INSTALL SEEDING FOR COMPLETED MINING OPERATIONS
3. TOTAL PROJECT AREA: 23.12 AC
   DEVELOPED/DISTRUBED AREA: 21.03 AC

THE UNDERSIGNED CERTIFIES THIS PLAN HAS BEEN DESIGNED IN ACCORDANCE WITH THE TERMS OF THE INTERLOCAL AGREEMENT FOR NPDES COMPLIANCE.

TIM GERGEN, PE

## LEGEND

- SILT FENCE
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- SWPPP SIGN
- CONCRETE WASHOUT
- LIMITS OF GRADING
- CONSTRUCTION ENTRANCE

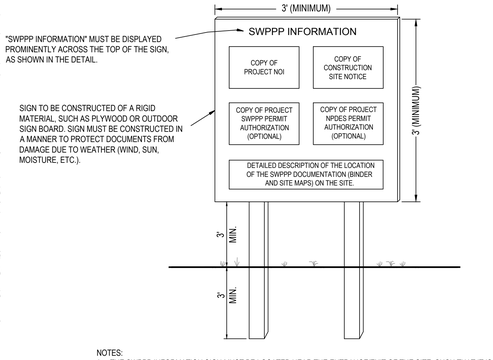
## INSPECTIONS AND MODIFICATIONS TO THE PLAN

SITE INSPECTIONS AND MODIFICATIONS MUST BE IN COMPLIANCE WITH THE GENERAL PERMIT FOR STORM WATER DISCHARGE FROM CONSTRUCTION SITES TO WATERS OF THE STATE OF NEBRASKA, ISSUED NOVEMBER 1, 2016. BELOW IS A SUMMARY OF WHAT IS REQUIRED.

1. THE SITE SHALL BE INSPECTED TO IDENTIFY MAINTENANCE NEEDS AND/OR SWPPP DEFICIENCIES ONCE EVERY FOURTEEN (14) CALENDAR DAYS, AND WITHIN 24 HOURS AFTER A PRECIPITATION EVENT OF 0.5 INCHES OR GREATER. ANY DELAY IN THE REPLACEMENT OR MAINTENANCE OF NON-FUNCTIONAL BMP'S BEYOND SEVEN (7) CALENDAR DAYS SHALL BE DOCUMENTED IN THE SWPPP WITH SUFFICIENT DETAIL AS TO EXPLAIN THE REASON FOR THE DELAY.
2. INSPECTIONS FREQUENCY MAY BE REDUCED TO AT LEAST ONCE EVERY MONTH IF:
   A. THE ENTIRE SITE IS TEMPORARILY STABILIZED
   B. RUNOFF IS UNLIKELY DUE TO WINTER CONDITIONS (E.G. SITE IS COVERED WITH SNOW, ICE OR GROUND IS FROZEN)
   C. REDUCED INSPECTION FREQUENCY DOES NOT RELIEVE THE PERMITTEE OF THE MAINTENANCE RESPONSIBILITIES DURING INTERIM PERIODS
3. INSPECTIONS MUST BE CONDUCTED BY QUALIFIED PERSONNEL KNOWLEDGEABLE IN THE PRINCIPLES AND PRACTICE OF EROSION AND SEDIMENT CONTROLS WHO POSSESSES THE SKILLS TO ASSESS CONDITIONS AT THE CONSTRUCTION SITE THAT COULD IMPACT STORM WATER QUALITY AND TO ASSESS THE EFFECTIVENESS OF ANY EROSION AND SEDIMENT CONTROL MEASURES SELECTED TO CONTROL THE QUALITY OF STORM WATER DISCHARGE FROM THE CONSTRUCTION ACTIVITY.
4. QUALIFIED PERSONNEL SHALL INITIATE AND COMPLETE CORRECTIVE ACTIONS TO ADDRESS ANY MAINTENANCE NEEDS OR DEFICIENCIES AS SOON AS POSSIBLE. MAINTENANCE AND REPAIR OF SILT FENCES, CURB FILTERS OR ANY OTHER BMP SHALL BE COMPLETED WITH IN 7 DAYS AFTER DEFICIENCIES ARE DISCOVERED.
5. THE PERMITTEE SHALL MAINTAIN RECORD LOGS OF SITE INSPECTION AND MAINTENANCE ACTIVITIES FOR AT LEAST THREE YEARS FROM THE DATE THAT PERMIT COVERAGE EXPIRES OR IS TERMINATED. THE PERMITTEE MUST PROVIDE NDEQ, THE ARCHITECT, AND THE OWNER/OWNER'S REPRESENTATIVE, WITH ACCESS AND COPIES OF THESE RECORDS UPON REQUEST. A COPY OF THESE RECORDS MUST BE MAINTAINED ON SITE.
   AT A MINIMUM THESE RECORDS MUST INCLUDE:
   A. THE INSPECTION TIME AND DATE
   B. NAMES, TITLES, AND QUALIFICATION OF WHO CONDUCTED THE INSPECTIONS
   C. WEATHER INFORMATION FOR THE PERIOD SINCE THE LAST INSPECTION
      -BEST ESTIMATE OF THE BEGINNING OF EACH STORM EVENT
      -DURATION OF EACH STORM EVENT
      -APPROXIMATE AMOUNT OF RAINFALL (IN INCHES)
      -WHETHER ANY DISCHARGE OCCURRED
   D. WEATHER INFORMATION AND DESCRIPTION OF ANY DISCHARGE OCCURRING AT TIME OF THE INSPECTION
   E. LOCATION(S) OF DISCHARGES OF SEDIMENT OR OTHER POLLUTANTS FROM THE SITE
   F. LOCATION OF BMPs THAT NEED TO BE MAINTAINED
   G. LOCATIONS OF BMPs THAT FAILED TO OPERATE AS DESIGNED OR PROVED INADEQUATE FOR A PARTICULAR LOCATION
   H. MONITORING RESULTS IF REQUESTED
   I. RECORDS OF THE LAST GRADING ACTIVITY
   J. LOCATION(S) WHERE ADDITIONAL BMPs ARE NEEDED THAT DID NOT EXIST AT THE TIME OF INSPECTION
   K. CORRECTIVE ACTION REQUIRED INCLUDING ANY CHANGES TO THE SWPPP NECESSARY AND IMPLEMENTATION DATES
6. THIS PLAN SHALL REMAIN DYNAMIC. IF DEFICIENCIES ARISE DURING THE COURSE OF THE PROJECT, THE PERMITTEE SHALL IMPLEMENT EFFECTIVE CORRECTIVE ACTIONS. AN UPDATED COPY OF THE SWPPP SHALL BE ON SITE AT ALL TIMES. THE PERMITTEE SHALL MAINTAIN AN UPDATED COPY AT ALL TIMES ANY WORK IS BEING PERFORMED ON SITE. THE PLAN SHALL BE UPDATED WHENEVER EROSION AND/OR SEDIMENT CONTROLS ARE MODIFIED AS SET FORTH IN THE PLAN. THIS DOES NOT CIRCUMVENT THE PERMITTEE'S RESPONSIBILITY TO OBTAIN APPROVAL FOR MODIFICATIONS THAT MAY CONCURRENTLY FALL UNDER THE JURISDICTION OF OTHER GOVERNMENTAL AUTHORITIES. THE PERMITTEE SHALL MAINTAIN A RECORD OF ALL MODIFICATIONS OF CONTROLS ON THE PLAN. THE RECORD SHALL INCLUDE DATE OF MODIFICATION AND REASON(S) FOR MODIFICATION.
7. A COPY OF THE SWPPP (INCLUDING A COPY OF THE PERMIT), CSW-NOI, AND THE LETTER FROM NDEQ NOTIFYING YOU OF THE RECEIPT OF THE COMPLETE AND ACCURATE CSW-NOI MUST BE RETAINED AT THE CONSTRUCTION SITE OR OTHER LOCATION EASILY ACCESSIBLE DURING NORMAL BUSINESS HOURS. THE SWPPP MUST BE MADE AVAILABLE UPON REQUEST TO FEDERAL, STATE, AND LOCAL AGENCIES, FROM THE DATE OF COMMENCEMENT OF CONSTRUCTION ACTIVITIES TO THE DATE OF FINAL STABILIZATION.

## BMP IMPLEMENTATION SCHEDULE

| SPECIFIED BMP | INSTALLATION | REQUIRED MAINTENANCE | REMOVAL |
|---|---|---|---|
| CONSTRUCTION ENTRANCE | UPON MOBILIZATION OF GRADING CONTRACTOR | ADD OR REPLACE ROCK AS REQUIRED TO MAINTAIN FUNCTIONALITY | COMPLETION OF STREET PAVING |
| EXISTING STORM DRAIN INLET PROTECTION | PRIOR TO CLEANING AND GRUBBING AROUND PERIMETER | REMOVE SEDIMENT WHEN DEPTH IS ⅓ THE HEIGHT OF THE FABRIC | COMPLETION OF PAVING AND PERMANENT SEEDING IS ESTABLISHED |
| SILT FENCE | IMMEDIATELY FOLLOWING CLEANING AND GRUBBING AROUND PERIMETER | REPAIR WASH-OUTS, DOWNED FABRIC, AND REMOVE SEDIMENT WHEN DEPTH IS ⅓ THE HEIGHT OF THE FABRIC | 95% VEGETATIVE COVER ON UPSTREAM AREAS |
| SEDIMENT TRAP | PRIOR TO CLEANING AND GRUBBING AROUND PERIMETER | REMOVE SEDIMENT WHEN BASIN REACHES 50% SEDIMENT CAPACITY | COMPLETION OF PAVING |
| TEMPORARY SEEDING | IMMEDIATELY FOLLOWING MAJOR GRADING AND INSTALLATION OF EROSION CONTROL PRACTICES | RE-SEED AREAS WHICH FAIL TO ESTABLISH VEGETATIVE COVER; ENSURE GOOD STAND IS MAINTAINED | N/A |
| CONCRETE WASHOUT | UPON MOBILIZATION OF UTILITY CONTRACTOR | REMOVE CONCRETE RUBBLE AS REQUIRED TO MAINTAIN FUNCTIONALITY | COMPLETION OF PAVING |
| STORM DRAIN INLET PROTECTION | IMMEDIATELY FOLLOWING INSTALLATION OF STORM SEWER | REMOVE SEDIMENT WHEN DEPTH IS ⅓ THE HEIGHT OF THE FABRIC | COMPLETION OF PAVING AND PERMANENT SEEDING IS ESTABLISHED |
| PERMANENT SEEDING | IMMEDIATELY FOLLOWING FINISHED GRADING AND INSTALLATION OF EROSION CONTROL PRACTICES | RE-SEED AREAS WHICH FAIL TO ESTABLISH VEGETATIVE COVER; CONTROL WEEDS; ENSURE GOOD STAND IS MAINTAINED | N/A |
| SILT FENCE FOR WATER MAIN FLUSHING | PRIOR TO WATER MAIN FLUSHING ACTIVITIES, AT FLUSHING LOCATIONS | REPAIR WASH-OUTS, DOWNED FABRIC, AND REMOVE SEDIMENT WHEN DEPTH IS ⅓ THE HEIGHT OF THE FABRIC | COMPLETION OF WATER MAIN FLUSHING ACTIVITIES |




"SWPPP INFORMATION" MUST BE DISPLAYED PROMINENTLY ACROSS THE TOP OF THE SIGN, AS SHOWN IN THE DETAIL.

SIGN TO BE CONSTRUCTED OF A RIGID MATERIAL, SUCH AS PLYWOOD OR OUTDOOR SIGN BOARD. SIGN MUST BE CONSTRUCTED IN A MANNER TO PROTECT DOCUMENTS FROM DAMAGE DUE TO WEATHER (WIND, SUN, MOISTURE, ETC.).

NOTES:
1. THE SWPPP INFORMATION SIGN MUST BE LOCATED NEAR THE ENTRANCE/EXIT OF THE SITE, SUCH THAT IT IS ACCESSIBLE/VIEWABLE BY THE GENERAL PUBLIC, BUT NOT OBSTRUCTING VIEWS AS TO CAUSE A SAFETY HAZARD.
2. ALL POSTED DOCUMENTS MUST BE MAINTAINED IN A CLEARLY READABLE CONDITION AT ALL TIMES THROUGHOUT CONSTRUCTION AND UNTIL THE NOTICE-OF-TERMINATION (NOT) IS FILED FOR THE PERMIT.
3. CONTRACTOR SHALL POST OTHER STORM WATER AND/OR EROSION AND SEDIMENT CONTROL RELATED PERMITS ON THE SIGN AS REQUIRED BY THE LOCAL AGENCY.
4. SIGN SHALL BE LOCATED OUTSIDE OF PUBLIC RIGHT-OF-WAY AND EASEMENTS UNLESS APPROVED BY THE GOVERNING AGENCY.
5. CONTRACTOR IS RESPONSIBLE FOR ENSURING STABILITY OF THIS SWPPP INFORMATION SIGN.

SWPPP INFORMATION SIGN
NOT TO SCALE


811 ne1call.com Nebraska811 Know what's below. Call before you dig.



The Clark Enersen Partners
Architecture
Landscape Architecture
Engineering
Interiors
clarkenersen.com
Lincoln, Nebraska
1010 Lincoln Mall, Suite 200
Lincoln, NE 68508-2883
P: 402.477.9291 F: 402.477.6542
Kansas City, Missouri
Fairway, Kansas
Fort Collins, Colorado


**Yankee Hill Mining Permit**

Lincoln, NE

TCEP No.: 269-003-21

January 20, 2021

PROFESSIONAL CIVIL ENGINEER
TIMOTHY J. GERGEN
E-10344
1-20-21
STATE OF NEBRASKA

Erosion Control Plan

3 of 5




Plot Time Stamp: 1 / 21 / 2021 9:55:27 AM
File Location/Name: \\tcep-ln-srv-004\200-299\269-003-21 Grana Mining Permit\03) AutoCAD\269003-3of5.dwg

SPECIAL PERMIT LEGAL DESCRIPTION

THAT PART OF LOT 2, SPEIDEL 1st ADDITION, LOCATED IN THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6th PRINCIPAL MERIDIAN, LINCOLN, LANCASTER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOW;

COMMENCING AT THE SOUTHEAST CORNER OF LOT 2, SPEIDEL 1st ADDITION, SAID POINT BEING ON THE NORTH 50' RIGHT OF WAY LINE FOR YANKEE HILL ROAD; THENCE WESTERLY ON THE SAID NORTH RIGHT OF WAY LINE, S 89°51'08"W 1414.75', TO THE POINT OF BEGINNING; THENCE CONTINUING ON SAID RIGHT OF WAY LINE FOR THE NEXT SIX (6) COURSES, WESTERLY, S 89°51'08"W 542.53'; THENCE NORTHERLY, N 0°08'52"W 10.00'; THENCE WESTERLY, S 89°51'08"W 73.32'; THENCE NORTHERLY, N 0°08'52"W 10.00'; THENCE WESTERLY, S 89°51'08"W 532.47'; THENCE NORTHWESTERLY, N 44°57'03"W 25.45', TO A POINT ON THE EAST RIGHT OF WAY LINE FOR SOUTH 40th STREET; THENCE NORTHERLY ON SAID EAST RIGHT OF WAY LINE FOR THE NEXT TWO (2) COURSES, N 0°05'32"E 881.68'; THENCE N 0°57'12"W 187.55'; THENCE EASTERLY, S 89°55'03"E 786.23', TO A POINT ON A CIRCULAR CURVE TURNING IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 525.00', A CENTRAL ANGLE OF 26°46'42" AND AN ARC LENGTH OF 245.37'; THENCE ON SAID CURVE, HAVING A CHORD OF S 21°32'24"W 243.14', TO A POINT ON A CIRCULAR CURVE TURNING IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 180.80', A CENTRAL ANGLE OF 83°03'09" AND AN ARC LENGTH OF 262.08'; THENCE ON SAID CURVE, HAVING A CHORD OF S 6°41'17"E 239.73'; THENCE SOUTHWESTERLY, S 44°41'22"W 33.00', TO A POINT ON A CIRCULAR CURVE TURNING IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 533.00', A CENTRAL ANGLE OF 29°40'14" AND AN ARC LENGTH OF 276.01'; THENCE ON SAID CURVE, HAVING A CHORD OF S 60°08'45"E 272.94', TO A POINT ON A CIRCULAR CURVE TURNING IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 417.00', A CENTRAL ANGLE OF 75°06'47" AND AN ARC LENGTH OF 546.67'; THENCE ON SAID CURVE, HAVING A CHORD OF S 37°25'29"E 508.36'; THENCE SOUTHWESTERLY, S 46°17'05"W 109.70', TO THE POINT OF BEGINNING SAID TRACT CONTAINING AN AREA OF 1,007,282.37 SQUARE FEET OR 23.124 ACRES, MORE OR LESS.

The Clark Enersen Partners

January 20, 2021

Mr. David Cary
Planning Department, City of Lincoln
County-City Building
555 So. 10th Street
Lincoln, NE 68508

RE: Yankee Hill Mining Permit; Special Permit for Excavation

Dear Mr. Cary:

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

1. Zoning Application
2. Application fee ($988)
3. Grading Plan
4. Demolition Plan
5. Erosion Control Plan
6. Erosion Control Details
7. Overall Grading Plan

On behalf of the Owner, MBH Landholdings, LLC, 2627 Kendra Lane, Lincoln, NE 68512 and the Contractor, Gana Trucking & Excavating, 2200 W. Panama Road, Martell, NE 68504 we are requesting a Special Permit for Excavation on property at the northeast corner of the intersection of South 40th Street and Yankee Hill Road, further described on the Site Plan. The existing property was the site of the Yankee Hill Golf course. The golf course has been subdivided and is currently being redeveloped.

As per the comprehensive plan, the new owner of this parcel plans to develop the property contained within the Special Permit boundaries as a commercial property. The existing topography of the site has a large hill in the middle of the property. To help facilitate the future commercial redevelopment, a mining permit is being applied for to excavate and remove approximately 200,000 cubic yards of dirt. This excess dirt removed from the property could simplify the construction of the surrounding arterial roadways funded by the 'Lincoln On The Move' sales tax. We are proposing the mining permit to expire in three years.

An overall grading plan has been submitted to show how the proposed grades of the mining permit align with the approved grading of the Chateau Yankee Hill PUD and a concept of a grading plan for the remaining redevelopment of the golf course.

Please contact me if you have any questions or require additional information.

Sincerely,

Tim Gergen, PE

# LINCOLN CITY COUNCIL STAFF REPORT

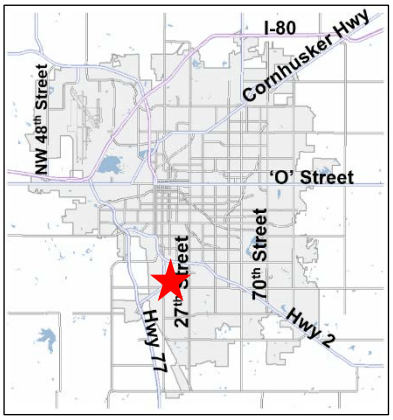
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

| APPLICATION NUMBER | FINAL ACTION? | DEVELOPER/OWNER |
|---|---|---|
| Waiver 21002 | Yes | SGS Holdings LLC |
| **PLANNING COMMISSION HEARING DATE** | **RELATED APPLICATIONS** | **PROPERTY ADDRESS/LOCATION** |
| February 17, 2021 | None | 1701 Windhoek Drive |

**RECOMMENDATION:** APPROVAL

**BRIEF SUMMARY OF REQUEST**

This is a request to waive the requirement of the Subdivision Ordinance that every lot shall front upon and have access to a public street per Section 26.23.140 (g) for Lot 2 of Final Plat 21004, Lincoln Industrial Park South 11th Addition.




**JUSTIFICATION FOR RECOMMENDATION**

With the requested waiver and the common access easement that will be dedicated with the final plat as a condition of approval, this proposal otherwise complies with the Zoning Ordinance and is appropriate.

**APPLICATION CONTACT**
Kyle Catt
knccatt@windstream.net
402-429-7890

**STAFF CONTACT**
George Wesselhoft
gwesselhoft@lincoln.ne.gov
402-441-6366

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The Comprehensive Plan encourages flexibility to the marketplace for commercial and industrial locations and this proposal allows for adjustment similar to a Planned Unit Development where access will still be provided.

**KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN**

P. 5.1 - Business & Economy Guiding Principles

- 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.

**TRAFFIC ANALYSIS:** Windhoek Drive has an 80-foot wide right-of-way. This exceeds the standard of 66 or 72 feet for a local street in a commercial, business, or industrial zoning district.

**PUBLIC SERVICE:** Fire and Police protection will be provided by the City of Lincoln.

**ANALYSIS**

1. This is a request for a waiver of the Subdivision Ordinance Section 26.23.140 (g) that every lot shall front upon and have access to a public street. This waiver would apply to Lot 2 of Lincoln Industrial Park South 11th Addition. Without this waiver, this plat could not be approved as shown.
2. Lot 1 of Lincoln Industrial Park South 11th Addition fronts onto Windhoek Drive on the north (see attached final plat drawing). Lot 2 would be located south of Lot 1 and would not have direct frontage onto Windhoek Drive. A common access easement will be required to be dedicated with the final plat to ensure that Lot 2 will be guaranteed access to Windhoek Drive via drive access across Lot 1.
3. The final plat will subdivide land with existing parking and five existing main buildings such that Lot 1 will have the existing office building while Lot 2 will have four storage buildings as proposed. It is now common in Use Permits and Planned Unit Developments for commercial or industrial buildings to be platted without frontage but access via a common access easement. Although not in a Use Permit or Planned Unit Development, this waiver would allow for separate ownership of Lot 2 while maintaining access to Windhoek Drive via a common access easement that is required as a condition of approval.
4. This type of waiver was recently approved only a block away for a very similar circumstance. This was at 1741 Cushman Drive, approved through Waiver 16002. Also, the current waiver request could have been avoided with a "panhandle lot" but that would create an awkward ownership pattern with Lot 2 owning the driveway and some parking stalls that serve Lot 1.

**EXISTING LAND USE & ZONING:** Office, Storage, Mini warehouses, Wireless communications facility; I-2

**SURROUNDING LAND USE & ZONING**

| | |
|---|---|
| North: | Office, Storage/Warehouse; I-2 |
| South: | Commercial; B-2 |
| East: | Office, Storage/Warehouse; I-2 |
| West: | Office, Storage/Warehouse; I-2 |

**APPROXIMATE LAND AREA:** 2.06 acres

**APPLICATION HISTORY**

| | |
|---|---|
| May, 1979 | Preliminary Plat 79307, the preliminary plat for Lincoln Industrial Park South was approved. |
| November, 2000 | SP1878 was approved by the Planning Commission to permit a wireless communications facility to be constructed to 108' in height for a period of 15 years with a waiver of the fall zone requirement. |
| June, 2019 | Administrative Amendment 19042 to Special Permit 1878 was approved to delete the 15 year |

time limit on the approval of the special permit. The approval acknowledged that Title 27 was amended in 2015 and the 15-year time limit approval provision was deleted form the Zoning Ordinance for personal wireless facilities.

**LEGAL DESCRIPTION:** Lot 12, Block 3, Lincoln Industrial Park South to be known as Lot 2, Lincoln Industrial Park South 11th Addition, located in the SW ¼ of Section 12-09-06, Lincoln, Lancaster County, Nebraska.

**CONDITIONS OF APPROVAL:**

Site Specific Conditions:

1. This approval waives the requirement that every lot shall front upon and have access to a public street per Section 26.23.140 (g) for Lot 2 of Final Plat 21004, Lincoln Industrial Park South 11th Addition subject to a common access easement being dedicated as part of the Final Plat to assure access for Lot 2 to Windhoek Drive.

Standard Conditions:

2. The following conditions are applicable to all requests:

   2.1 Before use of the property, all development and construction is to substantially comply with the approved plans.

   2.2 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

   2.3 The clerk shall file a copy of the resolution approving the wavier with the Register of Deeds, filing fees therefore to be paid in advance by the applicant.

Prepared by

_____
George Wesselhoft, Planner
(402) 441-6366 or gwesselhoft@lincoln.ne.gov
February 4, 2021

Owner: SGS Holdings LLC
1701 Windhoek Drive
Suite 140
Lincoln, NE 68512

Applicant: Marty Fortney
1701 Windhoek Drive
Suite 140
Lincoln, NE 68512
(402) 890-8606

Contact: Kyle Catt
10700 Stagecoach Road
Hickman, NE 68372
(402) 429-7890
knccatt@windstream.net

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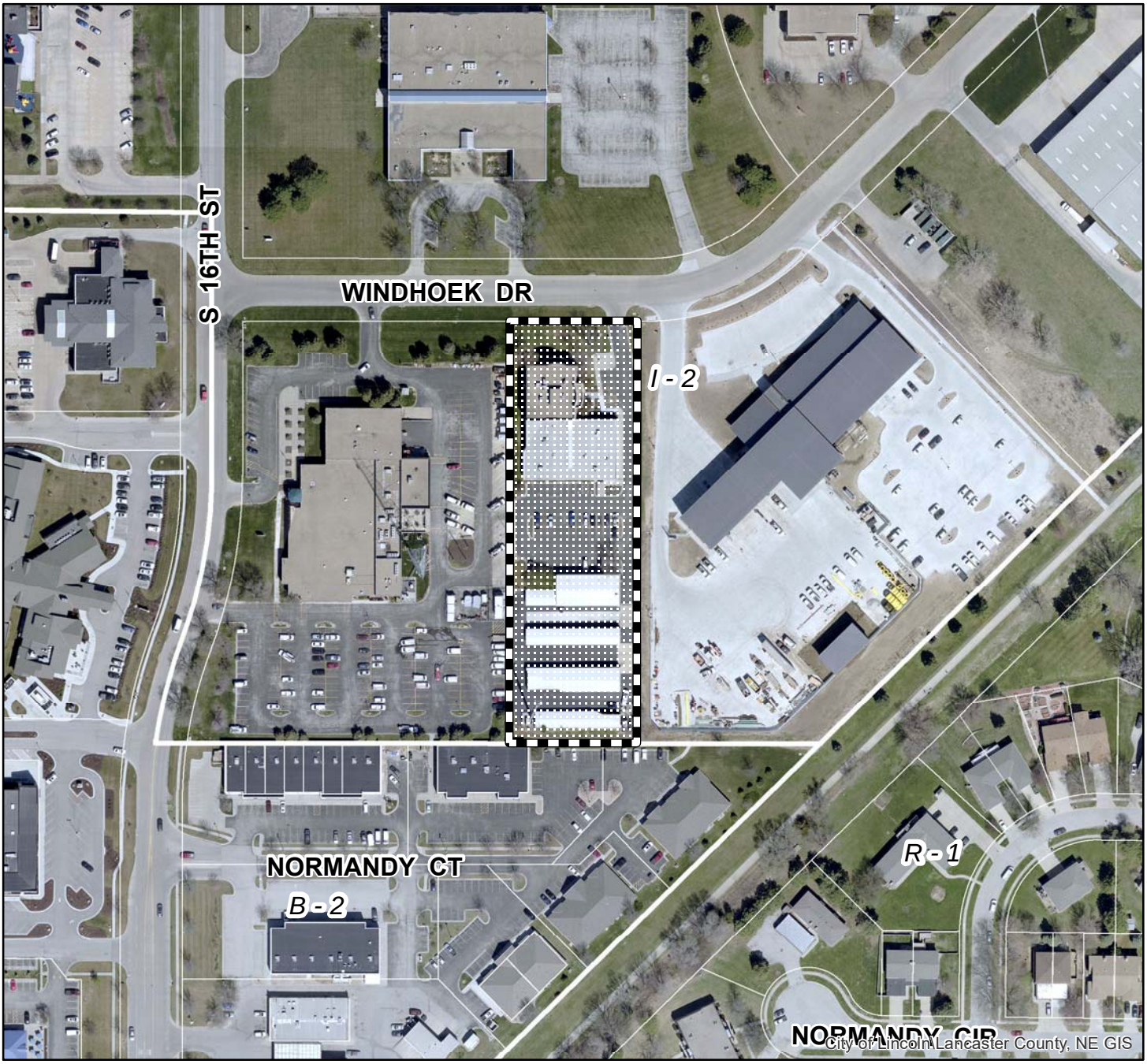


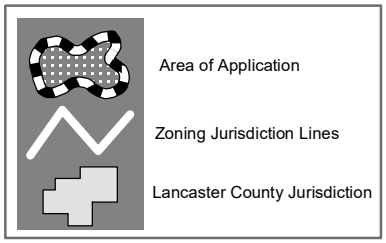

*2020 aerial*

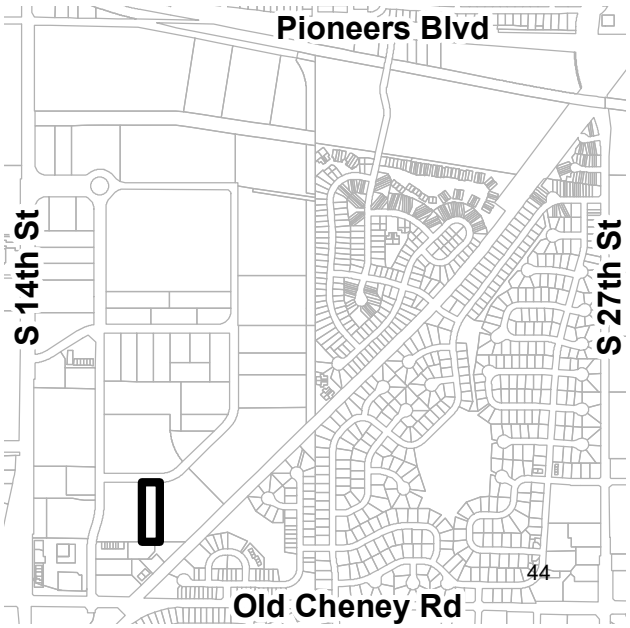
**Waiver #: WVR21002**
**S 16th St & Windhoek Dr**

## Zoning:

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

One Square Mile:
Sec.12 T09N R06E



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File: F:\DevReview\PlannerPacket\MXD\Agendadrawings.mxd (WVR21002)

February 14, 2021

City of Lincoln
Planning Department
555 S 10th St, Ste 213
Lincoln, NE, 68508

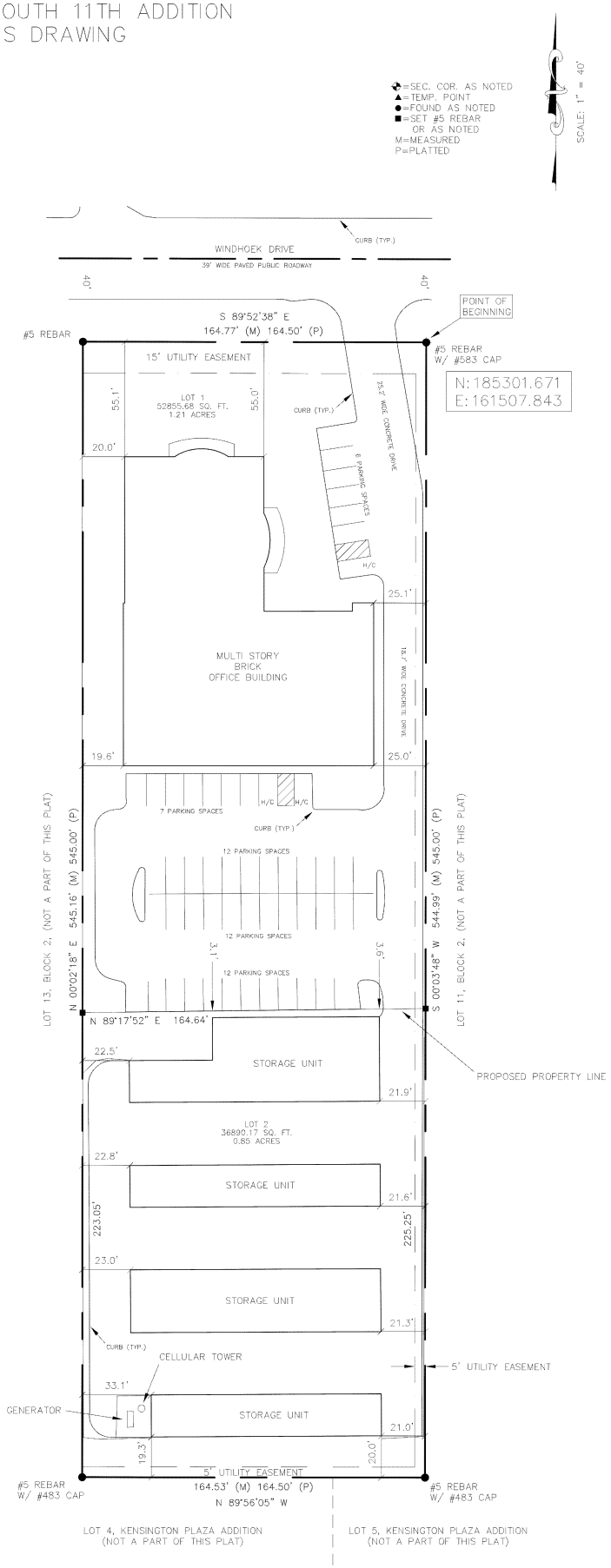
To whom it may concern,

This letter is submitted on behalf of SGS Holdings LLC regarding their application for waiver for the subdivision of parcel ID#0912304012000 (Lot 12, Block 3, Lincoln Industrial Park South Addition) located at 1701 Windhoek Drive. The intent of the subdivision is to divide Lot 12 into two lots. This will allow the separation of the office building area from the storage unit facility. The existing buildings and features creates a lot with no street frontage. The intent of the waiver would allow this lot street access through easement or other means as deemed acceptable by the City of Lincoln.

