Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

Tracy Corr: Chair
Lorenzo Ball
Dick Campbell
Tracy Edgerton
Cristy Joy
Cindy Ryman Yost
Dennis Scheer

PLANNING STAFF

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

June 9, 2021

NOTICE: **The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, June 9, 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.**

The Lincoln/Lancaster County Planning Commission will meet on Wednesday, June 9, 2021, in the Council Chambers immediately following the Regular Planning Commission meeting, for a briefing on the South of Downtown Planned Unit Development (PUD). **Please Note Planning Commission briefings are for informational purposes only and no public testimony will be taken.**

****PLEASE NOTE: The Planning Commission action is final action on any item with a notation of *FINAL ACTION*. Any aggrieved person may appeal Final Action of the Planning Commission to the City Council or County Board by filing a Notice of Appeal with the City Clerk or County Clerk within 14 days following the action of the Planning Commission.**

The Planning Commission action on all other items is a recommendation to the City Council or County Board.

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, JUNE 9, 2021

Election of Vice Chair to fill the remainder of the unexpired term.

Approval of minutes of the regular meeting held May 26, 2021.

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

ANNEXATION AND RELATED ITEM:

1.1a ANNEXATION 21002, to annex approximately 42.51 acres, more or less, on property generally located at North 106th and O Streets.

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

1.1b CHANGE OF ZONE 21017, from AG (Agricultural District) to R-3 (Residential District), on property generally located at North 106th and O Streets.

Page 01

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

COMPREHENSIVE PLAN CONFORMANCE:

1.2 COMPREHENSIVE PLAN CONFORMANCE 21012, to review as to conformance with the 2040 Lincoln-Lancaster Comprehensive Plan, two proposed amendments--the first to the Lincoln Center Redevelopment Plan and the second to the South of Downtown Redevelopment and Strategic Plan--to identify the "Sky Park Apartments Redevelopment Project", which is within both redevelopment areas, and includes the rehabilitation of the existing historical residential structure, on property generally located at 1301 Lincoln Mall.

Page 13

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

CHANGE OF ZONE AND RELATED ITEMS:

1.3a CHANGE OF ZONE 21015, from O-3 (Office Park District) to B-2 (Planned Neighborhood Business District), on property generally located at Highway 2 and Calvert Street.

Page 23

Staff recommendation: Approval
Staff Planner: Stephanie Rouse, 402-441-6373, srouse@lincoln.ne.gov

1.3b USE PERMIT 43C, to amend the existing use permit to update allowed uses, on property generally located at South 13th Street and Stockwell Street.

Page 30

***** FINAL ACTION *****
Staff recommendation: Conditional Approval
Staff Planner: Stephanie Rouse, 402-441-6373, srouse@lincoln.ne.gov

1.3c USE PERMIT 152B, to amend the existing use permit to update allowed uses, on property generally located Highway 2 and Pioneers Boulevard.

Page 36

***** FINAL ACTION *****
Staff recommendation: Conditional Approval
Staff Planner: Stephanie Rouse, 402-441-6373, srouse@lincoln.ne.gov

CHANGE OF ZONE:

1.4 CHANGE OF ZONE 21018, from AG (Agricultural District) to H-4 (Highway Commercial District), on property generally located at 4731 West O Street.

Page 44

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

SPECIAL PERMITS:

1.5 SPECIAL PERMIT 21015, to allow for a CUP (Community Unit Plan) with up to 36 dwelling units on approximately 0.98 acres, with requested waivers, on property generally located at North 25th and Vine Streets. ***** FINAL ACTION *****
Page 51
Staff recommendation: Conditional Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

1.6 SPECIAL PERMIT 21018, to allow for the reconstruction of an existing deck and stairs, with a waiver to the side yard setback, on property generally located at 7304 Thurston Street. ***** FINAL ACTION *****
Page 81
Staff recommendation: Conditional Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

2. REQUESTS FOR DEFERRAL:

3. ITEMS REMOVED FROM CONSENT AGENDA:

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

SPECIAL PERMIT:

4.1 SPECIAL PERMIT 21022, to allow for bulk storage of petroleum products in the I-1 Industrial District, on property generally located at 1700 Saltillo Road.
Page 88
***** FINAL ACTION *****
Staff recommendation: Conditional Approval
Staff Planner: Stephanie Rouse, 402-441-6373, srouse@lincoln.ne.gov

5. CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION:

CHANGE OF ZONE AND RELATED ITEM:

5.1a CHANGE OF ZONE 21016, from R-1 (Residential District) to H-4 (General Commercial District), on property generally located at South 70th Street and Pine Lake Road.
Page 95
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

5.1b SPECIAL PERMIT 14003A, to allow for the expansion of the existing special permit for Planned Service Commercial to allow for an additional approximate 21,000 square feet of commercial floor area, on property generally located at South 70th Street and Pine Lake Road. ***** FINAL ACTION *****
Page 103
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

6. **ADMINISTRATIVE ACTION ONLY:**

CHANGE OF ZONE:

6.1 CHANGE OF ZONE 04075I, to amend the existing Village Gardens PUD (Planned Unit Development) for the construction of multiple-family dwelling units with waivers to adjust height and parking, on property generally located at 56th Street and Pine Lake Road.

Page 114

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

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AT THIS TIME, ANYONE WISHING TO SPEAK ON AN ITEM NOT ON THE AGENDA, MAY DO SO.

*** * * * * * * * * ***

Adjournment

PENDING LIST:

COMPREHENSIVE PLAN CONFORMANCE 21004, to review as to conformance with the Lincoln Lancaster County Comprehensive Plan, a request to declare approximately 1.59 acres of City of Lincoln-owned land as surplus, on property generally located at F Street between 6th and 8th Streets.

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

*** * * * ***

The Planning Commission meeting

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

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

ACCOMMODATION NOTICE

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

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

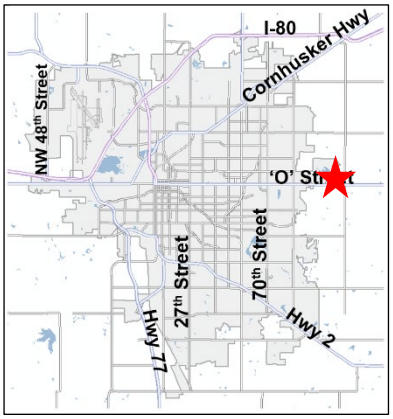
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Annexation 21002 and Change of Zone 21017	No	Dominion South LLC/ Dominion South LLC, James Buel, State of Nebraska
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
June 9, 2021	None	O Street and N. 106th Street

RECOMMENDATIONS: APPROVAL - ANNEXATION
APPROVAL - CHANGE OF ZONE

BRIEF SUMMARY OF REQUEST

This is a combined staff report for an annexation and change of zone from AG Agriculture District to R-3 Residential District for the Dominion at Stevens Creek development generally located on the north side of O Street, east of N. 106th Street adjacent the existing subdivision. The Dominion at Stevens Creek CUP, approved in February 2018, shows a single-family residential lot layout for the northern part of this area and townhome lot layout for the southern part. The total annexation area comprises 42.51 acres including the adjoining O Street right of way. The change of zone area is 41.10 acres.



JUSTIFICATION FOR RECOMMENDATION

The requested change of zone from AG to R-3 is consistent with the Future Land Use Map and the existing residential zoning to the west and north. The Growth Tier classification of this site is Tier I Priority B with the development area approved as part of the Dominion at Stevens Creek CUP. Based on the growth tier classification, this area is appropriate for annexation.

APPLICATION CONTACT
Mike Eckert, (402) 434-8494 or
meckert@civildg.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The requested annexation and change of zone are consistent with the 2040 Comprehensive Plan which identifies future urban density residential land uses for the development area.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

P. 1.10 - This site is shown in Tier I, Priority B on the Growth Tier Map.

P. 7.2 - Neighborhoods & Housing Guiding Principles
- Encourage public investment in neighborhood infrastructure and services such as parks, pools, libraries, and neighborhood business districts.
- Distribute and preserve affordable housing throughout the community to be near job opportunities and to provide housing choices within existing and developing neighborhoods.
- Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.

P. 7.4 - Strategies for Neighborhoods and Housing
- Encourage substantial connectivity and convenient access to neighborhood services (stores, schools, parks) from residential areas.
- Incorporate interconnected networks of streets, transit, trails, and sidewalks with multiple connections within and between neighborhoods and commercial centers to maximize access and mobility to provide alternatives to and reduce dependence upon the automobile.
- Provide sidewalks on both sides of all streets, or in alternative locations as allowed through design standards or review process.

P. 7.4-7.8 - Strategies for Developing Neighborhoods
- Encourage new development to achieve densities greater than five dwelling units per gross acre.

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

The ANNEXATION POLICY- page 12.14-12.15 of the 2040 Comprehensive Plan.

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

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

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

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

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

Annexation generally implies the opportunity to access all City services within a reasonable period of time. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g.,

water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area. The annexation of large projects may be done in phases as development proceeds.

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

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

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

ANALYSIS

1. This is a request to annex approximately 42.51 acres along which includes property owner by Dominion South LLC (developer), James Buel, and the State of Nebraska along with O Street right of way and a change of zone from AG to R-3 over 41.10 acres. The property is generally located north of O Street and west of N. 112th Street. It is adjacent the existing Dominion at Stevens Creek Community Unit Plan (CUP) which is to the west and north with the annexation and change of zone area generally east of N. 106th Street. There is a rectangular property owned by the State of Nebraska on the north side of O Street which is approximately 4 acres in size. This property is included in the annexation and change of zone for consistency and so that adjoining O Street is annexed for availability of City emergency services. The State is otherwise exempt from zoning.
2. The application area is within the Dominion at Stevens Creek CUP (SP17022) and is approved for single family residential lots on the north side with townhome lots on the south side closer to O Street. The land is contiguous to the City limits on the west and north sides of the property.
3. Dominion at Stevens Creek CUP approved in February 2018 authorized up to 433 single family lots on approximately 153.97 acres. Four phases in total are proposed with road connections to O Street and existing adjacent subdivisions, including Waterford Estates and Sky Ranch Acres. The proposed annexation and change of zone area includes Phase 4 which is comprised of 83 single family and 82 townhome units.
4. The Future Land Use Map in the 2040 Comprehensive Plan identifies the development area as future urban density residential. The proposed R-3 zoning will create residential density consistent with this designation.
5. The following describes the availability of utilities and services:
    a. Water and Sanitary Sewer: Water is available and can be extended from the adjoining Dominion at Stevens Creek area. Not all the property to be annexed and rezoned can be provided with sanitary sewer service today. The developer will either plat some land in an outlot for service when the line is extended or amend the CUP to include multi-family with one lot utilizing an injector pump, which is allowable.
    b. Parks and Trails: A future trail is planned in the northeast part of the CUP. A trail easement has been provided already as part of the Dominion at Stevens Creek 5th Addition, Outlot D.
    c. Emergency Services: This site is in the Southeast Fire District. After annexation, fire protection will be provided by Lincoln Fire and Rescue (LFR). There is no necessary reimbursement in order for the city fire department to serve this area after annexation. The nearest Lincoln Fire and Rescue Station is the new fire station No. 16 at 9765 Boathouse Road in Waterford Estates.
6. The street connections for the change of zone area when it is final platted will include N. 106th Street to the north, Shore Front Drive to the west, and additional east-west streets south of Shore Front Drive that will connect to North 104th Street to the west.

7. Growth Tier I reflects the "Future Service Limit" where urban services and inclusion in the City limits is anticipated within the 30-year planning period. Tier I includes three Priority Areas for phasing development. Priority B includes areas for development within the first half of the planning period to 2026 and are generally contiguous to existing development.

EXISTING LAND USE & ZONING: Open Space, Agriculture; AG.

SURROUNDING LAND USE & ZONING

North: Single family residential, vacant; R-3
South: Agriculture, Single family residential; AG
East: Agriculture; AG
West: Single family residential, vacant; R-3, O-3

APPLICATION HISTORY:

February 2018 Special Permit 17022 was approved by City Council authorizing a Community Unit Plan for single family detached and townhome residential uses for up to 433 total dwelling units.

APPROXIMATE LAND AREA: 42.51 acres (annexation), 41.10 acres (change of zone)

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: City Council District #1

LEGAL DESCRIPTION: See attached

Prepared by

_____
George Wesselhoft, Planner
Date: May 27, 2021

Applicant: Dominion South, LLC
429 Industrial Lane
Grand Island, NE 68803
(402) 499-4793 or mlewishomes@gmail.com

Owner: Dominion South, LLC
429 Industrial Lane
Grand Island, NE 68803
(402) 499-4793 or mlewishomes@gmail.com

James Buel
P.O. Box 301
Eagle, NE 68347

Department of Transportation
State of Nebraska
P.O. Box 94759
Lincoln, NE 68509-4759

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

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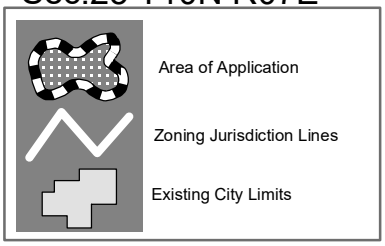
2020 aerial

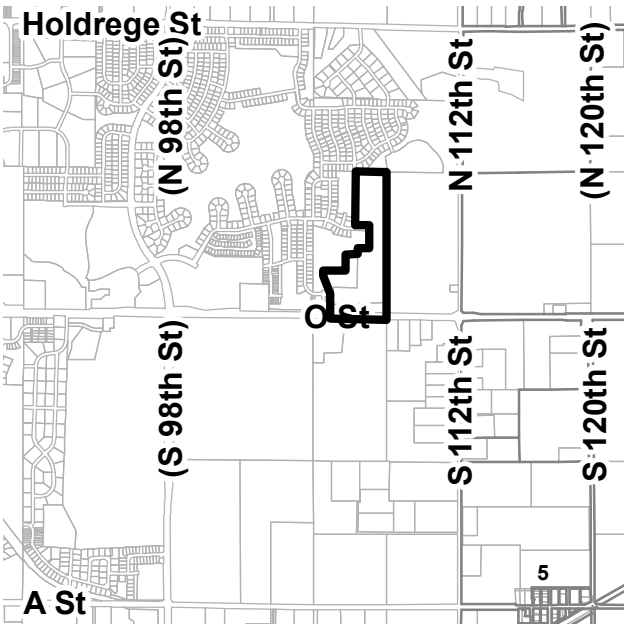
Annexation #: AN21002
Dominion at Stevens Creek
N 106th St & O St

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

Two Square Miles:
Sec.24 T10N R07E
Sec.25 T10N R07E





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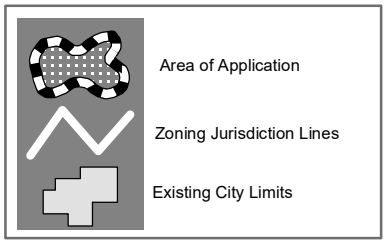
2020 aerial

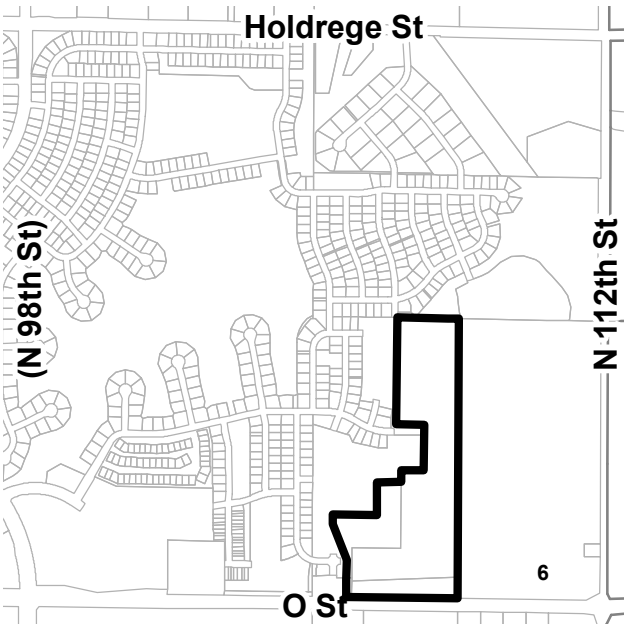
Change of Zone #: CZ21017 (AG to R-3)
Dominion at Stevens Creek
N 106th St & O St

Zoning:

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

One Square Mile:
Sec.24 T10N R07E





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Civil Design Group, Inc.

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

May 5, 2021

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

Re: Request for Change of Zone from AG to R-3 and related annexation for 37.09 acres of land within the previously approved Dominion at Stevens Creek CUP.

Dear Mr. Cary:

On behalf of Starostka-Lewis, LLC, and James Buel we submit the attached application for a Change of Zone from AG to R-3 and the associated annexation request for 37.09 acres of land within the previously approved Dominion at Stevens Creek CUP. This land is east of the existing subdivision, generally located between Century Lane and East O Street, east of N. 106th Street.

With this application, we are submitting:

- Annexation Exhibit
- A Change of Zone & Annexation application and review fee of $988.00

I hope that this letter in conjunction with the exhibit provides you with sufficient information to review this application. Please call me at (402) 434-8494 with any questions you may have.

Sincerely,

Mike Eckert, AICP

cc: Starostka-Lewis, LLC
James Buel

Civil Design Group, Inc.

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

May 24, 2021

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

Re: Gravity sewer informaiton for an addition portion of the Dominion at Stevens Creek CUP per our pending request for annexation and zoning.

Dear Mr. Cary:

On behalf of Dominion South, LLC and Jim Buel, this letter is clarify the planned approach to providing gravity flow sewer within the future subdivision.

A closer review of of sewer main routing we conducted now includes taking a sanitary sewer main through an outlot and connecting it to the pending Dominion at Stevens Creek 6th Addition. This sewer main will now allow a larger amount of SF lots to gravity flow north to that addition rather than going through the neighboring property.

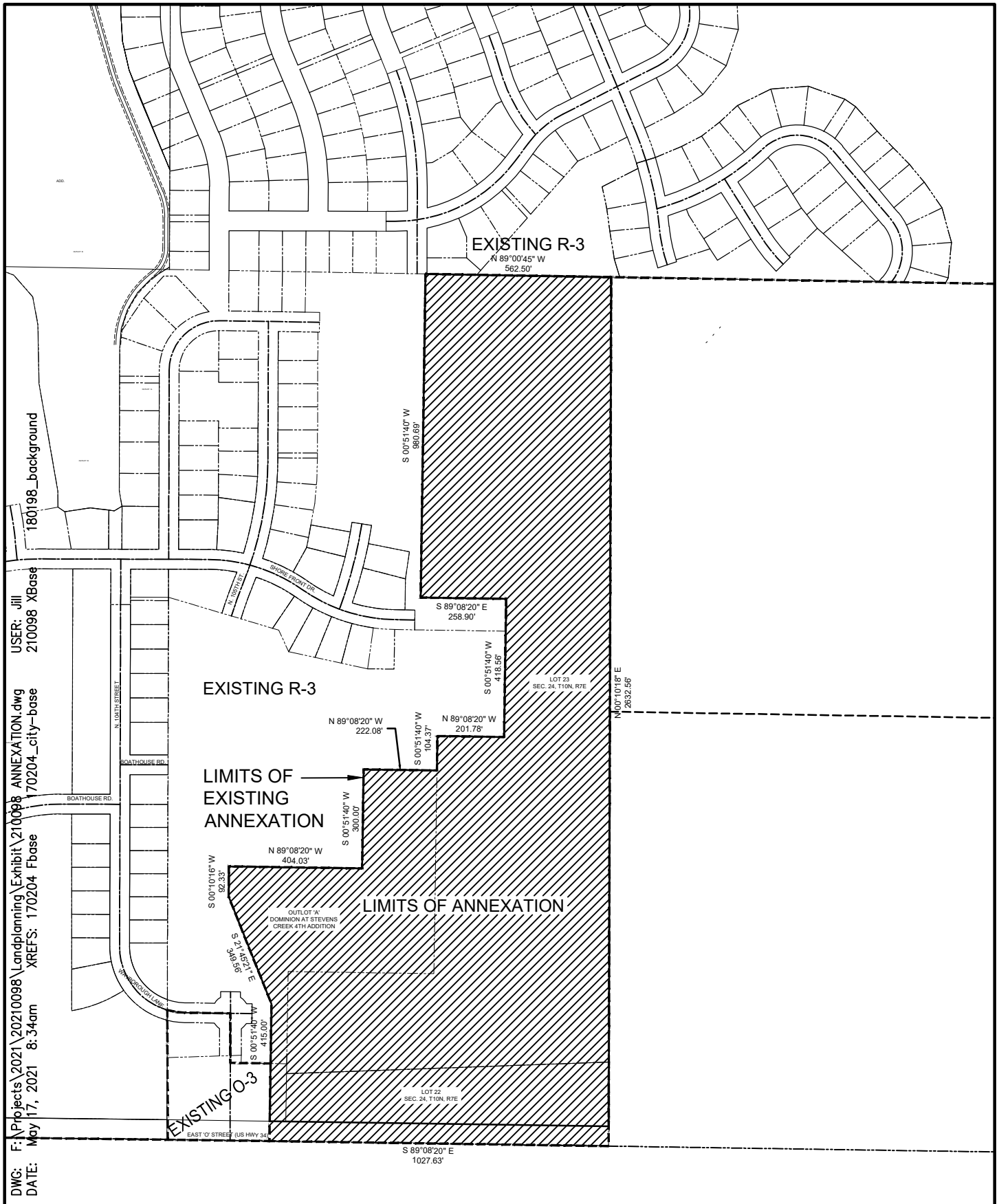
At this time, there are still areas south of this newly discovered gravity flow area that we acknowledge will need to be uses that can be permitted by the use of private force mains to be approved in future amendments to the CUP. Alternatively, these sections of the CUP could also be served by gravity sewer via future planned, but unbuilt trunk sewer main connecting to the primary Stevens Creek trunk sewer east of 112th St.

I hope that this letter help in clarifying our requests and assures our client's understanding of their sewer options for their land. 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: Dominion South, LLC
Jim Buel



drawn by:	jds
checked by:	-
project no.:	2021-0098
date:	05/17/2021

DOMINION AT STEVENS CREEK
LOCATED IN THE W 1/2 OF THE SE 1/4 OF SECTION 24, T10N, R7E
ANNEXATION EXHIBIT
LINCOLN, NEBRASKA

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

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

EXHIBIT

1 of 2

LEGAL DESCRIPTION - ANNEXATION

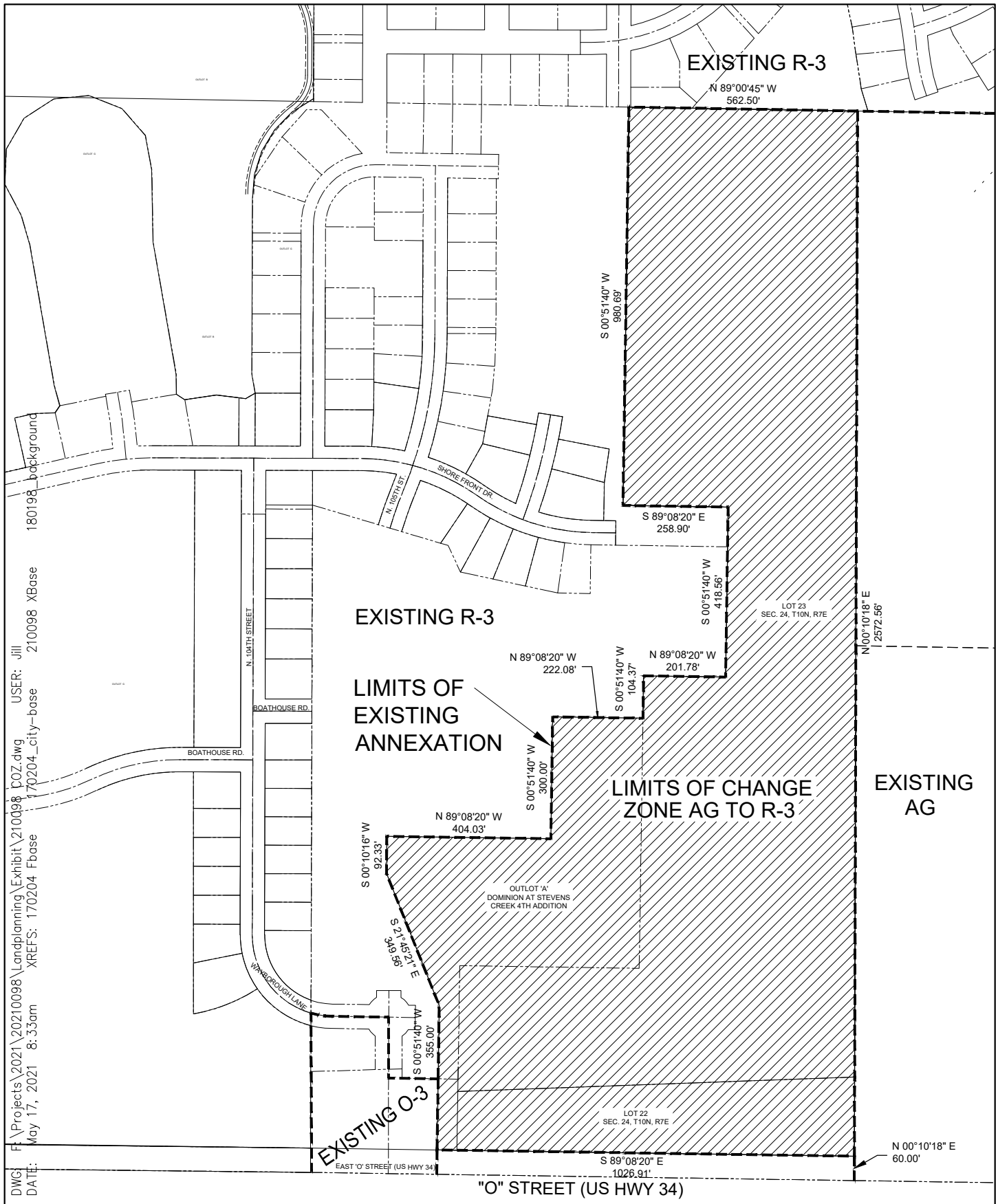
A legal description of a tract of land composed of Lots 22 and 23 Irregular Tracts, a part of the remaining portion of Lot 20 Irregular Tracts, a part of Outlot 'A' “Dominion at Stevens Creek 4th Addition” and a part of the West Half of the Southeast Quarter all located in the West Half of the Southeast Quarter of Section 24, Township 10 North, Range 7 East, of the 6th P.M., Lancaster County, Nebraska and more particularly described as follows:

Beginning at the Southeast Corner of the West Half of the Southeast Quarter of Section 24;
Thence N 00°10'18" E, on the East Line of the West Half of the Southeast Quarter of Section 24, and on the East Line of Lots 22 and 23 Irregular Tracts, for a distance of 2632.56' to the Northeast Corner of the West Half of the Southeast Quarter of Section 24, said point also being the Northeast Corner of said Lot 23;
Thence N 89°00'45" W, on the North Line of the West Half of the Southeast Quarter of Section 24 and on the North Line of Lot 23 Irregular Tracts for a distance of 562.50' to the Northwest Corner of said Lot 23;
Thence South, on the Westerly Line of Lot 23 Irregular Tracts the following 5 courses:
S 00°51'40" W for a distance of 980.69';
Thence S 89°08'20" E for a distance of 258.90';
Thence S 00°51'40" W for a distance of 418.56';
Thence N 89°08'20" W for a distance of 201.78';
Thence S 00°51'40" W for a distance of 104.37';
Thence N 89°08'20" W, leaving the Westerly Line of Lot 23 Irregular Tracts, for a distance of 222.08';
Thence S 00°51'40" W for a distance of 300.00'; Thence N 89°08'20" W for a distance of 404.03'; Thence S 00°10'16" W for a distance of 92.33'; Thence S 21°45'21" E for a distance of 349.56'; Thence S 00°51'40" W for a distance of 415.00' to a point on the South Line of the
West Half of the Southeast Quarter of Section 24; Thence S 89°08'20" E, on the South Line of the West Half of the Southeast Quarter of Section 24 for a distance of 1027.63' to the Point of Beginning, and having a calculated area of 42.51 acres more or less.

Subject to any and all easements and restrictions of record.

DWG: F:\Projects\2021\20210098\Landplanning\Exhibit\210098 ANNEXATION.dwg USER: Jill
DATE: May 17, 2021 8:35am XREFS: 170204 Fbase 170204_city-base 210098 XBase 180198_background

drawn by: jds checked by: - project no.: 2021-0098 date: 05/17/2021	**DOMINION AT STEVENS CREEK LOCATED IN THE W 1/2 OF THE SE 1/4 OF SECTION 24, T10N, R7E ANNEXATION EXHIBIT LINCOLN, NEBRASKA**	Civil Design Group, Inc. 8535 EXECUTIVE WOODS, DR., SUITE 200 Lincoln, Nebraska 68512 Ph. 402-434-8494 Fax 866-215-8747 www.civildg.com CONSULTING ENGINEERS●LAND USE PLANNERS CIVIL DESIGN●SITE DEVELOPMENT●PLANNING AND ZONING	EXHIBIT **2 of 2**



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drawn by:	jds
checked by:	-
project no.:	2021-0098
date:	05/17/2021

DOMINION AT STEVENS CREEK
LOCATED IN THE W 1/2 OF THE SE 1/4 OF SECTION 24, T10N, R7E
CHANGE OF ZONE EXHIBIT
LINCOLN, NEBRASKA

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

EXHIBIT

1 of 2

LEGAL DESCRIPTION - CHANGE OF ZONE AG TO R-3

A legal description of a tract of land composed of Lots 22 and 23 Irregular Tracts, a part of the remaining portion of Lot 20 Irregular Tracts and a part of Outlot 'A' “Dominion at Stevens Creek 4th Addition”, located in the West Half of the Southeast Quarter of Section 24, Township 10 North, Range 7 East, of the 6th P.M., Lancaster County, Nebraska and more particularly described as follows:

Referring to the Southeast Corner of the West Half of the Southeast Quarter of Section 24; Thence North on the East Line of the West Half of the Southeast Quarter of Section 24, on an assumed bearing of N 00°10'18" E, for a distance 60.00' to the Southeast Corner of Lot 22 Irregular Tracts, said point being on the North 60' Right-of-way Line of Hwy. #34, said point also being the Point of Beginning:

Thence N 00°10'18" E, continuing on the East Line of the West Half of the Southeast Quarter of Section 24, and on the East Line of Lots 22 and 23 Irregular Tracts, for a distance of 2572.56' to the Northeast Corner of the West Half of the Southeast Quarter of Section 24, said point also being the Northeast Corner of said Lot 23; Thence N 89°00'45" W, on the North Line of the West Half of the Southeast Quarter of Section 24 and on the North Line of Lot 23 Irregular Tracts for a distance of 562.50' to the Northwest Corner of said Lot 23; Thence South, on the Westerly Line of Lot 23 Irregular Tracts the following 5 courses:
S 00°51'40" W for a distance of 980.69';
Thence S 89°08'20" E for a distance of 258.90';
Thence S 00°51'40" W for a distance of 418.56';
Thence N 89°08'20" W for a distance of 201.78';
Thence S 00°51'40" W for a distance of 104.37';
Thence N 89°08'20" W, leaving the Westerly Line of Lot 23 Irregular Tracts, for a distance of 222.08';
Thence S 00°51'40" W for a distance of 300.00'; Thence N 89°08'20" W for a distance of 404.03'; Thence S 00°10'16" W for a distance of 92.33'; Thence S 21°45'21" E for a distance of 349.56'; Thence S 00°51'40" W for a distance of 355.00' to a point on the Southerly Line of the remaining portion of Lot 20 Irregular Tracts, said Line also being the North 60' Right-of-way Line of Hwy. # 34; Thence S 89°08'20" E, on the South Line of the remaining portion of Lot 20 Irregular Tracts, the South Line of Lot 22 Irregular Tracts and the North 60' Right-of-way Line of Hwy. # 34, for a distance of 1026.91' to the Point of Beginning, and having a calculated area of 41.10 acres more or less.

Subject to any and all easements and restrictions of record.

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DATE: May 17, 2021 8:33am XREFS: 170204 Fbase 170204_city-base 210098 XBase 180198_background

drawn by: jds checked by: - project no.: 2021-0098 date: 05/17/2021	**DOMINION AT STEVENS CREEK LOCATED IN THE W 1/2 OF THE SE 1/4 OF SECTION 24, T10N, R7E CHANGE OF ZONE EXHIBIT LINCOLN, NEBRASKA**	Civil Design Group, Inc. 8535 EXECUTIVE WOODS, DR., SUITE 200 Lincoln, Nebraska 68512 Ph. 402-434-8494 Fax 866-215-8747 www.civildg.com CONSULTING ENGINEERS●LAND USE PLANNERS CIVIL DESIGN●SITE DEVELOPMENT●PLANNING AND ZONING	EXHIBIT **2 of 2**

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 21012
Sky Park Apartment Redevelopment Project

PLANNING COMMISSION HEARING DATE
June 9, 2021

FINAL ACTION?
No

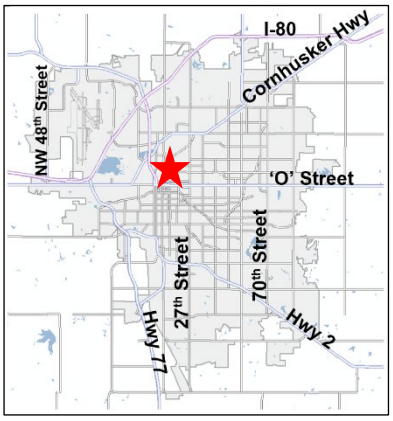
RELATED APPLICATIONS
None

OWNER
Sky Park Lincoln LLC

PROPERTY ADDRESS/LOCATION
1301 Lincoln Mall

RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST
Review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, a proposed amendment to two redevelopment plans that identifies the Sky Park Apartment Redevelopment Project. The Project includes the renovation and rehabilitation of the Sky Park Apartment Building for continued residential uses. The project is within the boundaries of two redevelopment plans, both of which are being amended: the Lincoln Center Redevelopment Plan and the South of Downtown Redevelopment & Strategic Plan.



JUSTIFICATION FOR RECOMMENDATION
The Project is consistent with the Comprehensive Plan, Downtown Master Plan, Lincoln Center Redevelopment Plan, and the South of Downtown Redevelopment & Strategic Plan. It will provide for continued use of an historic structure, utilize existing infrastructure, and meet the desire for residential uses in the downtown area.

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN
In addition to the specific elements listed above, this project contributes to the continued strengthening of the downtown and Lincoln's core, which is a guiding principle reflected throughout the Comprehensive Plan, Downtown Master Plan, Lincoln Center Redevelopment Plan, and South of Downtown Redevelopment & Strategic Plan.

COMPREHENSIVE PLAN SPECIFICATIONS:

p 1.2 The community continues its commitment to a strong Downtown. A strong, vital Downtown provides a common center for all of Lincoln and Lancaster County and will be a catalyst for future growth. LPlan 2040 acknowledges Downtown's unique role and will guide decisions that will maintain Downtown's vitality and enhance its contribution to the quality of life of all Lincoln and Lancaster County.

p. 1.3 Downtown Lincoln continues to serve as the heart of our community and is an asset for all Nebraska residents.

p. 1.3 Downtown Lincoln continues to serve its role as the central location for commerce, government, entertainment and the arts.

p. 1.3 Downtown Lincoln is promoted as a vibrant mixed use neighborhood, offering choices for residential lifestyles and daily needs commerce in a walkable and bicycle-friendly environment.

p. 1.9 The area is shown as Residential on the Future Land Use map.

p. 2.7 Lincoln will continue to have managed and contiguous growth, including strengthening our Downtown core.

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

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

p. 5.4 Business & Economy Strategies for Downtown: The City should preserve and enhance Downtown's role as...A major focus for new residential reuse, infill, and redevelopment.

p. 6.1 The primary focus for new dwelling units is the "Greater Downtown" which includes Downtown proper, Antelope Valley, the Haymarket, South Haymarket, Telegraph District and Innovation Campus.

p. 6.3 Support development and implementation of the Downtown Master Plan, South Haymarket Neighborhood Plan, and Antelope Valley Redevelopment Plan.

p. 6.3 Strategies for Greater Downtown...Maintain the urban environment, including a mix of land uses with a major focus on residential uses.

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

DOWNTOWN MASTER PLAN SPECIFICATIONS:

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

p. 4.1.4 Examine existing incentives, such as the City's TIF Policy and Turnback Tax, and develop ways to support a variety of housing types and price points, (affordable, market rate, senior, for sale, high end/ luxury, townhomes, condos) particularly for middle class families.

p. 4.1.4 Support creation of housing at higher densities in Downtown, and include housing as a key component of mixed use developments.

p. 4.4.7 Continue to focus retail efforts, including other active uses, on 14th Street, P Street, and the O Street Corridor.

p. 4.5.5 Respect historic properties and encourage reuse instead of demolition, wherever possible.

LINCOLN CENTER REDEVELOPMENT PLAN SPECIFICATIONS:

p. III-8 Intensify and strengthen Lincoln's central business district as a focal point for regional development;

p. III-8 Provide for compact and interrelated development in order to increase the amount and variety of activity in the core while increasing pedestrian convenience and visual interest;

p. III-8 Encourage rehabilitation/renovation of existing structures throughout the Community Redevelopment Area;

p. III-9 Encourage development that is consistent and complementary to existing land uses, architectural systems, and building materials found Downtown and in the Haymarket;

p. III-9 Encourage expanded housing opportunities and types to foster 24-hour activity and a lively street;

SOUTH OF DOWNTOWN REDEVELOPMENT & STRATEGIC PLAN SPECIFICATIONS:

p. 53 Identified cultural asset: (The neighborhood) has a rich history, much of which has been preserved and landmarked through a mix of National Historic Districts, Local Landmark Districts, National Register Sites, Local Landmark Sites and national Landmark Sites.

p. 61 Projects for Private Improvements: 1. Development of a rental rehab housing improvement program… Improvements and enhancements that support private rehabilitation of existing housing will be identified by Urban Development staff and program guidelines will be established. The source of funds for public improvements made in this area will be Community Improvement Financing (commonly referred to as Tax Increment Financing or TIF) generated from growth in valuations and the private developments within the project area.

p. 63 This project is within the "Mall District" area. The Mall District section of the plan discusses the desire for more food and drink establishments.

ANALYSIS

1. This is an amendment to two redevelopment plans that identifies the Sky Park Apartment Redevelopment Project. The Project boundary intersects both the Lincoln Center Redevelopment Plan and South of Downtown Revitalization and Strategic Plan, so both of those plan amendments are included in this application.

2. Sky Park Apartment was constructed in 1963 and advertised as "the prestige address in downtown Lincoln" and a "tower of gracious living." Over time, portions of the Sky Park premises fell into major disrepair. Sky Park Lincoln, LLC acquired the building with the intentions of carrying out extensive renovations under the National Park Service guidelines for Historic Places and tax credit regulations. The building was added to the National Register of Historic Places in 2016.

3. The Project includes renovations to the Sky Park Apartment building. Interior adjustments in the upper floors will increase the total amount of apartment units from 75 to 81. In addition, plans include improved safety for residents and the public by removal of hazardous materials, bringing the building up to modern building code standards, addressing life safety concerns resulting from deterioration and age of the building, adding modern security improvements, updating the unique common areas, and extensively remodeling the apartments, including opening up the floor plans and installing new kitchens.

4. The overall goals of the Project are to strengthen the Downtown Lincoln business community, strengthen the South of Downtown Neighborhood, remove extremely blighted and substandard conditions, enhance the architectural character of the Capitol Environs District, and make a positive contribution to Lincoln Mall.

5. The Project is consistent with the Lincoln-Lancaster County Comprehensive Plan. One of the overarching goals of the Comprehensive Plan is to enhance Downtown's role as the heart of the City. The Comprehensive Plan encourages residential development in underdeveloped or redeveloping commercial areas in order to remove blighted conditions and to more efficiently utilize existing infrastructure.

6. The Project is consistent with the 2018 Downtown Master Plan. The Downtown Master Plan identifies residential uses as the strongest market opportunity in downtown, supports high density housing, and encourages re-use of historic buildings.

7. The Project is consistent with the Lincoln Center Redevelopment Plan. The primary goal of the Lincoln Center Redevelopment Plan is to enhance Downtown Lincoln as the dominant mixed-use/multi-use center of activity within the region. The Project meets the redevelopment standards set forth in the Lincoln Center Redevelopment Plan, including, but not limited to: intensifying and strengthening Lincoln's central business district as a residential/employment hub of the community; utilizing outdated buildings and removing blight; enhancing the aesthetics of Downtown to improve the pedestrian environment, especially between Downtown and the South of Downtown Neighborhood; encouraging private development in the Project Area that supports and protects a National landmark and Capitol Environs view corridor; and, integrating landscape improvements in the Project Area with existing cultural landmarks (State Capitol and Lincoln statues).

8. The Project is also consistent with the South of Downtown Redevelopment & Strategic Plan. One of the key objectives of the Redevelopment Plan is to build on the neighborhood's unique assets as reflected in both its range of historic buildings and diverse residents. The Redevelopment Plan notes that over time, the neighborhood has seen a "flight" of higher income residents replaced by lower income residents. Vibrant healthy and sustainable urban neighborhoods have a mix of income levels, which, for a low-income neighborhood can lead to the positive and negative effects of gentrification.

   To help off-set any potential loss of affordable housing, the Redevelopment Plan's number one listed Private Improvement strategy is the "development of a rental rehab housing improvement program." The Redevelopment Plan describes Tax Increment Financing ("TIF") as a key funding sources for the implementation of such a rental rehab housing improvement program. Specifically, the Redevelopment Plan proposes a TIF District in the South of Downtown area for a three- to four-year period to implement the rental rehab housing improvement program. The Redeveloper is also proposing a contribution to help increase housing rental rehab improvement funds generated by the TIF District to help fund replacement of affordable housing.

   This project is within the "Mall District" area identified in the Redevelopment Plan. The Mall District section of the plan discusses the desire for more food and drink establishments. While this project doesn't directly add food and drink establishments, the continued residential presence in the building will help to support adjacent restaurants.

9. This site is within the Capitol Environs District. The project was reviewed and approved for exterior improvements by the Capitol Environs Commission on November 20, 2020. The meeting minutes are attached.

10. Details of any associated streetscape enhancements will be determined prior to the redevelopment agreement.

11. The 2021 assessed value of the Project Site is $4,987,400. The final assessed valuation of the Project Site is anticipated to be approximately $10 to $12 million. The Project is expected to generate over a 20-year period approximately $1.4 to $1.8 million in TIF revenue to assist with the cost of the construction of public improvements and enhancements related to the Project. The public investment will leverage over $13 million in private sector resources. The TIF funds will be subject to further adjustment as Project costs are defined.

12. The Redevelopment Plan amendments can be found on the Planning Application Tracking System, search: CPC21012. https://app.lincoln.ne.gov/aspx/city/pats/

EXISTING ZONING: O-1 Office District

EXISTING LAND USES: Residential

SURROUNDING LAND USE AND ZONING:

North:	Lincoln Mall, Commercial	O-1 Office District
South:	Commercial	R-8 Residential District
East:	Public	O-1
West:	13th Street, Commercial	O-1

APPROXIMATE LAND AREA: 1 acre

Prepared by

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

May 27, 2021

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

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

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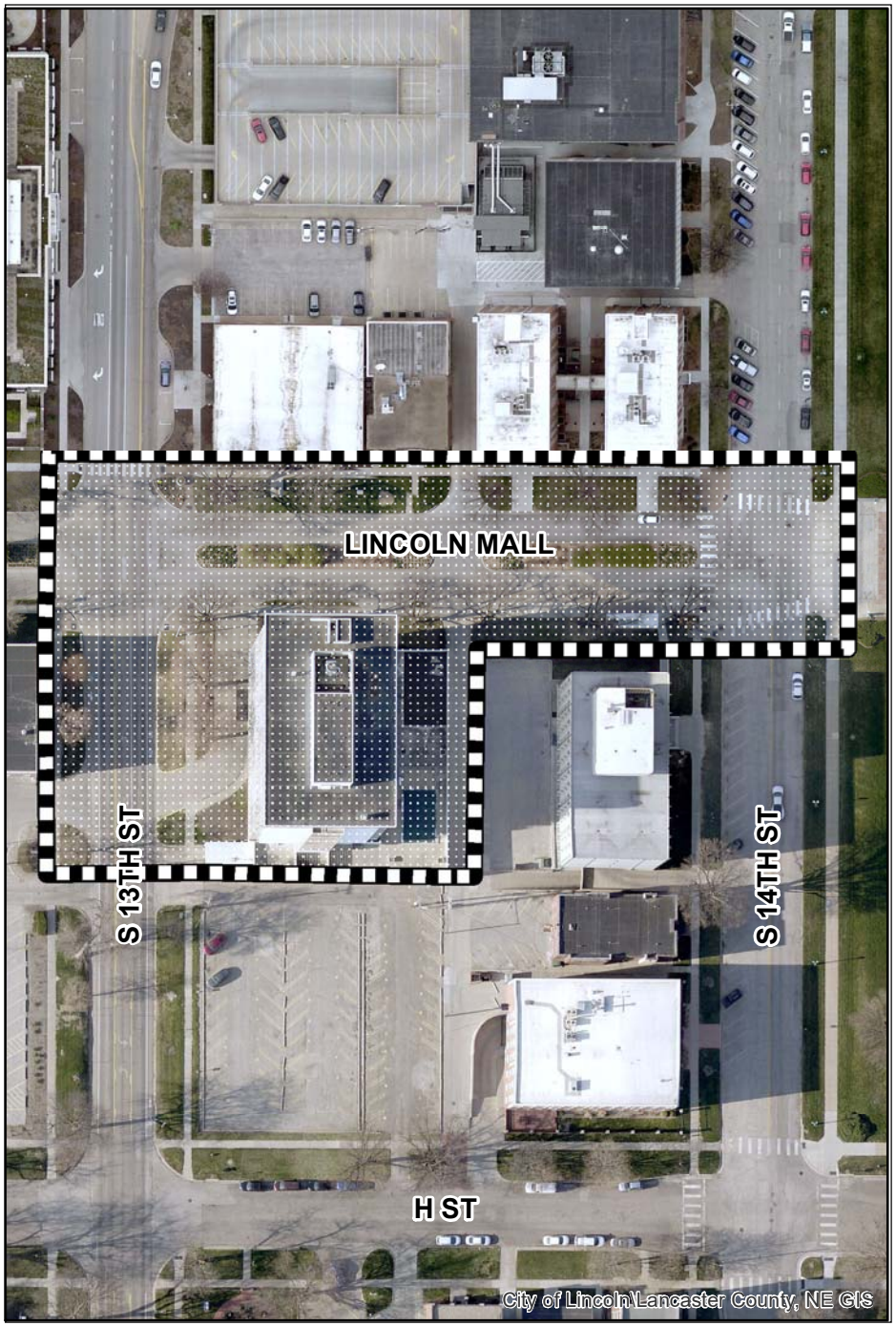

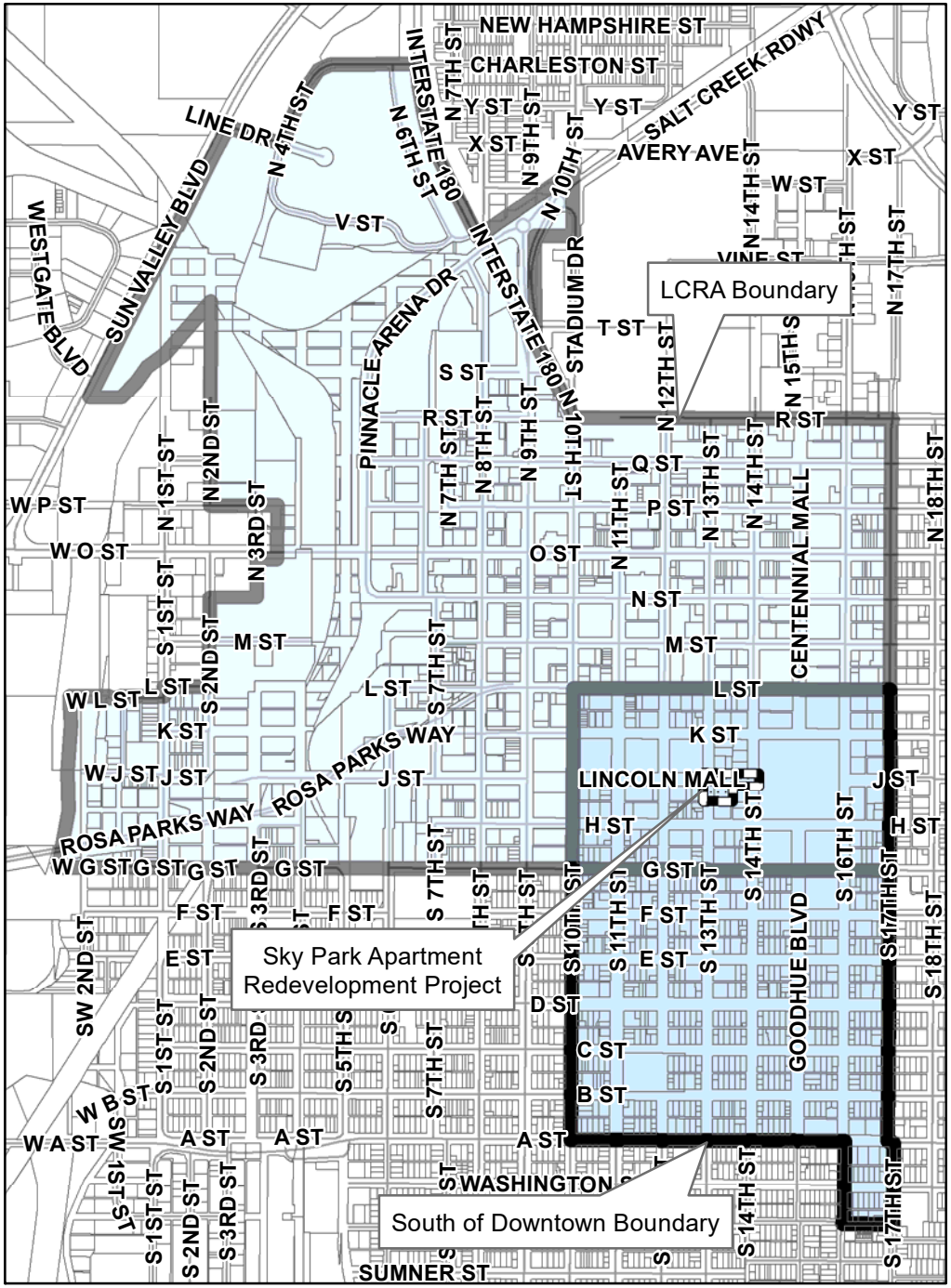

Comprehensive Plan Conformance #21012

2020 aerial

Lincoln Center Redevelopment Plan & South of Downtown Redevelopment & Strategic Plan
Sky Park Apartment Redevelopment Project

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CITY OF LINCOLN NEBRASKA
URBAN DEVELOPMENT
555 South 10th Street, Suite 205 | Lincoln, NE 68508
402-441-7606 | F: 402-441-8711 | urbandev@lincoln.ne.gov

May 11, 2021

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

Dear David:

Enclosed are two plan amendments. The first is for the Lincoln Center Redevelopment Plan and the second is to the South of Downtown Redevelopment and Strategic Plan. Both amendments identify the Sky Park Apartments Redevelopment Project, which is within both redevelopment areas. The project includes the rehabilitation of the existing historical residential structure located at 1301 Lincoln Mall.

