Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

Tracy Corr: Chair
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PLANNING STAFF

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

March 17, 2021

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

Approval of minutes of the regular meeting held March 3, 2021.

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

COMPREHENSIVE PLAN:

1.1 COMPREHENSIVE PLAN CONFORMANCE 21005, to amend the City of Lincoln's 6-Year Capital Improvement Program for FY 2020/2021 to 2025/2026, to centralize Aging Partners facilities on the Veterans Affairs Campus, on property generally located at 600 South 70th Street.

Page 01

Staff recommendation: In General Conformance with the Comp. Plan
Staff Planner: Paul Barnes, 402-441-6372, pbarnes@lincoln.ne.gov

SPECIAL PERMIT:

1.2 *Page 09* SPECIAL PERMIT 450S, to allow Madonna Rehabilitation Hospital to amend their campus signage plan for new signage to include electronic changeable copy signage, with front yard setback reduction for signage, on property generally located at 5401 South Street.
Staff recommendation: Conditional Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

1.3 *Page 21* SPECIAL PERMIT 1327B, to allow for an additional 18-hole mini-golf course and for the sale of alcohol for consumption on the premises, on property generally located at 5901 South 56th Street. ***** FINAL ACTION *****
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

1.4 *Page 31* SPECIAL PERMIT 21008, to allow for the sale of alcohol for consumption both on and off the premises, on property generally located at 1433 Dahlberg Drive.
***** FINAL ACTION *****
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

1.5 *Page 41* SPECIAL PERMIT 21010, to allow for an AG (Agricultural District) CUP (Community Unit Plan), on property generally located at 5100 South 98th Street.
Staff recommendation: Conditional Approval
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

TEXT AMENDMENT:

1.6 *Page 53* TEXT AMENDMENT 21001, to amend Title 27, Chapter 27.69.260 regarding signage regulations pertaining to Nonresidential Healthcare Facilities to allow for electronic changeable copy signs; and repealing Section 27.69.260 of the Lincoln Municipal Code as hitherto existing.
Staff recommendation: Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

STREET AND ALLEY VACATION:

1.7 *Page 61* STREET & ALLEY VACATION 21001, to vacate portions of the following rights-of-way: the T Street right-of-way located east of the former east right-of-way line of N. 36th Street and north of Lots 8-14, Roger's Subdivision of Lot 2, Block 7, Ridgeway and south of Lots 1-7, Roger's Subdivision of Lot 2, Block 7, Ridgeway; the seven foot alley right-of-way east of the former east right-of-way line of N. 36th Street and north of Lot 3, Block 7, Ridgeway Addition and south of Lots 8-14, Roger's Subdivision of Lot 2, Block 7, Ridgeway; the seven foot alley located east of the former east right-of-way line of N. 36th Street and north of Lots 1-7, Roger's Subdivision of Lot 2, Block 7, Ridgeway and south of Lot 1, Block 7, Ridgeway; R Street right-of-way east of the east right-of-way line of N. 36th Street located south of Lot 6, Block 7 Ridgeway and north of Lot 1, Block 20, Ridgeway Addition, all located in the SE 1/4 of Section 19-10-7, Lincoln, Lancaster County, Nebraska, generally

located at 3600 R Street.
Staff recommendation: Conforms to the Comprehensive Plan
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

WAIVER:

1.8 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 73
Staff recommendation: Conditional Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

2. REQUESTS FOR DEFERRAL:

3. ITEMS REMOVED FROM CONSENT AGENDA:

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

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

CHANGE OF ZONE:

4.1 CHANGE OF ZONE 05061D, to amend the Southwest Village Planned Unit Development, for approval of a development plan which proposes modifications to the Zoning and Subdivision Ordinances, along with revisions to the land uses, site plans, grading and drainage plans, development plan, and other sheets, including adding a casino as a permitted use, on property generally located at South 1st Street and West Denton Road.
Page 81
Staff recommendation: Conditional Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

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

SPECIAL PERMIT:

4.2 SPECIAL PERMIT 21005, to allow for an event venue, on property generally located at 22500 South 176th Street. ***** FINAL ACTION *****
Page 145
Staff recommendation: Conditional Approval
Staff Planner: Tom Cajka, 402-441-5662, tcajka@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
Paul Barnes, *Long Range Planning Manager*	402-441-6372	pbarnes@lincoln.ne.gov
Collin Christopher, *Planner*	402-441-6370	cchristopher@lincoln.ne.gov
Tom Cajka, *Planner*	402-441-5662	tcajka@lincoln.ne.gov
Stacey Hageman, *Planner*	402-441-6361	slhageman@lincoln.ne.gov
Rachel Jones, *Planner*	402-441-7603	rjones@lincoln.ne.gov
Stephanie Rouse, *Planner*	402-441-6373	SRouse@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

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

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

ACCOMMODATION NOTICE

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

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER
Comprehensive Plan Conformance #21005

FINAL ACTION?
No

DEVELOPER/OWNER
City of Lincoln

PLANNING COMMISSION HEARING DATE
March 17, 2021

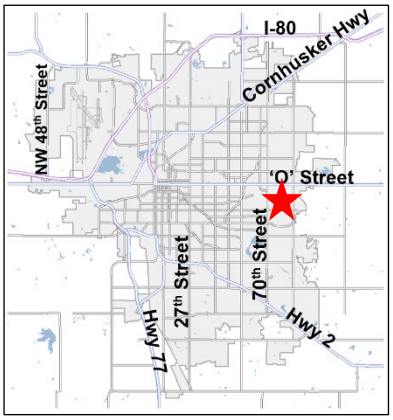
RELATED APPLICATIONS
None.

PROPERTY ADDRESS/LOCATION
600 70th Street

RECOMMENDATION: IN GENERAL CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

This is a request to amend the Capital Improvement Program (CIP) by adding the Victory Park project to the Aging Partners CIP. This is a new project in the CIP which requires a review by Planning Commission to determine if the project is in conformance with the Comprehensive Plan.



JUSTIFICATION FOR RECOMMENDATION

Aging Partners will centralize their administration, social work, health & fitness, dining and other programming for seniors on the Veterans Affairs (VA) campus located at 600 S. 70th Street. Two existing buildings on the VA campus will be used and require capital investment to serve the needs of the Aging Partners Department.

APPLICATION CONTACT

Randall Jones
(402) 441-6132
rsjones@lincoln.ne.gov

STAFF CONTACT

Paul Barnes
(402) 441-6372
pbarnes@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The request is generally consistent with the Comprehensive Plan as Aging Partners will continue to provide services for the aging population in our community.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 2.4 – A second demographic trend of significance is the continuing growth in the area's senior population. The number of people in Lancaster County aged 65 and older is projected to increase by about 40,000 to reach about 75,000 in 2040. This represents a projected annual growth rate of 3.1 percent, the highest among all age sectors. Issues relating to an aging population will increase in importance as more and more individuals reach the age of 65 and above.

P. 4.6 – The community's distinctive character and desirable quality of life for current residents and for future generations should be supported by exercising stewardship of historic resources throughout the county, while maximizing benefits of past investments in public infrastructure and private property. The Plan encourages the continued use and maintenance of historic resources, including properties not formally designated as landmarks.

P. 12.13 – Strategies for the Capital Improvement Program

- The CIP should be utilized to provide a systematic and predictable forum for determining the timing of infrastructure improvements.
- Infrastructure improvements should continue to be implemented only in areas identified for development in the Lincoln/Lancaster County Comprehensive Plan. One of the most important tools in financing is adherence to the physical plan for the community. Following the Plan for development and systematic improvements throughout Lincoln increases efficiency in construction and maximizes the community's investment.
- Infrastructure funding to serve the growing community relies upon adequate revenue from all sources, including gas tax allocation, wheel tax, impact fees, and water and wastewater fees.
- Explore innovative funding strategies and new sources.

KEY QUOTES FROM THE VA REDEVELOPMENT PLAN

P. 21 – Victory Park is a proposed comprehensive planned redevelopment of the VA Campus into a vibrant community focused upon housing, medical care and services for seniors and veterans. When completed, the proposed development may be a national model serving two of the nation's fastest growing populations, senior citizens and veterans.

P. 22 – Victory Park intends to focus on providing three core elements to a currently underserved group of senior citizens and veterans: …Senior Services – the presence of Seniors Foundation and other senior citizen service providers is intended to create a holistic campus of living, learning and care experiences unique to Lincoln.

P. 22/23 – The Master Plan will be developed and redeveloped in phases over several years using the Planned Unit Development (PUD) concept. A summary of the proposed phases are as follows:

Phase 6: Rehab of Existing VA Hospital. The existing historic hospital comprising approximately 175,000 square feet would be repurposed to general office space for leasing to office users and for housing. A portion of the repurposed office space may be leased to senior citizen service providers.

Repurposed space will include space for locating service delivery centers for a variety of programs supporting veterans and senior citizens. The space will be programmed in partnership with Veterans Administration and Aging Partners. Services could include health and wellness training and counseling, lifestyle resources, internet access and training, nutritional and exercise, behavioral health services, housing options, and service referral resources for veteran and senior citizens.

ANALYSIS

1. This is a request to amend the current six-year Capital Improvement Program (CIP) for FY2020/2021-2025/2026 to include a new project for Aging Partners. The project is completely new and has not received a Comprehensive Plan conformance review by the Planning Commission.
2. The proposal is to centralize Aging Partners operations in two existing buildings on the VA Campus. Administration, social work, health and fitness, dining and other services provided by Aging Partners will be located in the buildings. Aging Partners will maintain, renovate and occupy these two buildings without lease payments, in exchange for agreeing to a minimum 20-year lease.
3. A combination of funding is proposed for this project including Certificates of Participation (COPS), a portion of the

proceeds from the selling of existing property, re-appropriated funds and fundraising.

4. The 2040 Comprehensive Plan acknowledges that the number of people aged 65 and older continues to increase. Per the recent projections for the 2050 Comprehensive Plan Update, we expect the highest percentage of population gains will happen as baby boomers age into older age categories. For Lancaster County, those age 65 and older are expected to double from 31,000 in 2010 to 61,000 in 2030 and rising to 75,000 by 2050. Aging Partners will continue to provide services for this growing demographic from their location on the VA Campus.
5. The VA Campus is included in the Victory Park Planned Unit Development (PUD). The two buildings that will house Aging Partners are zoned B-2 Planned Neighborhood Business District PUD, and B-2 allows office and personal services by right. No amendment to the PUD is required.
6. Victory Park is listed on the National Register of Historic Places, and phased improvements listed in the Redevelopment Plan are to be reviewed by the Historic Preservation Commission. This project will need to be reviewed by the Historic Preservation Commission at a future date, once details of the rehabilitation of the two buildings are further developed.

Prepared by

_____

Paul Barnes, Long Range Planning Manager
pbarnes@lincoln.ne.gov
March 2, 2021

Applicant/Contact: Randall Jones
(402) 441-6132
rsjones@lincoln.ne.gov

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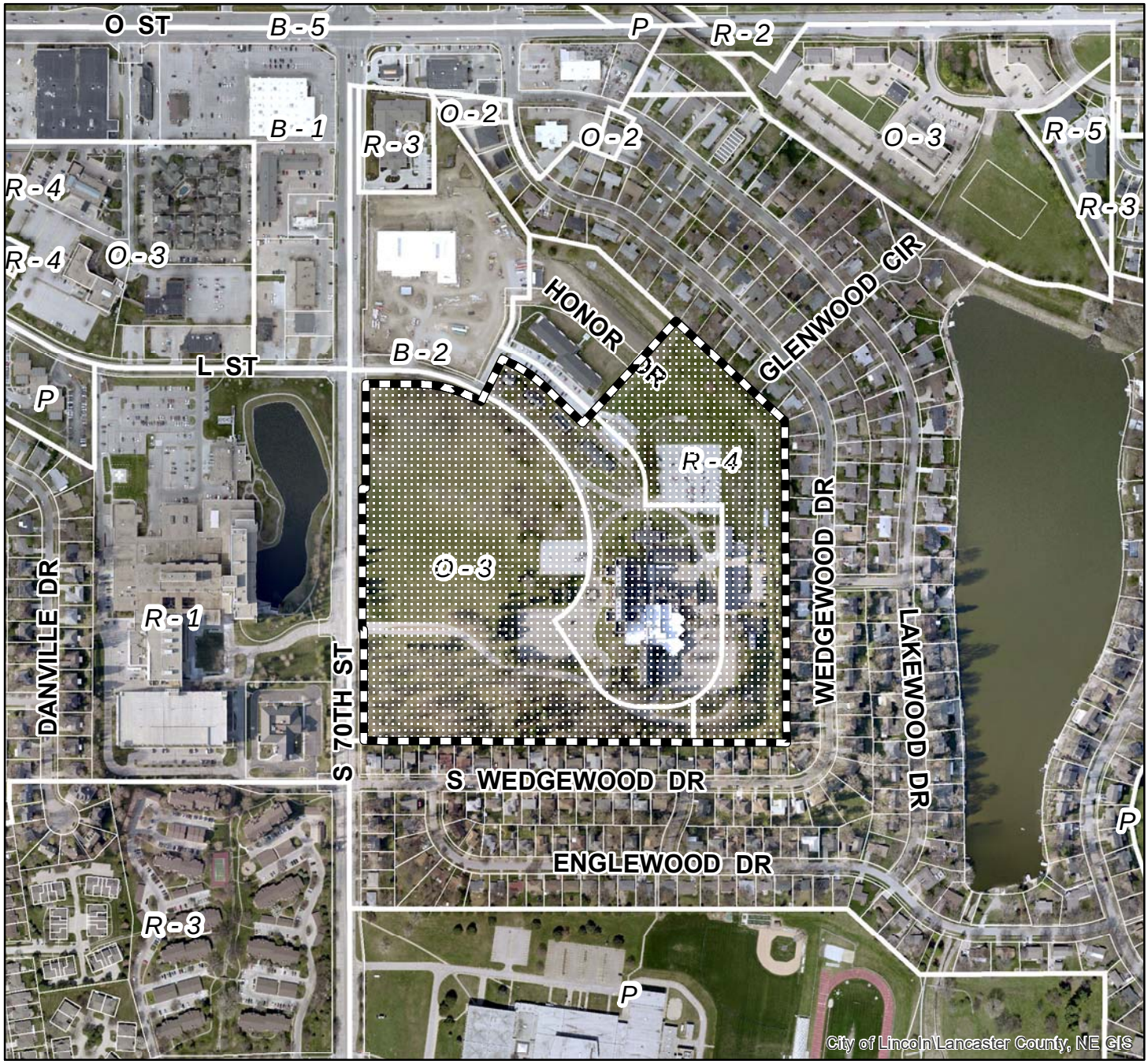


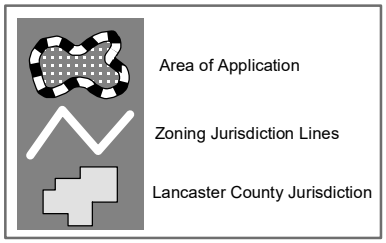
2020 aerial

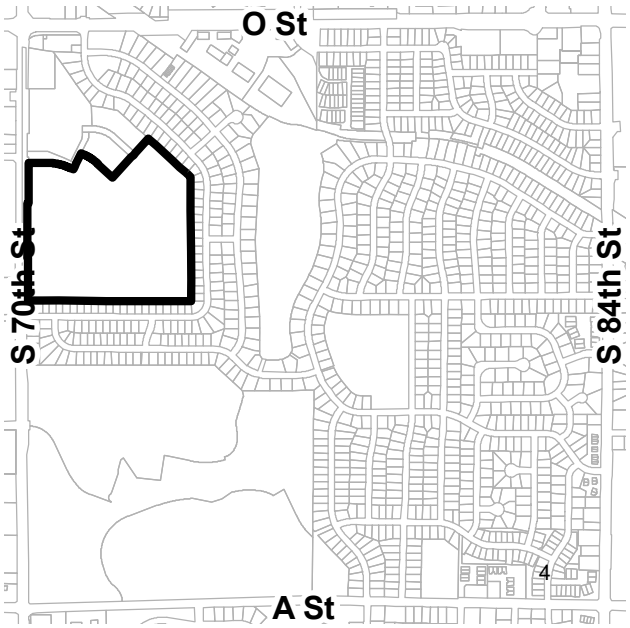
Comp Plan Conformance #: CPC21005
S 70th St & Victory Park Dr

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.27 T10N R07E





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CITY OF LINCOLN NEBRASKA

AGING PARTNERS
1005 "O" Street | Lincoln, NE 68508
402-441-7070 | F: 402-441-7160 | aging.lincoln.ne.gov

February 12, 2021

City of Lincoln, NE Planning Commission:

The Department of Aging (Aging Partners) submits this application to amend the City's Capital Improvement Program for fiscal year 2020-2021 to include the lease and renovation of a new site for the Aging Partners Department administration, social work, health and fitness, dining, and other services provided by the Department.

Victory Park, located generally at 600 S. 70th Street is uniquely positioned to serve the population that is the focus of the Aging Partners Department Victory Park has already constructed a new Veterans Homeless Housing complex and a new Community Based Outpatient Clinic to serve veterans in and around the Lincoln community. Part of the original EUL between the developer and the Veterans Administration envisioned bringing Aging Partners to the campus to provide services for those being served on the campus. Additional development is planned that includes over 600 housing units and commercial offices.

Two buildings on the VA campus will be ideal for Aging Partners to centralize our administration, social work, health & fitness, dinning and other programming for seniors. These two buildings will require capital investment if they are to serve the needs of the Aging Partners Department for a period of greater than twenty (20) years. The lease agreement being proposed allows for Aging Partners to renovate, maintain, and use these two buildings for the term of the lease without a lease payment. In exchange for this capital investment, our lease would be for a minimum of 20 years.

We look forward to meeting with you to discuss this important project for the community.

Sincerely,

Randall S. Jones, Director
Department of Aging – Aging Partners

Project:	Transportation Vehicle Replacement							
Description:								
One of the goals at Aging Partners is individual self-determination and control. Vehicles are used to transport older adults and people with disabilities to Aging Partners' Senior Centers and program activity sites. This helps to keep those individuals fully engaged in their communities and facilitate self-determination and control about their independence, well-being and health. Aging Partners' vehicles, equipped with wheelchair lifts, are used to meet the needs of individuals having mobility limitations. Vehicles are routinely analyzed to justify replacement needs. Aging Partners' current fleet contains vehicles with high mileage and requires higher maintenance. A total of two replacement vehicles have been identified for FY 2021/2022 and FY 2022/2023. The funding will be split between federal (80%) and local match (20%).					Budget Outcome:	Safe and Healthy City		
					Map ID:	210331		
					Date Anticipated:	June 2022 & June 2023		
					Rating:	B		
					Status:	New		
					Comp Plan Conformity:	Generally Conforms with Plan		
	Project Total:	$ 176,467	Prior Appropriations:	$ -	Costs Beyond:			
6 yr appropriations								
Funding Source		2020/2021	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	6 yr Total
General Revenues		$ -	$ 17,472	$ 17,821	$ -	$ -	$ -	$ 35,293
State/Federal Aid -Capital		$ -	$ 69,888	$ 71,286	$ -	$ -	$ -	$ 141,174
6 yr estimated cost by activity								
Activity type		2020/2021	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	
Equipment			x	x				

Project:	Victory Park							
Description:								
Victory Park, located generally at 600 S. 70th Street is uniquely positioned to serve the population that is the focus of the Aging Partners Department Victory Park has already constructed a new Veterans Homeless Housing complex and a new Community Based Outpatient Clinic to serve veterans in and around the Lincoln community. Part of the original EUL between the developer and the Veterans Administration envisioned bringing Aging Partners to the campus to provide services for those being served on the campus. Additional development is planned that includes over 600 housing units and commercial offices. Two buildings on the VA campus will be ideal for Aging Partners to centralize our administration, social work, health & fitness, dining and other programming for seniors. These two buildings will require capital investment if they are to serve the needs of the Aging Partners to renovate, maintain, and use these two buildings for the term of the lease without lease payment. In exchange for this capital investment, our lease would be for a minimum of 20 years. Other Financing will come from a portion of the proceeds from the selling of property, re-appropriated funds and fundraising.					Budget Outcome:	Safe and Healthy City		
					Map ID:	409434		
					Date Anticipated:	2021		
					Rating:	A		
					Status:	New		
					Comp Plan Conformity:	Generally Conforms with Plan		
	Project Total:	$ 3,640,320	Prior Appropriations:	0	Costs Beyond:			
6 yr appropriations								
Funding Source		2020/2021	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	6 yr Total
CIP C.O.P.S.		$ 1,916,000	$ -	$ -	$ -	$ -	$ -	$ 1,916,000
Other Financing		$ 1,724,320	$ -	$ -	$ -	$ -	$ -	$ 1,724,320
6 yr estimated cost by activity								
Activity type		2020/2021	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	
Capital Improvements		x						
Equipment		x						

Project Title	2020/2021	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	6 yr Total
Transportation Vehicle Replacement	$ -	$ 87,360	$ 89,107	$ -	$ -	$ -	**$ 176,467**
Victory Park	$ 3,640,620	$ -	$ -	$ -	$ -	$ -	**$ 3,640,620**
Departmental Totals:	**$ 3,640,620**	**$ 87,360**	**$ 89,107**	**$ -**	**$ -**	**$ -**	**$ 3,817,087**

Fund Source	2020/2021	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	6 yr Total
General Revenues	$ -	$ 17,472	$ 17,821	$ -	$ -	$ -	**$ 35,293**
CIP C.O.P.S.	$ 1,916,000	$ -	$ -	$ -	$ -	$ -	**$ 1,916,000**
Other Financing	$ 1,724,320	$ -	$ -	$ -	$ -	$ -	**$ 1,724,320**
State/Federal Aid -Capital	$ -	$ 69,888	$ 71,286	$ -	$ -	$ -	**$ 141,174**
Fund Source Totals	**$ 3,640,320**	**$ 87,360**	**$ 89,107**	**$ -**	**$ -**	**$ -**	**$ 3,816,787**

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

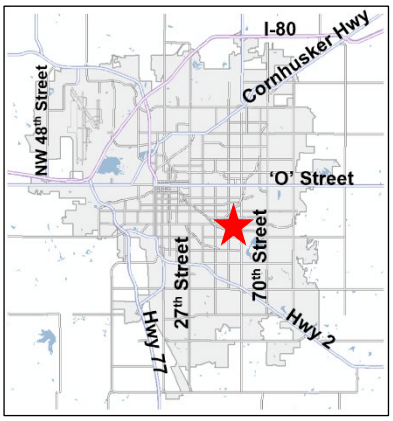
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Special Permit 450S	No	Madonna Centers
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
March 17, 2021	TX21001	5401 South Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a special permit per Section 27.63.080 Health Care Facilities – Non-Residential to amend the campus sign plan for the Madonna Rehabilitation Hospital Campus. The applicant is requesting four new freestanding signs, two of them monument style signs near the South and S. 56th Street entrances along with wayfinding signs and wall signs. The sign at the South Street entrance would be an electronic changeable copy sign. This special permit is being requested in conjunction with Text Amendment 21001 which is a related item that modifies the sign regulations pertaining to non-residential health care facilities to allow electronic changeable copy signage in residential districts. As part of this request, a front yard setback reduction is requested from 25 feet to 15 feet for the proposed electronic changeable copy sign on South Street.



JUSTIFICATION FOR RECOMMENDATION

The zoning for Madonna Rehabilitation Hospital Campus and other such facilities is residential which limits the allowable signage in comparison to other districts. The proposal, while permitting additional signage for the growing hospital campus, will not be detrimental to the neighborhood as the related text amendment will contain limiting provisions for the electronic signage.

Subject to conditions of approval, this proposal is consistent with the Zoning Ordinance and Comprehensive Plan.

APPLICATION CONTACT
Tom Huston, (402) 474-6900 or
thuston@clinewilliams.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed Special Permit is in conformance with the 2040 Comprehensive Plan, which includes public and semi public use for this area and acknowledges that health care facilities will expand appropriately in residential neighborhoods.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P 1.9 - The Lincoln Area Future Land Use Plan identifies this area for Public and Semi-Public Use

P 5.3 - Expansions of existing health care locations are expected and a wide variety of new facilities will likely come forward over time.

P 8.2 - Develop Lincoln as a major network of quality regional health care services at reasonable costs.

P 8.2 - Medical services, including physical and mental health care services, should be integrated and accessible within the community.

P 8.2 - Many of the existing medical facilities are located near existing residential neighborhoods and are expected to remain the vital core of health care services in the county and region.

P 8.7 – Provide for accessible physical and mental health care services in appropriate areas in and around residential neighborhoods.

P 8.7 – Any hospital expansion will need to take into consideration the impact on adjacent neighborhoods.

P. 8.7 – Plan for further construction on medical campuses.

ANALYSIS

1. This is a request per Section 27.63.080 Health Care Facilities – Non-Residential to amend the campus signage plan for the Madonna Rehabilitation Hospital Campus. Section 27.69.260 Nonresidential Health Care Facilities and Post-Secondary Schools provides provisions for signage such that a campus signage plan may be approved by City Council through Special Permit where modifications to the regulations are requested.

2. The request complies with Section 27.63.080 of the Zoning Ordinance. Non-residential health care facilities may be allowed by special permit in various districts. The proposal pertains to the campus signage plan. No new buildings or parking areas are proposed. The proposed new signs include four new freestanding signs, including two large monument style signs, four way finding signs and three wall signs. These signs are allowed and will meet current requirements with no waivers requested other than for one setback reduction. The monument signs will include an electronic changeable copy sign. A waiver to allow front yard setback reduction from 25 feet to 15 feet is requested for the electronic changeable copy sign.

3. The existing provisions of 27.69.260 do not allow for electronic changeable copy signs for non-residential health care facilities. The related proposed text amendment TX21001 is to include new provisions to allow such signage for such facilities which generally would include hospital facilities such as Madonna Rehabilitation Hospital, Bryan West and Bryan East, and Saint Elizabeth's. The Sign Ordinance currently allows electronic changeable copy signs in all nonresidential zoning districts except in the O-1, O-2 and R-T zoning districts with restrictions.

4. Madonna Rehabilitation Hospital in March, 2020 was approved as part of SP450R for an expansion to allow for a new three-story building on the east side of the campus comprising 48,000 square feet that included a new front entrance and lobby and parking and vehicle circulation improvements. The construction of the expansion project is progressing, and new signage is proposed.

5. The proposal would not be detrimental to nearby residential areas as the electronic signage proposed with TX21001 would have to be setback 150 feet from side and rear lots lines of abutting residential lots and a setback of 150 feet where parallel to the front lot line. The electronic signage would also have to be turned off between 10:00 p.m. and 7:00 a.m. Also, arterial street frontage is required for the electronic changeable copy sign. The other proposed signage includes freestanding sign, wayfinding signs, and wall signs that would have to follow current Sign Ordinance limitations.

6. The special permit is warranted because it will allow non-residential health care facilities that growing to have

signage comparable to office facilities in an O-3 district but with safeguards through the related text amendment for compatibility with surrounding residential neighborhoods. In addition, the proposed signage is helpful for large hospitals which get many out of town clients and visitors.

CONDITIONS OF APPROVAL: See attached.

UTILITIES: All utilities are generally available at this site.

TRAFFIC ANALYSIS: The Comprehensive Plan identifies South Street and South 56th Street as Minor Arterials.

EXISTING LAND USE & ZONING: Health Care Facility R-2 Residential, O-2 Suburban Office

SURROUNDING LAND USE & ZONING

North:	Single Family Residential, Commercial	R-2 Residential, R-T Residential Transition, B-1 Commercial
South:	Single Family Residential	R-2 Residential
East:	Single Family Residential, Parking	R-2 Residential, O-2 Suburban Office
West:	Single Family Residential	R-2 Residential

APPLICATION HISTORY: See attached

APPROXIMATE LAND AREA: 26.95 acres, more or less

LEGAL DESCRIPTION: See Attached.

Prepared by

_____

George Wesselhoft, Planner
(402) 441-6366 or gwesselhoft@lincoln.ne.gov
Date: March 4, 2021

Owner/ Applicant: Madonna Centers
Daniel Griess – Vice President
5401 South Street
Lincoln, NE 68506
(402) 401-5118
dgriess@madonna.org

Contact: Tom Huston
233 S. 13th, Suite 1900
Lincoln, NE 68508
(402) 474-6900
thuston@clinewilliams.com

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APPLICATION HISTORY – Special Permit 450S

December, 1968	Special Permit 450 approved for 120 bed Madonna Nursing Home.
January, 1969	Special Permit 450A approved to increase beds to 132.
November, 1974	Special Permit 450B approved to allow 120 beds in a three story structure instead of the prior facility which had 132 beds.
1979	The Zoning Update converted this area's zoning from A-2 Single Family to R-2 Residential.
July, 1984	Special Permit 450C was approved for outpatient rehabilitation addition.
July, 1985	Special Permit 450D was approved to add a storage building.
March, 1987	Special Permit 450E for an expansion of an Ancillary Office Building was withdrawn.
July, 1987	Special Permit 450F approved for expansion of Adult Day Care.
April, 1989	Special Permit 450G approved for Rehabilitation Therapy Extension.
December, 1991	Special Permit 450H approved to add Day Care Center for children.
March, 1992	Special Permit 450I was approved for temporary parking for employees of a construction company while working at Bryan Memorial.
April, 1994	Special Permit 450J was approved to add a new research and education wing.
July, 1998	Special Permit 450K approved to allow a 3 story addition to the St. James Building.
July, 1998	Madonna applied for Special Permit 450L for a temporary parking lot during the construction of the addition to the St. James building. That application was withdrawn and the temporary parking was approved by an administrative amendment by the Planning Director.
April, 1999	Special Permit 450M approved which added three assisted living facilities.
July, 2002	Special Permit 450N approved to construct 16 residential units.
January, 2003	Special Permit 450O approved to construct a four-plex and increase the Special Permit area.
March, 2004	Special Permit 450P approved to expand the area of Special Permit No. 450O for a health care facility in order to add a single family house for patient's families and to add a lighted ground sign.
July, 2011	Administrative Amendment 11033 was approved to Special Permit 450P to add parking stalls near the South Street main entrance.
April, 2017	Special Permit 450Q was approved authorizing an expansion of the non-residential health care campus to add parking, floor area and a property used as temporary family housing.
June, 2018	Administrative Amendment 18026 was approved allowing a building addition to the southwest corner of the main campus building.
October, 2019	Administrative Amendment 19008 was approved to allow a west entry addition.
December, 2019	Administrative Amendment 19079 was submitted to change the existing Woods House from assisted living to housing for family of patients.

March, 2020	Special Permit 450R was approved by City Council to allow for a new three-story building on the east side of the campus, new front entrance and lobby and parking and vehicle circulation with new hospital building area of 48,000 square feet.

CONDITIONS OF APPROVAL – SPECIAL PERMIT 450S

Per Section 27.63.080 this approval permits an amendment to the campus sign plan including the addition of monument, freestanding, wayfinding and wall signs and allowing electronic changeable copy signage with a front yard setback reduction from 25 feet to 15 feet for signage as depicted on the Madonna Rehabilitation Hospital Signage Plan.

Site Specific Conditions:

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

    1.1 Remove all signage from the special permit site plan and add separate signage plan sheet.

    1.2 Add note to the special permit that references the campus signage plan for specific signs.

    1.3 Amend the sign table to show that none of the freestanding or monument signs will exceed the 100-foot maximum for sign area.

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

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

Standard Conditions:

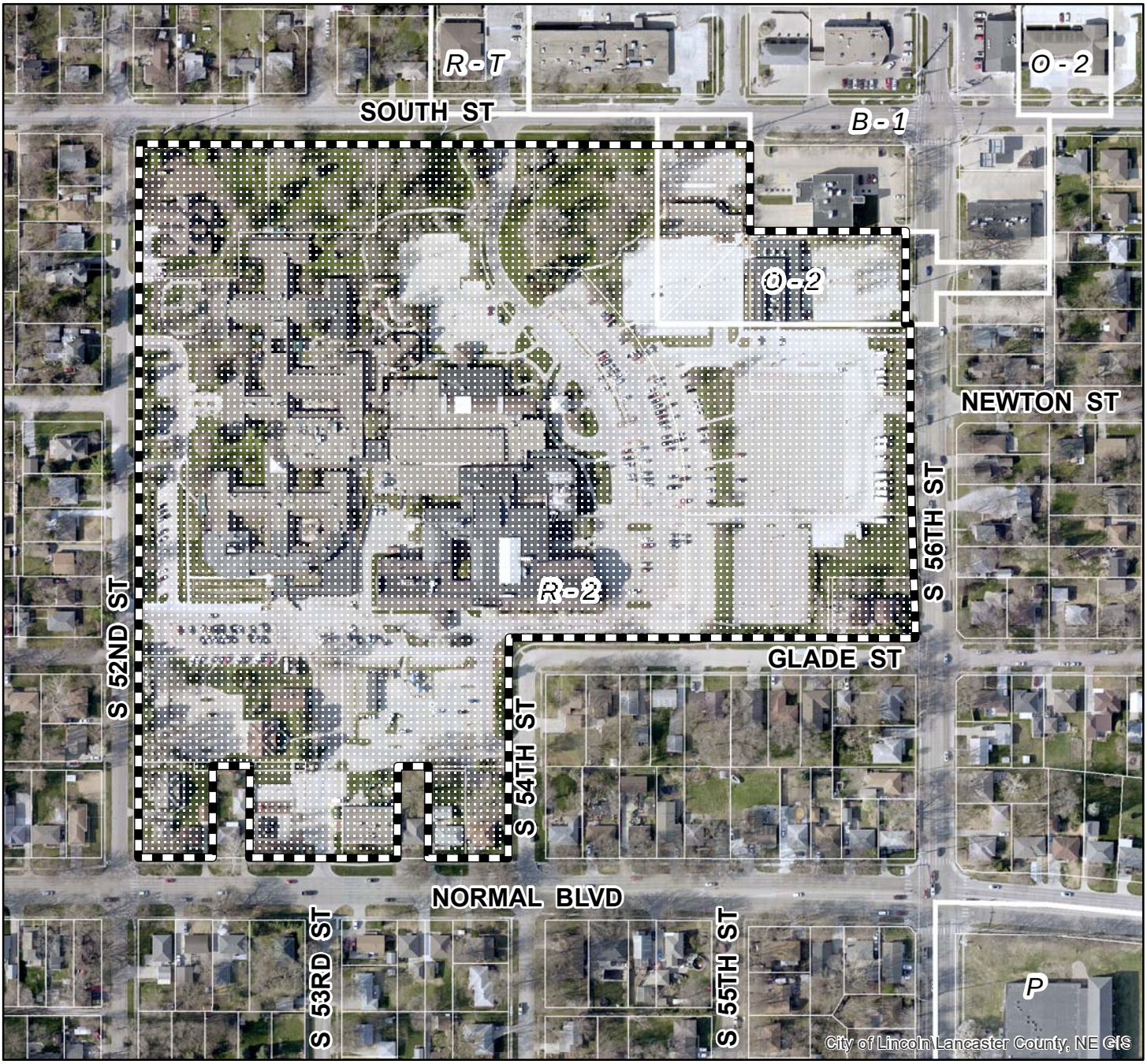
3. The following conditions are applicable to all requests:

    3.1 Before occupying the building, all development and construction shall substantially comply with the approved plans.

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

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

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



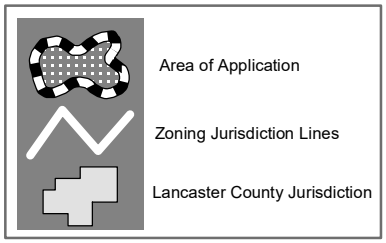
2020 aerial

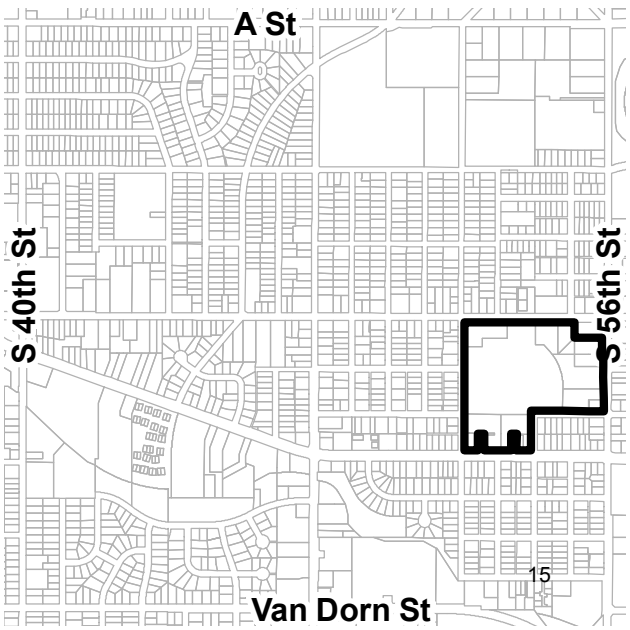
Special Permit #: SP450S
S 56th St & South St

Zoning:

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

One Square Mile:
Sec.32 T10N R07E





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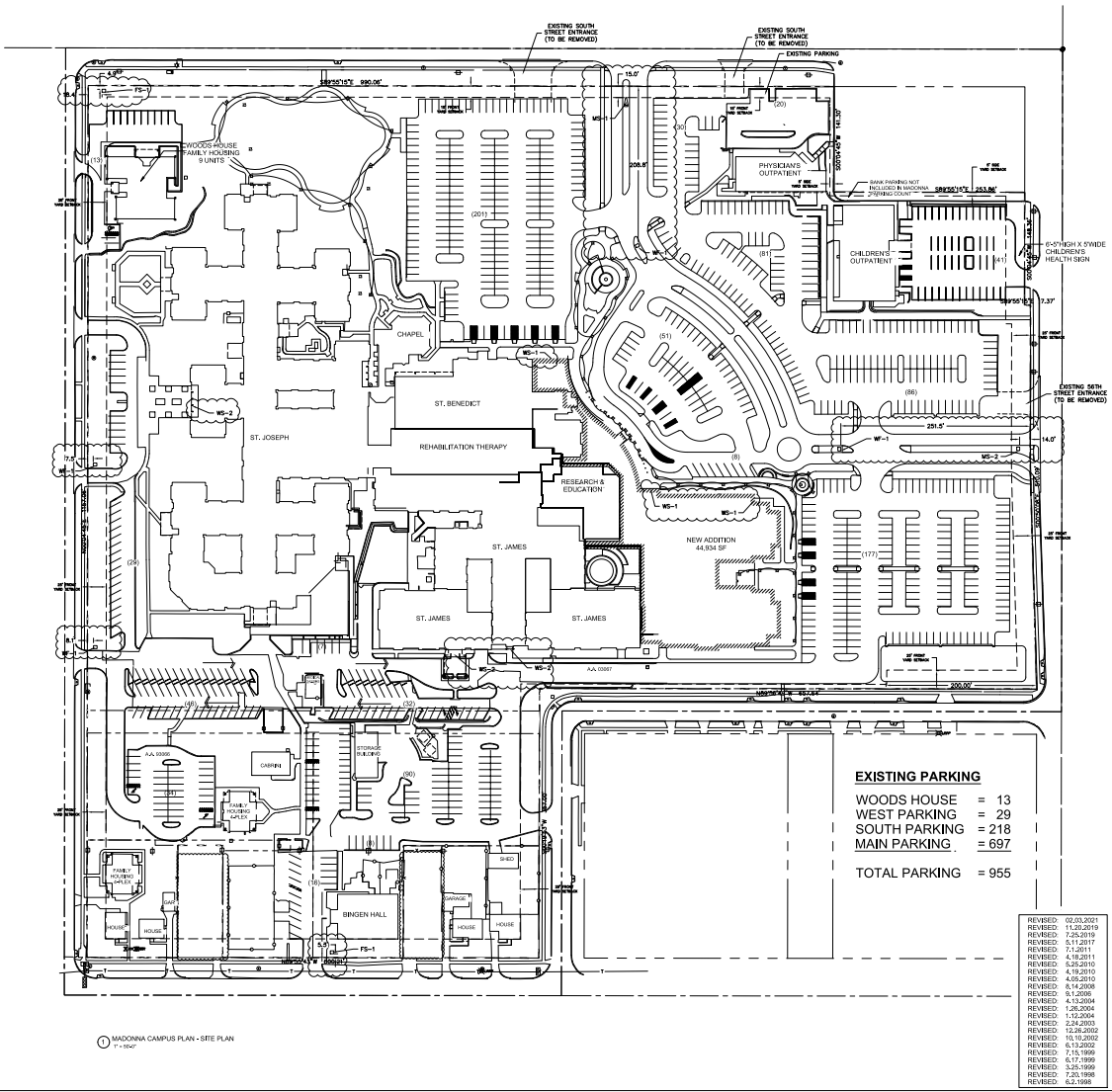
File: F:\DevReview\PlannerPacket\MXD\Agendadrawings.mxd (SP450S)



1 MADONNA CAMPUS PLAN - SITE PLAN
1" = 50'-0"

MADONNA CENTERS

LEGAL DESCRIPTION

Lots 2, 3, 4 and 5, Madonna Centers Subdivision; Lots 1 and 2, Madonna Centers,1st Addition; Lots 1 to 8 inclusive, and the east 40 feet of Lot 10, and all of Lots 11 and 12, and one half of adjacent vacated alley, Block 13, Normal Addition; vacated 53rd Street between Normal Boulevard and Glade Street; Lots 1 through 6 and Lots 11 and 12, Block 14, Normal Addition; Lot 1, Normal 8th Addition; south one-half of vacated Glade Street between South 52nd Street and South 54th Street; Irregular Tracts, Lots 411 SE and 413 SE; Lots 4-6 except E16.3', and Lots 11-13 and Vacated N-S Alley Adjacent, Block 1, Normal Addition; and Lot 6-7, EX E PT for ST & 1/2 VAC N-S Alley Adj (EX Described in Inst 88S-19039), Block 10, Normal Addition, all in Section 32, T10N, R7E, Lincoln, Lancaster County, Nebraska

GENERAL NOTES

1. EXISTING ZONING R-2, O-2

2. ADJACENT LAND CLASSIFICATION: R-2, B-1, O-2

3. USE OF BUILDING:
A. EXISTING BUILDINGS:
a. MEDICAL:
- PHYSICIAN'S OUTPATIENT 5,067 SF
- CHILDREN'S OUTPATIENT 9,233 SF
- ST. BENEDICT 6,086 SF

b. HOSPITAL:
- ST. JAMES 41,753 SF
- REHABILITATION THERAPY 50,000 SF (accessory to hospital)
- CHAPEL (accessory to hospital) 2,585 SF
- POOL (accessory to hospital) 3,238 SF
- STORAGE BUILDING (accessory to hospital) 1,750 SF
- CABRINI (accessory to hospital) 1,500 SF

c. NURSING CARE:
- ST. JOSEPH 85,515 SF

d. DAYCARE & SCHOOL:
- BINGEN HALL (DAYCARE) 4,960 SF

e. EXISTING FAMILY HOUSING:
- WOODS HOUSE 5,900 SF (9 BEDROOMS/BUILDING)
- 2 HOUSES + GARAGE 2,073 SF
- (2) 4 PLEX @ 1808 SF 3,616 SF
- HOUSE + SHED 2,382 SF
- HOUSE + GARAGE 1,704 SF

f. RESEARCH & EDUCATION 8,445 SF

TOTAL OF EXISTING BUILDINGS 235,797 SF

B. NEW BUILDINGS:
a. HOSPITAL 48,000 SF

TOTAL BUILDING AREAS 283,797 SF

C. TOTAL LAND AREA 1,174,128 SF
TOTAL BUILDING FOOTPRINT 249,893 SF
TOTAL LAND COVERAGE 21.28 %

4. PARKING SUMMARY - CURRENT STALL REQUIREMENTS AS FOLLOWS:
a. MEDICAL:
- 20,386 SF @ 1 STALL/300 SF = 68 STALLS

b. HOSPITAL:
- 120 BEDS @ 1 STALL/2.5 BEDS = 48 STALLS
- 304 EMPLOYEES ON LARGEST SHIFT @ 1 STALL/EMPL = 304 STALLS

c. NURSING CARE:
- 96 BEDS @ 1 STALL/2.5 BEDS = 39 STALLS
- 47 EMPLOYEES ON LARGEST SHIFT @ 1 STALL/EMPL = 47 STALLS

d. DAYCARE & SCHOOL:
- 20 EMPLOYEES ON LARGEST SHIFT @ 1 STALL/EMPL = 20 STALLS
- 150 STUDENTS @ 1 LOADING STALL/10 CARE RECEIVERS = 15 STALLS

e. EXISTING FAMILY HOUSING:
- 17 UNITS @ 1 STALL/UNIT = 17 STALLS

f. RESEARCH & EDUCATION:
- LARGEST RESEARCH CONF RM 892 SF @ 1 STALL/50 SF = 18 STALLS
- LARGEST EDUCATION CONF RM 1,139 SF @ 1 STALL/50 SF = 23 STALLS

TOTAL STALLS REQUIRED 599 STALLS

6. SIGNS: AS PER DRAWING

MADONNA CAMPUS SIGNS

TYPE	MAX SIZE	NO.	SIZE	CLEARANCE TO GRADE	NOTES
~~FS-1~~	~~50 SF OR LESS~~	~~5~~	~~15SF~~	~~36"~~	~~EXISTING SIGNS~~
~~FS-2~~	~~50 SF OR LESS~~	~~2~~	~~15SF~~	~~32"~~	~~EXISTING SIGNS~~
~~FS-3~~	~~50 SF OR LESS~~	~~1~~	~~20SF~~	~~22"~~	~~EXISTING SIGNS~~
~~FS-4~~	~~50 SF OR LESS~~	~~1~~	~~15SF~~	~~42"~~	~~EXISTING~~
~~FS-5~~	~~50 SF OR LESS~~	~~1~~	~~15SF~~	~~54"~~	~~EXISTING~~
~~MS-1~~	~~120 SF OR LESS~~				~~EXISTING SIGNS MIN. 40" ABOVE GRADE~~
~~MS-2~~	~~50 SF OR LESS~~	~~1~~	~~48SF~~	~~44"~~	~~EXISTING SIGNS~~
~~WS-1~~	~~30 SF OR LESS~~				~~MIN. 10'0" ABOVE GRADE~~
~~DS-1~~	~~12 SF OR LESS~~				~~EXISTING SIGNS~~
~~WS-1~~	~~100 SF OR LESS~~	~~10~~	~~91SF~~	~~ABOVE DOOR~~	~~EXISTING SIGNS~~
WS-2	50 SF OR LESS	3			EXISTING SIGNS
~~WS-3~~	~~200 SF OR LESS~~				~~EXISTING SIGNS~~
~~WS-4~~	~~150 SF OR LESS~~				~~EXISTING SIGNS~~
MS-1	100 SF OR LESS	1			PROPOSED SIGNS
MS-2	150 SF OR LESS	1			PROPOSED SIGNS
FS-1	30 SF OR LESS	2			PROPOSED SIGNS
WF-1	30 SF OR LESS	4			PROPOSED SIGNS
WS-1	150 SF OR LESS	3			PROPOSED SIGNS

LEGEND

FS = FREE STANDING
MS = MONUMENT SIGN
WF = WAY-FINDING SIGN
WS = WALL SIGN

NOTE: MINOR ADJUSTMENTS TO THE SQUARE FOOTAGE MAY BE APPROVED BY THE PLANNING DIRECTOR. EACH FREESTANDING SIGN LOCATION IS SUBJECT TO VERIFICATION FOR SIGHT TRIANGLE DISTANCE COMPLIANCE AT THE TIME OF SIGN PERMIT.