Respectfully submitted,

Kyle Catt
WNK Surveying
402-429-7890

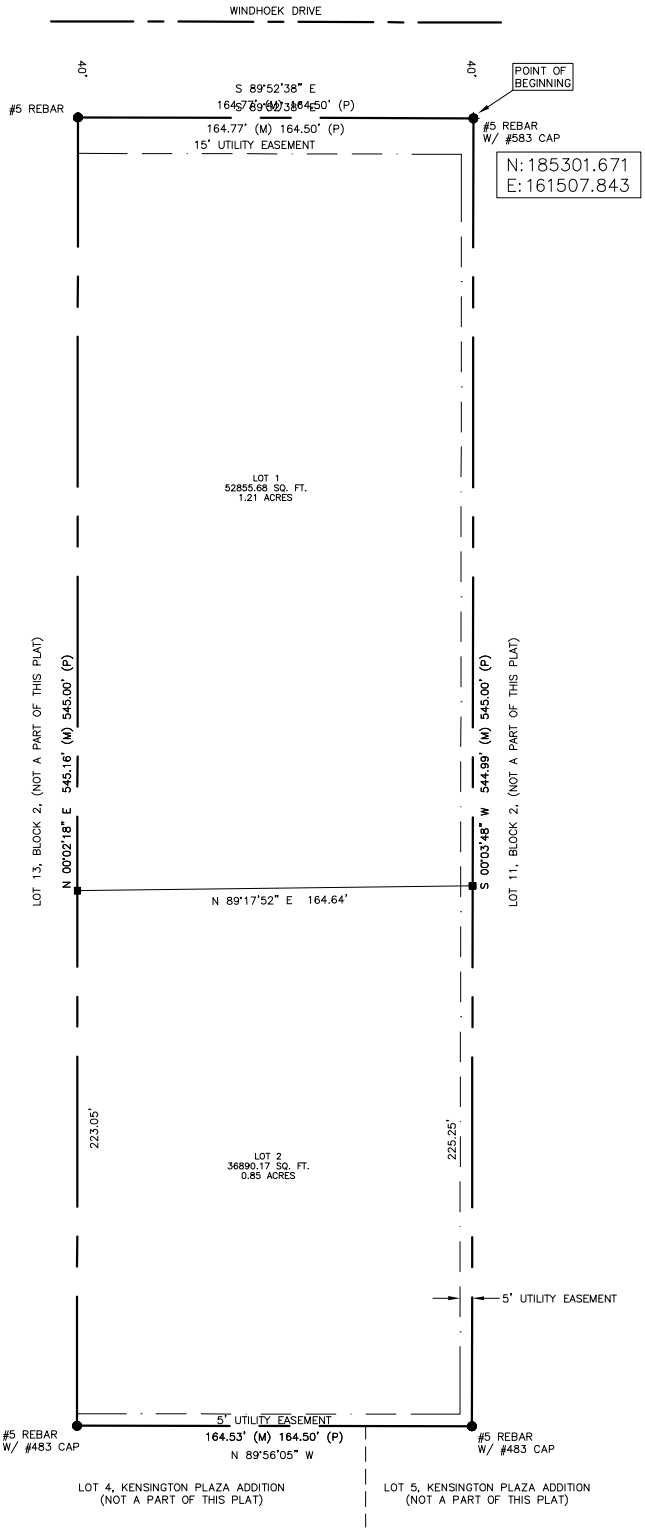
# LINCOLN INDUSTRIAL PARK SOUTH 11TH ADDITION
## EXISTING CONDITIONS DRAWING



# LINCOLN INDUSTRIAL PARK SOUTH 11TH ADDITION

⊕=SEC. COR. AS NOTED
▲=TEMP. POINT
●=FOUND AS NOTED
■=SET #5 REBAR OR AS NOTED
M=MEASURED
P=PLATTED

SCALE: 1" = 40'




SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED THIS SUBDIVISION TO BE KNOWN AS LINCOLN INDUSTRIAL PARK SOUTH 11TH ADDITION, A SUBDIVISION OF LOT 12, BLOCK 3, LINCOLN INDUSTRIAL PARK SOUTH ADDITION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 09 NORTH, RANGE 06 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 12, THENCE ON THE EAST LINE OF SAID LOT 12 ON AN ASSUMED BEARING OF S 00°03'48" W A DISTANCE OF 544.99' TO THE SOUTHEAST CORNER OF SAID LOT 12; THENCE ON THE SOUTH LINE OF SAID LOT 12 N 89°56'05" W A DISTANCE OF 164.53''; THENCE ON THE WEST LINE OF SAID LOT 12 N 00°02'18" E A DISTANCE OF 545.16' TO THE NORTHWEST CORNER OF SAID LOT 12; THENCE ON THE NORTH LINE OF SAID LOT 12 S 89°52'38" E A DISTANCE OF 164.77' TO THE POINT OF BEGINNING.

DESCRIBED SUBDIVISION CONTAINS AN AREA OF 2.06 ACRES, MORE OR LESS.

PERMANENT MONUMENTS HAVE BEEN FOUND OR SET AT ALL BOUNDARY CORNERS, LOT CORNERS, STREET INTERSECTIONS, BLOCK CORNERS, POINTS OF TANGENCY, AND CURVATURES AS SHOWN IN THIS FINAL PLAT IN ACCORDANCE WITH TITLE 26 OF THE LINCOLN MUNICIPAL CODE. ALL DIMENSIONS ARE CHORD MEASUREMENTS UNLESS OTHERWISE SHOWN, AND ARE IN FEET AND DECIMALS OF A FOOT.

SIGNED THIS_____DAY
OF_____2020

_____

KYLE E. CATT LS#609
WNK SURVEYING
HICKMAN, NE 68372
402-429-7890

# LINCOLN INDUSTRIAL PARK SOUTH 11TH ADDITION

FINAL PLAT DEDICATION The foregoing plat, known as LINCOLN INDUSTRIAL PARK SOUTH 11TH ADDITION, as described in the surveyor's certificate is made with the free consent and in accordance with the desires of the undersigned, the sole owner(s), and the easements shown thereon are hereby granted in perpetuity to the CITY OF LINCOLN, NEBRASKA, a municipal corporation, their successors, assigns, and permittees, to allow entry for the purpose of construction, reconstruction, repair, operation and maintenance of wires, cables, conduits, fixtures, poles, towers, pipes, and equipment for the distribution of electricity and gas; telephone and cable television; wastewater collectors; storm drains; water mains and all appurtenances thereto, over, upon, or under the easements as shown on the foregoing plat. The construction or location of any building or structure, excluding fences, over, upon, or under any easement shown thereon shall be prohibited. The City of Lincoln, Nebraska, its successors, assigns, and permittees are hereby held harmless for the cost of replacement or damage to any improvement or vegetation over, upon, or under any easement shown thereon. The public access easement(s) shown thereon shall be used for public access and the public is hereby granted the right of such use. A public access easement is hereby granted over the private road(s) to the City of Lincoln, Nebraska, a municipal corporation, its successors, assigns, and permittees and to the public generally for vehicular and pedestrian purposes. The construction or location of any gate, fence, or other barrier restricting vehicular and pedestrian access over the private roadway shall be prohibited except when necessary to control traffic during the construction, reconstruction, repair, or maintenance of the private roadway. (When plat includes common access easements) The common access easement shown hereon is for the benefit of the owners of lot __ and lot __ and they are hereby granted the right of such use.

WITNESS MY HAND

_____ [name(s) of owner(s)] [Owner(s) to be identified as a single person, husband and wife, (both husband and wife must sign) president of company, trustee, partners, etc.]

ACKNOWLEDGEMENT OF NOTARY

STATE OF _____)
) SS
COUNTY OF _____)

ON THIS ___ DAY OF _____ BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, PERSONALLY CAME VERGENE VANDERGRIEND TO ME PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE FOREGOING INSTRUMENT, AND HE/SHE ACKNOWLEDGED THE SAME TO BE HIS/HER VOLUNTARY ACT AND DEED.

_____
NOTARY PUBLIC

MY COMMISSION EXPIRES THE ___ DAY OF _____.

FINAL PLAT APPROVAL

PLANNING DIRECTOR'S APPROVAL
THE PLANNING DIRECTOR PURSUANT TO SECTION 3.16 OF THE LANCASTER COUNTY LAND SUBDIVISION REGULATIONS HEREBY APPROVES THIS FINAL PLAT.

_____ _____
PLANNING DIRECTOR DATE

# LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER
Comprehensive Plan Amendment 21001
City of Lincoln Climate Action Plan

FINAL ACTION
No

RELATED APPLICATIONS
None

PLANNING COMMISSION HEARING DATE
February 17, 2021

## RECOMMENDATION: APPROVAL

**BRIEF SUMMARY OF REQUEST**
This is a request to amend the 2040 Lincoln-Lancaster County Comprehensive Plan to adopt the City of Lincoln Climate Action Plan. The Climate Action Plan is attached and available online with supporting documents at: www.lincoln.ne.gov/resilient

**JUSTIFICATION FOR RECOMMENDATION**
The Climate Action Plan addresses several important resiliency and sustainability issues in the community and helps support existing goals and strategies in the Comprehensive Plan.

**STAFF CONTACT**
Miki Esposito, Mayor's Office
402-441-5633 mesposito@lincoln.ne.gov

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**
The City of Lincoln Climate Action Plan is consistent with the overall themes found throughout the Comprehensive Plan of supporting community resiliency and energy and resource conservation. A guiding principle for the Comprehensive Plan, and a theme that is also supported by the City of Lincoln Climate Action Plan, is that the community continues its commitment to sustainable growth and development.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

p 1.5 Community Resiliency

A community should be prepared for the unforeseen. Natural or man-made disruptions to our way of life on a variety of scales are inevitable. Many of the greatest challenges facing Lincoln and Lancaster County will be due to widespread global/international pressures. The following goals are based on this Vision for Community Resiliency:

- Raise public awareness of the impacts of global issues on the local environment and economy.
- Identify points of vulnerability based on different impact scenarios. Facilitate policies that support various means to make Lincoln and Lancaster County more resilient in the face of natural or man-made disruptions.
- Utilize technology to efficiently adapt to change based on the situation.

p. 3.12 Salt Valley Greenway

This (loop) can include parks and open space, trails, both active and resource-based recreation, riparian and stream corridors, floodplains, threatened and endangered Adopted December 2016 3.13 species habitat, saline and freshwater wetlands, agricultural land, signature landscapes, wildlife corridors, lakes and streams, abandoned rail lines, and transportation corridors

p. 11.3 Energy

To remain competitive as the global economy expands and puts greater strain on traditional fuel supplies, energy costs rise, and supplies remain unpredictable, Lincoln must develop a comprehensive strategy of fuel diversity and encourage conservation, alternative forms of energy and modern energy technologies.

p. 11.4 Other projects and initiatives with the potential to significantly reduce energy consumption and greenhouse gas (GHG) emissions include:

- Continued conversion of the StarTran Bus Fleet to Compressed Natural Gas (CNG)
- Modifications to the Theresa St. Water Reclamation Facility to capture Renewable Natural Gas (RNG) from the waste digestion process as a source for StarTran and potentially other City vehicles.
- Continued deployment of centralized thermal energy provided by the District Energy Corporation where appropriate and cost effective.
- Continuing to adopt the most current and cost effective energy codes.
- Continued support for the LES solar energy project. Continue to increase LES's renewable generation portfolio with the purchase of renewable power sources.

p 11.5 Statutory Requirements

In 2010, the Nebraska Legislature passed legislation requiring cities and counties in Nebraska to assess, evaluate and promote renewable energy sources and energy conservation measures as part of their Comprehensive Plan updates. Energy affects many aspects of land use, and as the population continues to increase over the next 30 years, so will energy consumption and the need for renewable resources.

p 11.7 Renewable Energy Local government entities, including all local utilities, should strive to increase utilization of renewable energy sources such as wind power, hydropower, solar energy, biomass, and geothermal energy. Energy providers such as Lincoln Electric System, Norris Public Power District and Black Hills Energy should strive to purchase a higher percentage of energy from renewable sources.

p 11.8 Strategies for Energy Conservation:

Land Use and Development

- Consider prioritizing infrastructure investment based on projects that can show net energy reduction.
- Provide incentives for projects that utilize green building codes or green rating systems.
- Encourage higher density housing in/near large commercial development, redevelopment nodes and corridors and employment centers.
- Encourage energyefficient compact development, conservation design for new subdivisions and mixed use development.
- Explore options for allowing more home occupations that are compatible with neighborhoods.

- Revise codes to allow for more opportunities to work and live in the same place.

Transportation

- Include provisions for safe and convenient pedestrian and bicycle use.
- Continue traffic signal optimization measures.
- Incorporate use of technology and fiber capacity.
- Expand transit services to increase use of transit.
- Encourage integration of alternative modes of transportation in new developments.
- Encourage transit-oriented development near transit stops, bicycle pathways and bicycle parking stations.
- Encourage telecommuting to reduce vehicle miles traveled.
- Encourage employers to initiate work schedules that will help alleviate congestion at peak hours.
- Encourage carpooling, car/ bike sharing, and use of transit.

Buildings and Landscaping

- Retrofit and weatherize existing buildings with energy efficient technologies.
- Incorporate energy-efficient design and technology into new buildings.
- Encourage orientation and siting of new buildings to take advantage of solar heating and cooling breezes.
- Use landscaping to provide shade to reduce heating and cooling demands and to act as windbreaks.
- Reduce and reuse construction and demolition waste.
- Consider incentives such as fee waivers and rebates to encourage sustainable measures for buildings and landscaping.
- Use Stormwater Quality Best Management Practices to improve stormwater runoff from new or substantially improved buildings.

Public and Semi Public

- Conduct an energy audit of all buildings.
- Promote weatherization programs.
- Educate the public on the benefits of energy efficient buildings and development.
- Improve the City's ability to measure energy use and conservation efforts.
- Continue to provide and promote waste reduction, reuse and recycling options.
- Explore opportunities for using grey water.
- Promote and encourage the use of water conservation systems and conservation design for new subdivisions in City and County codes

p 11.10 The well fields currently owned by the Lincoln Water System have a projected maximum capacity approximately equal to the projected need by 2040 to 2050. Additional well field property and water rights will need to be acquired in the planning period to meet these demands and a financial plan adopted to fund such a project.

p. 11.11 Strategies for Water Services

- Continue to encourage water conservation practices with the development of the City and County.

p. 11.13 Methane or "biogas", a byproduct of the anaerobic digester process at both treatment facilities, is currently used to generate electricity at the Theresa Street Facility. Used as a fuel source for engine generators, approximately 19,000 kilowatt hours of electricity are generated on a daily basis decreasing the treatment facility's energy demand. The Utility is in the preliminary design phase of a renewable natural gas (RNG) project adding additional treatment to provide cleaned and compressed biogas as a fuel source for the City's StarTran bus fleet.

p 11.14 Strategies for Wastewater Services

- Maintain and expand programs to recycle and reuse treated wastewater effluent and bio-solids where appropriate.
- Encourage programs to minimize impacts of treatment facilities on adjacent properties and natural resources.
- Minimize the demand for energy in the collection and treatment of wastewater.
- Explore the use of grey water systems that safely repurpose non-pathogenic sources of wastewater.

p 11.16 Strategies for Watershed Management

- Designate areas for future urban development outside of floodplain and floodway to avoid introducing new development to flood risks and to preserve the important functions of the floodplain.
- Continue to develop a comprehensive, watershed approach to floodplain mapping and to improve the accuracy by making it a priority to which specific resources are dedicated.
- Continue to implement education efforts to promote environmental stewardship and to notify floodplain property owners and prospective buyers of flood risks.

p 11.20 Strategies for Solid Waste Management

- Create a county-wide integrated, efficient, environmentally safe and conservation-oriented recycling and waste management system. Promote and support markets for waste materials and recycled products.
- Minimize the use of energy in Solid Waste Management processes.
- Continue the development of the Landfill Gas Collection and Control Project.

**ANALYSIS**

1. This application request is to amend the Comprehensive Plan to incorporate the City of Lincoln Climate Action Plan. The proposal is to adopt the Plan by reference to Chapter 12 of the Comprehensive Plan and include in the list of adopted subarea plans.

2. Development of the Climate Action plan was initiated by the Mayor's Office with assistance from Verdis Group, an environmental consulting firm with expertise in the areas of sustainability and resiliency.

3. The purpose of the Climate Action Plan is to be well-informed of climate change and identify ways to increase our resilience. The Plan is focused on achievable efforts that should continue to happen or can be put into place over the next 6 years, with the goal of reducing carbon emissions in Lincoln 80% by the year 2050.

4. The Plan is focused on 12 main areas of risk in Lincoln. These risk areas were identified due to vulnerabilities that exist in our community today and into the future:
    a. Flooding
    b. Drought
    c. Single Water Source
    d. Public Health Risks
    e. Disproportionate Impacts on Vulnerable Populations
    f. Financial and Workforce Resources Not Aligned with Climate Risks and Opportunities
    g. City Policies Not Aligned with Climate Risks and Opportunities
    h. Auto-Reliant Transportation System
    i. Reliance on Fossil Fuels
    j. External Control Over Food Supplies
    k. Vulnerable Natural Resources
    l. Public Awareness

5. In order to address the climate risks in Lincoln, a set of 120 key initiatives are organized under the following 8 action areas:
    a. Transition to Low-Carbon Energy
    b. Build a Decarbonized and Efficient Transportation System
    c. Align Economic Development Goals with Climate Realities to Ensure a Thriving Economy
    d. Improve Protections for and with Lincoln Residents
    e. Build a Resilient Local Food System
    f. Maximize Natural Climate Solutions
    g. Reduce Waste
    h. Engage Residents in Co-Creating a Climate Smart Future

6. The attached Climate Action Plan outlines the key initiatives, to be implemented over the next 6 years, that will meet the City's stated goal of reducing emissions 80% by the year 2050. A total of 120 initiatives are identified and categorized into two groups: ongoing efforts and new recommendations. Twenty initiatives, highlighted in blue, are new recommendations that may require City Council action, are regulatory in nature or require new funding. New capital projects will be requested in future capital improvement programs (CIP) or amended into an approved CIP.

   Adoption of the Climate Action Plan and 120 key initiatives is considered the first phase of plan implementation. Additional recommendations from "Lincoln's Vision for a Climate-Smart Future" will need to be adopted throughout municipal government in order to be truly effective. The complete vision document is found here: www.lincoln.ne.gov/resilient

7. The planning process included extensive outreach over 18 months including a Climate Resilience Task Force, a Sustainability Working Group, the Mayor's Environmental Task Force, the Coalition for Environmental Improvement, Climate Experts, the general public and experts from Verdis Group. Altogether, more than 600 ideas were gathered throughout the planning process. Details of the planning process begin on page 21 of the companion document, "Lincoln's Vision for a Climate-Smart Future".

8. Past efforts continue to support the Climate Action Plan as well, including the Lincoln Environmental Action Plan (LEAP). The LEAP was developed by the Mayor's Environmental Task Force in 2016 and outlines 14 environmental action items needed for Lincoln to sustain a healthy environment. Community resiliency and sustainability are also embedded throughout the goals of the LEAP. The full LEAP document is available for review online: https://app.lincoln.ne.gov/city/mayor/energy/leap.htm#s

9. The Planning Department is currently in the process of updating the Comprehensive Plan, with the draft 2050 Comprehensive Plan being available summer 2021. The Climate Action Plan will be a resource when developing updated goals and policies relating to sustainability and resiliency in the 2050 Comprehensive Plan.

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

*Page 12.16*
Subarea Planning:

...
- City of Lincoln Affordable Housing Coordinated Action Plan, December 2020
- City of Lincoln Climate Action Plan, (insert approval date)

...

Prepared by

_____
Paul Barnes, MBA, AICP
(402) 441-6372 or pbarnes@lincoln.ne.gov

January 29, 2021

Applicant: City of Lincoln
555 S. 10th Street
Lincoln, NE 68508

Contact: Miki Esposito

(402) 441-5633 or mesposito@lincoln.ne.gov

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# Planning Application for Adoption of the Climate Action Plan

Miki M. Esposito <MEsposito@lincoln.ne.gov>

Wed 1/20/2021 10:54 AM

**To:** Paul D. Barnes <PBarnes@lincoln.ne.gov>
**Cc:** Jocelyn W. Golden <JGolden@lincoln.ne.gov>

1 attachments (140 KB)
APP01.PDF;

January 20, 2021

City of Lincoln Planning Department
555 S. 10th Street, Suite 213
Lincoln, Nebraska 68508

RE: Planning Department Application for Adoption of the Climate Action Plan

Dear Paul,
Please find attached a Planning Department Application requesting adoption of the City of Lincoln Climate Action Plan. The intent of this request is to seek review by the Planning Commission and to make a recommendation to the Lincoln City Council to amend the 2040 Comprehensive Plan. No waivers are requested as part of this application.

We are submitting this application with a copy of the 2020 Climate Action Plan *Draft* found here: Resilient Lincoln – City of Lincoln, NE. This document has been available to the public online for review and feedback since October 29, 2020. The 2020 Climate Action Plan *Draft* describes the climate risks and challenges for Lincoln as well as a list of recommended strategies that can address those risks. It outlines a vision to achieve an 80% net reduction in greenhouse gas emissions by 2050 and spans eight climate action areas including, Energy, Transportation, Economy, Health, Food, Greenspace, Waste, and Community Engagement. Increasing resilience to the impacts of climate change is a key outcome. Following the public review and comment period, the plan will reflect community feedback as well as a list of key initiatives the City hopes to focus on in the next six (6) years. With this application, we are aiming for the Planning Commission Public Hearing scheduled on February 17, 2021.

Should you have any questions, please contact me at 402.441.5633 or via email at mesposito@lincoln.ne.gov.

Sincerely,
Miki

**Miki Esposito, J.D.**
Senior Policy Advisor | Mayor Leirion Gaylor Baird
O: 402-441-5633 | M: 402-450-3245

555 South 10th Street, Suite 301
Lincoln, NE 68508

**lincoln.ne.gov**
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# 2021 – 2027 Climate Action Plan

verdis GROUP

CITY OF LINCOLN NEBRASKA

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# Letter from Mayor Gaylor Baird

The coronavirus pandemic has shown all of us in Lincoln what it is like to face a global threat together. Times have been tough as we have encountered one unprecedented situation after another. Yet, amidst the disruption and uncertainty, we have found within us deep wells of resilience. We have designed solutions to new problems. We have developed new ways to help one another. We have discovered new ways to strengthen our community.

While it has not arrived as a distinct event like the pandemic, our planet's accelerated rate of climate change also poses a global threat and one of the greatest challenges humanity has ever faced. We now know that flooding, drought, extreme heat, and public health problems are some of the most significant climate-related risks Lincoln faces in coming decades and that the potential local impacts of these risks will affect everyone. We also know that embedded in these risks lie opportunities—opportunities to innovate and create new jobs and technologies as we strengthen our infrastructure, reduce our carbon footprint, and protect our quality of life.

With this in mind, one of my top priorities after taking office was to develop a Climate Action Plan so that, here in Lincoln, we would be well-informed of the challenges we face and be prepared to mitigate them and adapt. In short, the goal is to increase our resilience to climate change.

This plan is a reflection of our Lincoln values: we are collaborative, kind, innovative, and forward-looking. This plan will come to life as it is embraced by our community with a shared purpose and a shared sense of caretaking for our future. The plan presents a myriad of opportunities to increase our resilience—and even thrive—in the face of great adversity. The time to seize these opportunities is now.

While reducing greenhouse gas emissions and increasing resilience to the impacts of climate change are critical, these goals do not stand alone. Our city is an interconnected system comprised of our health, economic, educational, transportation, philanthropic, and social systems, all of which will be impacted by the climate crisis. We recognize the interdependency of these systems and the fact that the negative impacts of the climate crisis have a greater effect on the members of our community who are most exposed. As we plan and pursue this important work, we must keep social and environmental justice at the forefront of our minds, ensuring that all who call Lincoln home have opportunities to succeed and reach their full human potential.

Now is the time for a bold and achievable vision that will chart the course for the coming years. This plan contains an ambitious goal: to reduce Lincoln's net greenhouse gas emissions 80% by the year 2050. This goal will be instrumental in aligning the direction of municipal government going forward, yet my hope is that it will provide a vision for all of Lincoln. This is a plan for the entire community. Our energy providers, business owners, universities, institutions, and residents all will have an important role to play in achieving the goals of this plan by 2050. By working together, we can harness our collective energy for innovation, for problem-solving, and for a more just community to ensure that Lincoln is thriving into 2050 and beyond.

Leirion Gaylor Baird

**Mayor Leirion Gaylor Baird**

# Introduction

This Climate Action Plan has come about from an understanding of the need to significantly reduce greenhouse gas (GHG) emissions to slow the pace of climate change and protect Lincoln residents' way of life. The changes in climate will result in several impacts to life in Lincoln. We will experience warmer, drier summers, wetter springs, more extreme rain events, more frequent drought, more frequent and intense floods, potential economic instability from impacts to the state's agricultural sector, and a range of climate-related health impacts, including heat-related illnesses, respiratory illnesses and increased insect-borne disease. To understand more about the nature of these impacts, Mayor Gaylor Baird commissioned the development of a Climate Action Plan in 2019 to assess climate risks and recommend strategies to increase our resilience and combat climate change out to the year 2050[1].

The achievement of any great undertaking begins with a vision. "Lincoln's Vision for a Climate-Smart Future" reflects what the city of Lincoln could become over the next 30 years. It is a vision of a city that is thriving with local businesses and verdant greenways; a city that uses both ordinary and innovative measures to reduce greenhouse gas emissions in transportation, electricity and buildings; a city that is inclusive, welcoming and fair.

The City of Lincoln has a solid foundation on which to build a more resilient city. In 2017, the City released its first environmental plan, the Lincoln Environmental Action Plan (LEAP). The plan called for energy efficiency improvements, more support of electric vehicles, transit and bikes, and increased rates of landfill diversion. The city consistently ranks well above national averages and peer cities when it comes to percentage of parks and green space. Lincoln's trail systems and bikeways are also recognized as some of the nation's best. For more than a decade, the Lincoln Electric System (LES) has demonstrated its commitment to protecting the environment and its commitment to continuous improvement by reducing its fossil fuel usage, helping customers improve energy efficiency, and offering a range of sustainable programs.

This plan could not have been possible without the commitment of so many in the community who served on the Mayor's Climate Resilience Task Force, the Sustainability Working Group, the Mayor's Environmental Task Force, and many more. Following the climate resilience planning and community engagement process from 2019 through 2020, the City identified 120 key initiatives that it will prioritize over the next six (6) years. This includes a focus on the decarbonization of City fleet vehicles, municipal facilities, and the city's energy generation portfolio. Strategies to secure a second source of water supply, to build resilience from flooding in the Salt Creek Watershed Basin, and to focus on impacts to vulnerable neighborhoods and businesses are also critical. In essence, adoption of the 2021 Climate Action Plan is a crucial step forward on Lincoln's path to address climate change. There is overwhelming reason for hope and optimism, and the Lincoln community has an unprecedented opportunity to meet this moment, together.

# A Global Transition

The transition to a climate-smart, low-carbon way of life is well underway. Today, solar and wind provide the least expensive sources of new electricity in two-thirds of the world. Natural gas and coal generating plants are being replaced with less expensive electricity from wind and solar farms, which are connected to ever-more affordable and reliable battery storage. The fastest growing occupation in the United States is solar installers. The second fastest growing job is wind turbine service technicians.[2]

Changes are happening with companies, cities and consumers all over the world. Over 200 of the world's largest companies have announced commitments to use 100% renewable energy in their operations, and several have already reached that goal.[3] Many of them are influencing their suppliers to switch to renewables as well, creating a strong market force for change. According to the Sierra Club, over 160 cities, more than ten counties, and eight states across the U.S. have goals to power their communities with 100% clean, renewable energy.[4] The global market share for electric vehicles has grown at about 60% per year, reaching 2.1 million in 2018.[5] By 2040, it is estimated that over half of all passenger vehicles sold will be electric.[6]

Natural climate solutions cannot be overlooked. Through photosynthesis, plants naturally remove carbon dioxide from the atmosphere, and there is growing attention to the impact that practices like planting trees, cover cropping, managing forests and timber production, reconnecting tidal marshes and restoring seagrasses could have. A recent study found that managing most land in the U.S. for carbon reduction—both limiting new emissions and removing carbon dioxide from the atmosphere—could achieve the equivalent of cutting the country's emissions by 21%.[7]

Significantly, public opinion is shifting. In Lancaster County, 69% of people believe global warming is happening, 53% say it is caused mostly by human activities, and 59% say they are worried about it. [8]A national poll in June 2020 found that voters want climate action as part of the COVID-19 economic recovery plan. Seven in 10 (70%) voters say federal stimulus funding should prioritize the clean energy industry over the fossil fuel industry. [9]

It is clear that historic change is afoot, and that the time is ripe for Lincoln to take great strides toward a climate-smart future.

# Lincoln's Future Climate

**The ways in which Nebraska's climate is expected to change are significant.**

## 5 degrees

warmer than now

The mean average temperature in Lincoln is projected to increase from 52°F (1990 average) to 57°F (2050 average).[10]

## 44 days

annually with a heat index over 100°F

Lincoln will see a 340% increase in the number of days where the air temperature and relative humidity will yield a heat index over 100°F. Of those, 26 days will be even hotter - they'll have a heat index over 105°F.[11]

## 10%-16%

winter and spring precipitation totals will increase

Winter and spring precipitation totals will be 10-16% higher than current conditions, while summer precipitation will decrease by 4%.[12]

## 15% to 30%

increase in heavy precipitation days statewide

Heavy precipitation days in Nebraska are projected to increase 15% to 35% by 2050. Furthermore, multi-day extreme precipitation events will increase in severity.[13]

# Lincoln's Climate Risks

**The planning process identified 12 main areas where the city is exposed to risk in the ways that climate impacts may intersect with existing social and infrastructure vulnerabilities.**

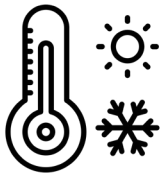
- Flooding
- Drought
- Single Water Source
- Public Health Risks
- Disproportionate Impacts on Vulnerable Populations
- Financial and Workforce Resources Not Aligned with Climate Risks and Opportunities
- City Policies Not Aligned with Climate Risks and Opportunities
- Auto-Reliant Transportation System
- Reliance on Fossil Fuels
- External Control Over Food Supplies
- Vulnerable Natural Resources
- Public Awareness

# Strategic Vision

**Three overarching directions form the vision for Lincoln's Climate Action Plan.**

## Lincoln will reduce net greenhouse gas emissions 80% by 2050 (relative to 2011 levels).

This ambitious goal will serve as a guiding target for municipal operations, the Lincoln Electric System, local businesses and institutions, and our entire community in the years to come. Lincoln joins scores of cities across the country who have set a similar "80x50" goal to reduce emissions. A myriad of strategies in the plan speak to achieving this target, from increasing energy efficiency, generating more electricity from renewable energy, switching to electric vehicles and active commuting modes, and employing natural climate solutions.
The goal is a *net* reduction in emissions because it will allow for an accounting of carbon sequestration activities—where plants or systems naturally absorb greenhouse gases—against the amount of greenhouse gases that are emitted into the atmosphere.



## Lincoln will be resilient to the climate hazards it will face.

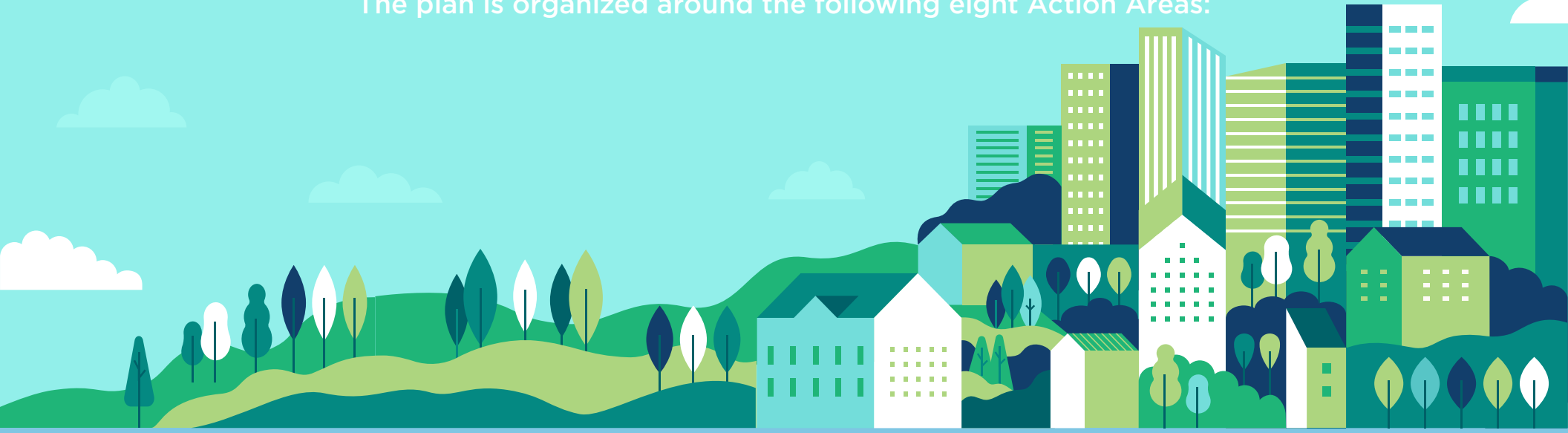
Increasing resilience to the impacts of climate change is a key outcome of this plan. While it is impossible to set a single, measurable goal that would encompass the wide range of resilience capacity the City should build across economic, demographic and infrastructure sectors, this strategic vision, like the first, will help to align actions across Lincoln to increase resilience.

## Strategic climate directions and climate resilience will be integrated throughout City actions and ordinances.

Many of the strategies in this plan will be adapted into the next Comprehensive Plan. Beyond that important effort, climate resilience strategies will need to be adopted throughout municipal government in order to be truly effective.