Please forward these two plan amendments to the Planning Commission for their earliest consideration for Comprehensive Plan compliance. My understanding is that both amendments should be on the June 9, 2021 agenda.

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

Sincerely,

Ernie Castillo

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

Excerpt Sky Park Manor Remodel

MEETING NOTES

Advanced public notice of the Nebraska Capitol Environs Commission meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Wednesday, November 11, 2020.

NAME OF GROUP:	NEBRASKA CAPITOL ENVIRONS COMMISSION
DATE, TIME AND PLACE OF MEETING:	Friday, November 20, 2020, 8:00 a.m., City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, Nebraska.
MEMBERS IN ATTENDANCE:	Mary Campbell, Heidi Cuca, Delonte Johnson, Kile Johnson, Ann Post and David Quade; (Karen Nalow absent).
OTHERS IN ATTENDANCE:	Collin Christopher and Teresa McKinstry of the Planning Department; Matt Hanson of the Capitol Commission; Doug Hanson of the State Building Division; Melissa Gengler with Historic Resources Group; Delaney Nelson with White Lotus Group; Jen Cross and Bill DeRoin of HDR; and other interested parties.
STATED PURPOSE OF MEETING:	Nebraska Capitol Environs Commission Meeting

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

K. Johnson then called for a motion approving the minutes of the regular meeting held August 28, 2020. Motion for approval made by Cuca, seconded by D. Johnson and carried 5-0: Campbell, Cuca, D. Johnson, K. Johnson and Quade voting 'yes'; Post absent at time of vote; Nalow absent.

SKY PARK MANOR REMODEL AND RESTORATIVE WORK TO THE EXTERIOR
PUBLIC HEARING: November 20, 2020

Members present: Campbell, Cuca, D. Johnson, K. Johnson, Post and Quade voting 'yes'; Nalow absent.

Melissa Gengler is a historic preservation consultant presenting this project on behalf of the project owners and developers. Sky Park Manor is within the Capitol Environs boundaries and also on the list of National Register of Historic Places. This is primarily a new systems upgrade.

The building was completed in 1963 and hasn't been changed since. It has some very dated systems. One of the more notable exterior changes will be new mechanical systems on the roof which require ventilation. New windows will also be installed on the 12th floor. The railing system, which is such a prominent feature of the building, will be restored while also bringing into compliance with relevant codes. The second-floor "Sun and Fun" deck, which includes a pool and a recreation area, will be renovated. And finally, the exterior will be repainted to match its original colors.

Regarding visual changes to the exterior, the roof currently has a sizable penthouse, elevator and mechanical systems. These components are original to the building, which is one of the tallest in the Capitol Environs area. Gengler presented photoshop images of the roof with the new design. The only new features to be added to the roof is a new piece of mechanical equipment and some small vents.

Regarding the interior, the floorplan will remain the same. The owner is exploring historic tax credits for the project, and preserving the floorplan makes that achievable.

K. Johnson asked what changes will be visible on the roof from the Capitol. Gengler responded that the only visible additions to the roof will be one new mechanical unit and the added vents, which will only be visible from the equivalent floors of the Capitol Building. From the street level, those additions will not be visible from a pedestrian point of view.

Gengler continued that several new windows are proposed. All original windows will remain that are undamaged and do not need replaced. Adjacent to the laundry room, they are proposing to expand the area and add new windows for a fitness area. They will match the new windows to existing as close as possible.

Additional cables will be added to the balcony railings to bring them up to code. The railings will be repainted as well. There are panels that divide the balconies, which will be repainted and retained where needed. They intend to stick to the original color palette.

Post noted that some of the porches are enclosed. She inquired if they are individually owned. Gengler stated that they are not owned, but that people just added what they wanted over time. The enclosures will be removed and reopened.

K. Johnson inquired if any additional structural work will be done to the railings. Gengler stated that for exterior tax credits, it must be as original as possible. She showed what the new railings will look like. Additional vertical elements will be added, along with additional horizontal elements to bring the railings to code. The added horizontal element will be a cable rail that will be close to invisible. A lip will also be added to the balcony floor to keep things from rolling off the decks.

Gengler stated that the 2nd floor above the parking garage has what was is called a “Sun and Fun” deck. It wraps around the building from the east to the south. The pool is original, and will be retained. There are large concrete planters, as well as a dimensional concrete wall system. The putting green that was part of the original design is gone. It was replaced with a planting area that was removed due to its excess weight. The pool has been leaking and causing damage in the garage. The whole area will be retained and restored. The pool will be rehabbed and new tile added. The green space will remain. The lights fixtures are original. Those will be retained as well. In order to meet code, one more course of CMU (concrete masonry unit) will be added to the wall.

Campbell questioned who is doing the project. Gengler replied Sampson Construction. She also noted the exterior of the building will be repainted to match the original colors, which was an off-white with bluish gray trim.

Quade asked about the location of the new mechanical unit. Gengler pointed out where it would be located. There is CMU around the unit. For historic tax credits, they did not want to see anything added to the existing unit. This will be added and painted out to match the original.

Quade believes it will be good to get rid of the existing balcony enclosures. Gengler agreed. There is not consistency in the appearance.

D. Johnson sees this all as very appropriate. Campbell and Cuca agreed. Post believes it will be great to see it restored to its former glory. K. Johnson agreed as well. It will be nice to see this restored.

Cuca asked about occupancy. Gengler responded it is about half occupied. Tenants will be relocated to one side while the other half is being done and vice versa. She noted there is still a fallout feature in the basement.

ACTION:

Cuca moved approval of a Certificate of Appropriateness for the work as proposed, seconded by Post and carried 6-0: Campbell, Cuca, D. Johnson, K. Johnson, Quade and Post voting ‘yes’; Nalow absent.

There being no further business, the meeting was adjourned at 9:15 a.m.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

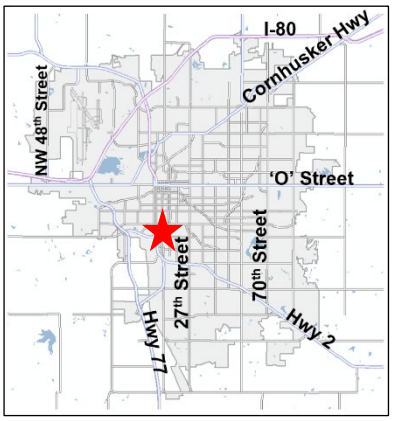
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Change of Zone #21015	No	VerMaas Land Company, LLC
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
June 9, 2021	UP43C; UP152B	Highway 2 and Calvert Street

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from O-3 Office to B-2 Planned Neighborhood Business district on the property located southeast of Calvert Street and Highway 2. This change of zone is to allow commercial uses within the existing built out centers on either side of S. 13th Street. The Change of zone area consists of approximately 27.45 acres. In addition to this request, applications were submitted to amend Use Permit #43B and Use Permit #152A to remove the restriction to only office uses in the use tables if the proposed zone change is approved.



APPLICATION CONTACT

Mike Eckert, (402) 423-2424 or meckert@civildg.com

STAFF CONTACT

Stephanie Rouse, (402) 441-6373 or srouse@lincoln.ne.gov

JUSTIFICATION FOR RECOMMENDATION

This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan because the proposal will allow the existing centers to respond to market changes which reflect a decline in office demand and rise in commercial needs. The change encourages reuse of the existing buildings and supports economic development. This change will not significantly impact adjacent residential uses.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The area encompassed within this request is designated for public and commercial uses. The proposal will help maintain and encourage new businesses in existing buildings along a regional thoroughfare, as well as allow for a mix of retail and office uses within the center as encouraged in the Comprehensive Plan. With the conditions of approval, the change in zone will be compatible with the residential neighborhood to the east and help serve the nearby residents.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - This site is shown primarily as future Commercial on the 2040 Lincoln Area Future Land Use Plan, however a small portion which includes the post office at the north end of the area is shown as Public.

P. 12.4 – Commercial land use includes areas of retail, office, service, and residential mixed uses. Commercial uses may vary widely in their intensity of use and impact. Individual areas designated as commercial in the land use plan may not be appropriate for every commercial zoning district.

P. 5.2 - Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.

P. 5.2 - Provide flexibility to the marketplace in siting future commercial and industrial locations.

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

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

ANALYSIS

1. This is a request for a change of zone from O-3 Office to B-2 Planned Neighborhood Business district to allow the existing business centers to convert some tenant space to retail and service uses. The change of zone area would include approximately 27.45 acres of fully built out sites. The area is generally located to the southeast of Highway 2 and Calvert Street.
2. This area developed in two phases. The Stockwell Office Park, located southeast of 13th Street and Stockewell Street, was first approved and constructed in 1988 and consisted of 35,000 square feet of professional and business service uses. In 2003, a similar development was approved to the west with 49,900 square feet of medical, financial, and office space.
3. The Future Land Use Map designates most of this area as commercial land uses, the remainder designated as public reflective of the post office use at the north end. The proposed B-2 zoning is consistent with that designation and allows a range of compatible uses.
4. Rezoning these lots to B-2 Commercial should not increase traffic in the area. The two office parks are adjacent to Highway 2, a regional transportation route that will likely see a decline in traffic as the South Beltway is complete. The area has urbanized significantly since the first office park was constructed in 1988 and the B-2 zoning would provide the opportunity for a range of goods and services to serve the area.
5. Recent trends in the market have revealed a declining need for office space in some sectors. The location of the office complexes along a high traffic regional thoroughfare may also be less desirable for some office tenants. The approximately 85,000 square feet of office space would better serve the community as a mix of office and commercial uses as allowed by the B-2 zone change.
6. Along with the zone change amendments to the Use Permits covering these parcels are being processed. This will remove the limit to office use for all lots within the area being rezoned except for Lots 4 and 5 in the Stockwell Office Park which will remain limited to office use given their location across the street from single-family dwellings.

ASSOCIATED APPLICATIONS: UP#43C and UP#152B, requests to amend the Stockwell and VerMass use permits to update the land use tables to allow commercial uses.

EXISTING LAND USE & ZONING: Office Park, Post Office; O-3

SURROUNDING LAND USE & ZONING

North: Commercial and Multi-family; B-1 Commercial, H-3 Highway Commercial
South: Public right-of-way; P Public
East: Commercial and Single-family; P Public, B-1 Commercial, R-2 Residential
West: Commercial; I-1 Industrial

APPLICATION HISTORY (UP43; S. 13th Street and Stockwell Street):

Jan. 4, 1988 CZ2368 was approved changing the zoning from P Public to O-3 Office and UP43 approved to construct a 35,000 square foot professional or business services office complex

Feb. 12, 2001 UP43A was approved revising the site plan

July 18, 2005 AA05061 was approved revising the site layout including the detention and landscaping

Sept. 15, 2010 AA10052 was approved revising the parking lot and parking tables

Feb 3, 2003 UP43B was denied which would have revised the sign plan

APPLICATION HISTORY (UP152; Hwy 2 and Calvert Street):

Oct. 8, 2003 CZ3414 was approved changing the zoning from P Public to O-3 Office and UP152 was approved for 49,900 square feet of medical, financial, and office space with several waivers

Jan. 30, 2004 AA03094 was approved reducing the driveway width at Hwy 2 and changing the street name

June 2, 2004 AA04037 was approved to revise the landscape plan

Sept. 9, 2005 AA05092 was approved to relocate the center ground sign

Aug. 31, 2006 AA06076 was approved to update the land use and parking tables

Jan. 5, 2007 AA06124 was approved to adjust the building envelope and square footage on Lots 2 and 3

July 25, 2013 UP152A was approved reducing the front yard setback for parking

APPROXIMATE LAND AREA: 27.45 acres

LEGAL DESCRIPTION: Lots 2, 3, 4, 5, 6, and 8 Pioneers Pointe Plaza Addition; Lot 1, Pioneers Pointe Plaza First Addition; Lot 1, Pioneers Pointe Plaza 2nd Addition; Lots 1, 2, 3, and 5 Stockwell Office Park Addition; and Lot 1 and Outlot A Stockwell Office Park 2nd Addition.

Prepared by

_____
Stephanie Rouse, Planner

Date: May 26, 2021

Applicant: VerMaas Land Company, LLC
1900 SW 6th Street
Lincoln, NE 68522
(402) 423-3860

Contact: Civil Design Group, Inc.
8535 Executive Woods Drive, Suite 200
Lincoln, NE 68512
(402) 423-2424

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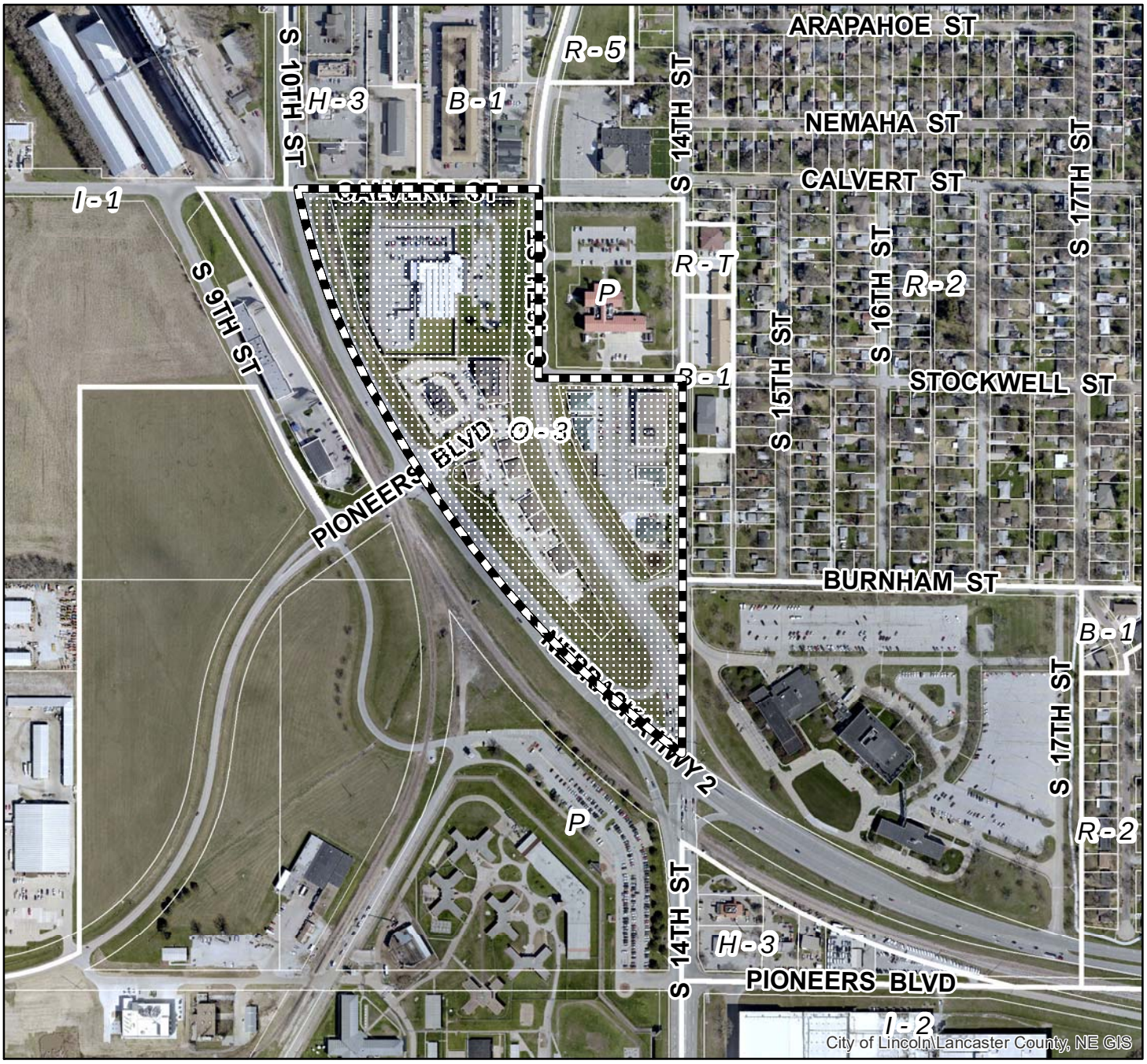


2020 aerial

Change of Zone #: CZ21015 (O-3 to B-2)
HIghway 2 & Calvert St

Zoning:

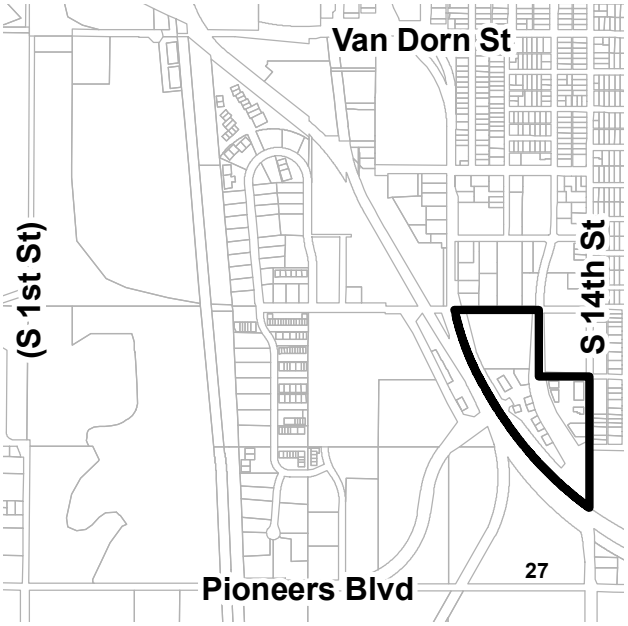
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	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.02 T09N R06E

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



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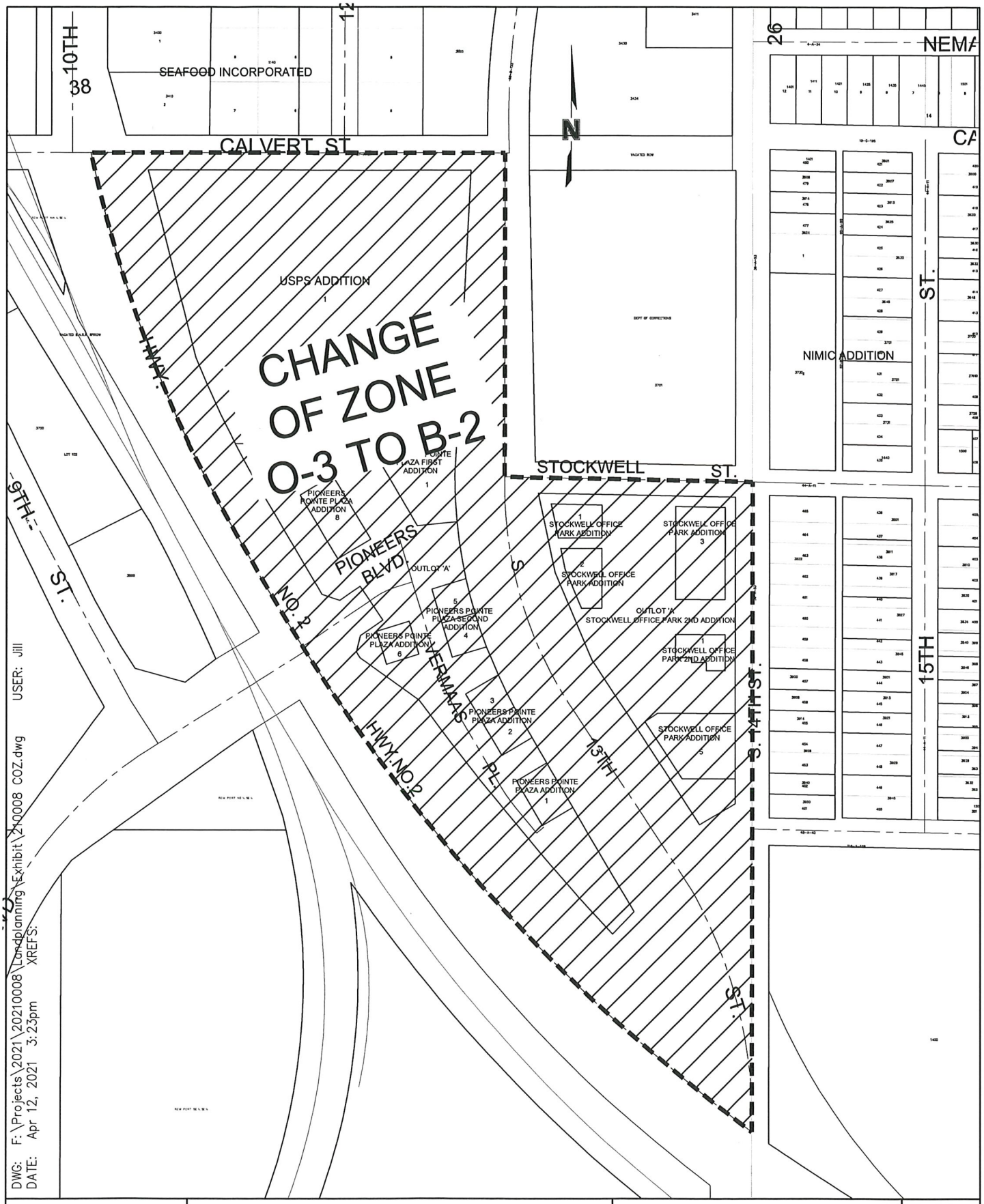

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DATE: Apr 12, 2021 3:23pm XREFS:

drawn by:	jds	**CHANGE OF ZONE EXHIBIT HIGHWAY 2 & CALVERT ST. LINCOLN, NEBRASKA**	EXHIBIT
checked by:	-		1
project no.:	2021-0008		
date:	04/12/2021		

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

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

Civil Design Group, Inc.

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

April 13, 2021

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

Re: Application for a Change of Zone from O-3 to B-2 for land generally encompassed by Hwy 2, S. 14th St and Calvert Street. CDG Project # 2021-0008.

Dear Mr. Cary:

On behalf of the owners of Pioneers Pointe Plaza we are requesting a change of zone from O-3 to B-2 as shown on the attached Change of zone exhibit. Due to fluctuations in the demand for office space we are requesting this change of zone to allow for more marketable uses on the respective properties covered by this application. In our pre-submittal application with Planning staff, they expressed their desire to apply the change of zone for entire area that is currently zoned O-3 to allow for zoning continuity. The additional owners of those properties cover by this application have indicated their support for this broader change of zone.

With this application we submit the following items:

Application for Change of Zone
Change of Zone Fee of $988.00
Change of Zone Exhibit

I hope that this letter in conjunction with the exhibit assists you in reviewing this request for a change of zone. 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: Vermaas Land Company, LLC
Stockwell Office Park Association
USPS

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

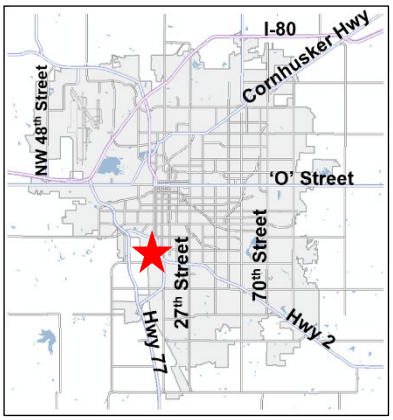
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Use Permit #43C	Yes	VerMaas Land Company, LLC.
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
June 9th, 2021	CZ21015	S. 13th Street and Stockwell St.

RECOMMENDATION: APPROVE WITH CONDITIONS

BRIEF SUMMARY OF REQUEST

This is a request for an amendment to Use Permit #43B to amend the permitted land uses to allow commercial uses on all lots within the boundaries of the original use permit except for Lots 4 and 5 which are adjacent to residential. This amendment is associated with Change of Zone #21015 to rezone the property from O-3 Office to B-2 Planned Neighborhood Business district.



JUSTIFICATION FOR RECOMMENDATION

The area developed over twenty years ago as a standalone office park, when development patterns supported such a use. Today, the need for office space is declining, while the demand for mixed use districts and availability of commercial in proximity to residential neighborhoods is rising. The allowed uses in the B-2 Planned Neighborhood Business zoning district can help provide goods and services to the surrounding area and provide additional opportunities to fill the existing tenant space within the office park. This change will not significantly impact adjacent residential uses.

APPLICATION CONTACT
Mike Eckert, (402) 423-2424 or meckert@civildg.com

STAFF CONTACT
Stephanie Rouse, (402) 441-6373 or srouse@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The B-2 zoning district is designed for sites bounded by major roadways, but also those that are adjacent to neighborhoods. It allows uses that are both suitable next to Highway 2, and that are also not too intense considering the residential to the east. The Comprehensive Plan encourages development in a manner that is consistent and compatible with surrounding land uses that can meet the requirements of the Zoning and Subdivision Ordinances.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - This site is designated for future commercial land uses in the 2040 Lincoln Area Future Land Use Plan.

P. 2.8 - Guiding Principles for Community Form: The Urban Environment
- Mixed use redevelopment, adaptive reuse, and well-designed and appropriately-placed infill development, including residential, commercial and retail uses, are encouraged.

P. 6.6 - In proximity to planned or existing neighborhoods and community services, to facilitate access to existing community services or to address a deficiency by providing services such as grocery stores, childcare centers, and restaurants.

P. 5.1-5.2 - Business & Economy Guiding Principles
- Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.
- Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.
- Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.
- Provide flexibility to the marketplace in siting future commercial and industrial locations.
- Strive for predictability for neighborhoods and developers.
- Encourage and provide incentives for mixed uses in future developments.

P. 5.7-5.8 - Strategies for Commercial Centers
- Disperse Commercial Centers throughout the community to support convenience of access and to lessen impacts on infrastructure.
- Discourage single use centers. Office parks should include supporting retail and residential components, while shopping centers should include supporting office and residential uses.

P. 5.14-5.16 - Strategies for Commercial Infill
- Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.

ANALYSIS

1. This request would amend the use permit to allow commercial uses on all lots except 4 and 5 within the existing office park. The area would include approximately 3.6 acres of fully built out sites. The area is generally located to the southeast of Stockwell Street and S. 13th Street.
2. When the Stockwell Office Park was first approved and constructed in 1988 it was allowed 35,000 square feet of professional and business service uses.
3. The Future Land Use Map designates this area commercial. The proposed B-2 zoning as part of CZ#21015 is consistent with that designation and allows a range of compatible uses. Therefore, the amendment to update the land use table to show commercial uses is also consistent.
4. Lots 4 and 5 are across 13th Street from single-family dwellings. To provide a transition to a more intensive use, these two lots will remain restricted to office use so long as residential uses remain to the east.
5. Recent trends in the market have revealed a declining need for office space in some sectors. The location of the office complexes along a high traffic regional thoroughfare may also be less desirable for some office tenants. The approximately 85,000 square feet of office space located within this development and the VerMaas Office Park to the west would better serve the community as a mix of office and commercial uses as allowed by the B-2 zone change and use permit amendment to update the land use table with commercial uses.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Office Park; O-3

SURROUNDING LAND USE & ZONING

North: Department of Corrections; P
South: Public right-of-way; P Public
East: Commercial and Single-family; P Public, B-1 Commercial, R-2 Residential
West: Office Park; O-3 (proposed for B-2 zoning)

APPLICATION HISTORY

Jan. 4, 1988 CZ2368 was approved changing the zoning from P Public to O-3 Office Park District and UP43 approved to construct a 35,000 square foot professional or business services office complex

Feb. 12, 2001 UP43A was approved revising the site plan

July 18, 2005 AA05061 was approved revising the site layout including the detention and landscaping

Sept. 15, 2010 AA10052 was approved revising the parking lot and parking tables

Feb 3, 2003 UP43B was denied which would have revised the sign plan

APPROXIMATE LAND AREA: 3.6 acres

LEGAL DESCRIPTION: Lot 1, 2, 3, and 5 Stockwell Office Park Addition; Lot 1 and Outlot A, Stockwell Office Park 2nd Addition

Prepared by

_____
Stephanie Rouse, Planner

Date: May 26, 2021

Applicant: VerMaas Land Company, LLC
1900 SW 6th Street
Lincoln, NE 68522
(402) 423-3860

Contact: Civil Design Group, Inc.
8535 Executive Woods Drive, Suite 200
Lincoln, NE 68512
(402) 423-2424

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CONDITIONS OF APPROVAL – USE PERMIT #43C

This approval permits commercial uses as allowed in the B-2 zoning district on all lots within the Use Permit except on Lots 4 and 5 which will remain limited to office uses.

Site Specific Conditions:

1. The City Council approves associated request:

    1.1 Change of Zone #21015

2. 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 upon approval:

    2.1 Update the site plan with the B-2 designation in all areas where B-3 is noted.

    2.2 Revise the table to reflect commercial uses on all lots except 4 and 5.

    2.3 Remove all notes on Lots 1-3 indicating “general office building.”

Standard Conditions:

3. The following conditions are applicable to all requests:

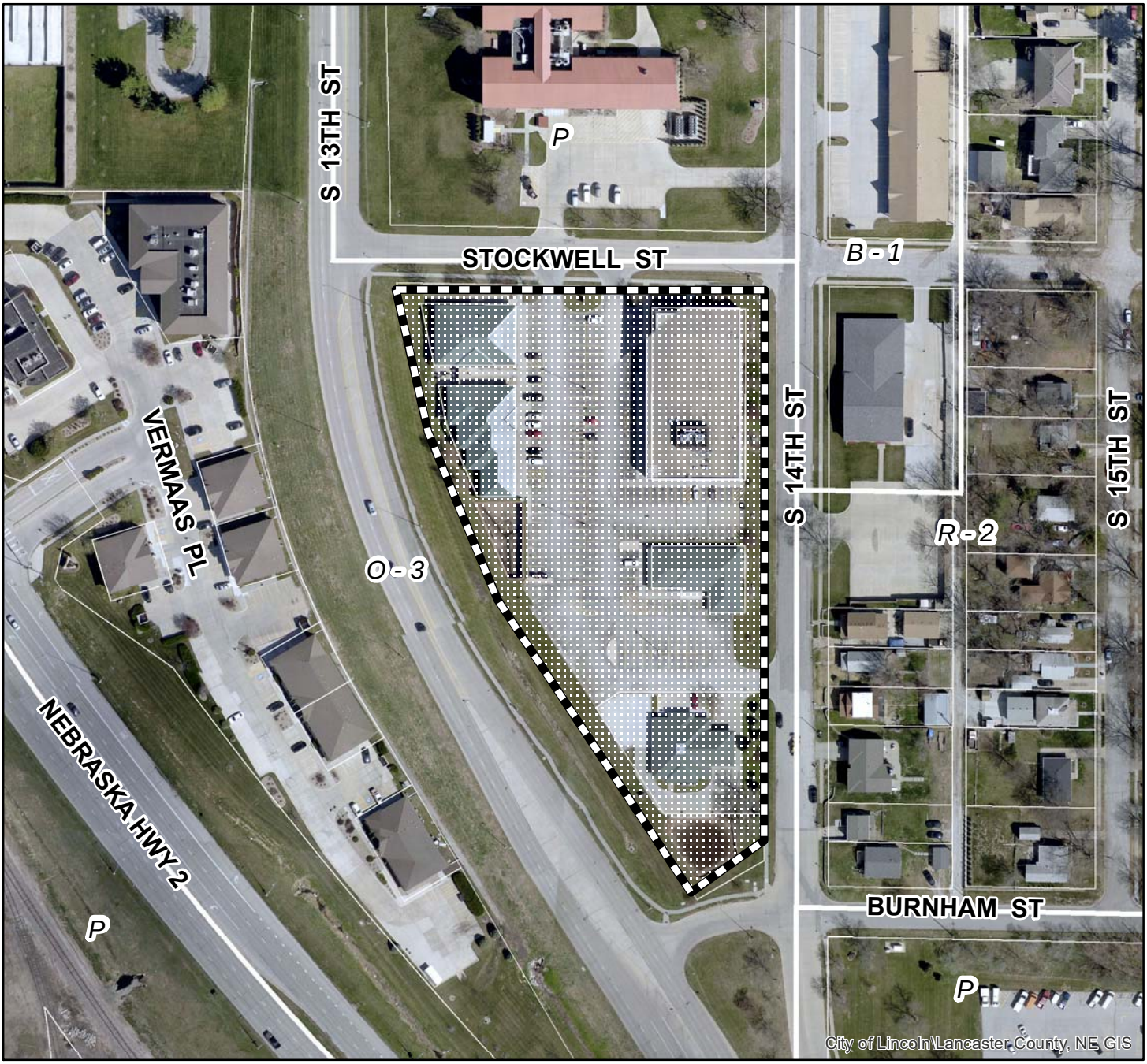
    3.1 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the Permittee or an appropriately established property owners association approved by the City.

    3.2 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.

    3.3 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, 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.

    3.5 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions/ordinances approving previous permits remain in force unless specifically amended by this resolution.



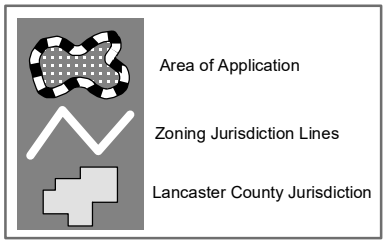
2020 aerial

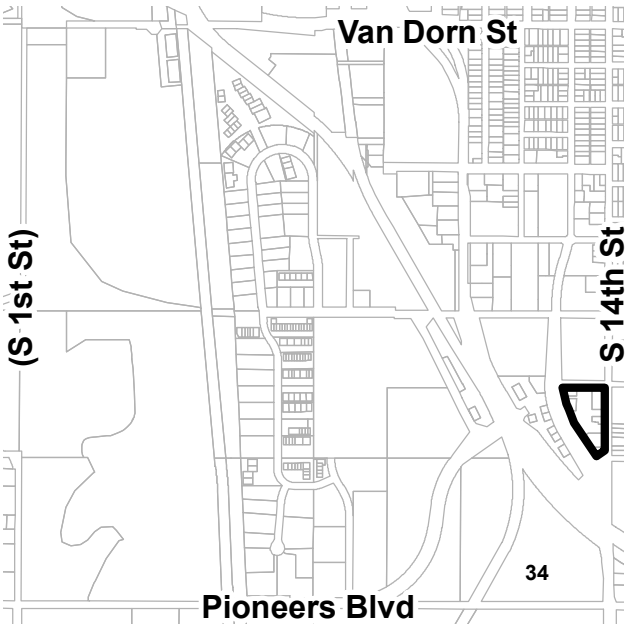
Use Permit #: UP43C
S 13th St & Stockwell St

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.02 T09N R06E





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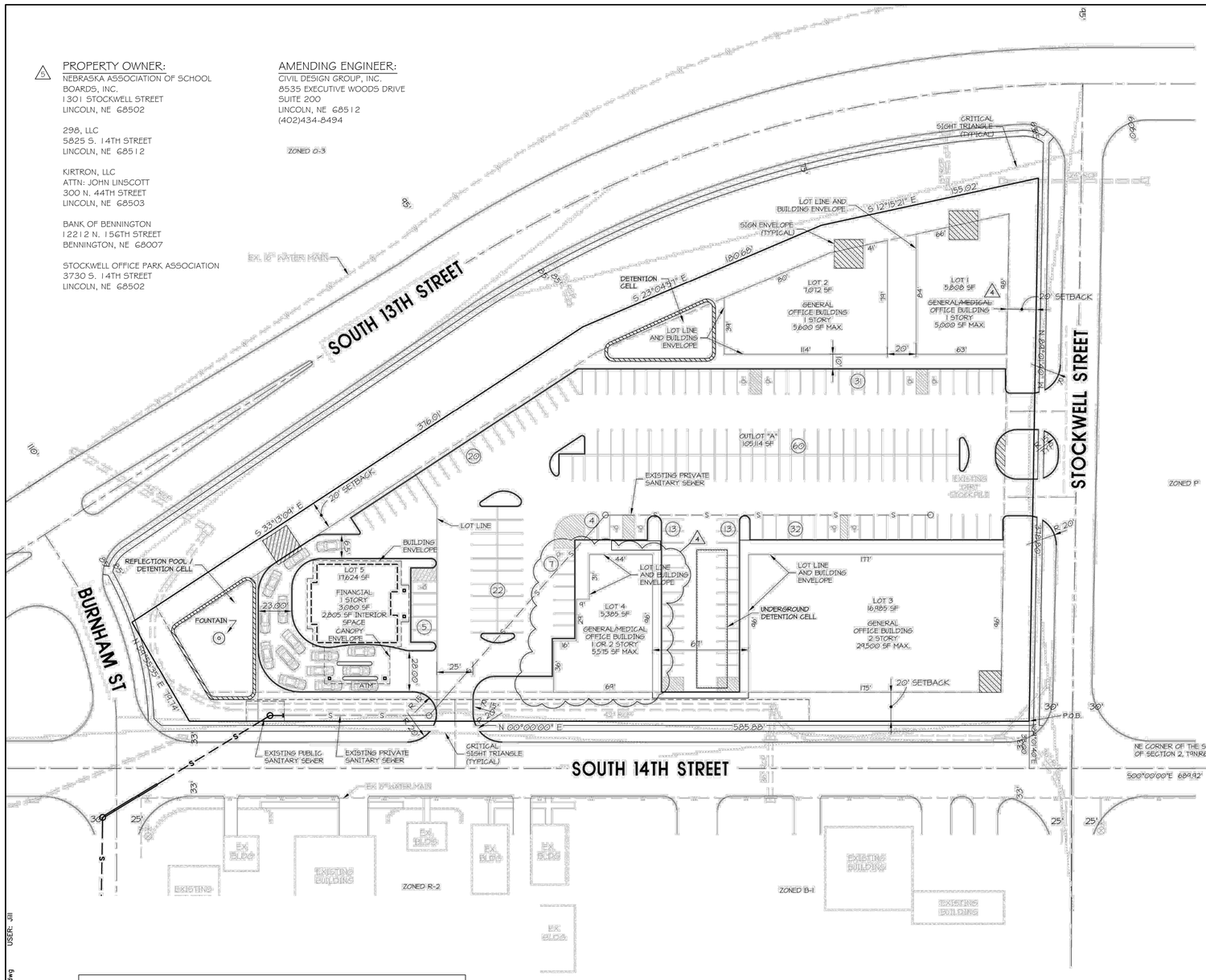


△5 PROPERTY OWNER:
NEBRASKA ASSOCIATION OF SCHOOL BOARDS, INC.
1301 STOCKWELL STREET
LINCOLN, NE 68502

298, LLC
5825 S. 14TH STREET
LINCOLN, NE 68512

KIRTRON, LLC
ATTN: JOHN LINSCOTT
300 N. 44TH STREET
LINCOLN, NE 68503

BANK OF BENNINGTON
12212 N. 156TH STREET
BENNINGTON, NE 68007

STOCKWELL OFFICE PARK ASSOCIATION
3730 S. 14TH STREET
LINCOLN, NE 68502

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

ZONED O-3

PROJECT ZONING

B-3

HISTORY OF AMENDMENTS

ORIGINAL USE PERMIT: #UP43
- APPROVED JANUARY 4, 1988

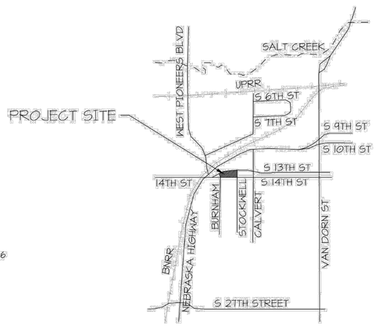
△1 AMENDED USE PERMIT: #UP43A
- APPROVED FEBRUARY 12, 2001
REVISED ENTIRE SITE

△2 ADMINISTRATIVE AMENDMENT TO USE PERMIT #UP43A: #AA1026
- APPROVED APRIL 27TH, 2001
REVISED LOT 5 BOUNDARY. ADDED NOTE 26.
REVISED LOT 5 DRIVE AISLES AND BUILDING ENVELOPE

△3 ADMINISTRATIVE AMENDMENT TO USE PERMIT #UP43A:
- APPROVED
REVISED LOT 4 BOUNDARY.
ADDED PARKING BETWEEN LOTS 4 AND 3
ADDED PARKING BETWEEN LOTS 4 AND 5
REMOVED PRIVATE WATERMAIN (NEVER CONSTRUCTED)
REVISED DETENTION CELL IN BASIN "A1"
ADDED LANDSCAPING FOR ADDITIONAL PARKING

△4 ADMINISTRATIVE AMENDMENT TO USE PERMIT #UP43A:
REPLAT LOT 4 AND OUTLOT A
ADJUST PARKING LOT
ADJUST PARKING TABLE

△5 AMENDMENT TO USE PERMIT #UP43B:
CHANGE OF ZONE TO B-3
ADD NOTE 27
UPDATE OWNERS & LEGAL



AREA VICINITY MAP
NO SCALE

GENERAL NOTES

1. ALL ELEVATIONS AND CONTOURS ARE TO NAVD '88.
2. LOT DIMENSIONS MAY VARY UP TO FIVE FEET.
3. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
4. ALL DIMENSIONS ARE TO FACE OF CURB.
5. EASEMENTS SHOWN THEREON SHALL BE GRANTED IN THE FINAL PLAT IN PERPETUITY TO THE CITY OF LINCOLN NEBRASKA, A MUNICIPAL CORPORATION, LINCOLN ELECTRIC SYSTEM, ALLTEL, TIME WARNER ENTERTAINMENT, BLACK HILLS ENERGY, THEIR SUCCESSORS AND ASSIGNS, TO ALLOW ENTRY FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, OPERATION AND MAINTENANCE OF WIRES, CABLES, CONDUITS, FIXTURES, POLES, PIPES, AND EQUIPMENT FOR DISTRIBUTION OF ELECTRICITY, GAS, TELEPHONE, CABLE TELEVISION, WATER, SANITARY SEWER, STORM DRAINAGE AND ALL APPURTENANCES THERETO, OVER, UPON, OR UNDER THE EASEMENTS AS SHOWN ON THE FOREGOING SITE PLAN. THE CONSTRUCTION OR LOCATION OF ANY BUILDINGS OR STRUCTURE, EXCLUDING FENCES SHALL BE PROHIBITED.
6. A BLANKET UTILITY EASEMENT SHALL BE GRANTED IN THE FINAL PLAT OVER OUTLOT 'A' FOR ALLTEL, TIME WARNER CABLE AND THE LINCOLN ELECTRIC SYSTEM.
7. ANY CONSTRUCTION OR GRADE CHANGES IN LINCOLN ELECTRIC SYSTEM (LES) TRANSMISSION LINE EASEMENT CORRIDORS ARE SUBJECT TO LES APPROVAL AND MUST BE IN ACCORDANCE WITH LES DESIGN AND SAFETY STANDARDS.
8. A COMMON ACCESS EASEMENT SHALL BE GRANTED IN THE FINAL PLAT OVER OUTLOT 'A' TO PROVIDE ACCESS TO LOTS 1 THROUGH 5. A COMMON PARKING EASEMENT SHALL BE DEDICATED OVER OUTLOT 'A' FOR THE BENEFIT OF LOTS 1 THROUGH 5.
9. HANDICAP ACCESSIBLE PARKING STALLS AND RAMPS SHALL BE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, FEDERAL REGISTER / VOLUME 56, NUMBER 144 / RULES AND REGULATIONS.
10. PARKING STALLS, SIDEWALKS, DRIVEWAYS, AND PAVEMENT SHALL BE DESIGNED AND BUILT IN COMPLIANCE WITH CITY OF LINCOLN DESIGN STANDARDS. PARKING LOT PAVING TO BE 5" OF CLASS "A" PORTLAND CEMENT CONCRETE, OR 6" OF ASPHALTIC CONCRETE, OR 4" OF CRUSHED ROCK BASE, AND 3" OF ASPHALTIC CONCRETE. SIDEWALKS TO BE 4" CONCRETE.
11. A MINIMUM SIX FOOT SIDEWALK SHALL BE BUILT AROUND ALL PARKING AND BUILDING AREAS AS SHOWN.
12. ALL DRIVEWAYS AND DRIVING AISLES SHALL BE 25 FEET WIDE, UNLESS SHOWN OTHERWISE.
13. AN APPROVED BARRIER ALONG BOTH SIDES OF ALL DRIVEWAYS AND ALONG THE PERIMETER OF ALL PARKING AREAS SHALL BE PROVIDED.
14. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PROPREPARAITION AND FURTHER TO SUBMIT A SEEDING AND MAINTENANCE SCHEDULE TO THE PUBLIC WORKS AND UTILITIES DEPARTMENT BEFORE SITE GRADING BEGINS.
15. ORNAMENTAL LIGHTING SHALL BE IN ACCORDANCE WITH LES REQUIREMENTS.
16. ALL LANDSCAPING AND STREET TREES SHALL BE INSTALLED IN COMPLIANCE WITH DESIGN STANDARDS AND WILL BE LOCATED OUTSIDE OF ALL APPLICABLE CRITICAL SITE TRIANGLES.
17. EXISTING TREES AND OTHER VEGETATION SHALL BE REMOVED AS SHOWN.
18. THE DEVELOPER AGREES TO INSTALL SIDEWALK ALONG SOUTH 13TH STREET. DUE TO THE GRADE OF THE SOUTH 13TH STREET RIGHT OF WAY, THE SIDEWALK WILL BE LOCATED BETWEEN THE CURB OF SOUTH 13TH STREET AND THE STREET LIGHT POLES.
19. BUILDINGS SHALL NOT EXCEED 45' IN HEIGHT.
20. A WAVIER IS HEREBY REQUESTED TO ALLOW PLACEMENT OF SIGNAGE WITHIN FRONT YARD SETBACKS ALONG 13TH STREET.
21. ALL SIGNS SHALL BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE L.M.C., EXCEPT TO THE EXTENT A WAIVER IS GRANTED PERMITTING SIGNAGE IN THE FRONT YARD SETBACK ALONG SOUTH 13TH STREET.
22. ALL SIGNS SHALL BE LOCATED OUTSIDE OF ALL APPLICABLE CRITICAL SITE TRIANGLES.
23. NO PART OF THE BUILDING, INCLUDING PROJECTIONS SHALL EXTEND PAST ANY LOT LINE.
24. DEVELOPMENT OF THE SITE WILL BE CONSISTENT WITH THE THEME INCLUDED AS EXHIBIT "A" AS PART OF USE PERMIT APPROVAL.
25. FINAL DESIGN OF THE DETENTION CELL IN THE SOUTHEAST CORNER OF PROPERTY SHALL INCLUDE A WATER LEVEL, AND FOUNTAIN.
26. AN OWNER'S ASSOCIATION WILL BE CREATED FOR THE MAINTENANCE OF THE PARKING LOT, SIDEWALKS, LANDSCAPING AND DETENTION CELLS.
△5 27. LOTS 4 AND 5 SHALL BE RESTRICTED TO O-3 USES SO LONG AS THE LAND TO EAST IS ZONED RESIDENTIAL.

PROJECT SITE DATA

DESCRIPTION	SQ. FT.	STALL PER SQ.FT.	REQ. PARKING	ACTUAL STALLS	H.C. STALLS
GENERAL/MEDICAL OFFICE					
LOT 1	5,000	225			
LOT 4	5,515	225			
TOTAL LOTS 1 & 4	10,515	225	47		
GENERAL OFFICE					
LOT 2	5,600	300			
LOT 3	29,500	300			
TOTAL LOTS 2 & 3	35,100	300	117		
FINANCIAL					
LOT 5	3,000	300	10		
SITE TOTAL	48,615		174	~~178~~ 192 △4	11

LEGEND

- EXISTING WATER
- W PROPOSED WATER
- EXISTING SANITARY SEWER
- S PROPOSED SANITARY SEWER
- SIGN ENVELOPE
- △0 AMENDMENTS

LEGAL DESCRIPTION

△5 LOT 1, 2, 3, AND 5 STOCKWELL OFFICE PARK ADDITION
LOT 1 AND OUTLOT 'A', STOCKWELL OFFICE PARK 2ND ADDITION

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

REVISIONS

	DATE	DESCRIPTION
△4		

SITE PLAN

STOCKWELL OFFICE PARK
USE PERMIT #43B

LINCOLN, NEBRASKA

2021

drawn by: JDS
checked by: -
approved by: -
project no.: 2021-0008
date: 04/28/2021

SHEET 1 OF 1

DWG: F:\Projects\2021\2021008\Landplanning\Use Permit\210008 Use Permit - Stockwell.dwg
DATE: Apr 30, 2021 7:50am
USER: Jill
XREFS:

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

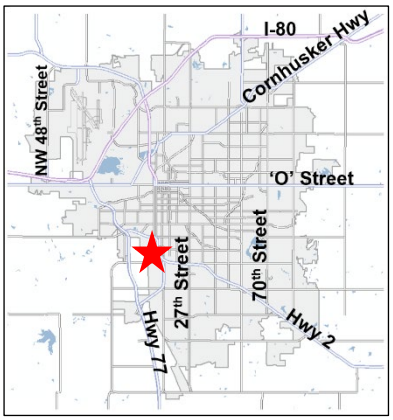
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Use Permit #152B	Yes	VerMaas Land Company, LLC.
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
June 9th, 2021	CZ21015	Hwy 2 and Calvert Street

RECOMMENDATION: APPROVE WITH CONDITIONS

BRIEF SUMMARY OF REQUEST

This is a request for an amendment to Use Permit #152C to amend the permitted land uses to allow commercial uses on all lots within the boundaries of the original use permit. This amendment is associated with Change of Zone #21015 to rezone the property from O-3 Office to B-2 Planned Neighborhood Business district.