REVISED: 02.03.2021
REVISED: 11.20.2019
REVISED: 7.25.2019
REVISED: 5.11.2017
REVISED: 7.1.2011
REVISED: 4.18.2011
REVISED: 5.25.2010
REVISED: 4.19.2010
REVISED: 4.05.2010
REVISED: 8.14.2008
REVISED: 5.1.2006
REVISED: 4.13.2004
REVISED: 1.26.2004
REVISED: 1.12.2004
REVISED: 2.24.2003
REVISED: 12.26.2002
REVISED: 10.10.2002
REVISED: 6.13.2002
REVISED: 7.15.1999
REVISED: 6.17.1999
REVISED: 3.25.1999
REVISED: 7.20.1998
REVISED: 6.2.1998

Lincoln
1201 N Street, Suite 600
Lincoln, NE 68508
Phone 402-475-6750
Fax 402-475-6751

Vermillion
15 East Main, Suite 201
Vermillion, SD 57069
Phone 605-624-1091

davis design

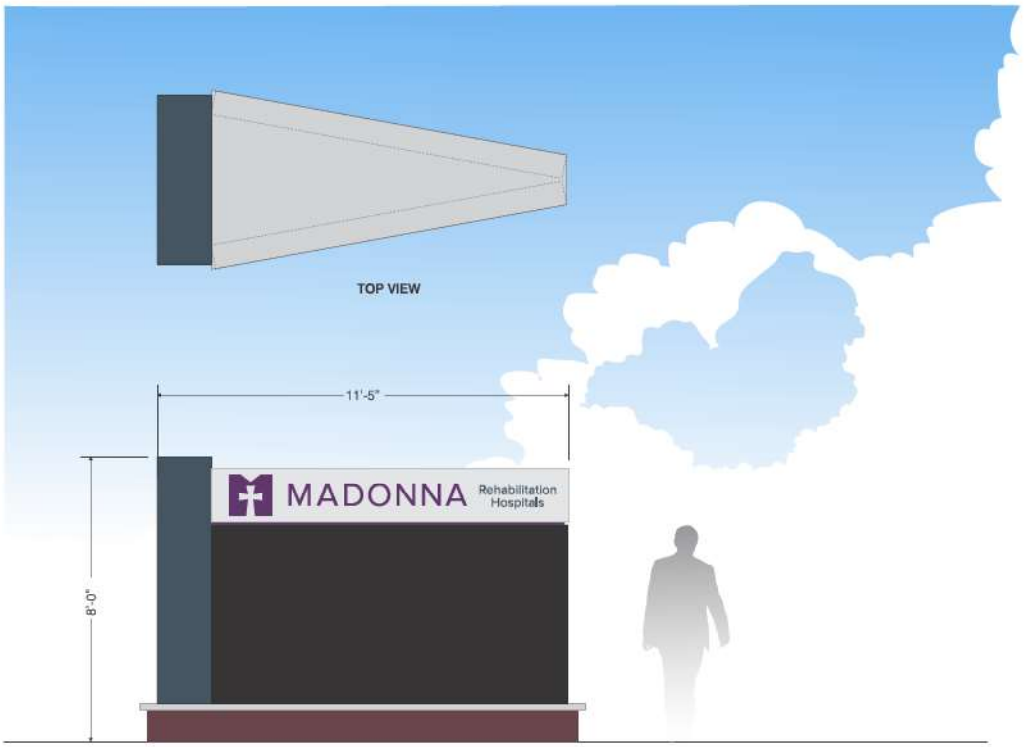
Madonna Rehabilitation Hospital
5401 South Street
Lincoln, NE

CAMPUS PLAN

JOB # 19-0127
ISSUE DATE 10.04.2019

SPECIAL USE PERMIT 450-S
SITE PLAN

1 OF 4



D/F MONUMENT SIGN Scale 3/8"=1'
Furnish and Install (1) new D/F Monument Sign

Client	Madonna Rehabilitation Hospitals 5401 South St Lincoln, NE				
Contract No		Date	2.18.21 r4	Approved by	Salesperson Gabrielle Ryan
Design No	30991b	Sign Type / Sign Area		Approval date	Designer Heidi Claussen

SIGNWORKS INC
4713 F Street Omaha, NE 68117 402-346-5447 402-346-9250 fax signworksomaha.com
A Family Tradition of Quality Signs **Since 1935**

-	7.24.20	Original
1	7.29.20	add V shape
2	8.21.20	add footing detail
3	10.15.20	update footing to one support pole
4	10.29.20	update colors
5	2.18.21	8' oah

Due to the nature of Color Reproduction, the colors on this drawing may vary from actual colors (material samples are available upon request). This is an ORIGINAL UNPUBLISHED DRAWING by SIGNWORKS, Inc submitted for your approval. It is not to be reproduced without written permission of SIGNWORKS, Inc.

Scale 3/16" =1'

EXISTING SIGN Not to Scale

Client:	Madonna Rehabilitation Hospitals 5401 South St Lincoln, NE				
Contract No		Date	2.18.21 r3	Approved by	
Design No	30991b	Sign Type / Sign Amps		Approval date	
Salesperson	Gabrielle Ryan				
Designer	Heidi Claussen				

SIGNWORKS INC

4713 F Street Omaha, NE 68117 402-346-5447 402-346-9250 fax signworksomaha.com

A Family Tradition of Quality Signs **Since 1935**

-	7.24.20	Original
1	7.29.20	add V shape
2	8.21.20	add footing detail
3	2.18.21	8' ash

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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
ANDRE R. BARRY
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RENEE A. EVELAND
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BEAU B. BUMP
SHANNON E. FALLON
JODY N. DUVALL
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

February 2, 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: Madonna Rehabilitation Hospital – Electronic Changeable Copy Sign – Text Amendment and Amendment to Special Permit No. 450
Our File No.: 10164.203

Dear Mr. Cary:

This firm represents Madonna Rehabilitation Hospital ("Madonna") which operates as a "Nonresidential Health Care Facility" in a residential zoning district pursuant to LMC § 27.63.080. The City of Lincoln approved an expansion project for Madonna earlier in 2020 and that construction is progressing. Madonna would intend to install an "electronic changeable copy sign" as a freestanding sign at the new entrance on South Street. Presently, an electronic changeable copy sign is not permitted in a residential neighborhood. In order to achieve that, Madonna determined that it would need to apply for: i) a Text Amendment to LMC § 27.69.260 to permit such an electronic changeable copy sign in a residential zoning district for a "nonresidential health care facility"; and ii) assuming that the text amendment is approved, an amendment to Special Permit No. 450 which governs the operation of the Madonna campus to allow an electronic changeable copy sign as a part of the expansion project.

A. **Application**. On behalf of Madonna, I hereby submit the Application requesting:

1. Text Amendment purposing a change to LMC § 27.69.260 to permit an electronic changeable copy sign in connection with a Nonresidential Health Care Facility operating in a residential zoning district; and

2. Amendment to Special Permit No. 450 which seeks to amend the Site Plan associated with SP 450R to depict the location of the free standing electronic changeable copy sign as a part of the Special Permit.

B. **Waivers**. Madonna seeks no waivers in connection with the Text Amendment or Special Permit Amendment.

C. **Fees**. A check made payable to the City of Lincoln in the amount of $1,400.00 will be delivered to the Planning Department by Madonna. The total of $1,400.00 is comprised of:

1. Text Amendment: $412.00
2. Special Permit Amendment: $988.00

D. **Site Plan**. As soon as a project number is attached to this application, Jeff Morrison from Olsson will upload the revised Site Plan showing the location of the electronic changeable copy sign.

If there are any questions, please do not hesitate to contact me.

Sincerely,

Thomas C. Huston
For the Firm

Enclosure

4815-0095-7402, 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 #1327B	Yes	Betsy Egan
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
March 17, 2021	None	5901 South 56th Street

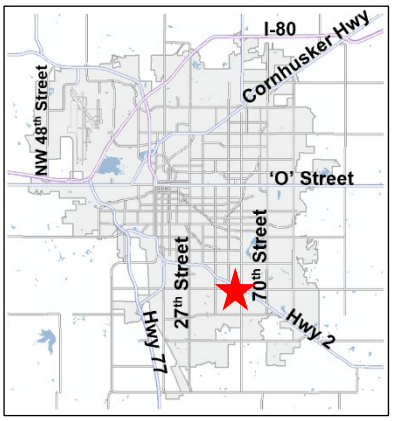
RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to authorize the development of an additional 18-hole mini-golf course (bringing the total to 54 holes), and allowing the sale of alcohol for consumption on the premises as allowed per the special permit for an outdoor recreation facility, Special Permit 27.63.130.

The special permit was originally approved in 1989 showing 36 mini-golf holes to be built initially, with potential expansion to add another 18 for a total of 54. This amendment brings the remaining 18 online for a total of 54 holes.

The special permit for outdoor recreation facilities also allows on-sale alcohol if approved as part of the permit. The sale of alcohol is specifically limited to on-sale, as off-sale is not allowed under Special Permit 27.63.130.



JUSTIFICATION FOR RECOMMENDATION

This site is at located near a major intersection and is constrained by the floodway and floodplain associated with Beal Slough which extends north-south across the site. There is adequate area for the additional golf holes, parking, and accessory uses. Beal Slough provides a wide buffer between the facility and the residential area to the west. Developing the site requires little disturbance to land located in the floodplain. Consisting primarily of outdoor activities it takes advantage of the large amount of open space. Adding on-sale alcohol provides an amenity many patrons expect at such a facility.

APPLICATION CONTACT:
Erik Gustafson
402-326-8873
egustafson28@gmail.com

STAFF CONTACT:
Brian Will
(402) 441-6362
bwill@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This site is designated for open space and commercial land uses on the Future Land Use Map of the Comprehensive Plan. An outdoor recreation facility is allowed in the R-1 zoning district by special permit. A floodplain permit will be required to construct the new 18 golf holes, but provided that is achieved this use is an appropriate use of land and a compatible land use at this location.

ANALYSIS

1. This permit was originally approved in 1989. The original permit showed the creation of 36 miniature golf holes, a clubhouse, batting cages, and an area for the potential future expansion for another 18 holes. The parking calculations originally provided anticipated all 54 holes including the associated accessory uses.
2. The special permit for an outdoor recreation facility was amended in 2014 to allow for the inclusion of the sale of alcohol for consumption on the premises only, but did not include a provision to add off-sale alcohol however.
3. This request formalizes the addition of the previously proposed 18 holes and includes the sale of alcohol for consumption on the premises.
4. An outdoor recreation facility may be allowed by special permit in the AG, AGR, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, O-1, O-3, B-1, B-2, and B-3 zoning districts, in conformance with the following conditions:

   a. The application for such special permit shall provide the following information:

      1. A statement describing all proposed accessory uses and accessory buildings to be included as part of the outdoor recreational facility.

         An operating statement provided by the applicant is attached to this report.

      2. A site plan showing the location, height, and use of all structures on the parcel.

         A site plan was provided by the applicant for this request. Minor revisions are required, such as modifications to the notes, and they are included as recommended conditions of approval.

   b. Yard requirements in excess of those required in the district may be imposed. In the AG district, the City Council may decrease the yard requirements with consideration given to both the outdoor recreational facilities and the adjacent environment.

      The setbacks of the district were not increased with the prior approvals of the special permit. The changes proposed do not warrant any increases in those setbacks either. Beal Slough and the associated open space provide adequate separation from the residential areas to the west.

   c. The Planning Commission may establish the parking requirements based on a determination of the parking needs and operation of the proposed uses; no parking shall be permitted in any required yard. The application shall include the applicant's estimate of parking needed for the proposed facility.

      The parking requirement was established with original approval in 1989 and is shown in the parking table on the site plan. It provided for all the activities shown on the site plan including the clubhouse and 56 golf holes. The addition of on-sale alcohol does not increase the parking requirement and no additional parking stalls are required.

   d. Outdoor lighting of the outdoor recreational facility may be permitted in conformance with the Design Standards for Outdoor Lighting.

      No new lighting is shown, but all lighting is subject to the Lighting Design Standards and is reviewed at the time of building permit.

   e. All buildings, including accessory buildings, shall be located so that they will not adversely affect any existing or reasonably anticipated future uses in the surrounding area.

      The proposed development on this site will have no impact upon surrounding land uses.

   f. The Planning Commission may authorize structures which exceed the maximum height requirements of the district in which they are located upon a finding by the Planning Commission that there is sufficient

justification for such an adjustment and that there will be no significant adverse effect on existing or reasonably anticipated future uses in the surrounding area.

No increase in the height limit of the R-1 zoning district is requested as part of this request.

g. As part of the special permit for an outdoor recreational facility, the Planning Commission may approve or deny the sale of alcoholic beverages for consumption on the premises as an accessory use to the outdoor recreational facility, provided that the approval of such accessory use shall be subject to the following conditions:

-The applicable locational requirements of Section 27.63.680 shall have been met or waived by the City Council.

The note being added to the site plan regarding on-sale alcohol limits the sale of alcohol to the boundary of the special permit anywhere east of the drainage way. This will ensure that a distance in excess of the required 100' separation from a residential zoning district is maintained across the site.

-The Permittee as the holder of any liquor license issued on the premises of an outdoor recreational facility shall agree in writing to voluntarily surrender and consent to the cancelling of the liquor license in the event the sale of alcoholic beverages for consumption on the premises as an accessory use to the outdoor recreational facility or the special permit for the outdoor recreational facility is revoked by the City. If the Permittee is not the holder of the liquor license, the Permittee shall require such holder to agree in writing to voluntarily surrender and consent to the cancelling of the liquor license in the event such accessory use or special permit is revoked by the City. In addition, the City shall request that the Nebraska Liquor Control Commission issue the liquor license contingent upon the premises having the sale of alcoholic beverages for consumption on the premises as an accessory use to the outdoor recreational facility approved as part of the special permit.

The applicant will need to provide a written statement agreeing to this.

-The Planning Commission shall impose such other conditions as are appropriate and necessary to protect the health, safety and general welfare in the approval of the sale of alcoholic beverages for consumption on the premises as an accessory use to an outdoor recreational facility.

No additional conditions are recommended.

-The City Council may consider any of the following as cause to revoke the sale of alcoholic beverages for consumption on the premises as an accessory use to the outdoor recreational facility approved under this section:

Revocation or cancellation of the liquor license for the specially permitted premises; Repeated violations related to the operation of the permittee's business; or Repeated or continuing failure to take reasonable steps to prevent unreasonable disturbances and anti-social behavior on the premises related to the operation of the permittee's business including, but not limited to, violence on site, drunkenness, vandalism, solicitation, or litter. (Ord. 20766 §1; April 29, 2019: Ord. 20027 §1; June 9, 2014: prior Ord. 19139 §3; September 15, 2008: Ord. 18480 §4; December 20, 2004: Ord. 18097 §1; November 25, 2002: Ord. 16751 §1; March 20, 1995: Ord. 15143 §1; April 10, 1989: Ord. 12571 §316; May 8, 1979).

5. The additional 18 golf holes to be added were anticipated with the original approval in 1989, and the site is large enough to accommodate the expansion. This use is particularly well suited for this site given the floodplain and floodway constraints associated with Beal Slough due to its limited impact and its use of open space and outdoor activities. The inclusion of the sale of alcohol for consumption on the premises adds an amenity anticipated and expected by many customers and will not impact surrounding properties. This use is compatible with surrounding properties and is an appropriate use of land at this location.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Open Space, Outdoor Recreation Facility R-1 Residential

SURROUNDING LAND USE & ZONING

North:	Commercial	I-1
South:	Commercial	R-T, H-4
East:	Commercial	H-4
West:	Residential, Office	R-1, R-2

APPLICATION HISTORY

AUG 1989 - SP#1327 was approved for an outdoor recreation facility including miniature golf and outdoor batting cages.

OCT 1991 – SP#1327A was approved allowing for seasonal sales over a portion of the parking lot.

APPROXIMATE LAND AREA: Approximately 10.18 acres, more or less.

LEGAL DESCRIPTION: Lot 67 and Lot 86, I.T., located in the NE 1/4 of Section 17-9-7, Lincoln, Lancaster County, Nebraska.

Prepared by

_____

Brian Will
bwill@lincoln.ne.gov
402-441-6362
March 3, 2021

Applicant/
Contact: Erik Gustafson
5901 South 56th Street
Lincoln, NE 68516
egustafson28@gmail.com
402-326-8873

Owner: Betsy Egan
7825 Viburnum Drive
Lincoln, NE 68516
betsyegan@comcast.net
402-202-9353

F:\DevReview\SP\1300\SP1327B Adventure Golf.bjw.docx

CONDITIONS OF APPROVAL – SPECIAL PERMIT #1327B

Per Section 27.63.130 this approval permits the expansion of the mini-golf facility to 54 holes and authorizes the sale of alcohol for consumption on the premises.

Site Specific Conditions:

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

    1.1 Revise the parking table to note that 'Concurrent Parking for the Outdoor Seasonal Sales is May 1 – August 30', as any use of the area for seasonal outside those dates will be during the off-season.

    1.2 Show the actual floodplain and floodway boundary lines.

    1.3 Update the legal description on the site plan.

    1.4 Delete the approval stamp from the prior approval for SP#1327A.

    1.5 Delete the notation 'Existing Special Permit No. 1327' in the lower left area of the site plan.

2. Before receiving building permits provide/gain approval of the following:

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

    2.2 A floodplain permit approved by the City.

Standard Conditions:

3. The following conditions are applicable to all requests:

    3.1 Before use of the additional golf holes or the sale of alcohol all development and construction shall substantially comply with the approved plans.

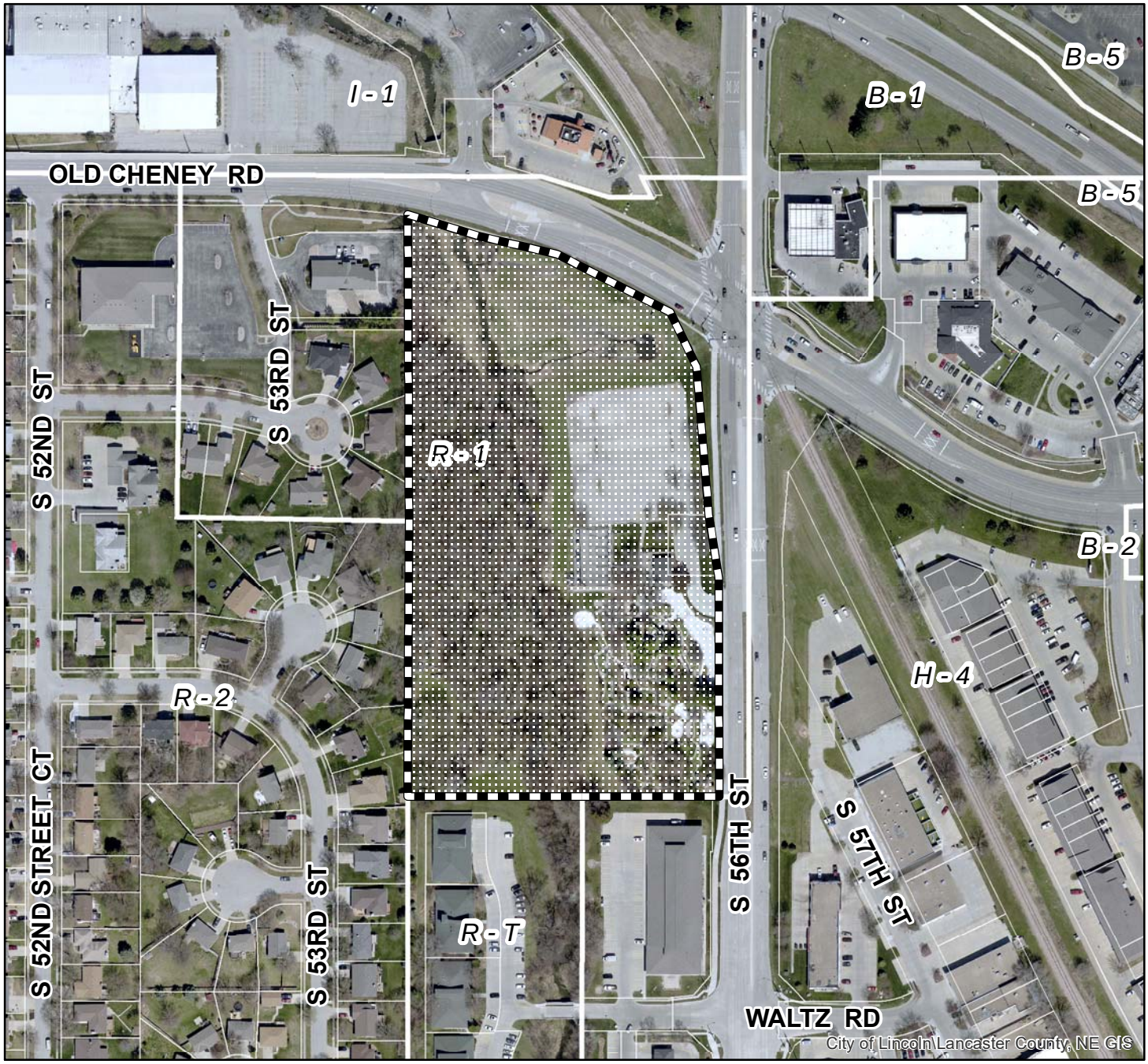
    3.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.

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

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

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

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



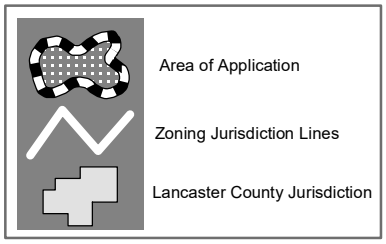
2020 aerial

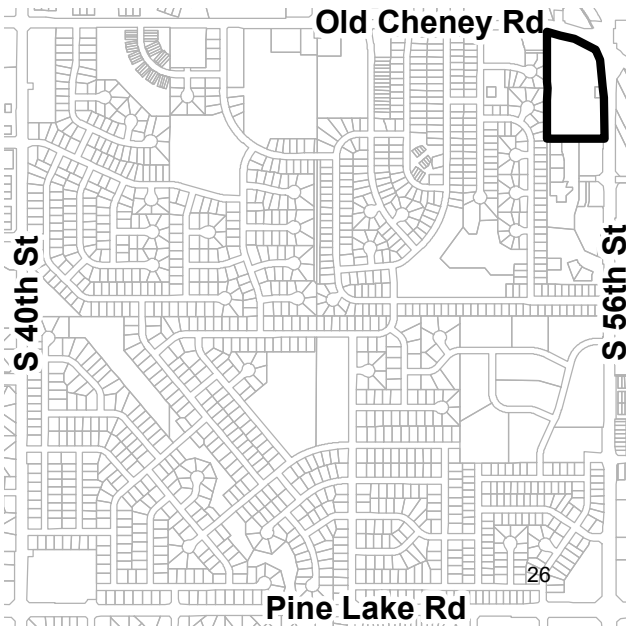
Special Permit #: SP1327B
S 56th St & Old Cheney Rd

Zoning:

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

One Square Mile:
Sec.17 T09N R07E





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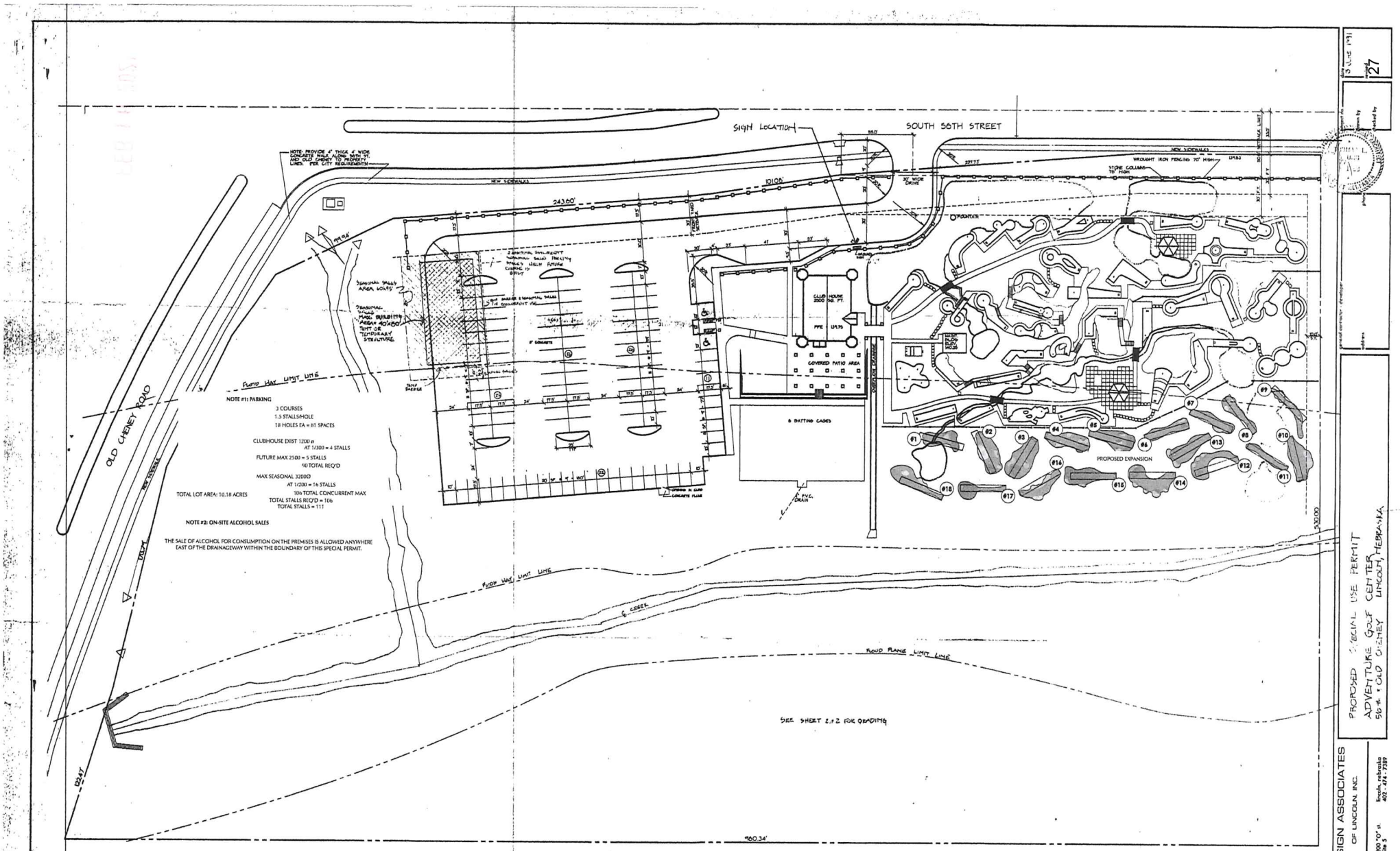
File: F:\DevReview\PlannerPacket\MXD\Agendadrawings.mxd (SP1327B)



EXISTING
SPECIAL PERMIT NO: 1327

MINIATURE GOLF RECREATION PLAN

SCALE: 1" = 30'-0"

LOT 67 & 68 OF I.T.
NE 1/4 SEC. 17 - T9N - R7E

PLOT PLAN RETURNED TO IN RESOLUTION # A-71441 ADOPTED BY THE CITY COUNCIL ON SEPT. 16, 1991. S.P. # 1327A

PROPOSED SPECIAL USE PERMIT
ADVENTURE GOLF CENTER
56th & OLD CHENEY LINCOLN, NEBRASKA

DESIGN ASSOCIATES
OF LINCOLN INC.
2200 "O" st
suite 3
Lincoln, nebraska
402-474-7389

dated 15 JUNE 1991
sheet no. 1 of 1

Adventure Golf Center
5901 S. 56th St.
Lincoln, NE 68516
08/25/20

City of Lincoln Planning Department,

My name is Erik Gustafson and I own Adventure Golf Center located at 5901 S. 56th St. here in Lincoln. I am writing to request an amendment to our special permit SP1327A that would allow us to build a third golf course on our property, just west of the courses already constructed. Our hope with this project is to create a unique mini golfing experience, one in which no course has attempted in the midwest, that would bring an innovative way to play miniature golf to Lincoln, that would draw in outsiders to come and support the Lincoln economy. In light of the recent COVID-19 pandemic, mini golf has proven to be one of the fewer recreational activities to be safe, fun, and family friendly during this unique time, and we want to continue to offer this service to the community and beyond. Our projections would lead us to believe that we could add upwards of $150,000 to the Lincoln economy annually, even amidst social distancing protocol. With a struggling economy, this could provide a much needed boost to the entertainment industry's contribution to the city.

In the original site plan, there were conceptual drawings for a future third course, so this project has been in mind since the beginning. As such, we already have the parking spaces needed for the construction and, as our site plan depicts, we have added more detail than just the rectangular outlines.

We do not plan on constructing any buildings, merely the golf course itself, and minimal if any trenching will be done in the construction process. Because there will be little change in the grading, there will be no added rise to the floodplain or floodway, which will be proven by our modeling and analysis. In addition to this, all of the electrical installation will be low-voltage, and as such, will not require an electrical site plan for the building and safety department. This project has the potential to repurpose an unused wooded area into a staple tourist destination for those visiting Lincoln.

Included with this letter you will find the site plan with our development outline in relation to the rest of the property.

We would also like to add alcohol sales for on-site consumption to our operations at Adventure Golf Center. We believe the community will enjoy being able to have a drink while conversing with friends and playing mini golf; this is an experience many adult golfers are familiar with on full sized golf courses around Lincoln. We will keep one of our courses alcohol free so that families who want to be separated from any patrons drinking can have that option if they so choose. We will keep close eyes on the consumption of alcohol so that everyone remains safe and the environment maintains its family-friendly feel. Our intent is not to encourage unwise intake of alcohol, but to provide customers with something else to enjoy while at our course.

We've put years of thought into this and do believe this to be an extension of our company's mission to bring joy to the community by providing opportunities for people to set down distractions and be present with the people they love. This will be a project ahead of

Adventure Golf Center
5901 S. 56th St.
Lincoln, NE 68516
08/25/20

the growing mini-golf industry and will bring visitors from around the state and country to play its unique contours and angles. With your approval we believe this to be an easy win-win for the community, city and state as we seek to grow the entertainment industry here in Lincoln at a unique time when it is desperately needed.

With sincerity,

Erik Gustafson

Erik Gustafson

Owner, Adventure Golf Center

RECEIVED
FEB 16 2021
Lincoln/Lancaster County
Planning Department

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

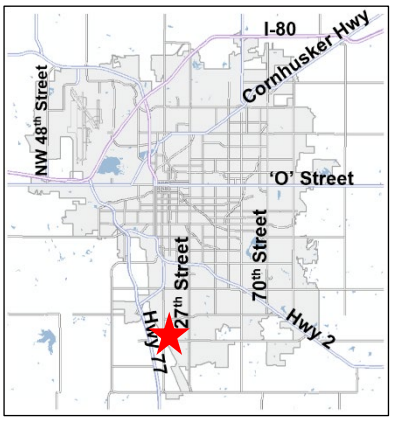
APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Special Permit #21008	Yes	Corn Coast Brewing
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
March 17, 2021	None	1433 Dahlberg Drive

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a special permit to allow the sale of alcohol for consumption both on and off the premises. The applicant, Corn Coast Brewing, will have both a brewing operation on the premises, as well as a taproom. The applicant is seeking to be able to provide the sale of alcohol to customers for consumption on the premises in the taproom, as well as to allow for the purchase of product for carry-out.

The sale of alcohol in the City of Lincoln is regulated by both the State of Nebraska and the City of Lincoln. That is, in addition to the requirement for the issuance of a State liquor license, the sale of alcohol is also regulated by the Zoning Ordinance which requires special permits in those districts where it is allowed.



JUSTIFICATION FOR RECOMMENDATION

Subject to the recommended conditions of approval, this request complies with all applicable criteria for a special permit for the sale of alcohol for consumption both on and off the premises.

APPLICATION CONTACT
Daniel Walkemeyer
(308)-293-4198
dwalkemeyer@gmail.com

STAFF CONTACT
Brian Will
(402) 441-6362
bwill@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This helps the applicant provide the products produced on site for consumption by customers both at the store and at home. This is a typical operating characteristic of similar facilities. This request meets all the siting criteria of the Zoning Ordinance which seek to locate the sale of alcohol away from sensitive areas/uses. Siting at this location is consistent with the goals of the Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

Pg 1.9 – The Future Land Use Map of the Comprehensive Plan designates commercial land uses for this site.

Pg. 5.14 - Strategies for Commercial Infill
-Discourage auto-oriented strip commercial development and seek opportunities for residential mixed use -- redevelopment and/ or transit oriented development of existing commercial strips.

-Develop infill commercial areas to be compatible with the character of the area.
-Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.
-Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses, and take steps to ensure expansions are in scale with the adjacent neighborhood, are properly screened, fulfill a demonstrated need and are beneficial to health and safety.

ANALYSIS

1.**SPECIAL PERMIT REQUIREMENTS PER LINCOLN MUNICIPAL CODE (LMC) 27.63.680:** The sale of alcoholic beverages for consumption on the premises may be allowed in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, I-2, and I-3 zoning districts and on the premises of a restaurant in the O-3 district upon the approval of a special permit subject to the requirements of the respective districts, all applicable ordinances, and the following conditions:

(a) Parking shall be in conformance with Chapter 27.67 Parking.

Parking must be provided at the rate specified in the Zoning Ordinance. Parking for this use is calculated using two standards based upon the uses involved. The first is the rate of one space per 300 square feet of floor area for the brewing operation (2,400 sq. ft. = 8 spaces), and a higher standard of one space per 100 square feet of floor area for the tap room (1,480 sq. ft. = 15 stalls) is applied to area of on-sale operation.

The parking table shown on this site plan shows there is shared parking throughout the center, and the total number of spaces, including the number required to accommodate this use, exceeds the number required for the total floor area shown in the center.

This premises is located within the Vavrina Meadows Planned Unit Development (PUD) zoning overlay, and it allows parking stalls within the private roadways inside the center to be counted towards providing required parking and are also shared by tenants within the center. The PUD plan listed the private roadways included but neglected to mention the private roadway adjacent to this portion of the center, Cody Drive. An administrative amendment has been submitted to correct that note to also include Cody Drive. Approval of that amendment is included as a recommended condition of approval for this permit request.

(b) The sale of alcoholic beverages for consumption off the premises shall not be permitted without issuance of a permit under LMC Section 27.63.685 of this code.

This also includes a request to allow the sale of alcohol for consumption off the premise. Those criteria are addressed later in this report.

(c) The designated area specified in a license issued under the Nebraska Liquor Control Act of any building approved for such activity must be located no closer than (i) 100 feet from the property line of a premises used in whole or in part for a first-floor residential use, day care facility, park, church, or state mental health institution, or (ii) 100 feet from a residential district (except where such use is accessory to a golf course or country club).

The proposed licensed premises is located in a commercial center zoned H-4 General Commercial District. It is surrounded on all sides by commercial buildings housing a variety of commercial uses. None of the sensitive uses specified above are within 100’ of the business. The nearest of any of these is R-3 Residential zoning in excess of 550’ away to the east of the center.

(d) Any lighting on the property shall be designed and erected in accordance with all applicable lighting regulations and requirements.

The building is existing and the site is already developed, however all lighting is reviewed at the time of building permits for compliance with the lighting Design Standards.

(e) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.

A drive-through window is not a part of this application.

(f) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.

No such devices are shown as part of this application.

(g) No access door to the business, including loading or unloading doors, shall face any residential district if such doors are within 150 feet of the residential district. This shall not apply to emergency exit doors required by building or safety codes. No door facing a residential district shall be kept open during the operation of the establishment.

There is no residential zoning district within 150' of the business.

(h) Vehicular ingress and egress to and from the property shall be designed to avoid, to the fullest extent possible, disruption of any residential district. Particular attention shall be given to avoiding designs that encourage use of residential streets for access to the site instead of major streets.

Access to the site is off Cody Drive which is not considered a residential street in this area.

(i) All other regulatory requirements for liquor sales shall apply, including licensing by the state.

(j) The City Council may consider any of the following as cause to revoke the special permit approved under these regulations:

(1) Revocation or cancellation of the liquor license for the specially permitted premises; or
(2) Repeated violations related to the operation of the permittee's business.
(3) Repeated or continuing failure to take reasonable steps to prevent unreasonable disturbances and anti-social behavior on the premises related to the operation of the permittee's business including, but not limited to, violence on site, drunkenness, vandalism, solicitation, or litter.

2. **SPECIAL PERMIT REQUIREMENTS PER LINCOLN MUNICIPAL CODE (LMC) 27.63.685:** Alcoholic beverages may be sold for consumption off the premises in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, and I-3 zoning districts upon the approval of a special permit. A special permit for such use may be granted subject to the requirements of the respective districts, all applicable ordinances, and the following conditions:

(a) Parking shall be in accordance with Section 27.67.020 of the Lincoln Municipal Code.

Parking must be provided at the rate specified in the Zoning Ordinance. In contrast to the requirement for on-sale, the requirement for off-sale is only at the rate specified by the underlying zoning district. In this case, one space per 300 square feet of floor area is the requirement in H-4, and it does not further specify the higher standard of one space per 100 square feet of floor area applied for the on-sale component – 1:300 is applied to the entire premises. As a result, the addition of the off-sale component does not increase the parking requirement and the parking provided is adequate.

(b) The sale of alcoholic beverages for consumption on the premises shall not be permitted without issuance of a permit under LMC Section 27.63.680 of this code.

This request is for both on and off-sale alcohol. If approved, this special permit authorizes both at this location.

(c) The licensed premises of any building approved for such activity must be located no closer than (i) 100 feet from the property line of a premises used in whole or in part for a first-floor residential use, day care facility, park, church, or state mental health institution, or (ii) 100 feet from a residential district.

As noted previously, the proposed licensed premises is located in a commercial center zoned H-4 General Commercial District. It is surrounded on all sides by commercial buildings housing a variety of commercial uses. None of the sensitive uses specified above are within 100' of the business. The nearest of any of these is R-3 Residential zoning in excess of 550' away to the east of the center.

(d) Any lighting on the property shall be designed and erected in accordance with all applicable lighting regulations and requirements.

No new lighting is shown, but lighting is reviewed at the time of building permits and must comply with Design Standards at that time.

(e) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.

A drive-through window is not being proposed on the site plan.

(f) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.

No such devices are proposed as part of this application.

(g) No access door to the business, including loading or unloading doors, shall face any residential district if such doors are within 150 feet of the residential district. This shall not apply to emergency exit doors required by building or safety codes. No door facing a residential district shall be kept open during the operation of the establishment.

There is no residential zoning district within 150' of the proposed licensed premises.

(h) Vehicular ingress and egress to and from the property shall be designed to avoid, to the fullest extent possible, disruption of any residential district. Particular attention shall be given to avoiding designs that encourage use of residential streets for access to the site instead of major streets.

Access to the site is from Cody Drive which is not a residential street in this area.

(i) All other regulatory requirements for liquor sales shall apply, including licensing by the state.

(j) The City Council may consider any of the following as cause to revoke the special permit approved under these regulations:

(1) Revocation or cancellation of the liquor license for the specially permitted premises; or

(2) Repeated violations related to the operation of the permittee's business.

(3) Repeated or continuing failure to take reasonable steps to prevent unreasonable disturbances and anti-social behavior on the premises related to the operation of the permittee's business including, but not limited to, violence on site, drunkenness, vandalism, solicitation, or litter.

3. This request for the sale of alcohol for consumption both on and off the premises complies with all applicable requirements of the Zoning Ordinance. Subject to the recommended conditions of approval it is consistent with the Comprehensive Plan and is an appropriate use of land at this location.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Commercial H-4

SURROUNDING LAND USE & ZONING

North:	Commercial	H-4
South:	Commercial	H-4
East:	Commercial	H-4
West:	Commercial	H-4

LEGAL DESCRIPTION: Lot 7, Vavrina Meadows 36th Addition, Lancaster County, Nebraska.

Prepared by

_____
Brian Will
bwill@lincoln.ne.gov or at
402-441-6362
March 3, 2021

Owner: Krueger Holding Company, LLC
8200 Cody Drive
Lincoln, NE 68512
402-423-7377
asantana@kruegerdevelopment.com

Applicant: Daniel Walkemeyer
1212 Olivia Drive
Eagle, NE 68347
308-293-4198
dwalkemeyer@gmail.com

Contact: Will Walter
121 South 90th Street, Apt. 233
Lincoln, NE 68520
402-301-4288
wdwalter87@gmail.com

CONDITIONS OF APPROVAL – SPECIAL PERMIT #21008

This approval permits the sale of alcohol for consumption both on and off the premises per LMC Sections 27.63.680 and 27.63.685.

Conditions:

Site Specific

1. Before the sale of alcohol the permittee shall submit two copies of the site plan to the Planning Department.

General

2. Administrative amendment #21012 shall be approved prior to occupancy permits.

Standard

3. The following conditions are applicable to all requests:

    3.1 Before the sale of alcohol for consumption on or off the premises, all development and construction is to substantially comply with the approved plans.

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

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

    3.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefore to be paid in advance by the applicant. The sale of alcohol is not authorized unless the letter of acceptance has been filed.

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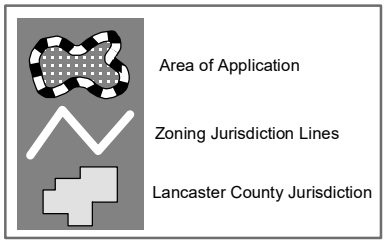
2020 aerial

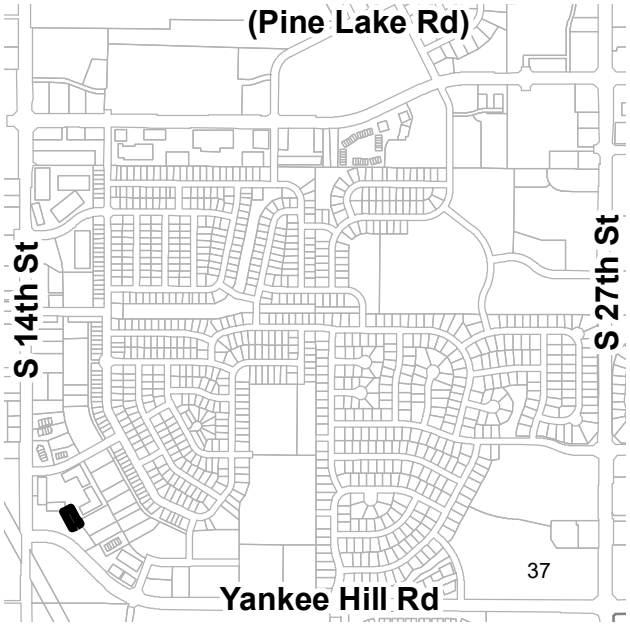
Special Permit #: SP21008
S 14th St & Yankee Hill Rd

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.24 T09N R06E





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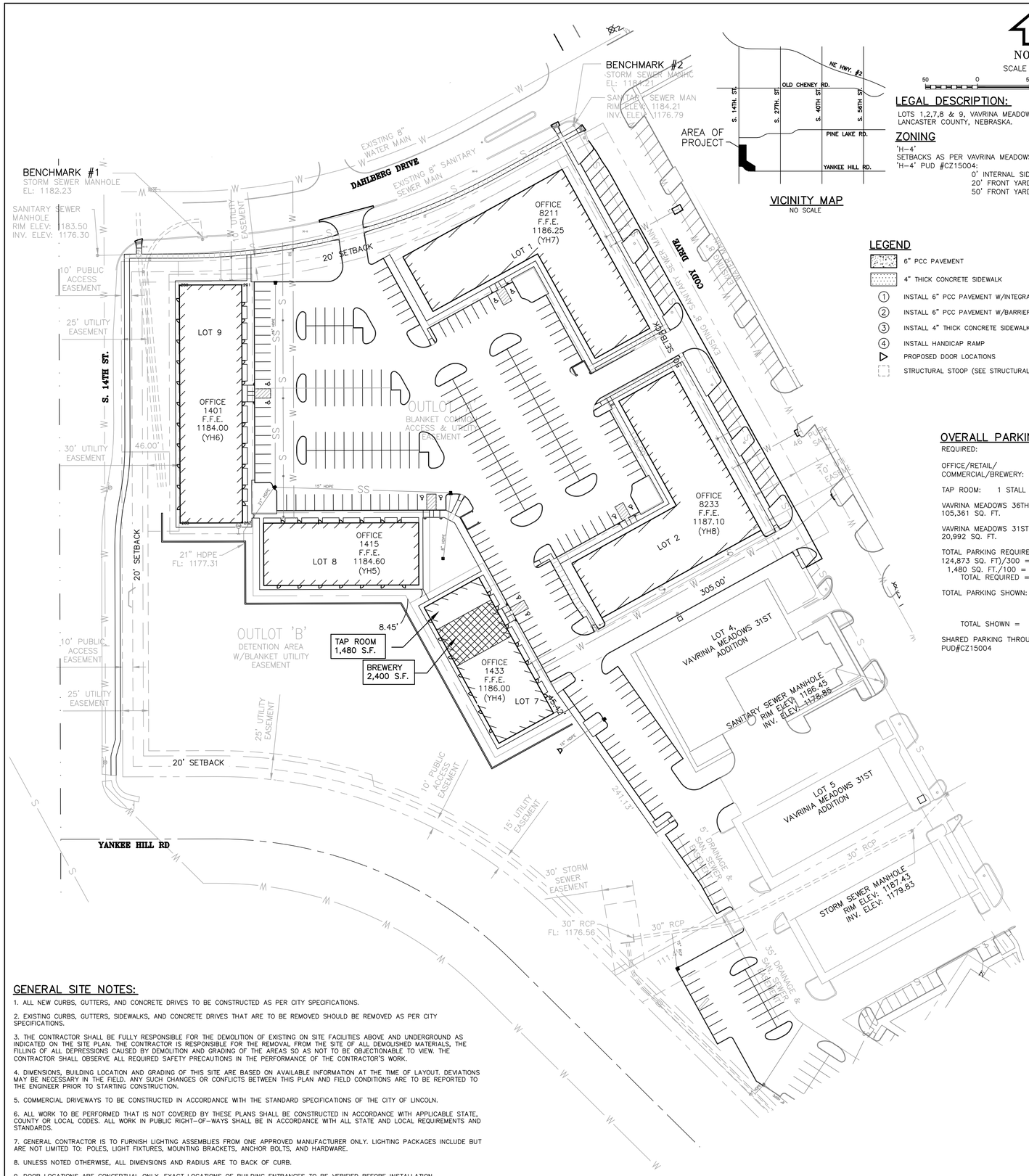


VICINITY MAP
NO SCALE

NORTH
SCALE 1" = 50'
50 0 50 100 150 Feet

LEGAL DESCRIPTION:

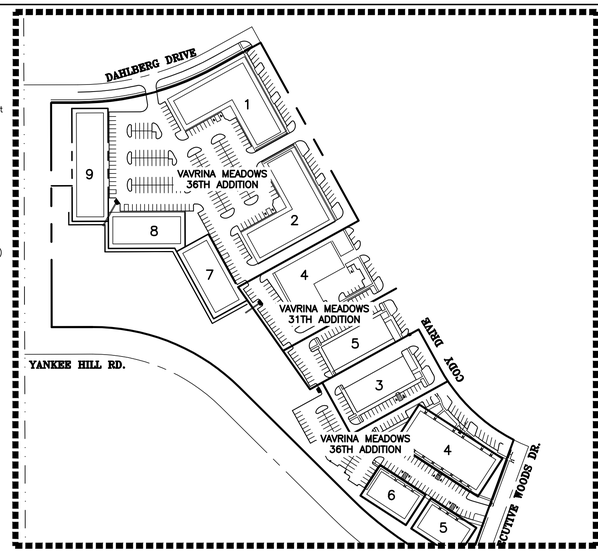
LOTS 1,2,7,8 & 9, VAVRINA MEADOWS 36TH ADDITION, LINCOLN, LANCASTER COUNTY, NEBRASKA.