# Action Areas

The plan is organized around the following eight Action Areas:



- Transition to Low-Carbon Energy
- Build a Decarbonized and Efficient Transportation System
- Align Economic Development Goals with Climate Realities to Ensure a Thriving Economy
- Improve Protections for and with Lincoln Residents
- Build a Resilient Local Food System
- Maximize Natural Climate Solutions
- Reduce Waste
- Engage Residents in Co-Creating A Climate Smart Future

# Key Initiatives

After receiving over 600 ideas from the community at the start of the climate action planning process, the draft plan incorporated 365 of those ideas for meeting the goal of reducing emissions 80% by 2050 and building resilience to climate change in Lincoln. The City's Sustainability Working Group then worked to review and assess all 365 strategies in the draft plan to determine if they were achievable in the next six (6) years (or the term of the City's capital improvement program). Following the Sustainability Working Group's efforts, and after consideration of feedback from the community, the draft list was narrowed down to 120 items in two categories: those that the City already does and will continue to do within approved authority, budgets, and resources; and new recommendations.

The City will establish an organizational structure for implementing these key initiatives including the development of relevant performance metrics. "C" indicates a continuing/ ongoing initiative that does not require additional funding or approval. "N" indicates a new initiative, most of which are supported by existing resources, funding, and authority. The remaining 20 light blue highlighted initiatives are funding dependent, regulatory-in-nature, or otherwise require additional approval from City Council.

| Transition to Low-Carbon Energy | | |
|---|---|---|
| 1 | Continue incentive-based (residential, commercial, or industrial) programs promoting the installation of renewable energy systems. Incentives may include offering rebates on purchasing equipment, attractive net metering pricing, tax incentives, height allowances, setback, and area-based incentives, expedited permitting, and others. | C |
| 2 | City (via Tax-Increment Financing (TIF) and Property Assessed Clean Energy (PACE)) and Lincoln Electric System (LES) (via Sustainable Energy Program (SEP)) will continue and expand incentive-based programs to promote energy-efficiencies in commercial and residential buildings. | C |
| 3 | Continue investigating the feasibility of public-private partnership that finance energy efficiency retrofits of existing buildings (i.e. PACE, Energy Service Company (ESCO)). | C |
| 4 | Continue green recognition program (via Health Department) that promotes and awards local businesses and leaders in energy efficiency who prioritize sustainable practices. | C |
| 5 | Conduct a carbon sink inventory. | N |
| 6 | Conduct an emissions-reduction analysis of key initiatives. Include an evaluation of net benefits of organic waste diversion from the landfill alongside the landfill gas alternatives analysis (referenced below). | N |
| 7 | Complete the Bluff Road landfill gas alternatives analysis and pursue implementation of the option that best reduces GHG emissions and optimizes City revenue of the gas stream. | N |
| 8 | Create relevant performance metrics for measuring progress toward the 80 by 2050 goal. | N |
| 9 | Calculate community Greenhouse Gas Emissions (GHG) emissions annually and report findings with other climate relevant performance metrics. | N |
| 10 | Investigate the return-on-investment potential associated with energy efficiency measures, renewable sources of energy, greenspace, and natural landscapes for major City facility projects, including the Central Library project, Multimodal Transit Center, and Bus Facility. | N |

| | | |
|---|---|---|
| **11** | Increase energy efficiency and the use of renewable energy in municipal operations. Achieve 100% net renewable/ carbon neutral by 2035.<br>• Complete a joint review of City, County and Public Building Commission (PBC) facilities to identify synergies in joint tenancy, sale or repurposing of aging structures; institute asset management planning including completion of facility condition assessments, focusing on opportunities for energy efficiency, energy conservation practices, financing tools, and funding mechanisms.<br>• Establish energy efficiency and renewable energy goals and performance metrics for municipal buildings.<br>• Create a policy that requires an evaluation of energy efficient investments as well as conversion to sources of renewable energy (including analyses for net zero energy buildings) when funding improvements to municipal buildings, on new municipal building construction, purchasing/replacing vehicle fleet, or enhancing municipal operations. Update operations and building plans to include energy efficient practices in municipal government. Designate a city team responsible for tracking and reporting energy use from municipal buildings | **N** |
| **12** | Pursue the LES Board adopted goal to achieve net zero carbon dioxide production from its generation portfolio by 2040.<br>• Continue the decarbonization of LES' resource portfolio by (a) transitioning to new renewable and low-carbon sources, and (b) mitigating and reducing the carbon emissions from existing resources.<br>• Prioritize the research, testing and funding of new low-emissions energy technologies, including energy storage, hydrogen, biomass, advances in wind and solar, grid optimization and all other future technologies that may be relevant for use in Lincoln.<br>• Participate in carbon sink inventory, emissions-reductions analysis, and reporting GHG emissions in partnership with the City.<br>• Expand and promote the community solar (Sunshares) program.<br>• Broaden eligibility and increase marketing of the LES SEP.<br>• Submit an annual report to the LES Board on progress toward the 2040 goal. | **N** |
| **13** | Engage Black Hills Energy about partnering with the City to create an incentive-based program for the installation of direct use high efficiency natural gas appliances for space and water heating, including gas absorption heat pumps, furnaces and water heaters in low income residential areas. | **N** |
| **14** | Convene City, LES, Community Action and other resource providers to develop a joint plan to address energy efficiency in low income and multi-family housing stock. Research federal, state, local, and private funding sources for low-income energy efficiency programs. | **N** |
| **15** | Explore opportunities to build or renovate a net zero affordable housing demonstration project in collaboration with University of Nebraska-Lincoln (UNL). | **N** |

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| **16** | Adopt the 2018 International Energy Conservation Code (Commercial). | **N** |
| **17** | Update the Greater Nebraska PACE District (GNPD) program to provide a broader range of eligible applicants, facilities and equipment with a targeted outreach and marketing effort towards low income and multi-family housing support. Work with National Institute of Food and Agriculture (NIFA) and Nebraska Department of Environment and Energy (NDEE) to evaluate funding/low interest loan subsidy assistance. Utilize PACE proceeds to help fund Energy Efficiency (EE) in municipal operations and/or support low income EE. | **N** |

| Build a Decarbonized and Efficient Transportation System | | |
|---|---|---|
| **18** | Continue to encourage mixed-use development in the Comprehensive Plan. | **C** |
| **19** | Establish a comprehensive travel demand management strategy. | **C** |
| **20** | Consider Transit Oriented Development policies in the update of the Comp Plan 2050. | **C** |
| **21** | Implement recommendations of the Lincoln Bike Plan.<br>• Identify funding opportunities for investing in on-street bicycle infrastructure projects.<br>• Where applicable, bundle on-street bicycle infrastructure projects with proposed/planned road projects.<br>• Create safety and education campaigns to encourage and familiarize people with the benefits of bicycling and other forms of active transportation.<br>• Encourage and assist businesses to become League of American Bicyclists, Bicycle Friendly Businesses.<br>• Encourage large employers and public agencies to provide bike parking, lockers, and shower facilities. | **C** |

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| **22** | Implement recommendations of the School Zone Standards.<br>• Explore funding opportunities to implement the School Zone Standards at all public and private schools.<br>• Reduce vehicular traffic at arrival and dismissal times by encouraging students to walk or bike to school.<br>• Educate and familiarize students with school walking routes.<br>• Implement appropriate treatments along the school walking routes to provide safe and accessible crossing locations.<br>• Promote safety campaigns to reduce pedestrian and bicycle crashes. | **C** |
| **23** | Continue to strengthen the Complete Streets Policy by creating a robust framework that evaluates street projects using complete streets goals and criteria.<br>• Provide adequate funding to support a myriad of complete street projects.<br>• Update the Gap Analysis Study.<br>• Create educational campaigns to familiarize people with complete streets and their benefits to Lincoln. | **C** |

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| **24** | Continue implementation of the Green Light Lincoln initiative including tracking and reporting of time and fuel savings along with emissions reduction metrics attributable to the program. | **C** |
| **25** | Continue to support and plan for a transportation system that accommodates the safe operation of autonomous, electric, and connected vehicles. | **C** |
| **26** | Pilot dockless scooters. | **C** |
| **27** | Continue to support Lincoln Public Schools (LPS)/Health Department bicycle rodeos as well as helmet and bike lock drives. | **C** |
| **28** | Continue to transition City fleet to alternative fuels. | **C** |
| **29** | Convert City fleet to 100% electric/renewable by 2040 (technology will have to be available to support the goal).<br>• Establish a policy to replace City vehicle fleet with cleaner, renewable fueled vehicles.<br>• Initiate a comprehensive asset management plan for City fleet, to include an analysis of adequate funding levels and healthy replacement schedules.<br>• Explore lease-to-own purchasing to help finance cleaner, renewable fuels when procuring all fleet assets.<br>• Centralize the administration of City fleet services following a peer review and analysis of combined fleet systems.<br>• Increase investment in alternative fuel vehicles and fueling stations.<br>• Partner with the Nebraska Community Energy Alliance (NCEA) and LES to install additional charging infrastructure.<br>• Share telemetry information for all City vehicles to gather data on usage patterns to analyze and inform decision-making; Drive cycles and usage patterns will also help determine alternative fuel vehicle targets.<br>• Create a City-employee car and equipment sharing program populated with a variety of assets. | **N** |

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| **30** | Strengthen Public Transit<br>• Update the Transit Development Plan<br>  o Evaluate expansion opportunities such as an on-demand shared ride service to fill gaps.<br>  o Evaluate new technologies including driver assist, autonomous vehicle, and electric charging.<br>  o Complete a financial analysis and model for fare adjustments, including "Fare Free" service.<br>  o Continue analysis of service expansion, route efficiencies, multiple transfer stations.<br>• Fund a public education campaign to increase bus ridership; partner with education campaigns that focus on alternative<br>modes of transportation.<br>• Transition transit fleet 100% to electric/renewable/alternative fuels by 2040. | **N** |
| **31** | Establish a City of Lincoln teleworking policy. | **N** |
| **32** | Designate priority parking for alternative-fuel vehicles in all municipal parking areas. | **N** |
| **33** | Explore options for "City-Pass" that provides one app for access to all City services, including Transit, BikeLNK, Libraries, Parking, etc. | **N** |
| **34** | Electric Vehicles<br>• Complete an inventory and create a public platform to inform citizens on where EV and alternative fueling stations are located across the City.<br>• Investigate an Electric Vehicles (EV) carsharing program as a public-private partnership.<br>• Pursue and promote grants that can be used for rebates to residents who purchase EVs and charging stations with partners such as Nebraska Community Energy Alliance (NCEA), Lincoln Electric System (LES) and the Nebraska Environmental Trust (NET). | **N** |
| **35** | Identify and evaluate, capture, and utilize additional sources for biogas production and expand Renewable Natural Gas usage in heavy fleet, garbage trucks, and buses. | **N** |
| **36** | Consider use of a Sustainability evaluation/decision support tool such as "Envision" for major infrastructure projects. | **N** |

| Align Economic Development Goals with Climate Realities to Ensure a Thriving Economy | | |
|---|---|---|
| **37** | Maintain AAA bond rating through disclosure of annual GHG emissions. | **C** |
| **38** | Support commuter bus service between Lincoln and Omaha. | **C** |
| **39** | Incorporate climate considerations in Comprehensive Plan. | **N** |
| **40** | Research investments in renewable energy (rather than fossil fuels). | **N** |
| **41** | Investigate the use of Climate Resilience Bonds. | **N** |
| **42** | Assess the feasibility and cost of a dedicated electric shuttle circulating between college campuses or other areas in Lincoln. | **N** |
| **43** | Develop a strategy to secure a second source of water supply. | **N** |
| **44** | Develop a pilot program on City-owned property that is currently in row crop production for regenerative agriculture production. Identify a partner to act as land manager and/or consider reduced lease rate for local food producer that uses sustainable, regenerative agriculture practices to produce local food and products. | **N** |
| **45** | Ensure businesses located in the floodplain are aware of risks and options. | **N** |
| **46** | Workforce Development (American Job Center)<br>• Update the four (4) year local plan to include climate considerations.<br>• Increase wage subsidies through on-the-job training for green employers from 50% to 75%.<br>• Work to build and support career ladders/create training programs at Southeast Community College (SCC) in this sector. This includes paying tuition, books, and supportive services for eligible students to acquire training for clean occupations.<br>• Promote taking public transit to work, as well as pay for public transportation when eligible.<br>• Work with our American Jobs Center (AJC) partner, National Able Network, to expand job opportunities for individuals over 65.<br>• In general, promote and support opportunities for individuals with barriers to employment by providing education, training, and career counseling. | **N** |

| Improve Protections for and with Lincoln Residents | | |
|---|---|---|
| **47** | Maintain the Community Rating System (CRS) rating that allows for a 25% reduction in flood insurance premiums for property owners in floodplains. | **C** |
| **48** | Continue to provide grants and incentives to developers, homeowners, and business owners for the emplacement of green infrastructure. | **C** |
| **49** | Continue implementing green infrastructure strategies such as rain gardens, bioswales and permeable pavement to reduce stormwater runoff. Expand guidance/resources, incentives, and implementation. | **C** |
| **50** | Coordinate with Lincoln Transportation and Utilities (LTU) Street Maintenance, Parks, or other Departments to procure appropriate equipment to manage permeable pavement. | **C** |
| **51** | Continue working with Lower Platte South Natural Resources District to identify and implement flood risk mitigation strategies. | **C** |

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| **52** | Implement recommendations of the Salt Creek Resiliency Study<br>• Increase minimum stream corridor requirements along creeks and rivers providing additional flood damage prevention, preserving riparian / other critical habitat, and contributing to improved water quality.<br>• Account for proper management of projected stormwater runoff based on updated precipitation data (NOAA Atlas 14) (currently in-development).<br>• Amend regulatory standards for freeboard (the amount of space needed to raise a building above projected floodwater elevation level) based on updated precipitation data (NOAA Atlas 14); restrict the development of critical infrastructure like schools, hospitals, emergency and communication infrastructure within flood-prone areas.<br>• Amend the requirements of the Drainage Criteria Manual while preserving the engagement and adoption process to include these recommendations. | **N** |
| **53** | Prepare for federal adoption and make publicly available an updated floodplain map for Lincoln that reflects increased precipitation and streamflow projections based on precipitation data from NOAA Atlas 14 data.<br>• As floodplain maps are updated, identify specific vulnerabilities related to Salt Creek levees and include prevention, protection, mitigation, response and recovery strategies in the Lancaster County Local Emergency Operations Plan (LEOP), the county's Hazard Mitigation Plan, and the Lower Platte South's Hazard Mitigation Plan.<br>• Together with the Lincoln-Lancaster County Emergency Management Office, the City Urban Development Department, City Stormwater management experts and neighborhood leaders, develop a comprehensive Salt Creek levee breach and overtop scenario analysis and communications plan to affected residents. | **N** |
| **54** | Continue and enhance current outreach and education efforts with landowners and business owners located in the revised floodplain about their flood risk. Develop a comprehensive outreach and education strategy with residents in the revised floodplain about their flood risk. | **N** |
| **55** | Implement the Recommendations in the Affordable Housing Plan. | **N** |
| **56** | Consider increasing the types of allowable Accessory Dwelling Units (ADUs) beyond duplexes in the zoning ordinance. | **N** |
| **57** | Continue to support and fund the expansion of disease-outbreak (human, plant, animal, agricultural) management planning. | **C** |
| **58** | Continue air monitoring system to include additional real time monitors for PM2.5 in multiple areas of City and County. | **C** |
| **59** | Continue educational programs for childcare providers on climate-related health issues for young children. | **C** |

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| **60** | Continue to implement public accommodations to vulnerable people to a participatory decision-making process that results in better care for groups such as non-English speaking people, residents living in poverty, and elderly residents. | **C** |
| **61** | Continue to adapt the "MyLNK" app to best communicate emergency management situations and updates to residents and visitors. | **C** |
| **62** | Continue and adapt the NeighborLNK program beyond the COVID-19 pandemic to cultivate social cohesion throughout the City. | **C** |
| **63** | Ensure emergency operations plans to reflect responses to climate related risks, such as extreme heat. | **C** |
| **64** | Continue Workplace Heat Alert Program (WHAP): Follow guidance from National Institute for Occupational Safety and Health (NIOSH), which describes a process for making indoor and outdoor work environments safer for employees during extreme heat events. | **C** |
| **65** | Include enhanced provisions in caring for non-English speaking people, residents living in poverty and elderly residents (in-progress through the June 2020 update of the Hazard Mitigation Plan). | **C** |
| **66** | Coordinate with local National Weather Service & meteorologists, to provide heat index health warnings, etc. Heat wave early warning systems can protect people by communicating heat wave risks and suggesting protective actions. | **C** |
| **67** | Identify public cooling centers for extreme heat days or public warming centers for extreme cold days. | **C** |
| **68** | Assess health equity impacts of climate change in Lincoln. Utilize Center for Disease Control's (CDC) Building Resistance to Climate Effects model to develop strategies to reduce impacts on human health. | **N** |
| **69** | Assess the heat island impacts in Lincoln and map results. Create and share data via a publicly accessible website. If heat islands are identified, develop and implement strategies to reduce the effects of excess heat and associated health risks. | **N** |
| **70** | Develop a public health heat response plan following guidance from CDC. | **N** |
| **71** | Expand disease reporting system and integrate with animal disease reporting systems to monitor zoonosis, vector borne illness, animal illness, and potential vectors of concern. | **N** |
| **72** | Consider developing a tick surveillance program in collaboration with the Nebraska Department of Health and Human Services and UNL. | **N** |

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| **73** | Enhance current mosquito surveillance programs to be prepared for new mosquito-borne illnesses; update the Public Health Mosquito Action Plan and expand to other vectors, such as ticks. | **N** |
| **74** | Add additional low cost, real time monitors for PM2.5 in multiple areas of City and County. | **N** |
| **75** | Consider enhancing capacity to forecast the Air Quality Index (AQI). | **N** |
| **76** | Conduct a self-assessment of information for communicating risks from flooding, including immediate and longer-term risks. Involve LPD, LFR, Emergency Management, NRD, WSM, and City Communications. Develop a cohesive strategy for public communication. | **N** |

## Build a Resilient Local Food System

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|---|---|---|
| **77** | Continue funding support of community gardens through Community Development Block Grant (CDBG) grant. | **C** |
| **78** | Continue partnerships with organizations such as LPS and community crops for the development of community gardens. | **C** |
| **79** | Continue support of native plantings, creation of community gardens, expansion of pollinator habitat by the Parks and Recreation Department. | **C** |
| **80** | Maintain database of City-owned property within the three-mile jurisdiction potentially available for community gardens / urban agriculture. | **C** |
| **81** | Conduct 128a brownfield site assessments on vacant lots for use as community gardens / urban agriculture. | **N** |
| **82** | Evaluate City farm management contracts to require sustainable, regenerative agriculture practices (no till, multispecies cover crops, reduction in use of synthetic chemicals, toxic pesticides, and Genetically-modified Organisms (GMO)) to increase crop yield, lower production costs, and sequester carbon. | **N** |
| **83** | Evaluate opportunities on City-owned property that is currently in row crop production for potential urban agriculture production. Identify a partner to act as land manager and/ or consider reduced lease rate for local food producer that uses sustainable, regenerative agriculture practices. | **N** |

*Photo courtesy of Sunday Farmers Market*

## Maximize Natural Climate Solutions

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| **84** | Meet the community water usage goal of 110 gallons of water per day per person or less. | **C** |
| **85** | Continue implementing and enforcing building codes that require water efficiency standards. | **C** |
| **86** | Continue to fund water main replacements to avoid water loss from the system. | **C** |
| **87** | Re-charter the Mayor's Environmental Task Force to align with the Climate Action Plan Vision. | **N** |
| **88** | Create a "One Water" subcommittee for the protection of water resources. Utilize this group to:<br>• Identify and evaluate strategies to reduce peak water demand (e.g. incentive based programs).<br>• Evaluate water re-use programs.<br>• Identify and evaluate water quality improvements strategies. | **N** |
| **89** | Continue and promote the Two (2) for Trees program. | **C** |
| **90** | Continue to replace threatened and diseased Ash trees on a 1:1 basis as per the City of Lincoln Emerald Ash Borer Response and Recovery Plan.<br>• Ensure adequate funds are budgeted to complete the replacement program.<br>• Continue to track and report the number of public ash trees removed annually and the number of new public trees planted to replace removed ash trees annually.<br>• Continue to provide vouchers to neighbors near removed trees to purchase replacement trees. | **C** |
| **91** | Continue following recommendations of the Community Forestry Advisory Board (CFAB) that one tree genus will not represent more than 10% of the street tree population. Consider selection of appropriate street tree species in new climate scenario. | **C** |
| **92** | Continue to monitor emerging pests and diseases that may have implications on Community Forestry. | **C** |
| **93** | Change the subdivision ordinance to require an intended list of street trees in preliminary plats. Consider selection of appropriate street tree species in new climate scenario. | **N** |

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| **94** | Assess baseline tree canopy with emphasis on low-income neighborhoods and prioritize tree plantings to reduce heat island effect, increase stormwater management, and reduce utility bills. | **N** |
| **95** | Increase funding resources to meet recommended tree replacement goal of 1:1 and to reduce pruning cycle of street trees from 25+ years to under 10 years. | **N** |
| **96** | Establish an emergency response program for downed trees from storm damage. | **N** |
| **97** | Expand and develop partnerships to provide additional private funding and volunteer time for planting trees and establishment of young trees. | **N** |
| **98** | Evaluate and update our collective policies regarding trees in the right-of-way (ROW). | **N** |
| **99** | Continue to support prairie restoration and protection of natural resources. | **C** |
| **100** | Continue supporting native plantings on municipal and development projects. | **C** |
| **101** | Reduce irrigation needs by incentivizing conservation practices and native planting. | **C** |
| **102** | Encourage conversion of lawns to native grasses, vegetable gardens, and/or drought-tolerant landscaping. | **C** |
| **103** | Expand native prairie plantings through strategies such as requiring the addition of native prairie plantings to detention ponds and runoff areas. | **C** |
| **104** | Continue to use a Rain-to-Recreation model to utilize floodplain for appropriate recreational activities. | **C** |
| **105** | Continue to support the Lincoln Parks Foundation and Parks and Recreation Department Land Trust initiative, working in partnership with landowners to preserve native prairie, wetland areas, and other natural resources. | **C** |
| **106** | In response to the findings of the Salt Creek Resiliency Study, assemble key partners and leaders in the City and County to develop comprehensive strategies that reduce flooding risks, improve soil health, sequester carbon, and maintain natural systems within the City and County, to include the Parks Foundation Land Trust initiative. | **N** |
| **107** | Reduce irrigation needs by incentivizing conservation practices and native planting. | **N** |

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| **108** | Expand native prairie plantings through strategies such as requiring the addition of native prairie plantings to detention ponds and runoff areas. | **N** |
| **109** | Work with weed authority on weed abatement policy to allow for native plants to be grown on private property with less restrictive height guidelines. | **N** |
| **110** | Create a Carbon Sequestration Plan. This plan would involve an analysis of Lincoln's tree canopy, parks and greenways, open lands, composting activity, open water areas, impervious surfaces, grasslands, and native prairie. | **N** |
| **111** | Designate stormwater bond dollars to flood control, streambank stabilization, erosion, and sediment control projects. | **N** |

*Photo courtesy of Lincoln Parks and Recreation*

| Reduce Waste | | |
|---|---|---|
| **112** | Update and implement the recommendations of the 2040 Solid Waste Plan. | **N/C** |
| **113** | Continue conducting periodic waste characterization studies. | **C** |
| **114** | Encourage reduction of single-use plastics. | **C** |
| **115** | Reduce the amount of readily recyclable materials currently being landfilled by 80% by 2040. | **N** |
| **116** | Establish an Environmentally Preferable ("Green") Procurement Policy to minimize negative environmental impacts of the City's operations by ensuring the procurement of products and services that, to the extent practicable:<br>• Conserve natural resources, materials, and energy.<br>• Reduce toxicity.<br>• Reduce the amount of material sent to landfills.<br>• Maximize recyclability and recycled content.<br>• Increase the use and knowledge of environmentally preferable products that protect the environment. | **N** |
| **117** | Establish a municipal "green team" to recommend strategies for waste reduction from municipal operations, to include education and training programs. | **N** |
| **118** | Work collaboratively with private sector businesses to understand the GHG emissions attributable to the collection of waste, recyclables, and organics in Lancaster County. | **N** |
| **119** | Assess waste diversion programs at multi-family dwellings to enhance access to sustainable materials management programs. | **N** |

## Engage Residents in Co-Creating a Climate Smart Future

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| **120** | Following an assessment of current City environmental education programs, create a "Climate-Smart Future" education and community relations program. Consider the following:<br>• Create an online and social media forum for a community conversation on climate change.<br>• Focus on residents and businesses most impacted by climate related risks, including vulnerable neighborhoods.<br>• Demonstrate the emissions impact of consumer behaviors and how to reduce energy consumption.<br>• Educate residents and businesses on how to reduce energy consumption and connect them to programs and services that provide funding assistance such as the Sustainable Energy Program and Low-Income Home Energy Assistance Program (LIHEAP).<br>• Educate childcare providers on climate-related health issues for young children.<br>• Promote climate smart practices such as, use of electric vehicles, conversion of lawns to native grasses, vegetable gardens, and/or drought-tolerant landscaping.<br>• Create an education program about holistic, multimodal transportation choices.<br>• Continue to promote EV education and incentives to encourage the adoption of EVs.<br>• Encourage and promote public tree planting and care.<br>• Work with homeowner associations to increase use native plants and prairie in landscaping.<br>• Deploy an education program on Sustainable Materials Management.<br>• Develop public health information for properties impacted by flood on how to address mold, materials reuse, clean up and disinfection.<br>• Continue education and promotion of water conservation.<br>• Convene various stakeholders (UNL Extension, Lincoln-Lancaster County Food Policy Council (Lincoln-Lancaster FPC), Community Crops, Local producers, etc.) to host community conversations, expanding education, awareness, and support for local food and regenerative agriculture. | **N/C** |

# Endnotes


1 "Lincoln's Vision for a Climate-Smart Future," Verdis Group and City of Lincoln, February 2021.

2 Al Gore, "The Climate Crisis Is the Battle of Our Time, and We Can Win," *New York Times*, September 20, 2019, https://www.nytimes.com/2019/09/20/opinion/al-gore-climate-change.html.

3 Zachary Shahan, "200+ Companies Committed To 100% Renewable Electricity," *CleanTechnica*, February 19, 2020,

4 "Committed," Sierra Club, https://www.sierraclub.org/ready-for-100/commitments.

5 Patrick Hertzke et. al., "Expanding Electric-Vehicle Adoption Despite Early Growing Pains," McKinsey and Company, April 26, 2019, https://www.mckinsey.com/industries/automotive-and-assembly/our-insights/expanding-electric-vehicle-adoption-despite-early-growing-pains.

6 "Electric Vehicle Outlook 2020," BloombergNEF, accessed June 26, 2020, https://about.bnef.com/electric-vehicle-outlook/.

7 Craig Welsh, "To Curb Climate Change, we have to Suck Carbon from the Sky. But How?" January 17, 2019, National Geographic, https://www.nationalgeographic.com/environment/2019/01/carbon-capture-trees-atmosphere-climate-change/.

8 "Yale Climate Opinion Map 2019," Yale Program on Climate Change Communication, Yale University, September 17, 2019, https://climatecommunication.yale.edu/visualizations-data/ycom-us/.

9 "New Poll: Voters Support Stimulus for Clean Energy, Not Fossil Fuels," Yale Program on Climate Change Communication, Yale University, June 29, 2020, https://climatecommunication.yale.edu/news-events/new-poll-voters-support-stimulus-for-clean-energy-not-fossil-fuels/.

10 Hegewisch, K.C., Abatzoglou, J.T., 'Future Time Series' web tool. Climate Toolbox https://climatetoolbox.org/, accessed on January 19, 2021.

11 Hegewisch, K.C., Abatzoglou, J.T., 'Future Climate Dashboard' web tool. Climate Toolbox, https://climatetoolbox.org/, accessed on January 19, 2021.

12 Climate Toolbox, 'Future Time Series' web tool, accessed on January 19, 2021.

13 Martha Shulski, "Nebraska's Changing Climate: Highlights from the 4th National Climate Assessment," CropWatch, December 6, 2018, http://cropwatch.unl.edu/2018/nebraska-changing-climate.

verdis
GROUP

# LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

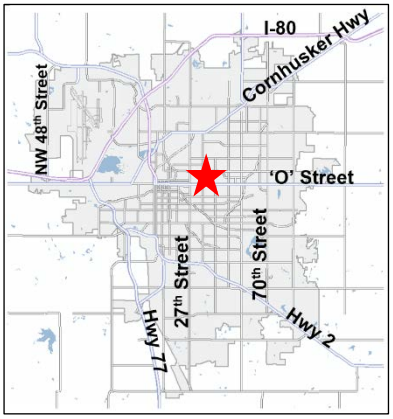
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

| APPLICATION NUMBER | FINAL ACTION? | DEVELOPER/OWNER |
|---|---|---|
| Comprehensive Plan Conformance 21001 | No | Gatehouse Row, LP/Wyuka Cemetery |
| **PLANNING COMMISSION HEARING DATE** | **RELATED APPLICATIONS** | **PROPERTY ADDRESS/LOCATION** |
| February 17, 2021 | CZ21004, SP21003 | N. 36th Street and R Street |

## RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

**BRIEF SUMMARY OF REQUEST**

Review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, a proposed Wyuka Redevelopment Plan that identifies the Gatehouse Rows Redevelopment Project. The Project includes multi-family affordable housing located on approximately 8 acres of land on the west side of the Wkuka Cemetery property. The dwelling units will be affordable under the affordable housing programs for a minimum of 30 years with tenant eligibility restrictions whereby tenants can earn no more than 60% of the area median income.




**JUSTIFICATION FOR RECOMMENDATION**

The Project in general is appropriate as it will provide affordable housing in a location within the established City close to existing services and public transportation.

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

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

This project in general is consistent with the Comprehensive Plan as it will further usage of the community's investment in infrastructure through higher density residential development within the existing City. Further, the project will provide affordable housing in a location close to major transportation corridors and public transit. Also, the Affordable Housing Action Plan was recently adopted as part of the Comprehensive Plan. This project, with conditions in the special permit, is generally consistent with the Action Plan and Comprehensive Plan.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

P. 1.9 - This site is shown as Public/Semi-Public and Urban Residential on the 2040 Lincoln Area Future Land Use Plan.

p. 7.2 Distribute and preserve affordable housing throughout the community to be near job opportunities and to provide housing choices within existing and developing neighborhoods.

p. 7.2 Make available a safe residential dwelling for all citizens.

p. 7.2 Provide a wide variety of housing types and choices for an increasingly diverse and aging population.

p. 7.2 Strive for predictability for neighborhoods and developers for residential development and redevelopment.

p. 7.2 Preserve areas designated for multi-family and special needs housing in approved plans to support a distributed choice in affordable housing.

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

p. 7.9 Encourage well-design and appropriately placed density, including within existing apartment complexes' and special needs housing where there is land available for additional buildings or expansions.

p. 7.9 Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.

p. 10.3 An emphasis on mixed use redevelopment and infill within the existing City will serve to increase the overall density of the City, concentrating it in areas along major transportation and utility corridors.

p. 12.11 Maximize the community's investment in infrastructure through well-designed and appropriately placed density in residential and commercial development.

**ANALYSIS**

1. This is a Comprehensive Plan Conformance review for the Wyuka Redevelopment Plan that identifies the Gatehouse Rows Redevelopment Project. The Project will include the redevelopment of approximately 8 acres of property along the west edge of Wyuka Cemetery with multi-family residential affordable housing. The housing will consist of primarily one and two-bedroom dwelling units with a few three-bedroom units. The parcels comprising the proposed project site are generally located between N. 36th Street on the west, Wyuka Cemetery on the east, R Street on the south and Vine Street on the north. The O Street corridor is in the vicinity to the south.

2. Wyuka Cemetery is governed by Trustees appointed by the State. The Board of Trustees has determined that this excess land, located west of the creek, should be sold for a use consistent with the charitable purpose of the corporation. Gatehouse ROW, LP has an option to acquire the excess land to be developed into much needed affordable housing. The Trustees support the Blight Study, this Redevelopment Plan and the project proposed for the excess land located on its western border.

3. The goal of the Project is to revitalize and strengthen the residential community in the Wyuka Redevelopment Area by providing affordable residential dwelling units through the redevelopment of existing underutilized real property located east of downtown Lincoln but located conveniently to services available in the City.

4. The Project is in accord with and promulgates the Lincoln Affordable Housing Plan in that it creates new affordable housing units targeted to households with incomes at or below 60% medium income in a low-income housing tax credit project with bond financing.

5. The Project is consistent with goals in the Comprehensive Plan. The project will create affordable housing at an urban residential density close to existing transportation corridors within the City.

6. The removal of blight and substandard conditions from the Project Site and the Wyuka Redevelopment Area is anticipated to enhance the east Hartley neighborhood and by the creation of low income housing helping to meet the low income housing goals of the City of Lincoln as a whole.

7. The Project is in close proximity to bus routes on both Vine Street to the north and O Street to the south which will provide residents with access to public transportation systems. The Project will have a pedestrian trail located on its eastern side for the use of the residents and the local neighborhood. The pedestrian trail will connect to the adjacent neighborhood and sidewalks. The project will also have an area for a community garden for use by the residents and a playground.

8. The infrastructure for the Project on this western edge of the Wyuka Cemetery needs improvements to the existing built environment and the proposed project, which will include additional pavement of affected streets. The project will gain its primary access from N. 35th and O Streets on the southern edge of Wyuka Cemetery. Internally, N. 36th Street from R Street to S Street will need to be surfaced in accordance with the Street Design Standards of the City of Lincoln. Also, Q Street from N. 35th Street to N. 36th Street will need surfacing as it will be used for providing access to the project site.