JUSTIFICATION FOR RECOMMENDATION

The area developed over twenty years ago as a standalone office park, when development patterns supported such a use. Today, the need for office space is declining, while the demand for mixed use districts and availability of commercial in proximity to residential neighborhoods is rising. The allowed uses in the B-2 Planned Neighborhood Business zoning district can help provide goods and services to the surrounding area and provide additional opportunities to fill the existing tenant space within the office park. This change will not significantly impact adjacent residential uses.

APPLICATION CONTACT
Mike Eckert, (402) 423-2424 or meckert@civildg.com

STAFF CONTACT
Stephanie Rouse, (402) 441-6373 or srouse@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The B-2 zoning district is designed for sites bounded by major roadways, but also those that are adjacent to neighborhoods. It allows uses that are both suitable next to Highway 2, and that are also not too intense considering the residential to the east. The Comprehensive Plan encourages development in a manner that is consistent and compatible with surrounding land uses that can meet the requirements of the Zoning and Subdivision Ordinances.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - This site is designated for future commercial land uses in the 2040 Lincoln Area Future Land Use Plan.

P. 2.8 - Guiding Principles for Community Form: The Urban Environment
- Mixed use redevelopment, adaptive reuse, and well-designed and appropriately-placed infill development, including residential, commercial and retail uses, are encouraged.

P. 6.6 - In proximity to planned or existing neighborhoods and community services, to facilitate access to existing community services or to address a deficiency by providing services such as grocery stores, childcare centers, and restaurants.

P. 5.1-5.2 - Business & Economy Guiding Principles
- Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.
- Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.
- Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.
- Provide flexibility to the marketplace in siting future commercial and industrial locations.
- Strive for predictability for neighborhoods and developers.
- Encourage and provide incentives for mixed uses in future developments.

P. 5.7-5.8 - Strategies for Commercial Centers
- Disperse Commercial Centers throughout the community to support convenience of access and to lessen impacts on infrastructure.
- Discourage single use centers. Office parks should include supporting retail and residential components, while shopping centers should include supporting office and residential uses.

P. 5.14-5.16 - Strategies for Commercial Infill
- Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.

ANALYSIS

1. This request would amend the use permit to allow commercial uses on all lots within the existing office park. The area would include approximately 4.79 acres of fully built out sites. The area is generally located to the southeast of Hwy 2 and Calvert Street.
2. When the VerMaas Office Park was first approved and constructed in 2003 it was allowed 49,900 square feet of medical, financial, and office uses.
3. The Future Land Use Map designates this area commercial. The proposed B-2 zoning as part of CZ#21015 is consistent with that designation and allows a range of compatible uses. Therefore, the amendment to update the land use table to show commercial uses is also consistent.
4. Recent trends in the market have revealed a declining need for office space in some sectors. The location of the office complexes along a high traffic regional thoroughfare may also be less desirable for some office tenants. The approximately 85,000 square feet of office space located within this development and the Stockwell Office Park to the east would better serve the community as a mix of office and commercial uses as allowed by the B-2 zone change and use permit amendment to update the land use table with commercial uses.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Office Park; O-3

SURROUNDING LAND USE & ZONING

North: Post Office; O-3 (proposed for B-2 zoning)
South: Public right-of-way; P Public
East: Office; O-3 Office (proposed for B-2 zoning)
West: Public right-of-way; P Public

APPLICATION HISTORY:

Oct. 8, 2003 CZ3414 was approved changing the zoning from P Public to O-3 Office and UP152 was approved for 49,900 square feet of medical, financial, and office space with several waivers

Jan. 30, 2004 AA03094 was approved reducing the driveway width at Hwy 2 and changing the street name

June 2, 2004 AA04037 was approved to revise the landscape plan

Sept. 9, 2005 AA05092 was approved to relocate the center ground sign

Aug. 31, 2006 AA06076 was approved to update the land use and parking tables

Jan. 5, 2007 AA06124 was approved to adjust the building envelope and square footage on Lots 2 and 3

July 25, 2013 UP152A was approved reducing the front yard setback for parking

APPROXIMATE LAND AREA: 4.79 acres

LEGAL DESCRIPTION: Lots 2, 3, 4, 5, 6, and 8 Pioneers Pointe Plaza Addition; Lot 1, Pioneers Pointe Plaza First Addition; Lot 1, Pioneers Pointe Plaza 2nd Addition;

Prepared by

_____
Stephanie Rouse, Planner

Date: May 26, 2021

Applicant: VerMaas Land Company, LLC
1900 SW 6th Street
Lincoln, NE 68522
(402) 423-3860

Contact: Civil Design Group, Inc.
8535 Executive Woods Drive, Suite 200
Lincoln, NE 68512
(402) 423-2424

"F:\DevReview\UP\UP152B VerMaas Office Park.slr.docx"

CONDITIONS OF APPROVAL – USE PERMIT 152B

This approval permits commercial uses as allowed in the B-2 zoning district on all lots within the Use Permit.

Site Specific Conditions:

1. The City Council approves associated request:

    1.1 Change of Zone #21015

2. 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 upon approval:

    2.1 Delete notes 4-6, 13-17, and 19-21.

    2.2 Update site plan label to Sheet 1 of 5.

    2.3 Remove all labels on the site plan of “office” or “office/medical.”

    2.4 Update label in land use summary table to “total floor area approved.”

Standard Conditions:

3. The following conditions are applicable to all requests:

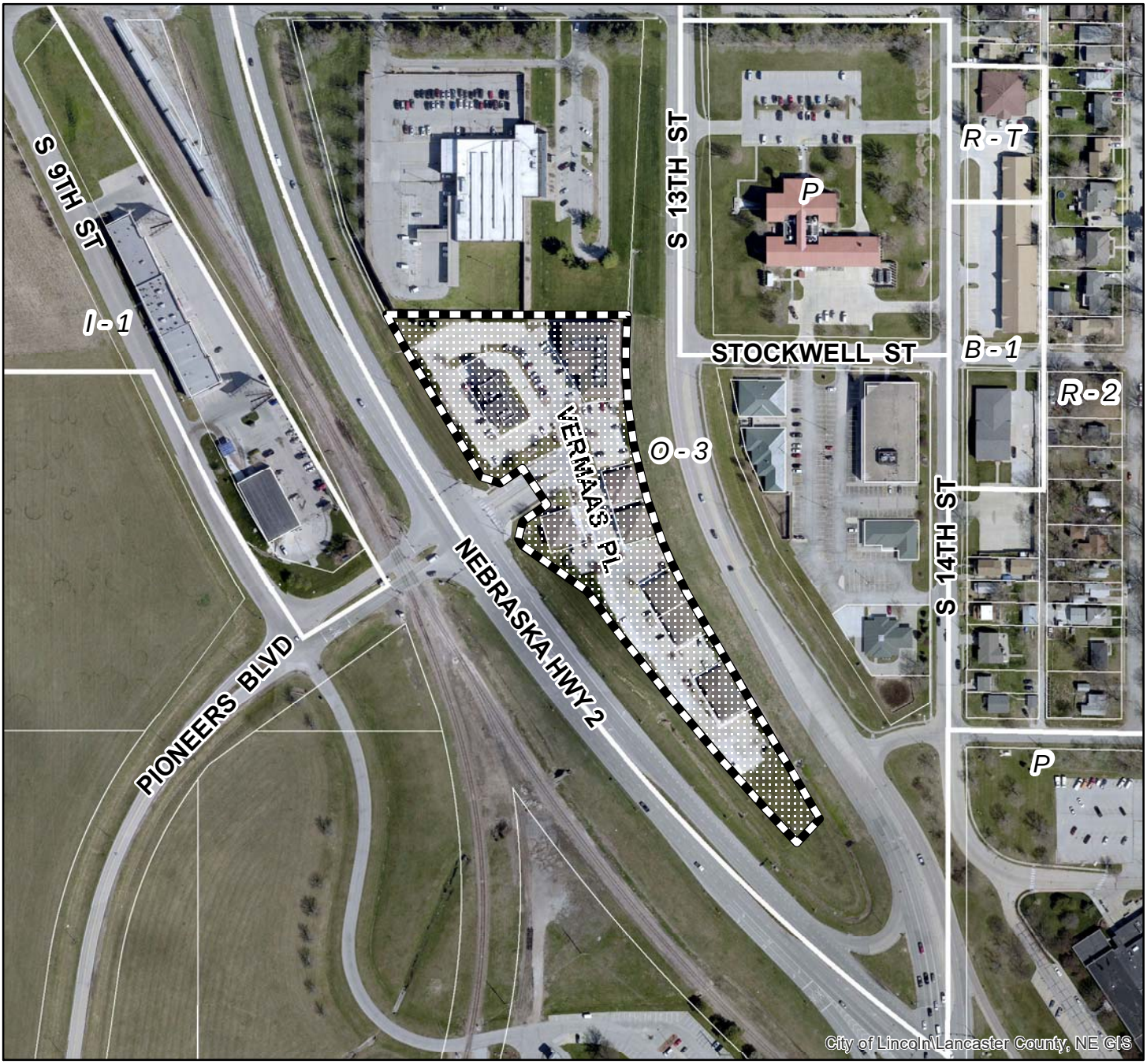
    3.1 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the Permittee or an appropriately established property owners association approved by the City.

    3.2 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.

    3.3 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, 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.

    3.5 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions/ordinances approving previous permits remain in force unless specifically amended by this resolution.



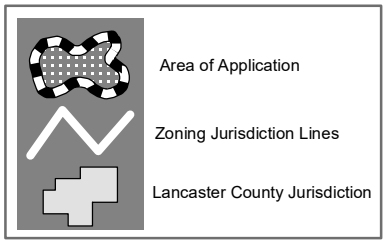
2020 aerial

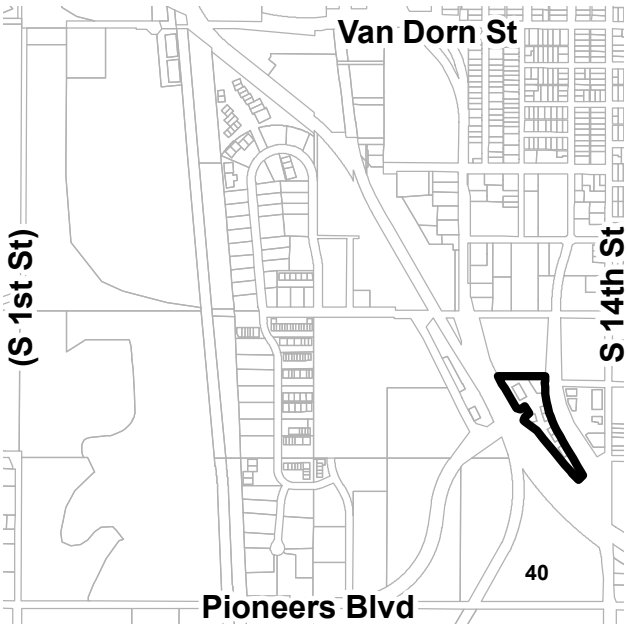
Use Permit #: UP152B
Vermaas Pl & Pioneers Blvd

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.02 T09N R06E





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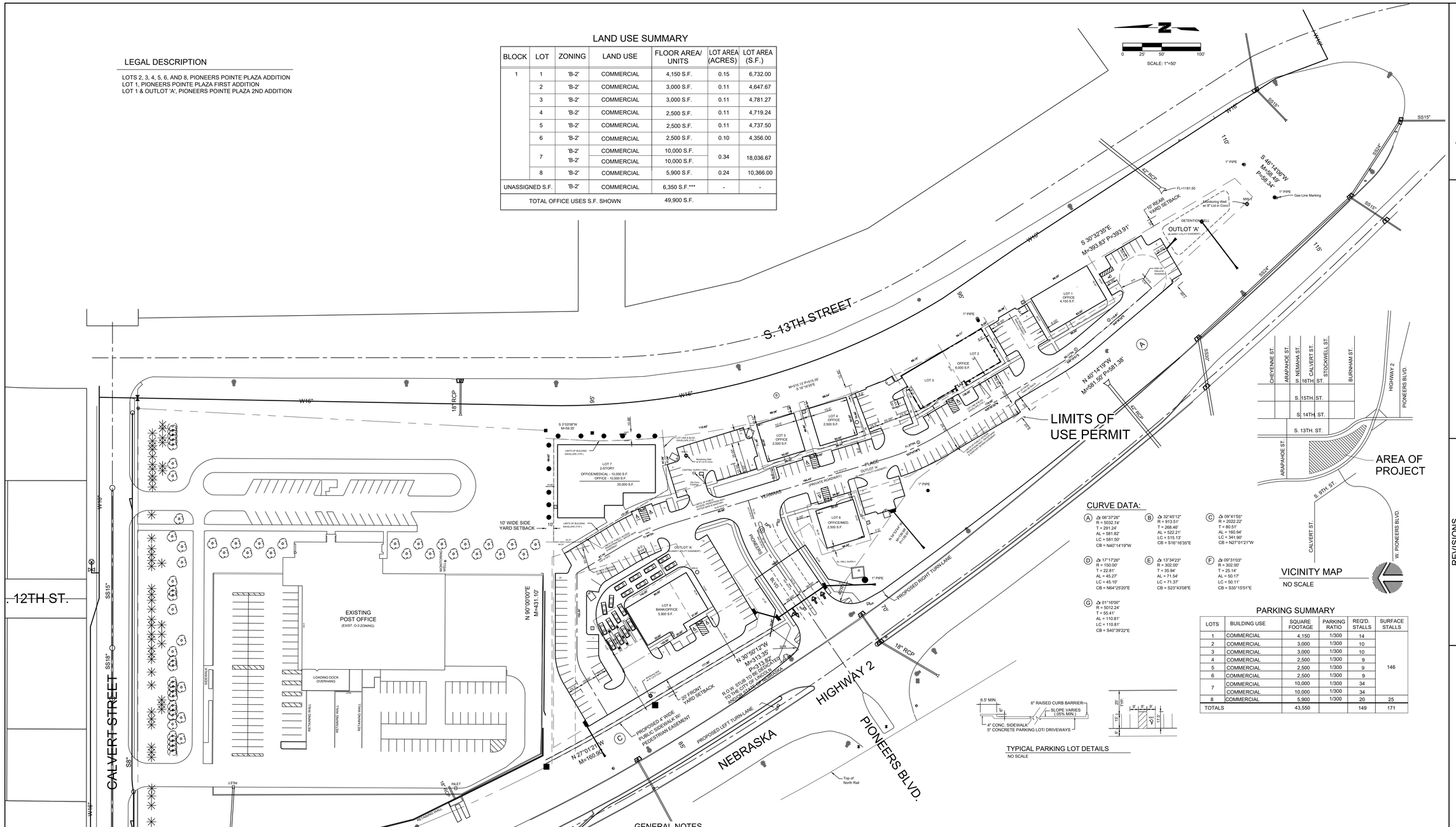
LEGAL DESCRIPTION

LOTS 2, 3, 4, 5, 6, AND 8, PIONEERS POINTE PLAZA ADDITION
LOT 1, PIONEERS POINTE PLAZA FIRST ADDITION
LOT 1 & OUTLOT 'A', PIONEERS POINTE PLAZA 2ND ADDITION

LAND USE SUMMARY

BLOCK	LOT	ZONING	LAND USE	FLOOR AREA/ UNITS	LOT AREA (ACRES)	LOT AREA (S.F.)
1	1	'B-2'	COMMERCIAL	4,150 S.F.	0.15	6,732.00
	2	'B-2'	COMMERCIAL	3,000 S.F.	0.11	4,647.67
	3	'B-2'	COMMERCIAL	3,000 S.F.	0.11	4,781.27
	4	'B-2'	COMMERCIAL	2,500 S.F.	0.11	4,719.24
	5	'B-2'	COMMERCIAL	2,500 S.F.	0.11	4,737.50
	6	'B-2'	COMMERCIAL	2,500 S.F.	0.10	4,356.00
	7	'B-2'	COMMERCIAL	10,000 S.F.	0.34	18,036.67
		'B-2'	COMMERCIAL	10,000 S.F.		
	8	'B-2'	COMMERCIAL	5,900 S.F.	0.24	10,366.00
UNASSIGNED S.F.		'B-2'	COMMERCIAL	6,350 S.F.***	-	-
TOTAL OFFICE USES S.F. SHOWN				49,900 S.F.		


S. 13TH STREET
W16"
18" RCP
95'
W16"
W16"
SS15"
SS18"
SS24"
S8"
S8"
SS24"
W16"
W16"
W16

Civil Design Group, Inc.

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

April 29, 2021

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

Re: Application for Amendment to Pioneer Pointe Plaza Use Permit #152B
CDG Project # 2021-0008.

Dear Mr. Cary:

On behalf of VerMaas Land Company, LLC we request to amend the existing Use Permit #152A to add commercial to the uses of the existing buildings.

With this application we submit the following items:

Application for Amended Use Permit
Change of Zone Fee of $988.00
Site Plans uploaded to Project Dox.

I hope that this letter in conjunction with the exhibit assists you in reviewing this request for a change of zone. 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: Vermaas Land Company, LLC

Civil Design Group, Inc.

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

April 29, 2021

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

Re: Application for Amendment to Stockwell Office Park Use Permit #43B
CDG Project # 2021-0008.

Dear Mr. Cary:

On behalf of VerMaas Land Company, LLC we request to amend the existing Use Permit #43A to add commercial to the uses of the existing buildings except Lots 4 and 5 as long as the land to the East is zoned Residential.

With this application we submit the following items:

Application for Amended Use Permit
Change of Zone Fee of $988.00
Site Plans uploaded to Project Dox.

I hope that this letter in conjunction with the exhibit assists you in reviewing this request for a change of zone. 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: Vermaas Land Company, LLC

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

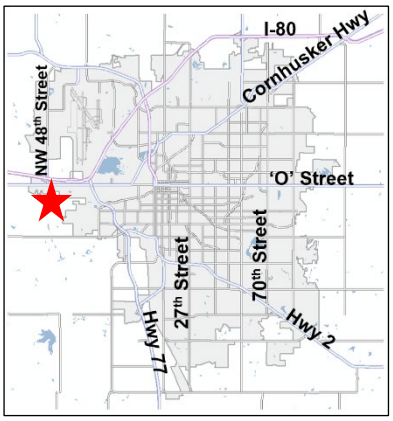
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Change of Zone #21018	No	4731 West O, LLC
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
June 9, 2021	None	4731 West O St.

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from AG-Agriculture to H-4 Highway Commercial on 21.7 acres. The project is located at SW 48th St. and West "O" St. The applicant is requesting the change of zone to allow the development of commercial lots.



JUSTIFICATION FOR RECOMMENDATION

A change of zone from AG to H-4 is consistent with the Future Land Use Map designation, and compatible with surrounding area. The lot is shown as Commercial and Agricultural Stream Corridor on the Future Land Use Plan. The Agricultural Stream Corridor is shown on the 500 year flood plain at this location, rather than the 100 year flood plain as shown in the adjacent area. The land that is outside the 100 year flood plain is appropriate for commercial. There is a small portion of flood plain in the southern part of the lot. This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

APPLICATION CONTACT
Tim Gergen, Clark & Enersen,
402-477-9291 or
tim.gergen@clarkenersen.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed H-4 zoning is in conformance with the Future Land Use Plan of the 2040 Comprehensive Plan. H-4 zoning is consistent with the zoning of the area. A preliminary plat will address potential transportation and watershed impacts and provide for adjacent land to subdivide in the future.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.1 – The land use plan displays the generalized location of each land use. It is not intended to be used to determine exact boundaries of each designation. The area of transition from one land use ot another is often gradual.

P. 12.3 - this site is shown as future commercial and agricultural stream corridor on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 – Commercial is for areas of retail, office, service, and residential mixed uses. Commercial uses may vary widely in their intensity of uses and impact.

P. 12.4 – Agricultural Stream Corridor is land intended to remain in open space, predominately in agricultural use, but that may also include parks, recreation fields, or parking area when near future commercial, industrial, or public uses. These areas are mostly in the 100 year flood plain, outside of the existing Lincoln urban development.

P. 2.8 - Guiding Principles for Community Form: The Urban Environment
- Natural and environmentally sensitive areas should be preserved within and between neighborhoods. Conservation areas and open lands should be used to define and connect different neighborhoods. The natural topography and features of the land should be preserved by new development to maintain the natural drainageways and minimize land disturbance.
- Mixed use redevelopment, adaptive reuse, and well-designed and appropriately placed infill development, including residential, commercial and retail uses, are encouraged.

P. 4.8 - This application is located along a Primary/Secondary Entryway Corridor.

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 commercial areas and limited industrial areas to make available opportunities for individuals and/or organizations to raise and market local food.
- Encourage preservation or restoration of natural resources within or adjacent to commercial or industrial development.
- Encourage commercial centers to encompass a broad range of land uses with the integration of compatible land use types.

P. 5.6 - Based on the projected population growth rates, the Plan identifies the potential for 58.6 million square feet of occupied retail, office, and service uses by 2040. A substantial portion of this future commercial capacity will be accommodated on sites already zoned or approved for commercial development or that have been identified in the Plan for future commercial land use.

P. 5.14-5.16 - Strategies for Commercial Infill
- Discourage auto-oriented strip commercial development and seek opportunities for residential mixed-use redevelopment and/ or transit oriented development of existing commercial strips.
- Develop infill commercial areas to be compatible with the character of the area.
- Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.
- Encourage efforts to find new uses for abandoned, under-utilized or “brownfield” sites that are contaminated, through redevelopment and environmental mitigation.

ANALYSIS

1. This request is for a change of zone from AG-Agriculture to H-4 Highway Commercial on 21.7 acres.
2. There is H-3 zoning to the west and H-4 zoning to the north of this site. The future land use plan shows this lot as commercial and agricultural stream corridor. The land use plan is not intended to be used to determine exact boundaries, but more of a generalized map.
3. The applicant’s letter states that a preliminary plat will be submitted in the following weeks of the change of zone submittal. A zoning agreement is needed to ensure that a preliminary plat is submitted and that no building permits are issued until a preliminary plat and final plat are approved. The site has flood plain and potentially two minimum flood corridors. The preliminary plat is necessary to address these watershed impacts.

4. A traffic study is needed. As a result of the study, transportation improvements may be needed. These items will be addressed with the preliminary plat. There is a traffic signal at the intersection of SW 48th St and West "O" St. as well as left and right turn lanes. A traffic study will indicate if any traffic improvements are needed such as extending the length of turn lanes.
5. H-4 zoning will allow uses such as office, retail, hotels, motorized vehicle sales, motorized vehicle repair/service, restaurants, contractor services, mini warehouse, and truck stops.
6. H-4 zoning is appropriate in this location as it is adjacent to existing H-3 zoning to the west and H-4 zoning on the north side of West O St. This zoning also matches the existing land use pattern of the general area north of West O Street and west of NW 48th St. Although a portion of this lot is shown as Agricultural Stream Corridor on the Future Land Use Plan, the flood plain impacts will be addressed in the preliminary plat.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Farm ground AG-Agriculture

SURROUNDING LAND USE & ZONING

North: Undeveloped H-4 Highway Commercial
South: Undeveloped AG-Agriculture
East: Two single family homes AG-Agriculture
West: Commercial H-3 Highway Commercial.

APPROXIMATE LAND AREA: 21.7 acres, more or less

LEGAL DESCRIPTION: Lot 54 I.T. in the NE ¼ of Section 30, Township 10 North, Range 6 East; Lancaster County, NE

Prepared by

_____
Tom Cajka, Planner

Date: May 27, 2021

Applicant: Clark & Enersen
1010 Lincoln Mall, Suite 200
Lincoln, NE 68508

Contact: Tim Gergen
Clark & Enersen
1010 Lincoln Mall, Suite 200
Lincoln, NE 68508
402-477-9291
Tim.gergen@clarkenersen.com

Owner: 4731 West O LLC
1445 Smith St.
Lincoln, NE 68502

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CONDITIONS OF APPROVAL – CHANGE OF ZONE #21018

Site Specific Conditions:

1. The Developer signs a zoning agreement, requiring a traffic study, preliminary plat and final plat prior to building permits, before the City Council approves the change of zone.

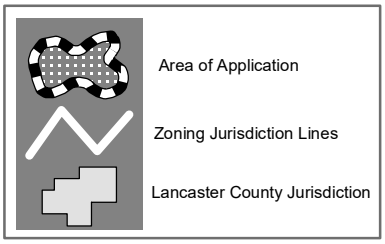
2020 aerial

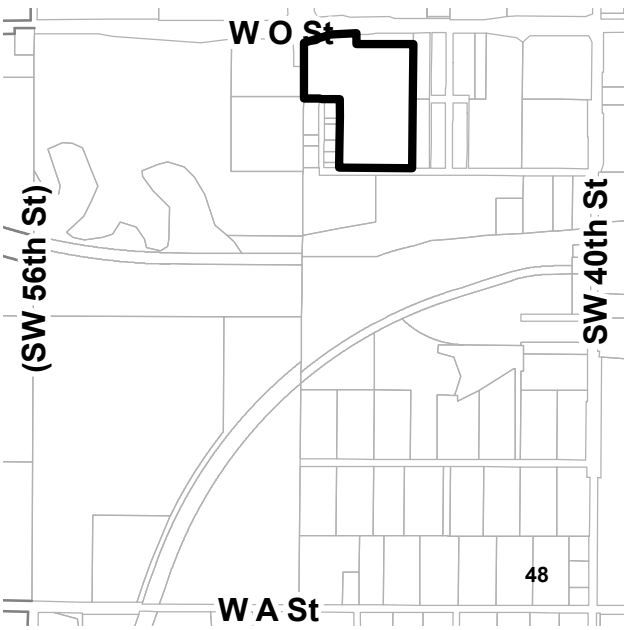
Change of Zone #: CZ21018 (AG to H-4)
SW 48th St & W O St

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.30 T10N R06E





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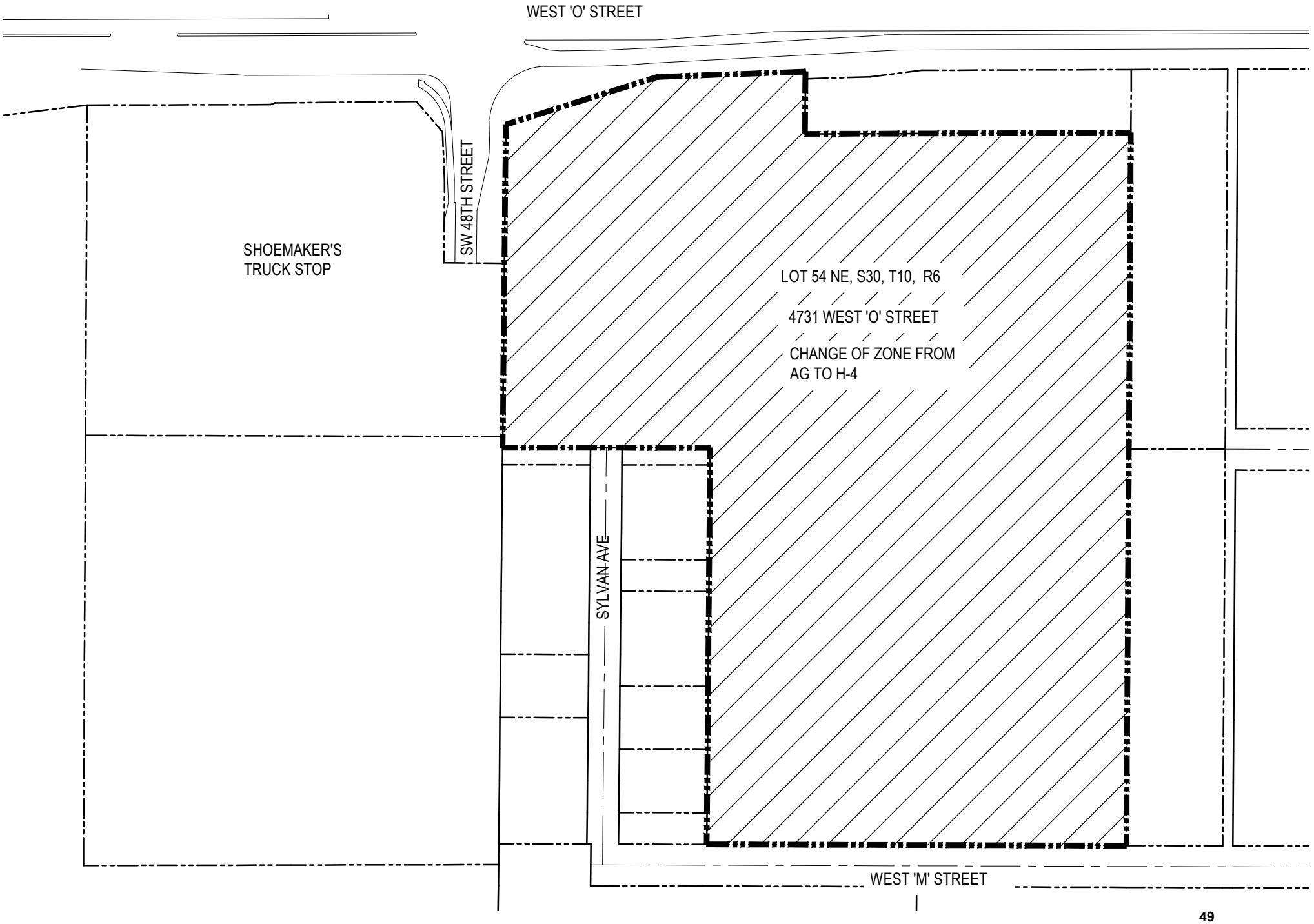

WEST 'O' STREET
SW 48TH STREET
SHOEMAKER'S
TRUCK STOP
LOT 54 NE, S30, T10, R6
4731 WEST 'O' STREET
CHANGE OF ZONE FROM
AG TO H-4
SYLVAN AVE
WEST 'M' STREET

May 12, 2021

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

RE: West Link Development
4731 West O Street - Change of Zone; AG – Agriculture to H-4 General Commercial

Dear Mr. Cary:

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

1. Application
2. Application fee $988
3. Change of Zone Exhibit

On behalf of the Developer, Concorde Management & Development LLC, 1314 O Street, suite 101, Lincoln, NE 68508, we are submitting an application for a Change of Zone from AG – Agriculture to H-4 – General Commercial District for the property located at 4731 West O street. This property is located at the southeast corner of the intersection of SW 48th Street and West O street. The current land use of the property is a farmstead, however this area has recently been developed with a modern truck stop (Shoemakers), new traffic signal and a new interstate interchange. The Change of Zone will help facilitate future development on this parcel and expand development at this commercial crossroads.

The change of zone is being applied for at this time to expedite zoning approvals. A preliminary plat that shows the site layout, grading, drainage and development notes will be submitted in the following weeks. The change of zone application and future preliminary plat application will have separate public hearings however should be approved at the same timeline since the preliminary plat is final at Planning Commission.

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

Sincerely,

Tim Gergen

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

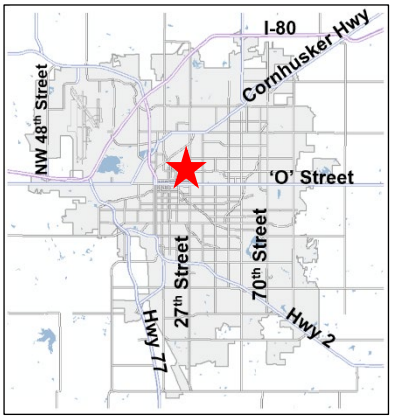
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Special Permit 21015 Dominic Addition Community Unit Plan	Yes	LA Real Estate LLC
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
May 26, 2021	CPC21008	N. 25th Street and Vine Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a Community Unit Plan (CUP) to include up to 36 dwelling units on approximately 0.98 acres. The CUP is located at the northwest corner of N. 25th Street and Vine Street. The property is zoned R-6 Residential. The CUP proposal will include two apartment buildings with 36 units in total that will also include 6 units of affordable housing. The site will have access from the adjacent east-west alley and will not take direct access to N. 25th or Vine Streets. Requested waivers include front yard setback reduction to 7.5 feet and parking requirement reduction from 1.75 to 1.40 stalls per unit.



JUSTIFICATION FOR RECOMMENDATION

The Project is consistent with the Comprehensive Plan and the Antelope Valley Redevelopment Plan. It will provide in-fill residential dwelling units in the urban core close to existing transit and services with part of the project dedicated to affordable housing.

APPLICATION CONTACT
Marcia L. Kinning, (402) 484-7342 or marcia@regaeng.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed land use and density are in conformance with the 2040 Comprehensive Plan, which identifies future urban density residential uses in this location. The proposed 36 dwelling units on 0.98 acres equates to a land use density of around 37 dwelling units per acre. This is consistent with the Comprehensive Plan for urban density residential. Also, the Affordable Housing Coordinated Action Plan was recently adopted as part of the Comprehensive Plan. This project is generally consistent with the Action Plan as some of the units will be affordable housing.

WAIVERS

1. Zoning Ordinance 27.67.020 to allow a parking requirement reduction from 1.75 stalls per dwelling unit to 1.40 stalls per dwelling unit. (Recommend Approval)
2. Zoning Ordinance 27.72.020(b) to allow a side yard setback reduction adjacent to east/west alley from 7 feet to 0 feet for parking on Lot 3, Sheldon & Ernst's Subdivision. (Recommend Approval)
3. Zoning Ordinance 27.72.020(b) to allow a rear yard setback reduction from 30' or 20% of the lot depth to 20 feet for building and 0 feet for accessory structures. (Recommend Approval)

4. Zoning Ordinance 27.72.020(b) to allow a front yard setback reduction from 20 feet to 7.5 feet. (Recommend Approval)
5. Design Standards 2.05 Stormwater Drainage Design Standards, 5.8 Material and Joints to allow HDPE instead of reinforced concrete for storm drainage pipe across alley right of way. (Recommend Approval)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

p. 2.7 Lincoln will continue to have managed and contiguous growth, including strengthening our Downtown core.

p. 5.4 The City should preserve and enhance Downtown's role as...A major focus for new residential reuse, infill, and redevelopment.

p. 6.1 The primary focus for new dwelling units is the "Greater Downtown" which includes Downtown proper, Antelope Valley, the Haymarket, South Haymarket, Telegraph District and Innovation Campus.

p. 6.3 Support development and implementation of the Downtown Master Plan, South Haymarket Neighborhood Plan and the Antelope Valley Redevelopment Plan.

p. 6.3 Strategies for Greater Downtown...Maintain the urban environment, including a mix of land uses with a major focus on residential uses.

p. 7.2 - Neighborhoods & Housing Guiding Principles
- Continue policies such as landmark districts and down-zonings that maintain a mix of single-family and multi-family housing and support home ownership and the preservation and enhancement of historic properties.
- Promote sustainability and resource conservation by preserving and improving housing in existing neighborhoods.
- Make available a safe residential dwelling for all citizens.
- Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Provide flexibility to the marketplace in siting future residential development locations.

P. 7.9 – Redevelopment in Existing Neighborhoods
- Widely varying techniques are utilized to achieve redevelopment in existing neighborhoods such as the following examples: 3. Tearing down more than one structure and building a new multi-family building or a group of other housing types (resulting in a net increase in density)

P. 7.10-11 – Detailed Strategies for Existing Neighborhoods
- Redevelopment and infill should strive for compatibility with the character of the neighborhood and adjacent uses (i.e., parking at rear, similar setback, height and land use).
- Encourage alley access and shared driveways to parking areas in order to reduce interruptions to pedestrian traffic, to preserve on street parking capacity, and to reduce automobile conflict points.

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

ANTELOPE VALLEY REDEVELOPMENT PLAN SPECIFICATIONS:

p. 55 Neighborhoods: includes North Bottoms, Clinton, Malone/Hawley, Woods Park, Near South and Downtown…The Redevelopment Plan attempts to conserve desirable characteristics of Antelope Valley's established residential and commercial communities, while shaping new development to create more livable neighborhoods…The various residential future land uses encourage restoring, updating and renovating the many older viable neighborhood homes.

p. 66 Guiding Land Uses and Design Principles, A. General Principals, 2. New Residential Products – Encourage a range of housing types (single-family, apartments, row homes, granny flats, condominiums and live/work units) giving citizens of different incomes, ages and family sizes a wide range of choices.

ANALYSIS

1. This is a request for a new Community Unit Plan (CUP) with 36 proposed dwelling units on approximately 0.98 acres. The project is located to the northwest of the intersection of N. 25th Street and Vine Street. The site is zoned R-6 Residential. The residential units would include two multi-family buildings that would be three stories in height with 18 units in each building for a total of 36 units. The density limit for this CUP in R-6 zoning is 48.4 dwelling units per acre which in this case equates to 47 total dwelling units that would be allowable. Therefore, the proposed 36 units is under the density limit.
2. R-6 Residential Zoning allows multi-family residential as a permitted use. In this case, the CUP is proposed for flexibility with site design including setbacks for a multi-family redevelopment. There are existing apartments to the east on the same side of Vine Street with B-3 Commercial Zoning one block away along N. 27th Street.
3. The seven existing residences and associated buildings will be removed from the site. The proposal for the 36 units includes affordable housing units with some of the housing possible for student housing. The project is seeking TIF assistance with 6 affordable housing units. Each unit will include 2 bedrooms.
4. The current driveway access points on N. 25th Street and Vine Street will be relinquished as part of the project. The existing retaining wall adjacent to Vine Street, north of the existing sidewalk will remain where possible and removed as needed to work with the revisions to the grading for the proposed multi-family buildings.
5. The applicant has requested the following waivers to the Lincoln Municipal Code and to Design Standards:
   a) Zoning Ordinance 27.67.020 to allow a parking requirement reduction from 1.75 stalls per dwelling unit to 1.40 stalls per dwelling unit. A total of 55 parking stalls will be provided to the north and south of the east-west alley. This equates to 1.52 stalls per dwelling unit proposed. Nine of these stalls will be located in a small parking area along N. 25th Street on the north side of the alley. The remainder of the parking will be located behind the buildings on the south side of the alley. This adjacent alley will be paved as part of the final platting for the property. Parking reductions have been granted for prior projects including projects in the urban core or where affordable housing is part of the proposal. In this case, a reduction of 1.40 is appropriate with the developer proposing 1.52 stalls per units. The 1.40 ratio will allow some flexibility for minor site changes that might eliminate a few stalls. 51 spaces is required at 1.40 parking ratio.
   b) Zoning Ordinance 72.020(b) to allow a side yard setback reduction for parking adjacent to east/west alley from 7 feet to 0 feet on Lot 3, Sheldon & Ernst's Subdivision. This reduction is justified as it is to allow for parking near the alley with the property directly across it being part of the Community Unit Plan.
   c) Zoning Ordinance 27.72.020(b) to allow a rear yard setback reduction from 30' or 20% of the lot depth to 20 feet for building and 0 feet for accessory structures. This allows flexibility for accessory structures such as a dumpster in the rear yard. Parking is already permitted in the rear yard setback per 27.067.030.
   d) Zoning Ordinance 27.72.020(b) to allow a front yard setback reduction from 20 feet to 7.5 feet. This setback reduction is justifiable as the front setbacks for existing nearby structures are less than 20 feet and generally close to the proposed setback, especially along Vine Street.
   e) Design Standards 2.05 Stormwater Drainage Design Standards, 5.8 Material and Joints to allow HDPE instead of reinforced concrete for storm drainage pipe across alley right of way. LTU-Watershed has no objection to this waiver as the pipe size and location make it similar to a lateral connection and is a reasonable request.
6. Related CPC21008 was to review for conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, the proposed amendment to the Antelope Valley Redevelopment Plan that identified the 25th and Vine Redevelopment Project. The Planning Commission considered this item at the April 28, 2021 meeting and recommended approval with public hearing set for City Council on May 24, 2021.
7. The future land use map identifies the property for urban density residential. The proposed use, a 36-unit

multifamily residential project, is appropriate for this location as residents will have close access to N. 27th Street commercial services, the University of Nebraska Main Campus, and will be served by two bus routes.

8. The Project is consistent with the Antelope Valley Redevelopment Plan, which encourages redevelopment of underutilized land, a mix of housing types, compact development for efficient use of land and infrastructure, all within walking distance to transit stops, trails and other amenities.
9. A project with Tax Increment Financing is required to be reviewed by the Urban Design Committee. It was reviewed at the April 6, 2021 meeting of the Urban Design Committee. The Committee approved subject to the project resubmitting to them for color variation, facade articulation and window design on the front facade. They then reviewed it again at the May 4, 2021 meeting and approved with a recommendation to minimize the use of vinyl siding where possible though it was noted that such siding is not prohibited by Neighborhood Design Standards (see Excerpts of Meeting Record attached).
10. The proposed community unit plan subject to conditions of approval is consistent with the Comprehensive Plan and will be at appropriate urban residential density.

CONDITIONS OF APPROVAL: See attached.

UTILITIES: City services including water and sanitary sewer are available at this already urbanized location. The public water main is in the north portion of Vine Street and the west portion of N. 25th Street whereas public sanitary sewer is located within the adjacent east-west alley.

TOPOGRAPHY: The existing topography is relatively flat. There is a retaining wall in locations along Vine Street where it drops off a few feet depending on the location near the public sidewalk.

TRAFFIC ANALYSIS: Vine Street is a minor arterial street. N. 25th Street is a local street.

PUBLIC SERVICE:
The nearest Lincoln Fire and Rescue Stations to serve this site include Fire Station #1 at 1801 Q Street and Fire Station #2 at 1545 N 33rd Street.

Bus Routes include Route 27 (North 27th) and Route 49 (University Place) which both run along Vine Street and have nearby bus stops.

EXISTING ZONING: R-6 Residential

EXISTING LAND USES: Single Family, Vacant

SURROUNDING LAND USE AND ZONING:

North:	Single Family, Duplex, Apartments	R-6 Residential District
South:	Duplex, Apartments	R-6 Residential District
East:	Apartments, Vacant	R-6 Residential District
West:	Single Family, Apartments	R-6 Residential District

APPROXIMATE LAND AREA: 0.98 acres.

LEGAL DESCRIPTION: See attached.

Prepared by

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

Date: May 13, 2021

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

Applicant/Contact: REGA Engineering Group, Inc.
Marcia L. Kinning
601 Old Cheney Road
Suite A
Lincoln, NE 68512
(402)-484-7342 or marcia@regaeng.com

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CONDITIONS OF APPROVAL – SPECIAL PERMIT 21015

Per Section 27.63.320 this approval permits a Community Unit Plan with up to 36 residential dwelling units including multi-family and with the following waivers:

1. Zoning Ordinance 27.67.020 to allow a parking requirement reduction from 1.75 stalls per dwelling unit to 1.40 stalls per dwelling unit.
2. Zoning Ordinance 27.72.020(b) to allow a side yard setback reduction adjacent to east/west alley from 7 feet to 0 feet for parking on Lot 3, Sheldon & Ernst's Subdivision.
3. Zoning Ordinance 27.72.020(b) to allow a rear yard setback reduction from 30' or 20% of the lot depth to 20 feet for building and 0 feet for accessory structures.
4. Zoning Ordinance 27.72.020(b) to allow a front yard setback reduction from 20 feet to 7.5 feet.
5. Design Standards 2.05 Stormwater Drainage Design Standards, 5.8 Material and Joints to allow HDPE instead of reinforced concrete for storm drainage pipe across alley right of way.

Site Specific Conditions:

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

    1.1 Make the following revisions:

        1.1.1 Add required screening or provide a note for required screening on the north and west side of the north parking lot.

        1.1.2 Add note for 20' front yard setback for the north parking lot.

        1.1.3 Add note to General Notes that "Streetscape: Any work involving the retaining walls, lamp posts, trees, landscaping and other items adjacent to Vine Street will be approved by Lincoln Transportation and Utilities Department and Urban Development Department prior to work commencing".

        1.1.4. Add note "Proposed Pavement to north-south alley" within alley.

        1.1.5 Amend Note. 3 under General Notes to change the word "Waivers" to "Setbacks" after the word "Approved".

        1.1.6 Delete Waivers 4, 5, and 6 for the existing Lot 3, Sheldon & Ernst's Subdivision.

        1.1.7 Move text along south property line so it is visible.

        1.1.8 Delete General Note 6.

        1.1.9 Amend rear yard setback note by alley and Waiver 2 note to allow a 20 foot rear yard setback for buildings while allowing accessory structures in the rear yard.

        1.1.10 Submit revisions per LTU-Watershed Management 5/6/21 comments.

        1.1.11 Add to Waivers, Design Standards 2.05 Stormwater Drainage Design Standards, 5.8 Material and Joints to allow HDPE instead of reinforced concrete for storm drainage pipe across alley right of way.

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.

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

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

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

   to complete the installation of sidewalks along both sides of all streets as shown on the final plat within four (4) years following the approval of the final plat.

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

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

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

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

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

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

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

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

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

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

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

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

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

to maintain the outlots on a permanent and continuous basis.

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

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

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

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

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

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

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

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

to protect the trees that are indicated to remain during construction and development.

Standard Conditions:

4. The following conditions are applicable to all requests:

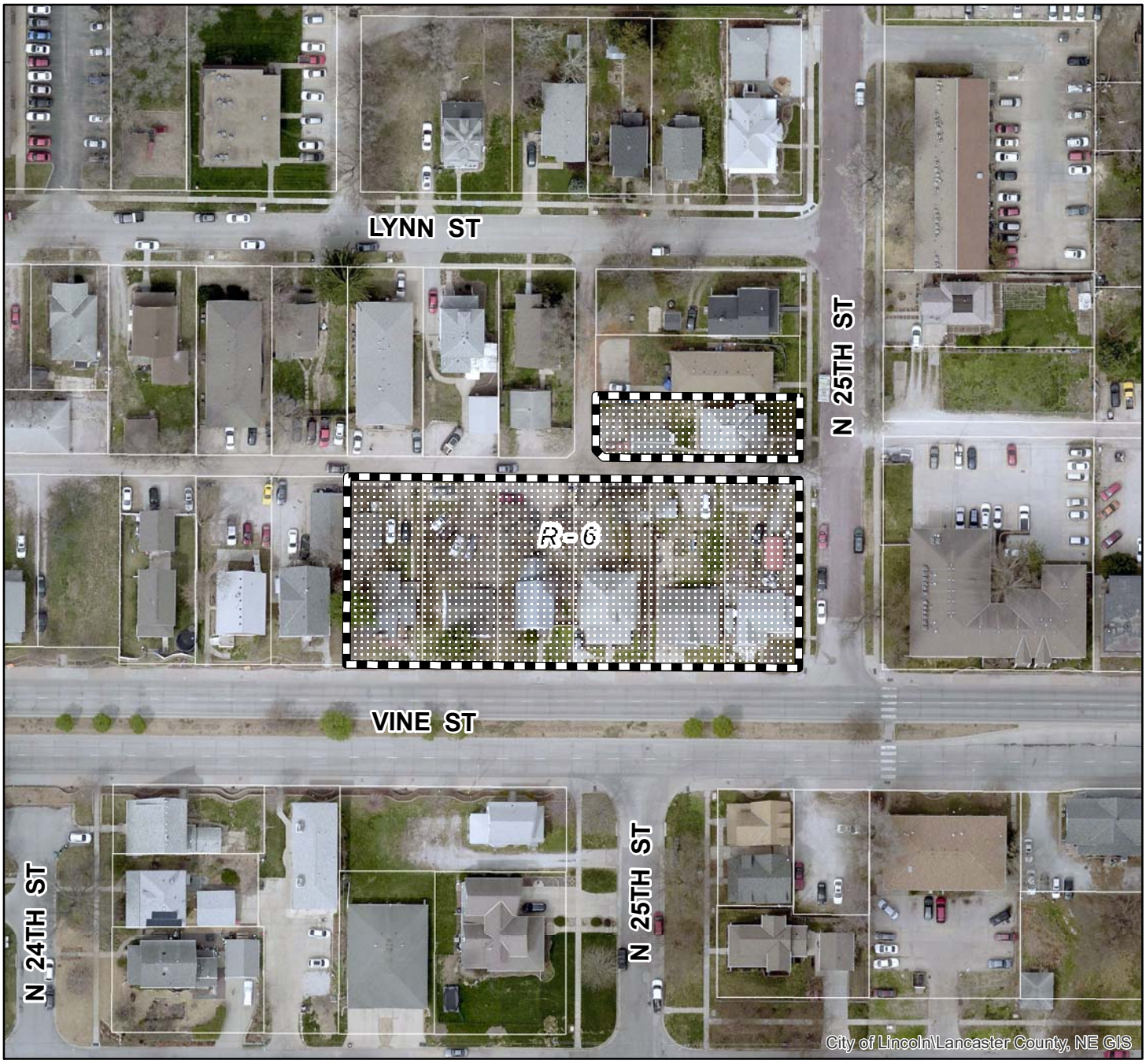
4.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.

4.2 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.

4.3 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.