ZONING

'H-4'
SETBACKS AS PER VAVRINA MEADOWS
'H-4' PUD #CZ15004:
0' INTERNAL SIDE YARD
20' FRONT YARD NORTH & WEST PROPERTY LINE)
50' FRONT YARD (EAST PROPERTY LINE)

LEGEND

- 6" PCC PAVEMENT
- 4" THICK CONCRETE SIDEWALK
- (1) INSTALL 6" PCC PAVEMENT W/INTEGRAL CURB
- (2) INSTALL 6" PCC PAVEMENT W/BARRIER CURB
- (3) INSTALL 4" THICK CONCRETE SIDEWALK
- (4) INSTALL HANDICAP RAMP
- PROPOSED DOOR LOCATIONS
- STRUCTURAL STOOP (SEE STRUCTURAL PLANS)



OVERALL PARKING

REQUIRED:

OFFICE/RETAIL/
COMMERCIAL/BREWERY: 1 STALL PER 300 SQ. FT.

TAP ROOM: 1 STALL PER 100 SQ. FT.

VAVRINA MEADOWS 36TH ADDITION LOTS 1-9 BUILDINGS:
105,361 SQ. FT.

VAVRINA MEADOWS 31ST ADDITION LOTS 4 & 5 BUILDINGS:
20,992 SQ. FT.

TOTAL PARKING REQUIRED:
124,873 SQ. FT)/300 = 417 STALLS REQUIRED
1,480 SQ. FT./100 = 15 STALLS REQUIRED
TOTAL REQUIRED = 432 STALLS

TOTAL PARKING SHOWN:
451 SURFACE STALLS
11 HANDICAP STALL
10 HANDIVAN STALL
TOTAL SHOWN = 472 STALLS

SHARED PARKING THROUGH OUT THE SITE PER PUD#CZ15004

PAVING TABLE OF APPROXIMATE QUANT.		
DESCRIPTION	UNITS	QUANTITIES
6" P.C. CONCRETE PAVEMENT W/INTEGRAL CONCRETE CURB	SF	113,063
4" THICK CONCRETE SIDEWALK	SF	21,173
HANDICAP PARKING RAMP	EA	6
HANDIVAN PARKING SIGN	EA	3
HANDICAP PARKING SIGN	EA	3

OWNER:
RC KRUEGER DEVELOPMENT CO.
8200 CODY DRIVE, SUITE #F
LINCOLN, NE 68512
(402) 423-7377

DEVELOPER:
RC KRUEGER DEVELOPMENT CO
8200 CODY DRIVE, SUITE #F
LINCOLN, NE 68512
(402) 423-7377

SURVEYOR/ENGINEER:
REGA ENGINEERING
NATHANIEL BURNETT
601 OLD CHENEY ROAD, SUITE 'A'
LINCOLN, NE 68512
(402) 484-7342

ARCHITECT
KEITH DUBAS
1712 E. STREET, SUITE 1
LINCOLN, NE 68508
(402) 438-0171

GENERAL PAVING NOTES:

1. THE FOLLOWING STANDARD DRAWINGS APPLY TO THE CONSTRUCTION OF THIS PROJECT:

PLAN NO.	TITLE
LSP 99	WORK ZONE TRAFFIC CONTROL
LSP 600	STANDARD WHEEL CHAIR RAMP
LSP 651	CURB DETAILS
LSP 660	CONCRETE PAVEMENT JOINT DETAILS

2. DIAL BEFORE YOU DIG! CALL 1-800-331-5666 FOR LOCATION OF UNDERGROUND TELEPHONE, ELECTRIC, GAS MAINS, CABLE TELEVISION, AND CITY OF LINCOLN UTILITIES.

3. THE CONTRACTOR SHALL FIELD VERIFY THE EXACT LOCATION OF ALL EXISTING UTILITIES, AND BE RESPONSIBLE FOR ANY DAMAGES INCURRED DURING CONSTRUCTION.

4. CONTRACTOR SHALL LEAVE THE SITE CLEAN AND SMOOTH GRADED.

5. PROVIDE OPENINGS IN CURB FOR FUTURE WHEEL CHAIR RAMP AS DIRECTED BY ENGINEER.

6. THE PAVING CONTRACTOR SHALL REMOVE FROM THE SITE AND PROPERLY DISPOSE OF ALL RUBBLE AND WASTE PRODUCED BY CONSTRUCTION.

7. THE PAVING CONTRACTOR SHALL BACKFILL AREAS BEHIND CURBS. ALL EARTH EXCAVATION IS SUBSIDIARY TO PAVING.

8. THE PAVING CONTRACTOR SHALL COORDINATE WITH OTHER CONTRACTORS TO VERIFY INSTALLATION OF RELEVANT UNDERGROUND UTILITIES IS COMPLETED BEFORE PAVING.

9. THE PAVING CONTRACTOR SHALL APPLY ALL PAINT STRIPING AS SHOWN ON PLAN.

10. THE TOP 9" OF THE BUILDING AND PAVEMENT SUBGRADE SHALL BE COMPACTED TO A MINIMUM OF 98% OF THE MAXIMUM DRY DENSITY DETERMINED BY ASTM D698 "STANDARD TEST METHOD FOR LABORATORY COMPACTION CHARACTERISTICS OF SOILS USING STANDARD EFFORT". AT THE TIME OF COMPACTION, THE MOISTURE CONTENT SHOULD BE CONTROLLED TO BETWEEN -1 AND +4 PERCENT OF THE OPTIMUM. ALL COMPACTION OF THE SUBGRADE IS SUBSIDIARY.

11. TO DETECT ANY LOCALIZED AREAS OF INSTABILITY, THE PAVEMENT SUBGRADE SHOULD BE PROOF-ROLLED IMMEDIATELY PRIOR TO PLACEMENT OF THE CONCRETE OR ASPHALT. UNSTABLE AREAS SHOULD BE REWORKED TO PROVIDE A UNIFORM SUBGRADE.

12. IF GEOTECHNICAL INFORMATION FOR THIS SITE HAS BEEN COMPLETED, THE GEOTECHNICAL REPORT SHALL SUPERSEDE SPECIFICATIONS AS STATED ON THIS PLAN FOR ALL PAVEMENT AND SUBGRADE. IF CHANGES TO THE PAVING PLAN ARE REQUIRED, IT IS THE RESPONSIBILITY FOR THE PAVING CONTRACTOR TO INFORM THE ENGINEER OF SUCH PRIOR TO THE WORK.

13. BOLLARDS SHALL BE PLACED (MIN. 2) AT ALL EXTERIOR MOUNTED METERING DEVICES (GAS, WATER, ELECTRIC) AS REQUIRED.

14. MAXIMUM JOINT SPACING TO BE 12.0'. (SEE LSP 660)

15. CONCRETE PARKING LOT SHALL CONFORM WITH ACI 300.1-03.

16. CONCRETE SHALL HAVE A MINIMUM 28-DAY COMPRESSIVE STRENGTH OF 3500 PSI; CONTAIN ABOUT 5% TO 7% ENTRAINED AIR AND HAVE A MAXIMUM WATER CEMENT RATIO OF ABOUT 0.45.

GENERAL SITE NOTES:

1. ALL NEW CURBS, GUTTERS, AND CONCRETE DRIVES TO BE CONSTRUCTED AS PER CITY SPECIFICATIONS.

2. EXISTING CURBS, GUTTERS, SIDEWALKS, AND CONCRETE DRIVES THAT ARE TO BE REMOVED SHOULD BE REMOVED AS PER CITY SPECIFICATIONS.

3. THE CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR THE DEMOLITION OF EXISTING ON SITE FACILITIES ABOVE AND UNDERGROUND AS INDICATED ON THE SITE PLAN. THE CONTRACTOR IS RESPONSIBLE FOR THE REMOVAL FROM THE SITE OF ALL DEMOLISHED MATERIALS, THE FILLING OF ALL DEPRESSIONS CAUSED BY DEMOLITION AND GRADING OF THE AREAS SO AS NOT TO BE OBJECTIONABLE TO VIEW. THE CONTRACTOR SHALL OBSERVE ALL REQUIRED SAFETY PRECAUTIONS IN THE PERFORMANCE OF THE CONTRACTOR'S WORK.

4. DIMENSIONS, BUILDING LOCATION AND GRADING OF THIS SITE ARE BASED ON AVAILABLE INFORMATION AT THE TIME OF LAYOUT. DEVIATIONS MAY BE NECESSARY IN THE FIELD. ANY SUCH CHANGES OR CONFLICTS BETWEEN THIS PLAN AND FIELD CONDITIONS ARE TO BE REPORTED TO THE ENGINEER PRIOR TO STARTING CONSTRUCTION.

5. COMMERCIAL DRIVEWAYS TO BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS OF THE CITY OF LINCOLN.

6. ALL WORK TO BE PERFORMED THAT IS NOT COVERED BY THESE PLANS SHALL BE CONSTRUCTED IN ACCORDANCE WITH APPLICABLE STATE, COUNTY OR LOCAL CODES. ALL WORK IN PUBLIC RIGHT-OF-WAYS SHALL BE IN ACCORDANCE WITH ALL STATE AND LOCAL REQUIREMENTS AND STANDARDS.

7. GENERAL CONTRACTOR IS TO FURNISH LIGHTING ASSEMBLIES FROM ONE APPROVED MANUFACTURER ONLY. LIGHTING PACKAGES INCLUDE BUT ARE NOT LIMITED TO: POLES, LIGHT FIXTURES, MOUNTING BRACKETS, ANCHOR BOLTS, AND HARDWARE.

8. UNLESS NOTED OTHERWISE, ALL DIMENSIONS AND RADIUS ARE TO BACK OF CURB.

9. DOOR LOCATIONS ARE CONCEPTUAL ONLY. EXACT LOCATIONS OF BUILDING ENTRANCES TO BE VERIFIED BEFORE INSTALLATION.

BENCHMARK

BENCHMARK #1: RIM OF STORM SEWER MANHOLE.
EL: 1182.23 - NAVD 88

BENCHMARK #2: RIM OF SANITARY SEWER MANHOLE.
EL: 1184.21 - NAVD 88

PROJECT
161214

NO.	REVISIONS DESCRIPTION	DATE	BY

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

CORN COAST BREWING CO.
SPECIAL PERMIT #21008
SITE PLAN

DATE: 02/25/2021
DESIGNED BY: BTS/NB
DRAWN BY: BTS
CHECKED BY: NB/LL

SHEET NO.
1 of 1

27.63.680/685 Operating Statement

Corn Coast Brewing will be a craft brewery operating out of 1433 Dahlberg Dr, Suite A-C, Lincoln, NE 68512. The business will make beer onsite for onsite consumption and for purchase for offsite consumption, with plans for future expansion of offsite sale through a distributor. Parking for the building includes stall parking spots in front of the building, parking across the street, a shared parking lot to the north, along with a planned shared lot across the street. Handicap parking will be located in front of the building nearest the tap room door. There are no businesses or entities within 100ft of the property line as listed in a.3. All lighting will be erected in accordance with regulations. There will be no drive through. The premises is at least 150ft from the nearest residential area, and has no outside noise sources, all doors comply with a.7., and vehicular ingress and egress is designed to avoid residential flow disruption. Federal TTB licensing has been approved, but State and City liquor licensing is pending as of 11Feb21.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

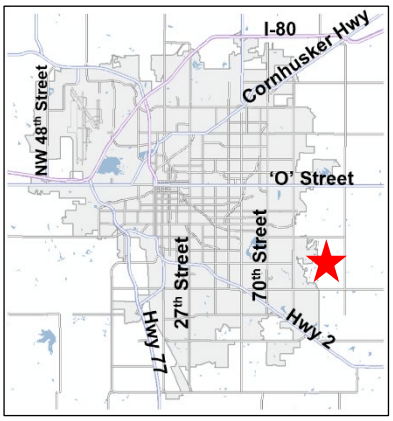
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Special Permit #21010, Eagle Creek Estates	No	Chad Buhr Construction
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
March 17, 2021	None	5100 S. 98th St.

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request per LMC 27.65 for a Community Unit Plan with build-thru to develop 2 dwelling units with associated waivers. The lots are proposed to have wells and septic system. The size of the lots are one acre and 3.11 acres.



JUSTIFICATION FOR RECOMMENDATION

The proposal meets the intent of a rural cluster subdivision under the AG zoning. The preservation of open space and clustering of lots meet the goals of development in the agricultural area of the County. The extensive list of waivers is due to the CUP only including two lots. A typical CUP build thru subdivision would have 5 to 10 lots or more. The standards are meant for subdivisions with streets and more units, but don't function well for a two lot CUP. A CUP for two lots and no streets is unique as most developers can't afford the cost of a CUP for two lots. In this case the developer has the right to build two houses already. The purpose of the CUP is to preserve land for urbanization. This property in Lincoln's future growth area and is proposed to be in the Future Service Limit in the draft Comprehensive Plan that is underway.

APPLICATION CONTACT
Mike Eckert, Civil Design Group
402-434-8494, meckert@civildg.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The special permit for a Community Unit Plan is in conformance with the 2040 Comprehensive Plan. The clustering of lots to preserve land for urbanization and open space are goals of the Comprehensive Plan.

WAIVERS

1. Reduce setbacks for front yard to 20', side yard to 5'and rear yard to 20' (Recommend Approval)
2. Reduce the minimum lot area for Lot 1 to one acre. (Recommend Approval)
3. Section 27.65.075 (a)(2) to provide a drainage and grading plan for the Acreage Development Component and the Urban Reserve Component. (Recommend Approval)

4. Section 27.65.075 (b)(3) to show easement locations for future utilities and stormwater drainage for the Acreage Development Component. (Recommend Approval)
5. Section 27.65.075 C to provide a master plan for an urban framework for future development of the Urban Reserve Component that includes stormwater plan, infrastructure lines, easements, and street profile. (Recommend Approval)
6. Section 27.65.070 C to provide contour lines. (Recommend Approval)
7. Section 27.65.070 D to provide locations, name, tangent lengths, centerline radius of each curve and its interior angle, and width of all proposed streets within the development. (Recommend Approval)
8. Section 27.65.070 E to provide locations and widths of all existing and proposed easements for drainage, sewers, and other public utilities and, if appropriate, access easements. (Recommend Approval)
9. Section 27.65.070 G to provide the location and size of all existing and proposed sanitary and storm sewers, culverts, water mains, fire hydrants, and existing power lines and other underground structures or cables within the tract of land and adjacent streets. (Recommend Approval)
10. Section 27.65.070 'O' 5 to provide street profile for proposed streets. (Recommend Approval)
11. Section 27.65.070 'O' 8 to provide a drainage study. (Recommend Approval)
12. Section 27.65.070 'O' 9 to provide a map or an aerial photograph showing the proposed streets, private roadways, driveways, parking areas, buildings and lots which includes the location, and identifies, by common name, all existing trees within the area of the CUP. (Recommend Approval)
13. Section 27.65.070 'O' 11 to provide a site grading plan showing existing and proposed contours lines with intervals at no greater distance than five feet, and if necessary, spot elevations showing complete proposed grading of the CUP. (Recommend Approval)
14. Chapter 27.53 to provide information as required for development in flood plain for new growth areas as described in Chapter 27.53 (Recommend Approval)
15. Section 26.15.060 C to provide easement locations for future utilities and stormwater drainage. These easements shall also be included on the preliminary and final plats of the CUP. (Recommend Approval)
16. Section 26.23.140g that every lot shall front upon and have access to a public street. (Recommend Approval)
17. Section 26.25 to provide information as required for development in flood plain for new growth areas as described in Chapter 26.25 (Recommend Approval)
18. Section 28.03 for post construction storm water management. (Recommend Approval)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

P. 1.2 - Lincoln and Lancaster County: One Community Vision Statements:
• An important relationship exists between the urban, rural, and natural landscapes. Urban and rural development maximize the use of land in order to preserve agriculture and natural resources.
• Policies of managing urban growth, maintaining an "edge" between urban and rural land uses, and preserving prime agricultural land form a distinctive and attractive built environment for Lincoln and Lancaster County.

P. 2.7- Acknowledge the fundamental "Right to Farm." Preserve areas throughout the county for agricultural production by designating areas for rural residential development — thus limiting potential conflicts between farms and acreages.

P 2.7- Ensure that acreage and rural development preserve and protect environmentally sensitive areas, and maximize the preservation of our nonrenewable resources, such as land and fossil fuels. (P. 2.7)

P. 7.12- LPlan 2040 supports the preservation of land in the bulk of the County for agricultural land and natural

resource purposes. However, it recognizes that some parts of the County are in transition from predominantly agricultural uses to a mix that includes more residential uses.

P. 12.3 - this site is in Tier 2 in the 2040 Priority Growth Areas.

P. 12.8 – Tier II is an area of approximately 34 square miles that defines the geographic area the city is assumed to grow into immediately beyond Tier 1. It shows areas where long term utility planning is occurring today and acts as a secondary reserve should Tier 1 develop faster that anticipated. Tier II should remain in its current use in order to allow for future urban development.

ANALYSIS

1. This is a request for a special permit for a Community Unit Plan (CUP) with Build Through Acreage (BTA) for 2 lots on 44.65 acres. The site is located approximately one-half mile south of Pioneers Blvd. on S. 98th St.
2. The proposed site plan for the CUP is to allow up to 2 lots/dwelling units. Required to meet BTA standards, the plan shows how the urban reserve component can be further subdivided at such time as the property is annexed and can be served by the full range of City services. Lot 1, at one acre, is not required to further subdivide. Lots one acre or less are not required to be further subdivided. Lot 2 shows building envelopes for future development. There is an existing house on Lot 2.
3. The build through plan shows a future concept for urban development. A future street will connect to High Tower Road in the approved Eastmark Development. A future round-about is proposed for the intersection of High Tower Rd. and S. 98th Street. Eastmark was approved in March 2011 and to date has not been developed. Until High Tower road is built the 2 lots will use the existing drive for access.
4. The urban reserve area shows a conceptual layout for future development. The waivers related to the urban reserve area are acceptable as detailed plans would be submitted with a future development once the area can be annexed. A new CUP or preliminary plat would be required prior to any development of the urban reserve area.
5. The applicant has requested waivers to the front, side and rear yard setback. The proposed setbacks are appropriate for lots with build through. The proposed setbacks are the same as the R-3 district.
6. The applicant has requested a waiver to minimum lot size. The minimum lot size for an AG CUP is 3 acres. The waiver is needed for Lot 1 that is shown as one acre in size. Lots one acre or less are encouraged for Community Unit Plans with Build Through. This prevents the need to show how the lot would further subdivide in the future and preserves more land for urbanization.
7. Lincoln Transportation and Utilities Watershed Management did not object to the waivers. The needed information and improvements will be obtained when the property urbanizes. Since the CUP contains only two lots and no new streets, the information wasn't necessary.
8. If the CUP was not approved, the existing 8 and 36 acre lots would remain. The proposed plan establishes a drainage easement and only uses 4 acres for the two houses preserving nearly 40 acres for urbanization and establishes a better layout for future urbanization. It also provides for the removal of the driveway once the new streets are in place, which is a goal of the City's Access Management Policy, but is sometimes costly to obtain from an existing acreage lot.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: AG-Agriculture one house and vacant/undeveloped

SURROUNDING LAND USE & ZONING

North:	AG – Agriculture	vacant/undeveloped
South:	AG- Agriculture	golf course
East:	AG – Agriculture	farm ground
West:	AG – Agriculture	golf course

APPLICATION HISTORY

December 2020: Eagle Creek Estates final plat was approved.

APPROXIMATE LAND AREA: 44.65 acres

LEGAL DESCRIPTION: Lots 1 and 2, Eagle Creek Estates Addition located in the SW1/4 of Section 12-9-7, Lancaster County, NE

Prepared by

_____
Tom Cajka, Planner

Date: March 4, 2021

Applicant: Chad Buhr Construction
15893 S. 134th Street
Adams, NE 68301
402-499-6413
Cbuhr04@gmail.com

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

Owner: Same as applicant

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CONDITIONS OF APPROVAL – SPECIAL PERMIT #21010

Per Section 27.63.320 this approval permits a Community Unit Plan for 9 dwelling units with associated waivers.

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 Show the floodplain and floodway boundaries.

    1.2 Delineate a minimum flood corridor along the drainage way.

    1.3 Make sure all future lots are located outside of the floodplain and minimum flood corridor

    1.4 Set a lowest floor elevation for Lot 1 at least 1 ft above the Base Flood Elevation.

    1.5 Show area which is to be a no build and will be dedicated ROW for potential roundabout at S 98th and High Tower Road

    1.6 The existing water well is located on the proposed Outlot A. An easement must be established to allow for the use and maintenance of this water well for Lot 1 or Lot 2.

    1.7 Part of the existing onsite wastewater treatment system serving Lot 2 is located on the proposed Outlot A. An easement must be created for this portion of the onsite wastewater treatment system on Outlot A.

    1.8 Show the sanitary sewer easement for Lot 1 on Sheet 1.

    1.9 Remove or identify the 3 lines in the upper right hand corner of Lot 2.

    1.10 Change the front yard setback to 20 feet to match the requested waiver.

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. 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.

    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 condition and state of repair including the routine and reasonable preventive maintenance of the private improvements on a permanent and continuous basis.

to pay all design, engineering, labor, material, inspection, and other improvement costs except those cost the City Council specifically subsidizes as follow:

to inform all purchasers and users of land is located within the 100 year floodplain that the grading of the lots and outlots within the 100 year floodplain shall be in conformance with the approved grading plan or as amended by the Director of Planning. The volume of fill material brought into each lot and outlot from outside the floodplain shall not exceed that shown on the approved grading plan accompanying the preliminary plat.

to agree to subdivide the Acreage Development Component as shown on the transitional plat when sanitary sewer and water are extended to serve the Community Unit Plan and the area is annexed and rezoned.

to agree to subdivide the Acreage Development Component as shown on the transitional plat and to agree to implement the Master Plan for future development of the Urban Reserve Component when sanitary sewer and water are extended to serve the Acreage Development Component and Urban Reserve Component and the Acreage Development Component and Urban Reserve Component are annexed and rezoned.

to notify all potential purchasers of lots that said lots are subject to future subdivision and additional future urban residential development as shown on the final plat when (a) the sanitary sewer and water mains have been extended to serve the final plat; (b) the Lots have been annexed; and ©) the Lots have been rezoned to a district allowing for higher urban density.

to notify all potential purchasers of lots that Outlot A shown and identified on the final plat as " Reserved for Future Platting to Urban Density " is subject to future urban residential development having a density of approximately 80 dwellings when (a) the sanitary sewer and water mains have been extended to serve the final plat; (b) the Outlot has been annexed; and c) the Outlot has been rezoned to a district allowing for higher urban density.

that Lot 2 and Outlot A may be subdivided to an urban density when the sanitary sewer and water are extended to serve said Lot and Outlot A and said Lots and Outlot A are annexed and rezoned

to install water mains to serve Lots 1 and 2 at Permittees own cost and expense within twelve (12) months following annexation of said Lots into the City of Lincoln, unless a water district is created by the City Council for the water mains and water mains are finally ordered constructed within six (6) months following said annexation

to install all other infrastructure for conversion of the Lots and Outlot at Permittee's own cost and expense when said Lots are replatted as buildable lots unless a special improvement district is created by the City Council for the installation of infrastructure improvements and the improvements are finally ordered constructed. Permittee understands that a special assessment district for the installation of a local public street and for the installation of public ornamental lights may not be finally ordered constructed by the City Council until a petition signed by the owners of record title, representing a majority of feet frontage of property directly abutting upon the street or streets to be improved shall be presented and filed with the City Clerk petitioning therefor. Permittee agrees that in the event a street or streets within the final plat are embraced within a street paving district, and/or ornamental lighting district, Permittee shall, within thirty (30) days following creation of the district, petition the City Council to order the final construction of said street paving and/or ornamental lighting.

in the event any infrastructure improvements including but not limited to water mains, street paving, sidewalks, street trees, stormwater and ornamental street lights are ordered constructed pursuant to a special assessment district Permittee (1) agrees and consents that the cost thereof shall be assessed and levied together with assessment and equalization costs, against the benefitted properties in Eagle Creek Estates Addition, waiving all objections to the sufficiency of the petitions therefor, to the proceedings creating said

districts, to the making of the assessments and to the equalization thereof; and (2) agrees to pay to the City of Lincoln said costs as thus assessed and levied against said property.

to and hereby waives, as against the City of Lincoln, any and all damages and any claim or right of action for any and all damages, of every nature, which may accrue to Permittee, or which may result to Permittee's property or interest therein, by reason of said infrastructure improvements or the construction thereof.

to locate buildings on Lots 1 and 2, so as to preserve the remaining portion of such Lot for future platting into buildable Lots as shown on the final plat. Permittee agrees that the City and County may withhold the issuance of any building permit for a building on said Lots which does not comply with the requirements of this paragraph.

not to protest annexation of the property within Eagle Creek Estates Addition into the City of Lincoln.

that the obligations of Permittee as subdivider under a BTA Subdivision Agreement shall constitute a covenant running with the land and shall be binding on Permittee and Permittees, administrators, successors and assigns.

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 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.

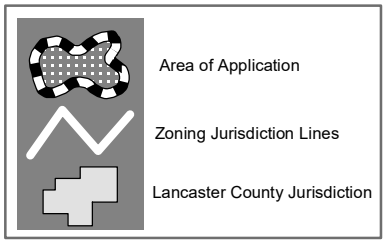
Special Permit #: SP21010
Eagle Creek Estates CUP
S 98th St & Old Cheney Rd

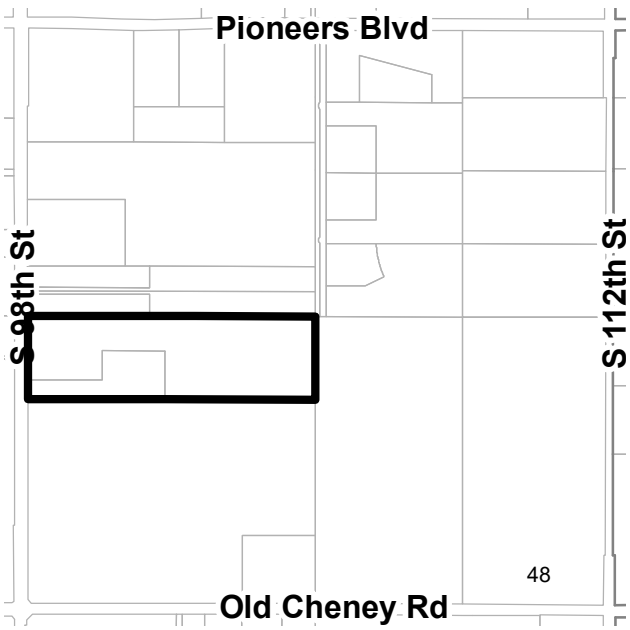
2020 aerial

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
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 R07E





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

File: F:\DevReview\PlannerPacket\MXD\Agendadrawings.mxd (SP21010)

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LINCOLN, NEBRASKA 68512
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N

0 40' 80' 160'

SCALE: 1"=80'

NW COR SW1/4 SEC 12-9-7E
Found 2" Aluminum Cap
E 60.00' to Capped Rebar
ESE 84.88' to Mag Nail on Conc. Pole Base
SE 107.55' to 5/8" Rebar

POINT OF BEGINNING

LOT 44
SEC. 12, T09N, R07E
(NOT PART OF PLAT)

S89°48'57"E
2653.56' M

LOT 46
SEC. 12, T09N, R07E
(NOT PART OF PLAT)

N89°48'57"W
2593.56' M 2593.44' R1

NE COR SW1/4 SEC 12-9-7E
Found 1" Iron Pipe
S 18.20' to Face Gate Post
SSW 7.64' to SW Bolt Transmission Pole
W 15.65' to Face Gate Post

S89° 49' 07"E 415.21'
209.96'
205.34'
60.00'
40.78'
N0° 27' 07"E
(MRTS OF LANCASTER COUNTY) DRAINAGE EASEMENT INST.NO. 2008005580
35.00'
15' UTILITY EASEMENT
10' UTILITY EASEMENT
90.00'
70' DRAINAGE EASEMENT
S00°04'07"E
750.01' M 750.00' R2
65.00'
184.66'
5' SIDE YARD SETBACK
20' REAR YARD SETBACK
LOT 1
1.00 AC.
BUILDING ENVELOPE
227.55'
248.54'
25' FRONT YARD SETBACK
183.46'
SEWER EASEMENT 3.0 AC.
EXISTING WELL HEAD
EXISTING DRIVEWAY ACCESS
10' UTILITY EASEMENT INST. NO. 2006036800
N17° 17'E
10.54'
133.38'
60.00'
S98TH ST
N00°04'07"W
2640.33' R1
2640.29' M
HIGH TOWER ROAD
OUTLOT 'A'
40.53 AC.
(FUTURE DEVELOPMENT)
5' TYP.
S84° 50' 01"E
82.11'
N78° 56' 34"E
109.33'
123.64'
76.26'
82.11'
30.11'
N71° 07' 16"E
73.82'
140.29'
65.06'
60' NO BUILD EASEMENT FOR FUTURE STREET
25' FRONT YARD SETBACK
EXISTING SEPTIC LIDS
BUILDING ENVELOPE
5' SIDE YARD SETBACK
EXISTING HOUSE
LOT 2
3.11 AC.
5' SIDE YARD SETBACK
20' REAR YARD SETBACK
EXISTING ROCK DRIVEWAY
LIMITS OF DRIVEWAY ACCESS EASEMENT FOR LOTS 1 & 2
60' NO BUILD EASEMENT FOR FUTURE STREET
S89°49'07"W
313.84'
77.00'
37.00'
S89°48'57"E
2592.82' M
2592.76' R1
SEWER EASEMENT 3.0 AC.
60' NO BUILD EASEMENT FOR FUTURE STREET
EASEMENT BOUNDARY IS 50' EITHER SIDE OF AND RUNS PARALLEL WITH EASEMENT CENTERLINE SHOWN.
47' TRANSMISSION LINE EASEMENT CONSUMERS POWER CO. #1850-265
10' UTILITY EASEMENT
LOT 27
SEC. 12, T09N,
(NOT PART OF
N00°00'44"W
750.00' M
750.00' R2
S00°00'44"E
2635.50' M
FOUND 1/2" REBAR 2.36' EAST OF TRUE POSITION
LINE IS 750' SOUTH OF AND PARALLEL TO THE NORTH LINE OF THE SW 1/4 PER DEED
S01°03'44"E
1885.50' M
THIS AREA APPROVED BY SPECIAL PERMIT#11001 & AA13064 EAST MARK
LOT 52
SEC. 12, T09N, R07E
(NOT PART OF PLAT)
OLD CHENEY RD
N89°55'09"W
2650.95' M
2651.02' R1
SW COR SW1/4 SEC 12-9-7E
Found 2" Aluminum Cap
N 100.88' to Mag Nail in Center of Median
E 98.61' to Mag Nail in Center of Median
S 98.77' to Mag Nail in Center of Median
W 99.52' to Mag Nail in Center of Median
SE COR SW1/4 SEC 12-9-7E
Found 2" Aluminum Cap
N 42.98' to 3/4" Iron Pipe
S 40.82' to 3/4" Iron Pipe
NW 54.97' to 1" Iron Pipe
E 20' to Field Drive North

CURVE DATA

CURVE #	RADIUS	ANGLE	TANGENT	LENGTH	CH DIST	CH BRG
C2	200.00'	60°43'03"	117.15'	211.94'	202.17'	N59°49'21"E
C3	200.00'	49°28'44"	92.16'	172.71'	167.40'	S54°12'12"W
C4	300.00'	25°49'47"	68.79'	135.24'	134.10'	N77°15'59"E
C5	300.00'	16°13'25"	42.76'	84.95'	84.66'	S87°03'16"W
C6	150.00'	9°35'39"	12.59'	25.12'	25.09'	S89°37'50"E
C7	150.00'	52°07'22"	73.36'	136.46'	131.80'	S20°53'42"E

LEGEND
- = FD. CAPPED REBAR
- = FD. SECTION CORNER AS NOTED IN TIES
- = FD. 1/2" REBAR
- O = SET 5/8" x 24" REBAR W/ LS595 CAP
- M = Meas. distance
- R1 = Record distance - AA-26343
- R2 = Record distance - AA-14268

REVISIONS		
NO.	DATE	DESCRIPTION

SITE PLAN
URBAN RESERVE COMPONENT

EAGLE CREEK ESTATES
COMMUNITY UNIT PLAN #____

LINCOLN, NEBRASKA

2020

drawn by:	jds
checked by:	-
approved by:	-
project no.:	2020-0293
drawing no.:	-
date:	02/17/2021

SHEET
2 OF 2

DWG: F:\Projects\2020\2020293\Landdisming\CIP\2020293 Build Thru.dwg
DATE: Feb 17, 2021 1:46pm XREFS: 2020BX Xbase 2020SX Base USER: jill

LEGAL DESCRIPTION:

MEETS AND BOUNDS DESCRIPTION OF "EAGLE CREEK ESTATES ADDITION", LOCATED IN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 9 NORTH, RANGE 7 EAST, OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 2, EAGLE CREEK ESTATES ADDITION, SAID POINT BEING LOCATED ON THE EASTERLY 60.00' RIGHT-OF-WAY LINE OF SOUTH 98TH STREET AND ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 12; THENCE IN A SOUTHERLY DIRECTION ON THE EASTERLY 60.00' RIGHT-OF-WAY LINE OF SOUTH 98TH STREET AND ON THE WESTERLY LINE OF LOTS 1 AND 2, EAGLE CREEK ESTATES ADDITION AND ON AN ASSUMED BEARING OF S 00°04'07" E, FOR A DISTANCE OF 750.01' TO THE SOUTHWEST CORNER OF SAID LOT 1;
THENCE S 89°48'57" E ON THE SOUTH LINE OF SAID LOTS 1 AND 2, FOR A DISTANCE OF 2592.82' TO THE SOUTHEAST CORNER OF SAID LOT 2, SAID POINT ALSO BEING LOCATED ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 12;
THENCE N 00°00'44" W ON THE EAST LINE OF SAID LOT 2 AND ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 12, FOR A DISTANCE OF 750.00' TO THE NORTHEAST CORNER OF SAID LOT 2, SAID POINT ALSO BEING THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 12;
THENCE N 89°48'57" W ON THE NORTH LINE OF SAID LOT 2 AND ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 12, FOR A DISTANCE OF 2593.56' TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 44.65 ACRES, MORE OR LESS.

SUBJECT TO ANY AND ALL EASEMENTS, RESERVATIONS, RESTRICTIONS AND CONVEYANCES OF RECORD.

APPROVAL:

THE FOREGOING COMMUNITY UNIT PLAN - SPECIAL PERMIT WAS APPROVED BY THE LINCOLN CITY PLANNING COMMISSION ON THIS ____ DAY OF _____, 2021.

ATTEST: _____
CHAIR

GENERAL NOTES:

1. THIS COMMUNITY UNIT PLAN CONTAINS 44.65 ACRES MORE OR LESS AND PERMITS 2 SINGLE FAMILY LOTS AND 1 OUTLOT. EACH BUILDABLE LOT SHALL CONTAIN A MAXIMUM OF ONE SINGLE FAMILY RESIDENCE, LOCATED WITHIN THE BUILDING ENVELOPES AS SHOWN AND/OR NOTED.
2. ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
3. THE DEVELOPER PROPOSES THE USE OF INDIVIDUAL WELLS FOR POTABLE WATER SUPPLY.
4. THE DEVELOPER PROPOSES THE USE OF INDIVIDUAL WASTE WATER SYSTEM FOR LOT 1. IF PERCOLATION TEST DO NOT PERMIT SUB SURFACE FIELDS, LAGOONS SHALL BE INSTALLED. WASTE WATER SYSTEMS SHALL BE APPROVED BY THE LANCASTER COUNTY HEALTH DEPARTMENT. SINCE LOT 1 IS LESS THAT THREE ACRES, UPON FINAL PLATTING, AN ADDITIONAL 3 ACRE WASTE WATER EASEMENT IN OUILOT 'A' SHALL BE GRANTED TO LOT 1 FOR FUTURE SYSTEM REPLACEMENT NEEDS. THE WASTE WATER SYSTEM SHALL BE APPROVED BY A PERMIT FROM THE STATE OF NEBRASKA DEPARTMENT OF ENVIRONMENT AND ENERGY.
5. LOT 2 HAS AN APPROVED INDIVIDUAL WASTE WATER SYSTEM. UPON FINAL PLATTING, AN ADDITIONAL 3 ACRE WASTE WATER EASEMENT IN OUTLOT 'A' SHALL BE GRANTED TO LOT 2 FOR EXISTING MAINTENANCE OF LATERALS AND FOR FUTURE SYSTEM REPLACEMENT.
6. DIRECT VEHICULAR ACCESS IS HEREBY RELINQUISHED TO S. 98TH STREET EXCEPT AT THE EXISTING DRIVEWAY CONNECTION. THIS VEHICULAR ACCESS POINT SHALL BE SHARED BY BOTH RESIDENTIAL LOTS VIA A COMMON ACCESS EASEMENT IN THE ADJACENT OUTLOT.
7. A UN-BUILDABLE AREA FOR A FUTURE PUBLIC STREET AS PART OF THE URBAN RESERVE COMPONENT IS SHOWN AND SHALL BE RESTRICTED AS A NO-BUILD AREA.
8. THE FUTURE DEVELOPMENT OF OUTLOT 'A' (URBAN RESERVE COMPONENT) IS DESIGNED FOR FUTURE PLATTING IN ACCORDANCE WITH THE BUILD-THRU STANDARDS.
9. A WRITTEN AGREEMENT SHALL BE PROVIDED FOR THE FUTURE CONVERSION OF LOTS TO HIGHER DENSITY, INCLUDING TIMING OF ANNEXATIONS, FUNDING OF INFRASTRUCTURE COST, AND AGREEMENTS TO PETITION FOR SPECIAL ASSESSMENT DISTRICTS.
10. DEVELOPERS SHALL BE RESPONSIBLE FOR INSTALLING STREET IDENTIFICATION SIGNS, STOP SIGNS AND NO OUTLET SIGNS AS REQUIRED.
11. ALL PRIVATE IMPROVEMENTS SHALL BE MAINTAINED BY THE DEVELOPER OR LOT OWNERS.
12. PROVISIONS BY THE DEVELOPER SHOULD BE MADE FOR RETAINING AS MUCH TREE MASS AS POSSIBLE.

AGR DENSITY CALCULATION

44.65 ACRES OF AGR AT 0.055 DWELLING PER ACRE= 2.45 UNITS

2 DWELLING UNITS

SHEET INDEX

SITE PLAN - ACREAGE DEVELOPMENT COMPONENT	1
SITE PLAN - URBAN DEVELOPMENT COMPONENT	2

OWNER/DEVELOPER:

CHAD BUHR CONSTRUCTION, LLC
15893 S. 134TH ROAD
ADAMS, NE 68301
(402)520-2599

ENGINEER:

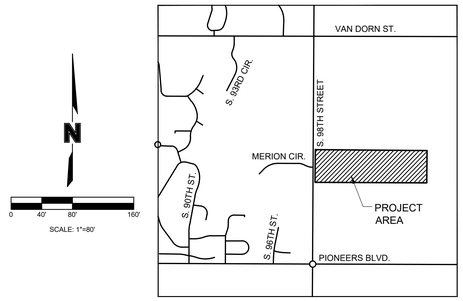
CIVIL DESIGN GROUP, INC.
8535 EXECUTIVE WOODS DRIVE
SUITE 200
LINCOLN, NE 68512 (402)434-8494

SURVEYOR:

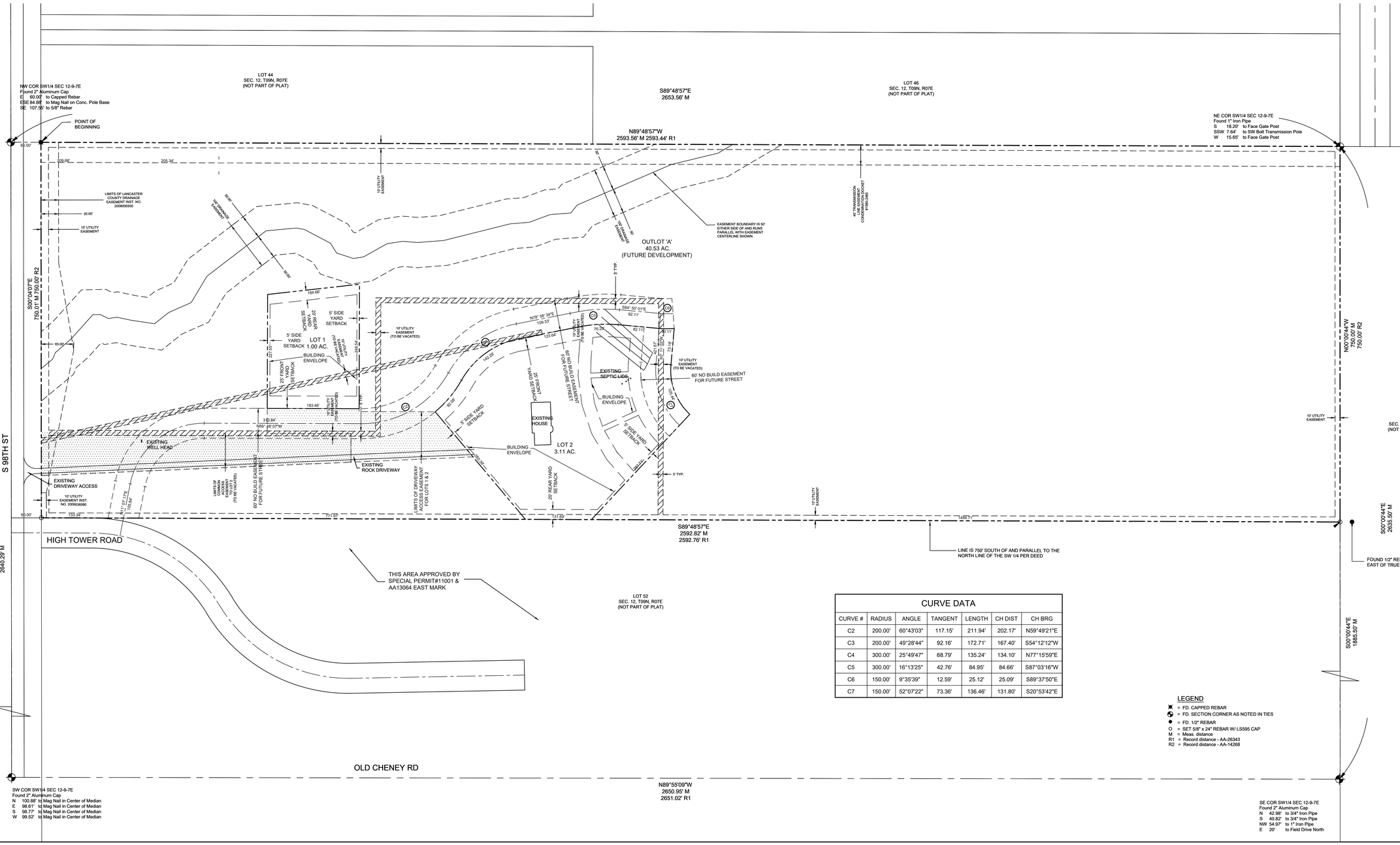
ALLIED SURVEYING & MAPPING
8535 EXECUTIVE WOODS DRIVE
SUITE 200
LINCOLN, NE 68512 (402)434-2686

WAIVERS:

1. TO REDUCE THE AG FRONT YARD SETBACK TO 25', THE REAR YARD SETBACK TO 30' AND THE SIDE YARD SETBACK TO 5'.
2. TO LMC SECTIONS 27.65.070 ITEMS C, D, E, G, J, K, O(5), O(8), O(9), O(11) AND SECTION 27.65.075 A(2), B(3), C.
3. TO LMC SECTION 26.15.060(C).
4. TO LMC SECTION 28.03, FOR POST-CONSTRUCTION STORMWATER MANAGEMENT.
5. TO LMC SECTIONS 27.53 & 26.25 FOR FLOOD REGULATIONS FOR NEW GROWTH AREAS.
6. TO LMC SECTION 26.23.140(G)



VICINITY MAP
SCALE: NONE



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LEGEND
- ▣ = FD. CAPPED REBAR
- ⊗ = FD. SECTION CORNER AS NOTED IN TIES
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- ○ = SET 5/8" x 24" REBAR W/ LS595 CAP
- M = Meas. distance
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REVISIONS

NO.	DATE	DESCRIPTION

SITE PLAN
ACREAGE DEVELOPMENT COMPONENT

EAGLE CREEK ESTATES
COMMUNITY UNIT PLAN #____

2021

LINCOLN, NEBRASKA

drawn by: jds
checked by: -
approved by: -
project no.: 2020-0293
drawing no.: -
date: 02/16/2021

SHEET
1 OF 2

DWG: F:\Projects\2020\2020293\Landdesktop\CUP\20293 cup.dwg
DATE: Feb 17, 2021 1:46pm
XREFS: 20293 Base 20293 House
USER: jill

Civil Design Group, Inc.

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

March 4, 2021

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

Re: Special Permit application for Eagle Creek Estates AG CUP on land generally located at 5100 S. 98th Street. CDG Project # 2020-0293.