9. The estimated total cost to implement this project is $19.5 million which includes up to $1.65 million in tax increment financing. Up to approximately $17.4 million of the funds will be provided by housing development bonds issued by the City generating 4% Low Income Housing Tax Credits under Section 42 of the Internal Revenue Code. The gap in funding the project will be filled by a soft second loan from the Lincoln Community Foundation. The public investment of approximately $1.6 in TIF funds will leverage the private sector financing; a private investment of over $11 for every TIF dollar spent. The capture of the incremental tax revenues will be for installation of utilities and other public infrastructure in the Gatehouse Rows redevelopment area.

10. MISC20003 approved by the Planning Commission on January 20, 2021 is the Wyuka West Blight and Substandard Determination Study that provided sufficient evidence that the Redevelopment Area qualifies under Nebraska Community Development Law as substandard and blighted.

11. Related Change of Zone 21004 is to change the zoning from P Public Use District and R-2 Residential District to R-4 Residential District for the Wyuka owned property which is currently in public use. The adjacent residential neighborhood to west is also zoned R-4.

12. Related Special Permit 21003 is for the Community Unit Plan for proposed affordable multi-family dwelling units on approximately 8 acres. The specifics of the project are contained in the staff report for this related permit.

13. The project was reviewed by the Urban Design Committee and by the Historic Preservation Commission (see Excerpts of Meeting Records attached).

    The Urban Design Committee approved the concept at their January 5, 2021 meeting but asked for more landscaping details. The Committee reviewed for the landscaping update at their February 2, 2021 meeting.

    The Historic Preservation Commission at their meeting on January 21, 2021 agreed this development does not negatively affect this historic site, and further stated to accept the historic nature of the design for the purposes of the environment, but stated their reluctance to approve due to the access in and out of the site and the impact this number of units would have on the adjacent community. They further recommended that this project is reevaluated and there is further exploration done by the developer to find ways to mitigate the issues.

**EXISTING ZONING:** P Public, R-2 Residential, R-4 Residential

**EXISTING LAND USES:** Public, Single Family Detached

**SURROUNDING LAND USE AND ZONING:**

| | | |
|---|---|---|
| North: | Single Family | R-2 Residential District |
| South: | Cemetery | P Public Use District |
| East: | Cemetery | P Public Use District |
| West: | Single Family, Duplex, Apartments | R2 Residential, R-4 Residential District |

**APPROXIMATE LAND AREA:** 8 acres

Prepared by

_____

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

February 4, 2021

Applicant: Dan Marvin, Urban Development Department
City of Lincoln
555 S. 10th Street, Suite 205
Lincoln, NE 68508
(402) 441-7126 or dmarvin@lincoln.ne.gov

Contact: Ernie Castillo
555 S. 10th Street, Suite 205
Lincoln, NE 68508
(402) 441-7855 or ecastillo@lincoln.ne.gov

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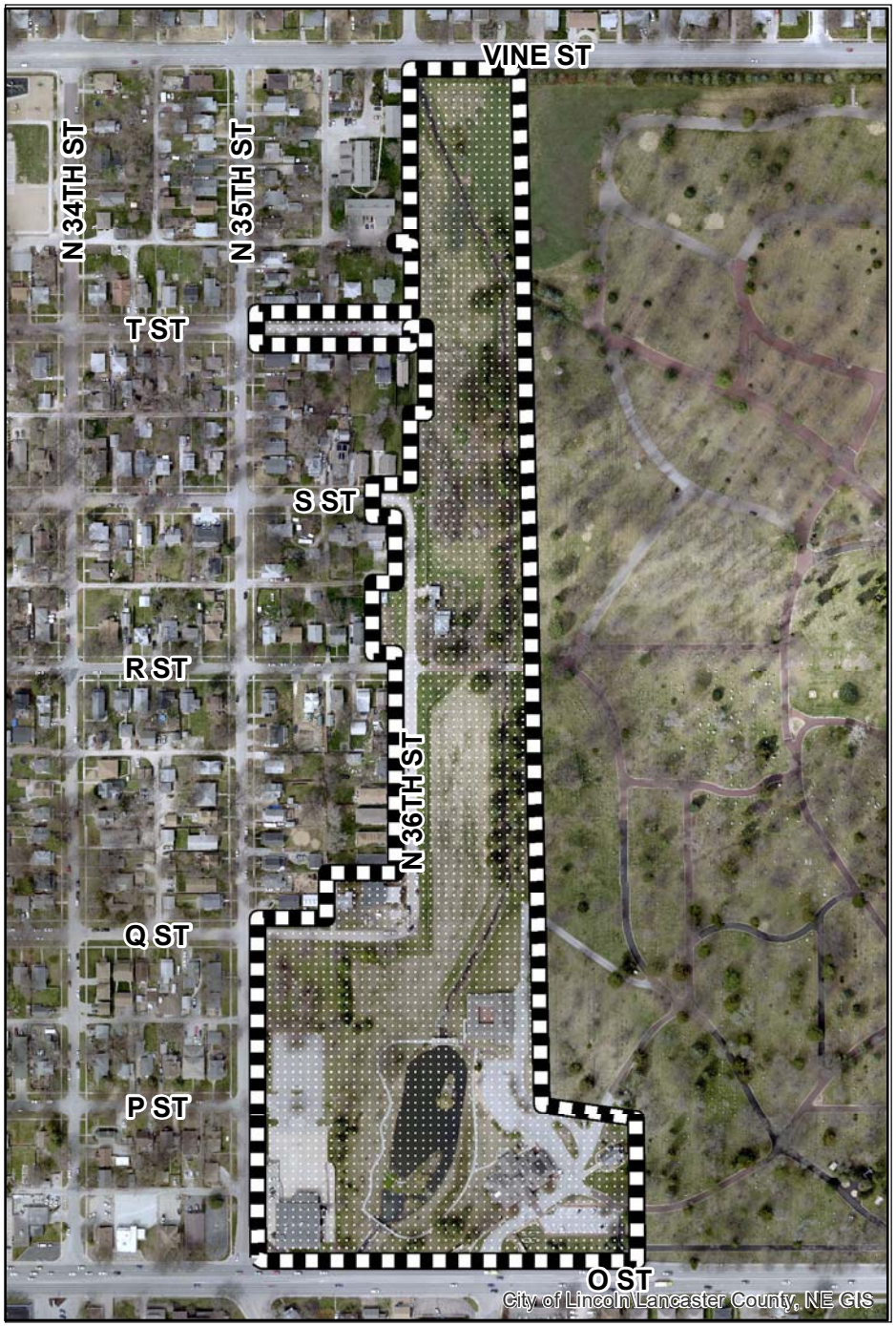
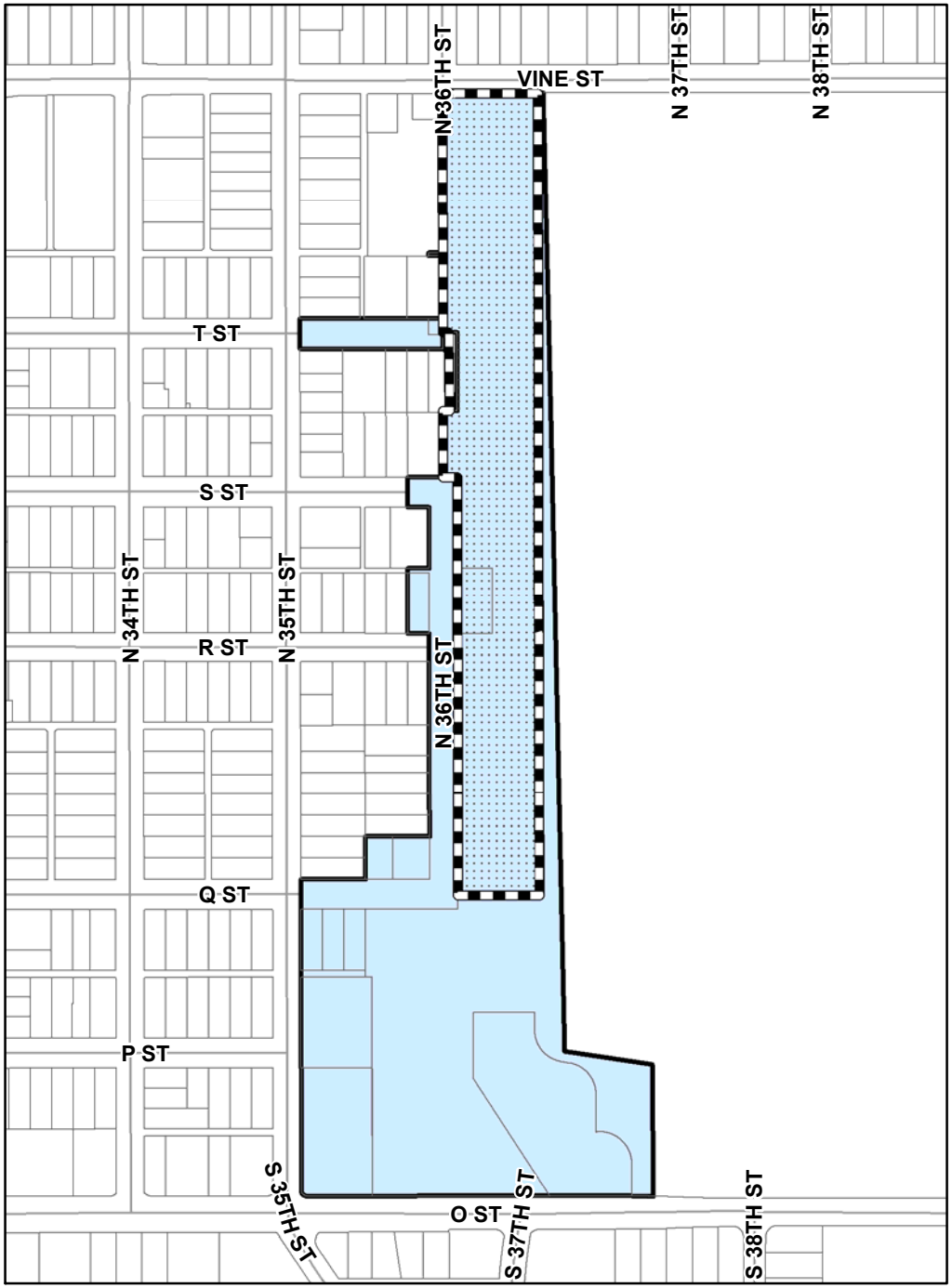



# Comprehensive Plan Conformance #21001

2020 aerial

## Wyuka Redevelopment Plan Boundary and Gatehouse ROWS Redevelopment Project (SP21003)



m:\plan\arcview\CPCRevelopmentAreaDrawings.mxd (CPC21001)

# WYUKA REDEVELOPMENT PLAN / GATEHOUSE ROWS PROJECT

## A. INTRODUCTION

Wyuka Cemetery was formed in 1869 by the Nebraska legislature to provide a cemetery and place of internment for the City of Lincoln. Wyuka Cemetery is a Nebraska nonprofit corporation formed by the State as a public charitable corporation to own and operate the Wyuka Cemetery located between Vine Street and O Street, located primarily east of approximately 36th Street. In 1982, the Wyuka Cemetery was listed on the National Registry of Historic Places to preserve the rich history of the original grounds. Currently, the Wyuka Cemetery is comprised of approximately 91 acres of land.

On its western border, a meandering creek is located which feeds into a pond on cemetery grounds. The Wyuka Cemetery owns approximately eight acres located west of the creek which are underutilized by the corporation. The corporation does not plan to use this area for places of internment due to the cost associated with providing creek crossings.

Wyuka Cemetery is governed by Trustees appointed by the State. The Board of Trustees has determined that this excess land, located west of the creek, should be sold for a use consistent the charitable purpose of the corporation. Gatehouse Rows, LP has an option to acquire the excess land to be developed into much needed affordable housing providing housing opportunities for the "missing middle" of income earners where housing opportunities are strained. The Trustees of the Wyuka Cemetery support the Blight Study, this Redevelopment Plan and the proposed Gatehouse Rows Project (henceforth referred to as the Project) for the excess land located on its western border.

## B. EXISTING CONDITIONS

### *1. Land Use*

Since Wyuka Cemetery is a nonprofit corporation established by the State of Nebraska, it is a public entity and the Wyuka cemetery is zoned for land use purposes in the *P-Public* district. The Future Land Use Map contained in the *LPlan 2040* identifies the Wyuka Cemetery for a public use.

### *2. Zoning*

The Wyuka Cemetery land is zoned in the *P-Public* district. The adjacent neighborhoods and residential areas are zoned in the *R-4 Residential* district. The Redevelopment Plan envisions that the redevelopment project site shall also be changed to the *R-4 Residential* zoning district. Further, due to the density and clustering of the dwelling units, the Gatehouse Rows project will seek city approval for a Special Permit approving a Community Unit Plan for the approximately eight-acre site. The density proposed for the Gatehouse Rows project would remain below the density cap for the *R-4 CUP Design Standard*.

### *3. Subdivision*

Wyuka Cemetery owns a parcel which is over 90 acres in size. The project redeveloper has an option to acquire approximately eight (8) acres of the larger parcel. The redeveloper, working in cooperation with Wyuka Cemetery, will be required to obtain subdivision approval to separate the eight acre parcel from the larger Wyuka parcel. The dwelling units will not be individually platted and will not be structured for separate ownership of the units. While the subdivision plat has not been prepared, it is probable that the development will be comprised of one or more buildable lots of record for the structures containing the dwelling units and one or more outlots for the location of the common areas of the development which could include the pedestrian trail, playground, detention pond facility and perhaps even the creek bed. The subdivision will be required to comply with the requirements of the City of Lincoln subdivision ordinance.

### *4. Parks & Recreation Facilities and Trails*

As depicted on the project site plan, the Project will have a pedestrian trail located on its eastern side for the use of the project residents and the local neighborhood. The pedestrian trail will also connect with pedestrian trails and sidewalks adjacent to the development and the neighborhood. The Project also envisions a detention facility which will capture the storm water drainage and provide an amenity to the Project.

The Project will contain an area for a community garden for use by the residents and a playground area for the use of the younger residents.

### *5. Transportation*

The infrastructure for the Project on this western edge of Wyuka Cemetery needs improvements for the existing built environment and the proposed project, which will include additional pavement of affected streets. The project will gain its primary access from 35$^{th}$ and O Streets on the southern edge of Wyuka Cemetery. Internally, 36$^{th}$ Street from R Street to S Street will need surfaced in accordance with the Street Design Standards of the City of Lincoln. Additionally, Q Street from 35$^{th}$ Street to 36$^{th}$ Street will need surfacing as it will be used for providing access to the project site.

The Project is conveniently located near both Vine Street on the north and O Street on the south, both of which are bus routes and will provide project residents with access to the public transportation systems.

### *6. Public Utilities*

The Wyuka Redevelopment Area is located with ready access to sanitary sewer connections and water mains. Public utilities are available to provide service to the project site.

### *7. Watershed Management*

The Redevelopment Area includes the drainage way on the western edge of Wyuka Cemetery. The storm water discharge from the site will be managed on site with the installation of a detention facility on the project site which is coordinated with the existing stormwater facilities located on Wyuka Cemetery.

### *8. Historical Significance*

As noted above, Wyuka Cemetery was listed on the National Registry of Historical Places in 1982 to preserve its rich history. The sale and transfer of the excess western portion of Wyuka enables the Board of Trustees to activate this otherwise unusable parcel and obtain an economic benefit for the furthering the purposes of Wyuka. The Redevelopment Project also contains plans which further the historical significance of Wyuka by acquiring and repurposing the original gatehouse or caretaker house located at 3600 O Street. The gatehouse has been in ownership of third parties unrelated to the purposes of Wyuka. The Redevelopment Project envisions that the former gatehouse will be converted into a clubhouse and leasing office as part of the housing project. The intention is to also preserve the historic wrought iron gate, the white brick pillars and historic fencing along the western border. The west entrance to Wyuka contains a cobblestone driveway which serves the area and is proposed to be restored as part of the project.

## C. BLIGHT STUDY

The Board of Trustees of Wyuka Cemetery engaged Hanna:Keelan Associates, P.C. to prepare a Blight Study for the western region of Wyuka Cemetery to determine if the area qualifies as "blighted" and "substandard" within the meaning of the Nebraska Community Development Law. The efforts resulted in a *Blight and Substandard Determination Study for the Wyuka West Redevelopment Area,* dated December 2019 (the *Blight Study*). The *Blight Study* examines all the statutory requirements for declaring the area to be blighted and substandard.

The *Blight Study* contains the following conclusion:

> *It is the conclusion of the Consultant that the number, degree and distribution of* ***Blight and Substandard Factors,*** *as documented in this* ***Executive Summary,*** *are beyond remedy and control solely by regulatory processes in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of*

*private enterprise without the aids provided in the **Nebraska Community Development Law.** It is also the opinion of the Consultant that the findings of this **Blight and Substandard Determination Study** warrant designating the **Wyuka West Redevelopment Area** as **"substandard" and "blighted."***

*The conclusions presented in this **Study** are those of the Consultant engaged to examine whether conditions of **blight and substandard** exist. The Lincoln City Council should review this **Study** and, if satisfied with the summary of findings contained herein, may adopt a resolution making a **finding of blight and substandard** and this **Study** a part of the public record.*

This Redevelopment Plan is intended and designed to implement a strategy to remove the blighted and substandard conditions described in the *Blight Study* and put the Wyuka Redevelopment Area to a productive and beneficial use. In addition, the housing provided by the proposed redevelopment project helps address many of the objectives contains in the Comprehensive Plan of the City of Lincoln and its affordable housing goals.

## D. GATEHOUSE ROWS REDEVELOPMENT PROJECT

### *1. Project Description*

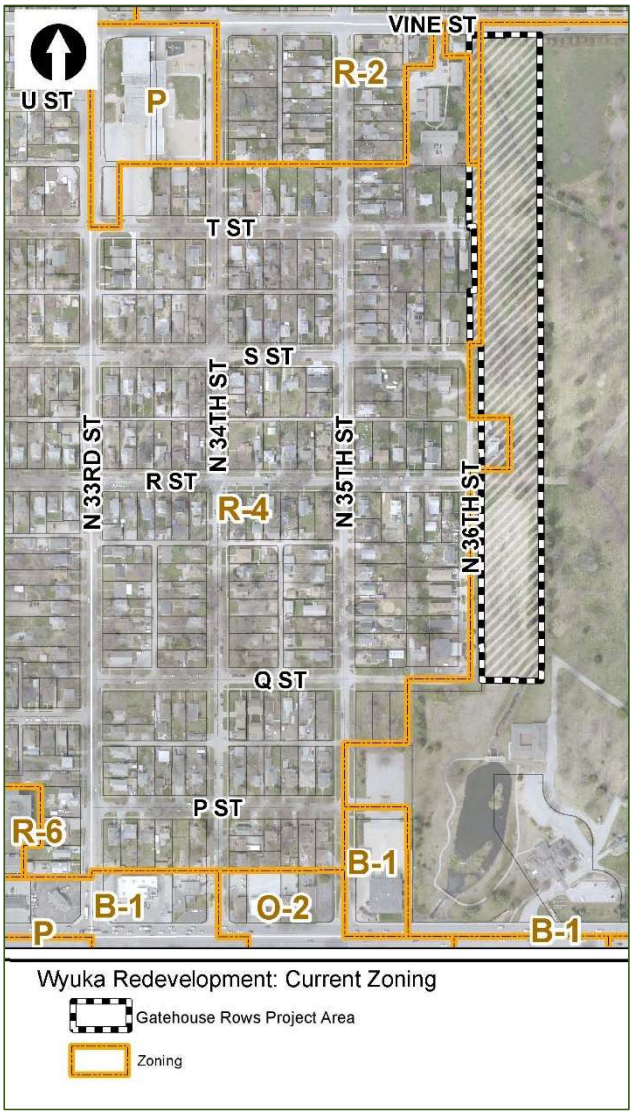
The Gatehouse Rows Redevelopment Project (the "Project") includes the redevelopment and rehabilitation of approximately eight (8) acres located on the west edge of Wyuka Cemetery into affordable residential units. The parcels comprising the proposed project site are generally located between 36th Street on the west, Wyuka Cemetery on the east, R Street on the south and Vine Street on the North (the "Project Site"). The Project Site is depicted on the map, right.

The goal of the Gatehouse Rows Project is to revitalize and strengthen the residential community in the Wyuka Redevelopment Area by providing affordable residential dwelling units through the redevelopment of existing underutilized real property located east of downtown Lincoln but located conveniently to services available in the city. The Project will increase security and safety in the Wyuka Redevelopment Area cause the removal of blight and substandard conditions on the Project Site and in the Wyuka Redevelopment Area.

The Project Site is vacant. Surrounding land uses include: a) Wyuka Cemetery to the east of the Project

Site; b) Hartley neighborhood to the west, c) Vine Street to the north; and d) O Street to the south. See the current land use map, below.

The Project Site is currently *P-Public District*, which provides for governmental use which provides to the use of the property by Wyuka Cemetery Association which is a Nebraska nonprofit corporation and a state-chartered corporation. The Hartley neighborhood is zone for the *R-4-Residential* zoning classification which would permit the development of multi-family residential uses. The Gatehouse Rows Redevelopment Project proposes a change to the *R-4* zoning district coupled with the approval of a Special Permit Community Unit Plan to facilitate the redevelopment project. Current zoning is shown below.



The Gatehouse Rows Project is consistent with the Wyuka Redevelopment Plan and is intended to strengthen the Hartley neighborhood and provide direction for shaping infill development in along O Street and the surrounding residential neighborhoods while supporting private sector commercial and residential development in the Wyuka Redevelopment Area.

The Project is also consistent with the *LPlan 2040*, the *Lincoln-Lancaster County 2040 Comprehensive Plan* and the recently adopted *Affordable Housing Coordinated Action Plan*:

- Guiding principles in Chapter 7, Neighborhoods & Housing, include providing safe and decent affordable housing for low-and moderate-income households and encouraging well-designed and appropriately placed density.
- Guiding principles in Chapter 12, Plan Realization, include encouraging higher density, and according to Chapter 10, Transportation, this higher density should be emphasized especially along major transportation corridors and provide housing options in a variety of neighborhood settings.
- The Project is in accord with and promulgates the *Lincoln Affordable Housing Coordinated Action Plan* in that it creates new affordable housing units targeted to households with incomes at or below 60% medium income in a low income housing tax credit project with bond financing. A consortium of Lincoln banks will both buy the bonds, do the construction financing and buy and hold the equity of the project. Gap financing is provided by the Lincoln Community Foundation. Such a combination for financing meets both the goals and criteria of the Plan. The project is an infill use designed in the "Missing Middle" concept of clustered higher density pods along the east edge of the Harley neighborhood.

  The Project represents a significant private investment in the Wyuka Redevelopment Area. Publicly funded redevelopment activities may include: site acquisition, site preparation

and grading, extension or replacement of utilities, energy efficiency enhancements, façade enhancements, landscaping in the right-of-way, and other public improvements in the Wyuka Redevelopment Area.

## 2. *Statutory Elements*

- ***Property Acquisition, Demolition, and Disposal:*** The proposed redeveloper currently controls the Project Site. The Project has two existing structures, a garage and the west gatehouse of Wyuka Cemetery. While the garage may be replaced or moved, the gatehouse will be renovated to provide a community space and offices for the operation of the apartment complex. In that the gatehouse will be sold as part of the land acquisition, no relocation of families or businesses will occur as a result of the Project.
- ***Population Density:*** The Project includes the renovation of the existing gatehouse and construction of dwelling units in row home-like clusters along the length of the project site. As a result, the Project will have an impact on and will increase the Wyuka Redevelopment Area's population density to the maximum level of density for an *R-4* residential CUP.
- ***Land Coverage:*** Land coverage will increase as the Project Site is currently vacant but for the gatehouse property. The Project will include the construction of the dwelling units and parking in an approximate 1.4 stalls to the unit ratio. The Project will comply with the applicable land-coverage ratios of the zoning requirements of the City of Lincoln.
- ***Traffic Flow, Street Layouts, and Street Grades:*** The Project is serviced by 36th Street between Q and S. Other than this project the street only services the residential units on its west side between Q and R. By creating additional housing units, the project will likely result in an increase in traffic on 36th, Q, R and S streets. The Project will also involve the vacation of a portion of the right-of-way on the east side of 36th Street between Q and S and require the paving of Q Street between 36th Street and 35th Street and 36th Street between R and S streets.
- ***Parking:*** The redeveloper may acquire the right of way on the east side of 36th Street and have right angle parking served by the street. Additional on-site parking will be constructed for a total stall count of no less than 1.4 per unit requiring a parking waiver in the Community Unit Plan.
- ***Zoning, Building Code, and Ordinances:*** The Project Site is currently zoned *P-Public Use*. The Redevelopers will change the zone to *R-4* matching the adjoining Hartley Neighborhood. The Project will be expressed in a Community Unit Plan and its density and layout is a permitted use in such district. The Project will seek a special permit to exceed the minimum height requirement, the parking ratios and approval for the parking layout. All applicable building code requirements and ordinances will be satisfied. The Project will require the Project Site to be subdivided from Wyuka and re-platted.

### *3. Proposed Cost and Financing*

The estimated total cost to implement the Project is anticipated to be up to approximately $19,500,000, which includes approximately $1,650,000 in tax increment financing. Up to approximately $17.400,000 of the funds will be provided by housing development bonds issued without recourse by the City generating 4% Low Income Housing Tax Credits under section 42 of the Internal Revenue Code. The gap in funding the project will be filled by a soft second loan from the Lincoln Community Foundation. The project cost will be finalized as construction costs are determined. The source of the public funds for the eligible public improvements will be the tax increment generated from the private developments on the Project Site. However, funding sources and uses will be negotiated and identified in the redevelopment agreement, subject to approval by the Mayor and City Council.

## Tax Increment Financing Analysis

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

- ***Public Tax Revenues:***

| Gatehouse Rows Project | | Amount |
|---|---|---|
| **(a)** Base Value | | $50,000 |
| **(b)** Estimated New Assessed Value | | $6,400,000 |
| **(c)** Increment Value | *= (b) – (a)* | $6,350,000 |
| **(d)** Annual TIF Generated (Estimated) | *= (c) x 2.0129860%* | $127,868 |
| **Funds Available** | *= (d) x 19 years @ 4.5%* | $1,610,000 |

Upon completion of the Project, the assessed value of the Project Site will increase by an estimated $6,400,000, as a result of the private investment for the Project. Nebraska law contains a statutory proscribed valuation method for LIHTC projects which results in a tax liability based on the restricted rental structure. This will result in an increase in estimated annual property tax collections during the 20- year TIF period of approximately $127,868, which will be available to finance the costs of construction of the public improvements related to the Project. The public investment of approximately $1,610,000 in TIF funds will leverage the private sector financing: a private investment of over $11 for every TIF dollar spent.

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

Public investment may assist with the costs of site acquisition, site preparation and grading, extension or replacement of utilities, energy efficiency enhancements, façade enhancements including relocation of the historic cemetery fencing , landscaping in the right-of-way, renovation of the existing building and other public improvements and enhancements permitted under the Community Development Law in the Wyuka Redevelopment Area. It is anticipated that the property will be determined to be extremely blighted and extend Tax Increment Financing will be used after enabling legislation.

- ***Public Infrastructure and Community Public Service Needs Impacts:*** It is not anticipated that the Project will have an adverse impact on existing public infrastructure. In fact, the Project involves the capture of the incremental tax revenues for installation of utilities and other public infrastructure improvements in the Wyuka Redevelopment Area. It is not anticipated that the Project will have an adverse impact on City services, but instead will generate additional revenue providing support for those services.
- ***Employment within the Redevelopment Project 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 area of the Project. It is anticipated that the construction of the Project will create jobs and the low-income housing will provide lower income workers new, safe, and secure housing.
- ***Employment in the City outside the Redevelopment Project Area:*** The anticipated job creation resulting from the construction of the Project is not expected to adversely affect employment in the City outside the Redevelopment Project Area. Instead, the removal of blight and substandard conditions from the Hartley Redevelopment Area and the Gatehouse Rows Project Area is anticipated to enhance the east Hartley neighborhood and by creating low income housing units which will help meet the low income housing goals of the City of Lincoln as a whole. The Project should increase the need for services and products from existing businesses in and around the Wyuka Redevelopment Area.
- ***Other Impacts:*** The development of the Gatehouse Rows Project will eliminate the existence of blight and substandard conditions and will attract residents and businesses to the Wyuka Redevelopment Area and the City of Lincoln. The Project is consistent with the policy of *LPlan 2040*, the Affordable *Housing Coordinated Action Plan,* and the Wyuka *Redevelopment Plan*.

  The Project should have a positive impact on private sector businesses in the Wyuka Redevelopment Area and in the City. It should attract additional private investment in and around the Wyuka Redevelopment Area.

  While the use of tax increment financing will defer receipt of a majority of the incremental ad valorem real property taxes generated by the Project for up to 20 years, there will be additional revenue generated by the Project from, for example, sales tax paid by the businesses and residents of the Project. Upon completion of the TIF period, the Project

will benefit the community through higher property tax revenue while maintaining its low income housing target for 30 years.

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

January 19, 2021

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 Gatehouse Row Redevelopment Plan.

Please forward this redevelopment plan to the Planning Commission for their earliest consideration for Comprehensive Plan conformance. My understanding is that this should be on the February 17, 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
George Wesselhoft, Planning

**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:** | January 5, 2021, County-City Building, City Council Chambers, 555 S. 10th 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. |

**WYUKA HOUSING REDEVELOPMENT**

Members present: Canney, Eagle Bull, Hind, Peace and Penn; Huston declared a conflict of interest; Deeker absent.

Emily Anderson stated this is a project with Hoppe Homes. Clark Enersen is the civil engineer. This is proposed for up to 106 housing units on eight acres of land. They wanted this committee to look at the overall concept. There is an existing road that connects from the cemetery to the neighborhood. They felt this was important to keep for walking and connectivity. In addition to the clubhouse, there will be a playground and community garden. Many of the early houses in the existing neighborhood are on lots that are 40 feet wide. They are trying to keep this with the buildings. She showed some drawings. The roofs will be gabled. Two to three will be clad in brick. A lot of the houses in the Hartley neighborhood have porches. She showed a picture of a similar project in Omaha. They are proposing fiber cement panels for the exterior. Two to three units per cluster will be faced in brick. There will be exterior stairs.

Peace would like to know the density if this follows the current zoning. Anderson stated this is zone R-4 Residential. This will be affordable housing with a 25 percent increase for a total of 98 units.

Fred Hoppe believes it is critical to understand the financing. They are moving forward with a 4% bond from a housing tax credit. They are going to NIFA (Nebraska Investment Financing Authority) for affordable housing. When you do that, the cost of doing bonds requires a certain density. That minimum number is about 100. They are trying to create a line of units that have a density to make a low income housing tax credit project work, but still has a feel with the neighborhood. They also want a porousness and something that transitions from Hartley Neighborhood into the cemetery. This wasn't the easiest site to work with. We will take the historic features and reincorporate them. We have to have a certain density to make this work.

Huston pointed out that Wyuka Cemetery is a state chartered corporation.

Fred Hoppe noted that this site is immediately north of the Wyuka pond. Wyuka will retain the pond. They want a hiking trail that will go by the lake and ties Vine St. and 'O' St. together. This will be 100 percent low income rental property.

Canney noted that the south parking seems to share the street. He inquired if that is a full street that runs through. Anderson responded that is 36th Street. Fred Hoppe stated they are trying to purchase that from the City. 36th St. is only two blocks long from 'Q' St. to 'S' St. We will have to pave 36th St. from 'R' St. to 'S' St. The goal is to not have double circulation in the design of the project. They would rather have green space. There is a proposal in the redevelopment agreement to acquire the right-of-way from the City so we could own the property.

Huston believes the site plan reflects a certain number of off-street parking stalls. Hind pointed out that 'T' St. runs east to west. Fred Hoppe stated that is not intended for access. It will dead end.

Eagle Bull observed that the first level porches all seem to face the parking lot. Anderson stated that had to do with being a good neighbor. It was important to address this urbanistically. That is why they are facing the street. There are balconies to the back side on the 2nd and 3rd floor.

Hind questioned the construction materials being proposed for the covered patios. Anderson replied they would be primarily wood and Hardi board. They have yet to get into the finer details.

Hind thinks the plan is great. He supports the parking strategy. Keeping the green space is important. It will mesh into the park and blend into the neighborhood, as opposed to a stark line between the two. He applauds the effort.

Hageman stated that the applicant is starting very early on this project. There is still a lot of City staff comments to come. We wanted to get some early feedback,

Fred Hoppe stated they are also on a timeline to get to NIFA. They need to make sure they are done by the middle of March 2021.

Huston stated this was anticipated as coming back in February 2021 to Urban Design Committee for further review. We know there will be refinements.

Hind believes the nuance between public access and the components would be really good to present and talk about.

Fred Hoppe stated the plan is to keep the brick roadway pretty much intact as it is. There is an obligation to take the fencing back to Wyuka. They are trying to get replacement of the fence on the line between them.

Hind would like to see the relationship between the private and public clusters and how they are mitigated. Anderson stated they could explore different materials or colors. Fred Hoppe pointed out they are trying to give it a rowhouse feel.

Peace doesn't have a problem with the density. It seems appropriate. He thinks this will be great. The applicant talked about the 36th St. side. He has some reservations about it. He questioned if there has been any pushback. It looks from the site plan that the applicant is looking to put parking on the side of 36th St. He is picturing all the stalls full. For the four homes that front 36th St., that is a lot of cars to look at. Fred Hoppe was looking to break it up to four to five stalls per greenspace.

Peace believes it could be a matter of another five feet on 36th St. You need a little extra space to make the backing up maneuver a little easier.