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

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



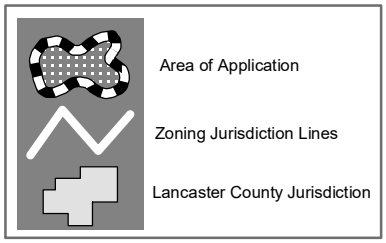
2020 aerial

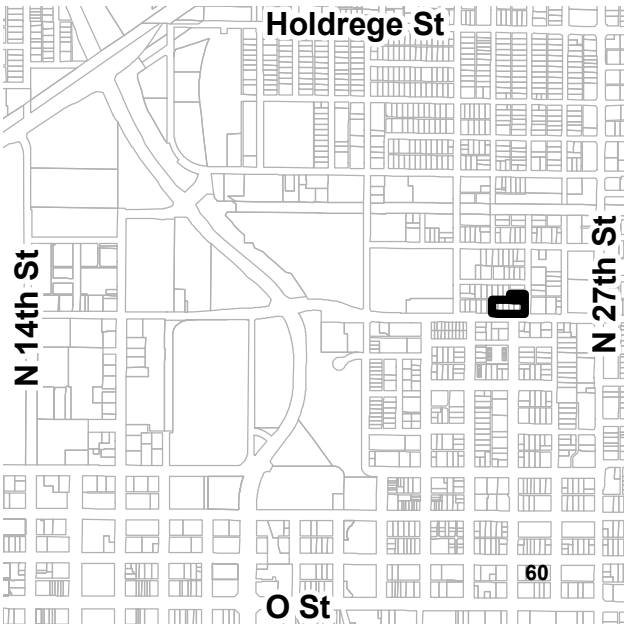
Special Permit #: SP21015
Dominic Addition CUP
N 25th St & Vine St

Zoning:

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

One Square Mile:
Sec.24 T10N R06E





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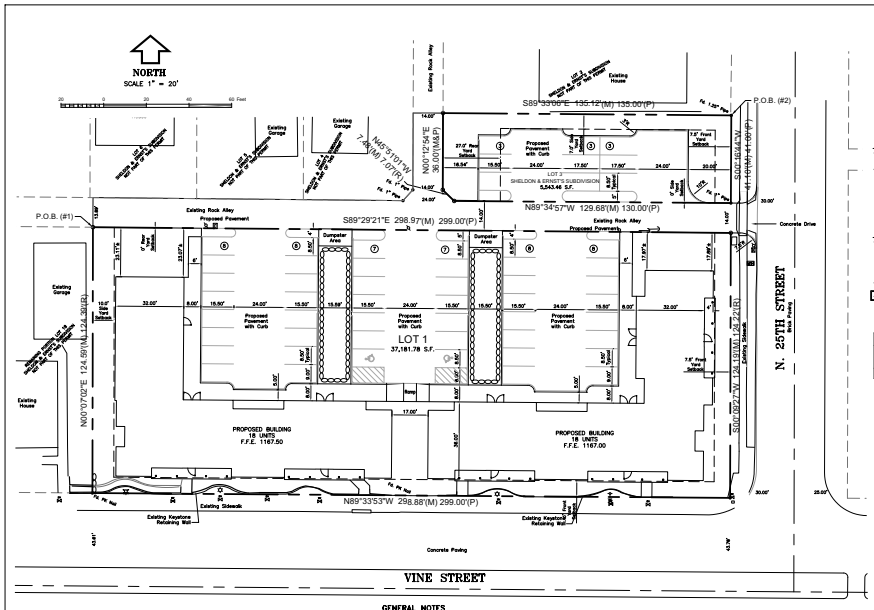


NO.	REVISIONS DESCRIPTION	DATE	BY

C.U.P. AREA

Total Project Area 42,725.24 s.f.

Adjacent R.O.W. (Vine & N. 25th Streets) 19,328.04 s.f.

65,053.28 s.f. or 1.42 acres

DENSITY:

Total Project Area 42,725.24 s.f.

or 0.98 acres

x 48.4 R-6 Zoning

47.43 units allowed

47 Units allowed by Density Calculations

36 Units permitted with this Special Permit

PARKING TABLE				
ZONING	QUANTITY (DWELLING UNITS)	RATIO (STALLS/UNIT)	REQUIRED PARKING	PROVIDED PARKING
"R-6"	36	1.40	51	55

OWNER/DEVELOPER:

L A REAL ESTATE, LLC
ATTN: AARON BURO
1358 SHIRE LANE
EAGLE, NE 68347 (402) 419-6718

SURVEYOR:

LYLE L. LOTH
REGA ENGINEERING GROUP, INC.
601 OLD CHENEY ROAD, SUITE 'A'
LINCOLN, NE 68512 (402)484-7342

ENGINEER:

DANIEL J. ROSENTHAL
REGA ENGINEERING GROUP, INC.
601 OLD CHENEY ROAD, SUITE 'A'
LINCOLN, NE 68512 (402)484-7342

LEGEND

- BOUNDARY OF CUP
- SETBACK/BUILDING ENVELOPE
- EASEMENT
- CENTERLINE
- SECTION LINE
- ADJACENT PROPERTY LINE
- CORNER FOUND (As Shown)
- CORNER SET (3/4" x 24" BAR W/CAP)
- SECTION CORNER
- (M) MEASURED DISTANCE
- (P) PLATTED DISTANCE

LEGAL DESCRIPTION:

Lot 3 and the remaining portions of Lots 19 through 24, Sheldon and Ernst's Subdivision, located in the Northeast Quarter of Section 24, Township 10 North, Range 8 East of the Sixth Principal Meridian, City of Lincoln, Lancaster County, Nebraska, more particularly described as follows:

BEGINNING at the northeast corner of said Lot 19 (P.O.B. #1);
Thence on the north line of said Lots 19 through 24, also the south line of the East/West Alley, S89°29'21"E, a distance of 298.97 feet to the northeast corner of said Lot 24, also a point on the west right-of-way line of North 25th Street;
Thence on the east line of said Lot 24, also the west right-of-way line of North 25th Street, S00°09'27"W, a distance of 124.19 feet to a point on the north right-of-way line of Vine Street;
Thence on the north right-of-way line of Vine Street, N89°33'53"W, a distance of 298.88 feet to a point on the west line of said Lot 19;
Thence on the common line of said Lot 19 and Lot 18, Sheldon and Ernst's Subdivision, N00°07'02"E, a distance of 124.59 feet to the POINT OF BEGINNING and containing a calculated area of 37,181.78 square feet or 0.85 acres.

And

BEGINNING at the northeast corner of said Lot 3 (P.O.B. #2);
Thence on the east line of said Lot 3, also the west right-of-way line of North 25th Street, S00°16'44"W, a distance of 41.10 feet to the southeast corner of said Lot 3;
Thence for the next three (3) courses on the common line of said Lot 3 and the adjacent Alley, N89°34'57"W, a distance 129.68 feet;
Thence N45°51'01"W, a distance of 7.48 feet;
Thence N00°12'54"E, a distance of 36.00 feet to the northwest corner of said Lot 3;
Thence on the common line of said Lot 3 and Lot 2, Sheldon and Ernst's Subdivision, S89°33'08"E, a distance of 135.12 feet to the POINT OF BEGINNING and containing a calculated area of 5,543.46 square feet or 0.13 acres.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY WAS MADE UNDER MY SUPERVISION AND THAT I AM A LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

DATE LYLE L. LOTH LS.#314

GENERAL NOTES
COMMUNITY UNIT PLAN

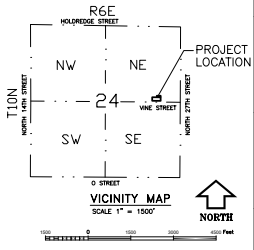
1. THIS SPECIAL PERMIT ALLOWS 36 MULT-FAMILY DWELLING UNITS WITH PARKING.
2. ZONING IS R-6.
3. THE OWNER/DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE SETBACKS AS PER R-6 ZONING DISTRICT WITH EXCEPTION OF APPROVED WAIVERS AND EASEMENTS SHOWN.
4. CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
5. TOPOGRAPHIC GRADING CONTOURS ARE AT NAVD 1988.
6. ALL LOT LINES ARE CONCEPTUAL AND FINAL PLATS MAY SHOW DIFFERENT LOT DIMENSIONS.
7. SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE, AND MUST BE APPROVED BY BUILDING & SAFETY DEPARTMENT PRIOR TO INSTALLATION.
8. DIRECT VEHICULAR ACCESS TO VINE STREET AND NORTH 25TH STREET SHALL BE RELINQUISHED EXCEPT AT THE EAST/WEST ALLEY AS SHOWN.

WAIVERS:

1. SIDE YARD SETBACK ADJACENT TO EAST/WEST ALLEY FROM 7 FEET TO ZERO FEET ON LOT 3, SHELDON & ERNST'S SUBDIVISION. (ZONING ORDINANCE 27.72.020(b))
2. REAR YARD SETBACK ADJACENT TO EAST/WEST ALLEY FROM 30' OR 20% OF THE DEPTH TO ZERO FEET. (ZONING ORDINANCE 27.72.020(b))
3. FRONT YARD SETBACK FROM 20 FEET TO 7.5 FEET. (ZONING ORDINANCE 27.72.020(b))
4. LOT AREA PER UNIT FROM 1,100 SQUARE FEET TO 1,000 SQUARE FEET ON LOT 3, SHELDON & ERNST'S SUBDIVISION. (ZONING ORDINANCE 27.72.020(b))
5. AVERAGE LOT WIDTH FROM 50 FEET TO 40 FEET ON LOT 3, SHELDON & ERNST'S SUBDIVISION. (ZONING ORDINANCE 27.72.020(b))
6. LOT DEPTH TO WIDTH RATIO TO EXCEED 3 TO 1 ON LOT 3, SHELDON & ERNST'S SUBDIVISION. (LAND SUBDIVISION CHAPTER 26.23.140(a))
7. PARKING FROM 1.75 STALLS PER DWELLING UNIT TO 1.40 STALLS PER DWELLING UNIT. (ZONING ORDINANCE 27.67.020)

SHEET INDEX

SITE PLAN	1
UTILITY PLAN	2
LANDSCAPE PLAN	3
PRE-DEVELOPMENT PLAN	4
POST DEVELOPMENT PLAN	5
GRADING PLAN	6



PROJECT 211026

REGA ENGINEERING GROUP, INC.
601 OLD CHENEY RD., SUITE A
LINCOLN, NEBRAKSA 68512
(402)484-7342

- ENGINEERING
- PLANNING
- LANDSCAPE ARCHITECTURE
- LAND SURVEYING

DOMINIC ADDITION
COMMUNITY UNIT PLAN - SPECIAL PERMIT #21015
SITE PLAN
VINE STREET AND NORTH 25TH STREET

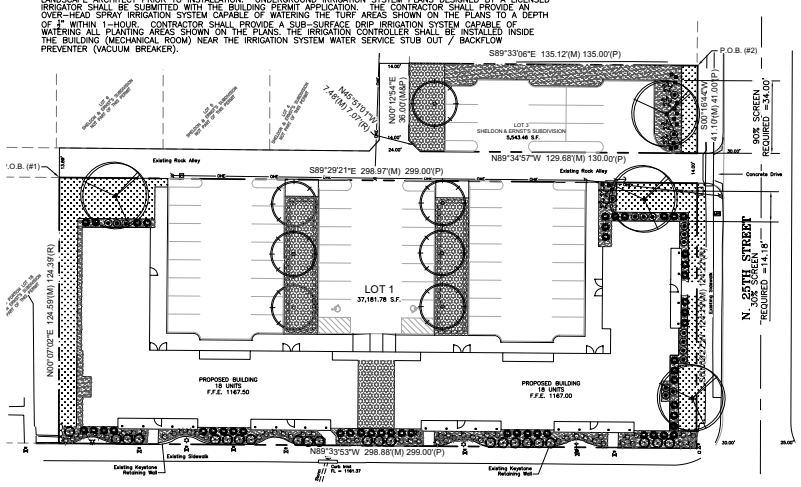
DATE: 4/28/2021
DESIGNED BY: MLK/CDH
DRAWN BY: MLK/CDH
CHECKED BY: DJR

SHEET NO. 1 of 6

LANDSCAPE SCHEDULE (PROVIDED AND INSTALLED BY CONTRACTOR)

	QUANTITY	COMMON NAME	SCIENTIFIC NAME	HEIGHT	WIDTH	METHOD	SIZE
	TREES						
	7	WHITESPIRE BIRCH	BETULA POPULIFOLIA 'WHITESPIRE'	40'	25'	B&B	2" CAL.
	4	WHITE OAK	QUERCUS ALBA	50'	40'	B&B	2" CAL.
	SHRUBS – EVERGREEN						
	6	GOLD LACE JUNIPER	JUNIPERUS CHINENSIS 'GOLD LACE'	3'–4'	5'–6'	GALLON	#2
	SHRUBS – DECIDUOUS						
	50	BOXWOOD	BUXUX MICROPHYLLA	3'–4'	3'–4'	GALLON	#2
	19	DOUBLE KNOCK OUT ROSE	ROSA RADTKO PP16,202	3'–4'	3'–4'	GALLON	#2
	54	RUSSIAN SAGE	PEROVSKA ATRIPLICIFOLIA	3'–4'	3'–4'	GALLON	#2
	14	RUBY RED STELLA DAYLILY	HEMEROCALLIS 'RUBY RED STELLA'	2'	2'	GALLON	#2
	23	PAWNEE BUTTES SAND CHERRY	PRUNUS BESSEYI 'PAWNEE BUTTES'	1.5'	4'–6'	GALLON	#2
	GROUNDCOVERS / PERENNIALS						
	~4,250sf	SHRUB BED/PLANTING AREA – HARDWOOD MULCH. NATURAL CULTIVATED EDGE TO SEPARATE GRASS FROM MULCH					
	~4,450sf	RHIZOMATOUS TALL FESCUE (RTF) SOD. (BID ALTERNATE: MILLER SEED, PREFERRED TURF PLUS)					
	~3,300sf	WETLAND SEEDMIX (WATER'S EDGE MIXTURE, STOCK SEED FARMS OR APPROVED EQUAL) – BROADCAST: 1LB/1,000SF					

NOTES:
1. BASIC PLANT MATERIAL STANDARDS:
   a. EVERGREEN TREES: MINIMUM HEIGHT OF SIX FEET.
   b. SHRUBS: MINIMUM TWO-GALLON SIZE CONTAINER, OR THE EQUIVALENT HEIGHT AND/OR SPREAD.
   c. GROUND COVER SHRUBS: MINIMUM SPACING UPON INSTALLATION OF 18 INCHES ON CENTER.
   d. DECIDUOUS SHADE TREES: MINIMUM CALIPER OF TWO INCHES AS MEASURED 12 INCHES ABOVE GROUND.
   e. ALL OTHER SPECIFICATIONS SHALL CONFORM TO THE AMERICAN STANDARDS FOR NURSERY STOCK, PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN FOR THAT TYPE OF TREE OR SHRUB AT THE TIME OF INSTALLATION.
2. ALL PLANT MATERIAL SHALL BE INSTALLED FREE OF DISEASE AND IN A MANNER THAT ENSURES THE AVAILABILITY OF SUFFICIENT SOIL AND WATER TO SUSTAIN HEALTHY GROWTH.
3. ALL PLANT MATERIAL SHALL BE PLANTED WITH A MINIMUM OF SIX INCHES OF ORGANIC SOIL AND MULCHED TO A DEPTH OF THREE INCHES.
4. THE IRRIGATION SYSTEM DESIGN SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION. UNDERGROUND IRRIGATION SYSTEM PLANS, DESIGNED BY A LICENSED IRRIGATOR SHALL BE SUBMITTED WITH THE BUILDING PERMIT APPLICATION. THE CONTRACTOR SHALL PROVIDE AN OVER-HEAD SPRAY IRRIGATION SYSTEM CAPABLE OF WATERING THE TURF AREAS SHOWN ON THE PLANS TO A DEPTH OF 2" WITHIN 1-HOUR. CONTRACTOR SHALL PROVIDE A SUB-SURFACE DRIP IRRIGATION SYSTEM CAPABLE OF WATERING ALL PLANTING AREAS SHOWN ON THE PLANS. THE IRRIGATION CONTROLLER SHALL BE INSTALLED INSIDE THE BUILDING (MECHANICAL ROOM) NEAR THE IRRIGATION SYSTEM WATER SERVICE STUB OUT / BACKFLOW PREVENTER (VACUUM BREAKER).



NORTH
SCALE 1" = 20'

NO.	REVISIONS DESCRIPTION	DATE	BY

LANDSCAPE REQUIREMENTS:

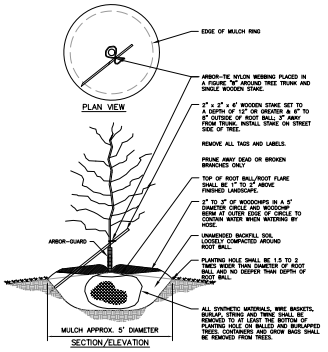
PARKING LOT TREES
15,100 SF CONCRETE AREA = 3 TREES REQ.
8 TREE PROVIDED

PARKING LOT SCREENING REQUIREMENTS
NORTH 25TH STREET SCREEN: 34.00 LF (90% COVERAGE REQUIRED) (91.8 SF)
13.16 LF (30% COVERAGE REQUIRED) (11.8 SF)
200.00 SF SCREEN PROVIDED (103.6 SF REQUIRED)

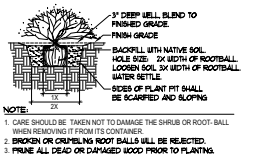
URBAN DESIGN DEPARTMENT TIFF LANDSCAPE REQUEST
(NOT REQUIRED PER CITY STANDARDS)
VINE STREET LANDSCAPE (SOUTH FACADE)
26 BOXWOOD
23 PAWNEE BUTTES SAND CHERRY
54 RUSSIAN SAGE

NORTH 25TH STREET LANDSCAPE (EAST FACADE)
1 WHITE OAK
13 BOXWOOD
6 DOUBLE KNOCKOUT ROSE

BUILDING FOUNDATION LANDSCAPE PLANTING (NORTH FACADE)
2 WHITE OAK
11 BOXWOOD
6 DOUBLE KNOCKOUT ROSE



1 TREE PLANTING
NO SCALE



NOTE:
1. CARE SHOULD BE TAKEN NOT TO DAMAGE THE SHRUB OR ROOT- BALL WHEN REMOVING IT FROM ITS CONTAINER.
2. BROKEN OR CRUMBLING ROOT BALLS WILL BE REJECTED.
3. PRUNE ALL DEAD OR DAMAGED WOOD PRIOR TO PLANTING.

2 SHRUB/GROUNDCOVER PLANTING
NO SCALE

PROJECT
211026

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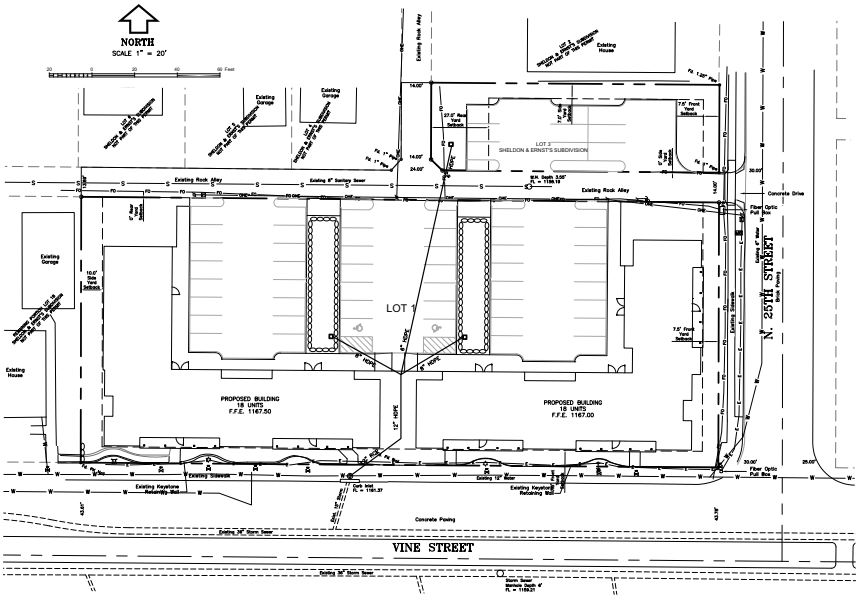
- LAND SURVEYING

DOMINIC ADDITION
COMMUNITY UNIT PLAN - SPECIAL PERMIT #21015
LANDSCAPE PLAN
VINE STREET AND NORTH 25TH STREET

DATE: 4/28/2021
DESIGNED BY: MLK/CDH
DRAWN BY: MLK/CDH
CHECKED BY: DJR

SHEET NO.
3 of 6



LEGEND

- BOUNDARY OF CUP
- SETBACK/BUILDING ENVELOPE
- EASEMENT
- CENTERLINE
- SECTION LINE
- ADJACENT PROPERTY LINE
- OHE — OVERHEAD ELECTRIC
- UE — UNDERGROUND ELECTRIC
- FO — FIBER OPTICS
- W — WATER LINE
- S — SANITARY SEWER LINE
- STORM DRAIN SEWER PIPE
- PROPOSED STORM SEWER

NO.	REVISIONS DESCRIPTION	DATE	BY

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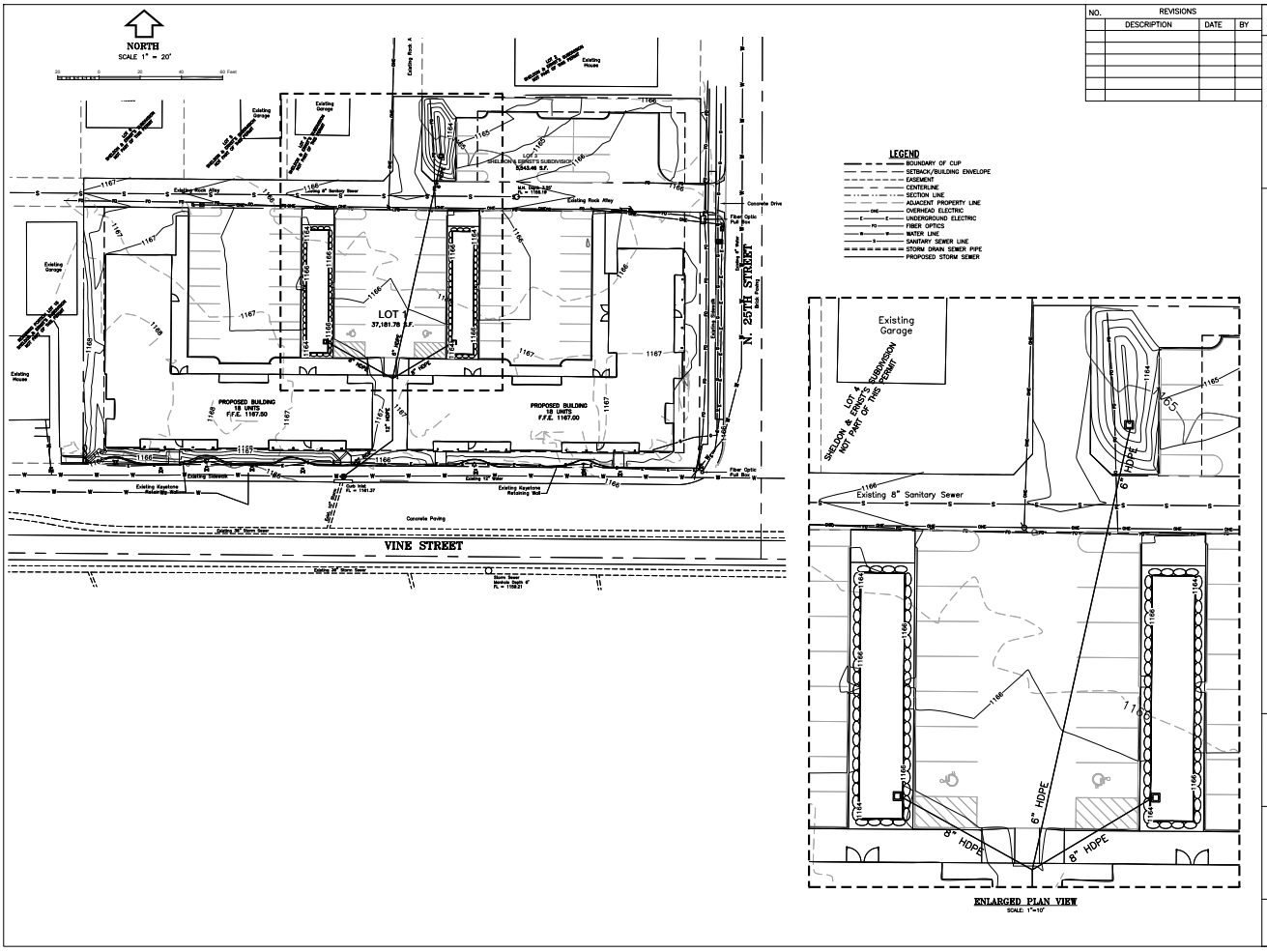
DOMINIC ADDITION
COMMUNITY UNIT PLAN - SPECIAL PERMIT #21015
UTILITY PLAN
VINE STREET AND NORTH 25TH STREET

DATE: 4/28/2021
DESIGNED BY: MLK/CDH
DRAWN BY: MLK/CDH
CHECKED BY: DJR

SHEET NO.
2 of 6



NO.	REVISIONS DESCRIPTION	DATE	BY

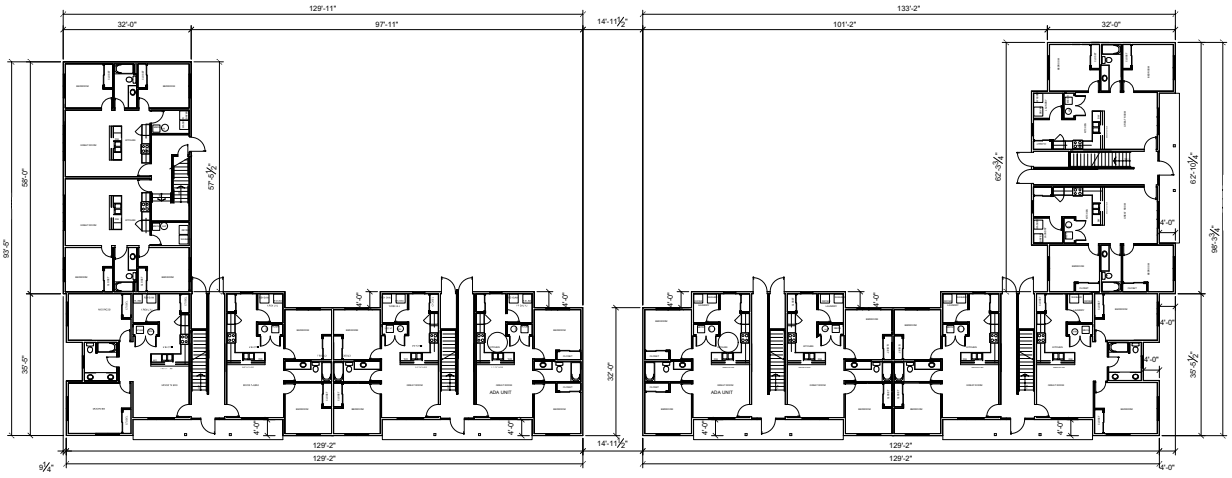
PROJECT
211026

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

DOMINIC ADDITION
COMMUNITY UNIT PLAN - SPECIAL PERMIT #21015
GRADING PLAN
VINE STREET AND NORTH 25TH STREET

DATE: 4/28/2021
DESIGNED BY: MLK/CDH
DRAWN BY: MLK/CDH
CHECKED BY: DJR

SHEET NO.
6 of 6



BUILDING A

BUILDING B

1 Full Floor Plan
SCALE: 3/32" = 1'-0"

Riley Designs
Kevin C. Riley
1322 Elm Lane
Eagle, NE 68347
402-432-2109
kcriley221995@gmail.com

REVISIONS

NO.	DATE

L.A. Real Estate

TITLE: MAIN FLOOR

PROJECT: L. A. REAL ESTATE LLC
VINE STREET STUDY
LINCOLN NEBRASKA

PROJECT NO.

DRAWN

CHECKED
1. 2. 3.

DATE
April 24, 2021

SHEET NO.
A100

Vine Street Elevation

Color / Material Legend

1. All roofing material to be Pabco Roofing Products "Oakwood".
2. Vinyl siding to be 4" exposure Certainteed "Seagrass"
3. Hardie Board "Light Mist" in shake shingle or 6" exposure siding.
4. Hardie Board "Aged Pewter" to be panel style material.
5. Stone to be Edwards stone Cottonwood Dimensional
6. All doors & windows to be dark bronze, fascia, gutters & downspouts to all be dark bronze
7. All trim to match the color of the area it is adjacent to.

Typical Front Porch

Riley Designs
Kevin C. Riley
1322 Elm Lane
Eagle, NE 68347
(402) 432-5109
kcriley2210565@gmail.com

REVISIONS
NO. DATE

L.A. Real Estate

TITLE EXTERIOR RENDERINGS
PROJECT L. A. REAL ESTATE LLC
VINE STREET STUDY
LINCOLN NEBRASKA

PROJECT NO.
DRAWN
CHECKED 1. 2. 3.
DATE April 24, 2021
SHEET NO.
A101

Vine Street Looking Northwest

Vine Street Looking Northeast

Riley Designs

Kevin C. Riley
1322 Blyne Lane
Eagle, NE 68347
402-432-5629
kcriley221965@gmail.com

REVISIONS

NO.	DATE

L.A. Real Estate

TITLE: EXTERIOR RENDERINGS

PROJECT: L. A. REAL ESTATE LLC
VINE STREET STUDY
LINCOLN NEBRASKA

PROJECT NO.

DRAWN

CHECKED
1. 2. 3.

DATE
April 24, 2021

SHEET NO.
A102

25th Street looking Southwest towards Vine

Riley Designs

Kevin C. Riley
1322 Elm Lane
Eagle, NE 68347
402-432-2529
kcriley221995@gmail.com

REVISIONS

NO.	DATE

L.A. Real Estate

TITLE: EXTERIOR RENDERINGS

PROJECT: L. A. REAL ESTATE LLC
VINE STREET STUDY
LINCOLN NEBRASKA

PROJECT NO.

DRAWN

CHECKED
1. 2. 3.

DATE
April 24, 2021

SHEET NO.
A103

REGA
ENGINEERING
GROUP, INC.

File No. 211026
March 28, 2021

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

RE: DOMINIC ADDITION
COMMUNITY UNIT PLAN / SPECIAL PERMIT
North 25th Street & Vine Street

Dear David,

On behalf of L A Real Estate, LLC, owner and developer, we are submitting an application for Dominic Addition, a Community Unit Plan / Special Permit. The current property includes 0.98 acres which is adjacent to existing residential homes on the east and north of the project. Vine Street is adjacent on the south and North 25th Street is adjacent to the east of the property. To meet the minimum 1 acre requirement for the community unit plan, the adjacent right-of-way is being counted for that calculation.

The seven existing residences and associated buildings will be removed from the site. The current driveways taking access to N. 25th Street and Vine Street will be removed. The retaining wall adjacent to Vine Street, north of the existing sidewalk will remain where possible and removed as needed to work with the revisions to the grading for the proposed multi-family buildings.

Per the density of the current R-6 zoning district, the maximum dwelling units allowed are 47 units. The total number of dwelling units shown with this special permit is 36 units. The parking requirement of 1.75 stalls per dwelling unit is being requested to be reduced to 1.40 stalls per dwelling unit. A total of 55 parking stalls are shown to the north and south of the east/west alley. The adjacent alley adjacent to the development is proposed to be paved by executive order at time of final platting Lot 1 as shown.

The developer has submitted this project to and is working with the Urban Design Committee for their approval. With the Urban Design Committee's review and comments, elevations of the buildings are being provided as supplemental information for review with the special permit plans.

Public sanitary sewer is located within the east/west alley and public water is located in the north portion of Vine Street and west portion of N. 25th Street. The proposed buildings are slab on grade and are 3 stories in height.

The following waivers are being requested as follows:

1. SIDE YARD SETBACK ADJACENT TO EAST/WEST ALLEY FROM 7 FEET TO ZERO FEET ON LOT 3, SHELDON & ERNST'S SUBDIVION.
   (Zoning Ordinance 27.72.020(b))
   Parking is not allowed with the side yard setback. To acquire additional parking the side yard is being requested to be zero feet only adjacent to the alley.

2. REAR YARD SETBACK ADJACENT TO EAST/WEST ALLEY FROM 30' OR 20% OF THE DEPTH TO ZERO FEET.
   (Zoning Ordinance 27.72.020(b))
   Due to the size of the property, limited locations for dumpster enclosures. To allow these structures to be located directly adjacent to the alley the rear yard setback is being requested to zero feet.

3. FRONT YARD SETBACK FROM 20 FEET TO 7.5 FEET.
   (Zoning Ordinance 27.72.020(b))
   The proposed development is limited on lot size due to the existing lot configuration. Through working with the Urban Design Committee, the reduction in the front yard setback will still allow the necessary open space and comply with the surrounding neighborhood.

4. LOT AREA PER UNIT FROM 1,100 SQUARE FEET TO 1,000 SQUARE FEET ON LOT 3, SHELDON & ERNST'S SUBDIVISION.
   (Zoning Ordinance 27.72.020(b))
   Lot 1 has a calculated area of 37,181.78 square feet. The proposed development is shown with 36 units within Lot 1 and does not meet the stated requirement. When the lot to the north of the alley is added into the square footage the square footage requirement is met. Due to the alley separation, this waiver is being requested.

5. AVERAGE LOT WIDTH FROM 50 FEET TO 40 FEET ON LOT 3, SHELDON & ERNST'S SUBDIVISION.
   (Zoning Ordinance 27.72.020(b))
   This lot is existing and proposed as part of the special permit to be utilized for parking. This request is to clarify and ensure that the lot is able to remain as it exists.

6. LOT DEPTH TO WIDTH RATIO TO EXCEED 3 TO 1 ON LOT 3, SHELDON & ERNST'S SUBDIVISION.
   (Land Subdivision Chapter 26.23.140(a))
   This lot is existing and proposed as part of the special permit to be utilized for parking. This request is to clarify and ensure that the lot is able to remain as it exists.

7. PARKING FROM 1.75 STALLS PER DWELLING UNIT TO 1.40 STALLS PER DWELLING UNIT.
   (Zoning Ordinance 27.67.020)
   The proposed development is limited on parking due to the lot size. The parking configuration does meet design standards and the proposed development does provide adequate open space and circulation.

Water quality and detention areas are shown within the open spaces adjacent to the proposed parking. The drainage from these areas is shown piped to the existing storm sewer located in Vine Street.

A meeting and/or information of the development will take place and/or be given to the surrounding neighbors and neighborhood associations prior to the Planning Commission meeting.

We look forward to meeting with the Planning Department and other City Departments on this application. Please do not hesitate to contact me if you have any questions, comments or concerns.

Sincerely,

Marcia L. Kinning

Cc: L A Real Estate, LLC (Aaron Burd)
Enclosed: Application Form
Parcel ID Number List
Application Fee – CUP of $1,149.70
CUP Description
Waiver List

DOMINIC ADDITION
Community Unit Plan/Special Permit
Description

Legal Description:

Lot 3 and the remaining portions of Lots 19 through 24, Sheldon and Ernst's Subdivision, located in the Northeast Quarter of Section 24, Township 10 North, Range 6 East of the Sixth Principal Meridian, City of Lincoln, Lancaster County, Nebraska, more particularly described as follows:

BEGINNING at the northwest corner of said Lot 19 (P.O.B. #1);

Thence on the north line of said Lots 19 through 24, also the south line of the East/West Alley, S89°29'21"E. a distance of 298.97 feet to the northeast corner of said Lot 24, also a point on the west right-of-way line of North 25th Street;

Thence on the east line of said Lot 24, also the west right-of-way line of North 25th Street, S00°09'27"W, a distance of 124.19 feet to a point on the north right-of-way line of Vine Street;

Thence on the north right-of-way line of Vine Street, N89°33'53"W, a distance of 298.88 feet to a point on the west line of said Lot 19;

Thence on the common line of said Lot 19 and Lot 18, Sheldon and Ernst's Subdivision, N00°07'02"E, a distance of 124.59 feet to the POINT OF BEGINNING and containing a calculated area of 37,181.78 square feet or 0.85 acres.

And

BEGINNING at the northeast corner of said Lot 3 (P.O.B. #2);

Thence on the east line of said Lot 3, also the west right-of-way line of North 25th Street, S00°16'44"W, a distance of 41.10 feet to the southeast corner of said Lot 3;

Thence for the next three (3) courses on the common line of said Lot 3 and the adjacent Alley, N89°34'57"W, a distance 129.68 feet;

Thence N45°51'01"W, a distance of 7.48 feet;

Thence N00°12'54"E, a distance of 36.00 feet to the northwest corner of said Lot 3;

Thence on the common line of said Lot 3 and Lot 2, Sheldon and Ernst's Subdivision, S89°33'06"E, a distance of 135.12 feet to the POINT OF BEGINNING and containing a calculated area of 5,543.46 square feet or 0.13 acres.

Excerpt of
MEETING RECORD

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

NAME OF GROUP:	URBAN DESIGN COMMITTEE
DATE, TIME AND PLACE OF MEETING:	Tuesday, April 6, 2021, 1:00 p.m., County-City Building, Conference Room 113, 555 S. 10th Street, Lincoln, NE.
MEMBERS IN ATTENDANCE:	Emily Deeker, Tom Huston, Gil Peace and Michelle Penn; (Mark Canney, Tammy Eagle Bull and Peter Hind absent).
OTHERS IN	Paul Barnes, Stacey Hageman, Collin Christopher and Teresa McKinstry of the Planning Dept.; Dallas McGee and Ernie Castillo of Urban Development Dept.; Aaron Burd of L.A. Real Estate; Kevin Riley; and other interested parties.

25th AND VINE REDEVELOPMENT:

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

Dallas McGee has been working with Aaron Burd and his team on the development of a 36-unit apartment complex. They anticipate using TIF (Tax Increment Financing).

Aaron Burd stated this project started from six or seven dilapidated, run down properties. They obtained the properties and pursued working with Urban Development and the Planning Dept. to design a 36-unit apartment complex that was structured towards single-family affordable housing units and some student housing. He presented the plan.

Penn inquired about the location. Burd stated this will be located on the northwest corner of 25th St. and Vine St.

Huston believes this property is not subject to the Downtown Design Standards. Stacey Hageman replied it is subject to the Neighborhood Design Standards. There has been some back and forth on the design of the building. More porch like features were added on the front which is a characteristic of the neighborhood. She talked about the façade in terms of offsets. She suggested there is a little more breakup or visual interest on Vine St.

Huston inquired about the proposed materials on the reliefs and facades. Burd responded that inside the alcove of the front porches would be natural stone. The beltline would be pre-finished concrete Hardie board with trim board. There will be verticals between the windows with prefinished Hardie board. In-between will be a heavier gauge vinyl at a price point they can do. The gables are Hardie board with pre-finished shake shingles.

Kevin Riley stated the intent was that this is reminiscent of the same design context for rural areas of downtown. They focused on eliminating any vinyl siding at the pedestrian level. Other elements are added for interest.

Penn asked if Hardie board will be used at grade. Riley replied yes. There will be factory finished cement board at the beltline for durability and greater longevity. It will not go all the way to grade. It will stop about eight inches above grade. There will be a little bit of exposed concrete. They are proposing landscape buffers all the way around.

Penn wondered about parking. Huston observed there are 54 stalls according to the site plan. Riley stated they have been working with Urban Development and the Planning Dept. The lot to the north was factored into parking numbers as well. Burd added they would pave the alley as well. They showed the bioswales for stormwater management. Penn asked how many parking spots there will be. Riley answered they are proposing 54 total, including two handicap.

Penn inquired how many units are affordable housing. Burd replied six. Riley added they are all set up to be two bedroom, one bath units.

Peace asked about the density per acre or lot, and if the applicant is above current zoning. Burd replied they are below density. He believes this would be considered cluster density for the CUP (Community Unit Plan). Parking became a bigger challenge. He believed 36 units would be a more suitable fit for this location.

Deeker asked about the streetscape on Vine street, specifically some of the light poles and the retaining wall. Riley pointed out the retaining wall that is going away. They are working with the landscape architect so some of the landscape is consistent with what is on Vine Street. There will be a lot of landscaping along Vine Street. Light poles will remain. Burd noted there is one pole shown. Deeker knows that these eyebrow plantings are hard to maintain. She encouraged the applicant to make sure to coordinate plantings with the City. They may or may not want the planting material that is there now.

Huston asked if there will be any outdoor seating area. Burd replied no. The units will have porches. Huston wondered about any opportunity for residents to have an outdoor gathering space. He doesn't believe the design standards require any. Penn asked if the porches have to be of a similar style on the same side of the street. Hageman stated the standard for porches is if 50

percent or more of houses have a porch, so this property should as well. Riley added the porch structure is similar to houses down the street. They took some cues from that.

Huston saw a comment about a suggestion for differentiation. Hageman noted the standard is that 100 feet or longer should be broken up. Offsets of at least six feet is a suggestion. Since the offsets are not six feet, perhaps paring with another method would help meet the standard. Huston believes it would be acceptable to incorporate some different color differentiation. Burd is acceptable to some of that. There are seven different colors on the palette. He thinks too much color won't look as clean. He is not against incorporating something different for a different aesthetic feel. There was a picture in the agenda he feels is a little busy looking. Riley wanted to keep it fairly simple. Huston asked the applicant to point out the offsets. Riley did.

Peace noted the applicant mentioned they are working with Urban Development on this. Dallas McGee stated this came to us a long time ago. It was originally proposed as a single building. Staff felt that two buildings would be better than one and talked about parking. They encouraged them to look at Vine Street and how to landscape the front yard. He believes they have done some of that. There were some discussions on the façade. They are looking to this board for advice.

Peace is fully supportive of this project in general. The way the parking is in back and well screened is a positive. He thinks there are some things about the size of the building and the shape that could be tweaked. He mentioned some offsets and faces. They appear to be two feet and 18 inches. He would suggest making them a little deeper and perhaps more irregular so it doesn't look like two mirror buildings that are occupying a very long portion of Vine Street, especially if you look at the context in general. He believes that by varying things, it would break up the façade. He likes a varying color palette. He thinks the applicant can look at increasing the looks of the setbacks and varying the colors. Burd stated the issue they've run into is we've pushed the setbacks. The building will be stretched toward the alley, you will lose parking. They are set up for a pedestrian walkway behind the building. If we try to condense and squeeze the building, some bedrooms and some great rooms become small. Peace believes with some extra attention to detail, he thinks you can get there with a little more relief on the façade. Some deeper colors in some areas and some lighter colors in other areas could be used. He thinks you could cantilever some items on the back. Penn agreed. It would help the back wall not look flat.

Penn suggested the applicant might consider a way to make the windows a different style. She believes something that gives more presence to the entry is needed. Burd noted that perhaps shake shingles could be used. Penn observed that shake shingles are usually the most expensive products.

Penn asked if this is on a schedule for TIF or construction. Burd wants to resolve this and have everyone on the same page.

Huston inquired if the Redevelopment Plan has appeared before Planning Commission yet. McGee responded the amendment to the Redevelopment Plan is ready to move to Planning Commission. Ernie Castillo believes it will be on the Planning Commission agenda on April 28, 2021.

Riley stated they will go back and play with the model. Ultimately, they want to get through Planning Commission and City Council. Burd stated they are locking in the trades now. Site preparation has already started. Huston believes this committee has some specific suggestions for the applicant to consider. They are to look at color variation, façade differentiation and the windows on the front.

Peace would add try to get away from sheer symmetry and mirror image. That is for institutional buildings. That is not the way a neighborhood develops. You don't want it to view as pure mirror symmetry.

Riley stated they are already looking at another parcel to the north of this. It would be the same exterior finish. The difference being it will be on Y Street. They are proposing the same 36-plex with two 18 buildings, three story.

Huston noted that R-6 zoning holds a lot of density. That is what the district is for.

ACTION:

Huston moved approval subject to conditions that the project come back addressing color variation, façade articulation and window design on the front façade, seconded by Peace.

Penn would suggest you make up for any lost square footage in the rear from articulation. We want to be supportive of affordable housing. We want to make sure this will still look good in five years. She also wanted to know how the applicant will meet the grade. She asked if it will be concrete. Riley answered yes. Burd believes it would be most optimal to landscape. He believes any paint would flake off. Huston noted that according to the landscape plan, he doesn't believe it would be visible. Burd believes they have gone above and beyond the landscaping required by code.

Motion for conditional approval carried 4-0: Deeker, Huston, Peace and Penn voting 'yes'; Canney, Eagle Bull and Hind absent.

Excerpt of
MEETING RECORD

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

NAME OF GROUP:	URBAN DESIGN COMMITTEE
DATE, TIME AND PLACE OF MEETING:	Tuesday, May 4, 2021, 1:00 p.m., County-City Building, City Council Chambers, 555 S. 10th Street, Lincoln, NE.
MEMBERS IN ATTENDANCE:	Emily Deeker, Peter Hind, Tom Huston and Gil Peace; (Mark Canney and Michelle Penn absent).
OTHERS IN ATTENDANCE:	Stacey Hageman, Paul Barnes, Andrew Thierolf and Teresa McKinstry of the Planning Dept.; Kevin Riley; Tim Gergen of Clark & Enersen; Dave Johnson of Studio 951 Architects; Charlie Stewart of NGC Construction; Jason Griffiths of University Nebraska Lincoln, Rebecca Kalhorn and Ben Stirtz appeared via © Zoom Video Communications; and other interested citizens.

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

Peace then called for a motion approving the minutes of the regular meeting held April 6, 2021. Motion for approval made by Huston, seconded by Hind and carried 4-0: Deeker, Hind, Huston and Peace voting 'yes'; Canney and Penn absent.

25th & VINE REDEVELOPMENT

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

Kevin Riley appeared. He took the advice and recommendations from the last Urban Design Committee meeting and revised some items. They increased the offset around the perimeter. They are now at four feet for everything facing Vine St. and 25th St. There are some offsets around back as well. They took some consideration of the color aspect. They've introduced some dark brown color on the ends of the building. He brought color samples. They tried to articulate and get more definition. There will be smooth James Hardie panels and a James Hardie lap siding. There will be a sage green vinyl siding as well.

Huston thinks this is a large improvement from what was presented in April. This breaks up the façade and the differentiation of color helps.

Riley presented the color palette of materials.

Hind wondered about changing the vinyl siding. Riley responded it is due to cost, maintenance and construction fees.

Hind inquired about Hardie board going to ground level. Riley responded that building code states it must be at least six inches off the ground. It will be landscaped in front. You will probably only notice it in back. Hind inquired if the applicant is proposing Hardie board for all prefinished surfaces. Riley responded yes.

Hind asked if the window size was increased. Riley stated they stepped back after the last meeting and have been working with City staff.

Peace agrees that the applicant did a lot of things that were asked. He believes this looks quite a bit better. He appreciates the effort to articulate things. He appreciates that staff from Urban Development work on getting the TIF (Tax Increment Financing) together, but he still has an issue with vinyl siding. He would rather not have vinyl on a TIF funded project. He believes that TIF projects should have some minimum levels of design. Riley stated that they are proposing a heavier gauge vinyl. Peace thinks that all sounds good.

Hind wondered about the cost savings of vinyl siding over Hardie board. Dave Johnson stated that Hardie siding is about three to four times the cost of vinyl siding.

ACTION:

Huston moved approval with a recommendation to minimize the use of vinyl siding where possible, seconded by Peace.

Hind would like to remove the vinyl siding from the design. Huston thinks that vinyl siding is not prohibited by the Neighborhood Design Standards

Hind wondered about the air conditioning units. Riley stated they will be in back of the building.

Motion for approval carried 4-0: Deeker, Hind, Huston and Peace voting ‘yes’; Canney and Penn absent.

ProjectDox

Department Review Status Report

Project Name: SP21015

Workflow Started: 04/28/2021 11:53 AM

Report Generated: 05/17/2021 11:01 AM

Cycle	Department	Reviewer	Email	Status	Reviewer Comments	Applicant Comments
1	Fire Department	Patrick Borer	pborer@lincoln.ne.gov	Recommend Approval	Lincoln Fire and Rescue recommends approval of this application.	
	GIS Survey	Kimberly Pester	khaman@lancaster.ne.gov	Recommend Approval		
	Urban Development	Ernie Castillo	ecastillo@lincoln.ne.gov			
	Building and Safety	Ron Rehtus	rrehtus@lincoln.ne.gov			
	County Health	Chris Schroeder	cschroeder@lincoln.ne.gov	Recommend Approval	During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Developers are responsible for all mosquito control issues during the building process and all outlots, green-spaces, and/or natural corridors subsequently controlled by the owner, tenant, occupant, lessee, or otherwise, for that subdivision would be responsible for vectors of zoonotic disease in those areas.	
	LTU - Engineering Services	Brion Perry	bperry@lincoln.ne.gov	Recommend Approval	Need to make sure watershed is ok with HDPE under the alleyway. Need to discuss the retaining wall, decorative street lights, and sidewalk further. Some of the decorative street lights have broken glass and the colored sidewalk will be cut up when doing abandonments. EO will be required for the alleyway and ROW work along Vine	
	LTU - Watershed Management	Mike Middendorf	MMiddendorf@lincoln.ne.gov	Corrections Required	note the concerns in my review comments	
	Planner Review	George Wesselhoft	gwesselhoft@lincoln.ne.gov	Corrections Required	Delete Waivers 4,5 and 6. Lot 3, Sheldon and Ernst's Subdivision is an existing lot of record. These waivers are unnecessary.	
	Windstream					
	Development Review Manager	Stephen Henrichsen	shenrichsen@lincoln.ne.gov	Corrections Required		

ProjectDox

Department Review Status Report

1	Historic Districts - Capitol Environs					
	LES	LES Reviews	edreviewer@les.com	Recommend Approval	5/6/2021 Easements will need to be granted on the final plat to cover existing and future facilities. -JM	
	Allo Communications	Tom Gremel	tgremel@allophone.net	Recommend Approval	ALLO has fiber facilities located through the rock alley. These will more than likely have to be relocated to accommodate this development.	
	Planning Review	Collin Christopher	cchristopher@lincoln.ne.gov	Corrections Required	The parking lot north of the alley needs to be screened along the north and west perimeters as well.	

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

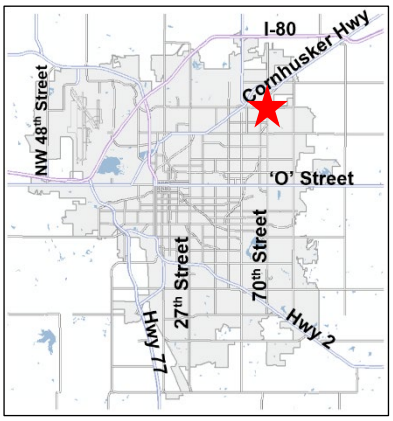
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Special Permit #21018	Yes	Lincoln Housing Authority
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
June 9, 2021	None	7304 Thurston Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

A request per Section 27.63.280 for Expansion of a Nonconforming Use to accommodate the reconstruction of an existing exterior deck and staircase. The deck and stairs are located in the side yard setback today and lead to an exterior door on the back of the house. They would be reconstructed similarly to their original condition. A waiver is requested to allow the structure to extend into the side yard.