Dear Mr. Cary:

On behalf of the Chad Buhr Construction, LLC we submit the enclosed application for an AG CUP on 44.65 acres of land at 5100 S. 98th Street. This application would permit two dwelling units within the CUP boundary. With an existing house on the land that is set back a significant distance from S. 98th Street and an large area of floodway/floodplain bisecting the land, we have worked extensively with Planning staff to create this CUP. Significant attention has been given to creating two AG CUP residential lots that will be located and shaped in a manner that will be conducive to the future urban reserve component's street network and residential build out.

Due to those contraints and the location of the existing house, we are requesting for several waivers to the subdivision and CUP codes. They include:

1. To reduce the AG setback to match the future R-3 zoning setbacks.
2. To LMC Section 27.65.020 to reduce the minimum lot size for Lot 1.
3. To LMC Section 27.65.070 items C, D, E, G, and O (5, 8, 9, 11) and Section 27.65.075 items A(2), B(3) & C.
4. To LMC Section 26.15.060 item C.
5. To LMC Section 28.03 for post construction stormwater regulations.
6. To LMC Section 27.53 & 26.25 for flood regulations for new growth areas.
7. To LMC Section 26.23.140(G) for platted lots to abut and access public streets.

Waiver #1 is a typical desire for lots within the acreage development component in the BTA area, promoting future neighborhood continuity. Waiver #2 is create a 1 acre lot that more conducive to urban development. Waiver #3 is for various future urban design elements that would require extensive design elements that are not integral in accomplishing the goal of preserving adequate areas for the urban reserve component. Waiver #4 is also an item that would require extensive urban design elements for easements that can otherwise be secured when future applications are made to the Planning Department during urban preliminary platting

and annexation. Waivers #5 & #6 are for the removal of the water quality and detention facility design and installation. At this time, the proposal is to simply add one residential house on 45 acres and utilize the existing driveway off of S. 98th St for both houses. As such, the increase impervious area from one house is insignificant to warrant the cost-benefit of these storm water elements. Lastly, waiver #7 is to allow for the two acreage lots to be platted without frontage onto a public street. With this CUP we propose creating a no-build area for the future ROW that will abut both lots, This area designation will prevent any construction in the future ROW area that would impede the create of the urban road upon annexation. In the interim, we are requesting that both lots be permitted to access the public ROW of S. 98th St via a common access easement over the existing driveway.

With this application we submit the following items:

Application for Special Permit
Special Permit Fee of $4,283.00
Plans uploaded via ProjectDox

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

Sincerely,

Mike Eckert, AICP

cc: Chad Buhr Construction, LLC

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?
Text Amendment 21001	No
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**
March 17, 2021	SP450S

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

A text amendment is proposed to update the Zoning Ordinance as it pertains to sign regulations for non-residential health care facilities, including hospitals. The proposal would allow such facilities to have electronic changeable copy signs in residential districts. Limitations would include frontage on an arterial street, setbacks of 150 feet from side and rear property lines if abutting residential lots and setback of 150 feet if the sign is parallel to the front lot line. Also, the signage would have to be turned off between 10:00 p.m. and 7:00 a.m.

JUSTIFICATION FOR RECOMMENDATION

The text amendment will allow flexibility for campus signage associated with non-residential health care facilities. These facilities generally are found in residential districts which have more limiting sign regulations. In the case of electronic changeable copy signage, places of religious assembly are allowed such signs in residential districts subject to limitations. The proposal for non-residential health care facilities has similar locational criteria for the electronic signage and to limit potential negative impacts on residential neighborhoods.

APPLICATION CONTACT
Tom Huston (402) 474-6900 or
thuston@clinewilliams.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The 2040 Comprehensive Plan supports health care facilities by recognizing the need to plan for further construction on medical campuses and support the necessary expansion of facilities while remaining sensitive to surrounding neighborhoods. This request is compatible with the Comprehensive Plan because it allows for additional signage for these expanding institutions without negatively impact residential areas.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 8.6 – Health Care

- Hospitals represent one of the highest and most important community service land uses. Lincoln has a growing number of medical campuses such as Bryan LGH East and West, St. Elizabeth's Regional Medical Center, Madonna Rehabilitation hospital.

p. 8.7 – Health Care

- Any hospital expansion will need to take into consideration the impact on adjacent neighborhoods.
- Plan for further construction on medical campuses.

ANALYSIS

1. This request is for a text amendment to amend the Zoning Ordinance 27.69.260 pertaining to nonresidential health care facilities. Madonna Rehabilitation Hospital submitted a proposed text amendment as part of their expansion project from earlier in 2020. They would like to install an "electronic changeable copy sign" as a freestanding sign at the entrance on South Street. The Madonna campus is largely zoned R-2 Residential, and they operate with a Special Permit as a non-residential health care facility. Presently, an electronic changeable copy sign is not permitted in a residential zoning district for this use. Therefore, Madonna is proposing this text amendment to permit such electronic signage in a residential zoning district for a non-residential health care facility.

2. The Zoning Ordinance (27.69.020) defines an electronic changeable copy sign as follows:

   Electronic Changeable Copy Sign shall mean a sign containing a computer or digital software generated message or other automated or remote method of changing copy.

3. Currently, the Zoning Ordinance (27.69.260) does not generally allow for electronic changeable copy signage in a residential district. In all nonresidential zoning districts except in the O-1, O-2, and R-T zoning districts, on-premises electronic changeable copy signs are allowed subject to restrictions. In residential zoning districts, a place of religious assembly, school or community playhouse is permitted an electronic changeable copy sign as a freestanding sign on an arterial street subject to restrictions. These limitations include that the total area of the sign shall not exceed 75% of the allowed freestanding sign area, the sign shall be setback from the side and rear lot lines of at least 150 feet if abutting residential lots and shall have a setback from a front lot line of at least 150 feet if the sign copy is parallel to the front lot line. There are also time restrictions such that the sign must be turned off between 10:00 p.m. and 7:00 a.m.

4. The proposed regulations for non-residential health care facilities are similar to the signs for places of religious assembly. These proposed modifications to the text include adding electronic changeable copy sign to the sign regulations for non-residential health care facilities as follows:

   B. **Electronic Changeable Copy Sign**. The Campus Signing Plan for a Nonresidential Health Care Facility may include an electronic changeable copy sign as a free standing sign if it meets the following conditions and requirements:

   1. The electronic changeable copy sign fronts an arterial street;
   2. Total area of the electronic changeable copy sign shall not exceed 75% of the total allowed freestanding sign area;
   3. The electronic changeable copy sign shall have a setback from the side and rear lot lines of at least 150 feet if abutting residential lots and shall have a setback from a front lot line of at least 150 feet if the sign copy is parallel to the front lot line;
   4. The electronic changeable copy sign message shall hold for at least three seconds and transition to a new message shall not exceed a duration of one second; and
   5. The electronic changeable copy sign shall be turned off between ***10:00 p.m. and 7:00 a.m.***

5. The proposed text amendment will allow flexibility for campus signage associated with non-residential health care facilities. These facilities generally are found in residential districts which are more limited in so far as allowable

signage. In addition, these facilities generally exist on large campuses and have larger scale buildings. The proposal would still limit these facilities similar to places of religious assembly in residential districts where arterial street frontage for the sign is required with area, setback and time duration limits.

6. A freestanding sign is allowed for a non-residential health care Facility up to 100 square feet in area so with a 75% maximum coverage for the electronic sign as proposed the resulting area for such would be 75 square feet. Medical facilities or large office buildings in an O-3 Office District by comparison would be allowed electronic changeable copy-signs up to 80 square feet in area.

7. Some examples of electronic changeable copy signs near residential areas include Radiant Church at 740 N. 70th Street which has an electronic sign near the intersection of N. 70th and Vine Street, Pius X Catholic High School at 6000 A Street which has their electronic sign along A Street, and the Lincoln Community Playhouse at 2500 S. 56th Street which has their electronic sign along S. 56th Street.

8. Related Special Permit SP450S includes campus sign amendments for the Madonna Rehabilitation Hospital Campus, Specifically, new freestanding signs, which include two large monument style signs, along with new wayfinding and wall signs. One of the monument signs will include the proposed electronic changeable copy sign.

9. This request is compatible with the Comprehensive Plan because it allows for the reasonable placement of electronic changeable copy signage in residential districts for growing non-residential health care Facilities consistent with the intent of the Sign Regulations.

Prepared by

_____

George Wesselhoft, Planner
(402) 441-6366 or gwesselhoft@lincoln.ne.gov Date: March 4, 2021

Owner/ Applicant: Madonna Centers
Daniel Griess – Vice President
5401 South Street
Lincoln, NE 68506
(402) 401-5118
dgriess@madonna.org

Contact: Tom Huston
233 S. 13th, Suite 1900
Lincoln, NE 68508
(402) 474-6900
thuston@clinewilliams.com

F:\DevReview\TX\21000\TX21001 Non-Residential Health Care Facilities Campus Signage .gjw.docx

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JOHN C. MILES
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DON R. JANSSEN
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DONALD F. BURT (INACTIVE)
STEPHEN H. NELSEN (INACTIVE)

†ATTORNEYS ADMITTED IN COLORADO ONLY

February 2, 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: Madonna Rehabilitation Hospital – Electronic Changeable Copy Sign – Text Amendment and Amendment to Special Permit No. 450
Our File No.: 10164.203

Dear Mr. Cary:

This firm represents Madonna Rehabilitation Hospital ("Madonna") which operates as a "Nonresidential Health Care Facility" in a residential zoning district pursuant to LMC § 27.63.080. The City of Lincoln approved an expansion project for Madonna earlier in 2020 and that construction is progressing. Madonna would intend to install an "electronic changeable copy sign" as a freestanding sign at the new entrance on South Street. Presently, an electronic changeable copy sign is not permitted in a residential neighborhood. In order to achieve that, Madonna determined that it would need to apply for: i) a Text Amendment to LMC § 27.69.260 to permit such an electronic changeable copy sign in a residential zoning district for a "nonresidential health care facility"; and ii) assuming that the text amendment is approved, an amendment to Special Permit No. 450 which governs the operation of the Madonna campus to allow an electronic changeable copy sign as a part of the expansion project.

A. **Application**. On behalf of Madonna, I hereby submit the Application requesting:

1. Text Amendment purposing a change to LMC § 27.69.260 to permit an electronic changeable copy sign in connection with a Nonresidential Health Care Facility operating in a residential zoning district; and

2. Amendment to Special Permit No. 450 which seeks to amend the Site Plan associated with SP 450R to depict the location of the free standing electronic changeable copy sign as a part of the Special Permit.

B. **Waivers**. Madonna seeks no waivers in connection with the Text Amendment or Special Permit Amendment.

C. **Fees**. A check made payable to the City of Lincoln in the amount of $1,400.00 will be delivered to the Planning Department by Madonna. The total of $1,400.00 is comprised of:

1. Text Amendment: $412.00
2. Special Permit Amendment: $988.00

D. **Site Plan**. As soon as a project number is attached to this application, Jeff Morrison from Olsson will upload the revised Site Plan showing the location of the electronic changeable copy sign.

If there are any questions, please do not hesitate to contact me.

Sincerely,

Thomas C. Huston
For the Firm

Enclosure

4815-0095-7402, v. 1

21-xx Introduce: 00-00-21
TX21001

ORDINANCE NO. _____

AN ORDINANCE amending Chapter 27.69 of the Lincoln Municipal Code entitled Signs by amending 27.69.260 Nonresidential Health Care Facilities and Post Secondary Schools to add regulations for electronic changeable copy signs; and repealing Section 27.69.260 as hitherto existing.

BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

Section 1. That Section 27.69.260 of the Lincoln Municipal Code be amended to read as follows:

27.69.260 Nonresidential Health Care Facilities and Post Secondary Schools.

A. **Campus Signing Plan.** Campuses of nonresidential health care facilities and private post secondary schools having more than one building and two acres of land, may have a campus signing plan approved under the provisions of Section 27.63.080 and 27.63.075 to provide for public safety and to accommodate the unique requirements for services, provided:

1.~~(a)~~ The signing plan shall identify all signage and be designed to minimize adverse impact on surrounding properties;

2.~~(b)~~ Marquee and directional signs shall be permitted for internal way finding;

3.~~(c)~~ No freestanding sign shall exceed eight feet in height or one hundred square feet in sign area;

4.~~(d)~~ Signage shall have no exposed illumination, except one "emergency" sign may have direct lighting;

5.~~(e)~~ The total square footage of all wall signs on each architectural elevation of a building shall not exceed 200 square feet or 30% of the total square footage of said architectural elevation, whichever is less.

B. **Electronic Changeable Copy Sign.** The Campus Signing Plan for a Nonresidential Health Care Facility may include an electronic changeable copy sign as a free standing sign if it meets the following conditions and requirements:

1. The electronic changeable copy sign fronts an arterial street;

2. Total area of the electronic changeable copy sign shall not exceed 75% of the total allowed freestanding sign area;

3. The electronic changeable copy sign shall have a setback from the side and rear lot lines of at least 150 feet if abutting residential lots and shall have a setback from a front lot line of at least 150 feet if the sign copy is parallel to the front lot line;

4. The electronic changeable copy sign message shall hold for at least three seconds and transition to a new message shall not exceed a duration of one second; and

5. The electronic changeable copy sign shall be turned off between 10:00 p.m. and 7:00 a.m.

Said campus signing plan may be approved by administrative amendment as provided in Section 27.63.030 if a special permit exists for the health care facility or secondary school and plot plan. The campus signing plan regulations above may be modified by the City Council in connection with the granting of a special permit in conformance with the requirements of Chapter 27.63.

Section 2. That Section 27.69.260 of the Lincoln Municipal Code as hitherto existing be and the same is hereby repealed.

Section 3. This ordinance shall be published, within fifteen days after the passage hereof, in one issue of a daily or weekly newspaper of general circulation in the City, or posted on the official bulletin board of the City, located on the wall across from the City Clerk's office at 555 S. 10th Street, in lieu and in place of the foregoing newspaper publication with notice of passage and such posting to be given by publication one time in the official newspaper by the City Clerk. This ordinance shall take effect and be in force from and after its passage and publication or after its posting and notice of such posting given by publication as herein and in the City Charter provided.

Introduced by:

_____

Approved as to Form & Legality:

_____
City Attorney

Approved this ___ day of _____, 2021:

_____
Mayor

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

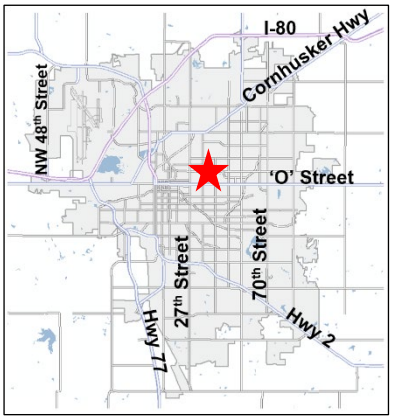
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	AFFECTED OWNERS
Street and Alley Vacation 21001	No	Wyuka Cemetery, Christian Sanders, Sarah Holland
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY LOCATION**
March 17, 2021	SP21003, CZ21004, CPC21001	3600 R Street

RECOMMENDATION: CONFORMS TO THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

This is a request to vacate right of way for R Street and T Street located east of N. 36th Street. Also, the request includes two east-west alley right of way areas north and south of T Street. All of these were thought to have been previously vacated. Only R Street right of way has physical improvements which include a brick street that serves as a drive entrance into Wyuka Cemetery. The right of way is part of SP21003 Gatehouse Rows Community Unit Plan (CUP) and includes 0.52 acres, more or less.



JUSTIFICATION FOR RECOMMENDATION

The right-of-way areas are not functioning as public streets today and were all thought to have been previously vacated. With the conditions of approval, vacation of the public right-of-way would accommodate the proposed redevelopment of the area.

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

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

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 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 - 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. 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. 10.14 – The street right of way is shown as local on the Functional Street and Road Classification plan.

ANALYSIS

1. This is a request to vacate the right of way of T Street and east-west alleys located to the north and south of T Street and R Street, all east of N. 36th Street. The right of way was thought to have been previously vacated and has been maintained by Wyuka Cemetery for over 100 years. The right of way to be vacated is located in the redevelopment area for the proposed Gatehouse Rows project, a Community Unit Plan that could have up to 98 multi-family dwelling units. The area to be vacated includes 0.52 acres, more or less.
2. Wyuka Cemetery owns all the property that is abutting the proposed vacation area except for the property at 3600 R Street which is under separate ownership but is included in the proposed Gatehouse Rows project area. The latter property owners also signed a vacation petition.
3. The address that will be affected by this street vacation includes the historic home at 3600 R Street that is proposed as a clubhouse/office in the Community Unit Plan. This building will have to request a change of address to North 36th Street.
4. No utility easements were identified for any existing facilities as necessary to be retained for the proposed right of way vacation areas. However, easements for utilities may be required as part of the final plat for the redevelopment.
5. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council.
6. The vacated area of R Street east of N. 36th Street will serve as one of the entrances into the Gatehouse Rows Community Unit Plan with off street parking on both sides. The vacated T Street and the east-west alleys to the north and south of T Street will include building and parking areas with storm sewer as shown on the CUP site plan.
7. The right-of-way vacation will not affect the transportation system as the streets and alleys were thought to have been previously vacated and is consistent with the Comprehensive Plan.

CONDITIONS OF APPROVAL: See attached.

SURROUNDING LAND USE & ZONING

North: Single Family Home/Cemetery Property; R-4/P Public
South: Cemetery Property; P Public
East: Cemetery Property; P Public
West: Cemetery Property; Residential; P Public/R-4 zoning

APPROXIMATE LAND AREA: 22,754 square feet (0.52 acres)

LEGAL DESCRIPTION: See attached.

Prepared by

_____
George Wesselhoft, Planner
Date: March 4, 2021

Applicant:	Gatehouse Row LP PO Box 6036 Lincoln, NE 68506 (402) 328-8100 or fred@thehoppelawfirm.com
Contact:	Fred Hoppe PO Box 6036 Lincoln, NE 68506 (402) 328-8100 or fred@thehoppelawfirm.com
Affected Owners:	Wyuka Cemetery 3600 O Street Lincoln, NE 68510 (402) 474-3600 Christian Sanders, Sarah Holland 3600 R Street Lincoln, NE 68510

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CONDITIONS OF APPROVAL – STREET AND ALLEY VACATION 21001

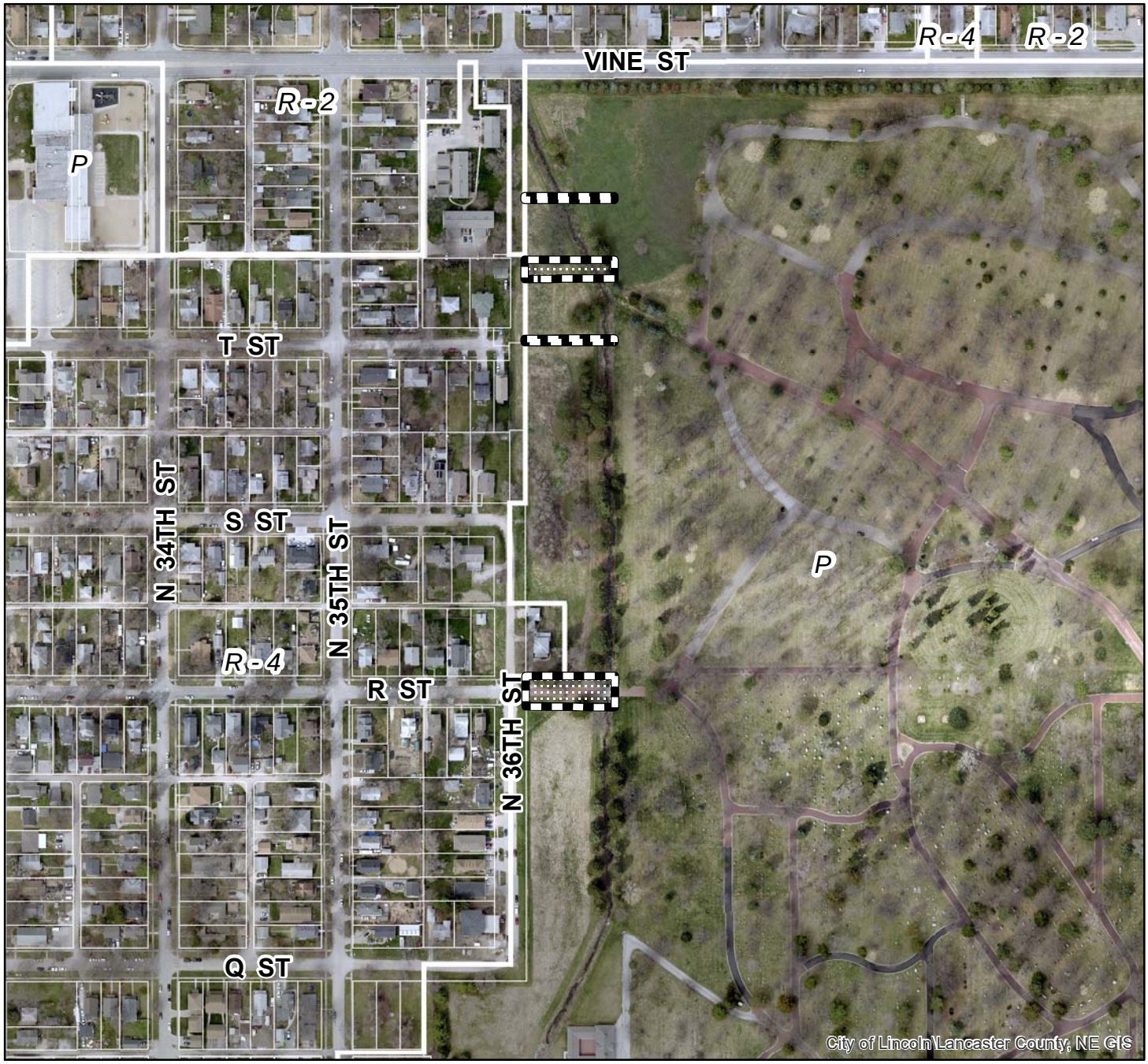
BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA THE FOLLOWING MUST BE COMPLETED:

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

1.2 Submit address change request to the Building and Safety Department for the affected structure at 3600 R Street prior to transfer of title to property.

LEGAL DESCRIPTION – SAV21001

The T Street right of way located east of the former east right of way line of N. 36th Street and north of Lots 8-14, Roger's Subdivision of Lot 2, Block 7, Ridgeway and south of Lots 1-7, Roger's Subdivision of Lot 2, Block 7, Ridgeway; the seven foot alley right of way east of the former east right of way line of N. 36th Street and north of Lot 3, Block 7, Ridgeway Addition and south of Lots 8-14, Roger's Subdivision of Lot 2, Block 7, Ridgeway; the seven foot alley located east of the former east right of way line of N. 36th Street and north of Lots 1-7, Roger's Subdivision of Lot 2, Block 7, Ridgeway and south of Lot 1, Block 7, Ridgeway; R Street right of way east of the east right of way line of N. 36th Street located south of Lot 6, Block 7 Ridgeway and north of Lot 1, Block 20, Ridgeway Addition, all located in the SE 1/4 of Section 19-10-7, Lincoln, Lancaster County, Nebraska



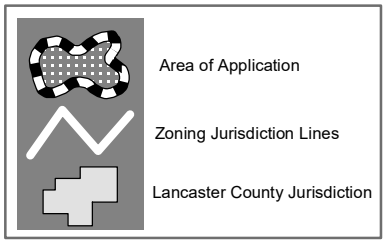
2020 aerial

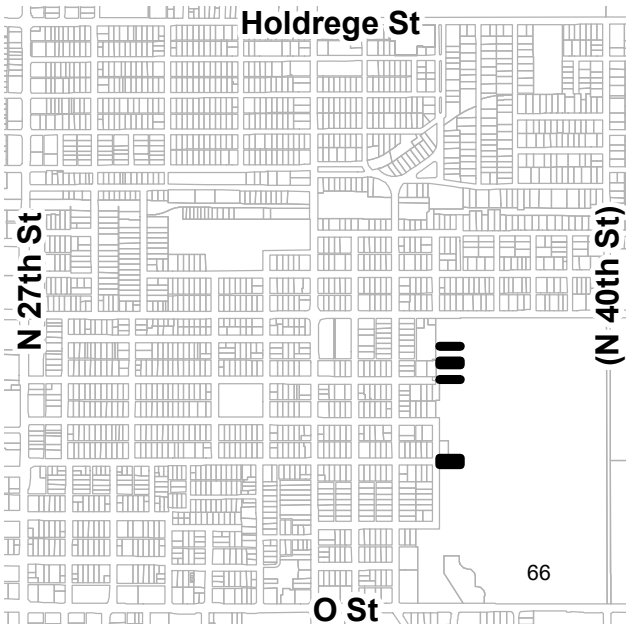
Street and Alley Vacation #: SAV21001
N 36th St & R St

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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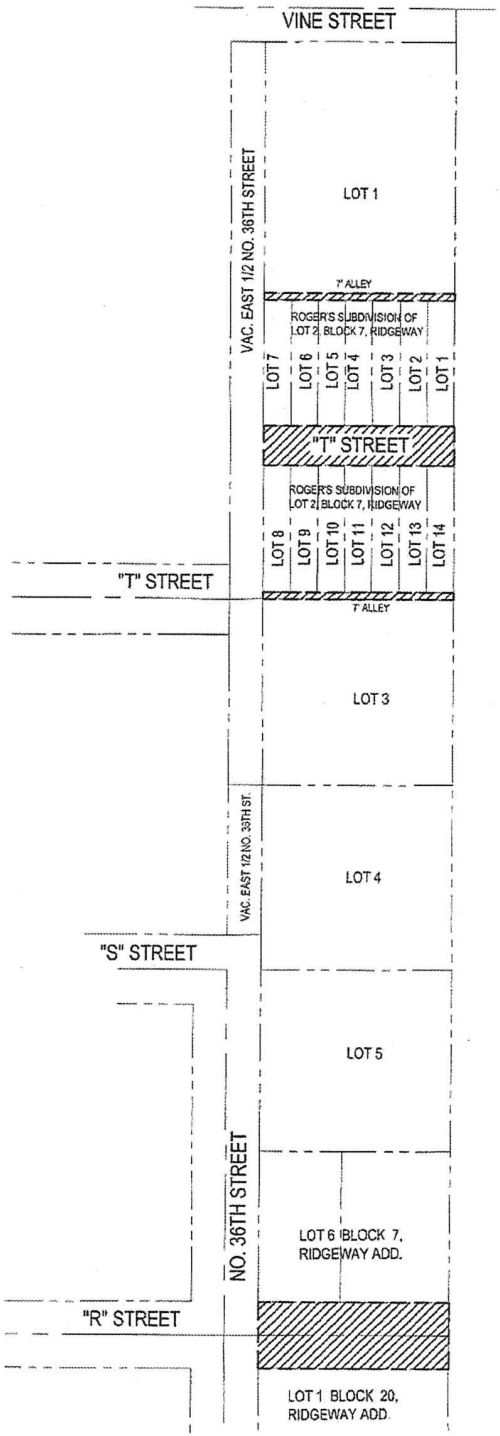
VINE STREET
VAC. EAST 1/2 NO. 36TH STREET
LOT 1
1' ALLEY
ROGER'S SUBDIVISION OF LOT 2, BLOCK 7, RIDGEWAY
LOT 7
LOT 6
LOT 5
LOT 4
LOT 3
LOT 2
LOT 1
"T" STREET
ROGER'S SUBDIVISION OF LOT 2, BLOCK 7, RIDGEWAY
LOT 8
LOT 9
LOT 10
LOT 11
LOT 12
LOT 13
LOT 14
"T" STREET
1' ALLEY
LOT 3
VAC. EAST 1/2 NO. 35TH ST.
LOT 4
"S" STREET
LOT 5
NO. 36TH STREET
LOT 6 BLOCK 7, RIDGEWAY ADD.
"R" STREET
LOT 1 BLOCK 20, RIDGEWAY ADD.

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†ATTORNEYS ADMITTED IN COLORADO ONLY

February 16, 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: Wyuka Cemetery and Gate House Row, L.P. Street and Alley Vacation for the Gate House Row Project
Our File No.: 24902.003

Dear Mr. Cary:

This firm represents Gate House Row, L.P. and its General Partner, Nebraska Housing Resource, which is pursuing a Change of Zone and Community Unit Plan for the Gate House Row Redevelopment Project. Ancillary to that application, Gate House Row, L.P. also needs to pursue the vacation of certain platted right-of-way, as indicated on the attached application and legal description. The right-of-way sought to be vacated has not been improved with any public streets or alleys but was merely dedicated via a plat. The improvements were not constructed. The right-of-way, once vacated, will be incorporated into the Gatehouse Row Redevelopment project to provide much needed affordable housing for the residents of Lincoln.

A. **Application**. On behalf of Gate House Row, L.P., I hereby submit the Application requesting the vacation of certain right-of-way in "T" Street, "R" Street, and two (2) alleyways in the Ridgewood Subdivision located on the western edge of Wyuka Cemetery.

B. **Waivers**. Gate House Row, L.P. seeks no waivers in connection with the street and alley vacation.

C. **Fees**. A check made payable to the City of Lincoln in the amount of $206.00 is being delivered to the Planning Department by Gate House Row, L.P. along with the Petition and Information Sheet signed by Wyuka Cemetery.

If there are any questions, please do not hesitate to contact me.

Sincerely,

Thomas C. Huston
For the Firm

Enclosure

4827-9157-8588, v. 1

ProjectDox

Department Review Status Report

Project Name: SAV21001

Workflow Started: 02/17/2021 10:32 AM

Report Generated: 03/09/2021 05:42 AM

Cycle	Department	Reviewer	Email	Status	Reviewer Comments	Applicant Comments
1	Windstream					
	LTU - Engineering Services	Brion Perry	bperry@lincoln.ne.gov	Recommend Approval	See plans for markups. There will need to be easement for water main and the existing 12" sanitary main.	
	LES	LES Reviews	edreviewer@les.com	Recommend Approval	No comments	
	Planning Dept	Brenda Thomas	bthomas@lincoln.ne.gov	No Review Required		
	LTU - Wastewater	Brian Kramer	bakramer@lincoln.ne.gov	Recommend Approval		
	Historic Districts - Capitol Environs					
	Urban Development - Real Estate	Michelle Backemeyer	mbackemeyer@lincoln.ne.gov	Recommend Approval	Valuation to be completed after all comments made.	
	Planner Review	George Wesselhoft	gwesselhoft@lincoln.ne.gov	Corrections Required	1) Submit petition for vacation signed by owner of 3600 R Street property 2) Correct legal description to add Lot 1 in the description on the northerly alley.	
	Allo Communications	Tom Gremel	tgremel@allophone.net	Recommend Approval	ALLO has a pull box located near 3535 Vine St. However, this should not conflict with the development plans.	
	LTU - Watershed Management	Ben Higgins	bhiggins@lincoln.ne.gov	Corrections Required	Keep 'S' Street ROW for storm drain or alternately provide a 30' storm drain easement that is to be kept clear of buildings. Note: Do need corrections for SP21003 (Gatehouse Rows)	
	Charter Communications					
	Fire Department	Patrick Borer	pborer@lincoln.ne.gov	Recommend Approval	Lincoln Fire and Rescue recommends approval of this application as long as the developer provides emergency vehicle access to the areas that would have been served by the proposed vacated 36th street.	
	Law Department	Kasey Simonson	ksimonson@lincoln.ne.gov			
	Emergency Communications	Lisa Brown	lbrown@lincoln.ne.gov	Recommend Approval		
	Urban Development	Ernie Castillo	ecastillo@lincoln.ne.gov	Recommend Approval		

ProjectDox

Department Review Status Report

1	Stronger Safer Neighborhoods	Jon Carlson	jcarlson@lincoln.ne.gov			
	Lincoln Police Department	Luke Bonkiewicz	lpd1691@cjis.lincoln.ne.gov	Recommend Approval		
	LTU - Water	Dave Beyersdorf	dbeyersdorf@lincoln.ne.gov	Recommend Approval	LWS does not currently have any assets in the areas of this vacation request. Development to the east of N 36th St may require easements for water main infrastructure to serve the Gatehouse Rows development.	
	Black Hills Corp	Kris McCoy	Kris.McCoy@blackhillscorp.com			
	Development Review Manager	Stephen Henrichsen	shenrichsen@lincoln.ne.gov	Recommend Approval		
	County Assessor	Chris Ladegard	cladegard@lancaster.ne.gov	Corrections Required	Legal description needed for specific areas being vacated. Exhibit A should show arrows/labels/legend for alleys/street being vacated in the legal description.	
	Building and Safety	Terry Kathe	tkathe@lincoln.ne.gov	Corrections Required	The residence that is addressed 3600 R Street must request a change of address to North 36th Street.	

LINCOLN CITY COUNCIL STAFF REPORT

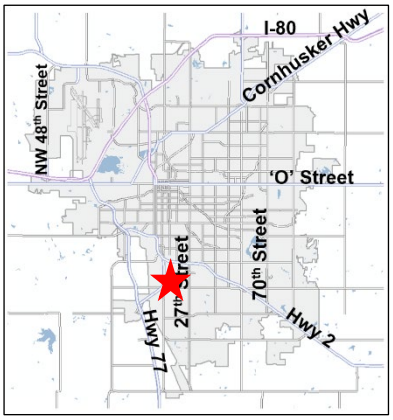
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Waiver 21002	Yes	SGS Holdings LLC
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
March 3, 2021	None	1701 Windhoek Drive

RECOMMENDATION: CONDITIONAL 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) and waive the minimum I-2 zoning lot size requirement per Table 27.72.050(a) for Lot 2 of Final Plat 21004, Lincoln Industrial Park South 11th Addition.



JUSTIFICATION FOR RECOMMENDATION

With the requested waivers 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 and waiver of the minimum I-2 zoning lot size requirement per Table 27.72.050(a) to reduce the lot size required from 1 acre to 0.85 acres. 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.
5. The waiver from the minimum lot size requirement will not have a detrimental effect as the reduction is 0.15 acres below the requirement and the site in question includes existing buildings and parking that would otherwise have to comply with Zoning Ordinance and building code requirements.

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) and waives the minimum I-2 zoning lot size requirement per Table 27.72.050(a) from 1.0 to 0.8 acres 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 REVISED: February 18, 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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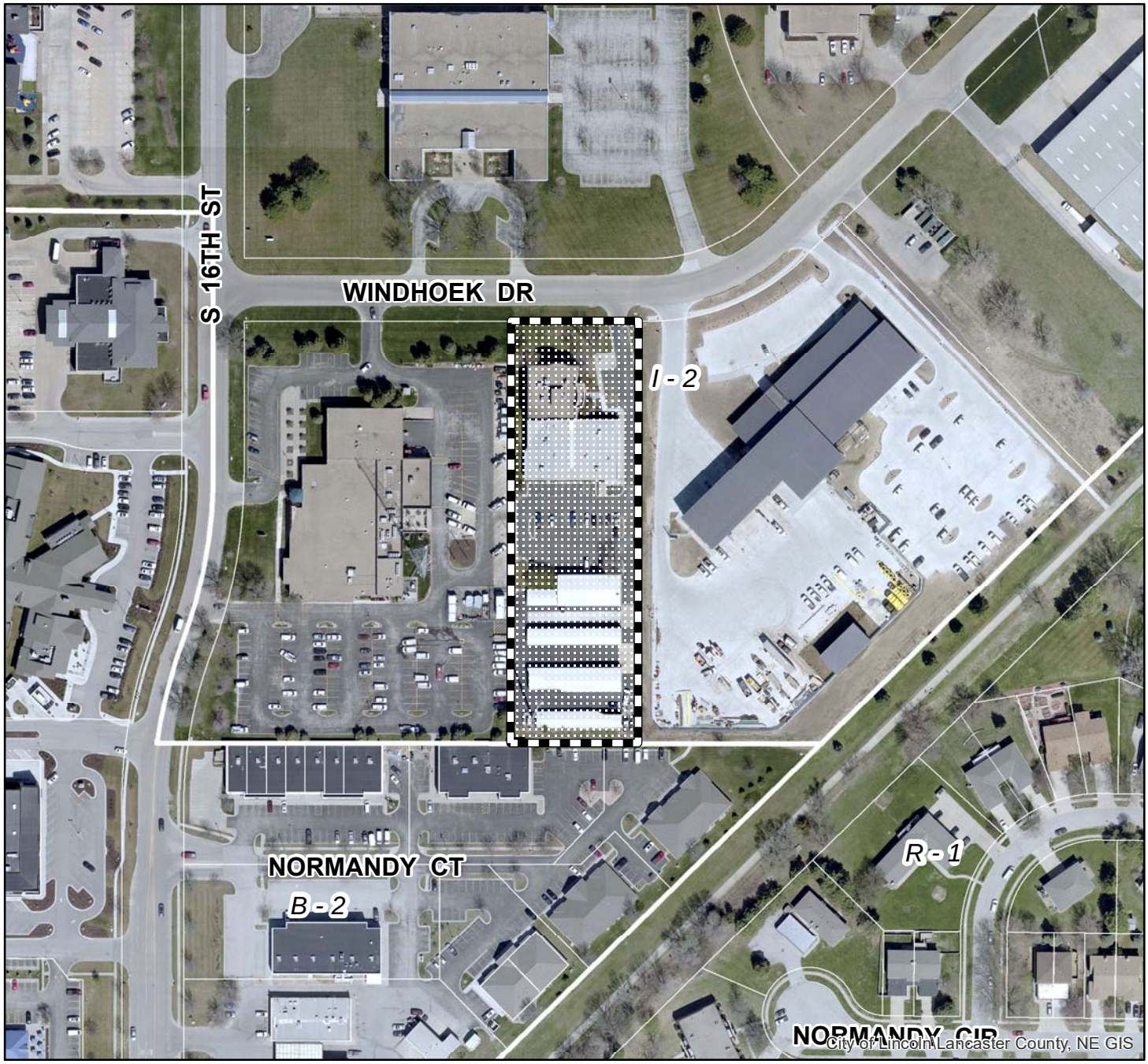


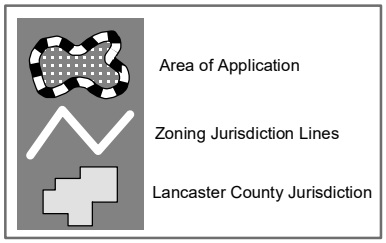
2020 aerial

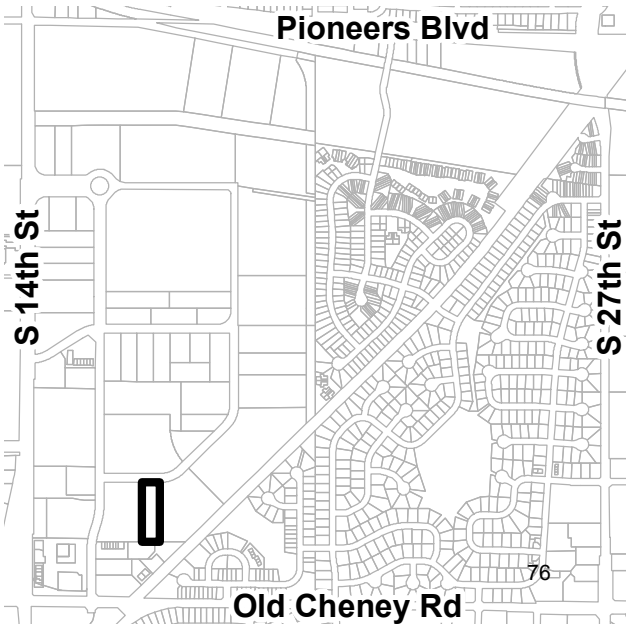
Waiver #: WVR21002
S 16th St & Windhoek Dr

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 12, 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.
Additionally, SGS Holdings LLC requests a waiver to allow proposed Lot 2 to contain less than the required 1.0 acre as defined in the I-2 zoning.
SGS Holdings LLC asks to defer action until the next Planning Commission meeting on March 3 so it can be advertized in accordance with City of Lincoln Planning regulations.

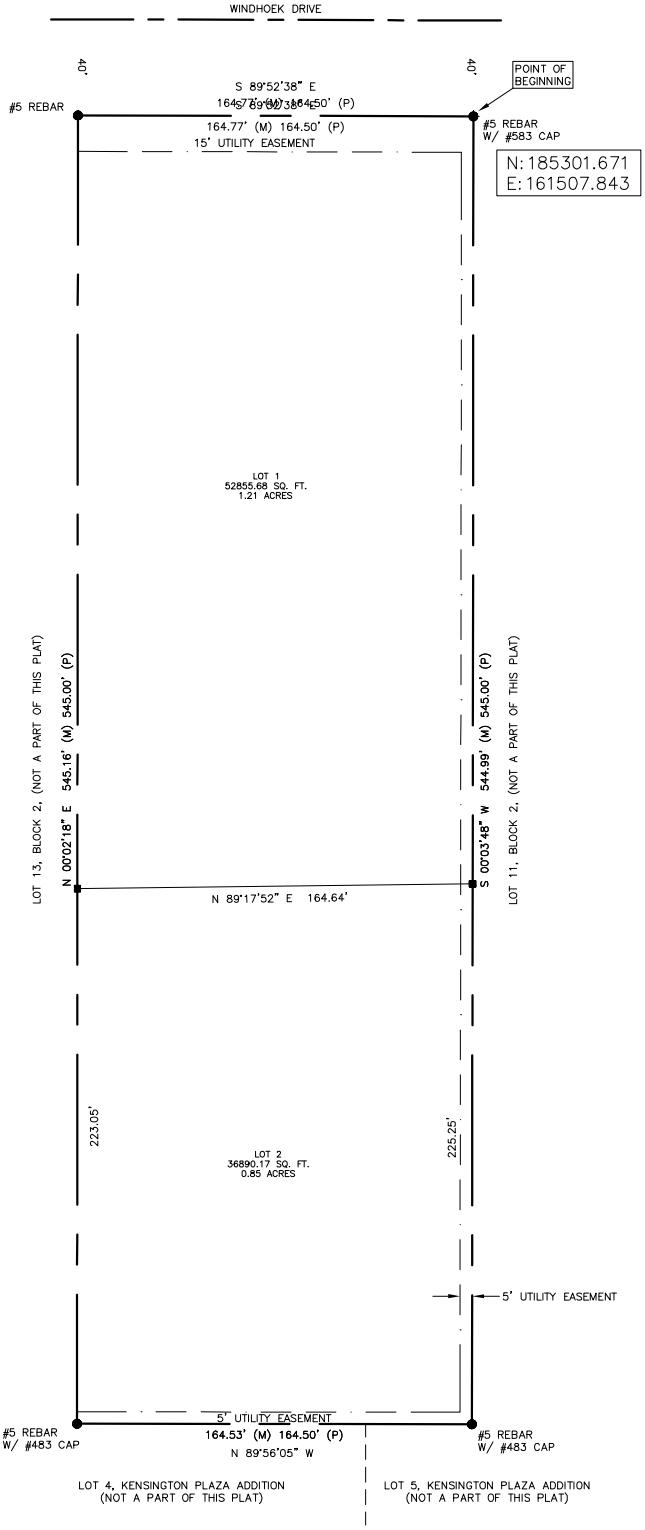
Respectfully submitted,

Kyle Catt
WNK Surveying
402-429-7890

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

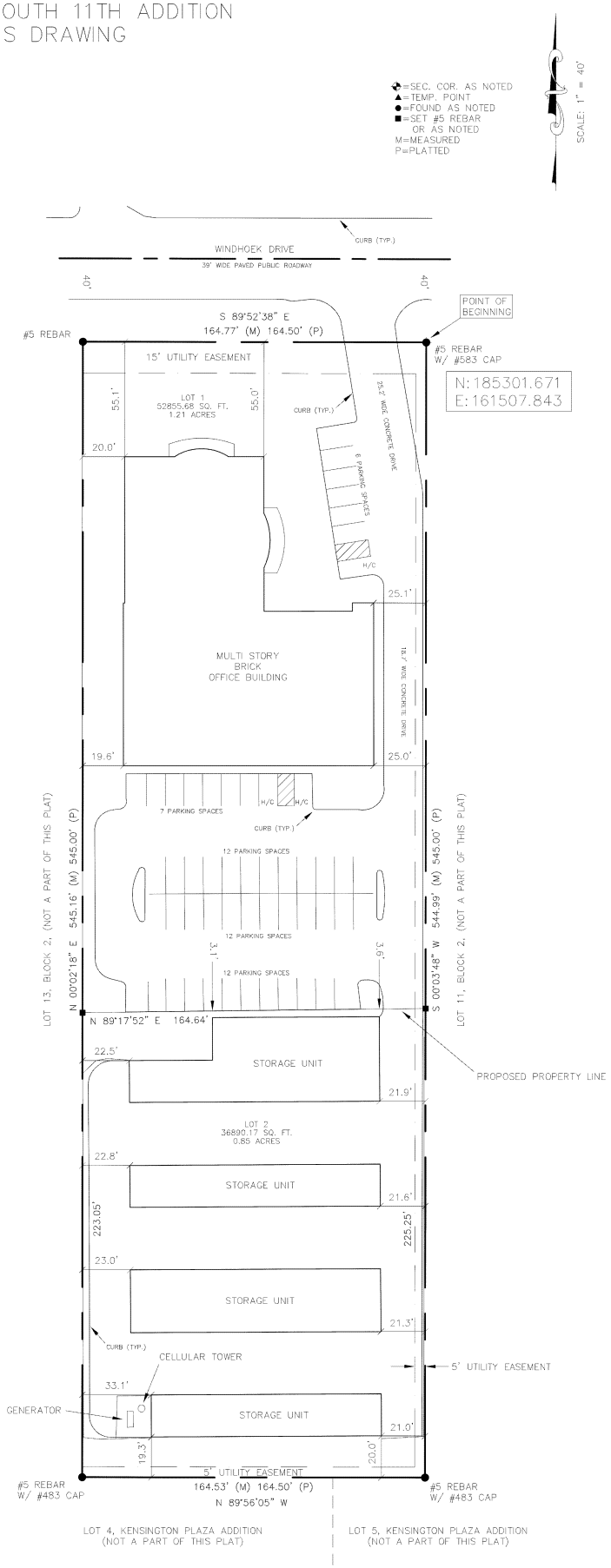
MY COMMISSION EXPIRES THE ___ DAY OF _____.

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 INDUSTRIAL PARK SOUTH 11TH ADDITION
EXISTING CONDITIONS DRAWING



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

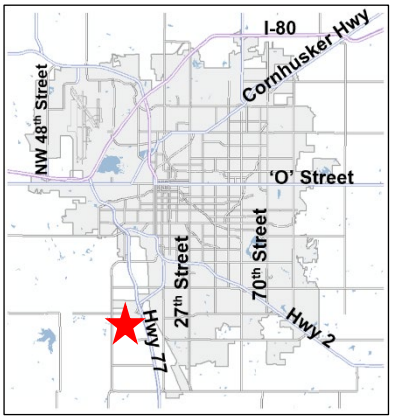
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Change of Zone 05061D	No	Nebraska Horsemen's Benevolent and Protective Association
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
March 17, 2021	None	S. 1st Street & W. Denton Road

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for an amendment to the Southwest Village Planned Unit Development (PUD). The applicant proposes revisions to the area south of W. Denton Road to allow a casino with up to 1,210 gaming positions, hotel and related uses associated with the Lincoln Race Course. The land uses north of W. Denton Road would be revised to add dwelling units, decrease the commercial floor area, and allocate square footage and dwellings among the different parcels. Waivers for signs and building height are requested. An amendment to the Conditional Annexation and Zoning Agreement would reflect updates to the street improvements based on the land use changes.