Huston stated it will probably be a mix of off-street and on-street parking.

Canney noted that 'T' St. connects on the north but stops on the south. It might be worth considering making a connection. He is just recommending that is something they could look at. Perhaps it could be extended for walkability. Huston noted the ownership is complicated.

**ACTION:**

Hind moved approval of the concept with more detail to come, seconded by Peace.

Penn would like the applicant to come back with the landscape plan. Gergen stated they plan to connect to the trail around the pond at Wyuka.

Hind is looking at the cluster and wondered if the applicant could shift it more if it would create more private space. Anderson stated it is warranted by the 50 foot dimension for access. She will explore if any parking changes.

Motion carried 5-0: Canney, Eagle Bull, Hind, Peace and Penn voting 'yes'; Huston declaring a conflict of interest; Deeker absent.

**Excerpt of**
**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:** | February 2, 2021, County-City Building, City Council Chambers, 555 S. 10th Street, Lincoln, NE. |
| **MEMBERS IN ATTENDANCE:** | Tom Huston, Gil Peace and Michelle Penn; (Mark Canney, Emily Deeker, and Tammy Eagle Bull absent). Peter Hind appeared online via © Zoom Video Communications. |
| **OTHERS IN ATTENDANCE:** | Paul Barnes, Stacey Hageman, Collin Christopher and Teresa McKinstry of the Planning Dept.; Dan Marvin of Urban Development; Tim Gergen and Kelsey Moline of Clark Enersen Partners; Emily Anderson; and Jake Hoppe appeared in person. Ernie Castillo of Urban Development; Michael Sands; Jeri Schlickbernd; and Mike Schlickbernd; appeared online via © Zoom Video Communications; and other interested citizens. |

**WYUKA HOUSING REDEVELOPMENT**

Emily Anderson stated they appeared before Historic Preservation Commission and it was determined there was no impact to Wyuka Cemetery. They are here today to present the landscape plan. This is west of Wyuka. She showed an updated site plan. We now have off street parking. There are now 98 units in six clusters of buildings. They are no longer showing the path behind the units due to civil engineering constraints. The plan consists of one, two and three bedroom units stacked in building clusters. The materials for the buildings have not changed. Fiber cement board will be used for the primary material. There will be brick face on the two-story units with accent panels. She showed the patio space. All units on grade will have a patio area.

Kelsey Moline shared a site plan of the landscaping. She showed the new public road north of 'R' Street and the new onsite parking areas. She pointed out the existing landscape screen. She showed the Evergreens that they wish to preserve. She showed the overall landscaping approach. They would introduce some moisture tolerant plants by the drainage. On the east side, there is a lot of screening with the existing Evergreens. They would also add some understory heritage shrubs. They are proposing to add street trees to the southwest and smaller shrubs to define the patio spaces. The east planting screen will introduce Spruce, Ponderosa Pine and Douglas Fir. Shrubs will be used to fill in the understory such as Forsythia and Juniper. On the west side, they will introduce more color and diversity with Eastern Redbud and Elms. She showed the detention cells. They look to add canopy trees, but use species that can handle the moisture, with a turf grass undercover. South of 'R' Street, they will have more space to work with to

add some more shrub cover between the sidewalk and patio space, and in between the patio spaces. They are more constrained on the north side but will still be able to landscape with understory and shrubs.

Peace questioned if the change on 36th Street was by choice or recommended by LTU. He likes it. He asked about parking. Tim Gergen replied the change was due to a comment from the City.

Penn stated it looks like the parking will accommodate the apartments. Gergen stated this will accommodate all parking on the site and not take away any parking in the neighborhood.

Penn asked about connecting to the waterway. Gergen stated the channel takes on quite a bit of water from 'O' Street.

Penn thinks this is lovely.

Huston appreciates the removal of parking from the public right-of-way. The site grew with a little more land. It helps diminish the density somewhat.

Penn thinks this will be beautiful with all the colors and landscaping. This will be affordable housing. She would be rather proud of this for the City.

Peace liked it last time and likes it even more this time. He is excited to see it happen. He asked if the proposed landscaping is conditional on the development, not a code requirement. Gergen replied both. We have code requirements for street trees and screening that we want to be cognizant of. We are screening the cemetery for privacy and silence. Peace thinks it looks great.

Huston stated that the review last month was the official recommendation. Today is the update on the landscaping.

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**Excerpt from**
**MEETING RECORD**

*Advanced public notice of the Historic Preservation Commission meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Wednesday, January 13, 2021.*

| | |
|---|---|
| **NAME OF GROUP:** | HISTORIC PRESERVATION COMMISSION |
| **DATE, TIME AND PLACE OF MEETING:** | Thursday, January 21, 2021, 1:30 p.m., Room 113, 1st Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska. |
| **MEMBERS IN ATTENDANCE** | Melissa Dirr Gengler, Nancy Hove Graul (arrived at 1:38 p.m.), Jim Johnson, Greg McCown, Jim McKee and Greg Newport; the seventh seat of this Commission is vacant. |
| **OTHERS IN ATTENDANCE** | Stacey Hageman, Stephanie Rouse and Rhonda Haas of the Planning Department. |
| **STATED PURPOSE OF MEETING:** | Historic Preservation Commission Meeting |

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

McCown requested a motion approving the minutes for the meeting of December 17, 2020.

Motion for approval made by Johnson, seconded by Newport and carried 6-0: Gengler, Hove Graul, Johnson, McKee, Newport and McCown voting 'yes'.

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

**DISCUSS AND ADVISE:**

- **Recommendation for Redevelopment at Wyuka Cemetery listed in the National Register of Historic Places.**

**Jake Hoppe, Hoppe Development,** came forward and stated this project is a 98-unit rental rowhome style project is eight acres of surplus land on the western edge of Wyuka. He shared that they are pursuing an affordable housing mechanism that is new to Lincoln, with a 4 percent bond program. Unlike the traditional tax credits that are allocated to the state the affordable

bond mechanism allows them to pursue tax credits that are not limited to its allocation to the state, so it is an unlimited potential fund. This means, that 100 percent of the units will be affordable for an AMI (Area Median Income) of 60 percent or below, and the applicants will need to be income qualified to live in one of these units. Hoppe shared that they are wanting to make this an example of how Lincoln and its different resources within the community can come together to make other projects like this happen.

Hoppe stated they will preserve some of the historic elements and the sense of connection between the community of Hartley and the surrounding neighborhood. They are wanting to preserve the western entrance into Wyuka, the brick road and the brick lane into the cemetery and relocate the historic cemetery fence to the lot line. They will purchase and use of the existing caretaker house, which will be turned into an amenity for the community without altering its exterior. Hoppe stated this is a unique design that focused on how to have a higher density use on a smaller scale, but still achieve the density needed to continue with the project. They have had discussions with the neighborhood, the Board of Wyuka is in support of the design, and the Urban Design Committee has approved this design.

**Emily Anderson, SCHEMMER,** came forward stating that the PowerPoint presentation (see Exhibit "1") is an updated version of the materials that the commissioners may have already received, which illustrates the proposed plans for this development. The development area is from Vine Street to Q Street, and North 36th Street to the west side of Wyuka Cemetery, which covers eight acres. The proposed site plan has 6-clusters of 10- to 20- units with its associated parking. Anderson stated that they will maintain and augment the buffering between the project and Wyuka. Maintain the historic pedestrian connection, the brick roadway and preserve the existing caretaker home, which will be an amenity building used for the leasing office and a community room. Anderson stated that they will be relocating a portion of the historic cemetery fence to the lot line. The historic brick-way entrance and its original gate will be moved further back to the edge of the Wyuka property. She stated that some enhancements will be necessary to the caretaker home to make it accessible, but no significant façade enhancements are anticipated, and they will evaluate if they will use the garage.

Anderson stated they are proposing a community garden and playground that will be located behind the structures, and their location is meant to reenforce the historic elements as being central to the project. She explained that the neighborhood uses the brick roadway to walk through the cemetery and they wanted to be respectful of this. An important piece of this development is to be compatible with the neighborhood and have a visual and physical connection by keeping the brick road and building the units in clusters for the visual connection through the development to the cemetery.

Many of the older houses in the neighborhood are 20- to 25-foot wide and this project will use a 20- and 22-foot module that can be configured in several ways. Anderson explained the modules configuration can be changed so the appearance of each cluster is different, and the taller units will be further back to break up the scale of the development to fit the neighborhood. Anderson

stated that they will be using cement board lap siding and two or three of the units in each cluster will be brick. Many of the houses in the Hartley neighborhood have porches and many of the units will have a patio with a covering. The corner units will have more of a porch like element.

McKee inquired if they would need to modify the historic preservation description. **Kelli Bacon, History Nebraska, testified via Zoom teleconference,** stating she doubts that they would, but that would be a question for David Calease the National Register of Historic Places Coordinator. She shared that typically nominations in large areas have development that has occurred on their fringes and they have not gone back and amended the boundaries of their nomination. McKee stated that one of the things the board is required to do is to ensure that the project will not negatively impact the historic site, and he feels they would need input from SHPO (State Historic Preservation Officer).

Gengler stated for clarification that this project is within the boundaries of the listed historic site and not adjacent to it and asked if that was correct. Anderson said yes.

McCown asked who retains ownership. Hoppe stated that they would be purchasing the land from the Board of Trustees of Wyuka who has also sold property on the east side. McCown inquired when completed who will retain ownership and management of this development. Hoppe stated that there will be a project-based entity predominately owned by the tax credit investors, and further stated they would retain a nominal amount and would ensure management. Newport inquired who would maintain the property on a long-term basis. Hoppe stated that either they would manage them directly or they would have a subcontractor.

McCown inquired if the site design is meant to feel separate from the cemetery or if it would be blended in, and further inquired how much buffering there would be between the cemetery and this project. Birch stated that they felt it was important to have a lot of buffering and eventually there would be a landscaping plan to show the buffering. McCown asked if there will be fencing on the east side of the project separating the cemetery from the project. Birch said that just portions of fence would be used on the east property line of the cemetery.

Gengler asked about the landscaping between the development and the neighborhood. Anderson said there would be significant landscaping to create privacy and they have not yet completed their landscaping plan. McCown wonders if this is intended to integrate into the neighborhood or if it will be separated out as its own thing. Anderson stated that she feels this is a result of the projects location, which is on the edge of the neighborhood and may feel like it is a little different because of the houses that are adjacent to the development. She shared that in a way it will feel like it is separate, but they are doing as much as they can to make amenities available to the neighborhood. McCown stated that it does look like there are several points within the development that goes from the neighborhood to the cemetery and asked if that was correct. Anderson said yes, the intention was to make it friendly and walkable for the neighborhood.

Newport stated that it looks like there is a lot of parking for the number of units proposed and

asked if that amount was required. Anderson said that they are at a 1.4 parking ratio, which is a reduction in the parking. Hoppe stated that they had thought of using the street parking as part of the element, but the neighborhood asked that the development keep its parking onsite and was done in response to neighborhood desires.

Gengler inquired if this requires a 106 Section review with the State Historic Preservation Office and how it went, and further inquired about the neighborhood context in Omaha that was mentioned earlier with a similarly funded project. Anderson stated the project in Omaha has 3-story units that are across the street from a similar project. Hoppe stated that he was not aware of what a 106 Section review was or if one was needed. Birch stated that they have not started the 106 Section review yet.

**Steve Peregrine, Executive Director of Nebraska Housing Resource,** came forward and stated on a volunteer basis he serves as the President to the Wyuka Historical Foundation. Peregrine stated that the State of Nebraska gave the original trustees money not the land and they originally rejected the site the state wanted for them in the swamps of South Salt Valley and they instead purchased this site. The original acquisition did not include this parcel, but the boundary of the parcel does include the side on the west edge. He explained that 36th Street from R Street to S Street is gravel and T Street is also gravel and very narrow when going east. Peregrine shared that the city will want to have 36th Street paved but they do not believe that there will be any attempt to take out all the trees along T Street for paving. This is also an isolated tract of ground and the Ponderosa Pine Trees define a buffer for the neighbors. The reason that the trustees have agreed to sell this portion of land is because there is no intent to use the land for gravesites and it is a hard area to maintain. Peregrine stated the trustees see this as a way to clean up this area and it will provide some security with residents closer to the cemetery that may see vandals. He shared that there will be a pathway that goes around the pond and will connect to a new sidewalk within the development. There is a rod iron fence not part of the historic fence on O Street from the 1870s or 1880s, which is still a fairly old rod iron spiked fence and it will be use to define certain boundary areas and the brick roadway gated entrance on R Street to keep traffic out of the cemetery.

Newport inquired if they would or would not be paving 36th Street. Peregrine stated that 36th Street from R Street to S Street will be paved. Hoppe stated that they will also be paving Q Street.

**Mark Hunzeker, Baylor Evnen, 1248 O Street, Suite 600,** came forward representing the Hartley Neighborhood Association. He stated that the neighborhood had unanimously stated that the density of 98 units is too much for this site. The original site plan that they were given showed a six acre site and then the parcel on the northeast side of the waterway at the north end was added to make it eight acres, but functionally it did not add any useable area to the site and you still have 98 units on six acres which is not allowed in R-4. Hunzeker stated that all the traffic from this project will need to drive through the neighborhood to get to any connecting arterial street. They have suggested a connection from the development that would cross the channel to Vine Street and LTU (Lincoln Transportation & Utilities) has decided this is not a connection they are willing to allow for a variety of reasons. Hunzeker stated that they are not in opposition to this

project because it is for low income, but they are concerned that it does not fit on this site, it will have an impact on the neighborhood, and the historic cemetery.
The impact is greater to the area because of the parking ratio provided. The requirements for R-4 is two parking stalls per dwelling unit and this proposal has 1.4 stalls per dwelling unit. He shared that there are very few gaps between the units that would indicate that there is anything green on the other side.

Hunzeker asked that the board advises the developer to reduce the number of units, provide more parking, advise SHPO that a 106 Section review should be initiated and that the Hartley Neighborhood Association and individuals affected by this project should be invited to be a consulting party to the 106 Section review process. McKee stated the boards position would only be to instruct SHPO to be cognizant of this project and make sure that it does not impact the Wyuka Historical Designation. Hunzeker stated that he understands what Commissioner McKee has stated. McKee stated that he too, understands Hartley's position and does agree with them. Hunzeker stated that they are asking that the board does whatever they can do. McKee stated that the board could work this into their recommendation.

Anderson stated that they are within the allowable density of the neighborhood in the R-4 district, which is what it will be zoned. She shared that the parking shown on the site does not include the parallel parking on the street. McCown asked if changing to the eight acres had anything to do with the density. Anderson stated that it had more to do with other factors. Hoppe stated it had to do with water and storm water management, and they were within the density without the additional acres. Anderson stated that the density is what allows for it to become affordable. McCown stated that there is no potential of the additional two acres in the northeast quadrant to be constructed on, correct. Anderson said no because it is to be used for stormwater detention.

Hove Graul stated it seems unnatural to go from a residential neighborhood to a high-density development before you get to their park like setting. She shared that she understands what they are saying, and it is not uncommon to have a high-density community like this accessing through a neighborhood. In many instances, high-density developments are built first and then the neighborhoods start to develop around them, and those neighbors understand that there are apartments around them. Hove Graul stated that she is uncomfortable with the number of units in the area and not because of the design, but because it becomes a steppingstone, if you will, from the neighborhood into the park like setting. She stated that a disservice is being done to urban development when something that has this much density is brought into an area like this one.

McCown inquired if they were still having conversations on an arterial access. Hunzeker stated that the city is saying no, and further stated that it would be incorrect to say that other developments like this within the city do not have to drive through the neighborhood to get to an arterial street.

Gengler stated that she would be abstaining from the vote on this item, because she has been

approached on the possibly of consulting on this project if it is a federal undertaking.

McCown stated that this is just a recommendation. **Stacey Hageman, Planning Department,** came forward and stated that this will be going to the Planning Commission with zoning changes and is also included in a blight study. Hoppe stated that there is a change of zone and a redevelopment plan at the core of this. He shared a few years ago there was a previous affordable housing project proposed with 70 units for this site and it did not move forward because of the opposition from the neighborhood. Hoppe shared that no one is opposed to affordable housing, but they are opposed to the conditions that allow affordable housing and density is one of those conditions. Each unit that is taken away from the density is approximately $160,000.00 of sources to the project and loses $130,000.00 of uses to the project. Hoppe stated that the original plans did not include the caretakers house or to have all the parking onsite, and part of what is driving the density are these concessions that were added for the neighborhood. It is important to realize the challenges of delivering affordable housing in any reasonable scale. Hoppe stated that they are asking for a recommendation of approval and they would return to show landscaping and buffering, if needed.

Newport stated that access to an arterial is the neighborhoods major concern and asked if there was a way to appeal that decision. Hoppe stated that they did do a traffic study and there are three routes to get to an arterial street and the study showed the traffic was spread equally between those routes.

Gengler asked for a brief context of the site selection process. Hoppe stated that Affordable Housing Plan and the LPlan prioritizes infill of affordable housing in established residential neighborhoods and they have been interested in this site for a long time. When thinking of affordable housing you will think of access to services that the resident can walked to and that is near public transportation.

Peregrine stated that there was a study done on North 27th Street and the Hartley neighborhood that identified sites in the neighborhood that could be used for redevelopment and the streets that were owned by Wyuka came back to the forefront through that study. Wyuka owns a strip of land on the south side of Q Street from 35th to 36th Streets and their current intent is to keep this area open and possibly enhancing it to provide more attributes to the park like atmosphere. Peregrine shared that Wyuka was historically known as the first great city park in Lincoln.

McCown stated this is for recommendation and he feels for Mark Hunzeker and the Hartley Neighborhood, because he too lives in a dense area, and knows there can be plenty of people moving through the area. He shared that he would personally like to see some sort of additional access into the area to lessen the affect to the neighborhood, and further stated he does understand that they are within the density with the zoning for the area and the land is currently underused. It would be nice to find some common ground that could offset some of the traffic through the neighborhood.

McCown asked for a recommendation.

McKee stated that they need to keep in mind it needs to state if it will impact the historical site, and further stated that he feels they have demonstrated that this will not impact the historical site, which needs to be added to the recommendation.

Hageman stated that the boards recommendation is on the use of TIF funds and if the board thinks that it is an okay use of funds because of the associated designation. Hageman stated that it would be good for the developers to have some direction put into a motion.

Newport stated that his major concern is the relationship of this project with the neighborhood and they need to make sure as part of the process everything is being looked at to minimize the impact to the neighborhood. He shared that he understands the desire to have two stalls to each unit and thinks that most of the parking will end up on the street.

Hove Graul moved that the board agrees this development does not negatively affect this historic site, and further stated to accept the historic nature of the design for the purposes of the environment, but the board is reluctant to approve due to the access in and out of the site and the impact this number of units would have on the adjacent community. The board further recommends that this project is reevaluated and there is further exploration done by the developer to find ways to mitigate these issues.

Seconded by Johnson.

Motion carried 5-0: Hove Graul, Johnson, McKee, Newport and McCown voting ‘yes’; Gengler abstained.

There being no further business, the meeting was adjourned 3:18 p.m.

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# LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

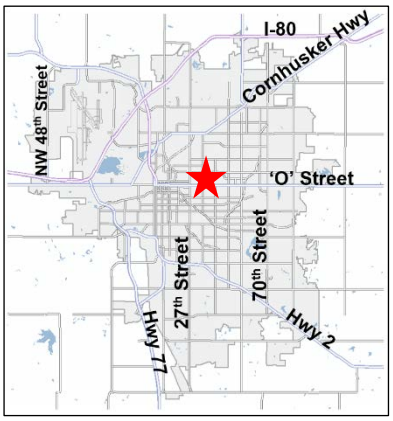
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

| APPLICATION NUMBER | FINAL ACTION? | DEVELOPER/OWNER |
|---|---|---|
| Change of Zone 21004 | No | Gatehouse Row L.P., Wyuka Cemetery |
| **PLANNING COMMISSION HEARING DATE** | **RELATED APPLICATIONS** | **PROPERTY ADDRESS/LOCATION** |
| February 17, 2021 | CPC21001, SP21003 | N. 36th Street and R Street |

## RECOMMENDATION: APPROVAL

**BRIEF SUMMARY OF REQUEST**

This is a request for a change of zone from P Public Use District and R-2 Residential District to R-4 Residential District for approximately 8.43 acres located on the west side of the Wyuka Cemetery. The rezoning area extends from Q Street to Vine Street on the east side of N. 36th Street. Related SP21003 is the Special Permit for the Gatehouse Rows Community Unit Plan which proposes up to 98 dwelling units that will be for affordable housing.




**JUSTIFICATION FOR RECOMMENDATION**

The proposal is justified in that it will change the zoning for a largely unused portion of P Public Use property to R-4 which matches the adjacent neighborhood zoning to the west.

**APPLICATION CONTACT**
Fred Hoppe, (402) 328-8100 or
fred@thehoppelawfirm.com

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

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The proposed change of zone conforms to the Comprehensive Plan which encourages infill redevelopment close to existing City services and will allow for the creation of affordable housing.

**KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN**

P. 1.9 - This site is shown as Public/Semi-Public and Urban Residential on the 2040 Lincoln Area Future Land Use Plan.

p. 7.2 Distribute and preserve affordable housing throughout the community to be near job opportunities and to provide housing choices within existing and developing neighborhoods.

p. 7.2 Make available a safe residential dwelling for all citizens.

p. 7.2 Provide a wide variety of housing types and choices for an increasingly diverse and aging population.

p. 7.2 Strive for predictability for neighborhoods and developers for residential development and redevelopment.

p. 7.2 Preserve areas designated for multi-family and special needs housing in approved plans to support a distributed choice in affordable housing.

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

p. 7.9 Encourage well-design and appropriately placed density, including within existing apartment complexes' and special needs housing where there is land available for additional buildings or expansions.

p. 7.9 Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.

p. 10.3 An emphasis on mixed use redevelopment and infill within the existing City will serve to increase the overall density of the City, concentrating it in areas along major transportation and utility corridors.

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

p. 12.11 Maximize the community's investment in infrastructure through well-designed and appropriately placed density in residential and commercial development.

**ANALYSIS**

1. This is a request for a change of zone from P Public Use District and R-2 Residential District to R-4 Residential District over approximately 8.43 acres located on the west side of Wyuka Cemetery between Q Street and Vine Street. The majority of the change of zone area is zoned P Public Use District. A tiny portion consisting of 0.30 acres approximately is zoned R-2 in the far northwest part of the Wyuka property on previously vacated N. 36th Street right of way. The property at 3600 R Street is included in the related SP21003 boundary area and is already zoned R-4 Residential.

2. Re-zoning of the area will allow for related SP21003 Gatehouse Rows Community Unit Plan (CUP) which is an affordable housing project that is proposed for up to 98 units. This development will include multi-family residential units located on the east side of N. 36th Street with off street parking areas. There will be a pedestrian trail on the east side of the project that will link with the neighborhood along with a community garden.

3. Related CPC21001 is the finding of Conformance with the Comprehensive Plan for the Wyuka Redevelopment Plan that identifies the Gatehouse Rows Redevelopment Project.

4. MISC20003 approved by the Planning Commission on January 20, 2021 is the Wyuka West Blight and Substandard Determination Study that provided sufficient evidence that the Redevelopment Area qualifies under Nebraska Community Development Law as substandard and blighted.

5. The project will gain its primary access from N. 35th and O Streets on the southern edge of Wyuka Cemetery. Internally, N. 36th Street from R Street to S Street will need to be surfaced in accordance with the Street Design Standards of the City of Lincoln. Also, Q Street from N. 35th Street to N. 36th Street will need surfacing as it will

be used for providing access to the project site. Tax increment financing will be utilized for installation of utilities and other public infrastructure in the Gatehouse Rows redevelopment area.

6. The change of zone area includes the western part of the Wyuka Cemetery property which is excess land not used for future internment due to the need to have to cross the drainageway. Allowing for residential infill development with urban level density is appropriate with the proposed R-4 zoning to match the adjacent neighborhood zoning.

7. This proposal generally aligns with the Comprehensive Plan by providing safe and decent affordable housing for low- and moderate-income households (7.2) in an infill development within the established City close to major transportation routes (P. 10.3).

**EXISTING ZONING:** P Public, R-2 Residential, R-4 Residential

**EXISTING LAND USES:** Public, Single Family Detached

**SURROUNDING LAND USE AND ZONING:**

| | | |
|---|---|---|
| North: | Single Family | R-2 Residential District |
| South: | Cemetery | P Public Use District |
| East: | Cemetery | P Public Use District |
| West: | Single Family, Duplex, Apartments | R-2 Residential District, R-4 Residential District |

**APPROXIMATE LAND AREA:** 8.43

**LEGAL DESCRIPTION:** See Attached

Prepared by

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

February 4, 2021

Applicant: Gatehouse Row, L.P.
P.O. Box 6036
Lincoln, NE 68506
(402) 328-8100 or fred@thehoppelawfirm.com

Contact: Fred Hoppe
P.O. Box 6036
Lincoln, NE 68506
(402) 328-8100 or fred@thehoppelawfirm.com

Owners: Wyuka Cemetery
3600 O Street
Lincoln, NE 68510
(402) 474-3600

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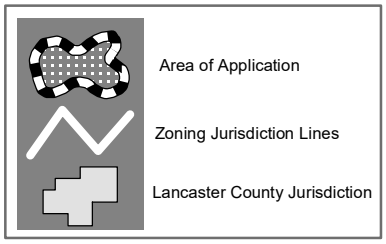
*2020 aerial*

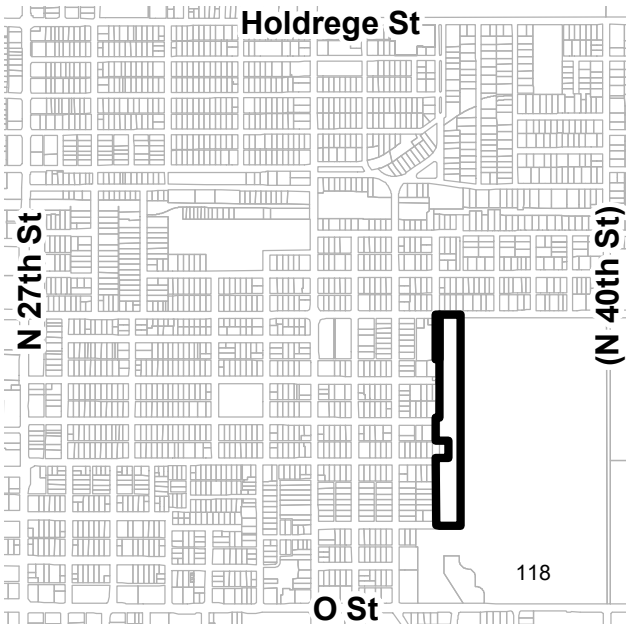
**Change of Zone #: CZ21004**
**Gatehouse Rows**
**N 36th St & R St**

## 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 |

One Square Mile:
Sec.19 T10N R07E

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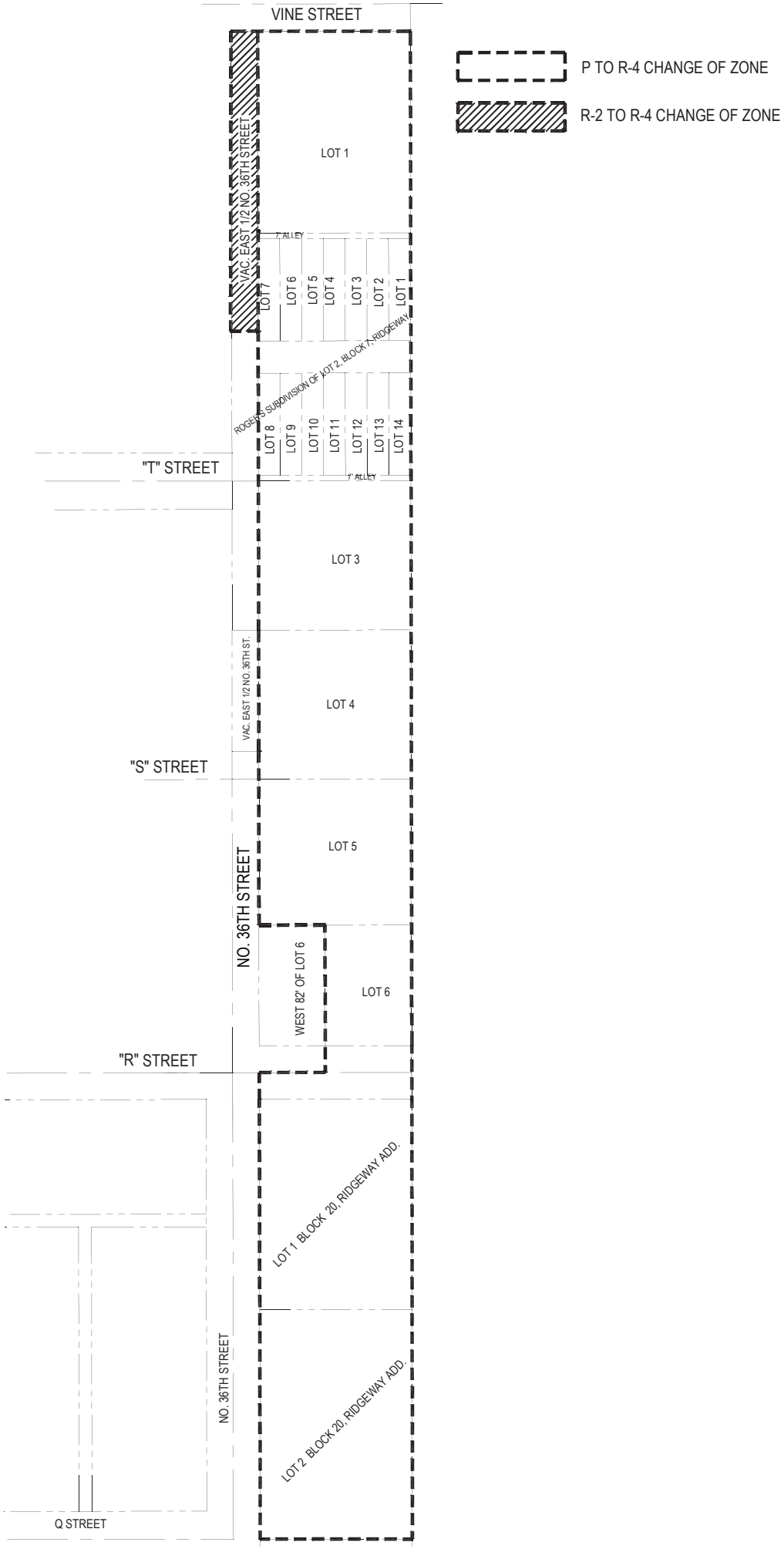
VINE STREET
P TO R-4 CHANGE OF ZONE
R-2 TO R-4 CHANGE OF ZONE
VAC. EAST 1/2 NO. 36TH STREET
LOT 1
7' ALLEY
LOT 7
LOT 6
LOT 5
LOT 4
LOT 3
LOT 2
LOT 1
ROGERS SUBDIVISION OF LOT 2, BLOCK 7, RIDGEWAY
LOT 8
LOT 9
LOT 10
LOT 11
LOT 12
LOT 13
LOT 14
"T" STREET
7' ALLEY
LOT 3
VAC. EAST 1/2 NO. 36TH ST.
LOT 4
"S" STREET
LOT 5
NO. 36TH STREET
WEST 82' OF LOT 6
LOT 6
"R" STREET
LOT 1 BLOCK 20, RIDGEWAY ADD.
LOT 2 BLOCK 20, RIDGEWAY ADD.
NO. 36TH STREET
Q STREET

## CHANGE OF ZONE LEGAL DESCRIPTION (P to R-4)

PORTION OF PARCEL #1: PID#: 1719419006000

LEGAL DESCRIPTION: LOTS 1, 3, 4, AND 5; LOT 6, EXCEPT THE WEST 82 FEET THEREOF, BLOCK 7, RIDGEWAY, LINCOLN, LANCASTER COUNTY, NEBRASKA, & LOTS 1, 2, 3 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, AND 14, ROGER'S SUBDIVISION OF LOT 2, BLOCK 7, RIDGEWAY, LINCOLN, LANCASTER COUNTY, NEBRASKA;

PORTION PARCEL #4: PID#: 1719419006000

LEGAL DESCRIPTION: ALL THAT PORTION OF T STREET AND THE 7 FOOT EAST AND WEST ALLEYS LOCATED NORTH OF LOTS 1 THRU 7 AND LOCATED SOUTH OF LOT 8 THRU 14, DEDICATED BY THE PLAT AND DEDICATION KNOWN AS ROGER'S SUBDIVISION OF LOT 2, BLOCK 7, RIDGEWAY RECORDED MAY 22, 1891 IN PLAT BOOK 3, PAGE 32 IN THE OFFICE OF THE REGISTER OF DEEDS OF LANCASTER COUNTY, NEBRASKA;

PARCEL #5: PID#: 1719416002000

LEGAL DESCRIPTION: THAT PORTION OF R STREET BETWEEN LOT 6, BLOCK 7 AND LOT 1, BLOCK 20, RIDGEWAY.

PARCEL #6: PID#: 1719416002000

LEGAL DESCRIPTION: LOTS 1 AND 2, BLOCK 20, RIDGEWAY.

## CHANGE OF ZONE LEGAL DESCRIPTION (R-2 to R-4)

PORTION OF PARCEL #1: PID#: 1719419006000

LEGAL DESCRIPTION: THE EAST HALF OF THE VACATED NORTH 36TH STREET ABUTTING LOT 1, RIDGEWAY AND LOT 7, ROGER'S SUBDIVISION OF LOT 2, BLOCK 7, RIDGEWAY

PORTION PARCEL #4: PID#: 1719419006000

LEGAL DESCRIPTION: THE EAST HALF OF THE VACATED NORTH 36TH STREET ABUTTING THE 7 FOOT EAST AND WEST ALLEY LOCATED NORTH OF LOTS 1 THRU 7, DEDICATED BY THE PLAT AND DEDICATION KNOWN AS ROGER’S SUBDIVISION OF LOT 2, BLOCK 7, RIDGEWAY RECORDED MAY 22, 1891 IN PLAT BOOK 3, PAGE 32 IN THE OFFICE OF THE REGISTER OF DEEDS OF LANCASTER COUNTY, NEBRASKA.