JUSTIFICATION FOR RECOMMENDATION

The nonconforming condition is caused by the existing deck and stairs attached to the house not meeting the required 5-foot side yard setback. The proposal is to reconstruct the deteriorating deck and stairs. The proposed reconstruction should not significantly impact surrounding properties and is needed to access the exterior door located several feet above the ground. The requested waiver is reflective of restoring the structure to existing or similar conditions.

APPLICATION CONTACT
Ty Heiser, (402) 314-1605,
tyheiser@gmail.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan encourages maintaining appropriate density and a variety of housing types. This proposal maintains a necessary housing feature within an established neighborhood.

WAIVERS

1. Reduction of the side yard from 5 feet to 2 feet for the deck/stairs. (Recommend Approval)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

P. 7.2 – Neighborhoods & Housing Guiding Principles

- Promote sustainability and resource conservation by preserving and improving housing in existing neighborhoods.
- Distribute and preserve affordable housing throughout the community to be near job opportunities and to provide housing choices within existing and developing neighborhoods.
- Make available a safe residential dwelling for all citizens.
- Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.

P. 7.4 - Provide for accessory dwelling units with proper design standards.

P. 7.9 – Strategies for Redevelopment in Existing Neighborhoods

- Promote the preservation, maintenance and renovation of existing housing and neighborhoods throughout the city, with special emphasis on low and moderate income neighborhoods.
- Encourage well-designed and appropriately placed density, including within existing apartment complexes and special needs housing where there is land available for additional buildings or expansions.
- Recognize that broad economic diversity within existing neighborhoods encourages reinvestment and improves quality of life for all residents while acknowledging the need for affordable housing.
- Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.
- Promote the continued use of single-family dwellings and all types of buildings, to maintain the character of neighborhoods and to preserve portions of our past. Building code requirements for the rehabilitation of existing buildings should protect the safety of building occupants, while recognizing the need for flexibility that comes with rehabilitating existing buildings.

ANALYSIS

1. This is an application to reconstruct an exterior staircase and deck leading to the rear door of a single-family home.

2. This legal nonconforming property contains a single-family dwelling on one platted lot. The house is a split level with an exterior deck and stairs on the east side that lead to the door. The exterior door is above the ground in line with the main level. It is requested to rebuild the exterior staircase and deck landing.

3. The building is a permitted main use. The building is nonconforming because the attached deck and stairs are considered part of the main structure and would otherwise need to conform to the setbacks of the main structure including the 5-foot side yard on the east side. The existing deck/stairs are located in the side yard, approximately in the proposed location 2 feet from the east property line. The rear yard reduction of 3 feet is minor and should not negatively affect surrounding properties.

4. A nonstandard use is defined by LMC §27.02.150 as a lot or use that existed prior to the effective date of the zoning ordinance or due to a change in the zoning ordinance or district boundaries and no longer complies with the minimum requirements for the district in which it is located. This house was built in 1972 and became nonstandard when the City adopted revised zoning regulations.

5. LMC §27.63.280 provides the following criteria shall be given specific consideration:

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

   There will be no significant impact. The reconstructed deck will have a similar footprint. Although it will be 2 feet from the east lot line, the existing structure is within the side yard setback and it is an existing circumstance. No

change to the main house and no additional dwelling units would be added. The reconstructed building will remain outside of the front and rear setback and only requires a minor reduction of the side setback.

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

There will be no significant impact. No additional buildings or dwellings are proposed with this application. If reconstructed, all current building codes would apply.

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

This deck serves the back door of the dwelling which is located several feet above the ground. If the special permit were not approved, the property owner could not proceed with the improvements as proposed. The property owner could conduct routine maintenance on the structure as feasible, but it could not be reconstructed or expanded.

6. The special permit is warranted because: 1) the reconstruction will remedy a deteriorated condition; 2) the footprint and massing of the building and attached structure will not change such that neighboring properties would be negatively affected; 3) it would allow for the replacement of an existing condition that serves as an egress; and 4) the new structure will meet current building codes.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Single family dwelling; R-2

SURROUNDING LAND USE & ZONING: Single family dwelling; R-2

APPROXIMATE LAND AREA: 0.16 acres

LEGAL DESCRIPTION: Lot 5, Block 41, First Addition to Norwood Park, Lincoln, Lancaster County, Nebraska.

Prepared by

_____
Rachel Jones, Planner

Date: May 25, 2021

Applicant/Contact: Ty Heiser
2610 Hallmark Road
Lincoln, NE 68507
(402) 314-1605, tyheiser@gmail.com

Owner: Lincoln Housing Authority
5700 R Street
Lincoln, NE 68505
(402) 326-2916, corby@l-housing.com

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CONDITIONS OF APPROVAL – SPECIAL PERMIT #21018

Per Section 27.63.280 this approval permits the reconstruction of a nonconforming use to accommodate the reconstruction of a deck and exterior steps, with waivers to reduce the side yard from 5 feet to 2 feet for the deck and steps.

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.

Standard Conditions:

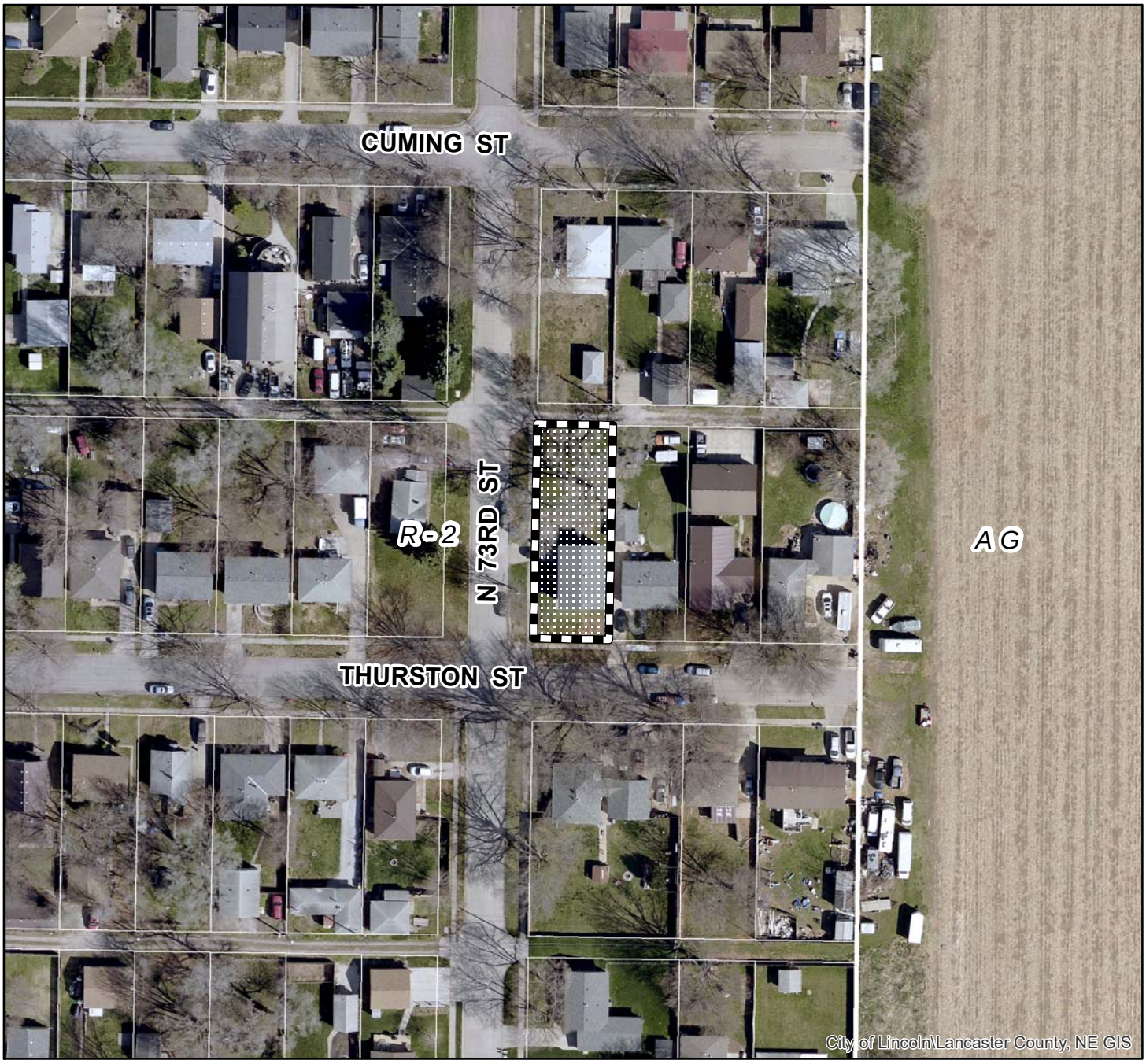
2. The following conditions are applicable to all requests:

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

    2.2 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.

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

    2.4 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.



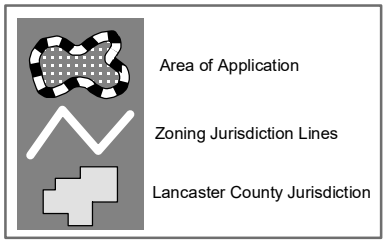
2020 aerial

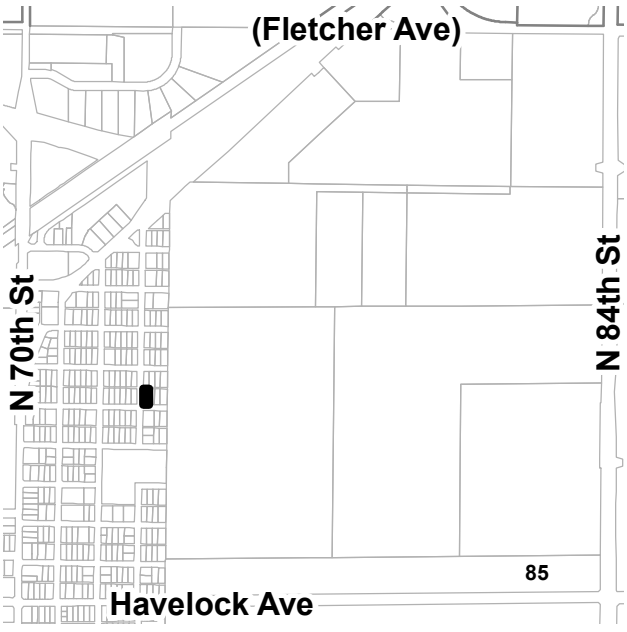
Special Permit #: SP21018
N 73rd St & Thurston St

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.03 T10N R07E





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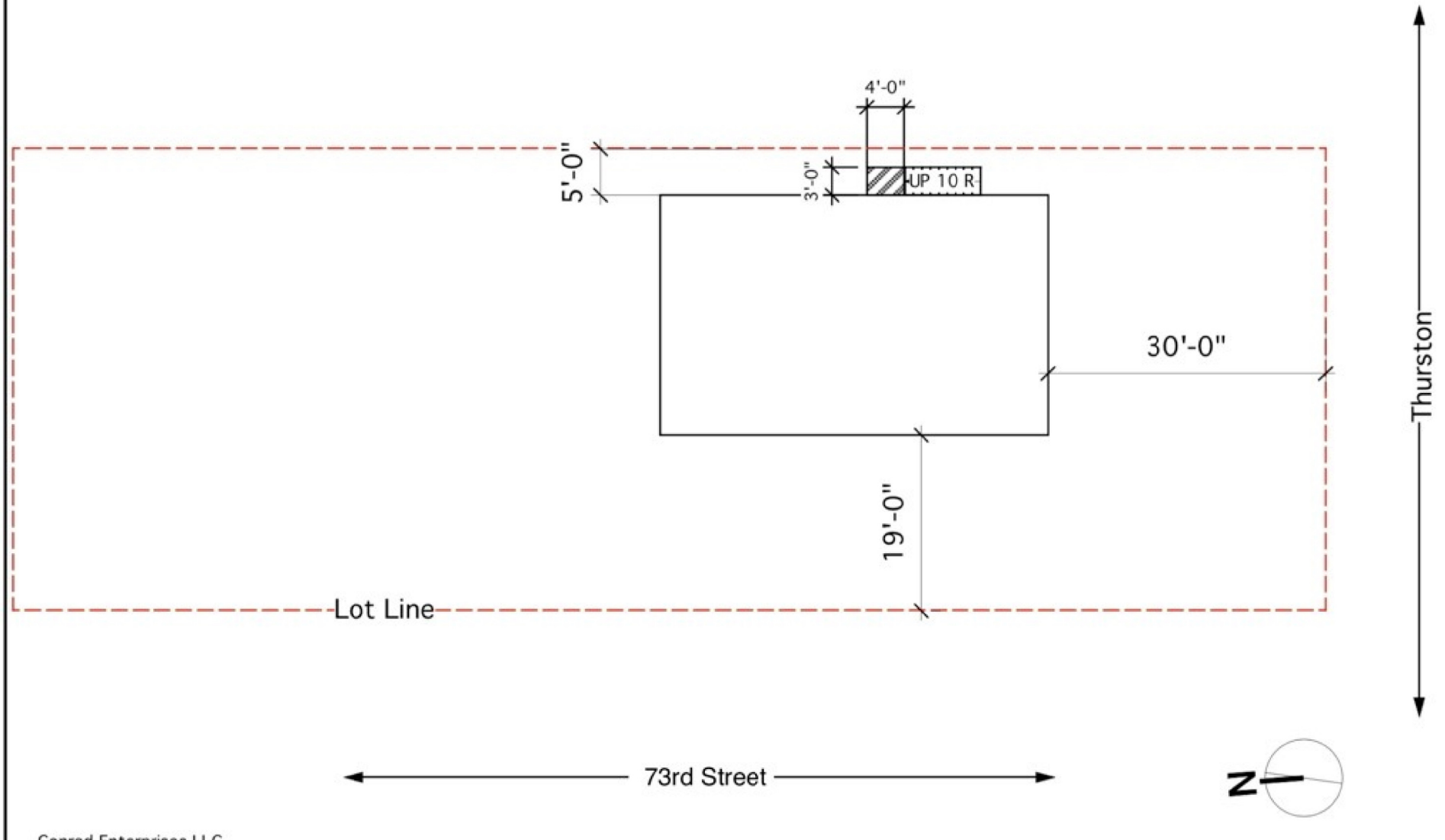


Conrad Enterprises LLC
2540 Shaunte Cout
Lincoln NE 68507

7304 Thurston

Site Plan

Explanation
7304 Thurston
I have been contracted through Lincoln Housing Authority to replace these Hall decks through out Lincoln. This deck at 7304 Thurston is to close to the lot line because of the orientation of the house, the address make the rear of the house the side yard and the city will not let a deck be more than 6’ off the ground on the side. Also the deck will be only 3’ off the house and 2’ from lot line. See Site plan.

Ty Heiser

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

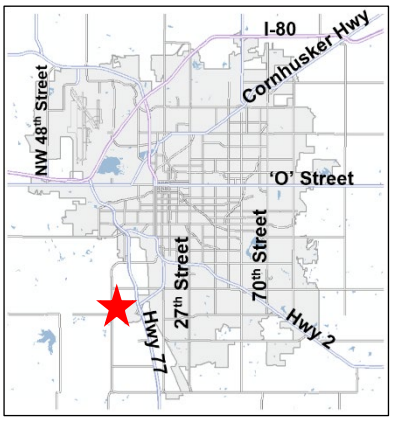
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Special Permit #21022	Yes	Sapp Bros/John E Lorenzen Rev. Trust
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
June 9th, 2021	None	1700 Saltillo Road

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a special permit request per Section 27.63.300 of the Lincoln Municipal Code to allow bulk storage of petroleum products including diesel, gas, and propane in the I-1 Industrial District. The site is approximately 1.74 acres and the existing 6,000 square foot building will be used for sales of the fuel products.



JUSTIFICATION FOR RECOMMENDATION

With the proposed conditions of approval, many based on Section 27.62.150 which regulates similar uses in the I-2 and I-3 Districts, there should be minimal impact to surrounding properties. Other similar uses are in the vicinity, in addition to heavy industrial operations to the south. The area is industrial in character, without residential uses in close proximity.

APPLICATION CONTACT

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

STAFF CONTACT

Stephanie Rouse, (402) 441-6373 or srouse@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The special permit for bulk fuel storage is in conformance with the 2040 Comprehensive Plan. The land use proposed will not impact the floodplain, neighboring land uses, or natural resources. It complies with the Industrial future land use designation and fits the industrial center character of the area.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

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

ANALYSIS

1. This application is intended to allow bulk storage of refined fuel and propane products above ground. The existing building would be used for office operations and sales of the fuel products. Approximately 240,000 gallons of refined fuel and 30,000 gallons of propone would be stored in concrete containment bunkers. The tanks would be about 40 feet in height. All tanks will meet state and federal requirements.
2. The special permit for bulk storage of petroleum products (27.63.300) does not contain any conditions, therefore Section 27.62.150 Manufacturing, Processing, Storage and Distribution Use Group conditional uses was used as a basis for identifying conditions of approval to mitigate potential negative impacts of the special permit request. This use group includes liquefied petroleum gas and similar gas used for fuel storage above ground in the I-2 and I-3 zoning districts and fuel oil storage tanks and bulk storage of oils, petroleum, and similar flammable liquids and chemicals in the I-2 and I-3 districts. Both use groups are similar to the proposed bulk storage of petroleum products in the I-1 district and therefore some of the conditions set forth in 27.62.150 applicable to this request have been included in the attached conditions of approval.
3. This site is surrounded by I-1 Industrial zoning with heavy industrial and agriculture uses. The future land use on all surrounding properties is industrial. A similar use, a wholesale petroleum supplier, is located to the west. To the south is a rock crushing operation. The closest residential use is approximately 1,500 feet away, across S 14th Street from the existing petroleum storage supplier.
4. The site is near Highway 77 and is on Saltillo Road, a minor arterial street, providing adequate access for large trucks to deliver the fuel to the site. While the South Beltway project will have a major impact on regional travel, Saltillo Road will remain an important local arterial for the businesses and homes in the area.
5. The current property has an approximately 142-foot-wide driveway and parking area immediately off Saltillo Road, causing vehicles to back into the arterial street. The Access Management Policy states “designing good internal vehicle circulation in parking areas and through the use of local streets reduces the number of driveways that businesses need for access to major roadway.” Driveway widths for commercial access that allow left turns shall be a maximum of 36 feet wide and are only allowed a 40-foot width as approved by the Director of Lincoln Transportation and Utilities (LTU) when high volumes of traffic use the driveway. Additionally, an access for commercial use shall not be approved for a parking area that requires backing maneuvers within the right-of-way. All off-street parking areas must include on-site maneuvering areas and aisles to permit user vehicles to enter and exit the site in a forward direction without hesitation. To meet these Access Management policies, which are triggered by the Special Permit request, as well as the setbacks for the drive aisle, LTU is requiring the existing pavement along Saltillo Road to be removed and the parking lot relocated.
6. The site plan shows a new access to Saltillo Road to the east of the existing building. Lincoln Transportation and Utilities (LTU) requires this access to be removed should a new road be constructed North, East, and/or West of this site and access be instead taken from the new road. Until such time as this street connection is made, the driveway can remain, if the property owner agrees to remove the access after the adjacent street is built.
7. An additional 25 feet of right-of-way will need to be dedicated, as well as turn lanes constructed per the Access Management Policy. Turn lanes help reduce the interference of through traffic and enhance the safety and efficiency of streets. Turn lanes are required on all designated arterial streets whenever new access points are created.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Light Industrial; I-1

SURROUNDING LAND USE & ZONING

North: Agriculture; I-1
South: Agriculture/Rock Crushing; I-1
East: Agriculture/Industrial; I-1
West: Agriculture/Fuel Storage; I-1

APPROXIMATE LAND AREA: 1.74 acres

LEGAL DESCRIPTION: S36, T9, R6, 6th Principal Meridian, LOT 66 SW

Prepared by

_____
Stephanie Rouse, Planner

Date: May 25, 2021

Applicant: Andrew Richard
9915 S 148th Street
Omaha, NE 68138

Contact: Brian Lang
601 P Street
Lincoln, NE 68508
(402) 458-5691 or blang@olsson.com

Owner: John E Lorenzen Revocable Trust
3941 Eagle Ridge Road, Unit 108
Lincoln, NE 68516

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CONDITIONS OF APPROVAL – SPECIAL PERMIT #21022

Per Section 27.63.300 this approval permits bulk storage of petroleum products in the I-1 Industrial zoning district.

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 Complete revisions, including revising the driveway and parking, as noted on the site plan in ProjectDox.

    1.2 Add a note stating, “access to Saltillo Road shall be removed if a future public street or private roadway is constructed adjacent to the North, East, and/or West of this lot.”

    1.3 Show dedication of additional 25 feet of right-of-way and update the setback line.

    1.4 Show the required turn lanes.

    1.5 Add a note to the plan stating, “All combustible material shall be stored in such a way as to permit free access of fire-fighting equipment.”

    1.6 Add a note to the plan stating, “Open storage of any other material is allowed only in areas enclosed or otherwise adequately screened from public view with an enclosure or screen at least six feet in height.”

    1.7 Update the General Notes regarding signage to read "Signs need not be shown on this site plan but need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance and must be approved by Building & Safety Department prior to installation".

Standard Conditions:

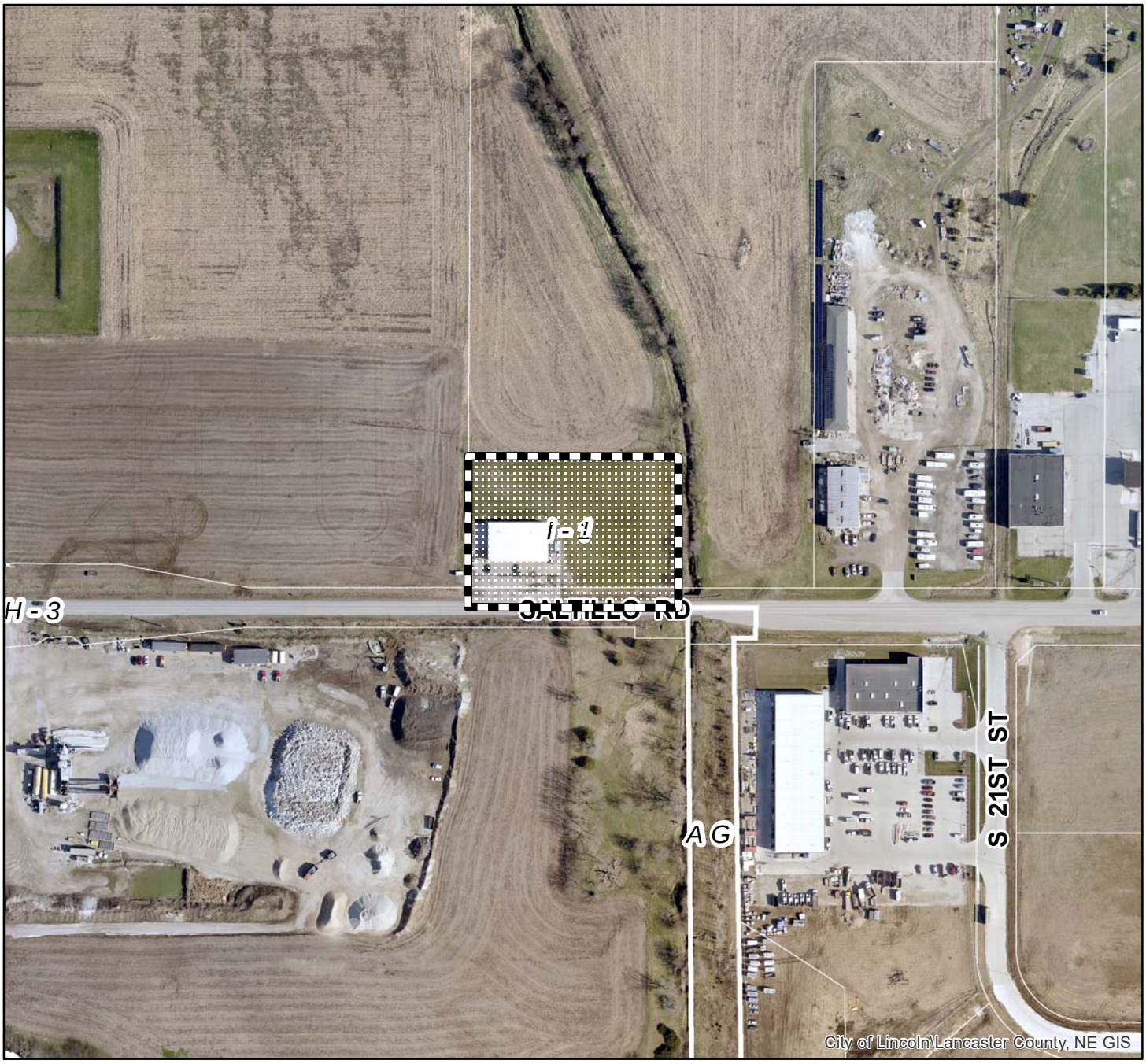
2. The following conditions are applicable to all requests:

    2.1 Before occupying starting the operation all development and construction shall substantially comply with the approved plans.

    2.2 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.

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

    2.4 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 #: SP21022
S 17th St & Saltillo 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

N
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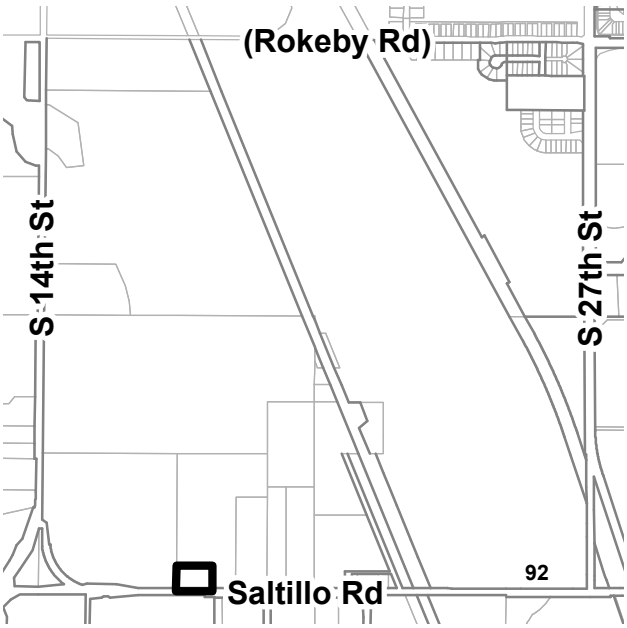
S

One Square Mile:
Sec.36 T09N R06E

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



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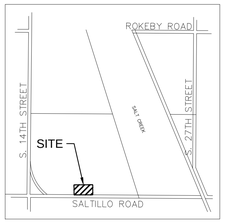
SAPP BROS SPECIAL PERMIT

SITE PLAN



VICINITY MAP

OWNERS & DEVELOPERS

SAPP BROS., INC
9915 S. 148TH STREET
OMAHA, NE 68138
PHONE: (402) 895-7068

ENGINEER & PREPARER

OLSSON, INC
601 P STREET
LINCOLN, NE. 68508
PHONE: (402) 474-6311

SITE INFORMATION

LEGAL: S36, T9, R6, 6TH PRINCIPAL MERIDIAN, LOT 66 SW

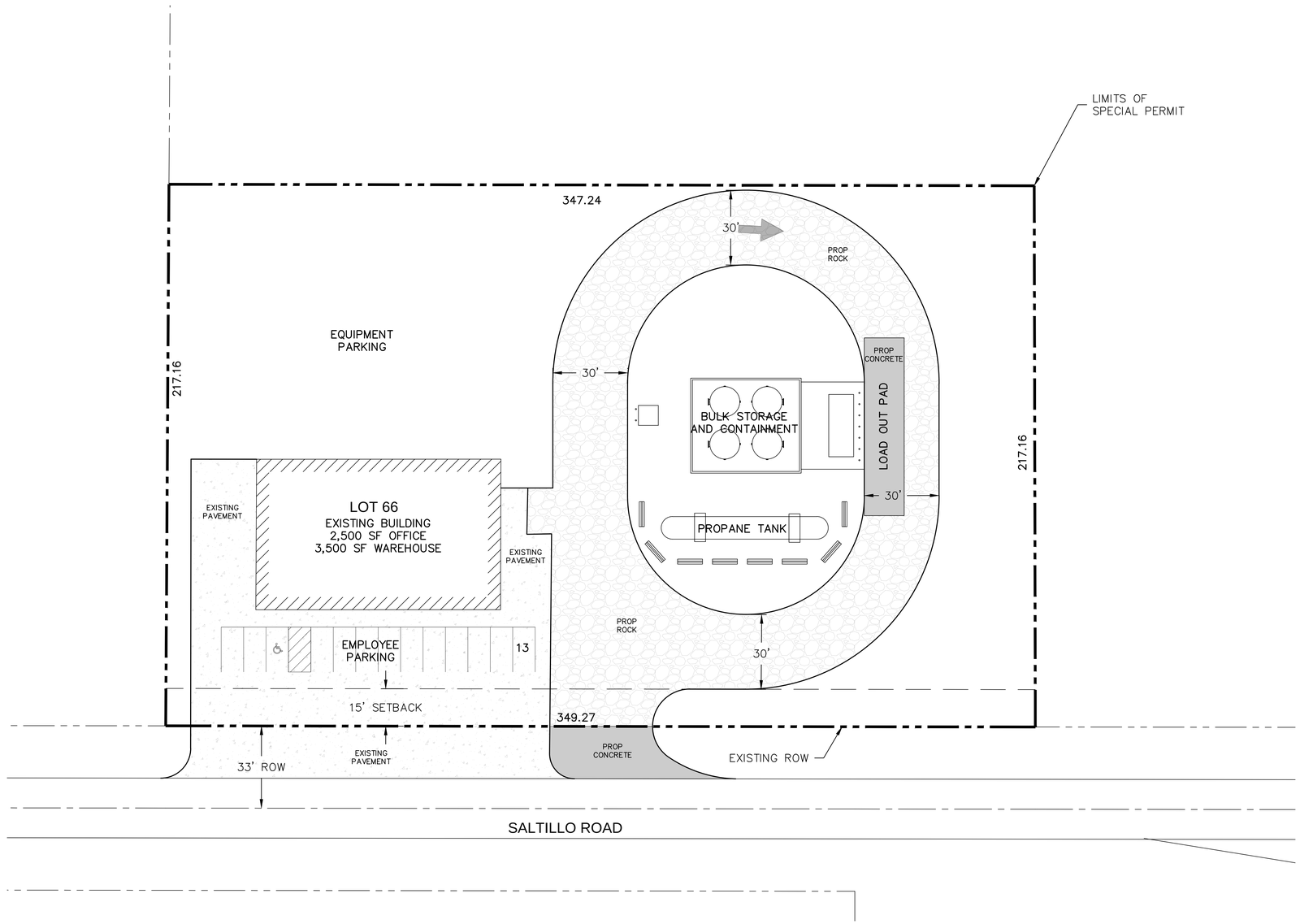
ADDRESS: 1700 SALTILLO RD, LINCOLN, NE 68430

ZONED: I-1

GENERAL NOTES

1. ADJUSTMENTS IN THE FLOOR AREA OF EACH BUILDING MAY BE MADE AT TIME OF BUILDING PERMIT, .
2. THE EXISTING ZONING IS I-1. THE PROPOSED ZONING IS I-1.
3. SIGNS, LANDSCAPING, AND SCREENING ARE NOT REQUIRED TO BE SHOWN ON THE PLANS, ALL SIGNS, LANDSCAPING, AND SCREENING SHALL COMPLY WITH THE O-3 ZONING DISTRICT AND CITY OF LINCOLN DESIGN STANDARDS, AND THEY SHALL BE SHOWN AT THE TIME OF SIGN AND BUILDING PERMITS, RESPECTIVELY.
4. LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY ON FUTURE FINAL PLATS.
5. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
6. ALL ELEVATIONS ARE BASED ON NAVD 1988 DATUM.
7. EAVES, OVERHANGS, WINDOW SWINGS, DOOR SWINGS, AIR CONDITIONER UNITS ETC. MAY ENCROACH OVER THE SETBACK LINES. ENCROACHMENTS ARE NOT ALLOWED OVER PROPERTY LINES AND MUST CONFORM TO BUILDING AND LIFE SAFETY CODES.
8. ALL LAYOUTS SHOWN WITHIN THE SPECIAL PERMIT ARE CONCEPTUAL. SPECIFIC DETAILED PLANS WILL BE SUBMITTED WITH INDIVIDUAL SITE PLANS AS THE ARE DEVELOPED AT TIME OF BUILDING PERMIT APPLICATION, IN ACCORDANCE WITH CITY OF LINCOLN DESIGN STANDARDS.
9. TO THE BEST OF THE PROPERTY OWNER'S KNOWLEDGE, NO OTHER WETLANDS ARE LOCATED ON THE PROPERTY.
10. NO RESIDENTIAL DWELLINGS, HOTELS, MOTELS, CHILDCARE FACILITIES, SCHOOLS, HEALTHCARE FACILITIES, OR RETIREMENT FACILITIES SHALL BE ALLOWED WITHIN THE PIPELINE PLANNING AREA AS DESIGNATED ON THE PLANS..
11. PARKING TO BE PROVIDED IN COMPLIANCE WITH THE ZONING ORDINANCE.
12. SETBACKS FOR PARKING AND BUILDINGS AS PER THE ZONING ORDINANCE UNLESS OTHERWISE NOTED.
13. PERIMETER BOUNDARY OF THE USE PERMIT SHALL BE USED FOR OUTDOOR LIGHTING TRESPASS AND GLARE REQUIREMENTS FOR THE ENTIRE DEVELOPMENT, ALLOWING EXTERIOR BUILDING AND PARKING LOT LIGHTING TO TRESPASS ONTO INTERNAL PROPERTY LINES WITHIN THE PERIMETER BOUNDARY.

BULK FUEL USE TABLE	
PRODUCT LINE	VOLUME (GALLONS)
REFINED FUEL	240000
PROPANE	30000



N

0' 10' 20' 40'

SCALE IN FEET

LEGEND

- CENTER LINE
- PERMIT BOUNDARY
- EDGE OF ROAD
- EDGE OF DRIVE
- SETBACK
- DRAINAGE CORRIDOR
- PROPERTY LINE
- BUILDING
- PROPOSED CONCRETE
- PROPOSED ROCK
- EXISTING PAVEMENT

olsson

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

TEL 402.474.6311
www.olsson.com

REVISIONS

REV. NO.	DATE	REVISIONS DESCRIPTION

SITE PLAN

SAPP BROS
SPECIAL PERMIT

2021

LINCOLN, NE

drawn by:	MRG
checked by:	BAL
approved by:	BJM
QA/QC by:	BJM
project no.:	021-03586
drawing no.:	1
date:	05/10/2021

SHEET 1 of 1

93

DWG: F:\2021\03501-04000\021-03586\40-Design\AutoCAD\Preliminary Plans\Sheets\GNCV\C_SIT01_02103586.dwg USER: mgreufe
DATE: May 11, 2021 10:54am XREFS: C_PBASE_02103586 C_XBASE_02103586

May 12, 2021

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

Re: Special Permit – Bulk Fuel
Olsson Project No. 021-03586

Dear Mr. Cary,

On behalf of Sapp Bros, we are requesting an application for a Special Permit to permit bulk storage of refined fuel and propane products, above ground, for the property located at 1700 Saltillo Road or legally described Section 36, Township 9, Range 6, 6th Principle Meridian Lot 66 SW.

This property is currently zoned I-1. Sapp Bros is contracted to purchase the property and intends to keep the existing building for the operations and sales of the fuel products.

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

1. Site Plan
2. City Application Form
3. Application fees in the amount of $988

Plans and other supporting documents will be submitted to ProjectDox upon notification from the planning staff. We appreciate your consideration of the above requests and look forward to working with you on these proposed changes to the Firethorn Addition Commercial development. If you require further information or have any questions, please do not hesitate to contact me at bmarshall@olsson.com or (402) 458-5672.

Sincerely,

Brad J Marshall, P.E.
cc: File

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?	OWNER
Change of Zone #21016 - Tagel Hill	No	Pine Lake Heights Congregation of Jehovah's Witnesses, Inc.
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY LOCATION**
May 26, 2021	Special Permit #14003A	6800 Pine Lake Road

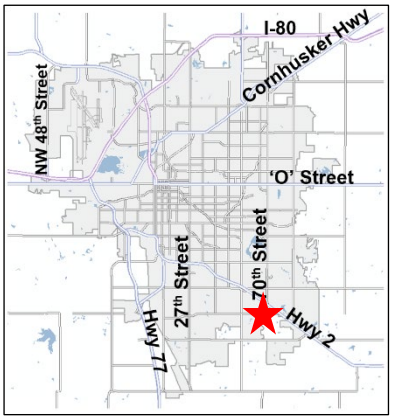
RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This request is to re-zone approximately 1.89 acres from R-1 to H-4 to be included into the adjacent special permit for Planned Service Commercial originally approved in 2014 for a mini-storage facility and office buildings adjacent to the east.

The applicant is seeking to expand the mini-storage facility and has submitted a site plan with the associated application for SP#14003A showing the layout for the proposed expansion. The expansion is over approximately 1.89 acres of the adjacent church property which the applicant does not yet own. Presumably there is an agreement to sell the subject tract if these applications are approved. To convey title to the subject tract the church lot must be subdivided prior to the property transfer.

If these applications are approved, 1.89 acres of the church property will be rezoned from R-1 to H-4, and the mini-storage facility will be authorized to expand by 21,000 square feet of floor area.



JUSTIFICATION FOR RECOMMENDATION

The Future Land Use Map of the Comprehensive Plan designates the subject tract for future urban-density residential land uses. However, being less than five acres in area the Future Land Use Map does not have to be amended to reflect a commercial land use designation.

Minor deviations (less than five acres) to land use designations on the Future Land Use Map are allowed when they result in more appropriate and compatible land uses. As the subject tract is located between a church and a commercial mini-storage facility and is not likely or desirable for residential land uses, this request is appropriate.

APPLICATION CONTACT
Tim Gergen, Clark-Enersen
Tim.gergen@clarkenersen.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

While not designated for commercial land uses on the Future Land Use Map, deviations of less than five acres are anticipated and under certain circumstances can be appropriate. Re-zoning to H-4 will allow for commercial development subject to the conditions of a special permit but is only appropriate if the associated special permit is approved. This request is consistent with the principles for commercial development in the City of Lincoln.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

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

P. 12.4 - Commercial - Areas of retail, office, service and residential mixed uses. Commercial uses may vary widely in their intensity of use and impact. Individual areas designated as commercial in the land use plan may not be appropriate for every commercial zoning district.

P. 1.2 - Quality of Life Assets:
-The community continues its commitment to strong, diverse neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies.
-LPlan 2040 is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's new and established neighborhoods.

P. 2.8 - Guiding Principles for Community Form: The Urban Environment
-Mixed use redevelopment, adaptive reuse, and well-designed and appropriately-placed infill development, including residential, commercial and retail uses, are encouraged.

P. 5.1-5.2 - Business & Economy Guiding Principles
-Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.
-Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.
-Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.
-Provide flexibility to the marketplace in siting future commercial and industrial locations.
-Strive for predictability for neighborhoods and developers.
-Encourage and provide incentives for mixed uses in future developments.

P. 5.14-5.16 - Strategies for Commercial Infill
-Discourage auto-oriented strip commercial development and seek opportunities for residential mixed use redevelopment and/ or transit oriented development of existing commercial strips.
-Develop infill commercial areas to be compatible with the character of the area.
-Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.
-Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses and take steps to ensure expansions are in scale with the adjacent neighborhood, are properly screened, fulfill a demonstrated need and are beneficial to health and safety.
-Ensure the priority in older areas is on retaining areas for residential development. Prior to approving the removal of housing in order to provide for additional parking to support existing centers, alternatives such as reduced parking requirements, shared parking, additional on-street parking, or the removal of other commercial structures should be explored.
-Encourage efforts to find new uses for abandoned, under-utilized or "brownfield" sites that are contaminated, through redevelopment and environmental mitigation.
-Maintain and encourage ethnically diverse commercial establishments that are convenient to existing neighborhoods.

ANALYSIS

1. This request seeks to re-zone a 1.89-acre parcel from R-1 to H-4. It is associated with SP#14003A which seeks to expand the mini-storage and office development adjacent to the east. If approved, the intent is for the church to subdivide their property and sell the 1.89-acre tract to the applicant to provide for an expansion of the mini-storage facility.

2. SP#14003 was approved in 2014 and limited development to two uses - 74,000 square feet of mini-storage and 20,000 square feet of office. The associated request seeks to expand the floor area for mini-storage by 21,000 square feet for a total of 115,000 square feet of commercial floor area. No change to the number of uses allowed is proposed.

3. The subject tract is part of the lot belonging to the Pine Lake Congregation of Jehovah's Witnesses and now developed with a church. The 1.89-acre tract has not been subdivided and will require an approved final plat prior to selling it to the applicant.

4. The entire church lot is zoned R-1 and designated for Urban-Density Land Uses on the Future Land Use Map of the Comprehensive Plan. Re-zoning to a district not consistent with the designation shown on the Future Land Use Map requires an amendment to the Comprehensive Plan to change when over five acres. Re-zoning on parcels less than five acres is allowed without an amendment when it results in a compatible and appropriate zoning pattern.

5. The subject tract is located between a church and a mini-storage/office facility. Access will be limited to South 70th Street and Pine Lake Road via a future driveway connection to the mini-storage facility and the church. Access through the adjacent residential area to the north does not exist.

6. Development of the subject tract with residential uses is neither likely nor desirable. Any dwellings would be located between a church and a mini-storage facility. Access would not be through a residential neighborhood but across either the church lot or the storage facility to either Pine Lake Road or South 70th Street.

7. H-4 zoning is the least intense zoning district where mini-storage is allowed. Re-zoning to H-4 will facilitate the 1.89-acre parcel being included into the boundary of the adjacent special permit and mini-storage facility. This re-zoning also increases the likelihood that the church will redevelop at some point in the future as well. Similar low-intensity commercial uses may also be appropriate on that site also. The likelihood of such redevelopment with low-intensity commercial uses makes the driveway connection required by the special permit that much more important.

8. The original special permit specifically limited the allowed uses to mini-storage and office with enhanced screening. Rezoning to H-4 is the least intensive district to allow mini-storage while providing the City site plan review authority via the special permit for Planned Service Commercial. A limit on the intensity of uses was deemed appropriate given the limited access to South 70th Street and so uses like restaurants and convenience stores are not allowed. Enhanced screening was required given the proximity to a major street intersection in a newly developing part of the city.

9. This request to re-zone to H-4 only makes sense if the associated Special Permit #14003A is approved. If that permit is denied, any permitted or conditional use would still be allowed 'by right'. The intent is allow the site develop consistent with the conditions imposed by SP#14003A. Without those constraints, this re-zoning is not appropriate.

10. The Future Land Use Map is not required to be amended to support this re-zoning. Minor deviations from the land use designations on the map are anticipated under certain circumstances where the land area involved is less than five acres. This request will facilitate the development proposed by the associated special permit and allow development in a manner compatible with surrounding land uses. This request complies with the requirements of the Zoning Ordinance and the Comprehensive Plan.

EXISTING LAND USE & ZONING: Vacant R-1 Residential

ASSOCIATED APPLICATIONS:

SP#14003A - A request to expand the existing special permit for planned service commercial by 1.89 acres and 21,000 square feet of commercial floor area.

APPROXIMATE LAND AREA: 1.89 acres more or less

ASSOCIATED HISTORY:

AUG 2003 – CZ#3385 re-zoned the subject tract from AGR to R-1.

APR 2014 – SP#14003 approved the adjacent Tagel Hill mini-storage facility including two office buildings for a total of 94,000 square feet of commercial floor area.

APR#2014 - CPA#14001 to change the designation for the site of the adjacent Tagel Hill mini-storage facility from residential to commercial.
MAY 2014 – CZ#14004 was approved rezoning the adjacent property for 5.49 acres from AGR to H-4 to allow for a special permit for planned service commercial.

SURROUNDING LAND USE & ZONING

North:	Residential	AGR
South:	Vacant, Residential, Commercial	R-3(PUD)
East:	Commercial	H-4
West:	Church	R-1

LEGAL DESCRIPTIONS: See attached.

Prepared by

_____
Brian Will, Planner
May 12, 2021
402-441-6362, bwill@lincoln.ne.gov

Applicant: Mike Wachel
Tagel Hill, LLC
13600 South 98th Street
Lincoln, NE 68430
402-440-5005
mike.wachal@davisdesign.com

Contact: Tim Gergen
The Clark Enersen Partners
1010 Lincoln Mall
Lincoln, NE 68508
402-477-9291
tim.gergen@clarkenersen.com

Owner: Pine Lake Heights Congregation of Jehovah's Witnesses, Inc.
PO Box 6801
Lincoln, NE 68506

CONDITIONS OF APPROVAL

1. Special Permit #14003A is approved prior to this request.

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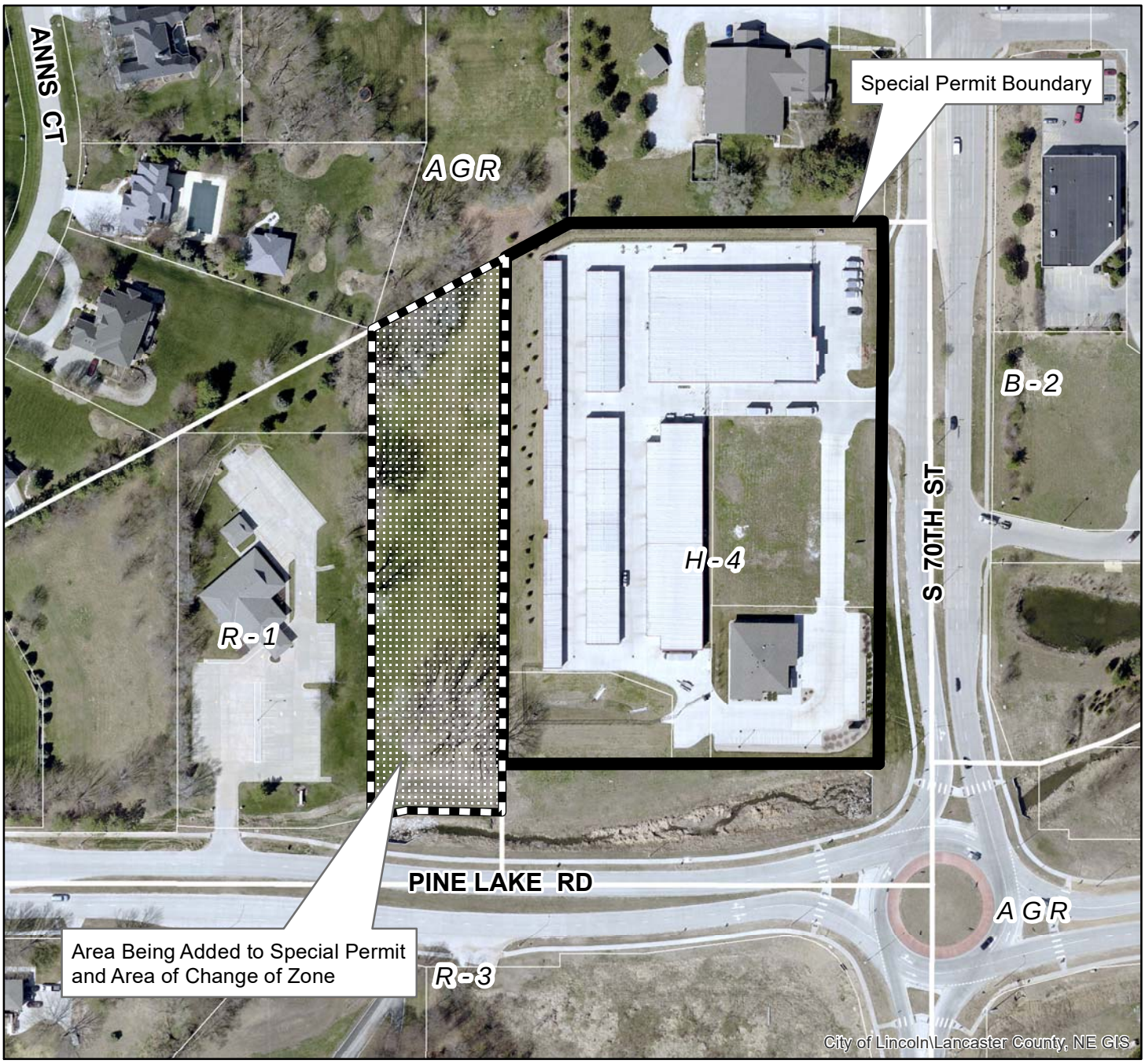


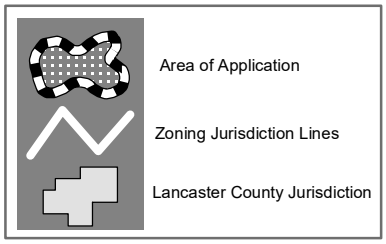
2020 aerial

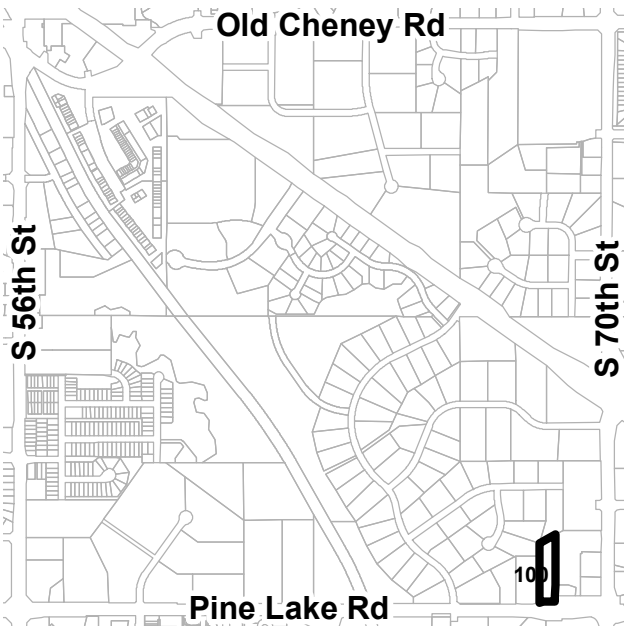
Special Permit #: SP14003A &
Change of Zone #: CZ21016 (R-1 to H-4)
Tagel Hill
S 70th St & Pine Lake Rd

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.16 T09N R07E





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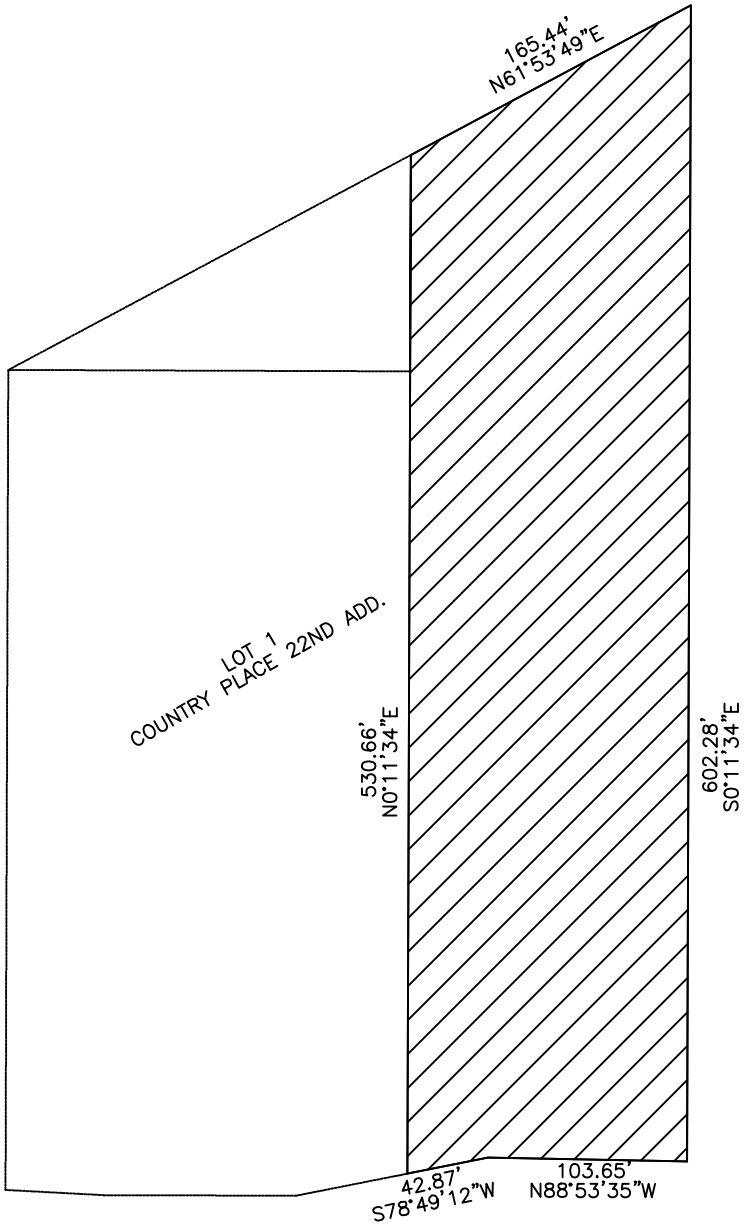
File: F:\DevReview\PlannerPacket\MXD\Agendadrawings.mxd (SP14003A)

CHANGE OF ZONE LEGAL DESCRIPTION



THAT PART OF THE REMAINING PORTION OF LOT 1, COUNTRY PLACE 22nd ADDITION, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH. P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHHEAST CORNER OF LOT 1, COUNTRY PLACE 22nd ADDITION, SAID POINT BEING ON THE NORTH RIGHT OF WAY LINE FOR PINE LAKE ROAD; THENCE WESTERLY ON SAID NORTH RIGHT OF WAY LINE FOR THE NEXT TWO (2) COURSES, ON AN ASSIGNED BEARING OF N 88°53'35"W 103.65'; THENCE S 78°49'12"W 42.87'; THENCE NORTHERLY AND PARALLEL TO THE EAST LINE OF SAID LOT 1, N 0°11'34"E 530.66', TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE NORTHEASTERLY ON SAID LINE, N 61°53'49"E 165.44', TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTHERLY ON THE EAST LINE OF SAID LOT 1, S 0°11'34"W 602.28', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 82,045.83 SQUARE FEET OR 1.884 ACRES, MORE OR LESS.