JUSTIFICATION FOR RECOMMENDATION

The proposed amendments are consistent with the commercial zoning and future land use designation. The conditions of approval related to the floodplain, sign plan, traffic improvements, and other conditions should address impacts on property within and adjacent to the PUD.

The requested height waivers are appropriate considering the location of development, scale of the property and commercial zoning. Similar height waivers have been approved previously for multi-family uses in suitable locations such as the proposed site adjacent to several arterial streets and Highway 77.

APPLICATION CONTACT
Andrew Willis
(402) 474-6900
awillis@clinewilliams.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This request is in conformance with the Comprehensive Plan and designated future commercial land use.

WAIVERS

1. Waivers to Chapter 27.72 to allow maximum building heights of 100 feet for the hotel in the B-2 Casino Area, 50 feet for the casino in the B-2 Casino Area, and 55 feet for any residential use and mixed-use building in the PUD. (Recommend Approval)
2. Waivers to the sign regulations in Chapter 27.69 as needed to meet the Sign Plan. (Recommend Approval)
3. Allow modification of the approved Sign Plan by the Planning Director. (Recommend Approval)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

P. 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. 6.6-6.7 - Strategies for Mixed Use Redevelopment Nodes and Corridors
- Mixed Use Redevelopment Nodes and Corridors should strive to locate:
  - In areas where there is a predominance of commercial or industrial zoning and/or development, focusing on non-residential areas as opposed to existing neighborhoods.
  - On at least one arterial street to help provide for traffic and utility capacity and access to transit.
  - This criterion encourages redevelopment while protecting sensitive environmental areas.

P. 6.2-6.3 - Guiding Principles for Mixed Use Redevelopment
- Mixed Use Redevelopment Should:
  - Target existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and more efficiently utilize existing infrastructure.
  - Occur on sites supported by adequate road and utility capacity.
  - Be located and designed in a manner compatible with existing or planned land uses.
  - Enhance entryways when developing adjacent to these corridors.

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.

ANALYSIS

1. The Southwest Village PUD was approved by City Council in 2006 for a mix of uses with office, retail, commercial and industrial development. This amendment proposes to amend the PUD and Development Plan to reflect a proposed casino, hotel, restaurant, parking garage and surface parking associated with the Lincoln Race Course. Land uses north of W. Denton Road would be revised to decrease the overall commercial and industrial uses in favor of increasing the allowed dwelling units. The approved dwellings and square footage north of Denton Road would be allotted among each of the parcels.

2. In 2020, State ballot measures were approved that allowed games of chance to be conducted by authorized gaming operators within licensed racetrack enclosures in Nebraska. According to Lincoln Municipal Code Chapter 27.60, Planned Unit Development District, the development plan may propose and the City Council may approve any permitted use, conditional permitted use, or special permitted use allowed under the zoning code. That provision permits the casino use to be added through the PUD.

3. The entire Southwest Village PUD has three different development areas, I-3, B-2 and AG. These individual areas currently follow zoning regulations associated with the I-3, B-2 and AG zoning districts except where specified in the Development Plan. This amendment is proposing changes to all three development areas. The most significant changes are to the AG Area which is located south of Denton Road and contains the horse racing facilities. The AG Area would be renamed the "B-2 Casino Area" and would generally follow the underlying B-2 zoning to reflect the more commercial nature of the casino complex.

4. The overall PUD is currently approved for up to 1,300,000 square feet of commercial, industrial, and retail uses, 250 hotel rooms, and 410 dwelling units. The proposal is for up to 980,000 square feet of commercial and industrial uses, 650 hotel rooms, and 700 dwelling units. The projected traffic generated across the overall PUD is anticipated to decrease based on the substitution of commercial space with dwellings. A traffic study was submitted to show the reduction in traffic. The study also showed that there is not a need to widen W. Denton Road to four lanes in the future. The study is under review by the Transportation and Utilities Department (LTU). Their preliminary review of the traffic study indicated they are largely in agreement with the updated traffic improvements.

5. Parking for the casino and hotel uses is proposed at a ratio of 1 stall per gambling station. This calculation results in 1,210 required parking stalls. According to the applicant, most customers of the hotel will also use the casino, therefore the parking was based on the casino demand. The developer plans to construct a total of 1,282 stalls on the property west of S. 1st Street. Approximately 245 additional parking stalls for employee and overflow parking will be constructed east of S. 1st Street. The 1:1 parking ratio based on gaming stations is sufficient and should cover both customer and employee demand. It is anticipated that there will be an overlapping customer base between the hotel and casino facilities, and many customers will arrive in the same vehicle as others. It is also unlikely that every gambling station would be occupied at any given time. Parking for the race track, betting and simulcast facilities is calculated at a ratio of 1 stall per 50 square feet of seating area; these uses will require some additional parking beyond the minimum required 1,210 stalls.

6. A sign plan (see images at the end of the attachments) was submitted showing the proposed size and locations of signs for the casino complex. Several wall/roof signs are proposed, and a center sign would be placed at the southwest corner of 1st Street and Denton Road. Sign permits would be issued according to the approved sign plan.

7. Several waivers to the Zoning Ordinance are requested:

   a. Waiver to Section 27.72.030 to allow building heights up to 100 feet for the hotel, 50 feet for the casino, and 55 feet for any residential use or mixed-use building throughout the PUD.

   Currently, a grandstand associated with the horse racing track is allowed up to 70 feet in height. All other development in this area currently has a maximum height of 40 feet. Height waivers are requested for both the hotel and casino structures and for future residential and mixed-use buildings. The waiver for the casino is needed specifically to accommodate screening walls for mechanical equipment on the top of the building that will sit some distance back from the outer walls. This property has long been identified for commercial use. These height waivers are appropriate for the development proposed and its location amidst other commercial zoning. The nearest existing residential use is approximately 1,200 feet west of the proposed casino complex buildings.

   Several similar height waivers have been approved recently for residential uses within PUDs along major streets. The residential height waiver would apply to all proposed and future residential uses and allows flexibility for development and creation of additional density. The applicant's request was for the height waiver to apply on Parcel 3. However, the Planning Department supports expanding the request to apply across the entire PUD and the applicant agreed to expand the waiver to other parcels.

   b. Waivers to the sign regulations contained in Chapter 27.69 as needed to meet the proposed Sign Plan.

   The sign plan for the casino and hotel identifies several large signs on the north, east and south building frontages and a freestanding (monument) sign at the southwest corner of S. 1st Street and W. Denton Road. The sign plan allows the signs for the casino complex to be considered as a whole. Following the first submittal of plans, the applicant worked to reduce the requested sign area to reflect their actual sign plan and better fit the Zoning Ordinance.

   Although several of the building signs may be considered roof signs if they are not attached to a structural wall, they will appear to be part of an extension of the wall and have a similar impact to wall signs. The wall sign standard allows more than one sign per architectural elevation per building, provided that the total sign area of such wall signs shall not exceed 30% per architectural elevation and no single wall sign shall exceed 500

square feet in sign area. The signs on the buildings were determined not to exceed those maximums.

The freestanding sign would have approximately 500 square feet of sign area and will contain up to 320 square feet of electronic changeable copy. It will serve as a center sign advertising the commercial center as a whole as well as individual businesses. The sign standards for the B-2 zoning district allow one center sign per frontage and one freestanding sign per building. The standard sign area for center and freestanding signs ranges from 50 to 150 square feet depending on whether the sign is located in the front yard. The proposed sign area of 500 square feet is larger than the standard maximum for any one sign. However, the sign is appropriate in size considering that the developer proposes a single large center sign in place of multiple smaller signs that they would have been allowed under the standards. Specifically, they would have otherwise been allowed up to two center signs and two freestanding signs. The combined area of 500 square feet and 320 square feet of electronic changeable copy sign does not exceed the cumulative amount allowed under the individual signs.

Based on the above considerations, the sign plan meets the intent of the sign ordinance.

c. Allow modification of the approved Sign Plan by the Planning Director.

This waiver will allow administrative approvals of future changes to the sign plan as needed to meet minor differences in the final design as long as they are in keeping with the spirit of the original approved plan.

8. The Annexation and Zoning Agreement will be amended to address the necessary traffic improvements, timing and financial responsibility. The traffic study was prepared to justify changes to the access points and improvements based on the proposed casino complex and other land use changes. The agreement must be finalized prior to scheduling the application on the City Council.

9. S. 1st Street is classified as a minor arterial. W. Denton Road is classified as a major arterial. The traffic signal at 1st Street and Denton Road will be made operational to serve the increased traffic caused by the casino complex. The main access to the casino complex will be from two access points on S. 1st Street. For this reason, the focus and priority for street improvements will change from W. Denton Road to S. 1st Street. Two access points on 1st Street are proposed. The northernmost access corresponds to the main casino entrance and will prohibit left-out turning motions to meet the Access Management Policy. The southernmost access will be constructed with a roundabout that allows full access. Both intersections on 1st Street will have enhanced pedestrian crossings to facilitate pedestrian movement across 1st Street to the other parking lots and future commercial development.

   A right-in/right-out access is proposed on Denton Road. The deviation request to allow the access on Denton Road has been approved by the Transportation and Utilities Department. A median will be required in Denton Road to limit the turning movements. The traffic study intends to demonstrate that the scope of improvement for Denton Road can be reduced from a future four-lane roadway to a two-lane roadway.

   There is existing right-of-way east of 1st Street leftover from prior development plans and the re-alignment of Denton Road. Some of the right-of-way will be vacated, as feasible and new right-of-way dedicated for the new street layout. In addition, a portion of right-of-way for 1st Street would be vacated as the right-of-way is far wider than necessary.

10. There is floodplain located south of W. Denton Road and conservation easement on the east side of S. 1st Street. The development area will be shown as removed from the floodplain through a Letter of Map Revision – Based on Fill (LOMR-F). The developer is allowed to submit two separate LOMR-F applications. The first will include the casino and parking garage areas. The second will cover the horse track and barn areas. A floodplain permit for the initial grading work has been issued. Full building permits for the casino and parking garage will not be issued until the first LOMR-F is approved by FEMA.

11. A future trail is planned to extend from the south end of this property north to Pioneers Boulevard along S. Folsom Street. From Denton Road north, the trail will run along the west side of Folsom Street. South of Denton Road, the trail will be mostly within an existing LES easement outside the application area. However, as the trail approaches Denton Road from the south, it will be located along the east side of Folsom Street. A condition of

approval would identify an appropriate trail location and crossings at Denton Road and Folsom Street.

12. Lincoln Fire and Rescue (LFR) recommends approval of this application as long as all parties are aware this location is beyond the travel time goal of four minutes from the nearest fire station, at approximately between six and seven minutes of travel. Paved areas free of obstructions will be required on all sides of the hotel to facilitate fire truck access.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Lincoln Race Course and vacant; B-2 PUD

SURROUNDING LAND USE & ZONING

North: Agriculture and LES substation; AG
South: Single-Family Detached and Vacant; AG
East: Vacant, Hwy 77; AG
West: Single-Family Detached and Agriculture; R-3, AGR and AG

APPLICATION HISTORY: See attached.

APPROXIMATE LAND AREA: 237 acres

LEGAL DESCRIPTION: See attached.

Prepared by:

_____
Rachel Jones, Planner

Date: March 8, 2021

Applicant/Owner: Nebraska Horsemen's Benevolent and Protective Association
7055 S. 1st Street
Lincoln, NE 68512
(402) 499-3398 or lynnem@nebraskapropane.com

Contact: Andrew Willis
233 S. 13th Street
Lincoln, NE 68508
(402) 474-6900 or awillis@clinewilliams.com

Other Owners: Waverly Development Co LLC
440 N. 8th Street, Suite 140
Lincoln, NE 68508

Southport Ventures Co LLC
3501 Plantation Drive, Suite 100
Lincoln, NE 68516

Dial-Hwy 77 LLC
11506 Nicholas Street, Suite 100
Omaha, NE 68154

CDW Properties LLC
5355 W. Sprague Road
Hallam, NE 68368

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APPLICATION HISTORY – CHANGE OF ZONE 05061D

Jun. 2006 CZ05061 was approved by City Council for a PUD overlay and for a change of zone from AG and AGR to B-2 Planned Neighborhood Business to allow approximately 160 dwelling units and approximately 1,300,000 square feet of office, retail, commercial and industrial floor area. AN05014 Annexation of 463.8 areas was approved by City Council.

Sept. 2012 CZ05061A was approved by City Council to amend the PUD to show a horse race course, simulcast facility, barns, and accessory buildings and to allow all B-2 zoning district conditional and special permitted uses as permitted uses; to show a new AG area be eliminating the R-5 area and moving the I-3 area, and to waive the requirement for all of 1st Street to be paved.

Mar. 2015 CZ05061B was approved by City Council to amend the Development Plan, which adjusted regulations regarding the location and height of signs.

Feb. 2019 CZ05061C was approved by City Council to approve a Phase 2 for construction of a horse racing track and allow excavation as a permitted conditional use.

CONDITIONS OF APPROVAL – CHANGE OF ZONE 05061D

This approval permits an amendment to the Southwest Village Planned Unit Development with revisions to the land uses, site plans, grading and drainage plans, Development Plan, and other sheets, including adding a casino complex as a permitted use, with waivers to allow maximum building heights of 100 feet for the hotel in the B-2 Casino Area, 50 feet for the casino in the B-2 Casino Area, and 55 feet for any residential use or mixed-use building in the PUD, waivers to the sign regulations as necessary to meet the approved Sign Plan, and to allow future modifications to the approved Sign Plan by the Planning Director.

Site Specific Conditions:

1. The City Council approves associated request:

    1.1 Amendment to the Highway 77 & Warlick Boulevard Conditional Annexation and Zoning Agreement

2. Before receiving building permits or before a final plat is approved the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council.

    2.1 Submit the full amended plan set including sheets that were not changed, remove bubbling and strikeouts on the Cover Sheet notes.

    2.2 Revise the sign plan to reflect a maximum of 320 square feet of electronic changeable copy sign area for the 500 square foot center sign. For the center sign, delete the "FACE SF" and "30% FACE SF" categories in the table.

    2.3 Show the planned location of the trail within the right-of-way and 6' Bike Trail Easement to the satisfaction of the Parks and Recreation Department.

    2.4 Shade the bike trail easement so it is easily identified.

    2.5 Revise the land use table to change "Casino" to "Casino Resort" for consistency. Add the asterisk (*) note that appears for the B-2 Area as it appears on the land use tables in the Development Plan.

    2.6 In the Development Plan under the parking section, note the parking calculation for the race course, grandstand, simulcast and betting facilities to the satisfaction of the Planning Director.

    2.7 Identify Folsom Street to be constructed from W. Denton Road to the driveway in Phase 3.

    2.8 Identify the access road on the south side of the B-2 Casino Area with a consistent line type and consistent width.

    2.9 On the west side of the B-2 Casino Area, accurately identify a 50-foot setback and previous and proposed easements and show the barns outside of the setbacks and easements.

    2.10 Identify that the parking area shown in the area of Schmidt Place and Schmidt Court is only to be constructed after they have been vacated.

    2.11 Delete the 5-foot setback to the 10-foot utility easement that is shown through Lot 1, Block 2.

    2.12 Show the setback at the southeast corner of Lot 1, Block 2.

    2.13 State the purpose of Outlot B.

    2.14 Under the note on Sheet 5, change "AG Area" to "B-2 Casino Area".

2.15 Identify a clear, paved access route free of all obstructions for emergency access on the southwest side of the hotel to the satisfaction of Lincoln Fire and Rescue.

2.16 Identify any current and future conservation easements.

2.17 Identify a pedestrian crossing at S. 1st Street and W. Blueflag Court with a center pedestrian refuge to the satisfaction of LTU.

2.18 Remove the parking stalls from the access road connection located south of the parking garage.

2.19 Prior to receiving building permits, the Southwest Village 3rd Addition final plat must be approved and filed.

2.20 In the note on Sheet 3 about pedestrian access, change "analyzed" to "approved" by LTU.

2.21 Add more details showing Schmidt Court and existing right-of-way in that area.

2.22 Show a street connection at Schmidt Court that connects to the conceptual layout on the east side of S. 1st Street.

2.23 On Sheet 3, add a note stating that 1) Schmidt Drive, between South 1st Street and Schmidt Court is to be vacated and removed, and 2) Schmidt Court is to be paved from the roundabout to Schmidt Place with construction of South 1st Street.

2.24 Add a label for the future Schmidt Court.

2.25 Address the attached comments from Watershed Management.

2.26 Revise the Traffic Study to the satisfaction of Lincoln Transportation and Utilities.

Standard Conditions:

3. The following conditions are applicable to all requests:

3.1 Before occupying the buildings all development and construction shall substantially comply with the approved plans.

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

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

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

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

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

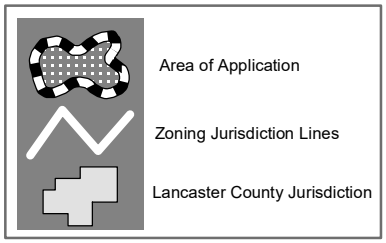
2020 aerial

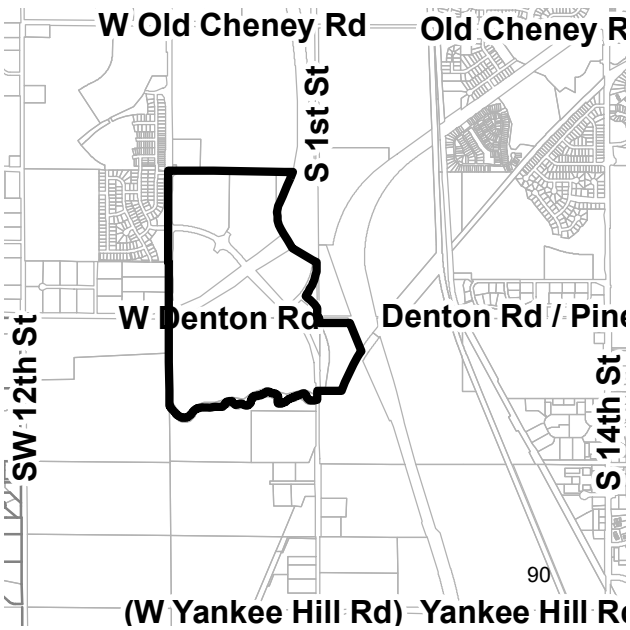
Change of Zone #: CZ05061D
Southwest Village PUD
S 1st St & W Denton Rd

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

Three Square Miles:
Sec.15 T09N R06E
Sec.22 T09N R06E
Sec.23 T09N R06E





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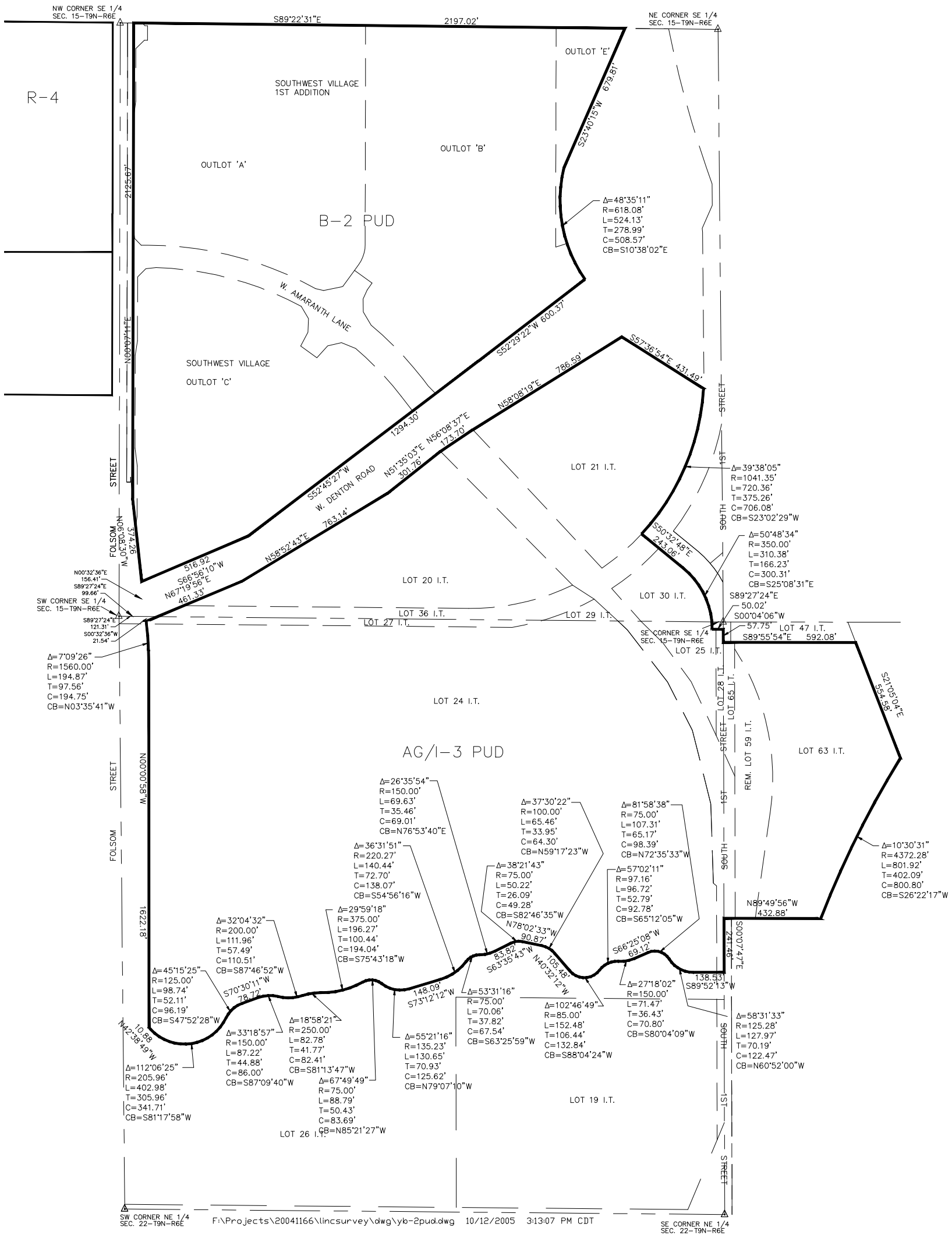


N

NOT TO SCALE

DWG: F:\2021\00501-01000\021-00589\40-Design\Exhibits\Casino PUD Legal Description Area_Exhibit Plan.dwg USER: jfasnacht
DATE: Feb 11, 2021 2:31pm XREFS: Casino PUD Legal Description Area

PROJECT NO: 021-00589 DRAWN BY: JEF DATE: 01-21-2021	SOUTHWEST VILLAGE PLANNED UNIT DEVELOPMENT AMENDMENT TO PUD LEGAL DESCRIPTION	olsson	601 P Street, Suite 200 P.O. Box 84608 Lincoln, NE 68508 TEL 402.474.6311	EXHIBIT 1

LEGAL DESCRIPTION
SOUTHWEST VILLAGE PLANNED UNIT DEVELOPMENT

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF OUTLOTS "C" AND "E", SOUTHWEST VILLAGE ADDITION, AND OUTLOTS "A" AND "B", SOUTHWEST VILLAGE 1ST ADDITION, AND A PORTION OF WEST AMARANTH LANE, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 15; THENCE EAST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 27 MINUTES 24 SECONDS EAST, A DISTANCE OF 99.66 FEET TO A POINT; THENCE NORTH 00 DEGREES 32 MINUTES 36 SECONDS EAST, A DISTANCE OF 156.41 FEET TO **THE TRUE POINT OF BEGINNING;** THENCE NORTH 06 DEGREES 08 MINUTES 30 SECONDS WEST, A DISTANCE OF 374.26 FEET TO A POINT LOCATED 60.00 FEET EAST OF THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 07 MINUTES 11 SECONDS EAST ALONG A LINE 60.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2,125.67 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89 DEGREES 22 MINUTES 31 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2,197.02 FEET TO A POINT; THENCE SOUTH 23 DEGREES 40 MINUTES 15 SECONDS WEST, A DISTANCE OF 679.81 FEET TO A POINT OF CURVATURE OF A NON TANGENT CURVE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 48 DEGREES 35 MINUTES 11 SECONDS, A RADIUS OF 618.08 FEET, AN ARC LENGTH OF 524.13 FEET, A CHORD BEARING OF SOUTH 10 DEGREES 38 MINUTES 02 SECONDS EAST, AND A CHORD DISTANCE OF 508.57 FEET TO A POINT, THENCE SOUTH 52 DEGREES 29 MINUTES 22 SECONDS WEST, A DISTANCE OF 600.37 FEET TO A POINT, THENCE SOUTH 52 DEGREES 45 MINUTES 27 SECONDS WEST, A DISTANCE OF 1,294.30 FEET TO A POINT, THENCE SOUTH 66 DEGREES 56 MINUTES 10 SECONDS WEST, A DISTANCE OF 516.92 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 3,784,400.25 SQUARE FEET OR 86.8779 ACRES, MORE OR LESS.

TOGETHER WITH:

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOTS 20 I.T., 21 I.T., 29 I.T., 30 I.T., AND 36 I.T., A PORTION OF SCHMIDT PLACE RIGHT -OF-WAY AND SOUTH 1ST STREET RIGHT-OF-WAY, ALL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 6 EAST: AND LOTS 25 I.T., 27 I.T., AND 28 I.T., A PORTION OF LOTS 24 I.T., AND 26 I.T., A PORTION OF SOUTH 1ST STREET RIGHT-OF-WAY, ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 6 EAST; AND LOTS 63 I.T., AND 65 I.T., AND THE REMAINING PORTION OF LOT 59 I.T., AND A PORTION OF SOUTH 1ST STREET RIGHT-OF-WAY, AND A PORTION OF SCHMIDT COURT RIGHT-OF-WAY ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 6 EAST, ALL OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 15, THENCE EAST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 27 MINUTES 24 SECONDS EAST, A DISTANCE OF 121.31 FEET TO A POINT, THENCE SOUTH 00 DEGREES 32 MINUTES 36 SECONDS WEST, A DISTANCE OF 21.54 FEET TO **THE TRUE POINT OF BEGINNING;** THENCE NORTH 67 DEGREES 19 MINUTES 56 SECONDS EAST, A DISTANCE OF 461.33 FEET TO A POINT, THENCE NORTH 58 DEGREES 52 MINUTES 43 SECONDS EAST, A DISTANCE OF 763.14 FEET TO A POINT, THENCE NORTH 51 DEGREES 35 MINUTES 03 SECONDS EAST, A DISTANCE OF 301.76 FEET TO A POINT, THENCE NORTH 56 DEGREES 08 MINUTES 37 SECONDS EAST, A DISTANCE OF 173.70 FEET TO A POINT, THENCE NORTH 58 DEGREES 08 MINUTES 19 SECONDS EAST, A DISTANCE OF 786.59 FEET TO A POINT, THENCE SOUTH 57 DEGREES 36 MINUTES 54 SECONDS EAST, A DISTANCE OF 431.49 FEET TO A POINT, SAID POINT BEING A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 39 DEGREES 38 MINUTES 05 SECONDS, A RADIUS OF 1,041.35 FEET, AN ARC LENGTH OF 720.36 FEET, A CHORD BEARING OF SOUTH 23 DEGREES 02 MINUTES 29 SECONDS WEST, AND A CHORD DISTANCE OF 706.08 FEET TO A POINT, THENCE SOUTH 50 DEGREES 32 MINUTES 48 SECONDS EAST, A DISTANCE OF 243.06 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 50 DEGREES 48 MINUTES 34 SECONDS, A RADIUS OF 350.00 FEET, AN ARC LENGTH OF 310.38 FEET, A CHORD BEARING OF SOUTH 25 DEGREES 08 MINUTES 31 SECONDS EAST, AND A CHORD DISTANCE OF 300.31 FEET TO A POINT, THENCE SOUTH 89 DEGREES 27 MINUTES 24 SECONDS EAST, A DISTANCE OF 50.02 FEET TO A POINT OF

INTERSECTION WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 22, THENCE SOUTH 00 DEGREES 04 MINUTES 06 SECONDS WEST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 57.75 FEET TO A POINT, THENCE SOUTH 89 DEGREES 55 MINUTES 54 SECONDS EAST, A DISTANCE OF 592.08 FEET TO A POINT, THENCE SOUTH 21 DEGREES 05 MINUTES 04 SECONDS EAST, A DISTANCE OF 554.58 FEET TO A POINT, SAID POINT BEING A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 10 DEGREES 30 MINUTES 31 SECONDS, A RADIUS OF 4,372.28 FEET, AN ARC LENGTH OF 801.92 FEET, A CHORD BEARING OF SOUTH 26 DEGREES 22 MINUTES 17 SECONDS WEST, AND A CHORD DISTANCE OF 800.80 FEET TO A POINT, THENCE NORTH 89 DEGREES 49 MINUTES 56 SECONDS WEST, A DISTANCE OF 432.88 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22, THENCE SOUTH 00 DEGREES 07 MINUTES 47 SECONDS EAST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 241.46 FEET TO A POINT, THENCE SOUTH 89 DEGREES 52 MINUTES 13 SECONDS WEST, A DISTANCE OF 138.53 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 58 DEGREES 31 MINUTES 33 SECONDS, A RADIUS OF 125.28 FEET, AN ARC LENGTH OF 127.97 FEET, A CHORD BEARING OF NORTH 60 DEGREES 52 MINUTES 00 SECONDS WEST, AND A CHORD DISTANCE OF 122.47 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 81 DEGREES 58 MINUTES 38 SECONDS, A RADIUS OF 75.00 FEET, AN ARC LENGTH OF 107.31 FEET, A CHORD BEARING OF NORTH 72 DEGREES 35 MINUTES 33 SECONDS WEST, AND A CHORD DISTANCE OF 98.39 FEET TO A POINT, THENCE SOUTH 66 DEGREES 25 MINUTES 08 SECONDS WEST, A DISTANCE OF 69.12 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 27 DEGREES 18 MINUTES 02 SECONDS, A RADIUS OF 150.00 FEET, AN ARC LENGTH OF 71.47 FEET, A CHORD BEARING OF SOUTH 80 DEGREES 04 MINUTES 09 SECONDS WEST, AND A CHORD DISTANCE OF 70.80 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 57 DEGREES 02 MINUTES 11 SECONDS, A RADIUS OF 97.16 FEET, AN ARC LENGTH OF 96.72 FEET, A CHORD BEARING OF SOUTH 65 DEGREES 12 MINUTES 05 SECONDS WEST, AND A CHORD DISTANCE OF 92.78 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 102 DEGREES 46 MINUTES 49 SECONDS, A RADIUS OF 85.00 FEET, A ARC LENGTH OF 152.48 FEET, A CHORD BEARING OF SOUTH 88 DEGREES 04 MINUTES 24 SECONDS WEST, AND A CHORD DISTANCE OF 132.84 FEET TO A POINT, THENCE NORTH 40

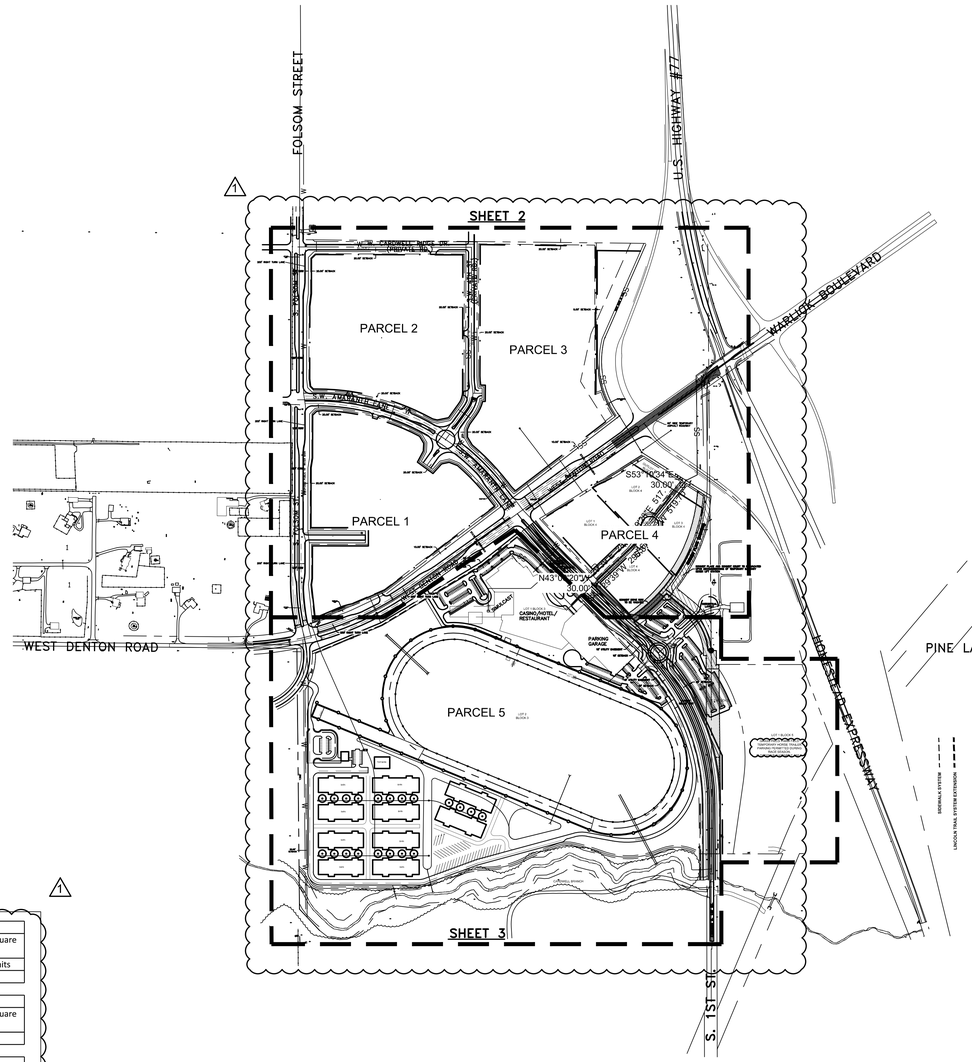
DEGREES 32 MINUTES 12 SECONDS WEST, A DISTANCE OF 105.48 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 37 DEGREES 30 MINUTES 22 SECONDS, A RADIUS OF 100.00 FEET, AN ARC LENGTH OF 65.46 FEET, A CHORD BEARING OF NORTH 59 DEGREES 17 MINUTES 23 SECONDS WEST, AND A CHORD DISTANCE OF 64.30 FEET TO A POINT, THENCE NORTH 78 DEGREES 02 MINUTES 33 SECONDS WEST, A DISTANCE OF 90.87 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 38 DEGREES 21 MINUTES 43 SECONDS, A RADIUS OF 75.00 FEET, AN ARC LENGTH OF 50.22 FEET, A CHORD BEARING OF SOUTH 82 DEGREES 46 MINUTES 35 SECONDS WEST, AND A CHORD DISTANCE OF 49.28 FEET TO A POINT, THENCE SOUTH 63 DEGREES 35 MINUTES 43 SECONDS WEST, A DISTANCE OF 83.82 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 26 DEGREES 35 MINUTES 54 SECONDS, A RADIUS OF 150.00 FEET, AN ARC LENGTH OF 69.63 FEET, A CHORD BEARING OF SOUTH 76 DEGREES 53 MINUTES 40 SECONDS WEST, AND A CHORD DISTANCE OF 69.01 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 53 DEGREES 31 MINUTES 16 SECONDS, A RADIUS OF 75.00 FEET, AN ARC LENGTH OF 70.06 FEET, A CHORD BEARING OF SOUTH 63 DEGREES 25 MINUTES 59 SECONDS WEST, AND A CHORD DISTANCE OF 67.54 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 36 DEGREES 31 MINUTES 51 SECONDS, A RADIUS OF 220.27 FEET, AN ARC LENGTH OF 140.44 FEET, A CHORD BEARING OF SOUTH 54 DEGREES 56 MINUTES 16 SECONDS WEST, AND A CHORD DISTANCE OF 138.07 FEET TO A POINT, THENCE SOUTH 73 DEGREES 12 MINUTES 12 SECONDS WEST, A DISTANCE OF 148.09 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 55 DEGREES 21 MINUTES 16 SECONDS, A RADIUS OF 135.23 FEET, AN ARC LENGTH OF 130.65 FEET, A CHORD BEARING OF NORTH 79 DEGREES 07 MINUTES 10 SECONDS WEST, AND A CHORD DISTANCE OF 125.62 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 67 DEGREES 49 MINUTES 49 SECONDS, A RADIUS OF 75.00 FEET, AN ARC LENGTH OF 88.79 FEET, A CHORD BEARING OF NORTH 85 DEGREES 21 MINUTES 27 SECONDS WEST, AND A CHORD DISTANCE OF 83.69 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 29 DEGREES 59 MINUTES 18 SECONDS, A RADIUS OF 375.00 FEET, AN ARC LENGTH OF 196.27 FEET, A CHORD BEARING OF SOUTH 75 DEGREES 43 MINUTES 18 SECONDS WEST, AND A CHORD DISTANCE OF 194.04 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A

COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 18 DEGREES 58 MINUTES 21 SECONDS, A RADIUS OF 250.00 FEET, AN ARC LENGTH OF 82.78 FEET, A CHORD BEARING OF SOUTH 81 DEGREES 13 MINUTES 47 SECONDS WEST, AND A CHORD DISTANCE OF 82.41 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 32 DEGREES 04 MINUTES 32 SECONDS, A RADIUS OF 200.00 FEET, AN ARC LENGTH OF 111.96 FEET, A CHORD BEARING OF SOUTH 87 DEGREES 46 MINUTES 52 SECONDS WEST, AND A CHORD DISTANCE OF 110.51 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 33 DEGREES 18 MINUTES 57 SECONDS, A RADIUS OF 150.00 FEET, AN ARC LENGTH OF 87.22 FEET, A CHORD BEARING OF SOUTH 87 DEGREES 09 MINUTES 40 SECONDS WEST, AND A CHORD DISTANCE OF 86.00 FEET TO A POINT, THENCE SOUTH 70 DEGREES 30 MINUTES 11 SECONDS WEST, A DISTANCE OF 78.72 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 45 DEGREES 15 MINUTES 25 SECONDS, A RADIUS OF 125.00 FEET, AN ARC LENGTH OF 98.74 FEET, A CHORD BEARING OF SOUTH 47 DEGREES 52 MINUTES 28 SECONDS WEST, AND A CHORD DISTANCE OF 96.19 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 112 DEGREES 06 MINUTES 25 SECONDS, A RADIUS OF 205.96 FEET, AN ARC LENGTH OF 402.98 FEET, A CHORD BEARING OF SOUTH 81 DEGREES 17 MINUTES 58 SECONDS WEST, AND A CHORD DISTANCE OF 341.71 FEET TO A POINT, THENCE NORTH 42 DEGREES 38 MINUTES 49 SECONDS WEST, A DISTANCE OF 10.88 FEET TO A POINT, THENCE NORTH 00 DEGREES 00 MINUTES 58 SECONDS WEST, A DISTANCE OF 1,622.18 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 07 DEGREES 09 MINUTES 26 SECONDS, A RADIUS OF 1,560.00 FEET, AN ARC LENGTH OF 194.87 FEET, A CHORD BEARING OF NORTH 03 DEGREES 35 MINUTES 41 SECONDS WEST, AND A CHORD DISTANCE OF 194.75 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 6,538,986.40 SQUARE FEET OR 150.1144 ACRES, MORE OR LESS.

SOUTHWEST VILLAGE
AMENDMENT TO THE P.U.D.
COVER SHEET

SCALE: 1"=400
0 200 400 800
SCALE IN FEET

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



LAND USE TABLE

Parcel 1: B-2 Area	
Uses	Floor Area (Square Feet)
Residential	200 Dwelling Units
Commercial	150,000 sf

Parcel 2: B-2 Area	
Uses	Floor Area (Square Feet)
Commercial	225,000 sf

Parcel 3: B-2 Area	
Uses	Floor Area (Square Feet)
Residential	250 Dwelling Units
Commercial	250,000 sf
OR	
Residential	500 Dwelling Units
Commercial	100,000 sf

Parcel 4: I-3 Area	
Uses	Floor Area (Square Feet)
Hotel	250 Rooms
Commercial/Industrial	130,000 sf

Parcel 5: B-2 Casino Area	
Uses	Floor Area (Square Feet)
Casino Resort includes: 1210 Gaming Positions, Restaurant, Retail, Event Center	225,000 SF Casino 200 Hotel Rooms
Future Hotel	200 Hotel Rooms
Horse Racing Track, Grandstand, Horse Barns and Related Facilities	As shown on Site Plan

PUD LAND USE TOTALS (Parcels 1 - 5)	
Uses	Floor Area (Square Feet)
Commercial	980,000 SF
Hotel	650 Rooms
Dwelling Units	700 Units

CENTERLINE CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	TANGENT	CHORD
A	175.00	35°55'43.01"	109.74	56.74	107.95
B	1500.00	52°21'29.73"	1370.74	737.41	1323.54
C	4000.00	04°17'49.62"	299.10	150.07	299.93
D	1400.00	13°20'42.73"	294.99	156.89	286.33
E	350.00	48°17'25"	485.14	290.67	447.22
F	2000.00	27°27'42.82"	958.61	488.69	949.45
G	4000.00	04°17'49.62"	299.10	150.07	299.93
H	1000.00	16°40'31"	291.04	146.56	290.01
I	1000.00	69°22'50"	1210.92	692.18	1138.28
J	1000.00	8°08'02"	141.96	71.10	141.84

P.U.D. BOUNDARY CURVE DATA

CURVE	RADIUS	DELTA	LENGTH	TANGENT	CHORD
1	290.80	12°29'35"	63.41	31.83	63.28
2	26.19	44°19'03"	20.25	10.66	19.75
3	377.50	11°11'52"	44.98	22.56	44.91
4	403.50	154°28'04"	1087.82	1780.88	787.05
5	215.50	130°12'33"	489.74	464.35	390.95
6	1400.00	51°54'20"	341.99	183.74	330.41
7	501.99	32°31'08"	284.91	146.41	284.10
8	1091.35	32°27'45"	675.48	348.95	664.75
9	66.50	97°30'25"	113.17	75.84	100.00
10	1560.00	7°09'26"	194.87	97.56	194.75
11	618.08	48°35'11"	524.13	278.99	508.57

LEGAL DESCRIPTION (PARCELS 4 & 5)

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOTS 20 I.T., 21 I.T., 29 I.T., 30 I.T., AND 36 I.T., A PORTION OF SCHMIDT PLACE RIGHT -OF-WAY AND SOUTH 1ST STREET RIGHT-OF-WAY, ALL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 6 EAST: AND LOTS 25 I.T., 27 I.T., AND 28 I.T., A PORTION OF LOTS 24 I.T., AND 26 I.T., A PORTION OF SOUTH 1ST STREET RIGHT-OF-WAY, ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 6 EAST, AND LOTS 63 I.T., AND 65 I.T., AND THE REMAINING PORTION OF LOT 59 I.T., AND A PORTION OF SOUTH 1ST STREET RIGHT-OF-WAY AND A PORTION OF SCHMIDT COURT RIGHT-OF-WAY ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 6 EAST, ALL OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 15, THENCE EAST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 27 MINUTES 24 SECONDS EAST, A DISTANCE OF 121.31 FEET TO A POINT, THENCE SOUTH 00 DEGREES 32 MINUTES 36 SECONDS WEST, A DISTANCE OF 21.54 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 67 DEGREES 19 MINUTES 56 SECONDS EAST, A DISTANCE OF 461.33 FEET TO A POINT, THENCE NORTH 58 DEGREES 52 MINUTES 43 SECONDS EAST, A DISTANCE OF 763.14 FEET TO A POINT, THENCE NORTH 51 DEGREES 35 MINUTES 03 SECONDS EAST, A DISTANCE OF 301.76 FEET TO A POINT, THENCE NORTH 56 DEGREES 08 MINUTES 37 SECONDS EAST, A DISTANCE OF 173.70 FEET TO A POINT, THENCE NORTH 58 DEGREES 08 MINUTES 19 SECONDS EAST, A DISTANCE OF 796.59 FEET TO A POINT, THENCE SOUTH 57 DEGREES 36 MINUTES 54 SECONDS EAST, A DISTANCE OF 431.49 FEET TO A POINT, SAID POINT BEING A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 29 DEGREES 38 MINUTES 05 SECONDS, A RADIUS OF 1,041.35 FEET, AN ARC LENGTH OF 720.36 FEET, A CHORD BEARING OF SOUTH 23 DEGREES 02 MINUTES 29 SECONDS WEST, AND A CHORD DISTANCE OF 706.08 FEET TO A POINT, THENCE SOUTH 50 DEGREES 32 MINUTES 48 SECONDS EAST, A DISTANCE OF 243.06 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 50 DEGREES 48 MINUTES 34 SECONDS, A RADIUS OF 350.00 FEET, AN ARC LENGTH OF 310.38 FEET, A CHORD BEARING OF SOUTH 25 DEGREES 08 MINUTES 31 SECONDS EAST, AND A CHORD DISTANCE OF 300.31 FEET TO A POINT, THENCE SOUTH 89 DEGREES 27 MINUTES 24 SECONDS EAST, A DISTANCE OF 50.02 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 22, THENCE SOUTH 00 DEGREES 04 MINUTES 06 SECONDS WEST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 57.75 FEET TO A POINT, THENCE SOUTH 89 DEGREES 55 MINUTES 54 SECONDS EAST, A DISTANCE OF 592.08 FEET TO A POINT, THENCE SOUTH 21 DEGREES 05 MINUTES 04 SECONDS EAST, A DISTANCE OF 554.58 FEET TO A POINT, SAID POINT BEING A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 10 DEGREES 30 MINUTES 31 SECONDS, A RADIUS OF 4,372.28 FEET, AN ARC LENGTH OF 801.92 FEET, A CHORD BEARING OF SOUTH 26 DEGREES 22 MINUTES 17 SECONDS WEST, AND A CHORD DISTANCE OF 800.80 FEET TO A POINT, THENCE NORTH 89 DEGREES 49 MINUTES 56 SECONDS WEST, A DISTANCE OF 432.88 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22, THENCE SOUTH 00 DEGREES 07 MINUTES 47 SECONDS EAST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 241.46 FEET TO A POINT, THENCE SOUTH 89 DEGREES 52 MINUTES 13 SECONDS WEST, A DISTANCE OF 138.53 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 58 DEGREES 31 MINUTES 33 SECONDS, A RADIUS OF 125.28 FEET, AN ARC LENGTH OF 127.97 FEET, A CHORD BEARING OF NORTH 60 DEGREES 52 MINUTES 00 SECONDS WEST, AND A CHORD DISTANCE OF 122.47 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 81 DEGREES 58 MINUTES 38 SECONDS, A RADIUS OF 75.00 FEET, AN ARC LENGTH OF 107.31 FEET, A CHORD BEARING OF NORTH 72 DEGREES 35 MINUTES 33 SECONDS WEST, AND A CHORD DISTANCE OF 98.39 FEET TO A POINT, THENCE SOUTH 66 DEGREES 25 MINUTES 08 SECONDS WEST, A DISTANCE OF 69.12 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 27 DEGREES 18 MINUTES 02 SECONDS, A RADIUS OF 150.00 FEET, AN ARC LENGTH OF 71.47 FEET, A CHORD BEARING OF SOUTH 80 DEGREES 04 MINUTES 09 SECONDS WEST, AND A CHORD DISTANCE OF 70.80 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 57 DEGREES 02 MINUTES 11 SECONDS, A RADIUS OF 97.16 FEET, AN ARC LENGTH OF 96.72 FEET, A CHORD BEARING OF SOUTH 65 DEGREES 12 MINUTES 05 SECONDS WEST, AND A CHORD DISTANCE OF 92.78 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 102 DEGREES 46 MINUTES 49 SECONDS, A RADIUS OF 85.00 FEET, A ARC LENGTH OF 152.48 FEET, A CHORD BEARING OF SOUTH 88 DEGREES 04 MINUTES 24 SECONDS WEST, AND A CHORD DISTANCE OF 132.84 FEET TO A POINT, THENCE NORTH 40 DEGREES 32 MINUTES 12 SECONDS WEST, A DISTANCE OF 105.48 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 37 DEGREES 30 MINUTES 22 SECONDS, A RADIUS OF 100.00 FEET, AN ARC LENGTH OF 65.46 FEET, A CHORD BEARING OF NORTH 59 DEGREES 17 MINUTES 23 SECONDS WEST, AND A CHORD DISTANCE OF 64.30 FEET TO A POINT, THENCE NORTH 78 DEGREES 02 MINUTES 33 SECONDS WEST, A DISTANCE OF 90.87 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 38 DEGREES 21 MINUTES 43 SECONDS, A RADIUS OF 75.00 FEET, AN ARC LENGTH OF 50.22 FEET, A CHORD BEARING OF SOUTH 82 DEGREES 46 MINUTES 35 SECONDS WEST, AND A CHORD DISTANCE OF 49.28 FEET TO A POINT, THENCE SOUTH 63 DEGREES 35 MINUTES 43 SECONDS WEST, A DISTANCE OF 83.82 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 26 DEGREES 35 MINUTES 54 SECONDS, A RADIUS OF 150.00 FEET, AN ARC LENGTH OF 69.63 FEET, A CHORD BEARING OF SOUTH 76 DEGREES 53 MINUTES 40 SECONDS WEST, AND A CHORD DISTANCE OF 69.01 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 53 DEGREES 31 MINUTES 16 SECONDS, A RADIUS OF 75.00 FEET, AN ARC LENGTH OF 70.06 FEET, A CHORD BEARING OF SOUTH 63 DEGREES 25 MINUTES 59 SECONDS WEST, AND A CHORD DISTANCE OF 67.54 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 36 DEGREES 31 MINUTES 51 SECONDS, A RADIUS OF 220.27 FEET, AN ARC LENGTH OF 140.44 FEET, A CHORD BEARING OF SOUTH 54 DEGREES 56 MINUTES 16 SECONDS WEST, AND A CHORD DISTANCE OF 138.07 FEET TO A POINT, THENCE SOUTH 73 DEGREES 12 MINUTES 12 SECONDS WEST, A DISTANCE OF 148.09 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 55 DEGREES 21 MINUTES 16 SECONDS, A RADIUS OF 135.23 FEET, AN ARC LENGTH OF 130.65 FEET, A CHORD BEARING OF NORTH 79 DEGREES 07 MINUTES 10 SECONDS WEST, AND A CHORD DISTANCE OF 125.62 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 67 DEGREES 49 MINUTES 49 SECONDS, A RADIUS OF 75.00 FEET, AN ARC LENGTH OF 88.79 FEET, A CHORD BEARING OF NORTH 85 DEGREES 21 MINUTES 27 SECONDS WEST, AND A CHORD DISTANCE OF 83.69 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 29 DEGREES 59 MINUTES 18 SECONDS, A RADIUS OF 375.00 FEET, AN ARC LENGTH OF 196.27 FEET, A CHORD BEARING OF SOUTH 76 DEGREES 43 MINUTES 18 SECONDS WEST, AND A CHORD DISTANCE OF 194.04 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 18 DEGREES 58 MINUTES 21 SECONDS, A RADIUS OF 250.00 FEET, AN ARC LENGTH OF 82.78 FEET, A CHORD BEARING OF SOUTH 81 DEGREES 13 MINUTES 47 SECONDS WEST, AND A CHORD DISTANCE OF 82.41 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 32 DEGREES 54 MINUTES 32 SECONDS, A RADIUS OF 200.00 FEET, AN ARC LENGTH OF 111.96 FEET, A CHORD BEARING OF SOUTH 87 DEGREES 46 MINUTES 52 SECONDS WEST, AND A CHORD DISTANCE OF 110.51 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 33 DEGREES 18 MINUTES 57 SECONDS, A RADIUS OF 150.00 FEET, AN ARC LENGTH OF 87.22 FEET, A CHORD BEARING OF SOUTH 87 DEGREES 09 MINUTES 40 SECONDS WEST, AND A CHORD DISTANCE OF 86.00 FEET TO A POINT, THENCE SOUTH 70 DEGREES 30 MINUTES 11 SECONDS WEST, A DISTANCE OF 76.72 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 45 DEGREES 15 MINUTES 25 SECONDS, A RADIUS OF 125.00 FEET, AN ARC LENGTH OF 98.74 FEET, A CHORD BEARING OF SOUTH 47 DEGREES 52 MINUTES 28 SECONDS WEST, AND A CHORD DISTANCE OF 96.19 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 112 DEGREES 06 MINUTES 25 SECONDS, A RADIUS OF 205.96 FEET, AN ARC LENGTH OF 402.98 FEET, A CHORD BEARING OF SOUTH 81 DEGREES 17 MINUTES 58 SECONDS WEST, AND A CHORD DISTANCE OF 341.71 FEET TO A POINT, THENCE NORTH 42 DEGREES 38 MINUTES 49 SECONDS WEST, A DISTANCE OF 10.88 FEET TO A POINT, THENCE NORTH 00 DEGREES 00 MINUTES 58 SECONDS WEST, A DISTANCE OF 1,622.16 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 07 DEGREES 09 MINUTES 26 SECONDS, A RADIUS OF 1,560.00 FEET, AN ARC LENGTH OF 194.87 FEET, A CHORD BEARING OF NORTH 03 DEGREES 35 MINUTES 41 SECONDS WEST, AND A CHORD DISTANCE OF 194.75 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 6,538,986.40 SQUARE FEET OR 150.1144 ACRES, MORE OR LESS.