SCOTT D. KELLY
MARK A. CHRISTENSEN
RICHARD P. GARDEN, JR.
JOHN C. MILES
THOMAS C. HUSTON
DON R. JANSSEN
SUSAN K. SAPP
KEVIN J. SCHNEIDER
GARY R. BATENHORST
JILL GOSSIN JENSEN
ROCHELLE A. MULLEN
TRENTEN P. BAUSCH
MICHAEL C. PALLESEN
RICHARD P. JEFFRIES
TRACY A. OLDEMEYER
PAMELA EPP OLSEN
TRENT R. SIDDERS
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DAVID J. ROUTH
JASON R. YUNGTUM
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SEAN D. WHITE
MICHELLE L. SITORIUS
MICHAEL J. WHALEY
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RENEE A. EVELAND
HENRY L. WIEDRICH

CLINE WILLIAMS
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CRISTIN MCGARRY BERKHAUSEN
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JOHN F. ZIMMER, V
NATHAN D. CLARK
PAUL B. DONAHUE
ALISON K. JANECEK
SYDNEY M. HUSS
BRITTNEY M. HOLLEY
AMANDA C. CARTER
LINCOLN J. KORELL
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STEPHEN E. GEHRING
L. BRUCE WRIGHT
ROBERT J. ROUTH
DAVID R. BUNTAIN
TERRY R. WITTLER
RICHARD A. SPELLMAN
DAVID O. COLVER †
DONALD F. BURT (INACTIVE)
STEPHEN H. NELSEN (INACTIVE)

†ATTORNEYS ADMITTED IN COLORADO ONLY

January 20, 2021

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

Re: Gatehouse Rows Project – Change of Zone and Special Permit for Community Unit Plan
Our File No.: 24902.003

Dear Dave:

This firm represents Gatehouse Row, L.P., a Nebraska limited partnership, and it's General Partner, Nebraska Housing Resource, a Nebraska nonprofit corporation, and I am pleased to submit the enclosed application. Gatehouse Row, L.P. plans to develop an affordable housing project on the western edge of Wyuka Cemetery. The affordable housing project will consist of 98 dwelling units located on approximately 8 acres of land. This project intends to use an underutilized financing tool consisting of tax exempt bond financing, coupled with the Federal Low-Income Housing Tax Credit and the State of Nebraska Affordable Housing Tax Credit. These financing tools require a larger project to spread project costs over the dwelling units. The dwelling units shall remain affordable, under the affordable housing programs, for a minimum of 30 years. The project will have tenant eligibility restrictions whereby tenants can earn no more than 60% of the area median income. In addition, the rents shall be restricted to remain affordable for such a tenant base. The project would be best characterized as "workforce housing" intended to provide safe and affordable housing for that targeted income group.

Gatehouse Row, L.P. has assembled several sites. Collectively, the project site will consist of approximately 8 acres including: (i) the surplus land owned by Wyuka Cemetery located west of its drainage channel plus an 1.12 acre triangular parcel located on the east side of the channel at the northern edge; (ii) the former "gate house" for Wyuka Cemetery located at 3600 "R" Street; (iii) a strip of previously

vacated right-of-way adjacent to "T" Street; and (iv) additional right-of-way as embodied in the legal description which has been previously vacated.

A. **Application**. We are pleased to submit the application for the following:

1. Change of Zone. The property owned by Wyuka Cemetery was previously zoned "P" Public since Wyuka Cemetery is a state chartered corporation. We will seek to change the zoning of the Wyuka property to the "R-4" Residential zoning classification, which is consist with the adjacent Hartley neighborhood.

2. Special Permit. The application also seeks approval of a Special Permit for a Community Unit Plan in accordance with Section 27.63.080 for the 98 row homes. The Site Plan identifies 98 dwelling units which is below the design standard maximum density without regard to any affordable housing density bonus. The project will consist primarily of 1 and 2 bedroom dwelling units with a few 3 bedroom units. All of the required parking is proposed to be located off-street on project site.

B. **Waivers**. In connection with the Special Permit, the project will seek the following waivers:

1. Front Yard Setback. A waiver of the front yard setback requirement from 25' to 10' for the buildings and parking areas.

2. Rear Yard Setback. A waiver of the rear-yard setback requirement from the 25' to 10' for buildings and 0' for the parking areas. As indicated on the Site Plan, ultimately, the creek bed will be platted as an Outlot which will provide additional separation from both the buildings and the parking area.

3. Parking. A waiver of the parking requirement from 2.0 parking stalls per dwelling unit to 1.4 parking stalls per dwelling unit. The project will contain 48 units which contain 1 bedroom to help support the waiver of the parking requirement.

4. Height. As a precaution, the applicant also seeks a height waiver of two (2) feet above the 35 foot maximum height of the R-4 district. This waiver may not be needed but the project seeks a little flexibility while the construction documents are being prepared. The project architect is working on establishing the finished floor levels of the first floor units which will be either handicap accessible or adaptable.

C. **Fees**. In connection with the fee schedule of the City of Lincoln, a check from Gatehouse Row, L.P. and, the developer, Hoppe Homes, will be delivered to the Planning Department in the amount of:

| | | |
|---|---|---|
| 1. Change of Zone: | | $988.00 |
| 2. Special Permit | (CUP): | $2,308.00 |
| | Total: | $3,296.00 |

A check made payable to the City of Lincoln for this sum is being hand-delivered to the Planning Department concurrent with the submittal.

D. **Site Plan and Legal Description**. Tim Gergen of Clark & Enersen has prepared the necessary legal descriptions for the: i) Change of Zone and ii) the Community Unit Plan boundaries. These legal descriptions along with the project Site Plan will be uploaded to "ProjectDox" once the project number has been identified. Mr. Gergen will also upload the Traffic Study prepared for the Project to ProjectDox.

I appreciate the City of Lincoln being willing to work with Gatehouse Row, L.P. on this important project to further the goals of the City of Lincoln in providing housing opportunities for all incomes in our neighborhoods. If there are any questions, please do not hesitate to contact me.

Sincerely,

Thomas C. Huston
For the Firm

Enclosure

4820-6619-3367, v. 1

# LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

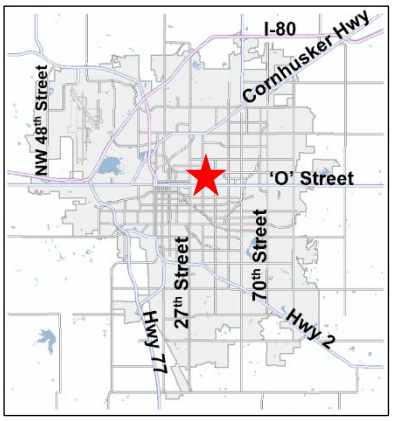
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

| APPLICATION NUMBER | FINAL ACTION? | DEVELOPER/OWNER |
|---|---|---|
| Special Permit 21003 Gatehouse Rows Community Unit Plan | Yes | Gatehouse Row L.P., Wyuka Cemetery |
| **PLANNING COMMISSION HEARING DATE** | **RELATED APPLICATIONS** | **PROPERTY ADDRESS/LOCATION** |
| February 17, 2021 | CPC21001, CZ21004 | N. 36th Street and R Street |

## RECOMMENDATION: CONDITIONAL APPROVAL

**BRIEF SUMMARY OF REQUEST**

This is a request for a Community Unit Plan (CUP) to include up to 98 multiple family dwelling units on 8.72 acres. This property is located on the west side of the Wyuka Cemetery property with frontage along N. 36th Street. Primary access to O Street to the south and Vine Street to the north will be via N. 35th Street. Related Change of Zone 21004 is for the rezoning of the property from P Public Use District and R-2 Residential District to R-4 Residential District. The proposal is for affordable housing whereby the tenants cannot earn more than 60% of the area median income.




**APPLICATION CONTACT**
Fred Hoppe, (402) 328-8100 or fred@thehoppelawfirm.com

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

**JUSTIFICATION FOR RECOMMENDATION**

The CUP, with recommended conditions, and at an appropriate density, will utilize the City's investment in infrastructure in the urban core and provide affordable housing options as part of an infill redevelopment. This site can be served by the nearby infrastructure. The proposed plan with recommended condition of approval to reduce density from 98 total units to 80 total units will be compatible with the character of the residential neighborhood.

The waivers for setback reductions and height are justified as they will allow flexibility in design. These waivers will not negatively impact neighboring properties as the project is adjacent to Wyuka Cemetery on the east and N. 36th Street on the west. The waiver for parking reduction is justified because about half of the units will be one bedroom with a majority of the lower income renter households generally likely to own only one car or less.

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The proposed land use and density subject to the conditions of approval are in conformance with the 2040 Comprehensive Plan, which supports affordable housing and infill redevelopment near existing transportation corridors and services. Also, the Affordable Housing Action Plan was recently adopted as part of the Comprehensive Plan. This project is generally consistent with the Action Plan and Comprehensive Plan subject to recommended density reduction from 98 dwelling units to 80 dwelling units for the Comprehensive Plan goal of well-designed and appropriately placed density.

**WAIVERS**

1. Zoning Ordinance, Table 27.72.020(a) to allow a front yard setback reduction from 25 feet to 10 feet for buildings and parking areas. (Recommend Approval)
2. Zoning Ordinance, Table 27.72.020(a) to allow a rear yard setback reduction from 20 feet to 10 feet for buildings and 0 feet for parking areas due to the adjacent minimum flood corridor. (Recommend Approval)
3. Zoning Ordinance, Table 27.72.020(a) to allow side yard setback reduction from 5 feet to 0 feet for internal lot lines.
4. Zoning Ordinance, Table 27.72.020(a) to allow a maximum height increase from 35 feet to 37 feet. (Recommend Approval)
5. Zoning Ordinance, Figure 27.67.020 to allow a parking reduction from 2 spaces per dwelling unit to 1.4 spaces per dwelling unit. (Recommend Approval)

**COMPREHENSIVE PLAN SPECIFICATIONS:**

P. 1.9 - This site is shown as Public/Semi-Public and Urban Residential on the 2040 Lincoln Area Future Land Use Plan.

p. 7.2 Distribute and preserve affordable housing throughout the community to be near job opportunities and to provide housing choices within existing and developing neighborhoods.

p. 7.2 Make available a safe residential dwelling for all citizens.

p. 7.2 Provide a wide variety of housing types and choices for an increasingly diverse and aging population.

p. 7.2 Strive for predictability for neighborhoods and developers for residential development and redevelopment.

p. 7.2 Preserve areas designated for multi-family and special needs housing in approved plans to support a distributed choice in affordable housing.

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

p. 7.9 Encourage well-design and appropriately placed density, including within existing apartment complexes' and special needs housing where there is land available for additional buildings or expansions.

p. 7.9 Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.

p. 10.3 An emphasis on mixed use redevelopment and infill within the existing City will serve to increase the overall density of the City, concentrating it in areas along major transportation and utility corridors.

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

p. 12.11 Maximize the community's investment in infrastructure through well-designed and appropriately placed density in residential and commercial development.

**ANALYSIS**

1. This is a request for a new Community Unit Plan (CUP) to develop up to 98 multiple family dwelling units on approximately 8.72 acres. The project is located on the west side of the Wyuka Cemetery property, which is generally located north of O Street, south of Vine Street on the east side of N. 36th Street. The north extent of the project is at Vine Street whereas the south extent is at Q Street with the west side bordered by N. 36th Street. Primary access to O Street and Vine Street will be via N. 35th Street. The property is largely zoned P Public District, with a small portion in the northwest zoned R-2 while the existing house property at 3600 R Street is

zoned R-4 Residential District.

2. The project will consist of primarily of one and two-bedroom dwelling units with a few three-bedroom units. All of the required parking is proposed to be located off street on the project site. The project will contain 48 units which will be one-bedroom units which supports the requested parking waiver from 2.0 parking stalls per dwelling unit to 1.4 parking stalls per dwelling unit. There will be three parking areas which will all have driveway access from N. 36th Street. It should be noted that other multi-family parking waivers have been approved based on the number of one bedroom or studio units.

3. The affordable housing project proposes 98 units whereby the tenants can earn no more than 60% of the area median income. The 2019 American Community Survey indicates 58% of renter households in Lincoln have one or no vehicles compared to only 27% of owner-occupied households. This development is planned for rental only.

4. The National Apartment Association using census data from the 2016 American Community Survey found 45.5% of renter-occupied households to have just one car and 18.3% to have no car. Nationally, the trend in parking ratio averages had been on the rise since 1940, however between 2010 and the present the average ratio dropped for the first time, to 1.46, the lowest rate since the 1960s. Trends across the nation show parking ratios for multifamily properties falling as a result of changing attitudes towards car ownership and a demonstrated correlation between required parking and high rents. Part of this shift is a decrease in car ownership among renters ages 15 to 34. From its peak in 2009 to 2016, the percentage of renters ages 15 to 34 who owned a car decreased from 33.7% to 30.7%.

5. Based on the factors including number of proposed one-bedroom units along with renter household vehicle information showing a majority of renter households in Lincoln have one or no vehicles along with general national trends, the reduction of parking is appropriate.

6. The CUP will be serviced by N. 36th Street between Q and S Streets. Other than this project N. 36th Street only presently services the residential units on the west side between Q and R Streets. The Project will require the paving of Q Street between N. 35th and N. 36th and N. 36th Street between R and S Streets. Presently the latter street segments have a rock surface.

7. The proposed density is 11.24 dwelling units per acre with 98 units on 8.72 acres. The maximum density for an R-4 CUP is 13.93 dwelling units per acre. By right a typical development could have lots that were 50 feet wide by 120 feet deep. This is approximate buildable depth for the project. A 50-foot wide lot in the R-4 zoning allows a duplex. There is approximately, 1,350 feet of frontage, leaving R Street open into the cemetery and discounting the northern and southern tips which aren't deep enough for a dwelling unit. The 1,350 feet of frontage with 50-foot wide lots could allow 27 lots typical to the neighborhood. If each lot had a duplex, that would yield 54 dwelling units. The 1,350 feet of frontage assumes platting a new street of 60' width north of S Street. There is existing frontage on 36th Street from Q to S Street.

8. Assuming 6.5 acres of this "by right" area west of the creek that would be about 8 dwelling units an acre. The CUP design standards allow for a 25% bonus for providing affordable housing. That would increase the density from 8 to 10 dwelling units an acre. This is about twice the existing density for the neighborhood to the west. The density for the Hartley Neighborhood from N. 33rd Street to the Cemetery, from O to Vine Streets is 332 dwelling units in a 67.3 acres area. This comes out to 4.9 dwelling units per acre. A project on 8 acres at 10 units per acre would permit 80 dwelling units. This is significantly more than the density of the adjacent neighborhood. However, 80 units could be compatible and appropriate for the neighborhood and Wyuka Cemetery.

9. Other examples of "infill" proposals, most multi-family, include the following:

    a) Holmes Park Road & Sherman Street (SP1665C): This was an amendment to the Van Dorn Meadows 1st Addition Community Unit Plan to revise the layout from 9 single-family lots to show 10 two-family dwelling units and a 20-unit multiple-family building, on property generally located at Sherman Street and Holmes Park Road. In this example, testimony in opposition included as one of the main issues the compatibility with the existing neighborhood, including substituting 20-unit apartment building and duplex for the luxury townhomes previously planned. The Planning Commission on June 11, 2014 voted 6-2 to approve the Special Permit amendment, however, those in dissent found it not compatible to locate an apartment building right across from the driveways of single-family. Following the Planning Commission hearing the site plan was amended to show 20 attached single-family dwelling units and remove the 20-unit apartment building and was approved by City Council on August 4, 2014.

b) Karl Ridge Road & 84th Street (SP14012 & CZ 14012): This application made by the Lincoln Housing Authority included a zone change of property from R-1 and P to R-3, and R-1 to P as well as a Community Unit Plan for an apartment project with no more than 72 dwelling units on 9.6 acres northwest of 84th Street and Karl Ridge Road. The neighborhood to the west was mainly single-family dwellings and to the south was townhomes and multi-family dwellings. A request to waive the Land Subdivision Ordinance requirement to allow more than 40 dwelling units on a dead-end road accompanied the request. Testimony in opposition included traffic, safety, access, density, and compatibility with the Trendwood neighborhood. On May 28, 2014 the Planning Commission voted 7-1 to recommend approval of the change of zone request, but 7-1 to deny the special permit. The denial was not appealed to City Council and the project did not move forward.

c) 44th & Valley Road (SP788D for the CUP): The special permit requested included expansion of existing medical facilities and to construct two eight-plexes and six duplexes for a total of 28 units on property generally located between 44th Street, F Street, 48th Street and Valley Road. The site, roughly 11.48 acres in total, was bordered by single-family units to the east, south, and west and single, two and multiple family dwellings and commercial uses to the north. The project was accessed via residential streets and while parking did not meet the requirements for the CUP, there was available stall in the other lots on the complex. The neighborhood association was generally in support with concerns related primarily to the housing unit design, landscaping, traffic, and parking. The Planning Commission recommended approval with conditions on October 26, 1994 and the City Council approved the request on December 22, 1994.

d) N. 10th & Military (SP07047): The request by Hoppe, Inc. for a special permit consisted of 61 multi-family units and 10 single-family attached units on approximately 6.067 acres generally located at N. 10th Street and Military Road. Waivers for screening requirements, a parking reduction from 2 to 1.5 stalls per unit for the multi-family, front yard setback reduction, stormwater detention, spacing of local streets to major streets, recreational facility, minimum elevation of ground for building sites in a floodplain, and minimum elevation of streets in a floodplain were included. Opposition testimony generally centered on development in the floodplain and some design elements of the project. The request was recommended for conditional approval by the Planning Commission on October 24, 2007 and approved by the City Council on November 30, 2007.

e) Cooper Commons (SP16025): Neighborhoods, Inc. applied for a special permit to approve 7 dwelling units (5 single family detached and one attached) in a CUP northwest of 9th and D Streets on approximately .85 acres. The decision of the Planning Commission to conditionally approve the request on August 3, 2016 was appealed by three residents and the hearing requested for August 29, 2016. The City Council approved the special permit with the requested waivers related to lot area and setbacks.

None of the above projects are perfect comparisons, but they all present similar cases in terms of what is an appropriate density for the location.

10. The applicant has requested the following waivers to the Lincoln Municipal Code and to Design Standards:

    a) Zoning Ordinance, Table 27.72.020(a) to allow a front yard setback reduction from 25 feet to 10 feet for buildings and parking areas. This is justified in that only the two southernmost buildings would be close to the 10-foot setback, and these buildings would be set back only slightly closer to N. 36th street than the existing house to the north at 3600 R Street. Also, N. 36th Street appears to have a 66 foot right of way, somewhat wider than a standard 60-foot local residential street right of way.

    b) Zoning Ordinance, Table 27.72.020(a) to allow a rear yard setback reduction from 20 feet to 10 feet for buildings and 0 feet for parking areas. This is justified as behind the buildings and parking there will be an outlot for minimum flood corridor and as such will be permanently open.

    c) Zoning Ordinance, Table 27.72.020(a) to allow side yard setback reduction from 5 feet to 0 feet for internal lot lines. This is for internal side setbacks and will not affect neighboring properties and as such will not negatively affect the neighborhood.

    d) Zoning Ordinance, Table 27.72.020(a) to allow a maximum height increase from 35 feet to 37 feet. This is requested just in case to allow flexibility and may not be needed. This is justified as it is minimal height

variation from the R-4 District and will not be detrimental to the neighborhood.

e) Zoning Ordinance, Figure 27.67.020 to allow a parking reduction from 2 spaces per dwelling unit to 1.4 spaces per dwelling unit. As noted above, this request is justified as the project will have close to half of the total units (48 units of 98 units proposed) as containing 1 bedroom. This combined with 2019 American Community Survey data which indicates 58% of renter households in Lincoln have one or no vehicles compared to only 27% of owner-occupied households would support this waiver.

11. The project was reviewed by the Urban Design Committee and by the Historic Preservation Commission (see Excerpts of Meeting Records attached).

    The Urban Design Committee approved the concept at their January 5, 2021 meeting but asked for more landscaping details. The Committee reviewed for the landscaping update at their February 2, 2021 meeting.

    The Historic Preservation Commission at their meeting on January 21, 2021 agreed this development does not negatively affect this historic site, and further stated to accept the historic nature of the design for the purposes of the environment, but stated their reluctance to approve due to the access in and out of the site and the impact this number of units would have on the adjacent community. They further recommended that this project is reevaluated and there is further exploration done by the developer to find ways to mitigate the issues. The Commission thus voted in support of the project because it doesn't adversely impact the historic site, but they wanted to also note that they had concerns about neighborhood access, parking, and density.

    The building elevations were an important aspect to the approval of the project. Rather than one big apartment building, the developer is proposing a plan that looks like individual houses or rowhouses, though each building may contain two to three units. These elevations were important to the review and approval of the Urban Design Committee and Historic Preservation Commission.

12. The Wyuka cemetery is on the National Register of Historic Places. The Wyuka Board has determined this land could be sold. There are graves on the east side of the drainage way adjacent to the project. The existing trees are old and many are in poor condition. The new housing will be three stories tall and will move residences closer to the cemetery. A north-south pedestrian path is proposed for residents. There will also be active spaces for residents on the east side of the new homes next to the cemetery. Thus, some landscaping such as taller shrubs east of the new walking path would be appropriate to both provide privacy for residents and for visitors to the cemetery. It is appropriate for residents to have active recreation and walking path, but it should be screened as much as possible for the privacy of cemetery guests. The neighborhood connection to Wyuka along R Street is a historical aspect of the cemetery. This pedestrian connection and brick roadway should be preserved and enhanced. This will benefit the neighborhood and project.

13. The house at 3600 R Street was built in 1910-1911 as the Wyuka Cemetery Superintendent house. It remained in Wyuka's ownership until 1965. Hans J. Jensen, longtime superintendent/staff florist, lived in the house for more than 20 years. It will be preserved as a club house/office for residents.

14. Consideration was given to the relocation of the Wyuka cemetery fence. It has been a part of the Wyuka history as well. The developer notes that the purchase Option with the Wyuka Trustees required the brick pavers at the R Street entrance and the west edge fencing to be preserved. Moving and reinstalling the fence and keeping the R St. west entrance street and gate as design features is part of the project.

15. MISC20003 approved by the Planning Commission on January 20, 2021 is the Wyuka West Blight and Substandard Determination Study that provided sufficient evidence that the Redevelopment Area qualifies under Nebraska Community Development Law as substandard and blighted.

16. Related CPC21001 is the Comprehensive Plan Conformance application to review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, the proposed Wyuka Redevelopment Plan that identifies the Gatehouse Rows Redevelopment Project.

17. Related Change of Zone 21004 is to change the zoning from P Public Use District and R-2 Residential District to R-4

Residential District for the Wyuka owned property which is currently in public use and a tiny portion of their property which is presently zoned R-2. The adjacent residential neighborhood to west is also zoned R-4.

18. The proposed community unit plan subject to conditions of approval including density reduction is consistent with the Comprehensive Plan and will be at appropriate urban residential density compatible with the neighborhood.

**CONDITIONS OF APPROVAL:** See attached.

**UTILITIES:**
Water: The lots connecting to the water main south of 'R' St require a 6" water main for connection, which is the required minimum size for new residential development, current water main in this area is under sized (4") to provide adequate fire flow to serve new development. Water flow and pressure in this area if currently borderline, with customer complaints during peak demand. This area is currently at the low end for water pressure (35-40 psi), and 4" water mains feeding in from 35th St on 'Q', 'R' and 'S' St. A network analysis needs to be performed to determine if adequate fire flow and pressure is available to serve this development. This is a condition of approval.

Sanitary Sewer: Sanitary sewer is available and LTU-Wastewater did not identify any issues in their review.

**TOPOGRAPHY:** Topography generally varies approximately ten feet on the south side from N. 36th Street to the creek which runs along the east side of the project and then about ten feet on the north side going from east to west into the creek.

**TRAFFIC ANALYSIS:** N. 36th Street and the immediately adjoining streets are classified as local streets per Access Management. A traffic memo was provided as part of the CUP application. The memo notes that the residential streets in the area are all built to accommodate 3,500-6,000 trips per day. The typical residential/neighborhood street carries 500 to 1,000 average daily trips. In no scenario would the additional traffic from the proposed development exceed these thresholds. The memo notes that minimum impact on traffic operations is expected and additional street improvements are not recommended.

**PUBLIC SERVICE:** The nearest Lincoln Fire & Rescue Stations include Fire Station #1 at 1801 Q Street and Fire Station #2 at 1545 N. 33rd Street. Nearby bus routes include Bus Route 44 (O Street) and Bus Route 49 (University Place) with nearby bus stops at 35th and O Street and 33rd and Vine Street.

**EXISTING ZONING:** P Public, R-2 Residential, R-4 Residential

**EXISTING LAND USES:** Public, Single Family Detached

**SURROUNDING LAND USE AND ZONING:**

| | | |
|---|---|---|
| North: | Single Family | R-2 Residential District |
| South: | Cemetery | P Public Use District |
| East: | Cemetery | P Public Use District |
| West: | Single Family, Duplex, Apartments | R-2 Residential District, R-4 Residential District |

**APPROXIMATE LAND AREA:** 8.72 acres

**LEGAL DESCRIPTION:** See Attached

Prepared by

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

February 4, 2021

Applicant: Gatehouse Row, L.P.
P.O. Box 6036
Lincoln, NE 68506
(402) 328-8100 or fred@thehoppelawfirm.com

Contact: Fred Hoppe
P.O. Box 6036
Lincoln, NE 68506
(402) 328-8100 or fred@thehoppelawfirm.com

Owners: Wyuka Cemetery
3600 O Street
Lincoln, NE 68510
(402) 474-3600

F:\DevReview\SP\21000\SP21003 Gatehouse Rows CUP.gjw.docx

## CONDITIONS OF APPROVAL – SPECIAL PERMIT 21003

Per Section 27.63.320 this approval permits a Community Unit Plan for up to 80 residential dwelling units which may include single family attached, single family detached or multiple family residential or any combination thereof, with the following waivers:

1. Zoning Ordinance, Table 27.72.020(a) to allow a front yard setback reduction from 25 feet to 10 feet for buildings and parking areas.

2. Zoning Ordinance, Table 27.72.020(a) to allow a rear yard setback reduction from 20 feet to 10 feet for buildings and 0 feet for parking areas.

3. Zoning Ordinance, Table 27.72.020(a) to allow side yard setback reduction from 5 feet to 0 feet for internal lot lines.

4. Zoning Ordinance, Table 27.72.020(a) to allow a maximum height increase from 35 feet to 37 feet.

5. Zoning Ordinance, Figure allow a parking reduction from 2 spaces per dwelling unit to 1.4 spaces per dwelling unit.

**Site Specific Conditions:**

1. Before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **2** copies with all required revisions and documents as listed below:

    1.1 Make the following revisions:

        1.1.1 Submit revisions per LTU-Watershed 1/29/21 comments.

        1.1.2 Submit a network analysis to the satisfaction of LTU-Water to determine if adequate fire flow and pressure is available to serve this development, as well as adequate pressure and flow to the top level, and to also verify that this development will not have any negative impacts on the existing properties in this area.

        1.1.3 Combine Outlot A, B and C and show the Minimum Flood Corridor as an easement within the single outlot.

        1.1.4 Identify detention areas on the site plan.

        1.1.5 Identify and show full extent of pedestrian trail where it is proposed on the east side of the development including north of the middle parking lot.

        1.1.6 Identify number of units for each multi-family building.

        1.1.7 Update General Site Note 18 and the Density Calculations to reflect 80 dwelling units maximum or the number approved by Planning Commission or, if appealed, by City Council action.

        1.1.8 Update General Site Note 19. to include R-2 in addition to P for existing zoning to be changed to R-4.

        1.1.9 Include the building elevations, as presented to the Historic Preservation Commission and Urban Design Committee, on one or more sheets as part of the approved CUP and renumber the pages accordingly.

1.1.10 Update Change of Zone Legal Description to reflect existing R-2 zoning that is included to the satisfaction of the Planning Department.

1.1.11 Show all setback lines, including front yard along Vine Street, exterior side yard setbacks, and rear yard setback. Show the setback along the west property line as 10 feet for buildings and parking, from north to south.

1.1.12 Show the paving of Q Street between N. 35th and N. 36th in addition to the paving of N. 36th Street between R and Streets and note it will be done by the developer.

1.1.13 Add note to General Site Notes that R Street east of N. 36th Street shall be vacated prior to final plat and building permit approval.

1.1.14 Add note to General Site Notes that T Street east of N. 36th Street and both east-west alleys north and south of T Street shall be vacated prior to final plat and building permit approval.

1.1.15 Submit a landscape plan that meets the requirements of Chapter 3.50 of the Design Standards – including Sections 7.1, 7.3, 7.11 and 7.14 and for Section 7.3 of Chapter 3.50, the required screen shall cover at least fifty percent (50%) of the surface area of a vertical plane from six feet to twenty-five feet (6' to 25'), extending along the entire length of the eastern property line running adjacent to Wyuka Cemetery.

2. Before a final plat is approved provide the following documents to the Planning Department:

2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

3. Prior to building permit the following shall be provided:

3.1 Submit elevations to the Planning Director for review and approval that are in general conformance with the elevations as included with this CUP and that were reviewed and approved by the Historic Preservation Commission and Urban Design Committee.

4. Final plat(s) is/are approved by the City.

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

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

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

to complete the street paving of Q Street from 35th to 36th Street and 36th Street from R to Street within two (2) years following the approval of the final plat.

to complete the installation of sidewalks along the east side of 36th Street within four (4) years following the approval of the final plat.

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

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

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

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

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

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

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

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

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

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

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

to complete the public and private improvements shown on the Community Unit Plan.

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

to maintain the outlots on a permanent and continuous basis.

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

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

to maintain the landscape screens, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

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

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

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

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

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

**Standard Conditions:**

5. The following conditions are applicable to all requests:

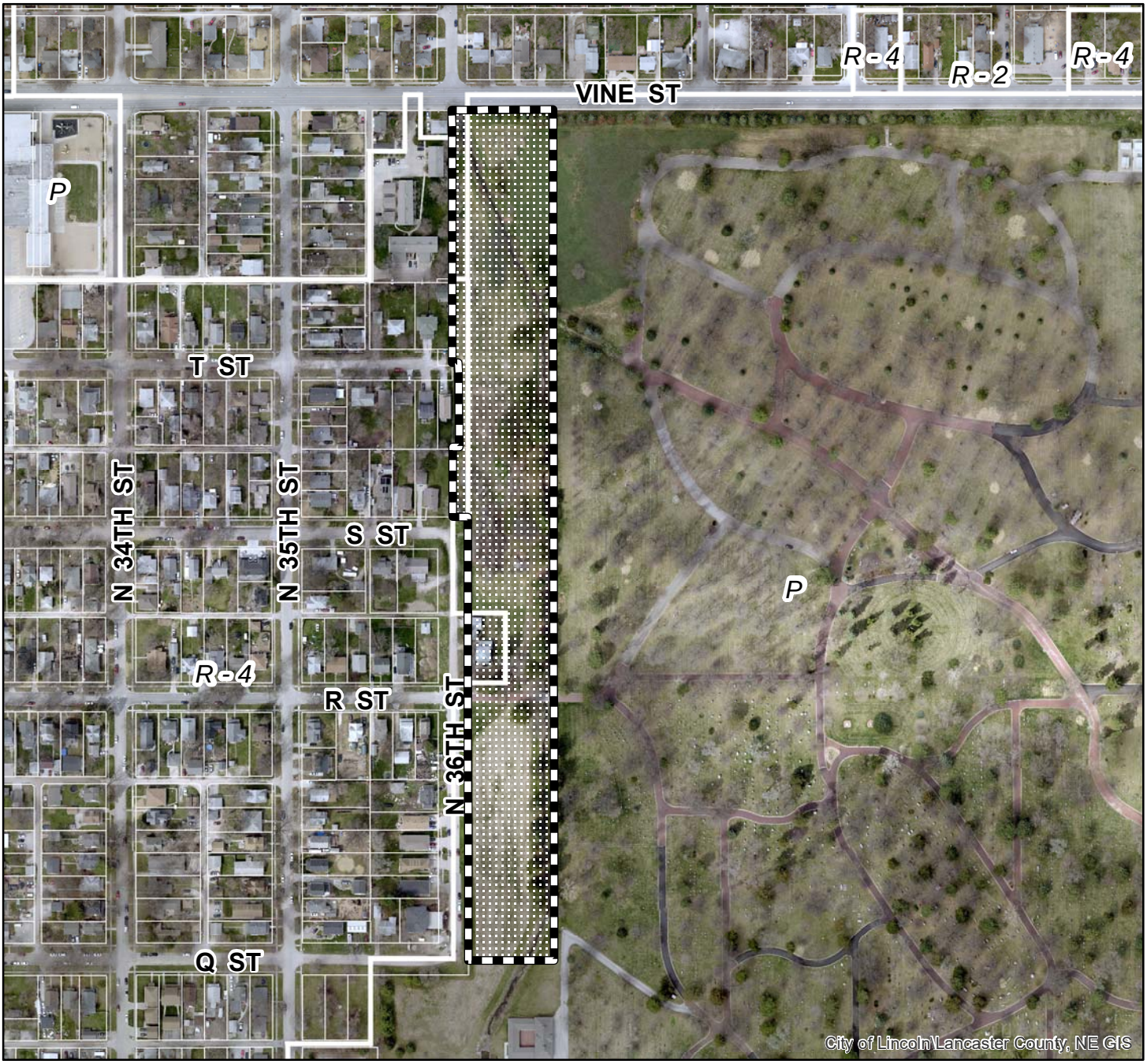
5.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.