So. 70th STREET

PINE LAKE ROAD

April 27, 2021

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

RE: Amendment to Tagel Hill Planned Service Commercial SP #14003
Change of Zone from R-1 to H-4

Dear Mr. Cary:

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

1. Application
2. Special Permit Application fee $988
3. Change of Zone Application fee $988
4. Site plan (sheet C1.01)
5. Grading & Drainage Plan (sheet C1.02)
6. Landscape Plan (sheet C1.03)

On behalf of the Developer, Tagel Hill LLC, 13600 S. 96th St. Roca, NE, we are submitting an application for an amendment to the Planned Service Commercial Special Permit #14003 and an application for a Change of Zone from R-1 to H-4 for the expansion of the existing storage unit project located at the northwest corner of the intersection S. 70th and Pine Lake Road. The expansion of the storage units will increase the amount of storage units by 21,000 SF (74,000 SF to 95,000 SF). To accommodate the expansion of the storage units the eastern 145' of the church to the west of the storage units is being purchased and re-zoned from R-1 to H-4. We are also requesting to remove the restriction on the equipment rental location and storage bay doors. This restriction is not consistent with other storage unit properties. The setback from the right of way and the landscaping provides ample screening from the public streets.

The Developer has met with adjacent owners at 6831 Marcus Road; 6720 Anns Ct; and 6730 Anns Ct and presented the proposed addition to the storage units. Each owner was receptive and had no concern.

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

Sincerely,

Tim Gergen

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 #14003A – Tagel Hill	Yes	Mike Wachel, Tagel Hill, LLC
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
May 26, 2021	Change of Zone #21016	NW of South 70th & Pine Lake Road

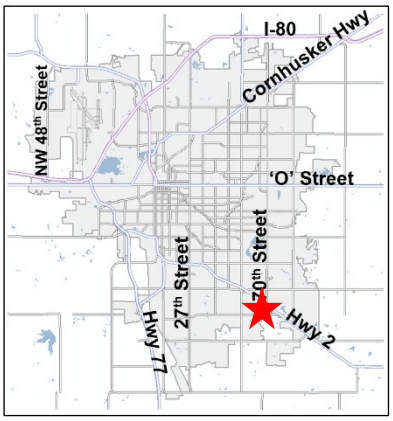
RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to amend the existing special permit for Planned Service Commercial per Lincoln Municipal Code (LMC) Section 27.63.470. The applicant is proposing to expand the existing mini-storage and office building development by approximately 1.89 acres to allow for an additional 21,000 square feet of mini-storage.

The site plan shows the facility acquiring 1.89 acres of the adjacent lot owned by the Pine Lake Heights Congregation Jehovah's Witnesses currently developed with a church.

There is an associated change of zone request to re-zone the 1.89 acre parcel from R-1 to H-4 to allow to be included in the special permit and developed commercially. A final plat will be required to subdivide the church lot if these requests are approved.



JUSTIFICATION FOR RECOMMENDATION

The area of expansion is located between a church and a mini-storage facility. Residential development is neither likely nor desirable. The driveway connection is important to provide access for this development to both South 70th Street and Pin Lake Road. Not making the connection would be unusual and contrary to typical commercial development where the is good connectivity among commercial lots. Consistent with the conditions of the original special permit approval of this request allows an appropriate land use at this location.

APPLICATION CONTACT
Tim Gergen
402-477-9291
tim.gergen@clarkenersen.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

While not designated for commercial land uses on the Future Land Use Map, deviations of less than five acres are anticipated and under certain circumstances can be appropriate. The associated re-zoning to H-4 will allow for commercial development subject to the conditions of a special permit. This request is consistent with the principles for commercial development in the City of Lincoln.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

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

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P. 1.2 - Quality of Life Assets:
-The community continues its commitment to strong, diverse neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies.
-LPlan 2040 is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's new and established neighborhoods.

P. 2.8 - Guiding Principles for Community Form: The Urban Environment
-Mixed use redevelopment, adaptive reuse, and well-designed and appropriately-placed infill development, including residential, commercial and retail uses, are encouraged.

P. 5.1-5.2 - Business & Economy Guiding Principles
-Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.
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-Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.
-Provide flexibility to the marketplace in siting future commercial and industrial locations.
-Strive for predictability for neighborhoods and developers.
-Encourage and provide incentives for mixed uses in future developments.

P. 5.14-5.16 - Strategies for Commercial Infill
-Discourage auto-oriented strip commercial development and seek opportunities for residential mixed use redevelopment and/ or transit oriented development of existing commercial strips.
-Develop infill commercial areas to be compatible with the character of the area.
-Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.
-Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses, and take steps to ensure expansions are in scale with the adjacent neighborhood, are properly screened, fulfill a demonstrated need and are beneficial to health and safety.
-Ensure the priority in older areas is on retaining areas for residential development. Prior to approving the removal of housing in order to provide for additional parking to support existing centers, alternatives such as reduced parking requirements, shared parking, additional on-street parking, or the removal of other commercial structures should be explored.
-Encourage efforts to find new uses for abandoned, under-utilized or "brownfield" sites that are contaminated, through redevelopment and environmental mitigation.
-Maintain and encourage ethnically diverse commercial establishments that are convenient to existing neighborhoods.

ANALYSIS

1. Special Permit #14003 was approved in 2014 for Planned Service Commercial authorizing up to 94,000 square feet of commercial floor area. The uses were limited to mini-storage (74,000 square feet) and office (20,000 square feet) with conditions relating to additional screening and limits on outdoor storage.

2. This request is a major amendment to that special permit seeking to expand it by 1.89 acres to allow for an additional 21,000 square of mini-storage buildings. The associated change of zone request, CZ#21026, proposes to re-zone a 1.89 acre portion of the lot adjacent to the west from R-1 to H-4 to facilitate the expansion.

3. The adjacent lot to the west is owned by the Pine Lake Heights Congregation of Jehovah's Witnesses where the western portion is developed with a church and an associated parking lot. The eastern 1.89 acres shown included in this special permit is undeveloped and not currently used for church purposes.

4. This special permit and the associated change of zone request would grant the zoning approval necessary to proceed with the proposed development. Conveyance of the subject property from the Church to the applicant will require an approved final plat to subdivide the property to transfer the deed to land from one owner to the next prior to building permits and development.

5. The site plan submitted to the City generally complies with the Zoning Ordinance, but several changes and corrections are needed. All are included in the recommended conditions of approval, the more significant items are discussed below.

    a. The access driveway from the existing facility needs to be shown extending to the west boundary of the special permit. The note describing the timing of when the driveway will be constructed needs to be deleted as the driveway should be required to be built at the time of final plat. As a result, at the time of final plat a surety will be required by the City to guarantee its construction.

        This connection is important because at such time as the church property redevelops it will be required to share an access point onto Pine Lake Road with the adjacent community unit plan (CUP) for Hannan Addition further to the west. This was required to help maintain the City's access management Policy limiting access points onto arterial streets. Given the lack of median openings at the church driveway onto Pine Lake Road and at the storage facility's access point onto South 70th Street, vehicles will be provided enhanced access to the adjacent arterial streets with this driveway connection.

        The driveway needs to be built now with this proposed expansion and not be left until the church property re-develops. The driveway is for the benefit of this development and should not be the responsibility of others in the future. It will provide needed access to both South 70th and Pine Lake Road for the properties involved.

        It is for the benefit of both the redevelopment of the church property and the customers of the office and self-storage facility and will provide two ways in and out with access to Pine Lake Road and South 70th Street. This is typical of any development and it would be very unusual not to do so. In this case, there is no unique or unusual circumstance to justify not doing so. By not requiring the connection now, this applicant in effect is asking the cost of the improvement to be borne by the church at the time of future redevelopment instead of paying the typical development cost now for a required improvement on his property.

    b. Revise the grading and drainage plan to reflect the extension of the driveway to the west boundary of the special permit showing how it will transition to the neighboring tract. Currently the grading plan shows an approximately 3' change in grade where the driveway is shown to terminate requiring all the transition for a suitable grade on the neighboring property. Construction of the driveway should be facilitated to make the connection on the subject property. This is part of the cost of ensuring the driveway connection can be made and should be the responsibility of this developer and not passed along to a neighboring property owner.

    c. Show a concept plan of the future driveway extension across the remaining church property to demonstrate how it can reasonably connect to the access point onto Pine Lake Road at the west edge of the church lot. This is necessary to ensure a continuous drive connection can be made and used by the properties involved given its importance and benefit to the mini-storage development and church.

    d. Delete the bubble from Note #17 and remove the strikeout from the work 'SCREENED'. This screening requirement was required with the original approval and deemed appropriate. No justification or mitigation for its removal is provided.

    e. Delete the bubble and strikeout from Note #18. This limitation on the storage of rental equipment was part of the approval of the original special permit. The screening in Note #17 and the limits on outdoor storage in this note were included as part of the original special permit approval and deemed appropriate given the character of the area and its location at an intersection of two major arterial streets. No justification or mitigation was provided for the removal of this note.

6. Subject to the recommended conditions of approval, this request to expand the boundary of the special permit by approximately 1.89 acres to allow an additional 21,000 square feet of mini-storage complies with the requirements of the Zoning Ordinance and goals of the Comprehensive Plan.

EXISTING LAND USE & ZONING: Vacant R-1 Residential (area of expansion)

ASSOCIATED APPLICATIONS:

CZ#21016 - A request to re-zone 1.89 acres from R-1 to H-4 to allow for a 21,000 square foot expansion of the mini-storage facility.

APPROXIMATE LAND AREA: Area of expansion **-** 1.89 acres more or less

ASSOCIATED HISTORY:

AUG 2003 – CZ#3385 re-zoned the subject tract for expansion from AGR to R-1.

APR 2014 – SP#14003 approved the adjacent Tagel Hill mini-storage facility including two office buildings for a total of 94,000 square feet of commercial floor area.

APR#2014 - CPA#14001 to change the designation for the site of the adjacent Tagel Hill mini-storage facility from residential to commercial.

MAY 2014 – CZ#14004 was approved rezoning the adjacent property for 5.49 acres from AGR to H-4 to allow for a special permit for planned service commercial.

SURROUNDING LAND USE & ZONING (AREA OF EXPANSION)

North:	Residential	AGR
South:	Vacant, Residential, Commercial	R-3(PUD)
East:	Commercial	H-4
West:	Church	R-1

LEGAL DESCRIPTION: See attached.

Prepared by

_____

Brian Will, Planner
May 12, 2021
402-441-6362
bwill@lincoln.ne.gov

Applicant: Mike Wachel
Tagel Hill, LLC
13600 South 98th Street
Lincoln, NE 68430
402-440-5005
mike.wachal@davisdesign.com

Contact: Tim Gergen
The Clark Enersen Partners
1010 Lincoln Mall
Lincoln, NE 68508
402-477-9291
tim.gergen@clarkenersen.com

Owner: Pine Lake Heights Congregation of Jehovah's Witnesses, Inc.
PO Box 6801
Lincoln, NE 68506

CONDITIONS OF APPROVAL – SPECIAL PERMIT #14003A

Per Section 27.63.470 this approval permits an approximately 1.89 acre expansion for an additional 21,000 square feet of floor area for a total of 115,000 square feet of commercial floor area per LMC Section 27.63.470.

Site Specific Conditions:

1. The City Council approves associated request:

    1.1 Change of Zone #21016.

2. 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:

    2.1 Revise the site plan to show the driveway along the south edge of the facility extended to the west boundary of the special permit.

    2.2 Delete the note relating to the timing of construction of the driveway.

    2.3 Revise the grading and drainage plan to show the transition for the extension of the driveway on the area of expansion for this request.

    2.4 Show a concept plan for the extension of the driveway across the remaining church lot demonstrating the ability to use the future shared driveway on the west edge of the remaining church lot.

    2.5 Delete the note regarding 0' internal setbacks.

    2.6 Delineate the 20' and 40' setbacks along the north boundary of the development.

    2.7 Delete the note in the lower right-hand portion of the site plan 'DRAFT – PREPARED FOR PRELIMINARY REVIEW AND SUBMISSION ONLY.'

    2.8 Delete the bubble surrounding Note #15.

    2.9 Delete the bubble from Note #17 and remove the strikeout from the work 'SCREENED'.

    2.10 Delete the bubble and strikeout from Note #18.

    2.11 Revise the grading and drainage plan per the redlines and review comments from the LTU/Watershed Management Division.

Standard Conditions:

3. The following conditions are applicable to all requests:

    3.1 Before occupying the buildings or starting the operation 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 business-owners 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 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.

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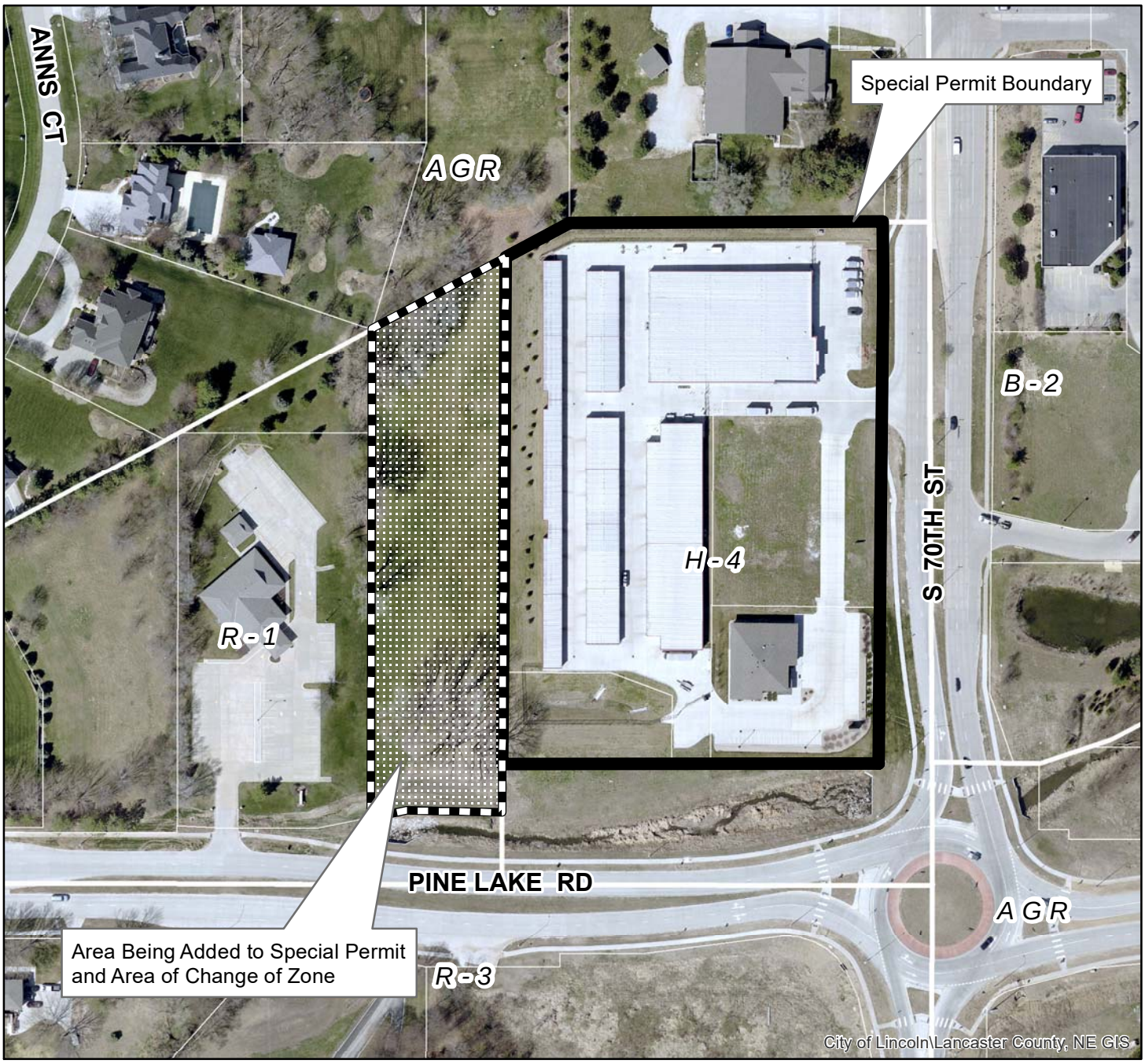


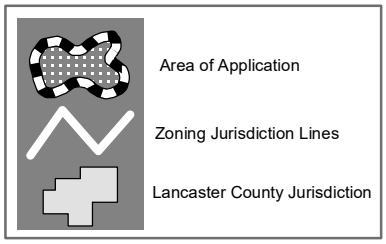
2020 aerial

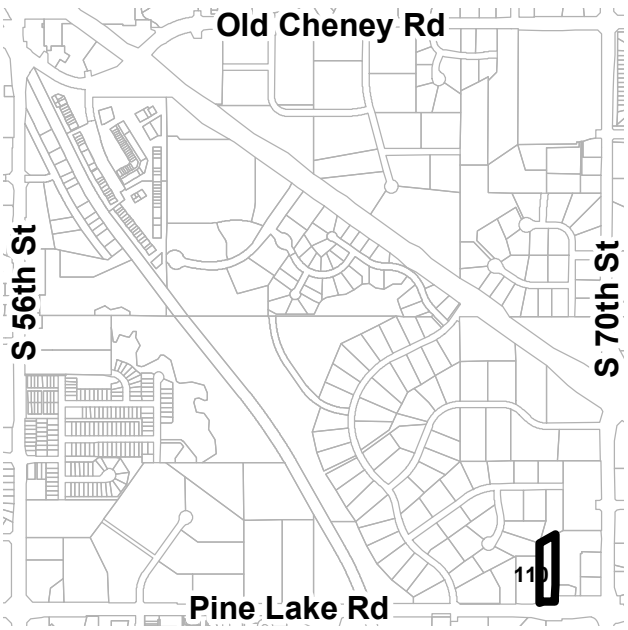
Special Permit #: SP14003A &
Change of Zone #: CZ21016 (R-1 to H-4)
Tagel Hill
S 70th St & Pine Lake Rd

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.16 T09N R07E





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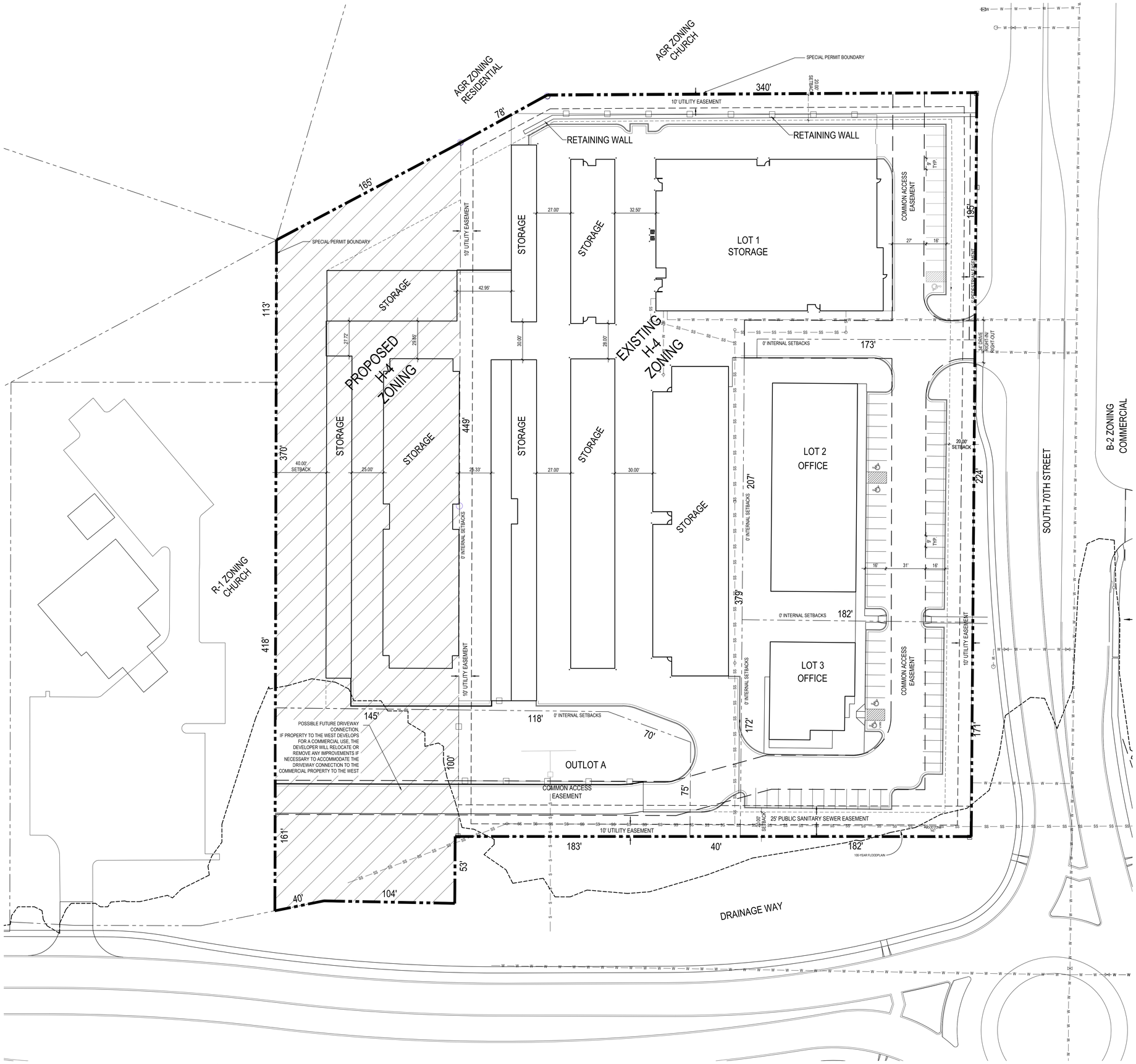

SITE PLAN

SCALE: 1"=30'-0"

LEGEND

- W — W — EXISTING WATER MAIN
- S — S — EXISTING STORM SEWER
- SS — SS — EXISTING SANITARY SEWER
- CHANGE OF ZONE R-1 TO H-4

TAGEL HILL AMENDMENT TO THE H-4 SPECIAL PERMIT #14003

SITE PLAN

ENGINEER & PREPARER
CLARK & ENERSEN
1010 LINCOLN MALL
SUITE 200
LINCOLN, NE 68508

DEVELOPER
TAGEL HILL, LLC
13600 S. 96TH STREET
ROCA, NE 68430

SPECIAL PERMIT LEGAL DESCRIPTION
LOTS 1-3, TAGEL HILL 1ST ADDITION; OUTLOT A, TAGEL HILL ADDITION
&
EAST 145.5' OF LOT 1, COUNTRY PLACE 22ND ADDITION

CHANGE OF ZONE LEGAL DESCRIPTION
EAST 145.5' OF LOT 1, COUNTRY PLACE 22ND ADDITION 1.88 +/- ACRES

ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF NEBRASKA. THESE PLANS MEET THE REQUIREMENTS OF THE CITY ENGINEER'S OFFICE DESIGN REQUIREMENTS.

4-27-21 — DATE
TIM GERGEN, P.E. — E-10344

NOTES

1. FENCES, TRASH ENCLOSURES, DECORATIVE STRUCTURES AND ACCESSORY BUILDINGS NEED NOT BE SHOWN ON THE PLAN. BUILDINGS MAY BE LOCATED ANYWHERE ON THE LOT SUBJECT TO SETBACK LIMITATIONS, AND OTHER LIMITATIONS DESCRIBED IN THESE CONDITIONS.
2. ANY LOTS SHOWN ON THIS SITE PLAN ARE ILLUSTRATIVE ONLY. LOT CONFIGURATIONS SHALL BE DEFINED BY APPROVED FINAL PLAT.
3. LOTS MAY BE CREATED WITHOUT FRONTAGE TO A PUBLIC STREET IF THEY HAVE ACCESS TO A PUBLIC OR COMMON ACCESS EASEMENT.
4. LOTS MAY BE CREATED WITH NON-PERPENDICULAR LOT CORNERS.
5. DIRECT VEHICULAR ACCESS TO SOUTH 70TH STREET AND PINE LAKE ROAD IS RELINQUISHED EXCEPT AS SHOWN.
6. SITE LAYOUT IS CONCEPTUAL. EXACT LOCATIONS OF WATER, SEWER, DRAINAGE, LANDSCAPE AND PAVING WILL BE SUBMITTED WITH INDIVIDUAL SITE PLANS AT TIME OF BUILDING PERMIT IN ACCORDANCE WITH CITY OF LINCOLN DESIGN STANDARDS AND EXCEPT AS DESCRIBED IN THESE CONDITIONS.
7. THE YARD SETBACKS REGULATES STRUCTURAL WALLS ONLY AND DOES NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCROACHING INTO THE SETBACKS.
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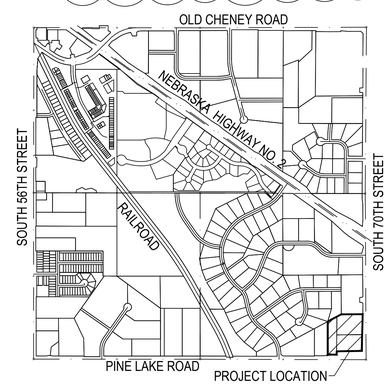


VICINITY MAP
NOT TO SCALE

Tagel Hill
S. 70th & Pine Lake Rd.
Lincoln, NE

CE No.: 851-002-21

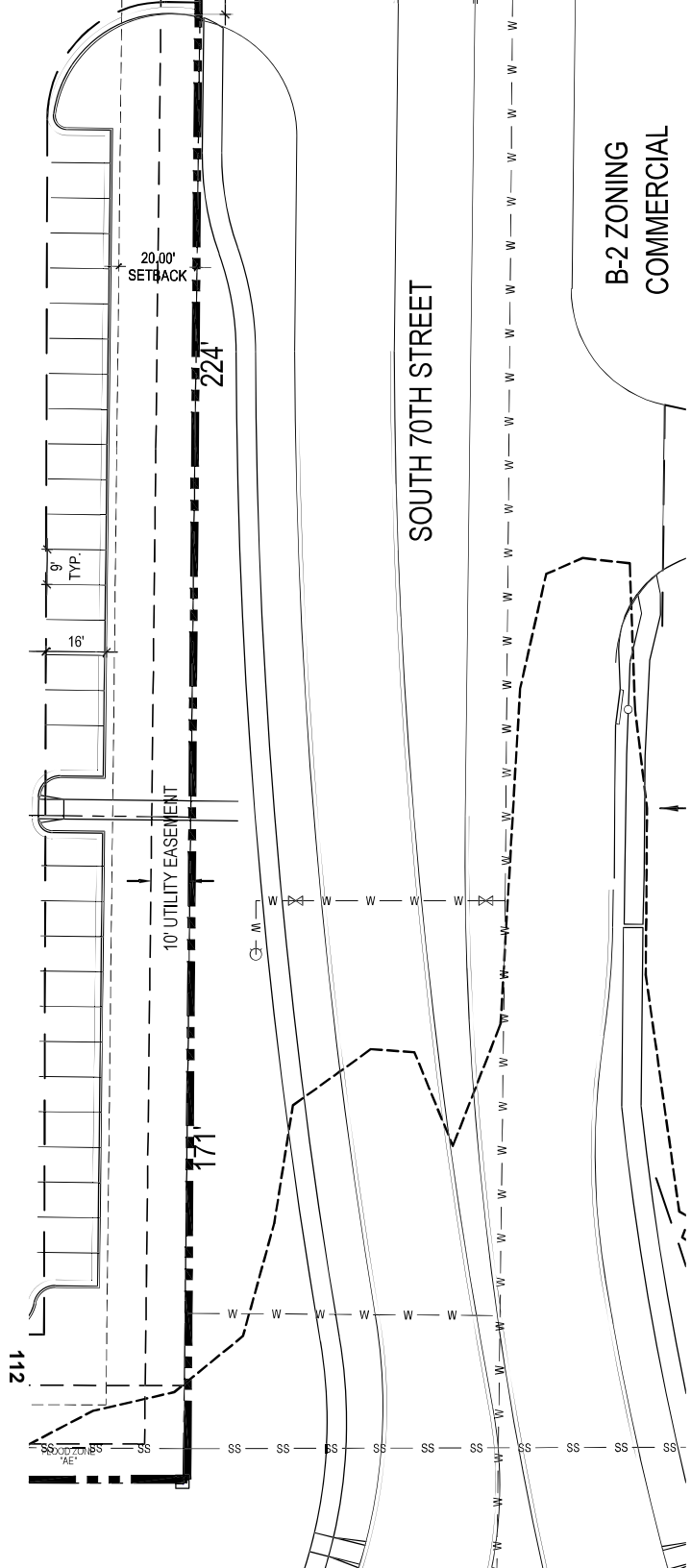
April 27, 2021

DRAFT
PREPARED FOR PRELIMINARY SUBMISSION AND REVIEW ONLY -- NOT FOR CONSTRUCTION.

Site Plan
C1.01

CLARK & ENERSEN
Architecture \ Engineering \ Interior Design \ Landscape Architecture \ Planning
clarkenersen.com
Lincoln, Nebraska
1010 Lincoln Mall, Suite 200
Lincoln, NE 68508-2883
P: 402.477.9291 F: 402.477.6542
Kansas City, Missouri
Fairway, Kansas
Portland, Oregon
Fort Collins, Colorado

Plot Time Stamp: 4 / 29 / 2021 8:07:54 AM
File Location/Name: \\Corp-fn-sv-004\800-899\851-002-21 Wachal-Storage Unit Expansion\03) AutoCAD\851002-C1.01.dwg



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OLD CHENEY ROAD

Tagel Hill

S. 70th & Pine Lake Rd.
Lincoln, NE

April 27, 2021

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

RE: Amendment to Tagel Hill Planned Service Commercial SP #14003
Change of Zone from R-1 to H-4

Dear Mr. Cary:

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

1. Application
2. Special Permit Application fee $988
3. Change of Zone Application fee $988
4. Site plan (sheet C1.01)
5. Grading & Drainage Plan (sheet C1.02)
6. Landscape Plan (sheet C1.03)

On behalf of the Developer, Tagel Hill LLC, 13600 S. 96th St. Roca, NE, we are submitting an application for an amendment to the Planned Service Commercial Special Permit #14003 and an application for a Change of Zone from R-1 to H-4 for the expansion of the existing storage unit project located at the northwest corner of the intersection S. 70th and Pine Lake Road. The expansion of the storage units will increase the amount of storage units by 21,000 SF (74,000 SF to 95,000 SF). To accommodate the expansion of the storage units the eastern 145' of the church to the west of the storage units is being purchased and re-zoned from R-1 to H-4. We are also requesting to remove the restriction on the equipment rental location and storage bay doors. This restriction is not consistent with other storage unit properties. The setback from the right of way and the landscaping provides ample screening from the public streets.

The Developer has met with adjacent owners at 6831 Marcus Road; 6720 Anns Ct; and 6730 Anns Ct and presented the proposed addition to the storage units. Each owner was receptive and had no concern.

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

Sincerely,

Tim Gergen

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

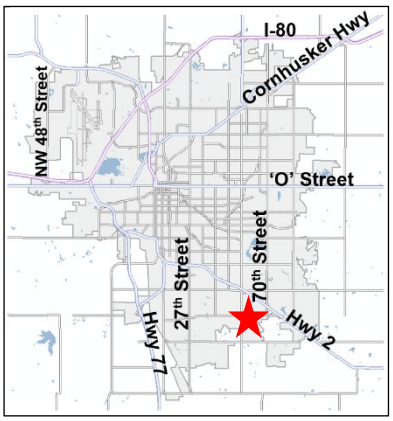
APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Change of Zone #04075i Village Gardens Planned Unit Development	No	Village Gardens Development Company, LLC
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
April 28, 2021	None	South 56th & Pine Lake Road

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to modify the Development Plan associated with the Village Gardens Planned Unit Development. Two changes are proposed. The first seeks to modify the maximum allowed height for multiple-family dwellings from 40' to 55'. The second seeks to modify the parking requirement from 1.5 parking stall per dwelling unit to 1.0.

The lot was a planned apartment site when the PUD was originally approved in 2004. Multiple-family structures are allowed at this location and otherwise comply with the requirements of the Development Plan.



APPLICATION CONTACT
DaNay Kalkowski, 402-435-6000
danay@sk-law.com

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

JUSTIFICATION FOR RECOMMENDATION

Multiple-family dwellings were planned for this site with the original PUD. Since 2004 construction standards and consumer preferences have changed and the height of multiple-family buildings have necessarily increased in response. This site is located in the B-3 commercial center portion of the PUD and adjacent to commercial uses to the north, west, east and a portion of the south boundary. Along the south boundary is an approximate 10' change in grade which falls abruptly from south to north offsetting much of the increased height. The parking reduction from 1.5 parking spaces to 1.0 is consistent with the underlying B-3 zoning, where 1.0 space per unit is the requirement of the Zoning Ordinance. Village Gardens Development, LLC through their Development Plan had initially adopted the higher standard of 1.5 spaces per unit. Given there is shared parking throughout much of the commercial center and the overall total number of spaces available, this supports the reduction to 1.0 spaces per unit.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

These requests will allow for increased density near a commercial center which has the infrastructure and proximity to transportation facilities that can support it. It adds to the variety of housing types available to residents and helps reduce the amount of unnecessary paving to preserve land for buildings, open space and other amenities.

WAIVERS

1. LMC 27.72.030(a) – Increase maximum height from 40' to 55' - Recommend Approval
2. LMC 27.67.020 – Reduce parking requirement to 1.0 spaces per dwelling unit - Recommend Approval

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is designated for future commercial land uses 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.

P. 1.2 - Quality of Life Assets:
- The community continues its commitment to strong, diverse neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies.
- LPlan 2040 is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's new and established neighborhoods.

P. 6.6-6.7 - Strategies for Mixed Use Redevelopment Nodes and Corridors
- Mixed Use Redevelopment Nodes and Corridors should strive to locate:
  - In proximity to planned or existing neighborhoods and community services, to facilitate access to existing community services or to address a deficiency by providing services such as grocery stores, childcare centers, and restaurants.
  - Where there is existing or potential for good access to transit, to enhance the public transit system by making it accessible to residents and to facilitate the development of neighborhood multimodal hubs where residents can drive, bike, or walk to a transit stop, go to work, and then shop for their daily needs before they return home.
  - On at least one arterial street to help provide for traffic and utility capacity and access to transit.
  - Strive for residential densities of at least seven dwelling units per gross acre within buildable areas inside the project boundary. This strategy encourages significant returns on public investment by developing high-quality properties with sustained value, supports new businesses in the mixed use center, makes public transportation more viable, and uses land and infrastructure more efficiently.

P. 6.1 - 1,000 dwelling units are slated for existing residentially-zoned land throughout the existing city, primarily on vacant lots. The remaining 4,000 dwelling units are anticipated to be located primarily in Mixed Use Redevelopment Nodes and Corridors including existing commercial centers and along major transportation corridors.

P. 6.2 - Increasing residential densities by adding new dwelling units to existing commercial areas in the form of mixed use centers also strengthens the buying power of adjacent neighborhoods by adding more "rooftops." Strengthened buying power may be able to improve the quality and quantity of localized private businesses and services.

P. 6.2-6.3 - Guiding Principles for Mixed Use Redevelopment
- Mixed Use Redevelopment Should:
  - 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.
  - Provide a diversity of housing types and choices throughout each neighborhood for an increasingly diverse population.
  - Encourage substantial connectivity and convenient access to neighborhood services (stores, schools, parks) from nearby residential areas.
  - Promote activities of daily living within walking distance, and provide sidewalks on both sides of all streets, or in alternative locations as allowed through design standards or review process.
  - Help to create neighborhoods that include homes, stores, workplaces, schools, and places to recreate.
  - Encourage residential mixed use for identified corridors and redeveloping centers identified as nodes.

- Develop with substantial connectivity between developing or existing neighborhoods and developing or redeveloping commercial centers.

ANALYSIS

1. This is a request to amend two provisions of the Village Gardens Development Plan, and both relate to a use described as Type G Multiple-family Apartment Buildings. The first is to increase the maximum allowed height for apartment buildings from 40' to 55', and to decrease the parking requirement from 1.5 to 1.0 parking spaces per dwelling unit. These changes are highlighted on Page 25 of Development Plan for the Type G – Multiple-family Apartments.
2. These changes affect the entire PUD. That is, the changes affect all Type G Multiple-family Apartment Buildings and will allow buildings to 55' with one parking stall per unit. However, the Development Plan only allows apartments in a portion of the PUD, the Village and Neighborhood Center areas of the PUD. Within those two areas combined, there are only two sites not vacant or currently under development – the subject tract and a much smaller lot to the north located in the Village Center adjacent to Pine Lake Road.
3. While the changes affect the entire PUD, the request is being brought by the developer of the lot southeast of the intersection of Boboli and Crosslake Lanes. The subject site is a 3.39 acre tract surrounded almost entirely by commercial uses. The only residential uses are attached single-family dwellings adjacent to the southeast portion of the site in the Thompson Creek development.
4. The subject property is located within the use area defined as Village Center. It intentionally allows the widest range of uses within the PUD to create a mixed-use center where a variety of residential and commercial uses are allowed. This property was identified as part of the Village Center from the beginning, and multiple-family dwellings have been an allowed use.
5. Exhibits including a site plan and building elevations are attached to this report for the purpose of illustration only. They are not intended to be included as part of this amendment if approved. Building plans will be reviewed and approved at the time of building permit in compliance with the requirements of the PUD.
6. Approved in 2004, the Village Gardens Planned Unit Development (PUD) was intended to be a mixed-use development which combines a range of residential housing types along with a variety of commercial uses. The PUD provisions of the Zoning Ordinance allow adjustments to not only the height, lot and area regulations, but also allow for uses to be combined in a single underlying zoning district which may not otherwise be allowed. The inherent flexibility of the PUD as a zoning tool is intended to allow for innovative urban design.
7. The normally applicable provisions of the Zoning Ordinance were significantly modified as part of the PUD. This modified set of zoning regulations are contained in what is described as the Development Plan. It is a 31 page companion text document to the preliminary plat/PUD plan set that details how development will occur within the PUD.
8. Page 5 of the Development Plan contains a graphic which delineates the various Use Areas within the boundary of the PUD. It goes on to list the uses that are allowed within the various areas and also includes height, lot and area regulators for the various uses, which in many cases are modified from the requirements of the Zoning Ordinance.
9. The underlying zoning designation for the Village Center is B-3 Commercial. B-3 zoning is typically found in the older commercial centers such as Havelock and University Place. It was chosen as the basis for the modified zoning regulations given the traditional mixed-use character of the development pattern in those older commercial areas.
10. The first waiver which is to height from 40' to 55' will allow a four-story apartment building. Increasingly, the trend for apartments has been to be taller. This is in response to evolving building code requirements, consumer preferences, and market forces. There have several recent height adjustments for apartment buildings granted as part of community unit plans (CUP) and PUD's throughout the city in recent years.

    Some recent examples of waivers to the maximum residential height for apartments include: Southwest Village PUD (S. Folsom & W. Denton) to 55' is pending approval; Wilderness Heights PUD (S. 40th & Yankee Hill Rd) to 55' app'd in 2021; Wilderness Hills South PUD (S. 40th and Rokeby Rd) to 55' app'd in 2020; Grandale South PUD (S. 40th & Rokeby Rd) to 55' app'd in 2020; Iron Ridge PUD (S. 27th and Rokeby Rd) to 65' app'd in 2020; and S. 59th Street Coalition PUD (S. 59th and Pine Lake Rd) to 55' app'd in 2020.

11. The Comprehensive Plan calls for increased density near commercial centers with access to major streets in areas where increased density is appropriate. The increased height at this location is consistent with that goal, and the services and infrastructure are present to support it.
12. There is an approximate 10' change in grade between Thompson Creek and the subject parcel which falls from south to north. This change in grade visually offsets much of the proposed height increase. If the proposed changes are approved, this will be the first lot in Village Gardens to take advantage of the changes in height and parking for apartments.
13. The second waiver to reduce the parking requirement from 1.5 to 1.0 parking spaces per dwelling unit is actually not a waiver to the Zoning Ordinance, but simply a modification to the Development Plan. That is, the parking requirement in the Zoning Ordinance for the B-3 zoning district is 1.0 parking spaces per dwelling unit. When adopted in 2004, the Development Plan adopted the higher standard of 1.5 spaces per unit which exceeds the requirement in the Zoning Ordinance today.
14. Parking will be provided on-site of the subject development at the rate of 1.0 space per unit with 186 spaces. The applicant notes that there are an additional 49 spaces on the adjacent streets (private roadways), and the right to access another 646 parking spaces that are available in the commercial area due to a shared parking agreement.
15. Providing the appropriate amount of parking minimizes the size of parking lots leaving more area for buildings, open space or other amenities. The proposed reduction is consistent with the current requirement of the Zoning Ordinance, and where visitor or overflow parking can be accommodated by spaces located throughout the center. The shared parking exists here due the character and range of uses allowed in this mixed-use development. A variety of commercial uses as well as a nearby church create varying parking demands which allows for noncurrent and shared parking.
16. This request provides for increased density in an area where it is appropriate and supportable. The adjustments to height and parking allow for more efficient use of the land with no significant impact on neighboring properties. This request is consistent with the requirements of the Zoning Ordinance and the goals of the Comprehensive Plan.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Vacant B-3(PUD)

SURROUNDING LAND USE & ZONING

North:	Vacant	B-3(PUD)
South:	Residential, Commercial	R-3, O-3
East:	Commercial	B-3(PUD)
West:	Commercial	B-3(PUD)

APPLICATION HISTORY:

Feb 2005 - CZ#04075 was approved by the City Council to allow the Village Gardens Planned Unit Development (PUD).

Dec 2007 - CZ#04075A was approved by the City Council to allow an adjustment to the applicable sign regulations and change the zoning on 2.17 acres from R3 PUD to B-3 PUD within the Village Gardens PUD.

Mar 2011 - AN#11001 and CZ#04075B were approved annexing and expanding the boundary of the Village Gardens PUD to include an additional 47 acres of land to accommodate a domiciliary care facility and additional dwelling units.

Apr 2012 - AN#12003 and CZ#04075C were approved annexing and changing the zoning from AG to R-3 PUD for approximately 40.68 acres for single-family residential development.

Apr 2012 - CZ#04075D was approved changing the zoning from AG to R-3 PUD for approximately 2 acres of land so the boundary of the PUD matched the recorded final plat of Village Meadows 3rd Addition.

Jul 2014 - AN#14003 and CZ#04075E were approved annexing and changing the zoning from AG to R-3 PUD for approximately 34 acres for single-family residential development.

OCT 2015 - AN#15006 and CZ#04075F were approved annexing and changing the zoning from AG to R-3 PUD for approximately 46 acres for single-family residential development.

DEC 2016 – AN#16012 and CZ#04075G were approved annexing approximately 46 acres and 15 acres of land for a new church lot and residential development.

JAN 2019 – AN#18006 and CZ#04075H were approved annexing and rezoning approximately 26 acres of land for approximately 69 dwelling units.

APPROXIMATE LAND AREA: Approximately 3.39 acres.

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: City Council District #2

LEGAL DESCRIPTION: Outlot i, Village Gardens 6th Addition

Prepared by

_____

Brian Will, bwill@lincoln.ne.gov
402-441-6362
April 14, 2021

Applicant: Sacamano Development, LLC
PO Box 22151
Lincoln, NE 68542
402-499-2113
docenterprises1@gmail.com

Contact: DaNay Kalkowski
Seacrest and Kalkowski
1228 Lincoln Mall, Ste 105
Lincoln, NE 68508
402-435-6000

Owner: Village Gardens Development Company, LLC
5625 Pine Lake Road
Lincoln, NE 68516
402-429-2294
rbc@campbellsnursery.com

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CONDITIONS OF APPROVAL – CHANGE OF ZONE #04075i

This approval authorizes an amendment to the Village Gardens Planned Unit Development Plan to modify the maximum height from 40' to 55' and to reduce the parking requirement from 1.5 to 1.0 parking stalls per dwelling unit for Type G – Multiple Family Apartment.

Site Specific

1. The permittee shall cause to be prepared and submitted to the Planning Department two copies of a revised and reproducible final Development Plan with all required revisions and documents.