LEGAL DESCRIPTION (PARCELS 1, 2 & 3)

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF OUTLOTS "C" AND "E", SOUTHWEST VILLAGE ADDITION, AND OUTLOTS "A" AND "B", SOUTHWEST VILLAGE 1ST ADDITION, AND A PORTION OF WEST AMARANTH LANE, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 15; THENCE EAST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 27 MINUTES 24 SECONDS EAST, A DISTANCE OF 99.66 FEET TO A POINT; THENCE NORTH 00 DEGREES 32 MINUTES 36 SECONDS EAST, A DISTANCE OF 156.41 FEET TO **THE TRUE POINT OF BEGINNING;** THENCE NORTH 06 DEGREES 08 MINUTES 30 SECONDS WEST, A DISTANCE OF 374.26 FEET TO A POINT LOCATED 60.00 FEET EAST OF THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 07 MINUTES 11 SECONDS EAST ALONG A LINE 60.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2,125.67 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89 DEGREES 22 MINUTES 31 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2,197.02 FEET TO A POINT; THENCE SOUTH 23 DEGREES 40 MINUTES 15 SECONDS WEST, A DISTANCE OF 679.81 FEET TO A POINT OF CURVATURE OF A NON TANGENT CURVE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 48 DEGREES 35 MINUTES 11 SECONDS, A RADIUS OF 618.08 FEET, AN ARC LENGTH OF 524.13 FEET, A CHORD BEARING OF SOUTH 10 DEGREES 38 MINUTES 02 SECONDS EAST, AND A CHORD DISTANCE OF 508.57 FEET TO A POINT, THENCE SOUTH 52 DEGREES 29 MINUTES 22 SECONDS WEST, A DISTANCE OF 600.37 FEET TO A POINT, THENCE SOUTH 52 DEGREES 45 MINUTES 27 SECONDS WEST, A DISTANCE OF 1,294.30 FEET TO A POINT, THENCE SOUTH 66 DEGREES 56 MINUTES 10 SECONDS WEST, A DISTANCE OF 516.92 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 3,784,400.25 SQUARE FEET OR 86.8779 ACRES, MORE OR LESS.

PROPERTY OWNERS

PARCEL 1 – WAVERLY DEVELOPMENT CO LLC
440 N 8 ST, STE 140
LINCOLN, NE

PARCEL 2 – SOUTHPORT VENTURES CO LLC
3501 PLANTATION DR, STE 110
LINCOLN, NE

PARCEL 3 – DIAL–HWY 77 LLC
11506 NICHOLAS ST, STE 100
OMAHA, NE

PARCEL 4 – CDW PROPERTIES LLC
5355 W SPRAGUE RD
HALLAM, NE

PARCEL 5 – NEBRASKA HORSEMAN'S BENEVOLENT & PROTECTIVE ASSOCIATION
7055 S 1 ST
LINCOLN, NE

GENERAL SITE NOTES

1. REFER TO SOUTHWEST VILLAGE DEVELOPMENT PLAN FOR ZONING AND DESIGN STANDARDS.
2. A BUSINESS ASSOCIATION SHALL BE ESTABLISHED TO MAINTAIN ALL OPEN SPACE AREAS INCLUDING THE PRIVATE ROADWAYS AND MEDIANS WITHIN THE PUBLIC STREETS WITHIN THE LIMITS OF THE P.U.D.
3. LOTS MAY BE CREATED WITHOUT FRONTAGE TO A PUBLIC STREET OR PRIVATE ROADWAY IF THEY HAVE ACCESS TO A PUBLIC ACCESS EASEMENT.
4. LOT DIMENSIONS ARE CONCEPTUAL AND WILL BE FINALIZED AT TIME OF FINAL PLATTING.
5. THE YARD SETBACKS REGULATES STRUCTURAL WALLS ONLY AND DOES NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCROACHING INTO THE SETBACKS.
6. A COMMON ACCESS EASEMENT WILL BE PROVIDED OVER ALL DRIVES AND PARKING STALLS, AS SUCH DRIVES AND PARKING STALLS MAY EXIST IN THE COMMERCIAL AREAS.
7. DETAILS OF ALL SIGNS, INCLUDING TYPE, HEIGHT AND SIZE WILL BE SUBMITTED SEPARATELY FOR REVIEW AT TIME OF SIGN PERMITS AND ARE NOT REQUIRED TO BE SHOWN ON THE PLAN. ALL SIGNS SHALL BE IN CONFORMANCE WITH THE SOUTHWEST VILLAGE PUD DEVELOPMENT PLAN.
8. ~~FINAL SITE LAYOUT AND INDIVIDUAL LANDSCAPE PLANS FOR COMMERCIAL BUILDINGS LARGER THAN 100,000 S.F. SHALL BE APPROVED ADMINISTRATIVELY BY THE PLANNING DIRECTOR.~~ FINAL SITE LAYOUT AND INDIVIDUAL LANDSCAPE PLANS FOR COMMERCIAL BUILDINGS IN THE B-2 AREA LESS THAN 100,000 S.F. SHALL BE APPROVED THROUGH THE BUILDING PERMIT PROCESS. SITE LAYOUT PLANS FOR BUILDINGS LARGER THAN 100,000 S.F. SHALL BE APPROVED ADMINISTRATIVELY BY THE PLANNING DIRECTOR.
9. FENCES, DUMPSTERS, DECORATIVE STRUCTURES AND ACCESSORY BUILDINGS ARE NOT SHOWN ON THE PLANS IF THEY ARE 1000 SQUARE FEET OR SMALLER AND ARE OUTSIDE OF THE SIGHT TRIANGLES AND SETBACKS AND ARE IN CONFORMANCE WITH ALL APPLICABLE ORDINANCES AND CODES OF THE SOUTHWEST VILLAGE P.U.D.
10. ~~LOTS 5 AND 6, BLOCK 2 SHALL BE RESTRICTED TO OFFICE AND BANK USES BY THE PUD. THERE SHALL BE AN ADDITIONAL 2 ACRES OF OFFICE USE WITHIN THE B-2 AREA.~~
11. ALL BUILDINGS OVER 100,000 SQUARE FEET WITHIN THE P.U.D, EXCEPT IN THE ~~AGA~~ B–2 CASINO AREA, SHALL BE SUBJECT TO THE DESIGN CRITERIA. EACH BUILDING'S ELEVATIONS SHALL BE FIRST SUBMITTED TO THE LANDLORD'S COORDINATING ARCHITECT FOR REVIEW AND APPROVAL. THEN A LETTER OF APPROVAL FROM THE LANDLORD'S COORDINATING ARCHITECT STATING HOW THE BUILDING CONFORMS TO THE DESIGN CRITERIA SHALL BE SUBMITTED ALONG WITH THE ELEVATION TO THE PLANNING DIRECTOR FOR REVIEW AND APPROVAL BY ADMINISTRATIVE AMENDMENT PRIOR TO ISSUANCE OF BUILDING PERMITS.
12. OUTDOOR STORAGE / GARDEN CENTERS SHALL NOT BE PERMITTED ON THE EAST SIDE OF ANY BUILDING IN LOT 1, BLOCK 2 WITHIN 600' OF HIGHWAY 77 RIGHT OF WAY.
13. STORM WATER ENERGY DISSIPATION IN THE FORM OF ROCK RIP RAP OR OTHER SUITABLE MATERIAL SHALL BE INSTALLED AT ALL STORM SEWER OUTLETS.
14. ADDITIONAL RIGHT OF WAY SHALL BE DEDICATED TO THE NDOT TO ALLOW FOR RIGHT TURN LANES AS REQUIRED BY THE TRAFFIC STUDY.
15. ~~ADDITIONAL~~ RIGHT OF WAY FOR S. 1ST STREET SHALL BE DEDICATED TO THE CITY OF LINCOLN BY DEEDS, OR FINAL PLAT.
16. THE FUTURE BIKE TRAIL CROSSING AT THE INTERSECTION OF WEST DENTON ROAD AND SOUTH 1ST STREET SHALL BE AN AT GRADE CROSSING.
17. ADDITIONAL SIDEWALK CONNECTIONS CONSISTENT WITH THE INCENTIVE CRITERIA OF THE CHAPTER 3.105 SECTION 3 OF THE CITY OF LINCOLN DESIGN STANDARDS TO BE APPROVED BY ADMINISTRATIVE AMENDMENT PRIOR TO APPROVAL OF THE FINAL PLAT.
18. AN INITIAL LETTER OF MAP REVISION BASED ON FILL (LOMR–F) WILL BE SUBMITTED TO THE CITY OF LINCOLN AND FEMA FOR APPROVAL TO REMOVE THE CASINO AND PARKING GARAGE SITES FROM THE FLOODPLAIN. ONCE APPROVED BY THE CITY OF LINCOLN AND SUBMITTED TO FEMA, LIMITED BUILDING PERMITS FOR THE CASINO AND PARKING GARAGE CAN BE APPROVED. FULL BUILDING PERMITS FOR THE CASINO AND PARKING GARAGE CANNOT BE APPROVED UNTIL THE INITIAL LOMR–F IS APPROVED BY FEMA. A SECOND LOMR–F WILL BE REQUIRED TO UPDATE THE FEMA FLOODPLAIN TO REFLECT THE GRADING OF THE HORSE TRACK AND BARN AREA. BUILDING PERMITS FOR THE BARNS CANNOT BE APPROVED UNTIL SECOND LOMR–F IS APPROVED BY FEMA.
19. THE DEVELOPER SHALL BE PERMITTED TO COMPLETE THE GRADING IN PHASES; PROVIDED THAT ANY PHASED GRADING SHALL TEMPORARILY PROVIDE A RATIO OF THREE ACRE FEET OF MITIGATED FLOOD STORAGE VOLUME FOR EVERY ONE ACRE FOOT OF FLOOD STORAGE VOLUME REMOVED AT THE TIME ANY PORTION OF THE PROPERTY SOUTH OF WEST DENTON ROAD IS FINAL PLATTED, THE DEVELOPER SHALL SUBMIT A GRADING PLAN SHOWING THE COMPLETION OF A PERCENTAGE OF THE FLOOD STORAGE THAT IS PROPORTIONATE TO THE NUMBER OF DEVELOPABLE ACRES BEING FINAL PLATTED.
20. THE ROUTING OF THE FORCE MAIN ADJACENT TO WILDERNESS PARK SHALL BE APPROVED BY THE PARKS & REC DEPARTMENT.
21. THE HORSE TRACK AREA IN THE B–2 CASINO PUD AREA WILL INCLUDE THE RACE TRACK, GRANDSTAND, CASINO, RESTAURANT FACILITY, HOTELS, CLUBHOUSE, PADDOCK, PARKING, BARNS, CARE TAKERS RESIDENCE, TESTING BUILDING, AND OTHER NECESSARY STRUCTURES ASSOCIATED WITH A HORSE RACE TRACK AND CASINO.
22. THE SITE PLAN FOR THE HORSE TRACK, CASINO, AND ACCESSORY BUILDINGS IS CONCEPTUAL AND MAY VARY AT TIME OF BUILDING PERMIT.
23. THE HORSE PARK SHALL GAIN THE PERMITS NECESSARY FROM THE NDEQ, FOR APPROPRIATE STORAGE, DISCHARGE, AIR QUALITY, ETC FOR THE EQUESTRIAN WASTE.
24. AN ADDITIONAL 20' OF CONSTRUCTION EASEMENT FOR THE FUTURE TRUNK SEWER WILL BE PROVIDED ALONG THE WEST TRUNK SEWER ALIGNMENT IF THE PROPERTY TO THE WEST HAS NOT BEEN FINAL PLATTED AND THE CITY REQUIRES THE EASEMENT FOR CONSTRUCTION OF THE TRUNK SEWER MAIN.
25. SIDEWALKS ARE TO BE CONSTRUCTED ON WEST DENTON ROAD AND SOUTH 1ST STREET. THESE SIDEWALKS SHALL BE GRADED AND CONSTRUCTED TO MATCH FUTURE ROADWAY RIGHT OF WAY GRADES. DRAINAGE FACILITIES MAY BE REQUIRED TO MAINTAIN THE RURAL DITCH SECTION DRAINAGE.
26. SIDEWALKS TO BE CONSTRUCTED ALONG S. 1ST STREET WHEN PUBLIC ROADWAY IMPROVEMENTS ARE INSTALLED. SIDEWALKS ALONG W. DENTON ROAD SHALL BE CONSTRUCTED WHEN S. FOLSOM STREET ROADWAY IMPROVEMENTS ARE INSTALLED. THE ACTUAL LOCATION OF THE SIDEWALKS SHALL BE COORDINATED WITH THE CITY.
27. ALL CONSTRUCTION, GRADE CHANGES, AND OBSTRUCTIONS IN LES TRANSMISSION CORRIDORS REQUIRE LES APPROVAL.
28. AN EASEMENT OR ROW WILL BE PROVIDED FOR THE EXISTING SANITARY SEWER BETWEEN GAILYN ROAD AND ROUNDABOUT OF SW 4TH AND AMARANTH LANE TO THE SATISFACTION OF THE PUBLIC WORKS & UTILITIES – WASTEWATER DEPARTMENT.
29. THERE SHALL BE A CORRIDOR WITH EASEMENTS FOR A FUTURE SANITARY SEWER TRUNK LINE AS SHOWN, TO THE SATISFACTION OF THE PUBLIC WORKS & UTILITIES – WASTEWATER DEPARTMENT.
30. TRACK INFIELD TOTE BOARD TO DISPLAY RACE RESULTS AND WILL NOT COUNT AS SIGNAGE ON PROPERTY AND THERE WILL BE NO LIMIT TO TOTE BOARD SIZE AS LONG AS ADVERTISING IS NOT VISIBLE FROM PUBLIC RIGHT OF WAY.

SHEET INDEX

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2–3	SITE PLAN
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7	CONCEPTUAL SIDEWALK PLAN
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9	PROPOSED CONDITIONS DRAINAGE PLAN
10–12	GRADING/DRAINAGE PLAN
13	INTERCHANGE CONSTRUCTION TRAFFIC DETOUR PLAN
14	CONSERVATION EASEMENT PLANTING PLAN
15–20	PROFILE SHEETS

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REV. NO.	DATE	REVISIONS DESCRIPTION
1	02/23/2021	PUD AMENDMENT FOR CASINO USE

REVISIONS

COVER SHEET

SOUTHWEST VILLAGE
AMENDMENT TO P.U.D.

LINCOLN, NE

2021

drawn by: DKB
checked by: ESB
approved by: ESB
QA/QC by: ESB
project no.: 021-00589
drawing no.:
date: 01/20/2021

SHEET 1 OF 20

DWG: F:\2021\00501-01000\021-00589\40-Design\AutoCAD\Preliminary Plans\Sheets\GNCV\120344_COVPL.dwg USER: dbenson
DATE: Feb 23, 2021 5:19pm XREFS: 120344_EBASE-GIS 120344_FEATURE vcmap TB_30x42 C_PBASE_PH3_02100589 C_PBASE_CASINO_02100589 C_XBASE_02100589 700663PP00-Full Build_Casino-RAB Option

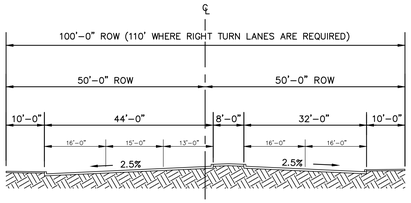
SOUTHWEST VILLAGE
AMENDMENT TO THE P.U.D.
SITE PLAN

LEGEND

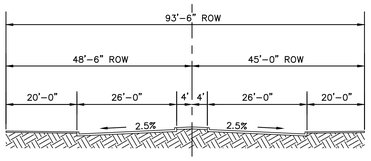
- BUILDABLE AREA OF EACH LOT
- RIGHT OF WAY TO BE DEDICATED
- EXISTING RIGHT OF WAY TO BE VACATED
- PROPOSED WATER MAIN
- PROPOSED SANITARY SEWER
- SANITARY SEWER MANHOLE
- FIRE HYDRANT
- WATER VALVE
- RIGHT OF WAY
- PROPERTY BOUNDARY
- BUILDING SETBACK
- UTILITY EASEMENT
- PAVEMENT CENTERLINE
- LIGHT POLE
- UTILITY POLE/OVERHEAD TRANSMISSION POLE
- GUY WIRE
- TREE
- TREE MASS

N

SCALE: 1"=100
0 50 100 200
SCALE IN FEET



SECTION A–A S.W. AMARANTH LANE R.O.W. SECTION
NOT TO SCALE



SECTION B–B S.W. 4TH ST. R.O.W. SECTION
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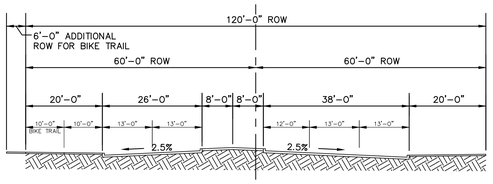
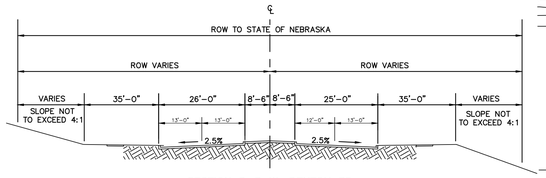


SECTION C–C S. FOLSOM STREET R.O.W. SECTION
NOT TO SCALE



SECTION D–D W. DENTON RD. R.O.W. SECTION
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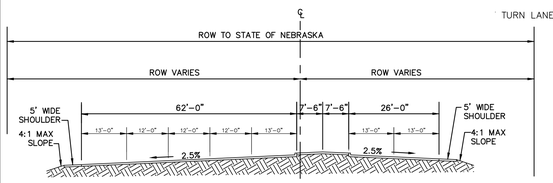

SECTION E–E W. DENTON RD. R.O.W. SECTION
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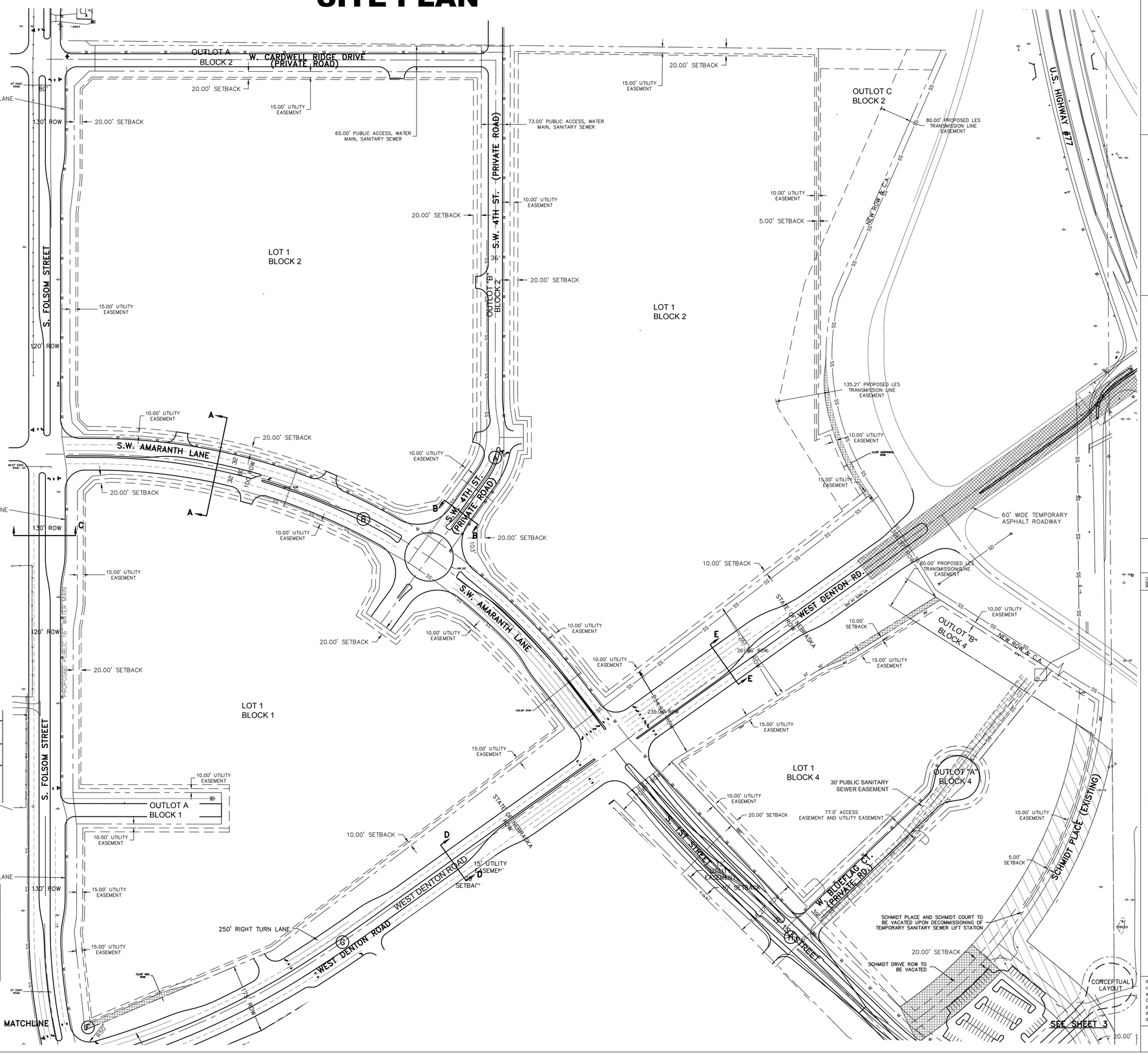

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REV. NO.	DATE	REVISIONS DESCRIPTION
1	02/23/2021	PUD AMENDMENT FOR CASINO USE

REVISIONS

SITE PLAN
(NORTH OF W. DENTON RD.)

SOUTHWEST VILLAGE
AMENDMENT TO P.U.D.

2021

LINCOLN, NE

drawn by:	DKB
checked by:	ESB
approved by:	ESB
QA/QC by:	ESB
project no.:	021-00589
drawing no.:	
date:	01/20/2021

SHEET 2 OF 20

DWG: F:\2021\00501-01000\021-00589\40-Design\AutoCAD\Preliminary Plans\Sheets\GNCV\C_SIT01(parcels_02100589.dwg USER: ebright
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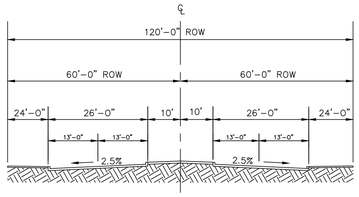
SOUTHWEST VILLAGE
AMENDMENT TO THE P.U.D.
SITE PLAN

AG AREA PARKING TABLE	
CASINO RESORT: 1210 GAMING POSITIONS @ 1 STALL/POSITION	TOTAL REQUIRED: 1210 STALLS
PROPOSED PARKING:	GARAGE: 900 STALLS ON-SITE SURFACE PARKING: 369 STALLS OVERFLOW PARKING: 432 STALLS TOTAL PROVIDED: 1701 STALLS



SECTION F-F S. 1ST STREET
R.O.W. SECTION
NOT TO SCALE

N

SCALE: 1"=100
0 50 100 200
SCALE IN FEET

LEGEND
- BUILDABLE AREA OF EACH LOT
- EXISTING RIGHT OF WAY TO BE VACATED
- RIGHT OF WAY TO BE DEDICATED
- PROPOSED GRAVEL SURFACING
- PROPOSED WATER MAIN
- PROPOSED SANITARY SEWER
- SANITARY SEWER MANHOLE
- FIRE HYDRANT
- WATER VALVE
- RIGHT OF WAY
- PROPERTY BOUNDARY
- BUILDING SETBACK
- UTILITY EASEMENT
- PAVEMENT CENTERLINE
- LIGHT POLE
- UTILITY POLE/OVERHEAD TRANSMISSION POLE
- GUY WIRE
- TREE
- TREE MASS
- FLOOD PLAIN
- MIN. FLOOD CORRIDOR

W. DENTON ROAD
STATE HIGHWAY 6
PROP. 8" WATER MAIN
S. 1ST STREET
PROP. 16" WATER MAIN
SEE SHEET 2
EXISTING 16" WATER MAIN
PROPOSED 16" WATER MAIN
20' SETBACK
15' UTILITY EASEMENT
320 PARKING STALLS
EXISTING 8" WATER MAIN
PEDESTRIAN ACCESS TO BE ANALYZED WITH LINCOLN TRANSPORTATION AND UTILITIES
FUTURE HOTEL
EXISTING SIMULCAST
CASINO/HOTEL/RESTAURANT
LOT 1, BLOCK 3
JOCKEY'S BUILDING
LOT 6, BLOCK 4 (STAFF/OVERFLOW PARKING FOR LOT 1, BLOCK 3)
CONCEPTUAL LAYOUT
146 PARKING STALLS
ROW TO BE DEDICATED
66' ROW
PARKING GARAGE
10' SETBACK
15' UTILITY EASEMENT
TOTE BOARD
FENCE LINE
S. FOLSOM STREET
PRIVATE SEWER FORCE MAIN
6' BIKE TRAIL EASEMENT
80.00'
OUTLOT A, BLOCK 3
15' UTILITY EASEMENT
20' SETBACK
4,677' X 80' DIRT TRACK
149 PARKING STALLS
LOT 2, BLOCK 4 (STAFF/OVERFLOW PARKING FOR LOT 1, BLOCK 3)
288 PARKING STALLS
ACCESS ROAD
LOT 2 BLOCK 3
LOT 1, BLOCK 5
GRASS FIELD/ FARM FIELD
TEMPORARY HORSE TRAILER PARKING PERMITTED DURING RACE SEASON.
FLOODPLAIN EASEMENT AREA.
PRIVATE 6" WATER MAIN
6" WATER METER
PRIVATE LIFT STATION
TEST BARN
PRIVATE 6" WATER
CARETAKER RESIDENCE
80' FUTURE SEWER EASEMENT
BARN
PRIVATE 8" SEWER
PROPOSED FLOOD PLAIN LINE
117.00' MINIMUM FLOOD CORRIDOR EASEMENT
20.00' BIKE TRAIL EASEMENT
CARDWELL BRANCH
MINIMUM FLOOD CORRIDOR
FENCE TO BE LOCATED A MINIMUM OF 10' FROM BIKE TRAIL EASEMENT
FUTURE 120' ROW
40' PERMANENT SANITARY SEWER EASEMENT. EXACT LOCATION TO BE DETERMINED. TEMPORARY CONSTRUCTION EASEMENTS WILL BE DETERMINED AT TIME OF CONSTRUCTION.
FARM ACCESS
EXISTING S. 1ST ST.

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REVISIONS

REV. NO.	DATE	REVISIONS DESCRIPTION

SITE PLAN
(NORTH OF W. DENTON RD.)

SOUTHWEST VILLAGE
AMENDMENT TO P.U.D.

LINCOLN, NE

2021

drawn by:	DKB
checked by:	ESB
approved by:	ESB
QA/QC by:	ESB
project no.:	021-00589
drawing no.:	
date:	01/20/2021

SHEET 3 OF 20

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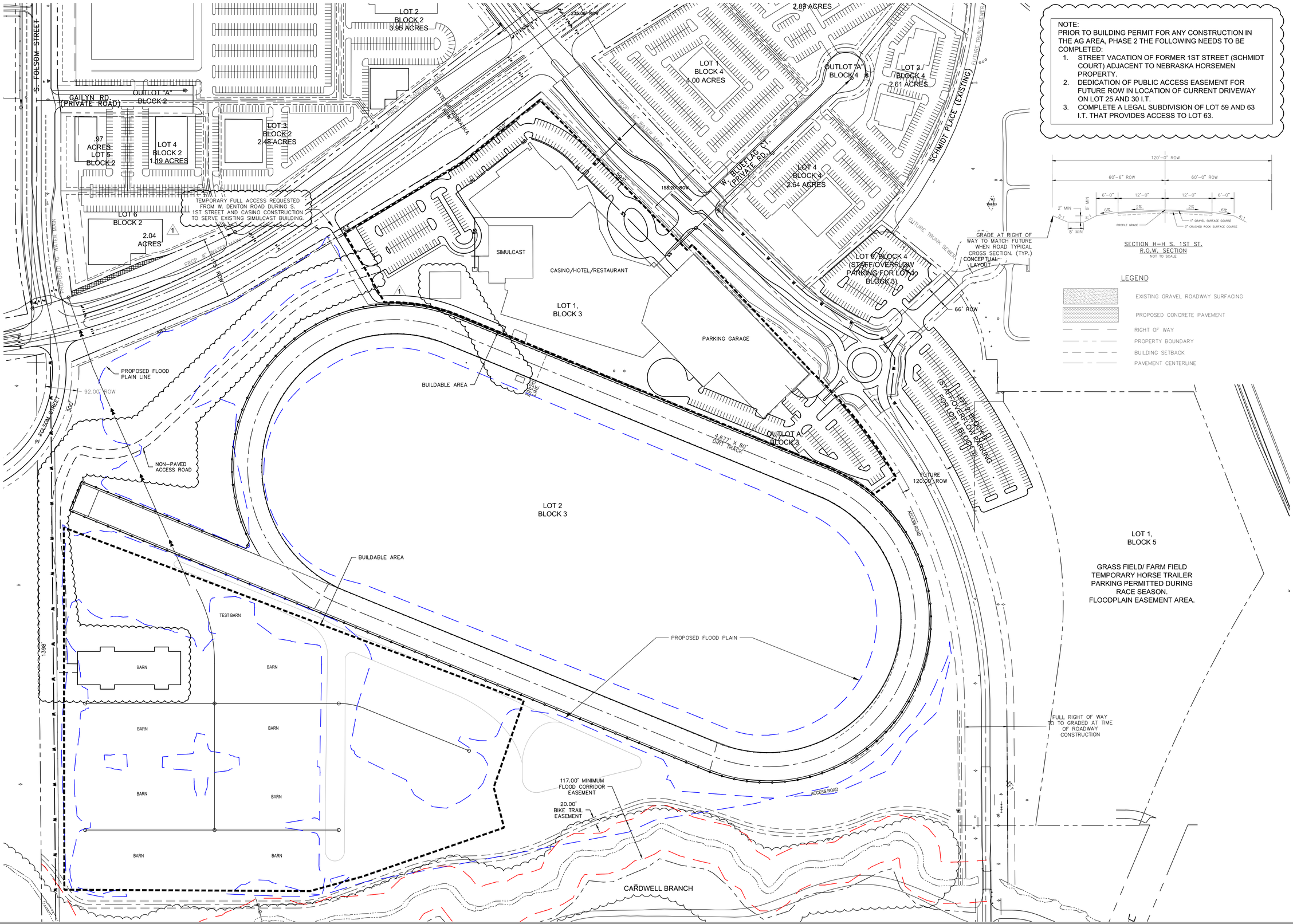
SOUTHWEST VILLAGE
AMENDMENT TO THE P.U.D.
I3/AG AREA - PHASE 2 SITE PLAN



NOTE:
PRIOR TO BUILDING PERMIT FOR ANY CONSTRUCTION IN THE AG AREA, PHASE 2 THE FOLLOWING NEEDS TO BE COMPLETED:

1. STREET VACATION OF FORMER 1ST STREET (SCHMIDT COURT) ADJACENT TO NEBRASKA HORSEMEN PROPERTY.
2. DEDICATION OF PUBLIC ACCESS EASEMENT FOR FUTURE ROW IN LOCATION OF CURRENT DRIVEWAY ON LOT 25 AND 30 I.T.
3. COMPLETE A LEGAL SUBDIVISION OF LOT 59 AND 63 I.T. THAT PROVIDES ACCESS TO LOT 63.

SECTION H–H S. 1ST ST. R.O.W. SECTION
NOT TO SCALE

LEGEND

- EXISTING GRAVEL ROADWAY SURFACING
- PROPOSED CONCRETE PAVEMENT
- RIGHT OF WAY
- PROPERTY BOUNDARY
- BUILDING SETBACK
- PAVEMENT CENTERLINE

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REV. NO.	DATE	REVISIONS DESCRIPTION
1	2/3/2021	PUD AMENDMENT FOR CASINO USE

REVISIONS

I3/AG AREA - PHASE 2 SITE PLAN
(NORTH OF W. DENTON RD.)

SOUTHWEST VILLAGE
AMENDMENT TO P.U.D.

LINCOLN, NE

2021

drawn by:	DKB
checked by:	ESB
approved by:	ESB
QA/QC by:	ESB
project no.:	021-00589
drawing no.:	
date:	01/20/2021

SHEET 5 OF 20

DWG: F:\2021\00501-01000\021-00589\40-Design\AutoCAD\Preliminary Plans\Sheets\GNCV\120344_PHASE 2.dwg USER: dbenson
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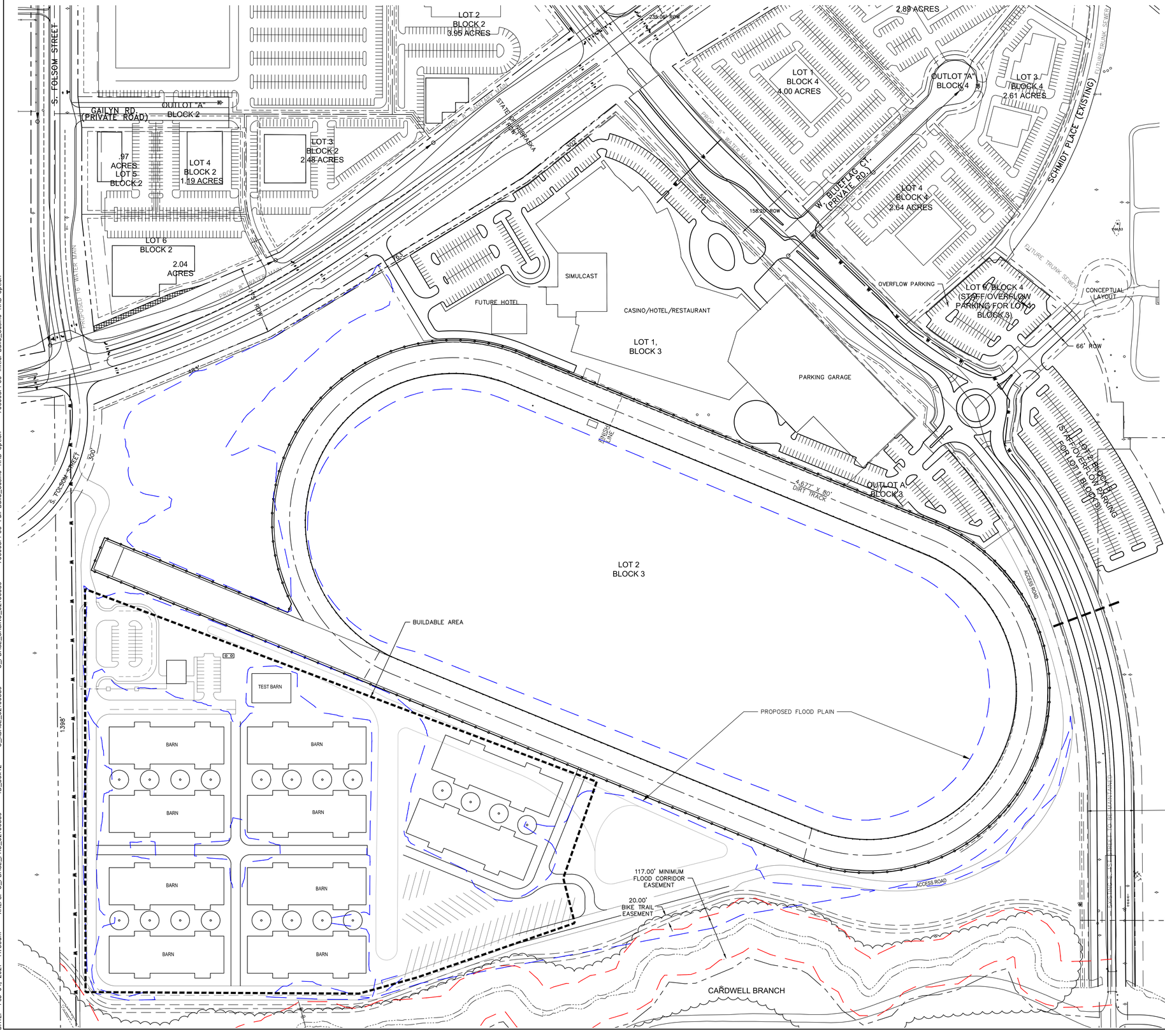
SOUTHWEST VILLAGE
AMENDMENT TO THE P.U.D.
I3/AG AREA - PHASE 3 SITE PLAN



LEGEND

- EXISTING GRAVEL ROADWAY SURFACING
- PROPOSED CONCRETE PAVEMENT
- RIGHT OF WAY
- PROPERTY BOUNDARY
- BUILDING SETBACK
- PAVEMENT CENTERLINE

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REV. NO.	DATE	REVISIONS DESCRIPTION
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REVISIONS

I3/AG AREA - PHASE 3 SITE PLAN
(NORTH OF W. DENTON RD.)

SOUTHWEST VILLAGE
AMENDMENT TO P.U.D.

LINCOLN, NE

2021

drawn by:	DKB
checked by:	ESB
approved by:	ESB
QA/QC by:	ESB
project no.:	021-00589
drawing no.:	
date:	01/20/2021

SHEET 5A OF 20

DWG: F:\2021\00501-01000\021-00589\40-Design\AutoCAD\Preliminary Plans\Sheets\GNCV\120344_PHASE 2.dwg USER: dbenson
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SOUTHWEST VILLAGE
AMENDMENT TO THE P.U.D.
CONCEPTUAL SIDEWALK PLAN

N
1" = 150'
0' 75' 150' 300'
SCALE IN FEET

LEGEND

SIDEWALK SYSTEM ----------

LINCOLN TRAIL SYSTEM EXTENSION ■■■■■■■■■■

1 NOTE:
REVISE THE SIDEWALK IN THE FUTURE SIMULCAST PARKING LOT TO THE SATISFACTION OF THE PLANNING DIRECTOR.

1 FINAL CONFIGURATION OF SIDEWALK CROSSING TO BE COORDINATED WITH LINCOLN TRASNPORTATION & UTILITIES

HOMESTEAD EXPRESSWAY
U.S. HIGHWAY #77
SCHMIDT PLACE (EXISTING)
NORTH 1ST ST.
S.W. 40TH ST.
S.W. 40TH ST. (PRIVATE ROAD)
S.W. 41ST ST.
S.W. 41ST ST. (PRIVATE ROAD)
S.W. 42ND ST.
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Southwest Village Planned Unit Development

DEVELOPMENT PLAN

Warlick Boulevard

& US Highway 77 Area

_____, 2021

Introduction

Southwest Village Planned Unit Development ("PUD") is located near U.S. Highway 77 and Warlick Boulevard. The PUD is intended to provide planned residential, office, retail, services, hotel and light industrial facilities as a mixed-use employment and commercial center in an attractive setting. The mixed use area would protect the 100 year flood prone areas and provide open space and other public amenities through the protection of a written conservation easement. The PUD is authorized and submitted as a planned unit development district pursuant to Chapter 27.60 of the Lincoln Municipal Code, as may be amended from time to time. The PUD includes three sub-areas:

- B-2 Area
- I-3 Area
- B-2 Casino Area

The attached Site Map shows the prope1iy subject to the PUD ("Property") and the three overlay sub-areas. Except as noted on the PUD, the buildings located within the Property are required to comply with the Architectural Design Standards that are attached hereto as Exhibit "A".

Development Plan

This Development Plan for the Southwest Village PUD ("Development Plan") describes the regulatory land use provisions. The Development Plan is comprised of two parts: PUD Regulations and PUD Permit.

Part 1. PUD Regulations: The PUD Regulations have the following four sections:

1a. **Property PUD:** Regulations applicable for the entire Property comprising the Southwest Village PUD;
lb. **B-2 Area:** Regulations applicable to those portions of the Property marked B-2 Area;
le. **I-3 Area:** Regulations applicable to those portions of the Property marked I-3 Area; and
ld. **B-2 Casino Area:** Regulations applicable to those portions of the Property marked B-2 Casino Area.