5.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.

5.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.

5.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

5.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.



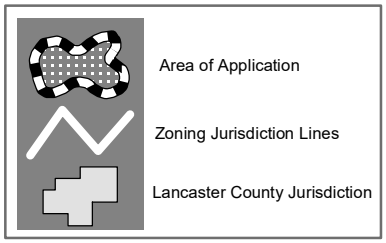

2020 aerial

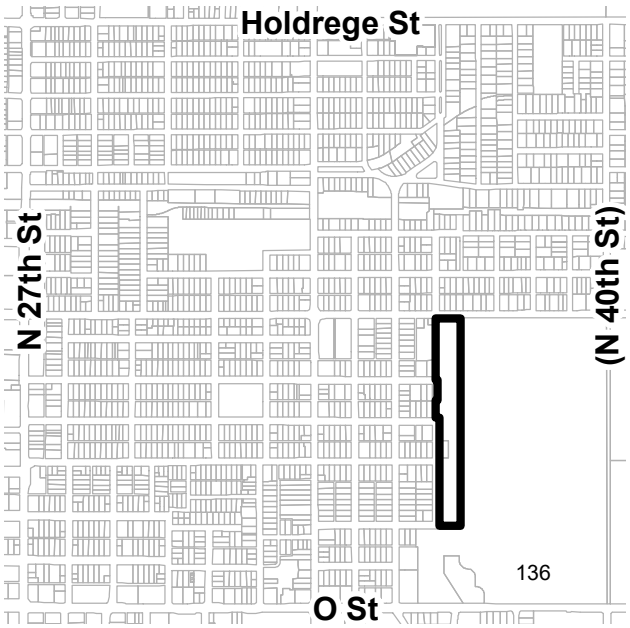
**Special Permit #: SP21003**
**Gatehouse ROWS CUP**
**N 36th St & R St**

## 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 |

One Square Mile:
Sec.19 T10N R07E

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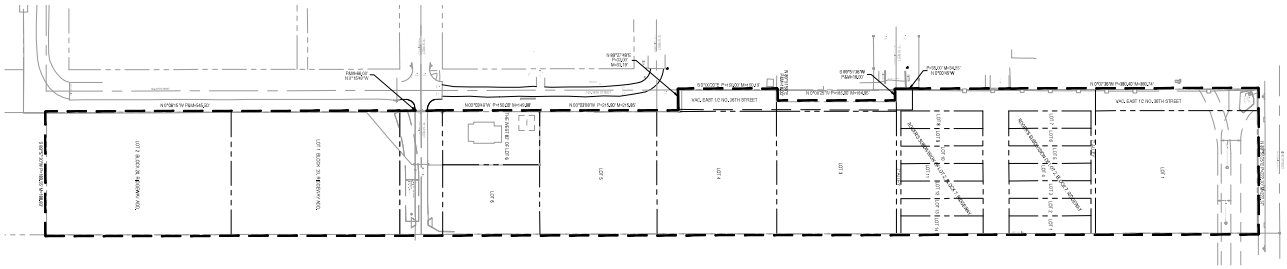
**OWNER**
WOMEN'S CEMETERY
3600 "O" STREET
LINCOLN, NE 68510

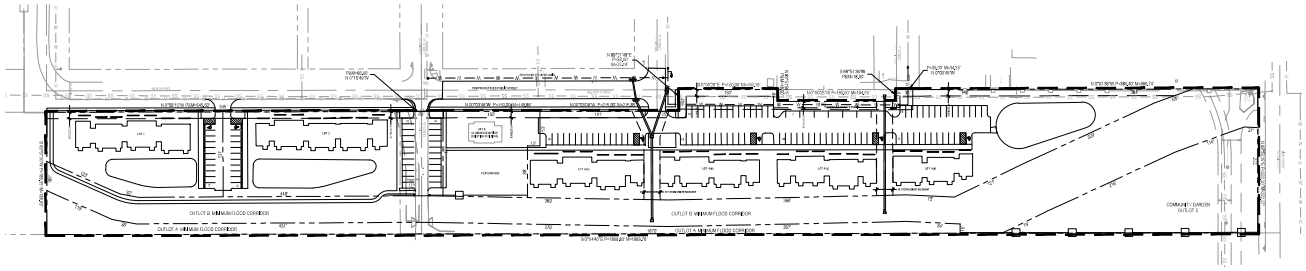
**DEVELOPER**
GATEHOUSE ROWS, LLC
P.O. BOX 80206
LINCOLN, NE 68506

**ENGINEER & PREPARER**
THE CLARK ENERSEN PARTNERS
1010 LINCOLN MALL, SUITE 200
LINCOLN, NEBRASKA
CONTACT: TIM BERGEN
PHONE: 402-477-4291

# GATEHOUSE ROWS
SPECIAL PERMIT
COMMUNITY UNIT PLAN
CHANGE OF ZONE



## EXISTING SITE PLAN
SCALE: 1" = 60'-0"



## PROPOSED SITE PLAN
SCALE: 1" = 60'-0"

## GENERAL SITE NOTES

1. PUBLIC AND PRIVATE UTILITIES TO BE BUILT TO CITY OF LINCOLN SPECIFICATIONS.
2. ALL PAVEMENT RETURN RADII TO BE 20' UNLESS OTHERWISE NOTED.
3. SIDEWALKS SHALL BE CONSTRUCTED AS SHOWN.
4. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
5. VEHICULAR ACCESS TO PUBLIC ROADWAYS AS SHOWN.
6. ALL ELEVATIONS ARE TO NAVD 1988.
7. ALL OUTLOTS LANDSCAPING AND PEDESTRIAN CIRCULATION WITHIN THAT OUT TO BE MAINTAINED BY THE OWNER AND DEVELOPER.
8. THE PROPOSED LOT LINES, BUILDING LAYOUT AND PARKING LOT LAYOUT ARE CONCEPTUAL AND MAY VARY FUNCTIONAL PLAT AND BUILDING PERMIT.
9. TOTAL AREA
   TOTAL LOTS = 4
   TOTAL OUTLOTS = 1
10. ALL EAVES, CANOPIES AND OTHER BUILDING PROJECTIONS MAY EXTEND OVER THE BUILDING SETBACK LINES BUT NOT LOT LINES.
11. ALL SIGNS SHALL BE ON PRIVATE PROPERTY UNLESS OTHERWISE NOTED. ALL PARKING STALLS SHALL BE 9'WIDE AND 19' DEEP (LESS 2' FOR VEHICLE OVERHANG) UNLESS OTHERWISE NOTED.
12. FENCES, DESCRIBING STRUCTURES, AND ACCESSORY BUILDINGS ARE NOT SHOWN ON THIS SITE PLAN BUT MAY BE CONSTRUCTED BUT THEY ARE ON A LOT OF SMALLER AND ARE CONSTRUCTED OUTSIDE OF SETBACKS, GRANT TRIANGLES, EASEMENTS, AND RECORDED OR BUILDING PERMITS, AND ARE BUILT ACCORDING TO ZONING ORDINANCE REGULATIONS, AND ARE IN CONFORMANCE WITH ALL OTHER APPLICABLE CODES.
13. A COMMON ACCESS EASEMENT SHALL BE GRANTED OVER ALL DRIVES AND PARKING STALLS. CROSS PARKING EASEMENT SHALL BE GRANTED FOR ALL LOTS WITH THE CUP.
14. INTERNAL PEDESTRIAN WALKWAYS TO BE PROVIDED IN COMPLIANCE WITH THE CITY OF LINCOLN DESIGN STANDARDS AT THE TIME OF BUILDING PERMITS.
15. FINAL SITE LAYOUT AND BUILDING LANDSCAPE PLAN FOR BUILDINGS TO BE SUBMITTED AT THE TIME OF BUILDING PERMIT.
16. SIGNAGE NEED NOT BE SHOWN ON THE SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE, AND MUST BE APPROVED BY BUILDING AND SAFETY DEPARTMENT PRIOR TO INSTALLATION.
17. SETBACKS SHALL BE AS SHOWN ON THE SITE PLAN.
18. DEMOLITION, SHED AND PORTA SHALL NOT EXISTED IN PHASE.
19. PORTIONS OF THE PROPERTY ARE BEING REQUESTED TO BE REZONED FROM P TO R-4.

## DENSITY CALCULATIONS

R-4 ZONING
GROSS AREA = 4.21 ACRES
MAXIMUM DENSITY = 17 UNITS/ACRE
MINIMUM DENSITY = 4.21 ACRES * 17 UNITS/ACRE = 72 UNITS
PROPOSED DENSITY = 84 UNITS
PROPOSED DENSITY = 71.24 UNITS/ACRE

## CHANGE OF ZONE FROM P TO R-4 LEGAL DESCRIPTION

PARCEL #1: PID # 17719410000000

LEGAL DESCRIPTION: LOTS 1, 3, 4, AND 5, LOT 6, EXCEPT THE WEST 80 FEET THEREOF, BLOCK 7, RIDGEWAY, LINCOLN, LANCASTER COUNTY, NEBRASKA; & THE EAST 16 FEET OF VACATED NORTH 30TH STREET ABUTTING LOT 1, BLOCK 7, RIDGEWAY, LINCOLN, LANCASTER COUNTY, NEBRASKA, TOGETHER WITH THAT PORTION OF THE EAST HALF OF THE VACATED NORTH 30TH STREET ABUTTING LOTS 1 AND 4, RIDGEWAY AND LOTS 7 AND 8, ROGERS SUBDIVISION OF LOT 2, BLOCK 7, RIDGEWAY

PARCEL #2: PID# 17719410000000

LEGAL DESCRIPTION: ALL THAT PORTION OF T STREET AND THE T FOOT EAST AND WEST ALLEYS LOCATED NORTH OF LOTS 1 THRU 7 AND LOCATED SOUTH OF LOT 8 THRU 14 DEDICATED BY THE PLAT AND DEDICATION KNOWN AS ROGERS SUBDIVISION OF LOT 2, BLOCK 7, RIDGEWAY RECORDED MAY 22, 1891 IN PLAT BOOK 3, PAGE 87 IN THE OFFICE OF THE REGISTER OF DEEDS OF LANCASTER COUNTY, NEBRASKA, TOGETHER WITH THAT PORTION OF THE EAST HALF OF THE VACATED NORTH 30TH STREET ABUTTING THERETO

PARCEL #3: 1719410002000

LEGAL DESCRIPTION: THAT PORTION OF R STREET BETWEEN LOT 6, BLOCK 7 AND LOT 1, BLOCK 20, RIDGEWAY.

PARCEL #4: 1719416002000

LEGAL DESCRIPTION: LOTS 1 AND 2, BLOCK 20, RIDGEWAY.

## SPECIAL PERMIT LEGAL DESCRIPTION

PARCEL #1: PID # 17719410000000

LEGAL DESCRIPTION: LOTS 1, 3, 4, AND 5, LOT 6, EXCEPT THE WEST 80 FEET THEREOF, BLOCK 7, RIDGEWAY, LINCOLN, LANCASTER COUNTY, NEBRASKA; & THE EAST 16 FEET OF VACATED NORTH 30TH STREET ABUTTING LOT 1, BLOCK 7, RIDGEWAY, LINCOLN, LANCASTER COUNTY, NEBRASKA, TOGETHER WITH THAT PORTION OF THE EAST HALF OF THE VACATED NORTH 30TH STREET ABUTTING LOTS 1 AND 4, RIDGEWAY AND LOTS 7 AND 8, ROGERS SUBDIVISION OF LOT 2, BLOCK 7, RIDGEWAY

PARCEL #2: PID# 1719410014000

STREET ADDRESS: 3535 "T" STREET

LEGAL DESCRIPTION: THE EAST 16 FEET OF VACATED NORTH 30TH STREET ABUTTING LOT 1, BLOCK 7, RIDGEWAY, LINCOLN, LANCASTER COUNTY, NEBRASKA

PARCEL #3: 1719419002000

STREET ADDRESS: 3628 "R" STREET

LEGAL DESCRIPTION: WEST 80 FEET OF LOT 6, BLOCK 7, RIDGEWAY, LINCOLN, LANCASTER COUNTY, NEBRASKA

PARCEL #4: PID# 1719419006000

LEGAL DESCRIPTION: ALL THAT PORTION OF T STREET AND THE T FOOT EAST AND WEST ALLEYS LOCATED NORTH OF LOTS 1 THRU 7 AND LOCATED SOUTH OF LOT 8 THRU 14 DEDICATED BY THE PLAT AND DEDICATION KNOWN AS ROGERS SUBDIVISION OF LOT 2, BLOCK 7, RIDGEWAY RECORDED MAY 22, 1891 IN PLAT BOOK 3, PAGE 87 IN THE OFFICE OF THE REGISTER OF DEEDS OF LANCASTER COUNTY, NEBRASKA, TOGETHER WITH THAT PORTION OF THE EAST HALF OF THE VACATED NORTH 30TH STREET ABUTTING THERETO

PARCEL #5: 1719419003000

LEGAL DESCRIPTION: THAT PORTION OF R STREET BETWEEN LOT 6, BLOCK 7 AND LOT 1, BLOCK 20, RIDGEWAY.

PARCEL #6: 1719419002000

LEGAL DESCRIPTION: LOTS 1 AND 2, BLOCK 20, RIDGEWAY.

## WAIVERS

1. INTERNAL SETBACKS TO BE 0'.
2. FRONT YARD SETBACKS TO BE 15'.
3. REAR YARD SETBACKS TO BE 10 FOR BUILDING AND 0' FOR PARKING.
4. OFF-STREET PARKING RATIO TO BE 1.5 PARKING STALLS PER UNIT.
5. MAXIMUM HEIGHT OF BUILDINGS IS 35'.

## ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF NEBRASKA. THESE PLANS MEET THE REQUIREMENTS OF THE CITY ENGINEER'S OFFICE DESIGN REQUIREMENTS.

12/02/2021
DATE

TIMOTHY D. BERGEN
Printed

LEGEND

| | |
|---|---|
| W — W — W | WATER MAIN |
| SS — SS — SS | SANITARY SEWER |
| FO — FO — FO | FIBER OPTIC LINE |
| OHP — OHP — OHP | OVERHEAD ELECTRIC LINE |
| | SANITARY SEWER MANHOLE |
| | FIRE HYDRANT |
| | WATER VALVE |
| | EXISTING STORM SEWER |
| | PROPOSED RIGHT-OF-WAY |
| | LIGHT POLE |
| | UTILITY POLE |
| | GUY WIRE |
| | FENCE |

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Lincoln, NE 68508-2865
P: 402.477.4291 F: 402.477.4042
Kansas City, Missouri
Denver, Colorado
Fort Collins, Colorado

**Gatehouse Rows**

Lincoln, NE

TCEP No.: 362-001-20

January 20, 2021

Overall Site Plan

**1 of 6**

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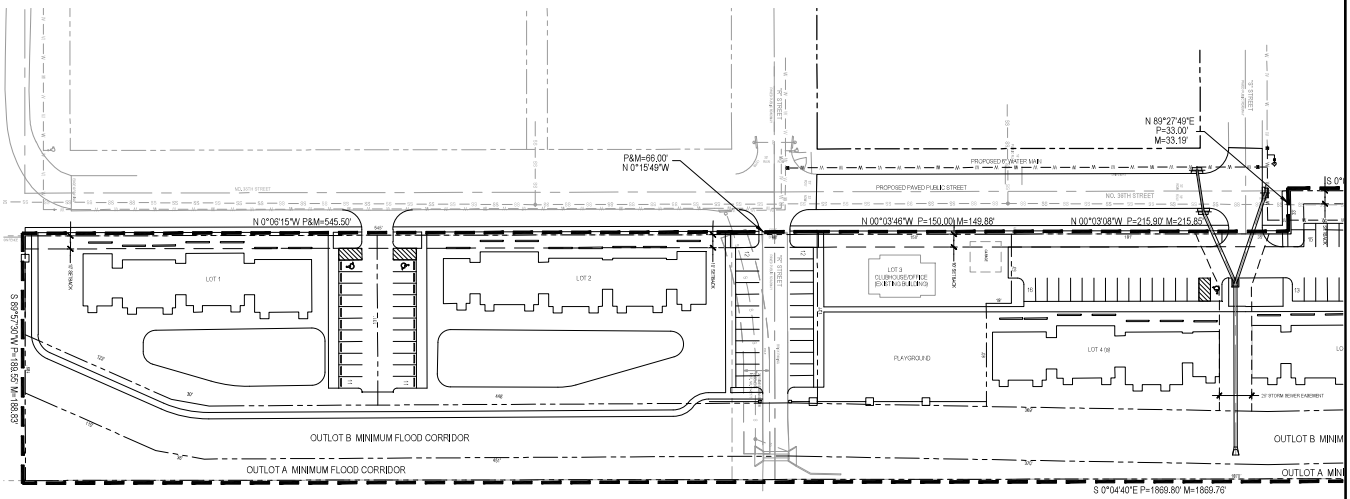
**GATEHOUSE ROWS**
SPECIAL PERMIT
COMMUNITY UNIT PLAN
CHANGE OF ZONE




**SITE PLAN**
SCALE: 1" = 30'-0"

The Clark Enersen Partners
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Landscape Architecture
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Planning
clarkenersen.com
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1010 Lincoln Mall, Suite 200
Lincoln, NE 68508-2865
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Kansas City, Missouri
Kansas, Kansas
Fort Collins, Colorado

**Gatehouse Rows**

Lincoln, NE

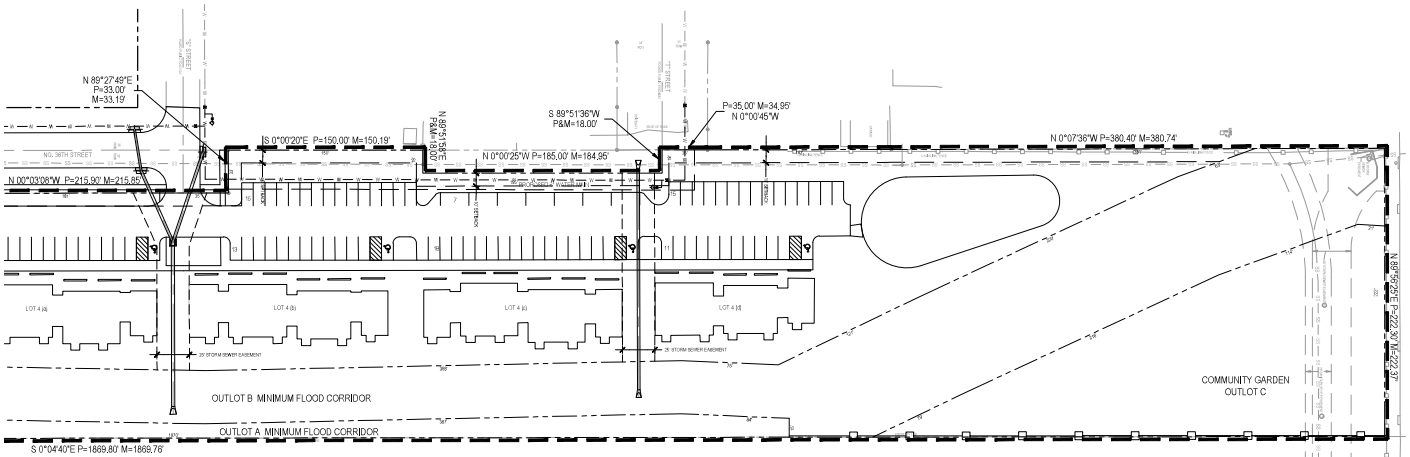
TCEP No.: 362-001-20

January 20, 2021

Site Plan

**2 of 6**

**GATEHOUSE ROWS**
SPECIAL PERMIT
COMMUNITY UNIT PLAN
CHANGE OF ZONE




SITE PLAN
SCALE: 1" = 60'-0"

The Clark Enersen Partners
Architecture
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Planning
clarkenersen.com
Lincoln, Nebraska
200 South 21st Street, Suite 200
Lincoln, NE 68588-2065
P: 402.477.7291 F: 402.477.6542
Kansas City, Missouri
Denver, Colorado
Fort Collins, Colorado

**Gatehouse Rows**
Lincoln, NE
TCEP No.: 362-001-20
January 20, 2021

Site Plan
**3 of 6**

**GATEHOUSE ROWS**
SPECIAL PERMIT
COMMUNITY UNIT PLAN
CHANGE OF ZONE

The Clark Enersen Partners
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Landscape Architecture
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Planning
clarkenersen.com
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200 South 21st Street, Suite 200
Lincoln, NE 68510-2340
P: 402.477.1991 F: 402.477.4642
Kansas City, Missouri
Denver, Nebraska
Fort Collins, Colorado

**Gatehouse Rows**

Lincoln, NE

TCEP No.: 362-001-20

January 20, 2021

Existing Grading
& Drainage Plan

**4 of 6**

Plot Time/Scale: 1:1 - 2021 3:14:56 PM
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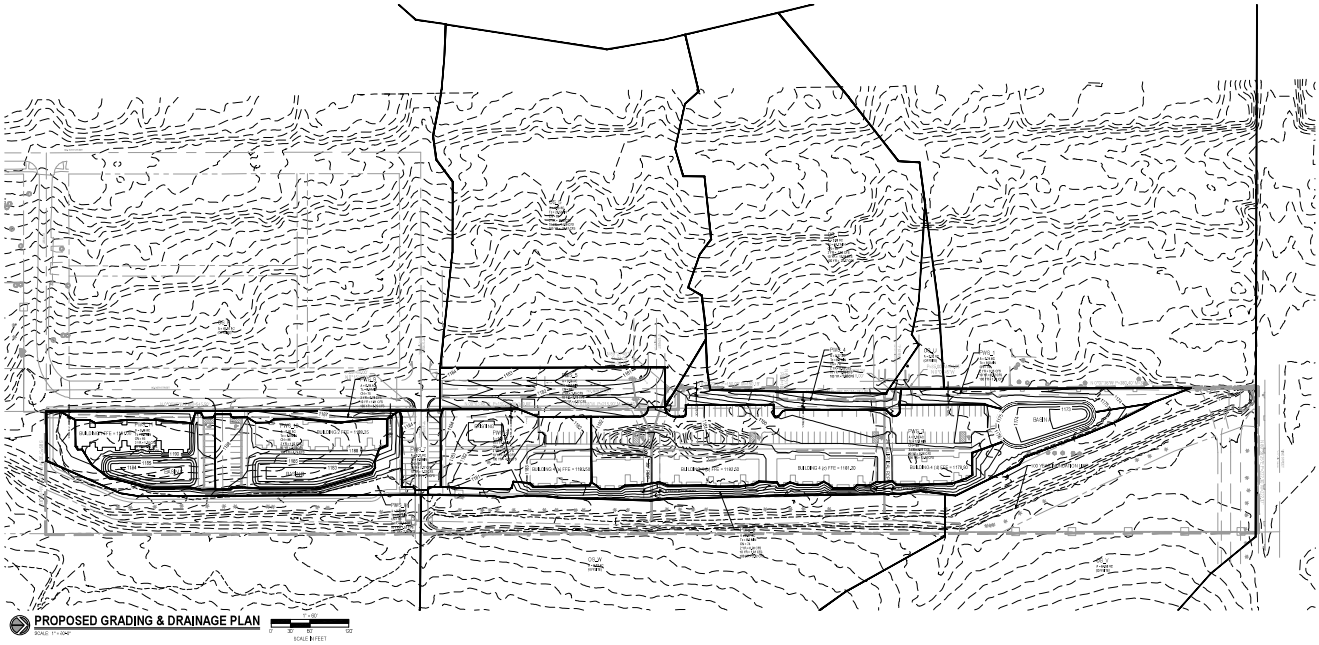
**GATEHOUSE ROWS**
SPECIAL PERMIT
COMMUNITY UNIT PLAN
CHANGE OF ZONE



PROPOSED GRADING & DRAINAGE PLAN
SCALE: 1"=100'

SCALE IN FEET

The Clark Enersen Partners

Architecture
Landscape Architecture
Engineering
Planning

clarkenersen.com

Lincoln, Nebraska
200 Commercial Street, Suite 200
Lincoln, NE 68508-2083
P: 402.477.9291 F: 402.477.6542

Kansas City, Missouri
Denver, Colorado
Fort Collins, Colorado

**Gatehouse Rows**

Lincoln, NE

TCEP No.: 362-001-20

January 20, 2021

Proposed Grading
& Drainage Plan

**5 of 6**

Plot Time/Scale: 1:21:2021 3:14:13 PM
File Location: C:\Users\mmcdonald\Documents\Revit Central Files\2020\362-001-20_Gatehouse Rows_mmcdonald.rvt

## EXISTING RUNOFF

NORTH:
INFLOW_1 INFLOW_2 INFLOW_3 INFLOW_4 INFLOW_5 INFLOW_6

2 YR = 7628 CFS
10 YR = 9431 CFS
100 YR = 16,010 CFS

## PROPOSED RUNOFF

NORTH:
PWS_1 PWS_2 PWS_3 PWS_4 PWS_5 PWS_6 PWS_7
PWS_8 (UNDETAINED) PWS_9 (BASIN A) PWS_10 (BASIN B)
PWS_11 (BASIN C) PWS_12

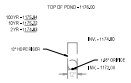
2 YR = 7628 CFS
10 YR = 9236 CFS
100 YR = 14,020 CFS

## MINIMUM OPENING ELEVATIONS

| BUILDING | MIN. OPENING ELEVATION (NAVD 88) |
|---|---|
| BUILDING 1 | 1187.50 |
| BUILDING 2 | 1187.50 |
| BUILDING 3 | 1187.50 |
| BUILDING 4A | 1176.00 |
| BUILDING 4B | 1177.00 |
| BUILDING 4C | 1177.00 |
| BUILDING 4D | 1177.00 |

## RATING CURVE FOR PROPOSED DETENTION BASIN A

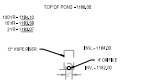
| ELEV. | DISCHARGE (CFS) | STORAGE (CF) |
|---|---|---|
| 1172 | 0 | 0 |
| 1173 | 527 | 928 |
| 1174 | 3,211 | 5,931 |
| 1175 | 5,415 | 8,700 |
| 1176 | 6,261 | 10,119 |




**BASIN 'A' OUTLET**
NO SCALE

## RATING CURVE FOR PROPOSED DETENTION BASIN B

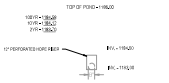
| ELEV. | DISCHARGE (CFS) | STORAGE (CF) |
|---|---|---|
| 1182 | 0 | 0 |
| 1183 | 528 | 940 |
| 1184 | 3,227 | 5,955 |
| 1185 | 5,425 | 8,807 |
| 1186 | 6,278 | 14,664 |




**BASIN 'B' OUTLET**
NO SCALE

## RATING CURVE FOR PROPOSED DETENTION BASIN C

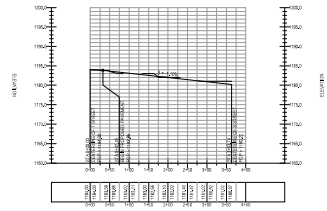
| ELEV. | DISCHARGE (CFS) | STORAGE (CF) |
|---|---|---|
| 1183 | 0 | 0 |
| 1184 | 1,211 | 946 |
| 1185 | 3,181 | 5,784 |
| 1186 | 3,425 | 8,606 |




**BASIN 'C' OUTLET**
NO SCALE

**Preliminary Pipe Sizing Calculations — Residential**
**Major Storm Sewers, Conveyance Average**
**100 Year Storm**

| Location | Area A | Coefficient C | AC | Sum AC | Time of Concentration t | Intensity I | Runoff Q | Pipe Size Dia. | Pipe Length | Pipe Slope S | Pipe Capacity Q | Pipe Velocity V | Time in Pipe | Comments |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Acres | | | | Minutes | In/Hour | CFS | Inches | Feet | Ft/Ft | CFS | Ft/Sec | Minutes | |
| PWS_5 TO_6 | 0.32 | 0.85 | 0.28 | 0.28 | 20.00 | 5.59 | 1.54 | 0.00000 | 300 | 30 | 18.00 | 5.09 | 0.98 | |
| PWS_6 TO_7 | 5.18 | 0.85 | 1.87 | 1.87 | 34.98 | 3.82 | 10.68 | 0.00000 | 300 | 30 | 18.00 | 5.09 | 0.98 | 30" EQUIVALENT ELLIPTICAL PIPE |




**N 36TH STREET PROFILE**
H. SCALE: 1" = 100'-0"
V. SCALE: 1" = 10'-0"

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**Gatehouse Rows**

Lincoln, NE

TCEP No.: 362-001-20

January 20, 2021

Street Profile and Grading & Drainage Calculations

**6 of 6**

Plot Time/Date: 1/21/2021 3:14:19 PM
File: I:\Projects\362-001-20\Civil\Drawings\Grading\362-001-20 Gatehouse Rows Grading Plan.dwg

SCOTT D. KELLY
MARK A. CHRISTENSEN
RICHARD P. GARDEN, JR.
JOHN C. MILES
THOMAS C. HUSTON
DON R. JANSSEN
SUSAN K. SAPP
KEVIN J. SCHNEIDER
GARY R. BATENHORST
JILL GOSSIN JENSEN
ROCHELLE A. MULLEN
TRENTEN P. BAUSCH
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RICHARD P. JEFFRIES
TRACY A. OLDEMEYER
PAMELA EPP OLSEN
TRENT R. SIDDERS
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MEGAN S. WRIGHT
THERESA D. KOLLER
AUSTIN L. MCKILLIP
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ANDREW R. WILLIS
TARA A. STINGLEY
SEAN D. WHITE
MICHELLE L. SITORIUS
MICHAEL J. WHALEY
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RENEE A. EVELAND
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SHANNON E. FALLON
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CRISTIN MCGARRY BERKHAUSEN
KATIE A. JOSEPH
LILY AMARE
JOHN F. ZIMMER, V
NATHAN D. CLARK
PAUL B. DONAHUE
ALISON K. JANECEK
SYDNEY M. HUSS
BRITTNEY M. HOLLEY
AMANDA C. CARTER
LINCOLN J. KORELL
ELIZABETH A. STEVENSON

STEPHEN E. GEHRING
L. BRUCE WRIGHT
ROBERT J. ROUTH
DAVID R. BUNTAIN
TERRY R. WITTLER
RICHARD A. SPELLMAN
DAVID O. COLVER †
DONALD F. BURT (INACTIVE)
STEPHEN H. NELSEN (INACTIVE)

†ATTORNEYS ADMITTED IN COLORADO ONLY

January 20, 2021

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

Re: Gatehouse Rows Project – Change of Zone and Special Permit for Community Unit Plan
Our File No.: 24902.003

Dear Dave:

This firm represents Gatehouse Row, L.P., a Nebraska limited partnership, and it's General Partner, Nebraska Housing Resource, a Nebraska nonprofit corporation, and I am pleased to submit the enclosed application. Gatehouse Row, L.P. plans to develop an affordable housing project on the western edge of Wyuka Cemetery. The affordable housing project will consist of 98 dwelling units located on approximately 8 acres of land. This project intends to use an underutilized financing tool consisting of tax exempt bond financing, coupled with the Federal Low-Income Housing Tax Credit and the State of Nebraska Affordable Housing Tax Credit. These financing tools require a larger project to spread project costs over the dwelling units. The dwelling units shall remain affordable, under the affordable housing programs, for a minimum of 30 years. The project will have tenant eligibility restrictions whereby tenants can earn no more than 60% of the area median income. In addition, the rents shall be restricted to remain affordable for such a tenant base. The project would be best characterized as "workforce housing" intended to provide safe and affordable housing for that targeted income group.

Gatehouse Row, L.P. has assembled several sites. Collectively, the project site will consist of approximately 8 acres including: (i) the surplus land owned by Wyuka Cemetery located west of its drainage channel plus an 1.12 acre triangular parcel located on the east side of the channel at the northern edge; (ii) the former "gate house" for Wyuka Cemetery located at 3600 "R" Street; (iii) a strip of previously

vacated right-of-way adjacent to "T" Street; and (iv) additional right-of-way as embodied in the legal description which has been previously vacated.

A. **Application**. We are pleased to submit the application for the following:

1. Change of Zone. The property owned by Wyuka Cemetery was previously zoned "P" Public since Wyuka Cemetery is a state chartered corporation. We will seek to change the zoning of the Wyuka property to the "R-4" Residential zoning classification, which is consist with the adjacent Hartley neighborhood.

2. Special Permit. The application also seeks approval of a Special Permit for a Community Unit Plan in accordance with Section 27.63.080 for the 98 row homes. The Site Plan identifies 98 dwelling units which is below the design standard maximum density without regard to any affordable housing density bonus. The project will consist primarily of 1 and 2 bedroom dwelling units with a few 3 bedroom units. All of the required parking is proposed to be located off-street on project site.

B. **Waivers**. In connection with the Special Permit, the project will seek the following waivers:

1. Front Yard Setback. A waiver of the front yard setback requirement from 25' to 10' for the buildings and parking areas.

2. Rear Yard Setback. A waiver of the rear-yard setback requirement from the 25' to 10' for buildings and 0' for the parking areas. As indicated on the Site Plan, ultimately, the creek bed will be platted as an Outlot which will provide additional separation from both the buildings and the parking area.

3. Parking. A waiver of the parking requirement from 2.0 parking stalls per dwelling unit to 1.4 parking stalls per dwelling unit. The project will contain 48 units which contain 1 bedroom to help support the waiver of the parking requirement.

4. Height. As a precaution, the applicant also seeks a height waiver of two (2) feet above the 35 foot maximum height of the R-4 district. This waiver may not be needed but the project seeks a little flexibility while the construction documents are being prepared. The project architect is working on establishing the finished floor levels of the first floor units which will be either handicap accessible or adaptable.