Standard:

2. The following conditions are applicable to all requests:

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

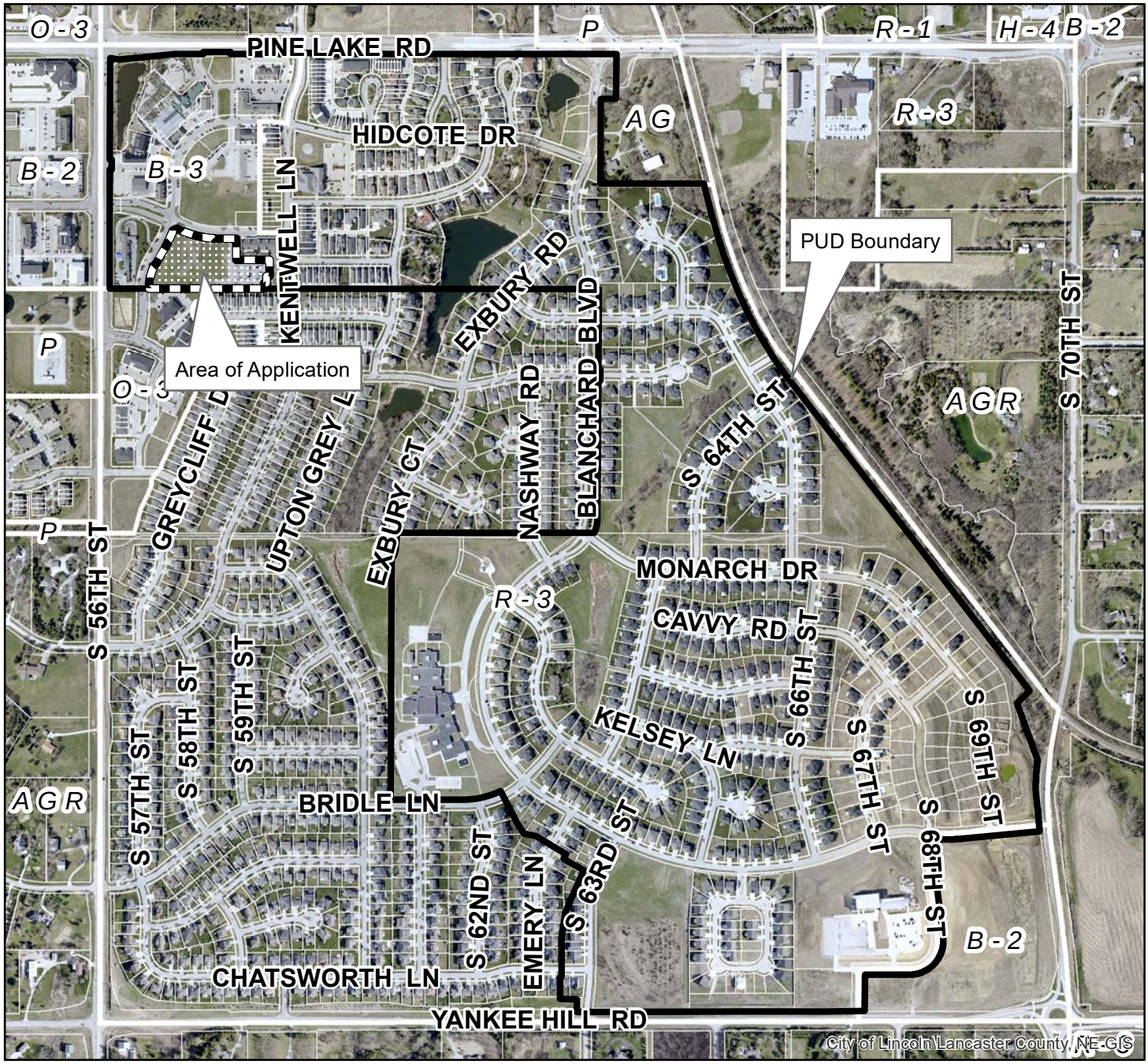
   2.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.

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

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

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

   2.6 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.



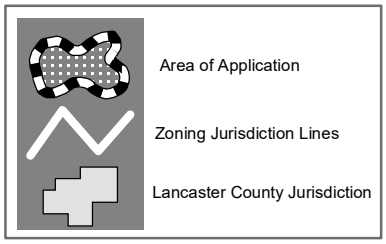
2020 aerial

Change of Zone #: CZ04075I
Village Gardens PUD
S 56th St & Pine Lake 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.21 T09N R07E



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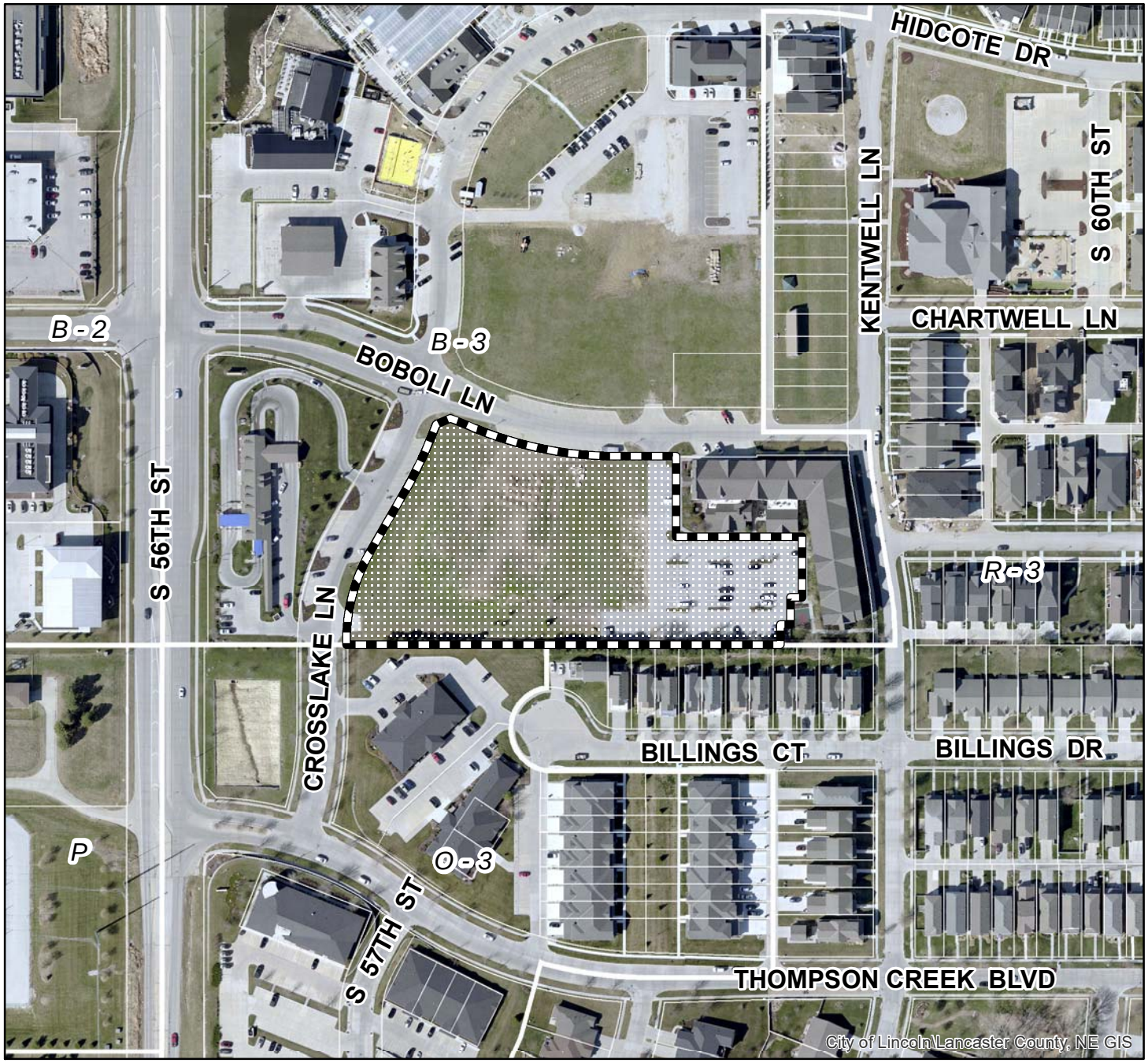

2020 aerial

Change of Zone #: CZ04075I
Village Gardens PUD
S 56th St & Pine Lake Rd

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
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H-2	Highway Business District
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I-3	Employment Center District
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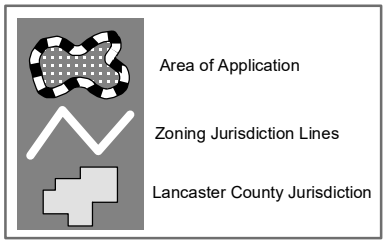
One Square Mile:
Sec.21 T09N R07E



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SEACREST & KALKOWSKI, PC, LLO
KENT@SK-LAW.COM | DANAY@SK-LAW.COM

March 30, 2021

HAND DELIVERY

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

RE: Amendment to Village Gardens PUD

Dear David:

Our office represents Sacamano Investments, LLC ("Developer"), who has a contract interest in Outlot I, Village Gardens 6th Addition, containing approximately 3.4 acres of property (the "Property"). The Property is located within the Village Gardens Planned Unit Development ("Village Gardens PUD") in the area designated as the Village Center. Developer is planning to construct a four-story apartment building on the Property that will contain 181 dwelling units varying in size from studio apartments to three-bedroom apartment units. Developer is requesting amendments to the Village Gardens PUD Development Plan for Type G - Multi-Family Apartment buildings to: (i) increase the permitted building height from 40 feet to 55 feet, and (ii) reduce the minimum number of on-site parking spaces per dwelling unit from 1.5 to 1 space per dwelling unit.

The height adjustment will allow the Developer to construct a four-story apartment building that increases the number of apartment units within the Property while still maintaining the architectural integrity of the Village Gardens development. The Property is largely surrounded by commercial uses, with a small area of neighboring two-family dwellings to the southeast. The requested variance for height will not negatively impact the Village Gardens development. Instead, it supports it by providing the density sought by the Village Gardens Development Plan.

The parking reduction is supported by the cross parking easements within the Village Gardens development. With the proposed site plan, 186 parking stalls will be constructed within the Property boundaries, an additional 49 stalls will be available to the north and west along adjacent Boboli Lane and Crosslake Lane, and by August 2021, the apartment units will have cross parking rights to an additional 646 commercial parking stalls. Should additional parking be necessary above and beyond that available on-site, the proposed apartment units can easily

1128 LINCOLN MALL, STE. 105; LINCOLN, NEBRASKA 68508 | PHONE 402.435.6000 | FAX 402.435.6100

utilize available parking within the Village Gardens Village Center. This reduction will bring the parking requirements for the multi-family use in line with the B-3 zoning district residential parking requirement of 1 stall per dwelling unit.

Enclosed please find the following:

a. City of Lincoln Zoning Application for Annexation;
b. Revised Village Gardens PUD Development Plan with requested revisions marked;
c. Site plan and elevations for illustration purposes; and
d. Application fees in the amount of $998.

We look forward to working with you on this project and appreciate the input we have received from the City team to date. If you have any questions regarding the enclosed or need any additional information, please feel free to contact me.

Very truly yours,

DANAY KALKOWSKI
For the Firm

Enclosures

VILLAGE GARDENS

THE ART OF *Traditional Living*

Planned Unit Development District

DEVELOPMENT PLAN

~~April 10~~ _____, 20~~17~~21

INTRODUCTION

THE REGULATING PLAN

R-3 AND B-3 LAND USES

THE TRANSECT ZONE MATRICES

LOT & BUILDING STANDARDS

SIGNAGE & PARKING STANDARDS

REGULATORY MODIFICATIONS

PUD MAP SHEETS

GLOSSARY

INTRODUCTION

Village Gardens is designed to promote a balance of community and private life in an affordable, attractive and sustainable setting. Plan elements include a diversity of housing – from grand homesteads to small cottages and apartments – an active public realm in the Village Center and Neighborhood Centers, and a network of picturesque streets, trails and open space.

The Village Gardens Development Plan ("Development Plan") codify the Village Garden's principles and help assure a satisfactory level of quality in the implementation of a diverse, attractive and healthy community. The Development Plan regulates the design of streets, public spaces, landscape and buildings with sufficient flexibility to foster creativity and diversity —and will result in a place designed by many minds, hands and hearts. The Development Plan also helps build an understanding of the relationship between community space and private property.

This project is unique and different for the City of Lincoln developing area. Use limitations and other regulations of the underlying zoning district and other regulatory chapters of the Lincoln Municipal Code ("LMC") shall apply, unless specially modified by this Development Plan.

The Village Gardens Development Plan is comprised of the following components: Introduction, the Regulating Plan, the R-3 and B-3 Land Uses, the Transect Zone Matrices, the Lot & Building Standards, the Regulatory Modifications, the PUD Map Sheets and Glossary. The Glossary is a definition of terms located at the end of this document for ease of use and understanding. These Development Plan components modify the use limitations and regulations of the LMC. The Development Plan is designed to regulate buildings on private properties to shape the public realm and help create quality streets, plazas, parks and other public spaces.

PUD Requirements, Construction and Amendments

The Village Gardens PUD is authorized and approved as planned unit development district pursuant to Chapter 27.60 of the Lincoln Municipal Code, as may be amended from time to time. A separate special permit or use permit is not necessary or required to permit any special permitted use or use permit use. This Village Gardens PUD will replace any required special permit or use permit under the LMC and any applicable ordinances, regulations, codes, and design standards.

After approval of the Village Gardens 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 designee, shall review the proposal and determine if the proposal is in general conformance with the spirit and intent of the approved Village Gardens PUD.

After the City Council has approved the Village Gardens PUD, the Planning Director is authorized to approve amendments pursuant to 27.60.060 LMC.

The Transect Zoning Classification

The Transect is a planning categorization system that organizes the elements of the built environment on a scale from rural to urban. Developed by Andres Duany and his firm Duany–Plater-Zyberk Town Planners (DPZ), the Transect (which is inspired by a conservation biology tool for studying the changes and diversity in vegetation and habitat along a line drawn across ecosystems) provides a regulatory structure that utilizes zoning categories based on the concept of immersive environments. Here, all of the elements of the human environment work as self-sustaining, interdependent subsystems, each with distinct characteristics and behavior patterns.

The Transect has several zones, from the rural open space neighborhood edge, to the village center. The transition zone between the surrounding rural landscape and Village Gardens is called the Neighborhood Edge zone. The Neighborhood Edge zone consists of single-family homes on larger lots.

The Neighborhood General zone, the largest zone in most neighborhoods, is primarily residential, but is more urban in character. In comparison with the Neighborhood Edge zone, it includes higher density with a range of housing types from medium sized single-family houses to townhouses.

The Neighborhood Center zone is typically located around a neighborhood park and functions as the social center of a neighborhood. Limited retail, office and civic uses complement higher density residential uses.

The Village Center will be the development's commercial core. A mixed-use zone, it allows for a mix of commercial and high-density residential uses.

The Master Plan

The Master Plan is a visual reference map of Village Gardens that provides the conceptual and vision plan for the entire Village Gardens development. This provides information on street connectivity, future parks, and pathways for the development. See The Master Plan (Conceptual). Yet, like any visionary plan, it is subject to change as future phases of development are brought forth for approval.

The Regulating Plan

The Regulating Plan is a graphic reference map of Village Gardens and identifies the boundaries of the Village Gardens PUD district. In addition, the Regulating Plan illustrates the private areas and public rights-of-way to the Transect Zones and the Lot & Building Standards. The Regulating Plan provides specific information on each building and/or lot, and describes the relationship of each lot to the public realm (the streets, parks, pathways, etc.) and the surrounding environment.

The R-3 and B-3 Land Uses

The R-3 and B-3 Land Uses denote the specific uses that are appropriate to the R-3 and B-3 districts. The basis of this section is the City of Lincoln Municipal Code.

The Transect Zone Matrices

Land Use Types Matrix

The Land Uses Types Matrix describes the permitted uses within each Transect Zone, complementary to the goals of developing a diverse, attractive and healthy community. Separate uses may be combined or mixed on a single lot in two ways. The first is vertical combination, where two different uses, such as retail on the first floor and housing above, are combined in one building. The second type of use integration is horizontal, where two uses that may be attached by a common wall, or detached on a single lot. For example, a professional office might be located along the side of a house, or in a garage in the rear. The combination of allowed uses is presented in an easy to understand graphic matrix, with additional clarifying notes attached.

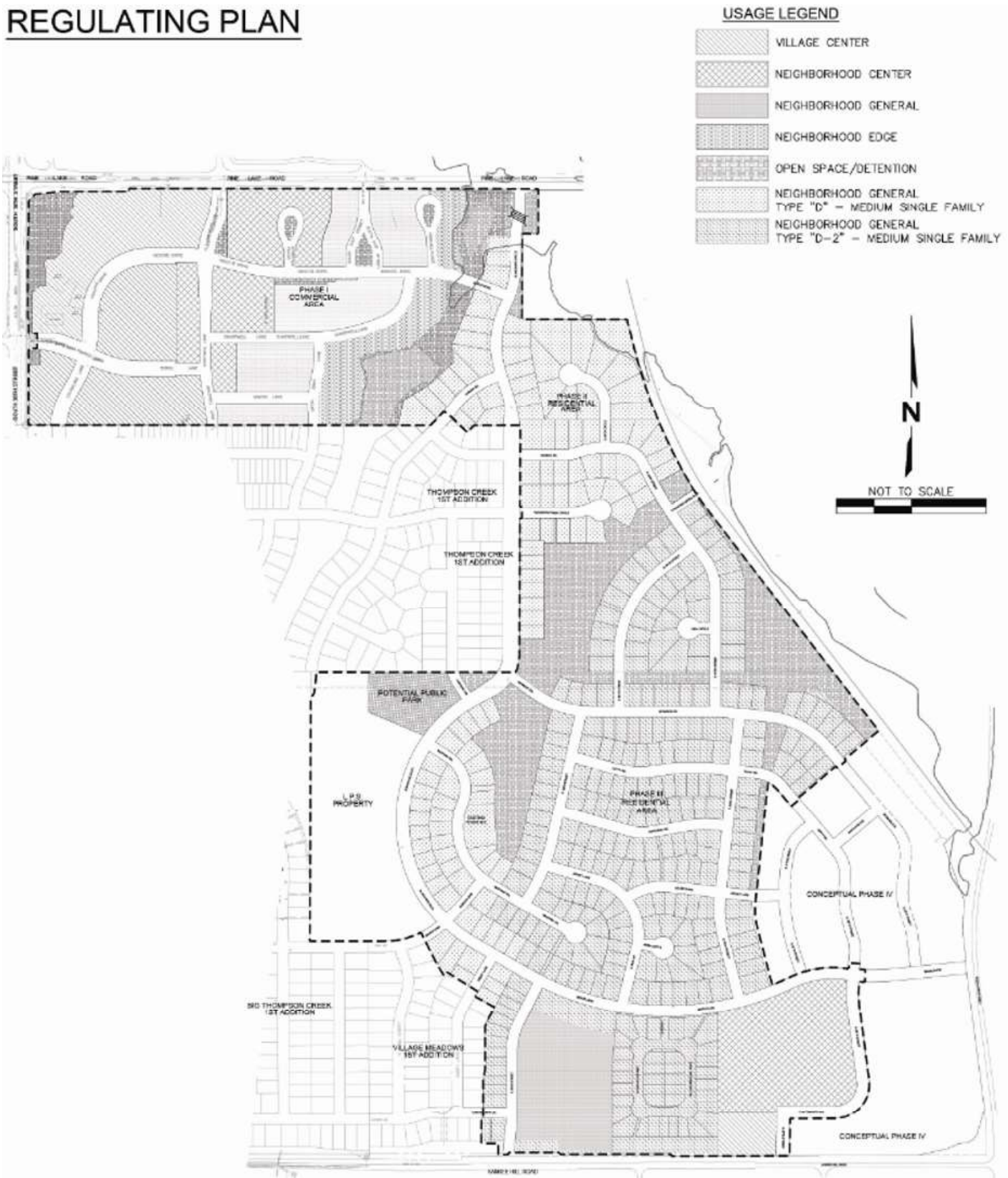
Lot & Building Types Matrix

The Lot & Building Types Matrix describes the permitted Lot & Building Types within each Transect Zone. The matrix indicates which building types, described in the Lot & Building Standards below, are permitted outright or with certain conditions. The goal is to provide for a variety of buildings in each zone while fostering compatibility and an overall coherent development pattern.

The Lot & Building Standards

The Village Gardens Lot & Building Standards ("Building Standards") establish basic site and building design features. Building types are based on the traditional models prevalent in the region. Each lot & building type describes the physical constraints on the placement and configuration of three-dimensional building forms and façade elements, such as porches and balconies, on the lot. The Building Standards include detached, Accessory Buildings such as garages, and describe spaces for vehicle parking.

REGULATING PLAN



R-3 AND B-3 LAND USES

R-3 Permitted Uses, Conditional Uses and Special Permitted Uses

Permitted Uses:

A building or premises shall be permitted to be used for the following purposes in the R-3 Residential District:

(a) Single-family dwellings (See Land Use Types Matrix; See Lot & Building Matrix);
(b) Two-family dwellings (See Land Use Types Matrix; See Lot & Building Matrix);
(c) Parks, playgrounds, and community buildings owned or operated by a public agency;
(d) Public libraries;
(e) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school and having no facilities regularly used for housing or sleeping purposes;
(f) Nursery Garden Centers and Green Houses (See Land Use Types Matrix);
(g) Civic or Community (See Land Use Types Matrix--Prohibited in Neighborhood General and Neighborhood Edge);
(h) Workshop (See Land Use Types Matrix);
(i) Retail (See Land Use Types Matrix--Prohibited in Neighborhood General and Neighborhood Edge);
(j) Office (See Land Use Types Matrix);
(k) Live-Work Unit (See Land Use Types Matrix; See Lot & Building Matrix--Prohibited in Neighborhood General and Neighborhood Edge);
(l) Lodging (See Land Use Types Matrix--Prohibited in Neighborhood General and Neighborhood Edge);
(m) Residential (See Land Use Types Matrix; See Lot & Building Matrix);
(n) Secondary Dwelling Unit (See Land Use Types Matrix; See Lot & Building Matrix).

Conditional Uses:

A building or premises may be used for the following purposes in the R-3 Residential District in conformance with the conditions prescribed herein:

(a) Churches:
(1) Parking shall be in conformance with the parking matrix as identified in the Village Gardens Development Plan;
(2) The required front and side yards shall be landscaped in conformance with the standards adopted by resolution of the City Council;
(3) Required side and rear yards shall be five feet or the same as the district, (See Village Gardens Development Plan Section LOT & BUILDING STANDARDS for specifications of Community buildings)
(4) Buildings shall not cover more than ninety percent of the lot area.

(b) Group homes:
(1) Group homes shall comply with all sign, height and area regulations of the district, and all provisions of the minimum standard housing ordinance. Parking shall be regulated in conformance with the provisions of Chapter 27.67;
(2) The distance between the proposed use and any existing group home measured from lot line to lot line is not less than one-half mile;
(3) Such use shall be permitted only so long as the facility continues to be validly licensed by the State of Nebraska.

(c) Early childhood care facilities in churches:
(1) The parking and loading/unloading area for such facilities shall comply with the parking matrix as identified in the Village Gardens Development Plan;
(2) Such facilities shall comply with all applicable state and local early childhood care requirements;
(3) Such facilities shall comply with all applicable building and life safety code requirements;
(4) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood

care facilities;
(5) Such facilities must receive a conditional use permit from the Department of Building and Safety.

(d) Domestic shelter:
(1) Parking shall be in conformance with Chapter 27.67;
(2) The maximum number of residents occupying such a facility shall not exceed one person per 2,000 square feet of lot area;
(3) The distance between the proposed use of any existing domestic shelter measured from lot line to lot line shall not be less than one mile.

(e) Early childhood care facilities with a maximum of fifteen children present at any time:
(1) The parking and loading/unloading area for such facilities shall comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early childhood care facilities;
(2) Such facilities shall comply with all applicable state and local early childhood care requirements;
(3) Such facilities shall comply with all applicable building and life safety code requirements;
(4) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities;
(5) Such facilities shall be used as the permanent residence of the licensed childcare provider;
(6) Such facilities with thirteen or more children must receive a conditional use permit from the Department of Building and Safety;
(7) Early childhood care facilities located in mobile homes shall have a severe weather emergency action plan approved by the Health Department.

(f) Elderly or retirement housing; and health care facility, residential:
(1) Up to two dwelling units in an elderly or retirement housing project may be designated as caretaker or visitor units and the occupants thereof shall not be subject to the age requirements otherwise applicable to occupants of such a project;
(2) Ten percent of the dwelling units in an elderly or retirement housing project may be designated as units for handicapped persons and the occupants thereof shall not be subject to the age requirements otherwise applicable to occupants of such a project; and
(3) Any individual under sixty years of age who resides with an elderly person sixty years of age or more in an elderly or retirement housing project dwelling unit may continue to reside in that dwelling unit after such elderly person has died or due to health reasons has been relocated to a different residence.

(g) Counseling facilities in churches:
(1) The parking for such facilities shall comply with the requirements for mixed use in parking matrix as identified in the Village Gardens Development Plan.
(2) Such facilities shall comply with all applicable state and local licensing requirements.

Special Permitted Uses:

A building or premises may be used for the following purposes in the R-3 Residential District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:

(a) Private schools, other than those permitted above;
(b) Omitted;
(c) Dwellings for members of religious orders;
(d) Mobile home courts;
(e) Recreational facilities;
(f) Church steeples, amateur radio antenna installations, towers, and ornamental spires which exceed the maximum district height;
(g) Broadcast towers;
(h) Extracting sand, gravel, and soil;
(i) Certain parking lots as defined in Chapter 27.63;
(j) Expansion of nonconforming uses;

(k) Historic preservation;
(l) Public utility purposes;
(m) Wind energy conversion systems;
(n) Mobile home subdivisions;
(o) Housing and related facilities for the physically handicapped;
(p) Outdoor seasonal sales;
(q) Cemeteries;
(r) Domiciliary care facility;
(s) Expansion of nonstandard single and two-family dwellings into required yards;
(t) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.15.030;
(u) Neighborhood support services;
(v) Clubs;
(w) Connection of single-family dwelling to accessory building for the physically handicapped;
(x) Adult care centers.

B-3 Land Uses Permitted Uses, Conditional Uses and Special Permitted Uses

Permitted Uses:
A building or premises shall be permitted to be used for the following purposes in the B-3 Commercial District:

(a) Parks, playgrounds, and community buildings, owned or operated by a public agency;
(b) Public libraries;
(c) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school, and having no rooms regularly used for housing or sleeping purposes;
(d) Churches;
(e) Nonprofit religious, educational, and philanthropic institutions;
(f) Banks, savings and loan associations, credit unions, and finance companies;
(g) Barber shops, beauty parlors, and shoeshine shops;
(h) Private schools, including but not limited to, business or commercial schools, dance or music academies, and nursery schools;
(i) Adult care centers;
(j) Hospitals and clinics for animals, but not open kennels;
(k) Self-service laundromats, and launderettes;
(l) Receiving stores for dry cleaning or laundry;
(m) Messenger and telegraph stations;
(n) Office buildings; (See Land Use Types Matrix)
(o) Restaurants;
(p) Stores or shops for the sale of goods at retail; (See Land Use Types Matrix)
(q) Undertaking establishments;
(r) Photography studios;
(s) Key shops;
(t) Ambulance services;
(u) Retail bakery;
(v) Sales and showrooms, including service facilities and rental of equipment, provided all displays and merchandise are within the enclosure walls of the buildings;
(w) Milk distribution stations, but not involving any bottling on the premises;
(x) Food storage lockers;
(y) Optical lens grinding and finishing;
(z) Clubs;
(aa) Parking lots and storage garages;
(bb) Enclosed commercial recreational facilities;
(cc) Motorcycle, bicycle, and home and office equipment, but not including vehicle body repair shops
(dd) Mail order catalog sales;
(ee) Tailor shops, shoe repair shops, upholstery shops, printing and photocopying shops, or other, similar business

establishments.
(ff) Health care facilities including:
(b) Convalescent or nursing home
(d) A facility for out-patient physical, occupational, or vocational therapy or rehabilitation
(gg) Recreational facilities;
(hh) Sale of alcoholic beverages for consumption on the premises;
(ii) Sale of alcoholic beverages for consumption off the premises.
(jj) Civic or Community (See Land Use Types Matrix--Prohibited in Neighborhood General and Neighborhood Edge);
(kk) Workshop (See Land Use Types Matrix);
(ll) Nursery Garden Centers and Green Houses (See Land Use Types Matrix);
(mm) Live-Work Unit (See Land Use Types Matrix; See Lot & Building Matrix--Prohibited in Neighborhood General and Neighborhood Edge;
(nn) Lodging (See Land Use Types Matrix);
(oo) Residential (See Land Use Types Matrix; See Lot & Building Matrix);

Conditional Uses:

A building or premises may be used for the following purposes in the B-3 Commercial District in conformance with the conditions prescribed herein:

(a) Automobile wash facility:
(1) Automatic, conveyor-operated: The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the "guidelines and regulations for driveway design and location" as adopted by the City of Lincoln.
The stacking space shall not be located within the required front yard.
(2) Self-service, coin-operated car wash: The car wash facility shall not exceed four wash bays. The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the "guidelines and regulations for driveway design and location" as adopted by the City of Lincoln. The stacking space shall not be located within the required front yard.

(b) Motels and hotels: A distance of at least twenty feet shall be maintained between buildings on the lot, and each hotel or motel unit shall have a minimum enclosed floor area of 200 square feet.

(c) Furnace, heating, sheet metal, electrical shops or electrical contractors, heating and air conditioning contractors, and cabinet shops or stores:
(1) The floor area of said premises not devoted to sales or office space shall not exceed
8,000 square feet;
(2) Not more than ten percent of the lot or tract occupied by the establishment shall be used for open and unenclosed storage of material and equipment;
(3) All outside storage of material and equipment shall be screened by an opaque six-foot tall fence constructed of wood, or a substitute material found acceptable by the Director of Building and Safety.

(d) Tire stores and sales, including vulcanizing:
(1) The floor area of said premises not devoted to sales or office space shall not exceed
4,000 square feet;
(2) There shall be no manufacturing on the premises.

(e) Tailor shops, shoe repairing, upholstery shops, printing, photocopying, household appliances repairs, or similar business establishments; dyeing and drycleaning works; laundry; plumbing and water softener service shops. The floor area of said premises not devoted to sales or office space shall not exceed 4,000 square feet.

(f) Recycling center:
(1) The building area of such center shall not exceed 4,000 square feet;
(2) Adequate traffic stacking shall be provided on site as determined by the city;
(3) All required parking shall be provided on site;
(4) The facility shall not be designed to receive nor shall it accept shipments by semi-trailer trucks;

(5) The construction and operation of such center shall comply with all applicable health and fire codes;

(g) Early childhood care facilities:
(1) Such facilities shall comply with all applicable state and local early childhood care requirements;
(2) Such facilities shall comply with all building and life safety code requirements;
(3) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities;
(4) Such facilities must receive a conditional use permit from the Department of Building and Safety.

(h) Service stations and automobile or appliance sales and repair facilities, but not including vehicle body repair shops.
(1) No automobile or appliance sales and repair facility shall be permitted to locate within 100 feet of any residential use or district;
(2) Any service station or automobile or appliance sales and repair facility located within 100 feet of any residential use or district which was lawfully established in this district on the effective date of this ordinance, shall screen the facility from such residential use or district by the use of an opaque fence six feet in height, constructed of wood, or of a substitute material found acceptable to the Director of Building and Safety subject to the provision of condition (3) below;
(3) Any service station or automobile or appliance sales and repair facility located within 100 feet of any residential use or district which was lawfully established in this district on the effective date of this ordinance shall have until October 1, 2003 to be brought into compliance with condition (2) above;
(4) The locational or screening requirements of (1), (2), and (3) above shall not apply when said residential use or district is across a public street from the service station or automobile or appliance sales and repair facility, but shall apply if said residential use or district is across an alley or private drive from the service station or automobile or appliance sales and repair facility;
(5) Any service station lawfully established in this district, after the effective date of this ordinance, shall screen the facility from any residential use or district by the use of an opaque fence, six feet in height, constructed of wood or of a substitute material found acceptable to the Director of Building and Safety; provided that said screening requirement shall not apply when said residential use or district is across a public street from the service station, but shall apply if said residential use or district is across an alley or private drive from the service station.

Special Permitted Uses:

A building or premises may be used for the following purposes in the B-3 Commercial District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:

(a) Health care facilities;
(a) Hospitals
(b) A facility in which sixteen or more people reside while receiving therapy, counseling, or rehabilitation for physical, emotional, or mental disease or disability;
(c) Public health clinics and facilities;
(d) Ambulatory surgical care center which does not allow for overnight stay by patients. Ambulatory surgical center does not include an office or clinic used solely by a practitioner or group of practitioners in the practice of medicine, dentistry, or podiatry. Except as provided in (a) above, health care facilities does not include doctors' or dentists' professional offices and private clinics.

(b) Church steeples, towers, and ornamental spires which exceed the maximum district height;
(c) Broadcast towers;
(d) Expansion of nonconforming use;
(e) Historic preservation;
(f) Public utility purposes;
(g) Wind energy conversion systems;
(h) Cemeteries;
(i) Dwellings above the first story of a building which cannot meet the yard requirements of Section 27.33.080(g);

THE TRANSECT ZONE MATRICES

Land Use Types Matrix

Village Gardens features a mix of uses, all complementary to the goal of developing a healthy, affordable community. Instead of disconnected 'pods' of single-use activity, Village Gardens reflects traditional Midwestern small town form, with streets that may contain residential, retail and civic uses within a single block.

While the Village Center provides for the majority of commercial uses, the Neighborhood Center zone allows a range of land uses. The Neighborhood General and Edge zones allow only residential development and limited home occupation opportunities.

Transect Zones → **Shaded = Permitted Not Shaded = prohibited**

Land Use Types ↓	Village Center (underlying B-3 district)	Neighborhood Center (underlying R-3 district)	Neighborhood General (underlying R-3 district)	Neighborhood Edge (underlying R-3 district)
Civic or Community		See Note 1	n/a	n/a
Workshop	See Note 2	See Note 3, 10	See Note 4, 10	See Note 4, 10
Retail		See Note 5	n/a	n/a
Nursery, Garden Center & Green Houses				
Office		See Note 6, 10	See Note 7, 10	See Note 7, 10
Live-Work Unit		See Note 10		
Lodging		See Note 8	See Note 8	See Note 8
Residential	See Note 11	See Note 11	See Note 11	See Note 11
Secondary Dwelling Unit	n/a	See Note 9	See Note 9	See Note 9
Elderly or Retirement Housing & Healthcare Facility, Residential				

Notes:

1. Civic or community uses serving primarily Village Gardens residents and their guests or a church.
2. Workshop uses only permitted in conjunction with retail sales within the same building. Workshop uses shall be located on the first floor and occupy at maximum the rear 75% of the building footprint or located in the basement of the building. Outdoor storage of manufacturing components or equipment is prohibited.
3. Workshop uses shall be limited to 600 sq. ft. in floor area. Workshop uses shall be located in an Accessory Building to the rear of the primary building, or shall be located on the first floor and occupy at maximum the rear 50% of the primary building footprint or located in the basement of the primary building. Outdoor storage of manufacturing components or equipment is prohibited. Workshop uses may operate in conjunction with first floor retail.
4. Workshop uses shall be limited to 600 sq. ft. in floor area. Workshop uses shall be located in an Accessory Building to the rear of the primary building, or shall be located on the first floor and occupy at maximum the rear 50% of the primary building footprint or located in the basement of the primary building. Outdoor storage of manufacturing components or equipment is prohibited. Product sales and signage shall be prohibited.
5. Retail uses are limited to 2,000 sq. ft. located on the first floor of a live/work building. A maximum of two live/work units may be connected to create up to 4,000 sq. ft. of retail uses. Permitted uses allow retail sales, personal services (such as hair salons), childcare facilities, and coffee shops or restaurants with a maximum of 40 seats. Signage permitted.

6. Office uses are limited to 2,500 sq. ft. located primarily in a live/work building. A maximum of two live/work units may be connected to create up to 5000 sq. ft. of office uses. Point-of-service and signage permitted.
7. Office uses shall be limited to home occupations. A home occupation shall mean any office occupation or activity carried on within a dwelling unit or Accessory Building by a member of the family residing on the residential lot, which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character thereof. Home occupations shall be a maximum of 1000 sq. ft. in floor area, located either in an Accessory Building to the rear of the primary building, or in the primary building, occupying at maximum 50% of the building footprint. Point-of-service type offices shall be prohibited. Signage permitted.
8. Lodging shall be limited to bed & breakfast establishments with a maximum of four guest rooms. One additional parking space per guest room shall be required on-site. Signage is permitted.
9. Secondary dwelling units shall not exceed 1000 sq. ft. in floor area on lots with a width of 45 ft or more. On lots with a minimum width of less than 45 ft., the secondary dwelling units shall not exceed 600 sq. ft. and shall be located within an Accessory Building to the rear of the primary building. Secondary dwelling units shall have separate outside entrances.
10. Up to two non-family member employees may be employed and work on site. However, in the Live-Work type there is no limitation on employees. One on-site parking space per employee is required. In the case of the Live-Work type the required parking can be one site and/or in the shared parking to the west of the units.
11. See Lot & Building Types Matrix for allowed residential uses.

Lot & Building Types Matrix

Village Gardens provides a variety of lot and building types, from large detached houses around the perimeter to small cottages, attached row houses and apartments in the Neighborhood Center and Village Center zones. The mix of uses and building types provides the choices needed to create a neighborhood where people of different ages, incomes and families can live, work and play.

Transect Zones → **Shaded = Permitted Not Shaded = prohibited**

Lot & Building Types ↓	Village Center (underlying B-3 district)	Neighborhood Center (underlying R-3 district)	Neighborhood General (underlying R-3 district)	Neighborhood Edge (underlying R-3 district)
Type A – Rowhouse	n/a	See Note 1, 7	See Note 7	n/a
Type B – Townhouse	n/a	See Note 1,7	See Note 7	n/a
Type B/C - Bungalow Court	n/a	See Note 1, 7	See Note 7	n/a
Type C – Small SF	n/a	See Note 1,7	See Note 7	n/a
Type D – Medium SF	n/a	See Note 1,7	See Note 7	See Note 7
Type E – Large SF	n/a	n/a	See Note 7	See Note 7
Type F – MF Mansion	See Note 3	See Note 1, 3, 7	n/a	n/a
Type G – MF Apartment		See Note 4, 7	n/a	n/a
Type H – Civic or Community	See Note 2	See Note 2, 5	n/a	n/a
Type I – Mixed-Use	See Note 6	n/a	n/a	n/a
Type J –Elderly or Retirement Housing & Healthcare Facility, Residential	n/a	See Note 8	See Note 8	See Note 8

Notes:

1. Live/work units permitted. Commercial uses shall be limited according to the Land Use Types within this document.
2. Structures that are not fully enclosed having a footprint of less than 400 sq ft. and an overall height of less than 16 ft. shall be considered landscape elements.
3. Limited to 12 units per building in the Village Center; limited to 8 units per building in the Neighborhood Center.
4. Limited to lots between Yankee Hill Road and Chatsworth Lane.
5. Limited to Civic or Community uses serving primarily Village Gardens residents and their guests or a church. Civic or Community buildings shall be limited according to the Civic or Community use designation in the Land Use Types matrix.
6. Mixed-use buildings may occupy two or more of the following uses within the same building: retail, professional services, personal services, workshop, office, artisan, restaurant, lodging, childcare, professional business, governmental services, entertainment, recreational, residential and related accessory uses. Uses may be divided vertically or horizontally.
7. All residential lots along Pine Lake Road will have a setback of 20' from Pine Lake Road.
8. Permitted use on lots more than 10,000 sq. ft.

SIGNAGE & PARKING STANDARDS:

Sign Information:

The following requirements apply to the signage requirements in Village Gardens based on the Village Gardens PUD. If the requirement is not listed, the Village Gardens PUD is governed by the City of Lincoln code. Please refer to the Village Gardens Regulatory Modifications document for specific information on the alterations made to the City of Lincoln codes regarding Signage.

1. In the R-3 zoning districts, the specific regulations are as follows: In the Neighborhood Center areas, up to two on-premises wall signs or projecting signs per lot, each not to exceed eight square feet of sign area, used to identify commercial uses and home occupations. In the Neighborhood General and Neighborhood Edge areas, one on-premises wall sign per lot, not to exceed two square feet of sign area, nonilluminated and nonreflecting, used to identify home occupations. One on-premises wall sign per lot, not to exceed two square feet of sign area, nonilluminated and nonreflecting, used to identify transitional lot uses, block parents, the name of the premises or occupants thereof, or to provide similar information. Lighted vending machines are not permitted in view from off the premises. In the case of an Elderly or Retirement Housing facility, or a Healthcare Facility, Residential on a lot of more than 10,000 square feet, one ground sign of 32 square feet per side is permitted for street frontage. If facility abuts more than one street, one sign per street is approved. Lighting of the sign may be external or letters may be individually lit; no backlit signs will be permitted. Notwithstanding the foregoing, signage on Lot 1, Block 27 shall be governed by the City of Lincoln codes for the underlying R-3 zoning.
2. In the B-3 zoning districts, at the entrances abutting major arterials of the 'Village Center' usage area of Village Gardens, a ground sign identifying and advertising the Village Center businesses shall be permitted. Such sign shall not exceed 150 square feet and a height of 10 feet. In addition to the other allowed signs, one ground sign not more than 150 square feet in the height identifying and advertising the Village Center Businesses shall be permitted at each major arterial street entrance to the Village Center area of Village Gardens.
3. When part of a landscape screen approved by the Planning Director, the following ground signs, not exceeding twenty square feet in area or six feet in height and identifying a multiple-dwelling complex or subdivision area, may be located in the required front yard or building line district:
    a. Up to two signs may be located at each entrance to the multiple-dwelling complex or subdivision area.
4. Directional, educational and informational signs may be attached to any natural object due to the nature and aesthetics of the Village Gardens project with the approval of the Planning Director.
5. 27.69.340 Permitted Signs for General Planned Unit Developments Subsection (a) is deleted. See B-3 and R-3 underlying zoning standards listed for Village Gardens PUD sign requirements as contained in the Development Plan for the applicable requirements.

Parking matrix:

The following matrix defines the parking requirements per lot and building type for easy reference. This information can also be found within the Lot & Building Standards.

	# of Parking Spaces per du	Min. Number of Parking Spaces per 100 sq. ft of largest seating area and per 600 sq. ft for other uses	Secondary Dwelling Unit requirements	Live-Work requirements
Type A – Rowhouse	1	n/a	No on-site parking required for secondary dwelling units	2 parking spaces are required per du.
Type B – Townhouse	2	n/a	No on-site parking required for secondary dwelling units	n/a
Type B/C - Bungalow Court	2	n/a	No on-site parking required for secondary dwelling units	n/a
Type C – Small SF	2	n/a	No on-site parking required for secondary dwelling units	n/a
Type D – Medium SF	2	n/a	No on-site parking required for secondary dwelling units	n/a
Type E – Large SF	2	n/a	No on-site parking required for secondary dwelling units	n/a
Type F – MF Mansion	1.5	n/a	n/a	n/a
Type G – MF Apartment	1~~.5~~	n/a	n/a	n/a
Type H – Civic or Community	n/a	**1***	No on-site parking required for secondary dwelling units	n/a
Type I – Mixed-Use	1	1	n/a	n/a
Type J –Elderly or Retirement Housing & Healthcare Facility, Residential	**	n/a	n/a	n/a

*Total number of on-site parking stalls required for a combined Civic/Community use and Early Childhood Care Facility in the Neighborhood Center shall be 82 parking stalls based upon a 10,000 square foot area of largest assembly area and 270 children and 30 full time staff members.

**Parking requirements per City of Lincoln Municipal Code and Design Standards.

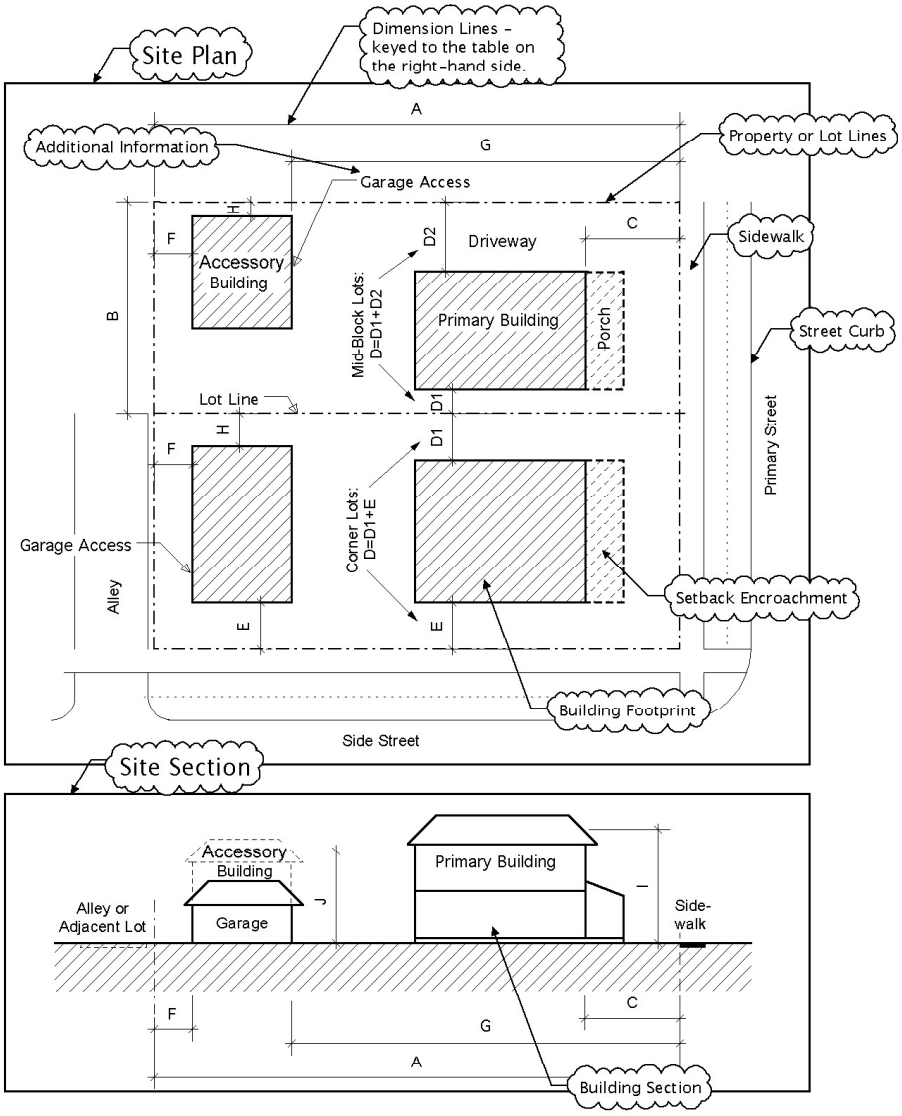
PM TRIP COUNT STANDARDS AND CALCUATIONS

TRIP CALCULATION REMOVED AS PART OF ADMINISTRATIVE AMENDMENT TO CZ04075E

LOT & BUILDING STANDARDS

How To Interpret Lot Diagrams

The Village Gardens Lot & Building Standards are designed to be user-friendly and understandable by developers, regulators, homebuilders and homeowners. Each building type is detailed in individual pages, with key diagrams such as the following to illustrate concepts that are difficult to adequately portray only in text form.

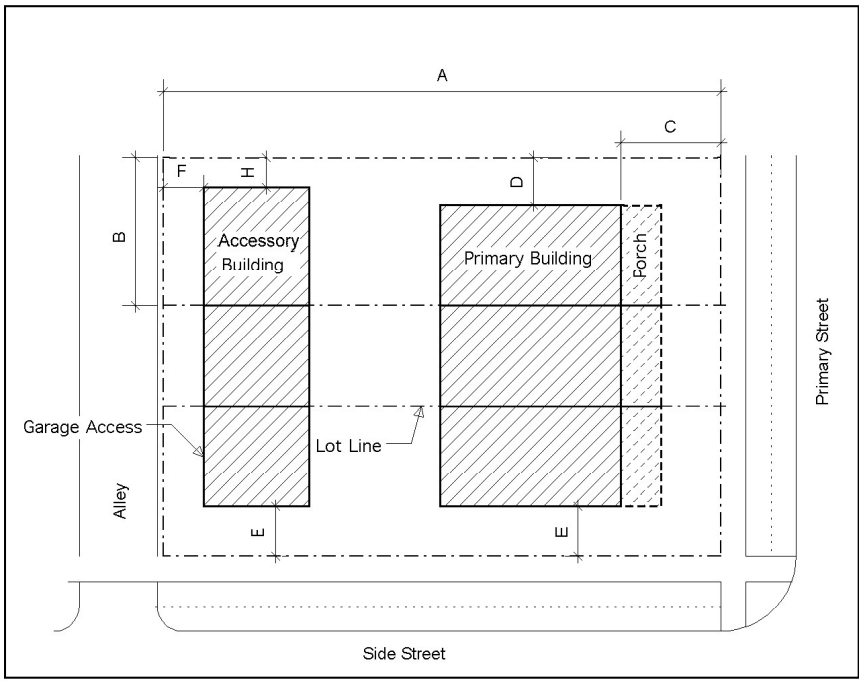


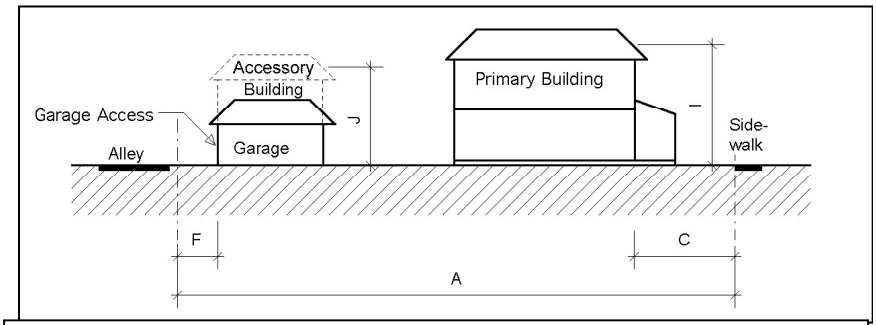
A	Min. Lot Depth	x ft.
B	Min. Lot Width	x ft.
C	Min. Primary Street Setback	x ft.
D	Min. Combined Side Yard Adjacent Lot Setback	x ft.
E	Min. Side Street Setback	x ft.
F	Min. Primary or Accessory Bldg. Rear Setback	x ft.
G	Min. Accessory Bldg. Front Setback	x ft.
H	Min. Accessory Bldg. Side Setback	x ft.
I	Max. Primary Bldg. Height	x ft.
J	Max. Accessory Bldg. Height	x ft.
	Min. Number of On-Site Parking Spaces per Dwelling Unit	x
	Secondary Dwelling Unit	Y/N
	Y = permitted; N = prohibited	
	Primary Building Entrance	
	Note	
	Allowable Encroachments: (Proper Sight Triangle must be maintained)	
	Note	
	Note	
	Note	

This diagram represents a site-section through the lot, and is primarily used to represent building heights. It is also useful for illustrating the lot standards 3-dimensionally.

Type A – Rowhouse

Rowhouses are attached single-family houses on individual platted lots. Rowhouses share common walls with one or more adjacent units. Rowhouse groups consist of a minimum of three units. Alleys in the rear of the lots provide vehicular access to Rowhouses. Front driveways and street facing garages are prohibited. Attached or detached garages and shared driveways are permitted.