The PUD Regulations contain various references to Lincoln Municipal Code ("L.M.C.") provisions and corresponding City of Lincoln Design Standards ("Design Standards").

Part 2. PUD Permit: Architectural and engineering site maps and illustrations of the uses of the Property, including corresponding notes, shall apply to the Property ("PUD Permit").

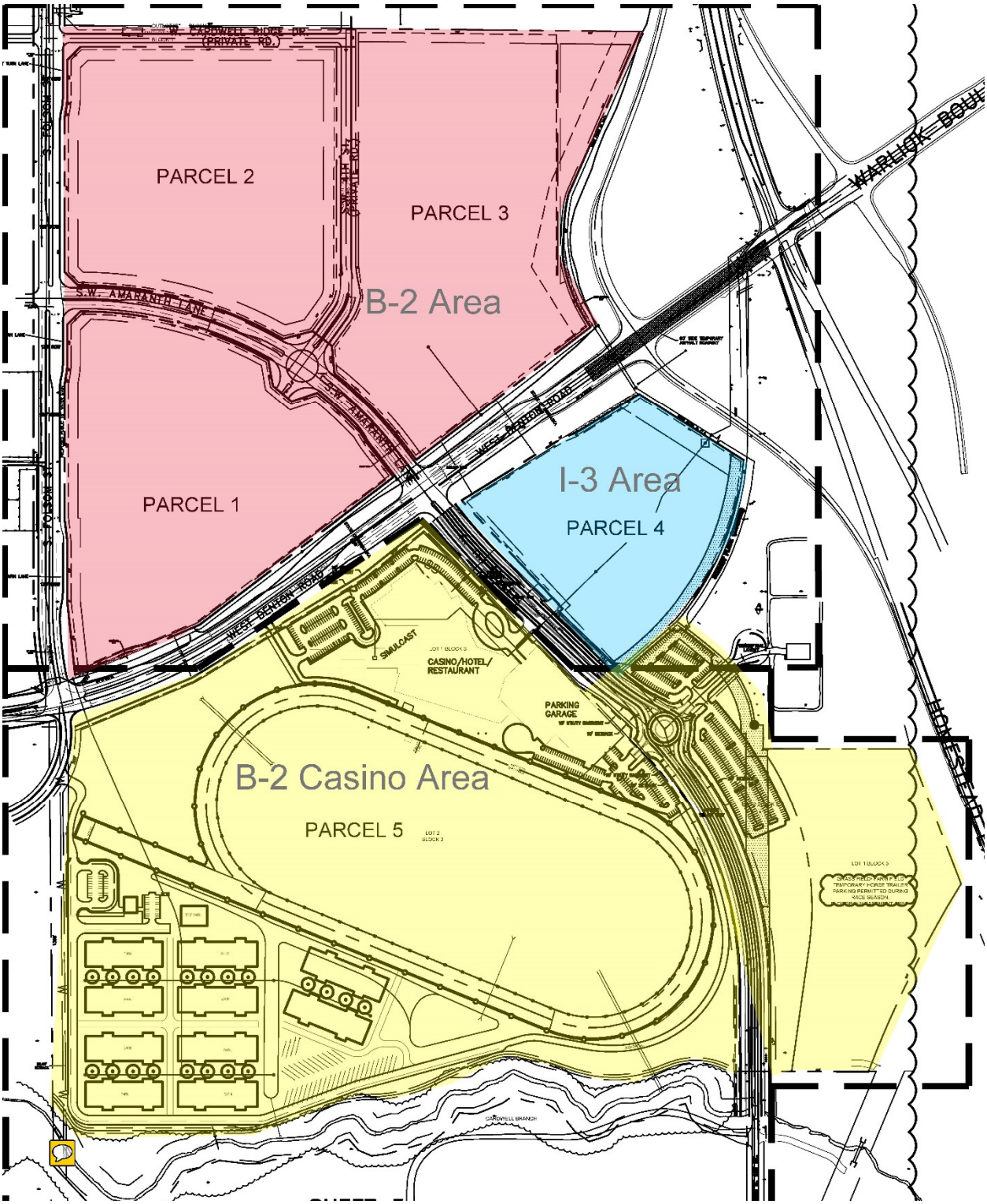
The Development Plan components modify the use limitations and regulations of the L.M.C. The Development Plan is designed to regulate buildings on private properties to shape the public realm and help create quality streets, plazas, open space and other public spaces.

Southwest Village PUD

The Southwest Village PUD is authorized and approved as a planned unit development district pursuant to Chapter 27.60 of the L.M.C., as may be amended from time to time. A separate use permit is not necessary or required to permit any use permit use. This Southwest Village PUD will replace any required use permit under the L.M.C. and any applicable ordinances, regulations, codes, and design standards. Unless otherwise stated herein, a separate special permit is not required for any permitted special use.

After approval of the Southwest Village PUD, building permits, certificates of occupancy and final plats of the property will be issued or approved upon general compliance with the Development Plan as approved, or as amended. In circumstances where there are minor variations from the Development Plan, the Planning Director or his/her designee, shall review the proposal and determine if the proposal is in general conformance with the spirit and intent of the approved PUD. After the City Council has approved the PUD, the Planning Director is authorized to approve amendments to the Development Plan pursuant to L.M.C. §27.60.060. In circumstances where there are conflicts between the PUD Regulations and the PUD Permit, the PUD Permit shall control.

Site Plan


PARCEL 2
PARCEL 3
B-2 Area
PARCEL 1
I-3 Area
PARCEL 4
B-2 Casino Area
PARCEL 5
CASINO/HOTEL/
RESTAURANT
PARKING
GARAGE
SMALCAST
S.W. AMARANTH LANE
WEST DENTON ROAD
HOUSTON ROAD

Part 1: PUD Regulations

The PUD Regulations are comprised of four sections:

1a. **Property PUD:** Regulations applicable for the entire Property comprising the Southwest Village PUD;

1b. **B-2 Area:** Regulations applicable to those portions of the Property marked B-2 Area;

1c. **I-3 Area:** Regulations applicable to those portions of the Property marked I- 3 Area; and

1d. **B-2 Casino Area:** Regulations applicable to those portions of the Property marked B-2 Casino Area.

Part Ia: Property PUD - General Regulations

These General Regulations are applicable for the entire Property comprising the Southwest Village PUD. Should the terms of these General Regulations and the Area Regulations conflict, these General Regulations shall control.

(a) **General Regulations.** Any development, including building and open land uses, except farming and the sale of farm products, shall be prohibited on the Property prior to the approval of a PUD Permit in conformance with the requirements of this Development Plan.

(b) **Use Regulations.** Uses within each parcel of the PUD Areas shall be a mix of uses and shall be governed by the following land use charts:

(1) PUD Land Uses

Uses	Floor Area (Square Feet)
Commercial (including casino complex)	980,000 sf
Residential	700 Dwelling Units
Hotel	650 Rooms
Horse Racing Track, Grandstand, Horse Barns and Related Facilities	As shown on the site plan

(2) Land Uses by Parcel. The overall approved land uses in the PUD have been designated and assigned to specific parcels in the PUD area as set forth on the following land use charts:

B-2 Area - Parcel 1	
Uses	Floor Area (Square Feet)
Residential	200 Dwelling Units
Commercial	150,000 sf

B-2 Area - Parcel 2	
Uses	Floor Area (Square Feet)
Commercial	225,000 sf

B-2 Area - Parcel 3*	
Uses	Floor Area (Square Feet)
Residential	250 Dwelling Units
Commercial	250,000 sf
- OR -	
Residential	500 Dwelling Units
Commercial	100,000 sf

* The total overall commercial and residential uses approved for the PUD include the maximum commercial area and residential units for Parcel 3, but the development of Parcel 3 will be some combination as set forth above.

I-3 Area – Parcel 4	
Uses	Floor Area (Square Feet)
Hotel	250 Rooms
Commercial/Industrial	130,000 sf

B-2 Casino Area – Parcel 5	
Uses	Floor Area (Square Feet)
Casino Complex includes: 1210 Gaming Positions, 200 Hotel Rooms, Restaurant, Retail, Event Center	225,000 SF Casino 200 Hotel Rooms
Future Hotel	200 rooms
Horse Racing Track, Grandstand, Horse Barns and Related Facilities	As shown on Site Plan

(i) For purposes of the specific regulations described in this section, hotels and motels, up to the maximum number of allowed rooms, shall not be counted towards the commercial numbers stated in paragraph (c) above.

(ii) For purposes of the specific regulations described in this section, dwellings located above the first story of a building shall not be counted as part of the approved number of dwelling units permitted in paragraph (c) above, if the first story of the building is used for a nondwelling use.

(c) Specific Regulations.

(1) The pedestrian system within the PUD will provide several entry points from the adjacent streets and adequate internal circulation for pedestrians and shall meet the City of Lincoln Pedestrian Design Standards.

(d) Subdivision.

(1) Southwest Village PUD Permit shall be deemed a preliminary plat.

(2) The PUD Permit shall meet the definition and usage of preliminary plat as that term is used in the L.M.C. The Development Plan includes the general form and contains the information typically required of a preliminary plat. The Planning Director may add or delete any informational requirements in order to determine potential impacts.

(3) Lot lines and lot numbers do not need to be submitted with the Southwest Village PUD. A total maximum number of dwelling units is stated on the Southwest Village PUD. Instead, lot lines and lot numbers will be submitted with the final plat(s) and no amendments to the PUD will be necessary. The Southwest Village PUD, in conjunction with the final plat(s), will conform to the requirements of Chapter 26.15.

(4) Section 26.11.030 (b), (c) and (d), Staff Review of Preliminary Plat, shall not apply. Instead, per the PUD Ordinance (27.60.040) upon filing of a development plan, together with all maps, data and information required, the application shall be reviewed and a staff report

shall be prepared for the Planning Commission.

(5) Section 26.11.110, Responsibilities for Improvements in Collector and Major Streets, is hereby modified so that the subdivider shall not have any responsibilities for Major Streets, except for the payment of Impact Fees or any alternative sums as provided in the Southwest Village Annexation Agreement.

(6) The property may be subdivided into lots of record, including horizontal air rights subdivision, provided the lots comply with the City Design Standards.

(e) Development Plan Standards.

(1) Pursuant to Section 26.23.125, Pedestrian Ways, block lengths may exceed 1000' in areas where the Southwest Village PUD is attempting to avoid crossing or connecting through the minimum flood corridor, conservation easement area, or Highway 77 as shown in the Southwest Village PUD and will not require a pedestrian way easement.

(2) Pursuant to Section 26.23.130, Block Sizes, block lengths may exceed 1320' in areas where the Southwest Village PUD is attempting to avoid crossing the minimum flood corridor, conservation easement area, or Highway 77 as shown in the Southwest Village PUD.

(3) Pursuant to Section 26.23.140, Lot, Southwest Village PUD's side lines of lots will be set to provide the best buildable area based on street patterns, conservation easement areas, Highway 77 and amenities on the site.

(f) Sewer Design Standards.

(1) Sanitary Design Sewer Design Standards, Section 2, Sanitary Sewer Policies Section shall be modified to allow a temporary force main and pump that is designed and operated pursuant to the City's temporary force main and pump policies.

(g) Parking.

(1) Parking within the PUD shall be regulated in conformance with Chapter 27.67.

(i) All parking within the B-2 Area shall be regulated in conformance with the B-2 Planned Neighborhood Business District.

(ii) All parking within the I-3 Area shall be regulated in conformance with the I-3 Employment Center District.

(iii) All parking within the B-2 Casino Area shall be regulated in conformance with the B-2 Planned Neighborhood Business District.

(2) Parking spaces are permitted in any required rear yard; provided that there shall be a six (6) feet minimum landscape buffer between the lot line and the parking spaces.

(3) Notwithstanding any contrary provision stated in the L.M.C., all required B-2 Area and I-3 Area parking spaces shall be provided either (i) on the same lot as the use for which they are required, (ii) off-premise in the cross-parking easement area or (iii) shared parking pursuant to Chapter 27.67.

(4) Required parking for a Casino Complex use shall be 1:1 per gaming station.

(h) Signage.

(1) Off-premise signs (billboards) are prohibited within all areas of the PUD, except that freestanding signs which serve to advertise conducted business within the PUD but are off the premise on which the freestanding sign is located are permitted within the

PUD. This provision does not allow any additional signs beyond the number allowed in the B-2, I-3 and B-2 Casino Areas.

(2) All wall signs shall be individual can letters. Color of letters is up to the Building Owner or Tenant.

(3) All freestanding and center identification signs will have the appearance of a solid base. The width of such base shall be at least one-third (1/3) of the maximum width of the sign. The base shall be of a non-porous material such as metal, brick or stone.

(4) Signage within the PUD shall be regulated in conformance with Chapter 27.69 relating to the B-2 Planned Neighborhood Business District, except that freestanding signs shall be governed by the following table:

AREA	SIGN TYPE	NUMBER OF PERMITTED SIGNS	INSIDE THE FRONT YARD	OUTSIDE THE FRONT YARD
B-2	**FREESTANDING**	1 per main building (The casino, casino parking structure, simulcast building, grandstand and stables may each be considered a main building for signage purposes.)*	50 sq. ft. 12 ft. tall	100 sq. ft. 18 ft. tall
I-3	**FREESTANDING**	1 per business per frontage	50 sq. ft. 12 ft. tall	100 sq. ft. 18 ft. tall
	AND			
AG	**CENTER**	1 along West Denton Road or Southwest 1st Street frontage	50 sq. ft. 12 ft. tall	150 sq. ft. 35 ft. tall
B-2	**CENTER**	1 along West Denton Road frontage, 1 along Folsom Street frontage north of Amaranth Lane, and 1 along Highway 77 frontage	50 sq. ft. 12 ft. tall	150 sq. ft. 35 ft. tall
I-3	**CENTER**	1 along West Denton Road or Southwest 1st Street frontage	50 sq. ft. 12 ft. tall	150 sq. ft. 35 t. tall

(5) Notwithstanding anything to the contrary contained herein, the signage plan for the

Casino Complex attached hereto as Exhibit "B" shall be used for in questions of interpretation and intent of any sign provisions and waivers. The Planning Director may adjust the provisions of Chapter 27.69 to permit the signs as approved in the PUD.

(6) Signs shall be permitted in the required front yard setback in the B-2 Casino Area, provided said signs must be outside of any sight triangles or shown not to obstruct views from motor vehicles.

(i) Chapter 2.00 Sanitary Sewer Design Standards.

(1) Pursuant to Section 3, Design and Construction, no manholes shall exceed 15' deep and no sewer mains shall exceed 18' in depth, except for those sections of line extending under the U.S. Highway 77 and Warlick Boulevard interchange improvements.

(j) Pursuant to Section 2, Policies, the distance between intersections of streets along the major streets will be a minimum of 1,000 feet and a maximum of a quarter mile, except for the section of major street between the Warlick Boulevard and South 1st Street intersection and the Cardwell Lane and South 1st Street intersection, which will be a minimum of 800 feet.

(1) **Architectural Design Standards.**

The buildings located within the PUD shall comply with and be subject to the Architectural Design Standards that are attached hereto as Exhibit "A".

(m) Grading and Land Disturbance Regulations.

Grading and land disturbance shall be regulated in conformance with the provisions of Chapter 27.81 of the L.M.C.

Part lb: B-2 Area

Regulations applicable to those portions of the Property marked B-2 Area.

B-2 Area

This area is intended to provide a developing area for planned retail, service and office uses to serve neighborhoods. This area includes a PUD Permit to provide for the integration of the business area with adjacent residential areas and thus reduce the adverse impact on residential areas through enhanced design.

1. Scope of Regulations.

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations in the B-2 Area

2. General Purpose.

The regulations for the B-2 Area set forth in this chapter are established to permit the development of local retail shopping, services and office facilities and related activities which will provide for planned and controlled consumer services on a neighborhood level, promote healthful economic growth, create a desirable environment, best complement the general land use pattern of the community, and assist in implementing the established goals and policies of the community

3. Permitted Uses.

All permitted uses, permitted conditional uses and permitted special uses allowed within the B-2 Planned Neighborhood Business District, as it currently exists and as it may be amended from time to time, shall be permitted uses within the B-2 Area. A building or premises in the B-2 Area may be used for any permitted use.

4. Accessory Uses.

Accessory uses permitted in the B-2 Area are accessory buildings and uses customarily incident to the pe1mitted uses.

5. Height and Area Regulations.

The maximum height and minimum lot requirements within the B-2 Area shall be per Chapter 27.72 Height and Lot Regulations relating to the B-2 Planned Neighborhood Business District, with the exception of: (1) the required front yard, which shall be as shown on the Southwest Village PUD Site Plan, and (2) multi-family structures on B-2 Area – Parcel 3, which may be up to 55’ in height.

Part Ic: I-3 Area

Regulations applicable to those portions of the Property marked I-3 Area.

I-3 Area

1. Scope of Regulations.

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the district regulations in the I-3 Area.

2. General Purpose.

The regulations for the I-3 Area set forth in this chapter are established to permit the development of attractive office and light industrial facilities as employment centers for location of plant facilities or headquarters of major employers. The I-3 Area is also intended to provide such employment centers with the surrounding support uses, including complementary office and retail use complementing the general land use pattern of the community and assisting the implementation of the adopted goals and polices of the community.

3. Use Regulations.

(a) A building or premises in the I-3 Area may be used for any permitted use allowed within the I-3 Employment Center District, as it currently exists and as it may be amended from time to time.

(b) A building or premises in the I-3 Area may be used for any permitted conditional use within the I-3 Employment Center District, as it currently exists and as it may be amended from time to time, that conforms with the conditions prescribed in the I-3 Employment Center District.

(c) A building or premises in the I-3 Area may be used for any permitted special use allowed within the I-3 Employment Center District, as it currently exists and as it may be amended from time to time, provided that a special permit for such use has been obtained in conformance with the requirements of the I-3 Employment Center District and L.M.C. Chapter 27.63, with the exception of the sale of alcoholic beverages for consumption on the premises and the sale of alcoholic beverages for consumption off the premises, which uses shall be permitted uses in the I-3 Area.

4. Accessory Uses.

Accessory uses permitted in the I-3 Area are accessory buildings and uses customarily incident to the permitted uses, except that early childhood care facilities and schools are not a permitted accessory use to a church in the I-3 Area. Accessory uses involving the open storage of materials or other articles shall only be allowed in areas enclosed or otherwise adequately screened from public view with an enclosure or screen at least six feet in height.

5. Height and Area Regulations.

The maximum height and minimum lot requirements within the I-3 Area shall be per Chapter 27.72 relating to the I-3 Employment Center District, with the exception of the required front yard, which shall be as shown on the Southwest Village PUD Site Plan.

Part ld: B-2 Casino Area

Regulations applicable to those portions of the Property marked B-2 Casino Area.

B-2 CASINO AREA

1. Scope of Regulations.

The regulations set forth in this chapter, or elsewhere in this title when referred to in this chapter, are the district regulations in the B-2 Casino Area except as otherwise noted in the PUD.

2. Permitted Uses.

A building or premises shall be permitted to be used for the following purposes in the B-2 Casino Area:

(a) Agriculture, except confined feeding facilities for livestock or poultry;
(b) Horse racing track, grandstand, and related facilities;
(c) Breeding, raising, management, and sale of horses;
(d) Stables and riding academies;
(e) Public uses: including but not limited to public parks, playgrounds, golf courses, and recreational uses; fire stations; public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school; and public utilities and utility distribution systems;
(f) Stores and shops for sale of goods and merchandise at retail;
(g) Restaurants;
(h) Broadcast towers;
(i) Pet cemeteries;
(j) Veterinary facilities;
(k) Recreational facilities;
(l) Clubs;
(m) Sale of alcoholic beverages for consumption on and off the premises;
(n) Caretaker residence to be used in connection with the horse racing track and related facilities.

3. Permitted Conditional Uses.

A building or premises may be used for the following purposes in the B-2 Casino Area in conformance with the conditions prescribed herein:

(a) Tents and other temporary structures: Tents or other temporary structures shall be permitted for the temporary or seasonal sales of goods at retail under the following conditions:

(1) A tent or other temporary structure shall not reduce the amount of on-site parking to less than the minimum required;

(2) A tent or other temporary structure shall not remain on the premises for

more than 180 consecutive days;

(3) A tent or other temporary structure shall comply with all applicable building and life safety codes;

A tent or other temporary structure need not be shown on the approved use permit site plan.

(b) Excavation shall be permitted under the conditions set forth below. The use may include and permit stone milling to be conducted as an accessory use to the excavation operation. For purposes of this section, excavation shall mean the removal of clay, soil, limestone, sandstone, sand, or gravel from the earth on a project site in excess of one acre by excavating, stripping, leveling, or any other process together with all other types of mining and quarrying operations for material that is removed from the earth. Excavation shall not include grading of land in accordance with an approved preliminary plat, building permit, or normal farming practices. Stone milling shall mean the crushing, cutting, grinding, or otherwise processing of minerals associated with an excavation operation. Not all of the conditions will apply to pre-existing, long-term excavation sites.

a. An application for excavation use shall be accompanied by the following information:

1. A legal description of the proposed site;

2. A site plan drawn to scale that includes but is not limited to identifying proposed vehicle and equipment storage areas and entrance and exit locations to the operation;

3. A map showing the site location and the location of private access roads, existing or proposed, and public roads and highways adjacent to the site which will be affected by the operation;

4. A grading map showing existing contours, proposed excavation contours, proposed final grade contours, and excavation volumes;

5. A full and adequate description of all phases of the contemplated operation and the specific listing of the type of machinery and equipment which will be or might be used to carry on the operation;

6. A groundwater report from a groundwater hydrologist in cases where proposed operations are: (i) within 1,000 feet of any off-site private well, (ii) within 2,000 feet of a community well, or (iii) designed to result in an excavated area that does not drain to a lower area (i.e. a "hole"). The report should demonstrate that the operation and ultimate grading will not negatively impact nearby wells by draw-down or contamination, and/or that monitoring wells will be installed to provide early warning of any such impact; where a pond or lake is proposed, the groundwater report shall also demonstrate that adequate water will be supplied via runoff and/or wells to maintain it as a functioning and attractive year-round water feature.

7. Reclamation plans for returning the site to agricultural use approved by a local official of the Federal Department of Agriculture Natural Resources Conservation Service as meeting the standards of the "Farm Bill Compliance."

b. 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.

c. 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 issatisfactory to the City.

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

e. Excavation shall be conducted in such a way as not to constitute a hazard to any persons, nor 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.

f. Safety screening may be required at the outer boundary of the site. Visual screening through setbacks, berming and other techniques may also be required where said boundary is adjacent to residential or park land, school prope1iy, or at major entryways/corridors into a city, town or village.

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

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

1. Clearly visible from the adjacent road;
2. At least 32 square feet in area;
3. Lettering shall be at least two inches in height, black on a white background;
4. The sign shall list:
    i. The name, contact phone, and email address for the land owner;
    ii. The name, contact phone, and email address for the operator/ contractor;
    iii. The Building and Safety Department contact number.

i. The County or City Engineer may require installation of traffic signs to warn motorists of excavation operations and truck traffic.

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

k. Upon completion of all conditions, the Permittee shall request the Director of Building and Safety to issue a certificate of operation. Permittee shall not begin operations until it has received said certificate of operation. The certificate ofoperation shall not be issued by the Director of Building and Safety until the Director has inspected the premises, reviewed documentation and evidence of completion of the conditions which shall be provided by the applicant, and has found that all conditions, that were to be completed before beginning operations, have been complied with. Any amendment approved subsequent to the issuance of a certificate of operation shall require the issuance of a new ce1iificate of operation which shall not be issued until the Director of Building and Safety has asce1iained that any terms, conditions and requirements of the amendment have been complied with.

l. Prior to commencing operations, the Permittee shall provide the City with a penal bond in the amount of $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 ce1iify at closure of operations that grading and final reclamation has been completed in accordance with the approved plans before the bond may be released.

m. 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.

n. 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. Failure to submit the annual report shall constitute just cause for the City Council to revoke the use.

o. 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:

p. Inspect the site to determine whether conditions have been met and complied with; and

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

(c) A Casino Complex shall be permitted in compliance with all state statutes governing casino operations.

4. Accessory Uses.

Accessory uses permitted in the B-2 Casino Area are accessory buildings and uses customarily incident to any of the permitted uses in the B-2 Casino Area.

5. Height and Area Regulations.

Table 27.07.080(a)

	Lot Area	Avg. Lot Width	Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
All Permitted Uses	14 acres	550'	550'	*	50'	50'	40'**

*The required front yard setbacks are shown on the Southwest Village PUD Site Plan.
**Except (i) as otherwise limited by the Architectural Design Standards, (ii) a grandstand associated with a horse racing track may be up to 70' in height, (iii) a hotel in a casino complex may be up to 100’ in height, and (iv) a casino may be up to 50’ in height.

Exhibit "A"

ARCHITECTURAL DESIGN STANDARDS

Southwest Village PUD
Warlick Boulevard & U.S. Highway 77
Lincoln, Nebraska

1. DESIGN REVIEW PROCESS

All buildings within the Southwest Village PUD shall be subject to the Architectural Design Standards. Each building's elevation shall be first submitted to the Developer's Coordinating Architect for review and approval. Then a letter of approval from the Developer's Coordinating Architect (which shall describe how the elevations conform to the Architectural Design Standards) along with the building elevations shall be submitted to the Planning Director for review and approval, prior to issuance of a building permit. The Planning Director may waive any requirement described herein or approve building that may not meet the specific requirements of the Architectural Design Standards, but are consistent with sound community urban design elements.

2. DEFINITIONS

Appearance. The outward aspect visible to the public.

Bujferyard. A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. Various built landscape features maybe included within the bufferyard that may include pedestrian walkways, retaining walls signage or utilities.

City. City of Lincoln

Cohesiveness. Unity of composition between design elements of a building or a group of buildings and the landscape development.

Flex Space I Industrial Building. A generic te1m for uses combining light manufacturing and warehousing with store front retailing. Usually having a large rear door access and a retail appearance to the front.

Landscape. Plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

Mechanical equipment. Equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

Plant materials. Trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs.

Screening. Structure of planting that conceals from view from public ways the area behind such structure or planting.

Shrub. A multi-stemmed woody plant other than a tree.

Structure. Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground.

3. GEOGRAPHIC AREA

Reserved for future use.

4. SOUTHWEST VILLAGE VISION

It is anticipated that the B-2 and I-3 Areas will be built out with the following project types:

-Retail, Office and Commercial Buildings
-Flex Space Buildings and Light Industrial Buildings
-Residential Buildings

It is anticipated that the AG Area will be built out with the following project types:

-Casino Complex, including gaming, restaurant, hotel, and event center uses
- Horse Racing Track, Grandstand, Horse Barns and Related Facilities

These building types and land uses are described in the PUD Development Plan.

As a gateway development to the City of Lincoln, it is important for Southwest Village covenants pull the diverse project types listed above together into a development that has a sense of place and visual continuity created by common:

-Style
-Site Elements
-Building Materials
-Color Palettes

Each of the unifying elements listed above are discussed in more detail within their respective sections of this document.

5. THE STYLE OF SOUTHWEST VILLAGE

I. BUILDING MASSING

A. Walls

1. All facades of each building must be designed to be architecturally interesting through the use of massing and horizontal plane changes to create shadows and depth. Building elements such as covered arcades, stepping the facade or receded entries are suggested to create this building massing requirements. Building facades not visible from public right of ways may provide less interesting design.

B. Roofs
   1. If any building incorporates a sloping roof or awning structure, the slope of that roof or awning shall be 6/12 to provide consistency through the project. Building roofs in the AG Area that are located more than 600 feet from public right-of-way may provide a lower slope design.
   2. All buildings that have "flat" or low slope roofs shall be parapetted to hide the ballasting from public view.

II. BUILDING MATERIALS WITHIN THE B-2 AND I-3 AREAS

A. Retail, Commercial and Office Buildings over 100,000 S.F. Footprint.
   1. Building facades visible from the public right of ways shall be composed of following percentages of building material cumulated over all visible facades.

      A. 50% or more but not to exceed 80%, Clay Brick or "Quick Brick" or equal, in the earth tone color ranges and Glass with natural aluminum mullions. Glass may be tinted or reflective of a density to conceal interior furnishing in Office Buildings and Flex Space.

      B. 50% or less but not less than 20% Synthetic Stucco (EFIS), Painted Rock faced Concrete Block, Precast Concrete, or fiber cement board siding in the earth tones.

      C. 10% of the facade may be a coordinating color material that is not listed in the previous material list.

B. Retail, Commercial and Office Buildings under 100,000 S.F., but more than 25,000 S.F.
   1. Building facades visible from the public right of ways shall be composed of the following percentages of building material cumulated over all visible facades.

      A. 75% or more, but not to exceed 90%, Clay Brick or "Quick Brick" or equal, in the earth tone color ranges and Clear Glass with natural aluminum mullions.

      B. 25% or less, but not less than 10% Synthetic Stucco (EFIS), Painted Rock faced Concrete Block, Precast Concrete, wood siding or fiber cement board siding in the earth tones.

      C. 10% of the facade maybe a coordinating color or material that is not listed in the previous material list.

C. Retail, Commercial and Office Buildings under 25,000 S.F.

      A. 90% or more Clay Brick in earth tone color ranges and glass with natural aluminum mullions. Glass may be tinted or reflective of a density to conceal interior furnishing in Office Buildings and Flex Space.

      B. 10% of the facade may be a coordinating color material that is not Clay Brick and Glass. Glass may be tinted or reflective of a density to conceal

interior furnishing in Office Buildings and Flex Space.

D. Flex Space Buildings or Industrial Buildings

1. Flex Space Building facades visible from the public right of ways shall be composed of the following building material cumulated over all visible facades.

A. 80% Decorative Block, "Quick Brick" or equivalent, or Brick and clear or tinted glass. Glass may be tinted or reflective of a density to conceal interior furnishing in Office Buildings and Flex Space.

B. 10% synthetic Stucco (EIFS), painted rock faced concrete block or laminated panels in natural aluminum color.

C. 10% of the fa9ade maybe a coordinating color or material that is not listed as an accent to the design.

2. Facades of Flex Space Buildings not visible from public right of ways may be painted rock faced CMU.

E. Roof Materials for all Buildings other than residential

1. Any awning or sloping roof shall be constructed of standing seam metal, natural or faux tile.

F. Residential Buildings

1. Residential Building shall be composed of
   A. At least 20% Clay Brick
   B. No more than 20% Rock face CMU paint
   C. Remainder Glass and Fiber Cement Board Siding
2. Building massing will be as follows:
   A. Three story maximum height (45 feet)
   B. The garage entrance would be setback from the main face of the building at minimum of six feet.
   C. The streets would be 22 feet wide and the face of the garage would be setback 28 feet from the back of the curb of the private drive.
3. Roofing material shall be asphalt shingles.

III. BUILDING MATERIALS WITHIN THE B-2 CASINO AREA.

A. Agricultural Facility buildings over 1,000 Square Feet:

1. Building facades visible from the public right-of-ways and within 600 feet of said public right-of-way shall be composed of the following percentages of building material cumulated over all visible facades:

a. 70-80% integrally colored rock faced or burnished block, Clay Brick or "Quick Brick" or equal, in the earth tone color ranges. Glass may be tinted or reflective of a density to conceal interior furnishings.

b. 10-20% Synthetic Stucco (EIFS), Stucco, integrally colored rock faced or burnished block, Precast Concrete, Laminated Panels, Wood Siding or Fiber Cement Board Siding in the earth tones.

c. 10% of the fa9ade may be a coordinating or accent color material that is not listed in the previous material list.

2. Facades of buildings located more than 600 feet from a public right-of-way may be prefabricated metal buildings.

3. Building massing for any structure located more than 600 feet from public right-of-way shall be restricted in general height to 24 feet. Any cupolas, clerestories, or architectural accent elements may extend above the 24 feet within reason.

4. Any awning or sloping roof on a building located within 600 feet of public-right-of-way shall be constructed of standing seam metal, natural or faux tile.

6. SITE ELEMENTS

I. SITE REQUIREMENTS

A. Public Sidewalks.
   1. All public right of ways shall be provided with a concrete walk per City of Lincoln standards. All buildings within Southwest Village must have pedestrian walkways and public walks connected to the perimeter.

B. Buffering, a required Bufferyard plan is required.

C. Interior Green Space
   1. A five foot wide green space shall be provided along all interior lot lines unless lots are combined.
   2. Parking lots shall be planted per City of Lincoln requirements. A minimum of 6% of the total parking lot area shall be pervious and planted with trees, shrubs and perennials.

D. Plant Materials
   1. Plant Materials shall meet City of Lincoln's size standards.

E. Roof Top Mechanical Screens. All rooftop mechanical units shall be substantially screened from view from public right-of-ways through the use of permanent architectural screens that are integrated with the overall design of the building.
   1. The screen shall be constructed from the following:

a. Building Materials listed for the building's project type.
b. Pitched roof elements comprised of standing seam metal roofing.

F. Ground Level Mechanical Screens. All ground level mechanical units shall be screened from view from public right-of-ways through the use of architectural screens that are integrated with the overall design of the building.
   1. The screen shall be constructed from the following:
      a. Building Materials listed for the building's project type.

G. Refuse Screening. All trash or refuse receptacles shall be screened from view from public right-of-ways through the use of architectural screens that are integrated with the overall design of the building and located next to the building.
   1. The screen shall be constructed from the following:
      a. Building Materials listed for the building's project type.
   2. If the refuse container is integrated with the dock area then the dock screening shall be sufficient.

H. Dock Screening (No loading dock shall face a public R.O.W., without proper screening. All loading docks shall be screened from view from public right-of-ways through the use of one of the following:

   1. Architectural screens that are integrated with the overall design of the building.
      a. The screen shall be constructed from the following:
         Building Materials listed for the building's project.

   2. Landscape screen of a density to screen 80% of the dock area from view within 3 years of planting. View shall be 80% screened all 12 months of the year.

7. COLOR PALETTES

In order to encourage a proper balance of vitality and cohesiveness within the Southwest Village development, color ranges have been developed. The inspiration for these color ranges is native Nebraska landscape colors. Any material or paint must coordinate with these sample color ranges. Ten percent (10%) of any facade may have an accent color that is compatible with these color ranges.

8.SIGNAGE

All signage shall comply with the City of Lincoln Sign Regulations, as modified by the Development Plan.

Signage requirements specific to the Southwest Village Development are as follows:

1. All wall signs shall be individual can letters. Color of letters is up to the Building Owner or Tenant.
2. All freestanding and center identification signs will have the appearance of a solid base. The width of such base shall be at least one-third (1/3) of the maximum width of the sign. The base shall be of a non-porous material such as metal, brick or stone.

9. EXCEPTIONS

The following exceptions may be considered at the discretion of the City of Lincoln.

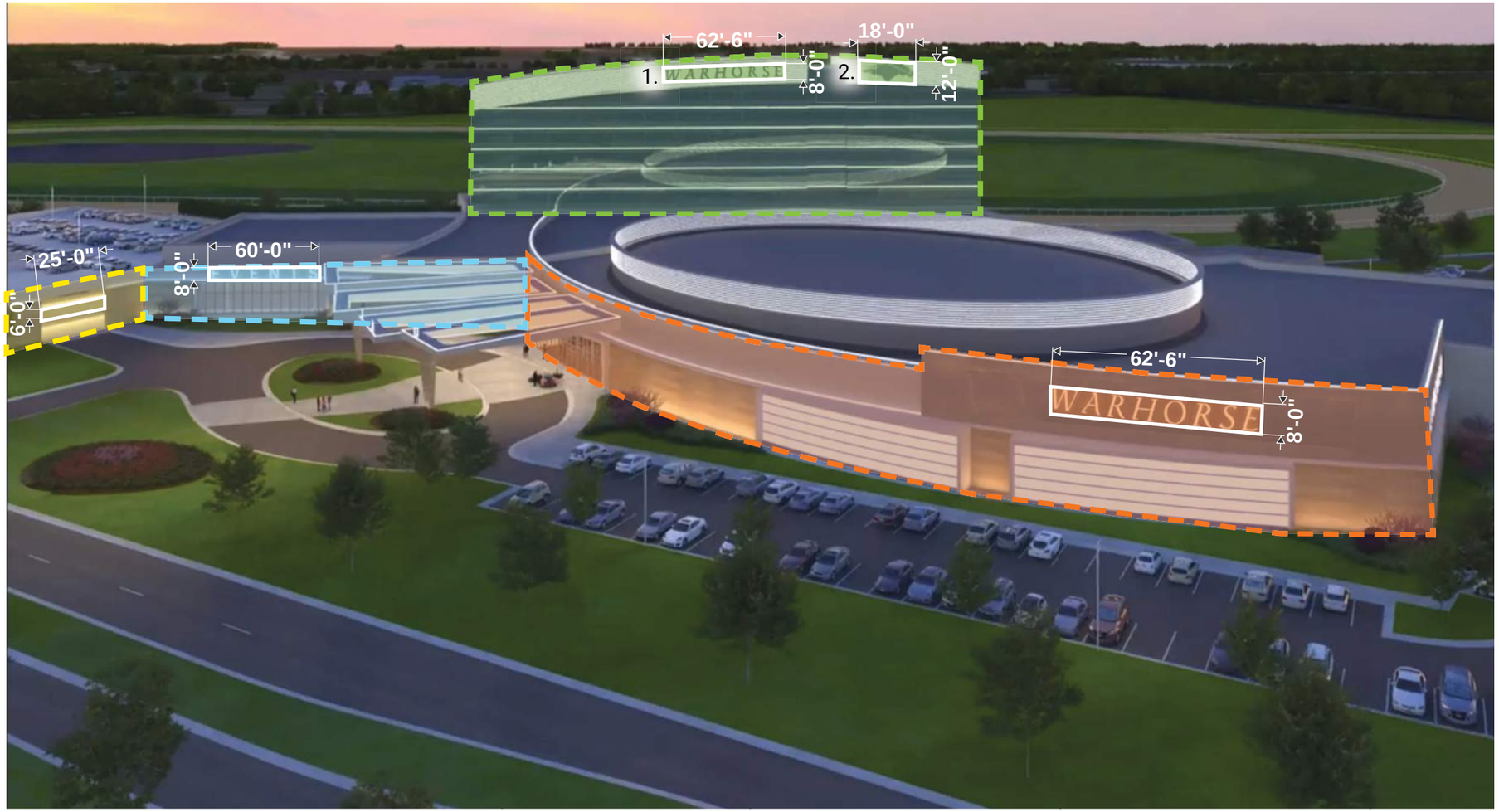
1. BUILDING MATERIAL EXCEPTION FOR RETAIL AND FLEX SPACE OFFICE BUILDINGS (not allowed for Office Buildings).
   a. If the building is properly screened (landscape buffer, another building within a development, etc.) so that any given facade cannot be seen from a public right-of-way, then that specific facade may be constructed entirely of secondary Building materials as outlined for that specific building type.

2. BUILDING MATERIAL EXCEPTION FOR ALL BUILDING TYPES
   a. If a particular building goes beyond the norm in complexity and detail of building forms and/or commonality of materials and colors, then the City may choose to relax the Building Material requirements (e.g. Let stucco or synthetic stucco (E.I.F.S.) become a primary building material).

Exhibit “B”
B-2 Casino Area Signage Plan

4818-2619-7469, v. 2

	FACE SF	30% FACE SF	PROPOSED SIGNAGE SF
	2,400 SF	720 SF	150 SF
	5,400 SF	1,620 SF	480 SF
	22,240 SF	6,672 SF	1. 500 SF 2. 216 SF 716 SF
	12,300 SF	3,690 SF	500 SF
	* NOT VISIBLE IN 3D VIEW 11,875	3,562 SF	0 SF



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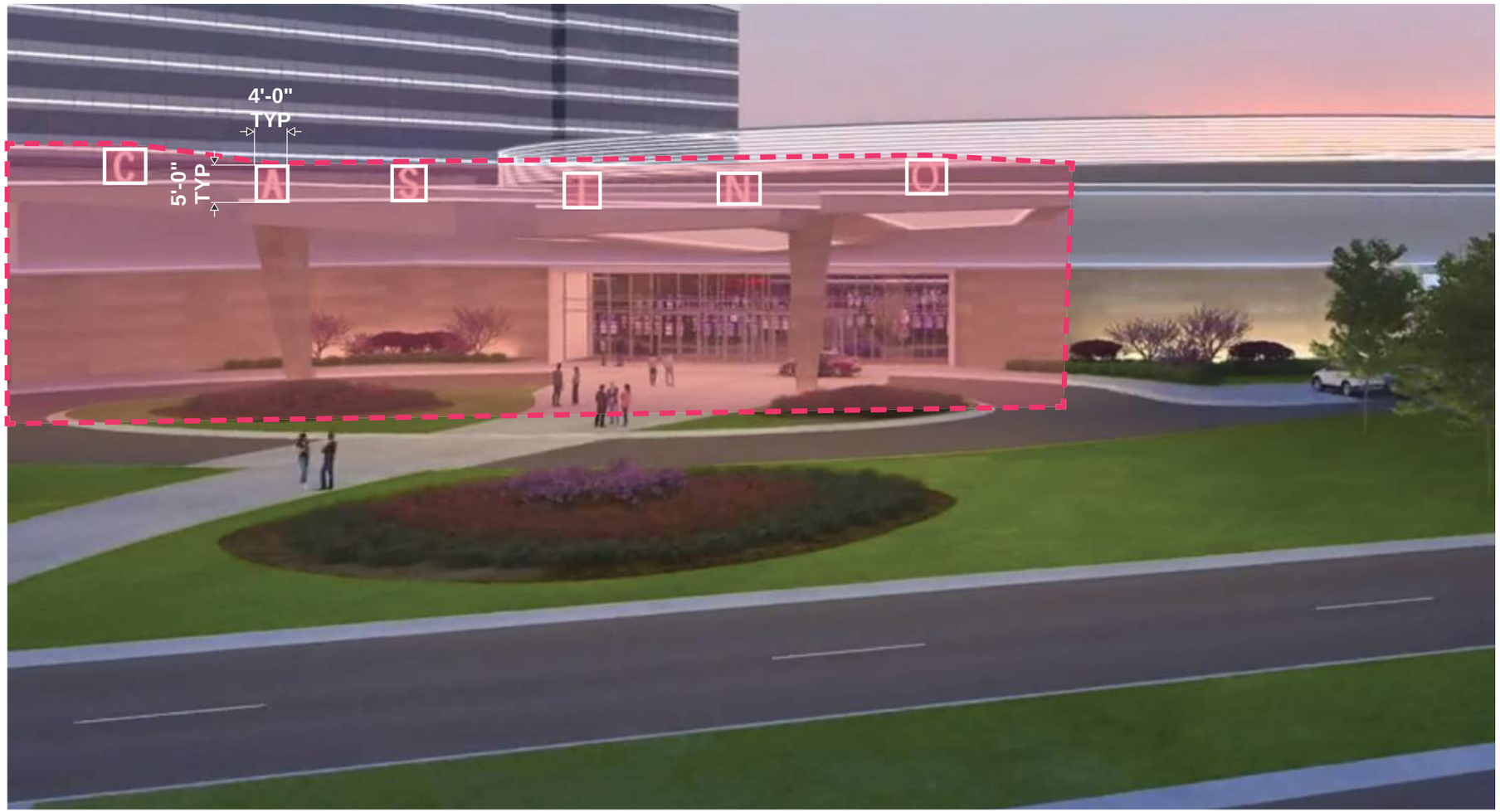
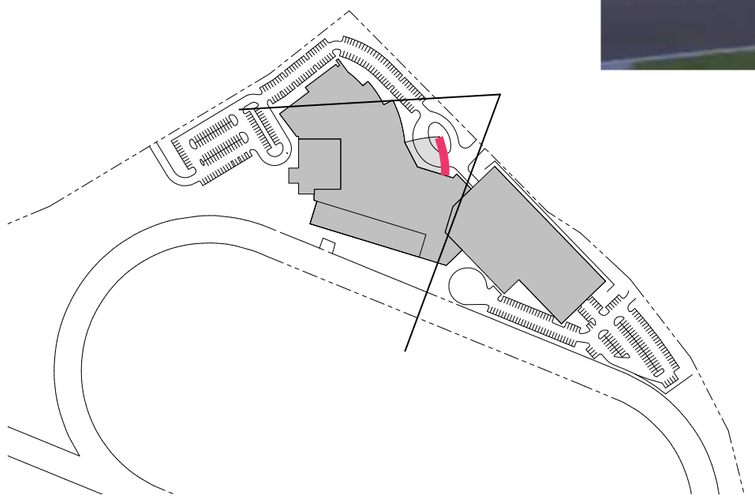
FACE SF	30% FACE SF	PROPOSED SIGNAGE SF
2,400 SF	720 SF	120 SF





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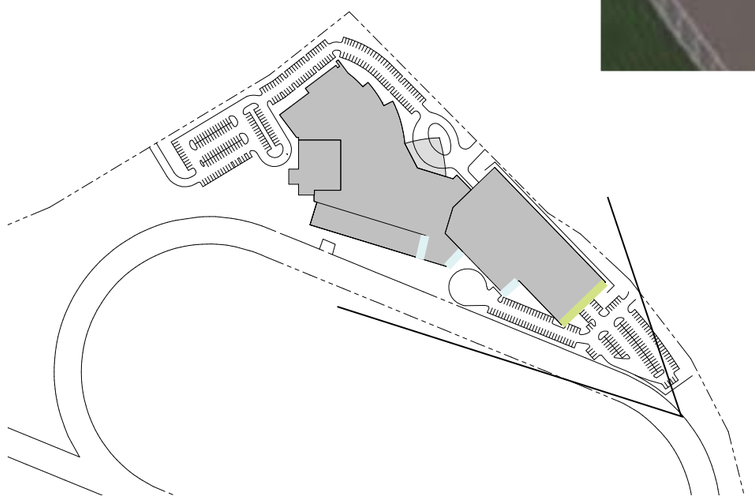
8,070 SF	2,421 SF	0 SF



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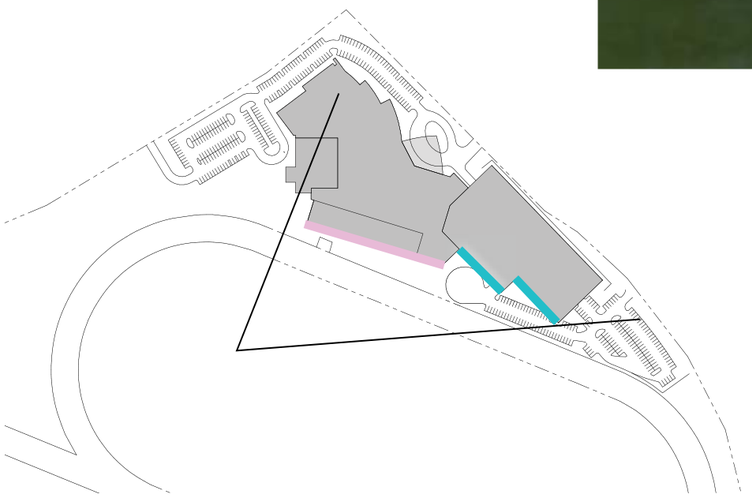
	FACE SF	30% FACE SF	PROPOSED SIGNAGE SF
	32,880 SF	9,864 SF	1. 500 SF 2. 216 SF 716 SF
	9,000 SF	2,700 SF	0 SF