C. **Fees**. In connection with the fee schedule of the City of Lincoln, a check from Gatehouse Row, L.P. and, the developer, Hoppe Homes, will be delivered to the Planning Department in the amount of:

| | | |
|---|---|---|
| 1. Change of Zone: | | $988.00 |
| 2. Special Permit | (CUP): | $2,308.00 |
| | Total: | $3,296.00 |

A check made payable to the City of Lincoln for this sum is being hand-delivered to the Planning Department concurrent with the submittal.

D. **Site Plan and Legal Description**. Tim Gergen of Clark & Enersen has prepared the necessary legal descriptions for the: i) Change of Zone and ii) the Community Unit Plan boundaries. These legal descriptions along with the project Site Plan will be uploaded to "ProjectDox" once the project number has been identified. Mr. Gergen will also upload the Traffic Study prepared for the Project to ProjectDox.

I appreciate the City of Lincoln being willing to work with Gatehouse Row, L.P. on this important project to further the goals of the City of Lincoln in providing housing opportunities for all incomes in our neighborhoods. If there are any questions, please do not hesitate to contact me.

Sincerely,

Thomas C. Huston
For the Firm

Enclosure

4820-6619-3367, v. 1

FELSBURG HOLT & ULLEVIG
connecting & enhancing communities

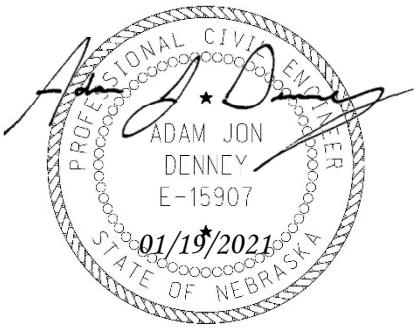
# MEMORANDUM

**TO:** Mr. Tim Gergen, PE
Principal
The Clark Enersen Partners
1010 Lincoln Mall, Suite 200
Lincoln, NE 68508-2883

**FROM:** Adam Denney, PE, PTOE
Tim Adams, EI
Felsburg Holt & Ullevig

**DATE:** January 19, 2021

**SUBJECT:** N. 36th Street Multifamily Trip Gen and Counts




## Executive Summary

The multifamily development scenario, compared to the single-family development scenario, would be anticipated to increase peak traffic volumes in the AM peak hour by 28 vehicles and 32 vehicles in the PM peak hour. The denser multifamily development scenario, compared to the less dense multifamily development scenario, would increase peak traffic volumes by 8 vehicle-trips in the AM and 10 vehicle-trips in the PM.

The residential streets in the study area are all built to accommodate 3,500 - 6,000 trips per day. The typical residential / neighborhood street carries 500 to 1,000 ADT. In no scenario would the additional daily traffic from the proposed development be anticipated to increase ADT's above those thresholds.

The distribution of site-generated traffic throughout the roadway network was based on existing traffic patterns, with approximately 28% accessing the neighborhood from 33rd Street, 28% from Vine Street, and 43% from O Street. There is expected to be minimal impact on traffic operations, and street improvements are not recommended.

## Introduction

This memo is a traffic study for a proposed multifamily development located in Lincoln, NE on the east side of N. 36th Street between O Street and Vine Street. The information used to prepare this proposal is based on information provided by The Clark Enersen Partners. Included in this study were the collection of average daily traffic (ADT) counts, trip generation estimates, and roadway level of service (LOS) analysis. The primary focus is on traffic operations at the following locations:

- 33rd Street between Q Street and R Street
- 35th Street with O Street
- 35th Street with R Street
- 35th Street with Vine Street

Historic traffic counts at 33rd Street with O Street and Vine Street were provided to Felsburg Holt & Ullevig (FHU) by the City of Lincoln. ADT counts were conducted on December 15, 2020, at two locations: 33rd Street between Q Street and R Street and 35th Street with R Street. Existing ADT counts are shown in **Figure A.** Full detailed counts are also included at the end of this memo.

**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:** | January 5, 2021, County-City Building, City Council Chambers, 555 S. 10th 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. |

**WYUKA HOUSING REDEVELOPMENT**

Members present: Canney, Eagle Bull, Hind, Peace and Penn; Huston declared a conflict of interest; Deeker absent.

Emily Anderson stated this is a project with Hoppe Homes. Clark Enersen is the civil engineer. This is proposed for up to 106 housing units on eight acres of land. They wanted this committee to look at the overall concept. There is an existing road that connects from the cemetery to the neighborhood. They felt this was important to keep for walking and connectivity. In addition to the clubhouse, there will be a playground and community garden. Many of the early houses in the existing neighborhood are on lots that are 40 feet wide. They are trying to keep this with the buildings. She showed some drawings. The roofs will be gabled. Two to three will be clad in brick. A lot of the houses in the Hartley neighborhood have porches. She showed a picture of a similar project in Omaha. They are proposing fiber cement panels for the exterior. Two to three units per cluster will be faced in brick. There will be exterior stairs.

Peace would like to know the density if this follows the current zoning. Anderson stated this is zone R-4 Residential. This will be affordable housing with a 25 percent increase for a total of 98 units.

Fred Hoppe believes it is critical to understand the financing. They are moving forward with a 4% bond from a housing tax credit. They are going to NIFA (Nebraska Investment Financing Authority) for affordable housing. When you do that, the cost of doing bonds requires a certain density. That minimum number is about 100. They are trying to create a line of units that have a density to make a low income housing tax credit project work, but still has a feel with the neighborhood. They also want a porousness and something that transitions from Hartley Neighborhood into the cemetery. This wasn't the easiest site to work with. We will take the historic features and reincorporate them. We have to have a certain density to make this work.

Huston pointed out that Wyuka Cemetery is a state chartered corporation.

Fred Hoppe noted that this site is immediately north of the Wyuka pond. Wyuka will retain the pond. They want a hiking trail that will go by the lake and ties Vine St. and 'O' St. together. This will be 100 percent low income rental property.

Canney noted that the south parking seems to share the street. He inquired if that is a full street that runs through. Anderson responded that is 36th Street. Fred Hoppe stated they are trying to purchase that from the City. 36th St. is only two blocks long from 'Q' St. to 'S' St. We will have to pave 36th St. from 'R' St. to 'S' St. The goal is to not have double circulation in the design of the project. They would rather have green space. There is a proposal in the redevelopment agreement to acquire the right-of-way from the City so we could own the property.

Huston believes the site plan reflects a certain number of off-street parking stalls. Hind pointed out that 'T' St. runs east to west. Fred Hoppe stated that is not intended for access. It will dead end.

Eagle Bull observed that the first level porches all seem to face the parking lot. Anderson stated that had to do with being a good neighbor. It was important to address this urbanistically. That is why they are facing the street. There are balconies to the back side on the 2nd and 3rd floor.

Hind questioned the construction materials being proposed for the covered patios. Anderson replied they would be primarily wood and Hardi board. They have yet to get into the finer details.

Hind thinks the plan is great. He supports the parking strategy. Keeping the green space is important. It will mesh into the park and blend into the neighborhood, as opposed to a stark line between the two. He applauds the effort.

Hageman stated that the applicant is starting very early on this project. There is still a lot of City staff comments to come. We wanted to get some early feedback,

Fred Hoppe stated they are also on a timeline to get to NIFA. They need to make sure they are done by the middle of March 2021.

Huston stated this was anticipated as coming back in February 2021 to Urban Design Committee for further review. We know there will be refinements.

Hind believes the nuance between public access and the components would be really good to present and talk about.

Fred Hoppe stated the plan is to keep the brick roadway pretty much intact as it is. There is an obligation to take the fencing back to Wyuka. They are trying to get replacement of the fence on the line between them.

Hind would like to see the relationship between the private and public clusters and how they are mitigated. Anderson stated they could explore different materials or colors. Fred Hoppe pointed out they are trying to give it a rowhouse feel.

Peace doesn't have a problem with the density. It seems appropriate. He thinks this will be great. The applicant talked about the 36th St. side. He has some reservations about it. He questioned if there has been any pushback. It looks from the site plan that the applicant is looking to put parking on the side of 36th St. He is picturing all the stalls full. For the four homes that front 36th St., that is a lot of cars to look at. Fred Hoppe was looking to break it up to four to five stalls per greenspace.

Peace believes it could be a matter of another five feet on 36th St. You need a little extra space to make the backing up maneuver a little easier.

Huston stated it will probably be a mix of off-street and on-street parking.

Canney noted that 'T' St. connects on the north but stops on the south. It might be worth considering making a connection. He is just recommending that is something they could look at. Perhaps it could be extended for walkability. Huston noted the ownership is complicated.

**ACTION:**

Hind moved approval of the concept with more detail to come, seconded by Peace.

Penn would like the applicant to come back with the landscape plan. Gergen stated they plan to connect to the trail around the pond at Wyuka.

Hind is looking at the cluster and wondered if the applicant could shift it more if it would create more private space. Anderson stated it is warranted by the 50 foot dimension for access. She will explore if any parking changes.

Motion carried 5-0: Canney, Eagle Bull, Hind, Peace and Penn voting 'yes'; Huston declaring a conflict of interest; Deeker absent.

**Excerpt of**
**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:** | February 2, 2021, County-City Building, City Council Chambers, 555 S. 10th Street, Lincoln, NE. |
| **MEMBERS IN ATTENDANCE:** | Tom Huston, Gil Peace and Michelle Penn; (Mark Canney, Emily Deeker, and Tammy Eagle Bull absent). Peter Hind appeared online via © Zoom Video Communications. |
| **OTHERS IN ATTENDANCE:** | Paul Barnes, Stacey Hageman, Collin Christopher and Teresa McKinstry of the Planning Dept.; Dan Marvin of Urban Development; Tim Gergen and Kelsey Moline of Clark Enersen Partners; Emily Anderson; and Jake Hoppe appeared in person. Ernie Castillo of Urban Development; Michael Sands; Jeri Schlickbernd; and Mike Schlickbernd; appeared online via © Zoom Video Communications; and other interested citizens. |

**WYUKA HOUSING REDEVELOPMENT**

Emily Anderson stated they appeared before Historic Preservation Commission and it was determined there was no impact to Wyuka Cemetery. They are here today to present the landscape plan. This is west of Wyuka. She showed an updated site plan. We now have off street parking. There are now 98 units in six clusters of buildings. They are no longer showing the path behind the units due to civil engineering constraints. The plan consists of one, two and three bedroom units stacked in building clusters. The materials for the buildings have not changed. Fiber cement board will be used for the primary material. There will be brick face on the two-story units with accent panels. She showed the patio space. All units on grade will have a patio area.

Kelsey Moline shared a site plan of the landscaping. She showed the new public road north of 'R' Street and the new onsite parking areas. She pointed out the existing landscape screen. She showed the Evergreens that they wish to preserve. She showed the overall landscaping approach. They would introduce some moisture tolerant plants by the drainage. On the east side, there is a lot of screening with the existing Evergreens. They would also add some understory heritage shrubs. They are proposing to add street trees to the southwest and smaller shrubs to define the patio spaces. The east planting screen will introduce Spruce, Ponderosa Pine and Douglas Fir. Shrubs will be used to fill in the understory such as Forsythia and Juniper. On the west side, they will introduce more color and diversity with Eastern Redbud and Elms. She showed the detention cells. They look to add canopy trees, but use species that can handle the moisture, with a turf grass undercover. South of 'R' Street, they will have more space to work with to

add some more shrub cover between the sidewalk and patio space, and in between the patio spaces. They are more constrained on the north side but will still be able to landscape with understory and shrubs.

Peace questioned if the change on 36th Street was by choice or recommended by LTU. He likes it. He asked about parking. Tim Gergen replied the change was due to a comment from the City.

Penn stated it looks like the parking will accommodate the apartments. Gergen stated this will accommodate all parking on the site and not take away any parking in the neighborhood.

Penn asked about connecting to the waterway. Gergen stated the channel takes on quite a bit of water from 'O' Street.

Penn thinks this is lovely.

Huston appreciates the removal of parking from the public right-of-way. The site grew with a little more land. It helps diminish the density somewhat.

Penn thinks this will be beautiful with all the colors and landscaping. This will be affordable housing. She would be rather proud of this for the City.

Peace liked it last time and likes it even more this time. He is excited to see it happen. He asked if the proposed landscaping is conditional on the development, not a code requirement. Gergen replied both. We have code requirements for street trees and screening that we want to be cognizant of. We are screening the cemetery for privacy and silence. Peace thinks it looks great.

Huston stated that the review last month was the official recommendation. Today is the update on the landscaping.

*F:\Boards\UDC\Minutes\2021\020221 excerpt.docx*

**Excerpt from**
**MEETING RECORD**

*Advanced public notice of the Historic Preservation Commission meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Wednesday, January 13, 2021.*

| | |
|---|---|
| **NAME OF GROUP:** | HISTORIC PRESERVATION COMMISSION |
| **DATE, TIME AND PLACE OF MEETING:** | Thursday, January 21, 2021, 1:30 p.m., Room 113, 1st Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska. |
| **MEMBERS IN ATTENDANCE** | Melissa Dirr Gengler, Nancy Hove Graul (arrived at 1:38 p.m.), Jim Johnson, Greg McCown, Jim McKee and Greg Newport; the seventh seat of this Commission is vacant. |
| **OTHERS IN ATTENDANCE** | Stacey Hageman, Stephanie Rouse and Rhonda Haas of the Planning Department. |
| **STATED PURPOSE OF MEETING:** | Historic Preservation Commission Meeting |

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

McCown requested a motion approving the minutes for the meeting of December 17, 2020.

Motion for approval made by Johnson, seconded by Newport and carried 6-0: Gengler, Hove Graul, Johnson, McKee, Newport and McCown voting 'yes'.

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

**DISCUSS AND ADVISE:**

- **Recommendation for Redevelopment at Wyuka Cemetery listed in the National Register of Historic Places.**

**Jake Hoppe, Hoppe Development,** came forward and stated this project is a 98-unit rental rowhome style project is eight acres of surplus land on the western edge of Wyuka. He shared that they are pursuing an affordable housing mechanism that is new to Lincoln, with a 4 percent bond program. Unlike the traditional tax credits that are allocated to the state the affordable

bond mechanism allows them to pursue tax credits that are not limited to its allocation to the state, so it is an unlimited potential fund. This means, that 100 percent of the units will be affordable for an AMI (Area Median Income) of 60 percent or below, and the applicants will need to be income qualified to live in one of these units. Hoppe shared that they are wanting to make this an example of how Lincoln and its different resources within the community can come together to make other projects like this happen.

Hoppe stated they will preserve some of the historic elements and the sense of connection between the community of Hartley and the surrounding neighborhood. They are wanting to preserve the western entrance into Wyuka, the brick road and the brick lane into the cemetery and relocate the historic cemetery fence to the lot line. They will purchase and use of the existing caretaker house, which will be turned into an amenity for the community without altering its exterior. Hoppe stated this is a unique design that focused on how to have a higher density use on a smaller scale, but still achieve the density needed to continue with the project. They have had discussions with the neighborhood, the Board of Wyuka is in support of the design, and the Urban Design Committee has approved this design.

**Emily Anderson, SCHEMMER,** came forward stating that the PowerPoint presentation (see Exhibit "1") is an updated version of the materials that the commissioners may have already received, which illustrates the proposed plans for this development. The development area is from Vine Street to Q Street, and North 36th Street to the west side of Wyuka Cemetery, which covers eight acres. The proposed site plan has 6-clusters of 10- to 20- units with its associated parking. Anderson stated that they will maintain and augment the buffering between the project and Wyuka. Maintain the historic pedestrian connection, the brick roadway and preserve the existing caretaker home, which will be an amenity building used for the leasing office and a community room. Anderson stated that they will be relocating a portion of the historic cemetery fence to the lot line. The historic brick-way entrance and its original gate will be moved further back to the edge of the Wyuka property. She stated that some enhancements will be necessary to the caretaker home to make it accessible, but no significant façade enhancements are anticipated, and they will evaluate if they will use the garage.

Anderson stated they are proposing a community garden and playground that will be located behind the structures, and their location is meant to reenforce the historic elements as being central to the project. She explained that the neighborhood uses the brick roadway to walk through the cemetery and they wanted to be respectful of this. An important piece of this development is to be compatible with the neighborhood and have a visual and physical connection by keeping the brick road and building the units in clusters for the visual connection through the development to the cemetery.

Many of the older houses in the neighborhood are 20- to 25-foot wide and this project will use a 20- and 22-foot module that can be configured in several ways. Anderson explained the modules configuration can be changed so the appearance of each cluster is different, and the taller units will be further back to break up the scale of the development to fit the neighborhood. Anderson

stated that they will be using cement board lap siding and two or three of the units in each cluster will be brick. Many of the houses in the Hartley neighborhood have porches and many of the units will have a patio with a covering. The corner units will have more of a porch like element.

McKee inquired if they would need to modify the historic preservation description. **Kelli Bacon, History Nebraska, testified via Zoom teleconference,** stating she doubts that they would, but that would be a question for David Calease the National Register of Historic Places Coordinator. She shared that typically nominations in large areas have development that has occurred on their fringes and they have not gone back and amended the boundaries of their nomination. McKee stated that one of the things the board is required to do is to ensure that the project will not negatively impact the historic site, and he feels they would need input from SHPO (State Historic Preservation Officer).

Gengler stated for clarification that this project is within the boundaries of the listed historic site and not adjacent to it and asked if that was correct. Anderson said yes.

McCown asked who retains ownership. Hoppe stated that they would be purchasing the land from the Board of Trustees of Wyuka who has also sold property on the east side. McCown inquired when completed who will retain ownership and management of this development. Hoppe stated that there will be a project-based entity predominately owned by the tax credit investors, and further stated they would retain a nominal amount and would ensure management. Newport inquired who would maintain the property on a long-term basis. Hoppe stated that either they would manage them directly or they would have a subcontractor.

McCown inquired if the site design is meant to feel separate from the cemetery or if it would be blended in, and further inquired how much buffering there would be between the cemetery and this project. Birch stated that they felt it was important to have a lot of buffering and eventually there would be a landscaping plan to show the buffering. McCown asked if there will be fencing on the east side of the project separating the cemetery from the project. Birch said that just portions of fence would be used on the east property line of the cemetery.

Gengler asked about the landscaping between the development and the neighborhood. Anderson said there would be significant landscaping to create privacy and they have not yet completed their landscaping plan. McCown wonders if this is intended to integrate into the neighborhood or if it will be separated out as its own thing. Anderson stated that she feels this is a result of the projects location, which is on the edge of the neighborhood and may feel like it is a little different because of the houses that are adjacent to the development. She shared that in a way it will feel like it is separate, but they are doing as much as they can to make amenities available to the neighborhood. McCown stated that it does look like there are several points within the development that goes from the neighborhood to the cemetery and asked if that was correct. Anderson said yes, the intention was to make it friendly and walkable for the neighborhood.

Newport stated that it looks like there is a lot of parking for the number of units proposed and

asked if that amount was required. Anderson said that they are at a 1.4 parking ratio, which is a reduction in the parking. Hoppe stated that they had thought of using the street parking as part of the element, but the neighborhood asked that the development keep its parking onsite and was done in response to neighborhood desires.

Gengler inquired if this requires a 106 Section review with the State Historic Preservation Office and how it went, and further inquired about the neighborhood context in Omaha that was mentioned earlier with a similarly funded project. Anderson stated the project in Omaha has 3-story units that are across the street from a similar project. Hoppe stated that he was not aware of what a 106 Section review was or if one was needed. Birch stated that they have not started the 106 Section review yet.

**Steve Peregrine, Executive Director of Nebraska Housing Resource,** came forward and stated on a volunteer basis he serves as the President to the Wyuka Historical Foundation. Peregrine stated that the State of Nebraska gave the original trustees money not the land and they originally rejected the site the state wanted for them in the swamps of South Salt Valley and they instead purchased this site. The original acquisition did not include this parcel, but the boundary of the parcel does include the side on the west edge. He explained that 36th Street from R Street to S Street is gravel and T Street is also gravel and very narrow when going east. Peregrine shared that the city will want to have 36th Street paved but they do not believe that there will be any attempt to take out all the trees along T Street for paving. This is also an isolated tract of ground and the Ponderosa Pine Trees define a buffer for the neighbors. The reason that the trustees have agreed to sell this portion of land is because there is no intent to use the land for gravesites and it is a hard area to maintain. Peregrine stated the trustees see this as a way to clean up this area and it will provide some security with residents closer to the cemetery that may see vandals. He shared that there will be a pathway that goes around the pond and will connect to a new sidewalk within the development. There is a rod iron fence not part of the historic fence on O Street from the 1870s or 1880s, which is still a fairly old rod iron spiked fence and it will be use to define certain boundary areas and the brick roadway gated entrance on R Street to keep traffic out of the cemetery.

Newport inquired if they would or would not be paving 36th Street. Peregrine stated that 36th Street from R Street to S Street will be paved. Hoppe stated that they will also be paving Q Street.

**Mark Hunzeker, Baylor Evnen, 1248 O Street, Suite 600,** came forward representing the Hartley Neighborhood Association. He stated that the neighborhood had unanimously stated that the density of 98 units is too much for this site. The original site plan that they were given showed a six acre site and then the parcel on the northeast side of the waterway at the north end was added to make it eight acres, but functionally it did not add any useable area to the site and you still have 98 units on six acres which is not allowed in R-4. Hunzeker stated that all the traffic from this project will need to drive through the neighborhood to get to any connecting arterial street. They have suggested a connection from the development that would cross the channel to Vine Street and LTU (Lincoln Transportation & Utilities) has decided this is not a connection they are willing to allow for a variety of reasons. Hunzeker stated that they are not in opposition to this

project because it is for low income, but they are concerned that it does not fit on this site, it will have an impact on the neighborhood, and the historic cemetery.
The impact is greater to the area because of the parking ratio provided. The requirements for R-4 is two parking stalls per dwelling unit and this proposal has 1.4 stalls per dwelling unit. He shared that there are very few gaps between the units that would indicate that there is anything green on the other side.

Hunzeker asked that the board advises the developer to reduce the number of units, provide more parking, advise SHPO that a 106 Section review should be initiated and that the Hartley Neighborhood Association and individuals affected by this project should be invited to be a consulting party to the 106 Section review process. McKee stated the boards position would only be to instruct SHPO to be cognizant of this project and make sure that it does not impact the Wyuka Historical Designation. Hunzeker stated that he understands what Commissioner McKee has stated. McKee stated that he too, understands Hartley's position and does agree with them. Hunzeker stated that they are asking that the board does whatever they can do. McKee stated that the board could work this into their recommendation.

Anderson stated that they are within the allowable density of the neighborhood in the R-4 district, which is what it will be zoned. She shared that the parking shown on the site does not include the parallel parking on the street. McCown asked if changing to the eight acres had anything to do with the density. Anderson stated that it had more to do with other factors. Hoppe stated it had to do with water and storm water management, and they were within the density without the additional acres. Anderson stated that the density is what allows for it to become affordable. McCown stated that there is no potential of the additional two acres in the northeast quadrant to be constructed on, correct. Anderson said no because it is to be used for stormwater detention.

Hove Graul stated it seems unnatural to go from a residential neighborhood to a high-density development before you get to their park like setting. She shared that she understands what they are saying, and it is not uncommon to have a high-density community like this accessing through a neighborhood. In many instances, high-density developments are built first and then the neighborhoods start to develop around them, and those neighbors understand that there are apartments around them. Hove Graul stated that she is uncomfortable with the number of units in the area and not because of the design, but because it becomes a steppingstone, if you will, from the neighborhood into the park like setting. She stated that a disservice is being done to urban development when something that has this much density is brought into an area like this one.

McCown inquired if they were still having conversations on an arterial access. Hunzeker stated that the city is saying no, and further stated that it would be incorrect to say that other developments like this within the city do not have to drive through the neighborhood to get to an arterial street.

Gengler stated that she would be abstaining from the vote on this item, because she has been

approached on the possibly of consulting on this project if it is a federal undertaking.

McCown stated that this is just a recommendation. **Stacey Hageman, Planning Department,** came forward and stated that this will be going to the Planning Commission with zoning changes and is also included in a blight study. Hoppe stated that there is a change of zone and a redevelopment plan at the core of this. He shared a few years ago there was a previous affordable housing project proposed with 70 units for this site and it did not move forward because of the opposition from the neighborhood. Hoppe shared that no one is opposed to affordable housing, but they are opposed to the conditions that allow affordable housing and density is one of those conditions. Each unit that is taken away from the density is approximately $160,000.00 of sources to the project and loses $130,000.00 of uses to the project. Hoppe stated that the original plans did not include the caretakers house or to have all the parking onsite, and part of what is driving the density are these concessions that were added for the neighborhood. It is important to realize the challenges of delivering affordable housing in any reasonable scale. Hoppe stated that they are asking for a recommendation of approval and they would return to show landscaping and buffering, if needed.

Newport stated that access to an arterial is the neighborhoods major concern and asked if there was a way to appeal that decision. Hoppe stated that they did do a traffic study and there are three routes to get to an arterial street and the study showed the traffic was spread equally between those routes.

Gengler asked for a brief context of the site selection process. Hoppe stated that Affordable Housing Plan and the LPlan prioritizes infill of affordable housing in established residential neighborhoods and they have been interested in this site for a long time. When thinking of affordable housing you will think of access to services that the resident can walked to and that is near public transportation.

Peregrine stated that there was a study done on North 27th Street and the Hartley neighborhood that identified sites in the neighborhood that could be used for redevelopment and the streets that were owned by Wyuka came back to the forefront through that study. Wyuka owns a strip of land on the south side of Q Street from 35th to 36th Streets and their current intent is to keep this area open and possibly enhancing it to provide more attributes to the park like atmosphere. Peregrine shared that Wyuka was historically known as the first great city park in Lincoln.

McCown stated this is for recommendation and he feels for Mark Hunzeker and the Hartley Neighborhood, because he too lives in a dense area, and knows there can be plenty of people moving through the area. He shared that he would personally like to see some sort of additional access into the area to lessen the affect to the neighborhood, and further stated he does understand that they are within the density with the zoning for the area and the land is currently underused. It would be nice to find some common ground that could offset some of the traffic through the neighborhood.

McCown asked for a recommendation.

McKee stated that they need to keep in mind it needs to state if it will impact the historical site, and further stated that he feels they have demonstrated that this will not impact the historical site, which needs to be added to the recommendation.

Hageman stated that the boards recommendation is on the use of TIF funds and if the board thinks that it is an okay use of funds because of the associated designation. Hageman stated that it would be good for the developers to have some direction put into a motion.

Newport stated that his major concern is the relationship of this project with the neighborhood and they need to make sure as part of the process everything is being looked at to minimize the impact to the neighborhood. He shared that he understands the desire to have two stalls to each unit and thinks that most of the parking will end up on the street.

Hove Graul moved that the board agrees this development does not negatively affect this historic site, and further stated to accept the historic nature of the design for the purposes of the environment, but the board is reluctant to approve due to the access in and out of the site and the impact this number of units would have on the adjacent community. The board further recommends that this project is reevaluated and there is further exploration done by the developer to find ways to mitigate these issues.

Seconded by Johnson.

Motion carried 5-0: Hove Graul, Johnson, McKee, Newport and McCown voting ‘yes’; Gengler abstained.

There being no further business, the meeting was adjourned 3:18 p.m.

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# Department Review Status Report

**Project Name:** SP21003

**Workflow Started:** 01/20/2021 3:30 PM

**Report Generated:** 02/04/2021 05:02 AM

| Cycle | Department | Reviewer | Email | Status | Reviewer Comments | Applicant Comments |
|---|---|---|---|---|---|---|
| 1 | Urban Development | Ernie Castillo | ecastillo@lincoln.ne.gov | Recommend Approval | | |
| | LTU - Wastewater | Brian Kramer | bakramer@lincoln.ne.gov | Recommend Approval | | |
| | Parks and Recreation | Sara Hartzell | shartzell@lincoln.ne.gov | No Review Required | | |
| | Charter Communications | | | | | |
| | Stronger Safer Neighborhoods | Jon Carlson | jcarlson@lincoln.ne.gov | | | |
| | Fire Department | Patrick Borer | pborer@lincoln.ne.gov | Recommend Approval | Lincoln Fire and Rescue recommends approval of this application. | |
| | Planning Dept | Brenda Thomas | bthomas@lincoln.ne.gov | No Review Required | | |

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## Department Review Status Report

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| 1 | LTU - Watershed Management | Ben Higgins | bhiggins@lincoln.ne.gov | Corrections Required | Cover sheet (sheet 1 of 6): Provide minimum opening elevations for lots 4a thru 4d based on creek 100-year flow and overland flow from sumps. For Lot 2 provide minimum opening elevation from overland flow sumps from 'R' street. Existing drainage sheet (sheet 4 of 6): Provide street names. Provide description of off-site basins that drain thru site (OS-O, OS-R) Future drainage sheet (sheet 5 of 6): Drainage easements from 'S' and 'T' streets need to be 30' wide. Evaluate overflow depths, as will need for minimum opening elevations. Show existing drainage system in R Street. Provide description of off-site basins that drain thru site. Ponds need to have a 10' top width. Show ponds in outlots or provide narrative on long term maintenance of ponds and their maintenance. Show locations of outlot ponds and outlet pipes Future drainage detail sheet (sheet 6 of 6): Need 1' freeboard for Pond A. Orifices need to be protected from flooding (e.g. orifice plate). Show outlot details for drainage outlet structures from 'S' and 'T'. Report: Report does not provide flow information from offsite drainage. Does not provide total drainage based just on the site. Based off adding outflow from proposed drainage (including basins) from just Gatehouse Row that the proposed flow is greater than existing flow. 6.2, 14.36, 25.9 cfs from existing 2, 10- and 100-year events. 7.5, 16.63, 27.3 cfs from proposed 2, 10- and 100-year events Need maintenance form. Need information (e.g. more narrative, cross sections, hydraulic runs, etc) on 100-year inundation. Deadmans Run report didn't consider back up from Vine Street culvert. Hydraulics for Gatehouse Rows needs to consider the Vine Street Culvert or alternatively set the downstream backwater depth (south of Vine Street) at one foot above the overtopping elevation for the culvert when running the hydraulics for Gatehouse Rows. Include flow information with hydrologic narrative. Note: Sureties of $10K each for each pond with final plat. Will need pond maintenance agreement with building permit | |
| | GIS Survey | Kimberly Pester | khaman@lancaster.ne.gov | Recommend Approval | | |

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## Department Review Status Report

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| 1 | Planner Review | George Wesselhoft | gwesselhoft@lincoln.ne.gov | Corrections Required | 1) Identify and show full extent of pedestrian trail where it is proposed on the east side of the development including north of the middle parking lot 2) Identify all detention areas 3) Identify number of units for each multi-family building 4) Update General Site Note 18. to reflect 80 dwelling units maximum or the number of units ultimately approved by Planning Commission or if appealed approved by City Council 5) Update General Site Note 19. to include R-2 in addition to P for existing zoning to be changed to R-4 6) Update Density Calculations to reflect 80 dwelling units maximum or the number ultimately approved by Planning Commission or if appealed City Council action 7) Update Change of Zone Legal Description to reflect existing R-2 zoning that is included to the satisfaction of the Planning Department. 8) Show all setback lines, including front yard along Vine Street, exterior side yard setbacks, and rear yard setback. 9)Show the paving of Q Street between N. 35th and N. 36th in addition to the paving of N. 36th Street between R and Streets. | |
| | Black Hills Corp | | | | | |
| | Allo Communications | Tom Gremel | tgremel@allophone.net | Recommend Approval | Allo does not have any fiber in the developing area. | |
| | County Health | Chris Schroeder | cschroeder@lincoln.ne.gov | Recommend Approval | During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Developers are responsible for all mosquito control issues during the building process and all outlots, green-spaces, and/or natural corridors subsequently controlled by the owner, tenant, occupant, lessee, or otherwise, for that subdivision would be responsible for vectors of zoonotic disease in those areas. | |
| | LES | LES Reviews | edreviewer@les.com | Recommend Approval | 1/28/2021 Utility easements will be obtained during the CUP/final plat process. -JG | |
| | LTU - Engineering Services | Bob Simmering | rsimmering@lincoln.ne.gov | Recommend Approval | Improvements to unpaved streets serving this project are responsibility of developer including 36th and Q-EO's required. Utility extensions and improvements to serve this property are responsibility of developer and should be constructed through EO's. | |
| | Building and Safety | Ron Rehtus | rrehtus@lincoln.ne.gov | | | |

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## Department Review Status Report

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| 1 | LTU - Water | Dave Beyersdorf | dbeyersdorf@lincoln.ne.gov | Corrections Required | The lots connecting to the water main south of 'R' St require a 6" water main for connection, which is the required minimum size for new residential development, current water main in this area is under sized (4") to provide adequate fire flow to serve new development. Water flow and pressure in this area if currently borderline, with customer complaints during peak demand. This area is currently at the low end for water pressure (35-40 psi), with 3 story development planned and 4" water mains feeding in from 35th St on 'Q', 'R' and 'S' St. A network analysis needs to be performed to determine if adequate fire flow and pressure is available to serve this development, as well as adequate pressure and flow to the top level, and to also verify that this development will not have any negative impacts on the existing properties in this area. | |
| | Development Review Manager | Stephen Henrichsen | shenrichsen@lincoln.ne.gov | | | |
| | Windstream | | | | | |
| | Street Name Review | Terry Kathe | tkathe@lincoln.ne.gov | No Review Required | Streets are all existing and addresses will be off of those existing streets | |
| | United States Post Office | Kerry Kowalski | kerry.j.kowalski@usps.gov | Recommend Approval | Recommend approval on the condition all new delivery addresses are established in Centralized Box Units (CBUs) which will be purchased and installed at the developer's expense in a location mutually agreed upon by the developer and the US Postal Service. | |
| | Historic Districts - Capitol Environs | | | | | |