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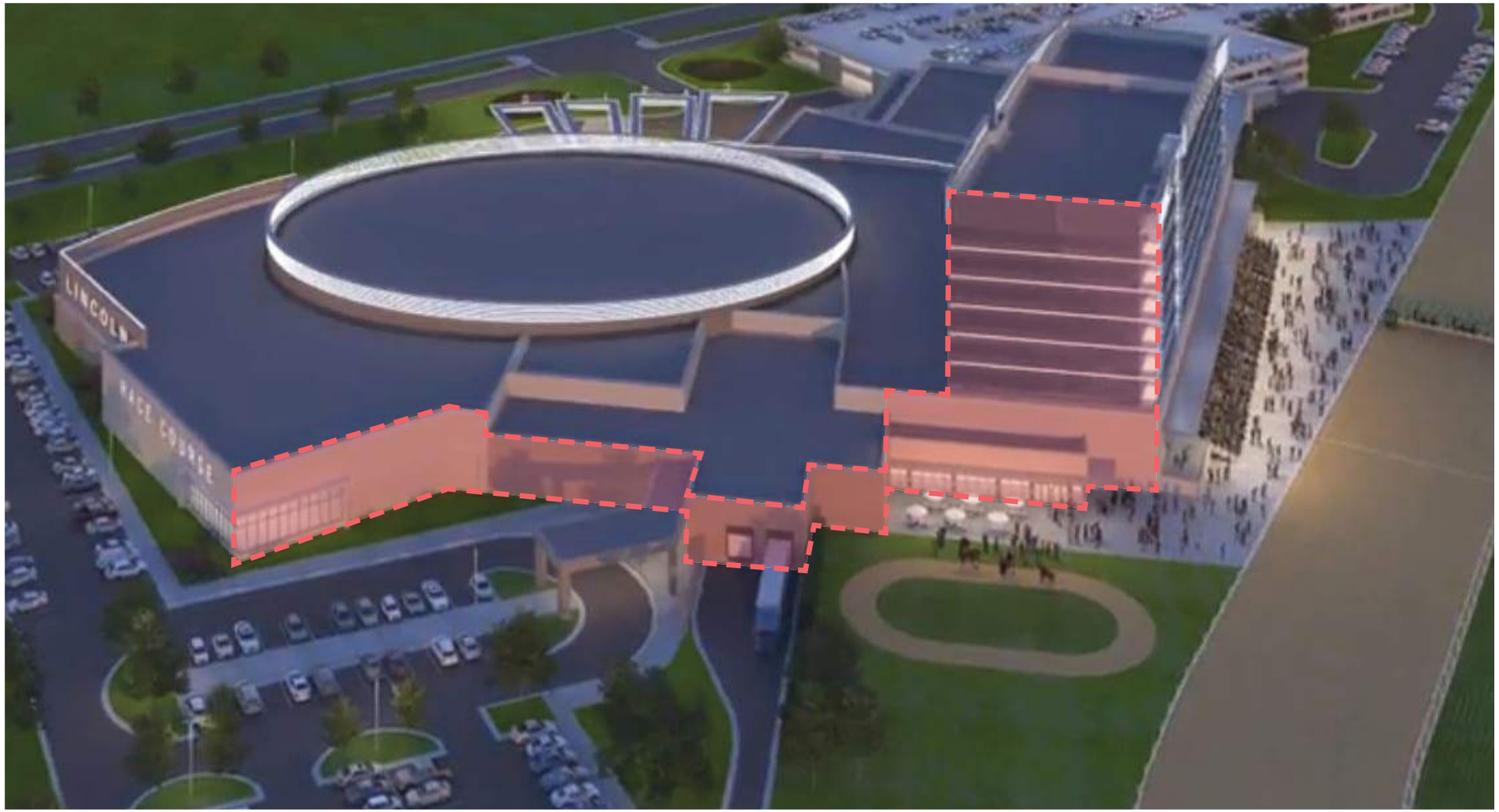
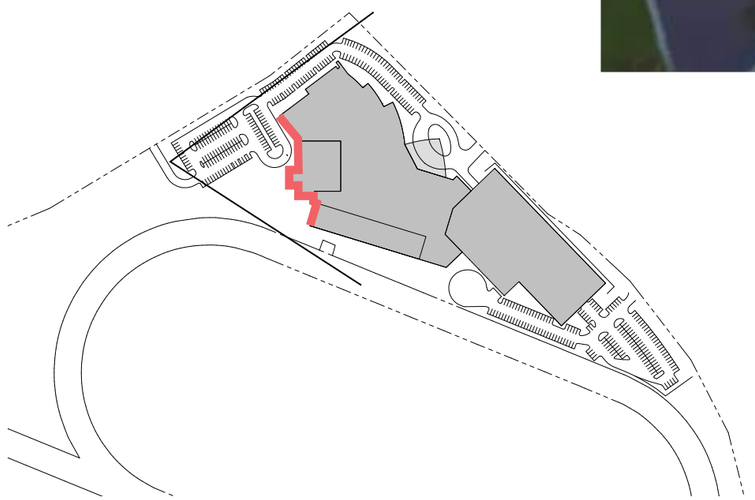
FACE SF	30% FACE SF	PROPOSED SIGNAGE SF
16,945 SF	5,084 SF	0





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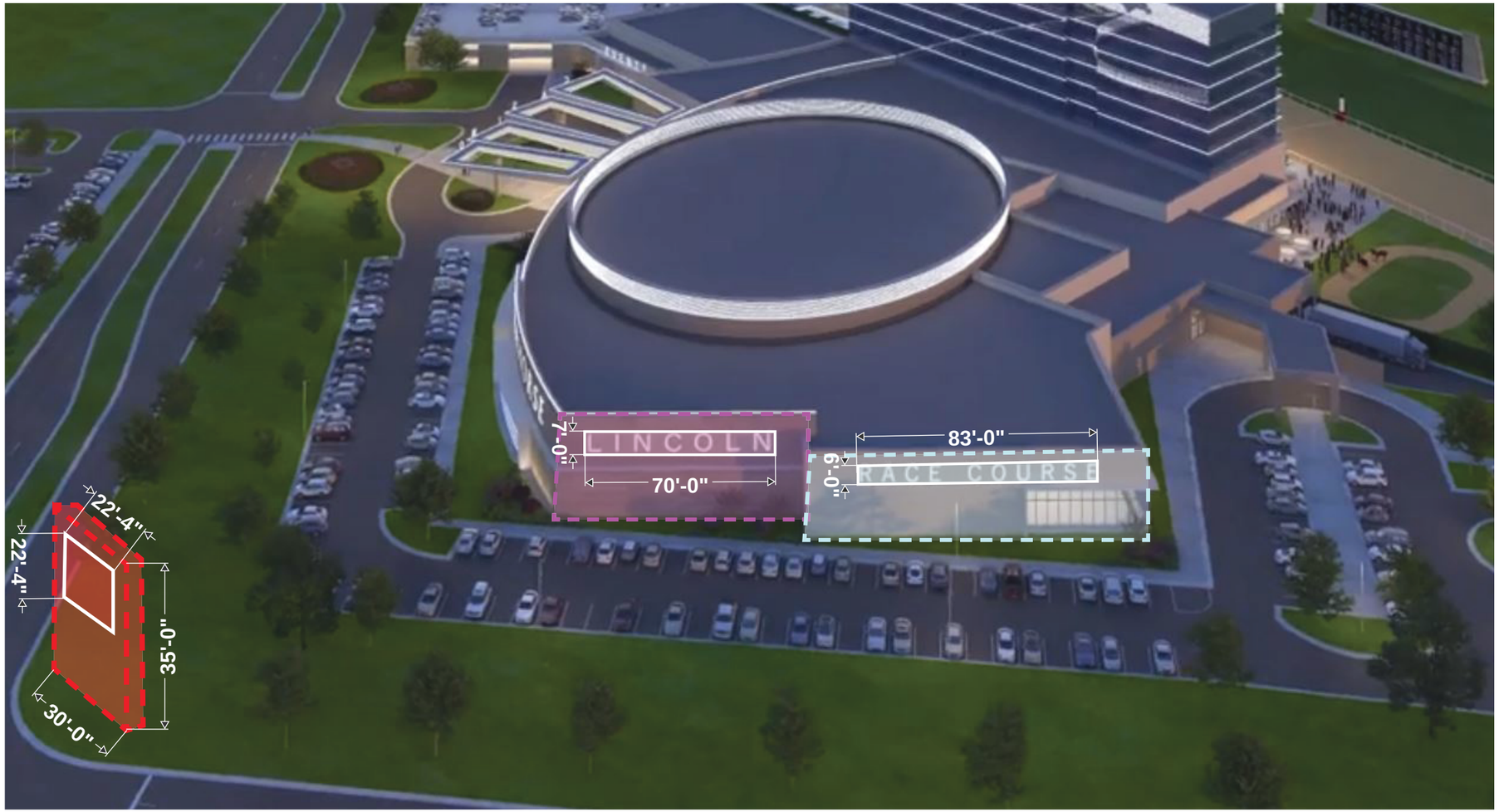
	FACE SF	30% FACE SF	PROPOSED SIGNAGE SF
	3,750 SF	1,125 SF	490 SF
	3,333 SF	1,000 SF	498 SF
	1,050 SF	360 SF	500 SF *DIGITAL



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†ATTORNEYS ADMITTED IN COLORADO ONLY

UPDATED:
February 23, 2021

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

Re: CZ05061D - Southwest Village Planned Unit Development – Amendment to the PUD
Our File No.: 21609.004

Dear Mr. Cary:

The Nebraska Horseman's Benevolent & Protective Association ("HBPA") is amending application number CZ05061D for the proposed amendment to the Southwest Village Planned Unit Development ("PUD") that was filed on January 20, 2021. A submittal letter was delivered on January 20, 2021, and an updated submittal latter was delivered on February 3, 2021. Based on numerous productive discussions with City staff, the applicant desires to further amend and clarify the application and revise several aspects of the proposed development. The application form that was filed remains the same, but several of the supporting documents have been revised and the amended documents will be uploaded to ProjectDox. This updated submittal letter will explain the proposed amendments, updates, and revisions to the proposed project.

I. Proposed Development – Casino Complex

Pursuant to the Nebraska Racetrack Gaming Act, HBPA plans to develop casino complex on its property located at West Denton Road and South 1st Street in the Southwest Village Planned Unit Development. The building area for the proposed casino complex is approximately 225,000 square feet. This area includes the gaming area, restaurant, event center space, and existing simulcast building. Additionally, the casino complex will include approximately 200 hotel rooms that are not included in the square footage calculation, but are part of the proposed

casino complex. Potential future expansion plans include the possibility of an additional 200 hotel rooms on the site. The proposed casino development is shown on the amended PUD site plan that will be submitted in connection with this letter.

II. Revised PUD Land Use Table

The proposed use will require revisions to the AG Area Land Use Table to allow for the casino use and the possible future hotel in addition to the horse racing track and related facilities. The alternative land use table for the AG Area currently permits 300,000 square feet of commercial uses and 160 dwelling units on this site. Because of the shift in use for this area and the focus on the casino complex, the area will be designated as the B-2 Casino Area instead of the AG Area.

Additionally, the Land Use Tables for the other areas of the PUD would benefit from updates and revisions as well. The B-2 Area now consists of three parcels owned by different owners. These owners have an agreement on how to split the approved uses between the parcels, but it would be beneficial to document these allocations in the PUD. Additionally, the anticipated use of the B-2 Area has changed over time. Initially, larger commercial and retail uses were anticipated in this area, but those uses have not materialized. Accordingly, the proposed land uses for the B-2 Area are being updated as part of this amendment to allow for more residential and less commercial development than originally anticipated.

The overall effect of the revisions to the proposed land uses results in the following overall changes to the PUD Area:

- The total PUD Area (including the alternative uses for the AG Area) was previously approved for 1,300,000 square feet of commercial use (including commercial, office, industrial, and retail uses); 410 dwelling units, and 250 hotel rooms.
- The proposed revisions would approve the total PUD Area for: 980,000 square feet of commercial use, 700 dwelling units, and 650 hotel rooms.
- The permitted land uses would be allocated between the parcels as shown on the following tables:

B-2 Area - Parcel 1	
Uses	Floor Area (Square Feet)
Residential	200 Dwelling Units
Commercial	150,000 sf

B-2 Area - Parcel 2	
Uses	Floor Area (Square Feet)
Commercial	225,000 sf

B-2 Area - Parcel 3	
Uses	Floor Area (Square Feet)
Residential	250 Dwelling Units
Commercial	250,000 sf
- OR -	
Residential	500 Dwelling Units
Commercial	100,000 sf

I-3 Area – Parcel 4	
Uses	Floor Area (Square Feet)
Hotel	250 Rooms
Commercial/Industrial	130,000 sf

B-2 Casino Area – Parcel 5	
Uses	Floor Area (Square Feet)
Casino Complex includes: 1210 Gaming Positions, 200 Hotel Rooms, Restaurant, Retail, Event Center	225,000 SF Casino 200 Hotel Rooms
Future Hotel	200 rooms
Horse Racing Track, Grandstand, Horse Barns and Related Facilities	As shown on Site Plan

PUD LAND USE TOTALS (Parcels 1 - 5)[1]	
Uses	Floor Area (Square Feet)
Commercial	980,000 SF
Hotel	650 Rooms
Dwelling Units	700 Units

The parcels are designated on the revised PUD Site Plan. The overall change in proposed land uses results in a reduction of projected overall traffic in the PUD Area. The trip generation table from the 2021 traffic study shows a reduction of approximately 10% AM trips and 20% PM trips from the 2005 traffic study. The uses are compatible and fit into the overall plan for the development of the PUD, with the new casino use that was not previously allowed under state law.

III. Streets/Access

The proposed casino complex development and actual pattern of development in the PUD Area require some revisions to the originally planned street infrastructure requirements and priorities.

a. South First Street

South 1st Street south of West Denton Road was not previously contemplated as a priority street improvement. However, the substantial majority of traffic to and from the casino complex would utilize South 1st Street. The proposed street improvements for South 1st Street are shown on the amended PUD site plan that has been submitted with this application. Under the existing PUD, a ¾ access intersection has been approved at South 1st Street and Blueflag Court. This would serve as the main entrance to the casino parking area. Additionally, a roundabout would be constructed on South 1st Street at the intersection one quarter mile south of West Denton Road. This roundabout would benefit traffic flow and allow better pedestrian access to the casino employee/overflow parking across 1st Street.

b. West Denton Road

1. Revision to the scope of West Denton Road Improvements

[1] The Total Land Use Table for the PUD Area includes the maximum amount for each category of land use. However, as shown on the land use table for Parcel 3, Parcel 3 would be developed in some combination of commercial and residential that would not result in the maximum amount in both categories, so the actual total land use in the PUD will actually be below the total presented in this table.

The existing Highway 77 and Warlick Boulevard Conditional Annexation and Zoning Agreement for the PUD Area, as amended (the "Annexation Agreement"), contemplates the future expansion of West Denton Road to a four lane arterial, with this expansion commencing as soon as the City has collected $1,500,000 in impact fees from the B-2 Area of the PUD. Based on the actual development of the area and the updated traffic study for the PUD Area,[2] the expansion of West Denton Road to four lanes is not warranted and unnecessary at this time. Accordingly, expansion of West Denton Road to four lanes should no longer be a City priority. Certain anticipated improvements to West Denton Road that were included in the Annexation Agreement, including a right turn lane from westbound West Denton Road onto Folsom Street and traffic signal improvements on the intersection of West Denton Road and 1st Street/Amaranth, have still been identified as potentially necessary and beneficial. Finally, the right turn lane from eastbound West Denton Road to South Folsom Street shall be constructed as part of the anticipated West Denton Road improvements in connection with the casino development. The Annexation Agreement will be amended to update the revised street improvement obligations.

The amendment to the Annexation Agreement shall remove the obligation to expand West Denton Road to four lanes and shall provide that the applicant/casino developer shall undertake the following construction through the City's executive order process: (1) South 1st Street improvements, (2) the right turn lane from eastbound West Denton Road to South Folsom Street, and (3) the traffic signal improvements at the intersection of West Denton Road and 1st Street/Amaranth. The amendment to the Annexation Agreement shall further provide that construction of the right turn lane from westbound West Denton Road onto Folsom Street will commence when certain area to the north of West Denton Road is developed. The specific timing and responsible party for constructing the right turn lane from westbound West Denton Road onto Folsom Street will be addressed in the amendment to the Annexation Agreement.

2. Additional Casino Complex Access

The revised Site Plan also shows a right in/right out access to the casino development on West Denton Road. A deviation from the City of Lincoln's Access

[2] The traffic study for this area was previously completed in 2005. Olsson has prepared an updated traffic analysis to show the anticipated difference in trip generation between the uses approved in the Development Alternative Plans of the PUD and the proposed revised land uses for the PUD. The trip generation analysis for the casino complex is based upon the data in the "Trip Generation Characteristics of Small to Medium Sized Casinos" study by HDR Engineering that analyzed the trip generation data for three casinos in Council Bluffs, Iowa. Due to the proximity of the study area and the similar size and scope of the proposed casino development, this study should provide the most accurate data for the traffic analysis

Management Policy has been approved to permit this access point. This access will serve two purposes—first, it will provide temporary access to the property during the construction of the South 1st Street improvements. Without this access point, there would be no access to the property during construction of the South 1st Street improvements. The applicant proposes that full access would be permitted temporarily during South 1st Street construction. Second, after the improvements to South 1st Street are completed, this will provide another point of access for emergency vehicles and an additional exit for larger events (this would not be a primary entrance or exit, as it is anticipated that nearly all guests will enter and exit via South 1st Street). After the South 1st Street improvements are completed, a median would be added to West Denton Road to restrict this access point to right in/right out access. This additional access point is crucial to the casino.

c. Impact Fee Reimbursement

The applicant will seek impact fee reimbursement for the improvements to South 1st Street, the West Denton Road traffic signal improvements, and the right turn lane from eastbound West Denton Road to South Folsom Street. The impact fee reimbursement priority for the PUD Area is currently designated as the four lane improvements to West Denton Road, but based on the proposed revisions to the Annexation Agreement discussed above, these improvements would no longer be required and directed impact fee reimbursement from the PUD Area for the South 1st Street improvements would be feasible. The intent will be to have the Annexation Agreement amended to provide that the impact fees from the PUD Area (except as described below) be directed for reimbursement of the South 1st Street, the West Denton Road traffic signal improvements, and the right turn lane from eastbound West Denton Road to South Folsom Street. If an owner in the PUD Area other than the applicant will be responsible for constructing the right turn lane from westbound West Denton Road onto Folsom Street, the impact fees from a designated portion of the PUD Area will be first directed for the reimbursement of the cost of constructing said right turn lane. This will be addressed in the amendment to the Annexation Agreement.

d. Additional Emergency Access

The applicant intents to update the Site Plan to show emergency access to all sides of the hotel. The applicant desires to work further with City staff to identify the best workable layout for ensuring sufficient emergency access, but does not anticipate any issues.

IV. Parking

The proposed casino would have approximately 1,210 gaming stations. Based on a parking requirement for a casino complex of 1:1 per gaming station, 1,210

parking stalls would be required for a casino complex with 1,210 gaming stations. The proposed plan would provide a minimum 1,210 parking stalls on the site. This includes a three story parking structure with approximately 300 parking stalls per level (900 stalls total), and the remainder or required parking to be provided as on-site surface parking stalls.

In addition to the on-site parking stalls, the proposed plans contemplate a minimum of 250 parking stalls located across South 1st Street. This additional parking lot would be used as employee parking and overflow parking. The additional parking stalls would be located across South 1st Street near the proposed roundabout. The roundabout will include pedestrian crossings on all legs of the roundabout to provide safe pedestrian travel across South 1st Street.

V. Signage

The applicant has submitted a proposed signage plan for the casino development. A revised signage plan is hereby submitted with this letter. The revised signage plan will be attached to the PUD Development Plan. The applicant has significantly reduced the initially indicated amount of signage to create a signage plan with signage that is customary for a casino of this size but also meets the signage requirements in the Lincoln Zoning Ordinance.

The signage plan for the Casino Complex should be used for in questions of interpretation and intent of any sign provisions and waivers. Wall signs will each be 500 square feet or less, and no more than 30% of each architectural elevation will be covered in signage. For clarification, the “C-A-S-I-N-O” letters shown on the signage plan will be attached to the face of the parapet for the Porte Cochere and the "Warhorse" sign will be attached to the parapet of the building.

The large sign shown on the corner of West Denton Road and South 1st Street shall be the sole free-standing/center sign for the casino complex. This sign will aggregate all of the permitted freestanding sign area for the casino complex and no other freestanding signs shall be erected for the casino complex. The sign shall not exceed 35 feet in height. There shall be approximately 500 square feet of signage, with up to 320 square feet of electronic changeable copy on the sign. Because of the large amount of right of way previously granted on this corner, this sign shall be permitted in the required front yard setback in the B-2 Casino Area, provided that the sign must be outside of any sight triangles and will be shown not to obstruct views from motor vehicles.

VI. Height Waivers

Applicant is requesting the following additional height waivers:

- The hotel in the B-2 Casino Area may be up to 100’ in height

- The casino in the B-2 Casino Area may be up to 50' in height
- Multi-family structures on B-2 Area – Parcel 3 may be up to 55' in height

VII. Water Quality

The previous PUD plan indicated the interior of the track as a water quality area and applicant requests that no new water quality requirements to be imposed on the casino development. The applicant has completed significant improvements on the property and inside the race track to create flood storage and plantings. The anticipated developed area on this lot should not significantly change from the previously approved plan, so the applicant requests that no new water quality requirements be imposed on this development. The applicant intends to meet new water quality requirements for the overflow parking area. The proposed plans identify the water quality volume calculations for the overflow parking area.

VIII. LOMR-F/Building Permit

Note 18 on the PUD General Site Notes currently provides that "a Letter of Map Revision based on Fill (LOMR-F) will be completed after grading is completed and prior to receiving building permits in order to amend the FEMA flood plain maps to accurately reflect the grading as per Lincoln Municipal Code 26.25.020(e)." Applicant is requesting a revision to Note 18 to clarify the timing of the LOMR-F submittal with respect to the building permit for the proposed casino development to allow the following approach.

Applicant will submit the LOMR-F for the casino complex footprint and parking structure footprint as soon as the entire building footprint (casino/garage) is graded to a minimum of one foot above the base flood elevation. Applicant has received a Floodplain Development Permit for this proposed grading. Grading for these limits will begin as soon as possible. Following City of Lincoln review and approval of this LOMR-F application, a limited building permit for footings and foundations for casino and parking garage can be issued, subject to all standard building permit submittals and review. The full building permit for casino and parking garage will not be approved until after FEMA approval of the LOMR-F submittal. Subsequently, Applicant will submit a LOMR-F for the property outside the building footprint and not included in the first LOMR-F submittal.

IX. Final Plat

Applicant will file a final plat to ensure that the casino development is constructed on a single lot surrounding the building footprint, in accordance with the preliminary lot layout shown on the PUD site plans.

Please let me know if you have any questions. I look forward to continuing to work with the City on this proposed development.

Sincerely,

Andrew R. Willis
For the Firm

4834-7367-5229, v. 1

Watershed Management Comments on CZ05061D

1. Plan Sheets
    a. Revise Note 18 to state: “AN INITIAL LETTER OF MAP REVISION BASED ON FILL (LOMR-F) WILL BE SUBMITTED TO THE CITY OF LINCOLN FOR APPROVAL TO REMOVE THE CASINO AND PARKING GARAGE SITES FROM THE FLOODPLAIN. ONCE APPROVED BY THE CITY AND SUBMITTED TO FEMA, LIMITED BUILDING PERMITs FOR FOOTINGS AND FOUNDATIONS FOR THE CASINO AND PARKING GARAGE CAN BE APPROVED. FULL BUILDING PERMITS FOR THE CASINO AND PARKING GARAGE CANNOT BE APPROVED UNTIL THE INITIAL LOMR-F IS APPROVED BY FEMA. A SECOND LOMR-F WILL BE REQUIRED TO UPDATE THE FEMA FLOODPLAIN TO ACCURATELY REFLECT THE GRADING OF THE HORSE TRACK AND BARN AREA. BUILDING PERMITS FOR THE BARNS CANNOT BE APPROVED UNTIL THE SECOND LOMR-F IS APPROVED BY FEMA.”
    b. Submit a proposed grading for the commercial lots and parking lots east of S 1st St (was shown on CZ05061A but removed on CZ05061C), and verify that the floodplain storage calculations account for this grading in the floodplain.
    c. Show the entire floodplain boundary for all areas in this PUD, including east of S 1st St.
2. Floodplain/Open Space
    a. In order to compensate for development of 35 acres of floodplain land intended to remain in open space (identified as Agricultural Stream Corridor prior to the original PUD), a conservation easement of 71 acres was required as a condition of the original PUD prior to final platting the area south of West Denton Road. In addition to floodplain conservation, the Southwest Village PUD included plans to add wetland plantings and enhance riparian habitat. While the proposed amendment does a good job at exceeding the requirements for maintaining the flood storage volume and shows areas preserved as open space, need to verify that the open space preserved is still at a ratio of 2:1 of preservation to loss to mitigate for the loss of floodplain area.
3. Water Quality
    a. Submit the water quality control form, showing the water quality control volume based on redevelopment and the increased impervious area from the previously approved PUD.
    b. Submit the request for alternative form, if applicable, along with all necessary details of the proposed measures.
    c. Any area designated to be used for water quality should be separate from the area required to be preserved as open space to meet the 2:1 preservation to loss ratio noted above in 2a. Or else justification needs to be provided otherwise.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

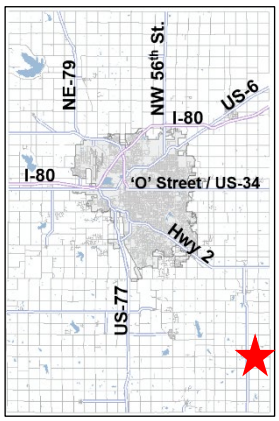
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Special Permit #21005	Yes	Scott Prange
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
March 17, 2021	None	22500 S. 176th St.

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a special permit for Expanded Home Occupation per Article 13.032 of the Lancaster County Zoning Regulations to develop an Event Venue known as The Shed. The Event Venue comprises an 8,600 sq. ft. building, an outside area for ceremonies and parking. The proposal is to permit events with up to 400 people.



JUSTIFICATION FOR RECOMMENDATION

This special permit for Expanded Home Occupation to allow large gatherings, such as wedding receptions, should have minimal impact on adjacent properties given the site plan and proposed conditions. The nearest house is approximately 1,300 feet away.

APPLICATION CONTACT
Cortney Dissmeyer, 402-540-2429 or cortneydissmeyer@gmail.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed use meets the goal of the Comprehensive Plan to encourage home businesses while having minimal impact on the surrounding area by limiting events to Fridays and Saturdays. The County Engineer had no objections to increase traffic on the gravel county roads.

WAIVERS

1. Waive the requirement that outside areas used for the business not exceed 15,000 square feet. (Recommend Approval)

2. Waive the requirement that all outside business related activity be 200 feet from all property lines. (Recommend Approval)

3. To allow more than two employed persons who are not members of the family residing on the premises. (Recommend Approval)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 5.5 - Continue to encourage and permit accessory home businesses and locate businesses within the commercial areas of incorporated towns as they expand beyond the definition of home occupation.

ANALYSIS

1. This request is for a special permit for Expanded Home Occupation to allow the rental of the accessory building (shed) and outside area for large gatherings such as wedding receptions, graduation parties and reunions. The main use would be weddings. The applicant has requested for up to 400 persons per event. Events would be held on Fridays and Saturdays only throughout the year. The owners have been renting out for large events under the name "The Shed" in violation of Lancaster County Zoning regulations.
2. The site is approximately 80 acres with the shed, house and other accessory structures. The owners of The Shed live on site. The building has been renovated and includes bathrooms. The building was inspected by the State Fire Marshal and was given an occupancy permit. However, the improvements to the building did not have permits or inspections by Lincoln Building and Safety Department. The owner has been informed that they will need to get permits from Building and Safety Department. This may require modifications to the building.
3. The site plan shows the shed, an outdoor area for the wedding ceremony and parking areas. The capacity of the Shed as determined by the State Fire Marshall is 400 persons. The parking area has a capacity for 200 vehicles per the site plan. The County Engineer has requested that parking be required at the rate of one stall per 2 persons. Based on a maximum capacity of 400 persons, 200 stalls would be required.
4. The nearest house is approximately 1,300 feet from the shed. There are 3 other houses within one-half mile from the shed.
5. The nearest paved road is S. 162nd St./Highway 43 approximately one and one-half miles to the west of the site. Other similar venues have been on paved roads. The Lancaster County Engineer did not have concerns with increased traffic on the gravel road. The parking areas shown on the provided plans shall only be accessed through the approved access permits; direct access from parking areas to the existing county road is not allowed. Some type of barrier or delineation shall be added to prevent direct access to the County roadway except at approved driveways.
6. The Lancaster County Zoning Regulations were amended in September 2009 to add Expanded Home Occupation by special permit. The intent was to allow small family owned businesses to operate out of their home. The business is to be accessory to the residential use of the property and operated by the family occupying the residence. This condition makes it more likely that the business will be a "good neighbor." The business should not detract from the peace and enjoyment of surrounding properties.
7. The special permit conditions for Expanded Home Occupation are as follows:

    A. On-site sales shall be limited primarily to products grown, manufactured, processed, treated or assembled on the premise;
    This would be a service provided by the residents. There are no sales of goods on site. The service being provided is the use of land and one building.

    B. Except for a Family as defined by this Resolution, no more than two (2) persons participate in the home occupation on the premises. For purposes of Section 13.032, participation shall exclude deliveries;

    The above regulation means that no more than 2 persons, other than family, could be on site participating in the occupation at one time. This means, for example, only one bartender and one caterer could be on site at one time or one musician and one person helping to set up. Most weddings or large gatherings need more than 2 persons on site at one time. The applicant stated that normally outside persons participating in the business would consist of a caterer, disc jockey and photographer. The intent of the 2 persons participating in the business was to allow 2 full time people working 40 hours per week. Since persons working related to a wedding reception or other large gathering would not work 40 hours on site, the waiver is appropriate.

    C. The lot area shall be ten (10) acres or larger;

The site is approximately 80 acres

D. Driveways and parking areas shall be provided with an all-weather (gravel or rock) surface to minimize dust and mud;

The site plan does not indicate the surface type of the parking areas. A condition of approval will require all weather surfacing.

E. No more than 50% of the floor area of the residence may be used for said business when the home occupation is located within the residence;

None of the residence floor area is proposed to be used.

F. The total floor area for all buildings used for said business shall not be more than 10,000 square feet;

The floor area of the shed is 8,600 sq. ft.

G. Outside area used for work area, storage or other business activity (of vehicles, equipment, or materials used in the business) and parking shall not exceed 15,000 square feet;

Outside area consist of parking areas and the ceremony area. The parking area is approximately 32,500 sq. ft. The ceremony area is approximately 8,785 sq. ft. The total of all outside area is 41,285 sq. ft. The applicant is requesting a waiver to allow more than 15,000 sq ft. The waiver is acceptable based on the amount of area needed for parking for large events.

H. All outside business related activity shall be located at least 200 feet from all premise property lines and shall be visually screened from public streets and adjacent property lines. Said visual screening shall be approved as part of the special permit;

A parking area is located 50 feet from the front property line. There is no existing screening, and none is shown on the site plan. The applicant has requested a waiver to the 200 feet separation for parking.

I. Dust control of nearby unpaved roads to mitigate the impact of traffic approaching and leaving the premise may be required;

S. 176th St. and Panama Rd. are gravel roads. The nearest paved road, S.162nd St/ Highway 43, is approximately 1 ¼ miles from the site. The applicant will be responsible for controlling off-site dust emissions from the gravel parking lots in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32.

J. Building permits will be obtained as required for all new construction and remodeling of existing buildings under this permit;

K. Only one vehicle/truck over 2.5 tons (gross weight) is permitted on the site. No more than four (4) business vehicles shall be parked or stored outside on the site at any one time;

No auto or truck storage is requests. Only parking for guests

L. There is no sign other than one non-animated, non-illuminated, non-reflecting nameplate not more than twenty (20) square feet in area, which name plate designates the home occupation carried on within;

No sign is shown on the site plan.

M. A site plan for this special permit shall be approved and followed. The Planning Commission/County Board may establish additional conditions such as hours of business operation, maximum daily non-resident trips to and from the business, as deemed appropriate for compatibility, health, safety and welfare relative to this use and activity.

A site plan was provided (see attached).

8. Prairie Creek Inn located at 2400 S. 148th St was approved for a Bed and Breakfast and Expanded Home Occupation by County Special Permit 08021A in March 2014. As accessory to the Bed and Breakfast wedding ceremonies and receptions were allowed. Events are limited to no more than 300 persons, except that up to 4 events per calendar

year of up to 500 persons may be allowed with an approved Amusement license granted by the Lancaster County Board.

9. Hillside Events Center located at 12400 West Denton Rd was approved for Expanded Home Occupation for an Event Venue including wedding receptions, in July 2016. Events were originally limited to 250 persons for 2 days per month from March 1st through November 30th. The special permit was amended in May 2020 to allow events for 10 days per month on Fridays, Saturdays and Sundays throughout the year. Events are still limited to 250 persons.

10. An event facility was approved at 17185 Bluff Rd. by Special Permit 19033 for Historic Preservation. The event facility would be for weddings and other special events. There was no limit on number of people attending or number of events. This facility has not started operations.

11. Avalon Event Paradise located at 12788 W. Roca Rd. was **denied** for Expanded Home Occupation for an Event Venue in July 2016. This event venue would be primarily for weddings and other special events. The venue, if approved, would have allowed up to 200 persons for events. Events would be limited to 2 days per month from April 1st thru October 31st. An acreage development with 21 houses is to the east, with the nearest property being approximately 450 feet from the site.

12. The proposed venue is similar to the other 3 event facilities with the exception that the other three are on paved roads and Hillside Event Center and Prairie Creek Inn were approved for less people per event. With only 3 houses within one-half mile of the site, the proposed venue should have minimal impact on adjacent properties.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: AG- Agriculture Single family dwelling, agriculture and event venue**.**

SURROUNDING LAND USE & ZONING

North:	AG- Agriculture	Farm ground
South:	AG- Agriculture	Farm ground
East:	AG- Agriculture	Farm ground
West:	AG- Agriculture	Two houses and farm ground

APPROXIMATE LAND AREA: 79.71 acres, more or less

LEGAL DESCRIPTION: Lot 8 in the NW ¼ of Section 12-7-8, Lancaster County, NE

Prepared by

_____
Tom Cajka, Planner

Date: March 4, 2021

Applicant: Cortney Dissmeyer
21601 S. 190th St.
Adams, NE 68301
402-540-2429
cortneydissmeyer@gmail.com

Contact: Same as applicant

Owner: Scott Prange
22500 S. 176th St.
Adams, NE 68301
402-540-1875
prangedirt@yahoo.com

F:\DevReview\SP\21000\SP21005 The Shed.tjc.docx

CONDITIONS OF APPROVAL – SPECIAL PERMIT #21005

Per Article 13.032 this approval permits Expanded Home Occupation for the site in conformance with the attached site plan to be used for rental of the accessory building and associated outdoor area for gatherings such as wedding receptions, reunions and other such gatherings and the following waivers and conditions.

Waivers

1. Waive the requirement that outside areas used for the business not exceed 15,000 square feet to allow the additional area for parking.

2. Waive the requirement that all outside business related activity be 200 feet from all property lines to 50 feet along the west property line for the parking areas only.

3. To allow up to twelve (12) persons, who are not members of the family residing on the premises, to participate on the site to provide catering and other services for events on Fridays and Saturdays.

Conditions:

1. Events for up to 400 persons are allowed on Fridays and Saturdays throughout the year. Events are not allowed on all other days.

2. Any outside music is not allowed to use speakers or other forms of amplification, except during a wedding ceremony.

3. Any portion of an event held outdoors must conclude by 10:00 p.m. All events shall conclude by 12:00 a.m.

4. Fireworks are not allowed except on July 3rd and 4th.

5. Owners shall provide a landscape plan that shows a 60% screen from the ground to 10 feet above the ground along the west property line adjacent to all parking areas.

6. Any individual or entity dispensing alcohol on site must be licensed under the Nebraska Liquor Control Act.

7. Prior to occupancy the Lincoln Building and Safety Department must approve the final certificate of occupancy for all new construction and/or remodeling of existing buildings under this special permit.

8. Any outdoor lighting for the event venue or related outdoor area shall be cutoff, as defined in Section 3.100 of the City of Lincoln Design Standards and shall meet the light trespass requirements defined in Section 9 of the City of Lincoln Design Standards.

9. Supply data provided by an Engineering Firm to the Lincoln-Lancaster County Health Department indicating the projected effluent flow, and an assessment as to the capability of the existing sewage lagoon to adequately handle the additional effluent treatment need.

10. The building proposed to be used as the wedding venue is currently used and projected to continue to be used to service farm and heavy construction equipment. The use of an industrial building for large gatherings including food service is generally not recommended. Please provide information relative to preventing cross-contamination from the servicing of farm equipment and any agricultural chemical storage to the Lincoln-Lancaster County Health Department.

11. The applicant will be responsible for controlling off-site dust emissions from the gravel parking lots in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32.

Site Specific Conditions:

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

    1.1.1 Designate handicap stalls and note that they are concrete surface.

    1.1.2 Provide a parking lot plan with dimensions that complies with typical parking standards and identify 200 parking stalls to the satisfaction of the Director of Planning. Label all required parking areas as having gravel or rock surfaces.

    1.1.3 Add the legal description to the site plan.

    1.1.4 Show the drive for the north parking lot as a single drive 25 feet wide. Revise the site plan to show the remaining driveway width will be closed and that the remainder that meets the Lancaster County Engineer's requirements. All drives must have approved permits from the Lancaster County Engineer.

    1.1.5 On Sheet 1 change the side yard setback to 60 feet and the rear yard setback to 100 feet.

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

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

Standard Conditions:

3. The following conditions are applicable to all requests:

    3.1 Before occupying buildings or starting the operation all development and construction shall substantially comply with the approved plans.

    3.2 All privately-owned improvements, including landscaping shall be permanently maintained by the Permittee.

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

    3.4 Before occupying this event venue, the City/County Health Department is to approve the water and waste water systems.

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

    3.6 The applicant shall sign and return the letter of acceptance to the County Clerk. This step should be completed within 60 days following the approval of the special permit. The Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.

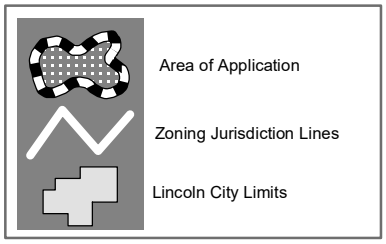
2020 aerial

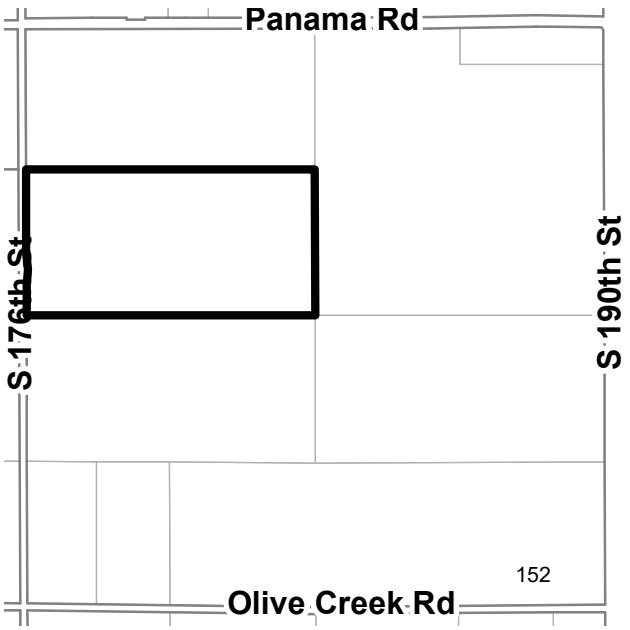
Special Permit #: SP21005
S 176th St & Panama Rd

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.12 T07N R08E





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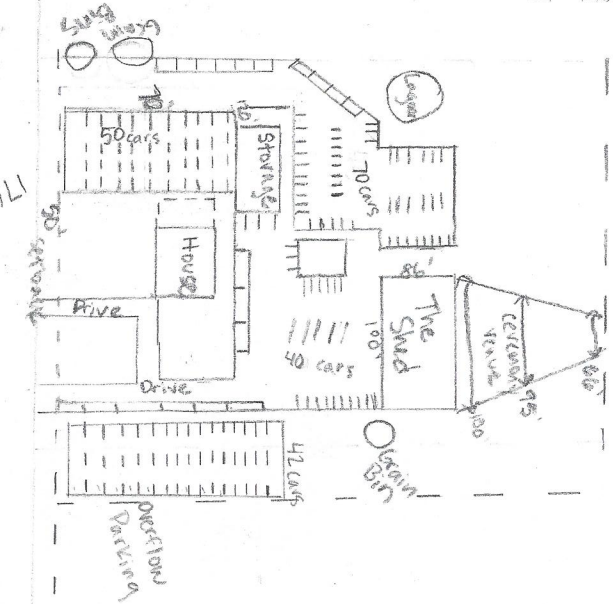
Traverse Rd

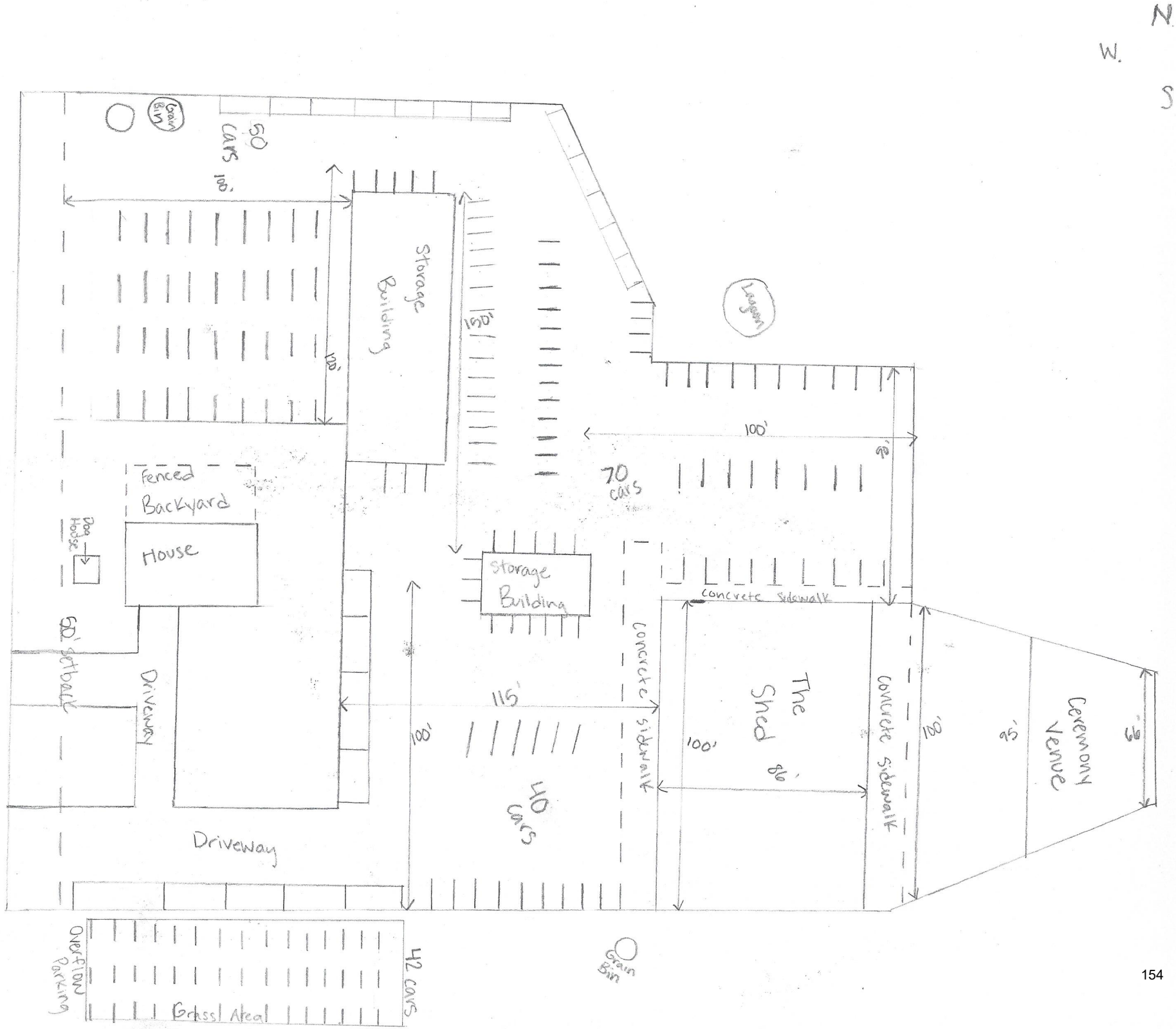
2,640 ft

50' setback



2,640 ft

1760 ft


N.
W.
E.
S.
Grain Bin
50 cars
180'
Storage Building
150'
120'
Lagoon
100'
70 cars
Fenced Backyard
Dog house
House
Storage Building
Concrete Sidewalk
50' setback
Driveway
115'
18'
Concrete sidewalk
The Shed
100'
86'
Concrete sidewalk
180'
95'
Ceremony Venue
66'
40 cars
Driveway
Overflow Parking
Grass Area
42 cars
Grain Bin
176th St

The Shed

The Shed is a wedding venue that will host weddings for couples around the local area. Weddings will be open for booking for the months January-December for every weekend. But we are mainly focused on weather permitting months April-October. Weddings are booked for Friday or Saturday's. During this time renters can have weddings, & rehearsal dinners at the venue. This building is being used in the winter or any open weekends to service farm equipment. I am wanting this zoned as an Expanded Home Occupation since it's a residence and place of business.

Owner of the building: Scott Prange, who also resides on the property

Staff: Scott Prange for maintenance only & daughter, Cortney Dissmeyer, for management. Additional staff may be required for larger weddings & help would be limited to the time of weddings.

Hours: Friday or Saturday weddings

State Fire Marshal Occupancy Permit: 860 Standing/400 Tables Persons (Certificate #10554)

Parking area: Gravel & crushed asphalt

Waivers:

1. Waive the requirement of all outside business related activity be 200 feet from all property lines.
2. Waive the requirement that outside areas used for business not exceed 15,000 square feet.
3. Waive the requirement to allow more than 2 persons to participate in the home occupation on the premises.