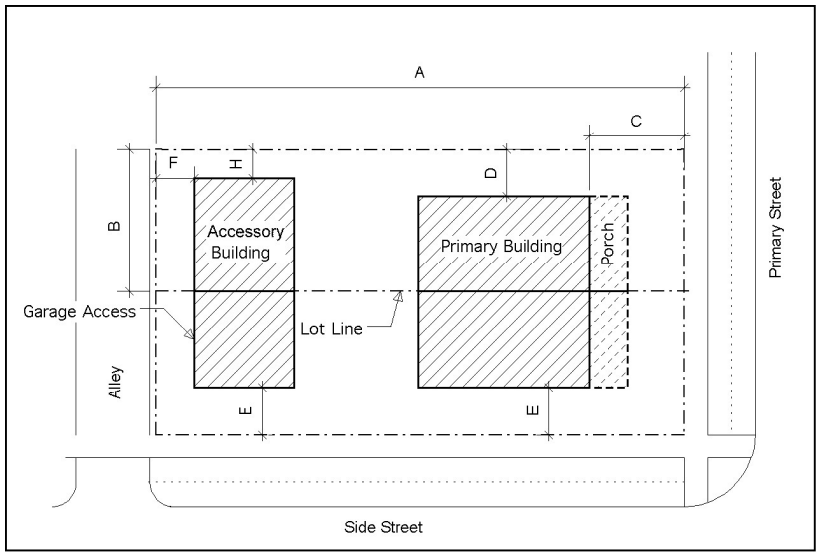
NOTES FROM THE LOT & BUILDING TYPES MATRIX:

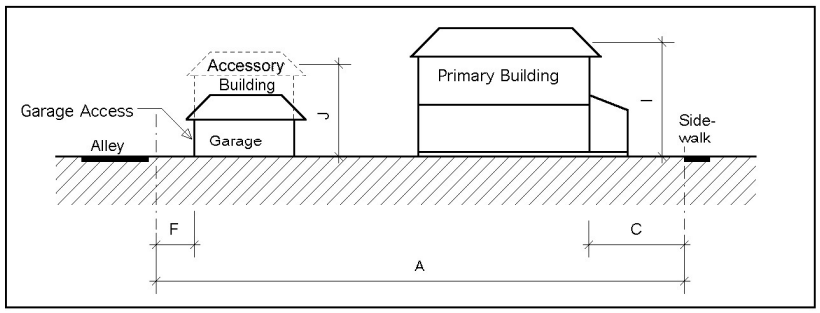
- ❑ Live/work units permitted. Commercial uses shall be limited according to the Land Use Types within this document.

A	Min. Lot Depth	80 ft.
B	Min. Lot Width (each unit)	18 ft.
C	Min. Primary Street Setback	
	• Neighborhood Center	0 ft.
	• Neighborhood General	0 ft.
D	Min. Combined Side Yard Adjacent Lot Setback	5 ft.
	One side of end lots only. Setback on attached side shall be 0 ft.	
	At corner lots, only the side street setback E shall be applied.	
E	Min. Side Street Setback	5 ft.
F	Min. Primary or Accessory Bldg. Rear Setback	8 ft.
G	Min. Accessory Bldg. Front Setback	n/a
H	Min. Accessory Bldg. Side Setback	2 ft.
	This setback may be waived if Accessory Buildings are attached.	
I	Max. Primary Bldg. Height	40 ft.
	Tower elements of a maximum of 200 sq. ft. in floor area shall be exempt of the height limit and may exceed the ridge height of the primary roof by a maximum of 10 ft.	
J	Max. Accessory Bldg. Height	30 ft.
	PARKING:	
	Min. Number of On-Site Parking Spaces per Dwelling Unit	1*
	No on-site parking required for secondary dwelling units. * If it is a live-work unit, 2 parking spaces are required per du.	
	Secondary Dwelling Unit	Y*
	Y = permitted; N = prohibited *Shall be limited to 600 sq. ft	
	Primary Building Entrance	
	The primary pedestrian building entrance shall be located along a public street, common walkway or park.	
	Allowable Encroachments: (Proper Sight Triangle must be maintained)	
	Covered or uncovered porches or stoops may encroach into the front or side street setback no deeper than 12 ft. and no closer than 0 ft. from a property line.	
	Bay windows and other similar enclosed building elements may be no wider than 6 ft. and may encroach up to 2 ft. in setbacks no closer than 0 ft. from a property line. The bay windows must not encroach within 4 ft. of the corners of the primary building. Any light well or egress window may be located in any required front, side or rear yard, provided: No such light well or egress window may be placed within two feet of any property Line.	
	Uncovered decks, balconies & trellises may encroach into setbacks, no deeper than 8 ft. and no closer than 0 ft. from a property line.	
	All building setbacks and building encroachments shall provide the proper Sight Triangle.	
	Driveways may encroach into all setbacks where curb cuts are permitted.	

Type B – Townhouse

Townhouses are attached single-family houses on individual platted lots. Townhouses share a common wall with one adjacent unit. Alleys in the rear of the lots provide vehicular access to Townhouses. Front driveways and street facing garages are prohibited. Attached or detached garages and shared driveways are permitted.





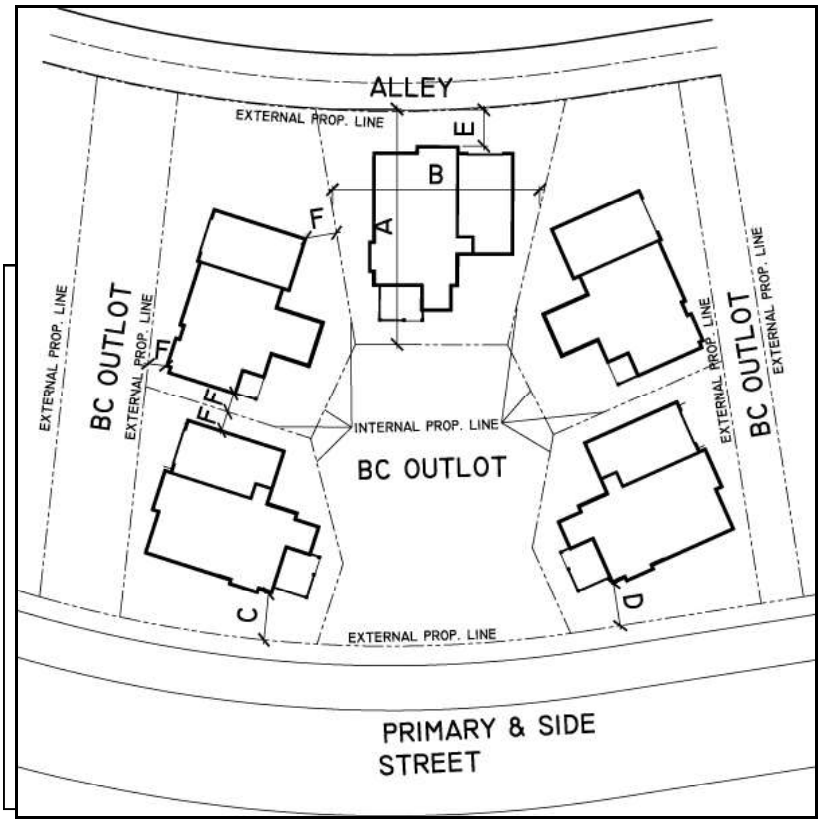
NOTES FROM THE LOT & BUILDING TYPE MATRIX:

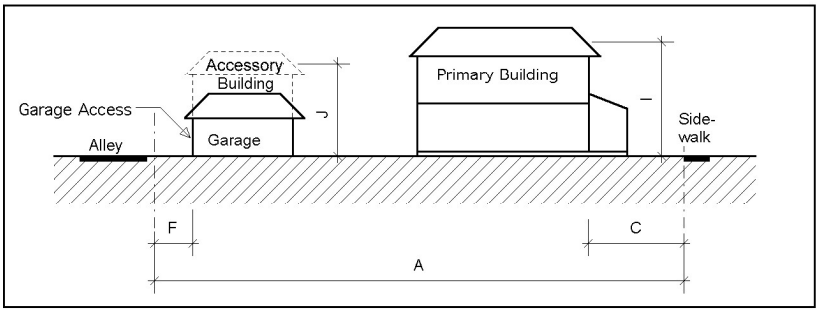
- ❑ Live/work units permitted. Commercial uses shall be limited according to the Land Use Types within this document.

A	Min. Lot Depth	80 ft.
B	Min. Lot Width (each unit)	20 ft.
C	Min. Primary Street Setback	
	• Neighborhood Center	0 ft.
	• Neighborhood General	0 ft.
D	Min. Combined Side Yard Adjacent Lot Setback	5 ft.
	One side of end lots only. Setback on attached side shall be 0 ft.	
	At corner lots, only the side street setback E shall be applied.	
E	Min. Side Street Setback	5 ft.
F	Min. Primary or Accessory Bldg. Rear Setback	8 ft.
G	Min. Accessory Bldg. Front Setback	n/a
H	Min. Accessory Bldg. Side Setback	2 ft.
	This setback may be waived if Accessory Buildings are attached.	
I	Max. Primary Bldg. Height	
	• Neighborhood Center	40 ft.
	• Neighborhood General	40 ft.
	Tower elements of a maximum of 200 sq. ft. in floor area shall be exempt of the height limit and may exceed the ridge height of the primary roof by a maximum of 10 ft.	
J	Max. Accessory Bldg. Height	30 ft.
	PARKING:	
	Min. Number of On-Site Parking Spaces per Dwelling Unit	2
	No on-site parking required for secondary dwelling units	
	Secondary Dwelling Unit	Y*
	Y = permitted; N = prohibited *Shall be limited to 600 sq. ft	
	Primary Building Entrance	
	The primary pedestrian building entrance shall be located along a public street, common walkway or park.	
	Allowable Encroachments: (Proper Sight Triangle must be maintained)	
	Covered or uncovered porches or stoops may encroach into the front or side street setback no deeper than 12 ft. and no closer than 0 ft. from a property line.	
	Bay windows and other similar enclosed building elements may be no wider than 6 ft. and may encroach up to 2 ft. in setbacks no closer than 0 ft. from a property line. The bay windows must not encroach within 4 ft. of the corners of the primary building. Any light well or egress window may be located in any required front, side or rear yard, provided: No such light well or egress window may be placed within two feet of any property Line.	
	Uncovered decks, balconies & trellises may encroach into setbacks, no deeper than 8 ft. and no closer than 0 ft. from a property line.	
	All building setbacks and building encroachments shall provide the proper Sight Triangle.	
	Driveways may encroach into all setbacks where curb cuts are permitted.	

Type B/C – Bungalow Court

Bungalow Courts are detached single-family dwelling units on individual platted lots situated around a shared outlot featuring shared landscaping and sidewalk system. Alleys in the rear of the lots provide vehicular access to Bungalow Courts. Front driveways and street facing garages are prohibited. Attached or detached garages and shared driveways are permitted.





A	Min. Lot Depth	30ft.
B	Min. Lot Width (each unit)	30 ft.
C	Min. Primary Street Setback	
	• Neighborhood Center	10 ft.
	• Neighborhood General	10 ft.
D	Min. Side Street Setback	5 ft.
E	Min. Primary or Accessory Bldg. rear setback 8 ft.	
F	Min. Primary or Accessory Bldg. rear,side, front setback from internal property line 3 ft.	
G	Min. Accessory Bldg. Side Setback	n/a
	This setback may be waived if Accessory Buildings are attached.	
H	Max. Primary Bldg. Height	
	• Neighborhood Center	40 ft.
	• Neighborhood General	40 ft.
	Tower elements of a maximum of 200 sq. ft. in floor area shall be exempt of the height limit and may exceed the ridge height of the primary roof by a maximum of 10 ft.	
I	Max. Accessory Bldg. Height	20 ft
	PARKING:	
	Min. Number of On-Site Parking Spaces per Dwelling Unit including outside parking in outlot areas	2
	No on-site parking required for secondary dwelling units	
	Secondary Dwelling Unit	N
	Y = permitted; N = prohibited *Shall be limited to 600 sq. ft	
	Primary Building Entrance	
	The primary pedestrian building entrance shall be located along a public street, common walkway or park.	
	Allowable Encroachments: (Proper Sight Triangle must be maintained)	
	Bay windows and other similar enclosed building elements may be no wider than 6 ft. and may encroach up to 2 ft. in setbacks no closer than 0 ft. from a property line. Any light well or egress window may be located in any required front, side or rear yard, provided: No such light well or egress window may be placed within two feet of a corner that is adjacent to an outlot property line.	
	Uncovered decks, balconies & trellises may encroach into setbacks no closer than 0 ft. from a property line.	
	All building setbacks and building encroachments shall provide the proper Sight Triangle.	
	Driveways may encroach into all setbacks where curb cuts are permitted. Internal lot line shall be defined as a lot line that is adjacent to a bungalow court outlot or a shared lot line between two bungalow court lots.	

NOTES FROM THE LOT & BUILDING TYPE MATRIX:

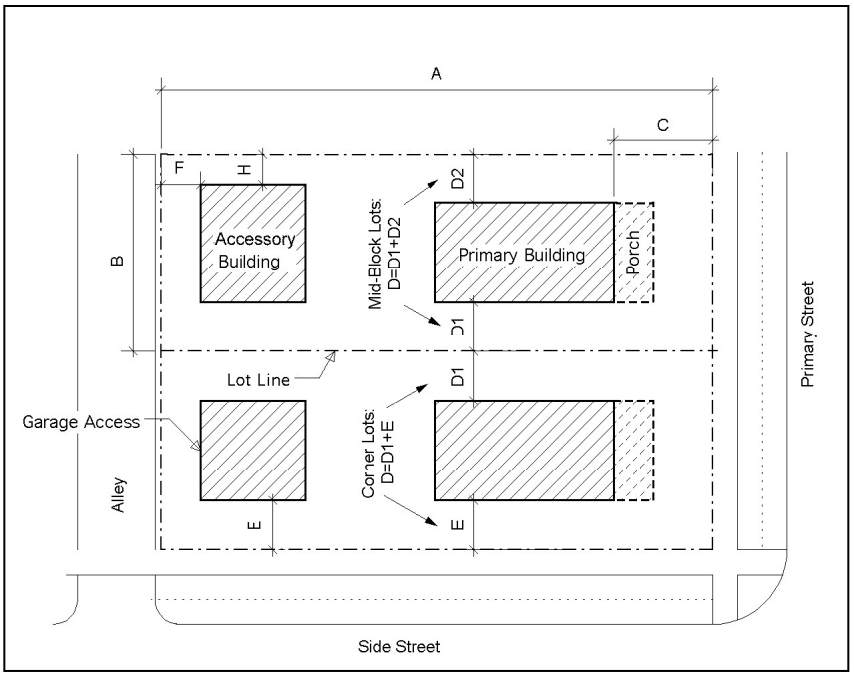
- Live/work units permitted. Commercial uses shall be limited according to the Land Use Types within this document.

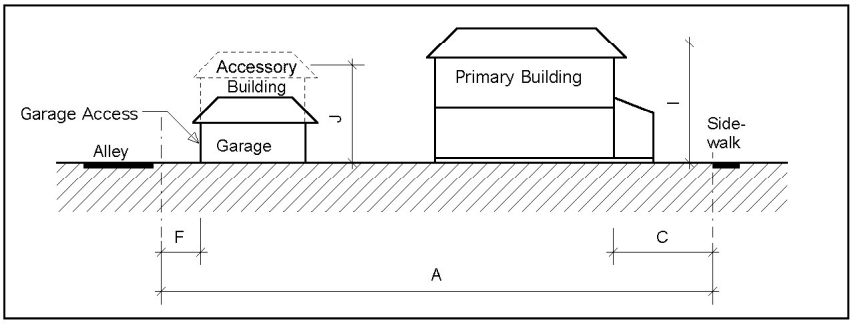
ADDITIONAL NOTES:

- Driveways providing access to the Bungalow Court dwelling units will NOT be accessible from public streets or roadways. Such driveways will only be accessible from the alleyways.

Type C – Small Single-Family

Small Single-Family Houses are the smallest type of detached residential units in Village Gardens. Small Single-Family Houses are located on intimate lots and have reduced side yards. Alleys in the rear of the lots provide vehicular access to Small Single-Family Houses. Front driveways and street facing garages are prohibited. Attached or detached garages and shared driveways are permitted.





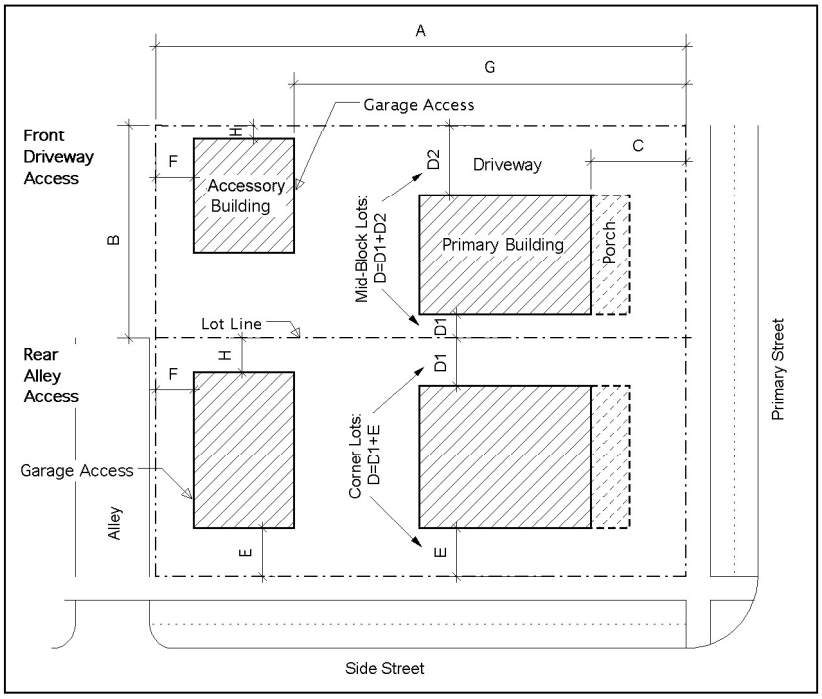
NOTES FROM THE LOT & BUILDING TYPE MATRIX:

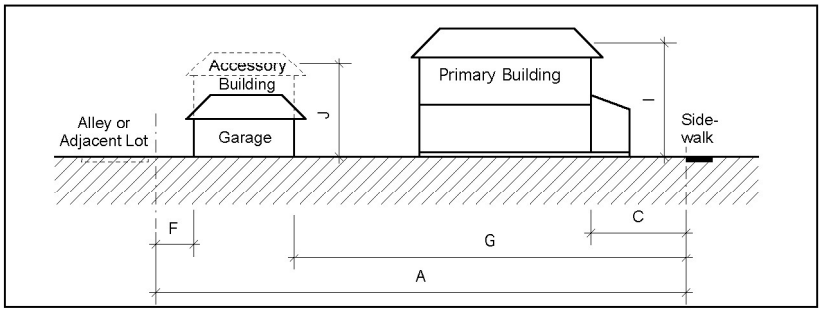
- Live/work units permitted. Commercial uses shall be limited according to the Land Use Types within this document.

A	Min. Lot Depth	80 ft.
B	Min. Lot Width	33 ft.
C	Min. Primary Street Setback	
	• Neighborhood Center	10 ft.
	• Neighborhood General	15 ft.
D	Min. Combined Side Yard Adjacent Lot Setback	7 ft.
	Setback shall be a minimum of 3 ft. on one side.	
	At corner lots, the side street setback E shall be included in the calculation of D.	
E	Min. Side Street Setback	5 ft.
F	Min. Primary or Accessory Bldg. Rear Setback	8 ft.
G	Min. Accessory Bldg. Front Setback	n/a
H	Min. Accessory Bldg. Side Setback	3 ft.
	This setback may be waived if Accessory Buildings are attached.	
I	Max. Primary Bldg. Height	
	• Neighborhood Center	40 ft.
	• Neighborhood General	40 ft.
	Tower elements of a maximum of 200 sq. ft. in floor area shall be exempt of the height limit and may exceed the ridge height of the primary roof by a maximum of 10 ft.	
J	Max. Accessory Bldg. Height	30 ft.
	PARKING:	
	Min. Number of On-Site Parking Spaces per Dwelling Unit	2
	No on-site parking required for secondary dwelling units	
	Secondary Dwelling Unit	Y*
	Y = permitted; N = prohibited	
	* Lots with less than 45 ft. wide shall be limited to 600 sq. ft in building size. Lots 45 ft wide are limited to 1000 sq. ft. in building size.	
	Primary Building Entrance	
	The primary pedestrian building entrance shall be located along a public street, common walkway or park.	
	Allowable Encroachments: (Proper Sight Triangle must be maintained)	
	Covered or uncovered porches or stoops may encroach into the front or side street setback no deeper than 12 ft. and no closer than 0 ft. from a property line.	
	Bay windows and other similar enclosed building elements may be no wider than 6 ft. and may encroach up to 2 ft. in setbacks no closer than 00 ft. from a property line. The bay windows must not encroach within 4 ft. of the corners of the primary building. Any light well or egress window may be located in any required front, side or rear yard, provided: No such light well or egress window may be placed within two feet of any property Line.	
	Uncovered decks, balconies & trellises may encroach into setbacks, no deeper than 8 ft. and no closer than 0 ft. from a property line.	
	All building setbacks and building encroachments shall provide the proper Sight Triangle.	
	Driveways may encroach into all setbacks where curb cuts are permitted.	

Type D – Medium Single-Family

Medium Single-Family Houses are midsized detached residential units. Medium Single-Family Houses are located on midsized lots and have useable side yards. Alleys in the rear of the lots or front driveways may provide vehicular access to Medium Single-Family Houses. However, if alley access is provided front driveways and street facing garages shall be prohibited. Attached or detached garages and shared driveways are permitted.





NOTES FROM THE LOT & BUILDING TYPE MATRIX:

- None

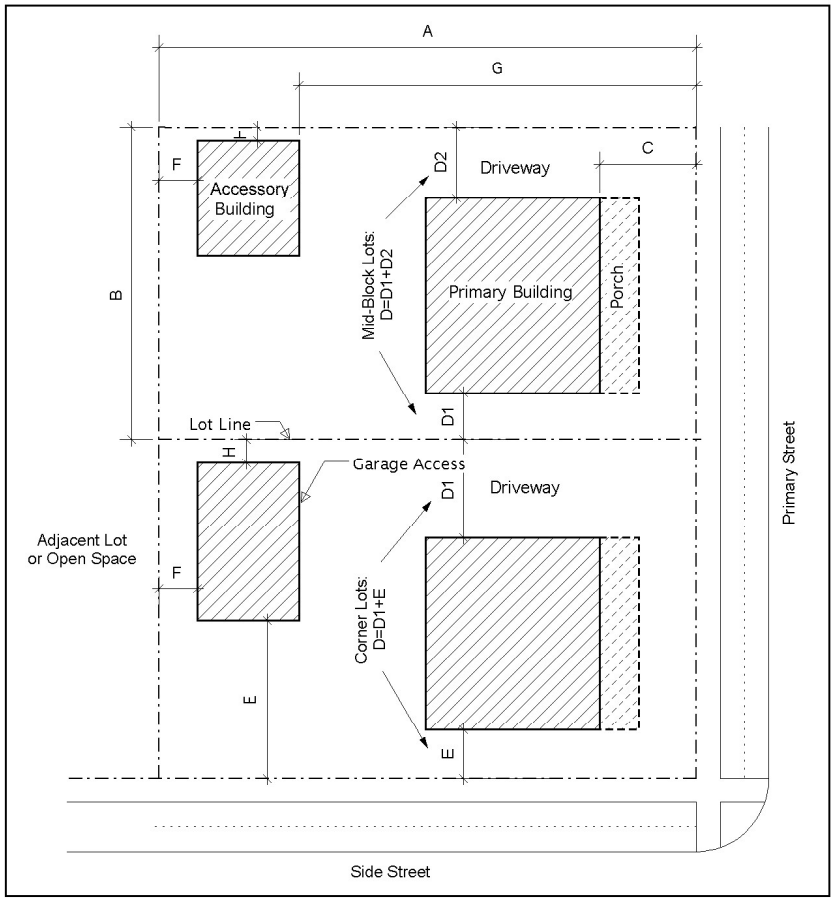
A	Min. Lot Depth	80 ft.
B	Ave. Lot Width	50 ft.
C	Min. Primary Street Setback	
	Neighborhood Center	10 ft.
	Neighborhood General	15 ft.
	Neighborhood Edge	15 ft.
D	Min. Combined Side Yard Adjacent Lot Setback	10 ft.
	Setback shall be a minimum of 3 ft. on one side.	
	At corner lots, the side street setback E shall be included in the calculation of D.	
E	Min. Side Street Setback	5 ft.
F	Min. Primary or Accessory Bldg. Rear Setback	8 ft.
	May be reduced to 3 ft. if garage is front accessed.	
G	Min. Accessory Bldg. Front Setback	45 ft.
H	Min. Accessory Bldg. Side Setback	3 ft.
	This setback may be waived if Accessory Buildings are attached.	
I	Max. Primary Bldg. Height	
	• Neighborhood General	40 ft.
	• Neighborhood Edge	40 ft.
	Tower elements of a maximum of 200 sq. ft. in floor area shall be exempt of the height limit and may exceed the ridge height of the primary roof by a maximum of 10 ft.	
J	Max. Accessory Bldg. Height	30 ft.
	PARKING:	
	Min. Number of On-Site Parking Spaces per Dwelling Unit	2
	No on-site parking required for secondary dwelling units	
	Secondary Dwelling Unit	Y*
	Y = permitted; N = prohibited * Shall be limited to 1000 sq. ft.	
	Primary Building Entrance	
	The primary pedestrian building entrance shall be located along a public street, common walkway or park.	
	Allowable Encroachments: (Proper Sight Triangle must be maintained)	
	Covered or uncovered porches or stoops may encroach into the front or side street setback no deeper than 12 ft. and no closer than 0 ft. from a property line.	
	Bay windows and other similar enclosed building elements may be no wider than 6 ft. and may encroach up to 2 ft. in setbacks no closer than 0 ft. from a property line. The bay windows must not encroach within 4 ft. of the corners of the primary building. Any light well or egress window may be located in any required front, side or rear yard, provided: No such light well or egress window may be placed within two feet of any property Line.	
	Uncovered decks, balconies & trellises may encroach into setbacks, no deeper than 8 ft. and no closer than 0 ft. from a property line.	
	All building setbacks and building encroachments shall provide the proper Sight Triangle.	
	Driveways may encroach into all setbacks where curb cuts are permitted.	

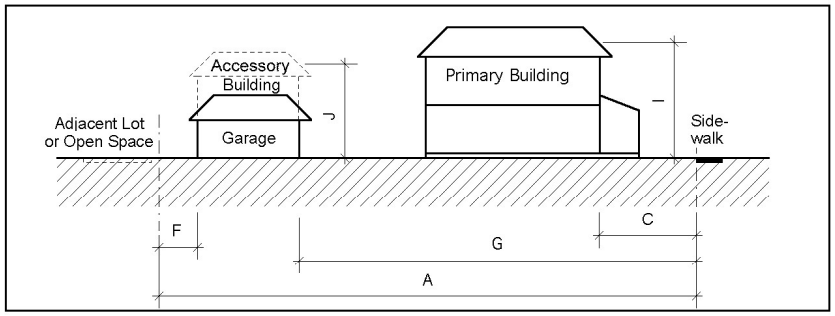
Type D-2 – Village Meadows Medium Single-Family Lot Standards

The maximum height and minimum lot requirements for Type D-2 – Village Meadows Medium Single Family lots shall be regulated in conformance with the requirements in Lincoln Municipal Code Chapter 27.72 for the R-3 Residential District.

Type E – Large Single-Family

Large Single-Family Houses are the largest detached residential units in Village Gardens. Large Single-Family Houses are located on large lots that offer flexibility in building configuration and have generous front, side and back yards. Front driveways provide vehicular access to Large Single-Family Houses. Attached or detached garages and shared driveways are permitted.





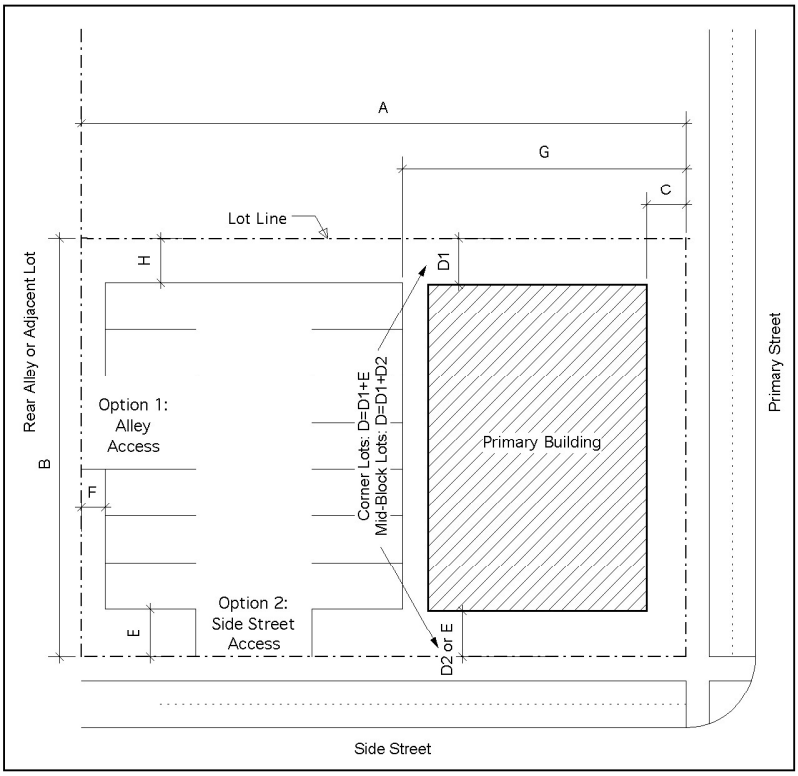
NOTES FROM THE LOT & BUILDING TYPE MATRIX:

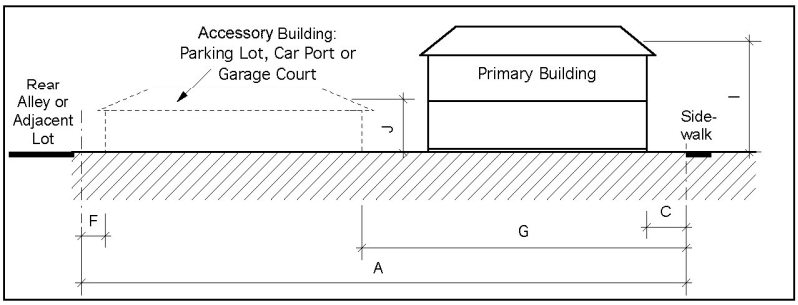
- None

A	Min. Lot Depth	80 ft.
B	Ave. Lot Width	80 ft.
C	Min. Primary Street Setback	15 ft.
	Neighborhood General	15 ft.
	Neighborhood Edge	15 ft.
D	Min. Combined Side Yard Adjacent Lot Setback	15 ft..
	Setback shall be a minimum of 5 ft. on one side.	
	At corner lots, the side street setback E shall be included in the calculation of D.	
E	Min. Side Street Setback	10 ft.
F	Min. Primary or Accessory Bldg. Rear Setback	3 ft.
G	Min. Accessory Bldg. Front Setback	45 ft.
H	Min. Accessory Bldg. Side Setback	3 ft.
	This setback may be waived if garages are attached.	
I	Max. Primary Bldg. Height	40 ft.
	Tower elements of a maximum of 200 sq. ft. in floor area shall be exempt of the height limit and may exceed the ridge height of the primary roof by a maximum of 10 ft.	
J	Max. Accessory Bldg. Height	30 ft.
	PARKING:	
	Min. Number of On-Site Parking Spaces per Dwelling Unit	2
	No on-site parking required for secondary dwelling units	
	Secondary Dwelling Unit	Y*
	Y = permitted; N = prohibited * Shall be limited to 1000 sq. ft.	
	Primary Building Entrance	
	The primary pedestrian building entrance shall be located along a public street, common walkway or park.	
	Allowable Encroachments: (Proper Sight Triangle must be maintained)	
	Covered or uncovered porches or stoops may encroach into the front or side street setback no deeper than 12 ft. and no closer than 0 ft. from a property line.	
	Bay windows and other similar enclosed building elements may be no wider than 6 ft. and may encroach up to 2 ft. in setbacks no closer than 0 ft. from a property line. The bay windows must not encroach within 4 ft. of the corners of the primary building. Any light well or egress window may be located in any required front, side or rear yard, provided: No such light well or egress window may be placed within two feet of any property Line.	
	Uncovered decks, balconies & trellises may encroach into setbacks, no deeper than 8 ft. and no closer than 0 ft. from a property line.	
	All building setbacks and building encroachments shall provide the proper Sight Triangle.	
	Driveways may encroach into all setbacks where curb cuts are permitted.	

Type F – Multi-Family Mansion

Multi-Family Mansions are the smallest multi-family buildings in Village Gardens. Multi-Family Mansions are designed to resemble large houses in order to be compatible with other residential building types. Multi-Family Mansions may have a minimum of 4 units per building in the Neighborhood Center zone, and a minimum of 6 units per building in the Village Center zone, but are limited to 12 units per building in the Village Center and limited to 8 units per building in the Neighborhood Center. Parking is located in small parking lots, carports or garage courts in the rear of the building, screened from public streets and walkways. Alleys in the rear of the lots or driveways off of side streets may provide vehicular access to Multi-Family Mansions. However, if alley access is provided direct street access shall be prohibited. Attached or detached garages and shared driveways are permitted.





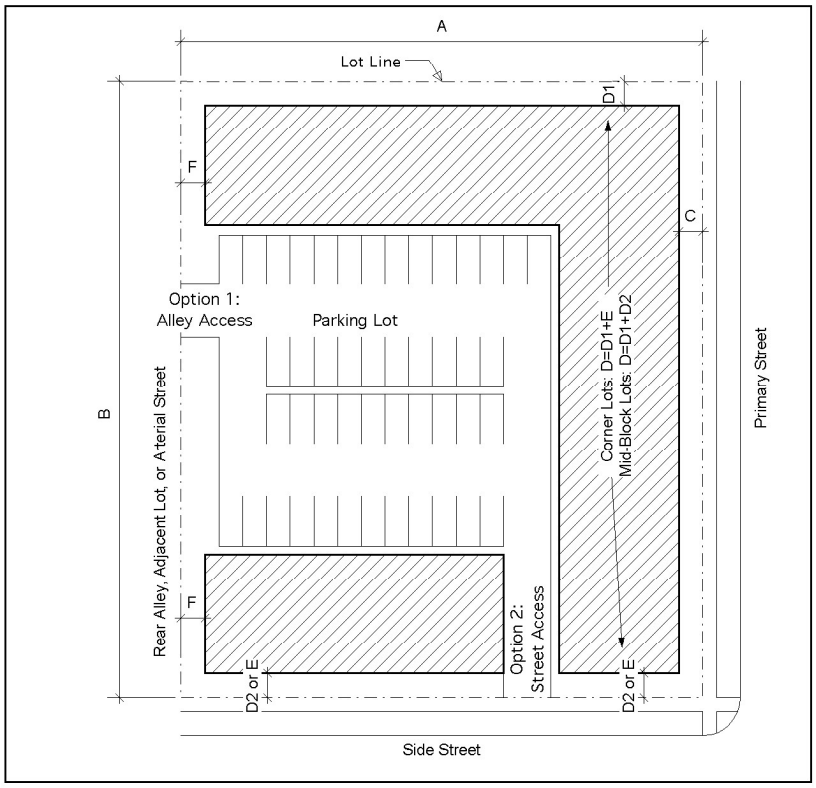
NOTES FROM THE LOT & BUILDING TYPE MATRIX:

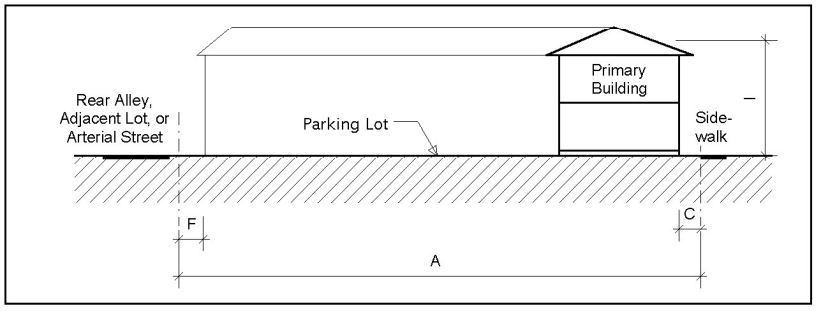
- Live/work units permitted. Commercial uses shall be limited according to the Land Use Types within this document.

A	Min. Lot Depth	80 ft.
B	Min. Lot Width	85 ft.
C	Min. Primary Street Setback	
	• Village Center	0 ft.
	• Neighborhood Center	10 ft.
D	Min. Combined Side Yard Adjacent Lot Setback	20 ft.
	Setback shall be a minimum of 5 ft. on one side.	
	At corner lots, the side street setback E shall be included in the calculation of D.	
E	Min. Side Street Setback	10 ft.
F	Min. Primary or Accessory Bldg. Rear Setback	8 ft.
	May be reduced to 3 ft. if there is no alley access.	
G	Min. Accessory Bldg. Front Setback	45 ft.
H	Min. Accessory Bldg. Side Setback	3 ft.
I	Max. Primary Bldg. Height	
	• Village Center	40 ft.
	• Neighborhood Center	40 ft.
	Tower elements of a maximum of 200 sq. ft. in floor area shall be exempt of the height limit and may exceed the ridge height of the primary roof by a maximum of 10 ft.	
J	Max. Accessory Bldg. Height	30 ft.
	PARKING:	
	Min. Number of On-Site Parking Spaces per Dwelling Unit	1.5
	Secondary Dwelling Unit	N
	Y = permitted; N = prohibited	
	Primary Building Entrance	
	The primary pedestrian building entrance shall be located along a public or private street, common walkway or park.	
	Allowable Encroachments: (Proper Sight Triangle must be maintained)	
	Covered or uncovered porches or stoops may encroach into the front or side street setback no deeper than 12 ft. and no closer than 0 ft. from a property line.	
	Bay windows and other similar enclosed building elements may be no wider than 6 ft. and may encroach up to 2 ft. in setbacks no closer than 0 ft. from a property line. The bay windows must not encroach within 4 ft. of the corners of the primary building. Any light well or egress window may be located in any required front, side or rear yard, provided: No such light well or egress window may be placed within two feet of any property Line.	
	Uncovered decks, balconies & trellises may encroach into setbacks, no deeper than 8 ft. and no closer than 0 ft. from a property line.	
	All building setbacks and building encroachments shall provide the proper Sight Triangle.	
	Driveways may encroach into all setbacks where curb cuts are permitted.	

Type G – Multi-Family Apartment

Apartment Buildings are the highest density residential buildings in Village Gardens. Apartment Buildings may be configured in a variety of layouts, including U-shaped courtyard, L-shaped courtyard, or bar-shaped. Parking is located in parking lots in the rear of or between buildings, screened from public streets and walkways. Attached or detached garages and shared driveways are permitted.





NOTES FROM THE LOT & BUILDING TYPE MATRIX:

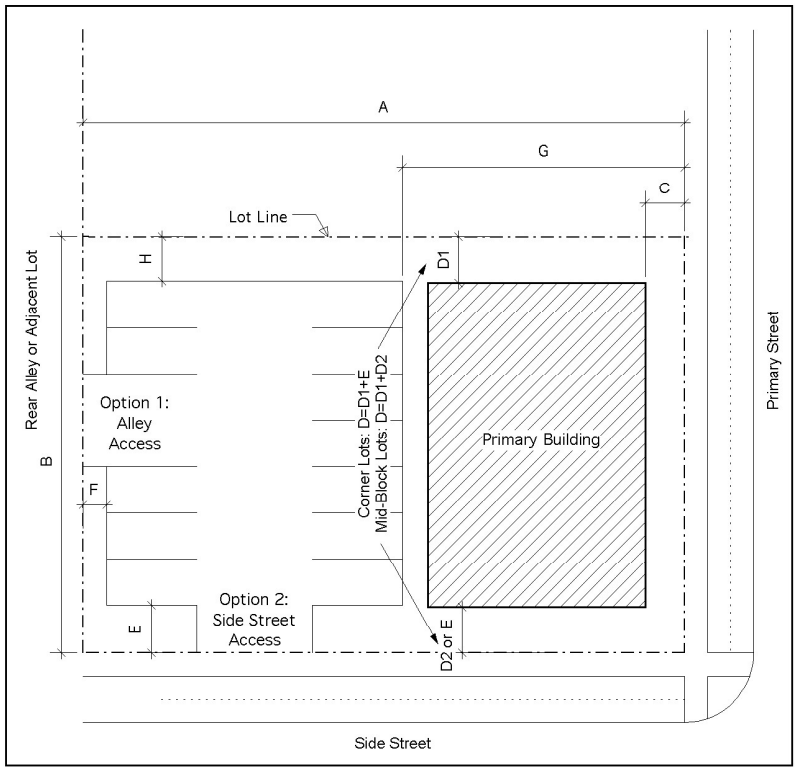
- Apartments allowed in Village Center zone. In the Neighborhood Center this use is limited to lots between Yankee Hill Road and Chatsworth Lane in a future PUD.

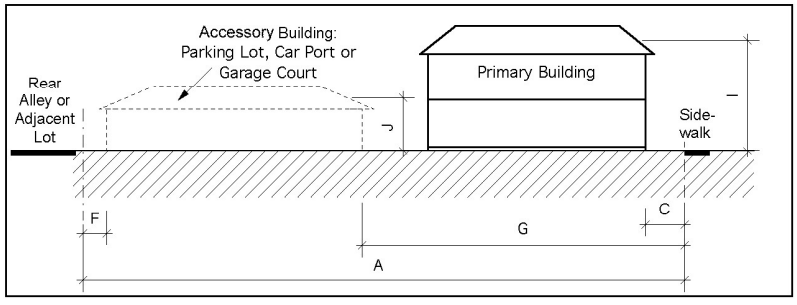
A	Min. Lot Depth	80 ft.
B	Min. Lot Width	100 ft.
C	Min. Primary Street Setback	
	• Village Center	0 ft.
	• Neighborhood Center	10 ft.
D	Min. Combined Side Yard Adjacent Lot Setback	20 ft.
	Setback shall be a minimum of 10 ft. on one side.	
	At corner lots, the side street setback E shall be included in the calculation of D.	
E	Min. Side Street Setback	
	• Village Center	0 ft.
	• Neighborhood Center	10 ft.
F	Min. Rear Setback	10 ft.
G	Min. Accessory Bldg. Front Setback	n/a
H	Min. Accessory Bldg. Side Setback	n/a
I	Max. Primary Bldg. Height	
	• Village Center	55~~40~~ ft.
	• Neighborhood Center	40 ft.
	Tower elements of a maximum of 200 sq. ft. in floor area shall be exempt of the height limit and may exceed the ridge height of the primary roof by a maximum of 10 ft.	
J	Max. Accessory Bldg. Height	n/a
	PARKING: Min. Number of On-Site Parking Spaces per Dwelling Unit	1.~~5~~
	Secondary Dwelling Unit	N
	Y = permitted; N = prohibited	
	Primary Building Entrance	
	The primary pedestrian building entrance shall be located along a public or private street, common driveway, common walkway or park.	
	Allowable Encroachments: (Proper Sight Triangle must be maintained)	
	Covered or uncovered porches or stoops may encroach into the front or side street setback no deeper than 12 ft. and no closer than 0 ft. from a property line.	
	Bay windows and other similar enclosed building elements may be no wider than 6 ft. and may encroach up to 2 ft. in setbacks no closer than 0 ft. from a property line. The bay windows must not encroach within 4 ft. of the corners of the primary building. Any light well or egress window may be located in any required front, side or rear yard, provided: No such light well or egress window may be placed within two feet of any property Line.	
	Uncovered decks, balconies & trellises may encroach into setbacks, no deeper than 8 ft. and no closer than 0 ft. from a property line.	
	All building setbacks and building encroachments shall provide the proper Sight Triangle.	

Driveways may encroach into all setbacks where curb cuts are permitted.

Type H – Community

Community Buildings play a central role in the social life of local residents. They are given prominent sites, often terminating view corridors and therefore are required to have well-designed architectural emphasis on their public facades and include a main entrance on the public street or green. Community buildings may include special massing features, such as towers. In order to foster design creativity, these buildings have the least amount of zoning control, but may be subject to a special architectural design review to insure the highest quality design on important sites.





NOTES FROM THE LOT & BUILDING TYPE MATRIX:

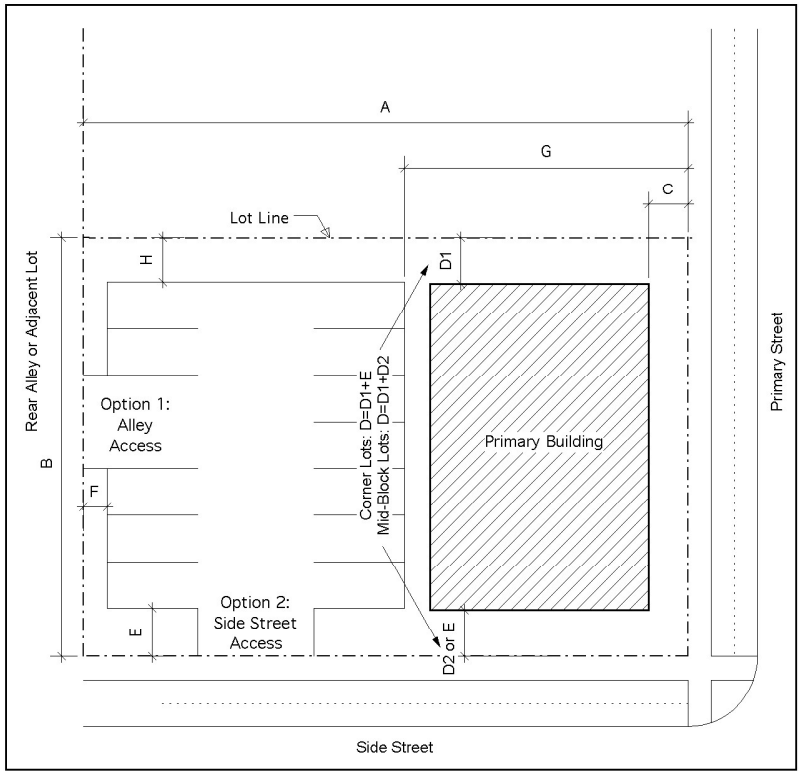
- Structures that are not fully enclosed, have a footprint of less than 400 sq ft. and an overall height of less than 16ft. shall be considered landscape elements.
- In the Neighborhood Center, Community buildings are limited to Civic or Community uses serving primarily Village Gardens residents and their guests or churches.

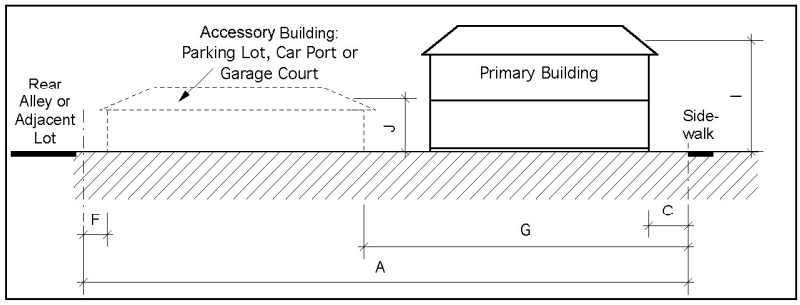
A	Min. Lot Depth	80 ft.
B	Min. Lot Width	n/a
C	Min. Primary Street Setback	
	• Village Center	0 ft.
	• Neighborhood Center*	5 ft.
D	Min. Side Yard Adjacent Lot Setback*	5 ft.
	At corner lots, the side street setback E shall be included in the calculation of D.	
E	Min. Side Street Setback*	0 ft.
F	Min. Primary or Accessory Bldg. Rear Setback*	8 ft.
	May be reduced to 3 ft. if there is no alley access.	
G	Min. Accessory Bldg. Front Setback	45 ft.
H	Min. Accessory Bldg. Side Setback	3 ft.
I	Max. Primary Bldg. Height	
	• Village Center	40 ft.
	• Neighborhood Center	40 ft.
	Tower elements of a maximum of 300 sq. ft. in floor area shall be exempt of the height limit and may exceed the ridge height of the primary roof by a maximum of 30 ft.	
J	Max. Accessory Bldg. Height	30 ft.
	PARKING: Refer to the parking matrix as identified in the Village Gardens Development Plan	
	Secondary Dwelling Unit	Y
	Y = permitted; N = prohibited	
	Primary Building Entrance	
	The primary pedestrian building entrance shall be located along a public or private street, common driveway, walkway or park.	
	Allowable Encroachments: (Proper Sight Triangle must be maintained)	
	Covered or uncovered porches or stoops may encroach into the front or side street setback no deeper than 12 ft. and no closer than 0 ft. from a property line.	
	Bay windows and other similar enclosed building elements may be no wider than 6 ft. and may encroach up to 2 ft. in setbacks no closer than 0 ft. from a property line. The bay windows must not encroach within 4 ft. of the corners of the primary building. Any light well or egress window may be located in any required front, side or rear yard, provided: No such light well or egress window may be placed within two feet of any property Line.	
	Uncovered decks, balconies & trellises may encroach into setbacks, no deeper than 8 ft. and no closer than 0 ft. from a property line.	
	All building setbacks and building encroachments shall provide the proper Sight Triangle.	
	Driveways may encroach into all setbacks where curb cuts are permitted.	

*20 ft. minimum front, side and rear yard setbacks for Lot 1, Block 27

Type I – Mixed-Use

In the Village Center zone, higher density, mixed-use development forms the core of Village Gardens. Mixed-Use buildings, a common typology in small Midwestern main streets, feature ground floor storefront retail, offices or living units with walk-up apartments or offices on upper stories. Parking is located in parking lots, carports or garage courts in the rear of the building, screened from public streets and walkways. Alleys in the rear of the lots or driveways off of side streets may provide vehicular access. Drive thru's are permitted in the Village Center.





NOTES FROM THE LOT & BUILDING TYPE MATRIX:

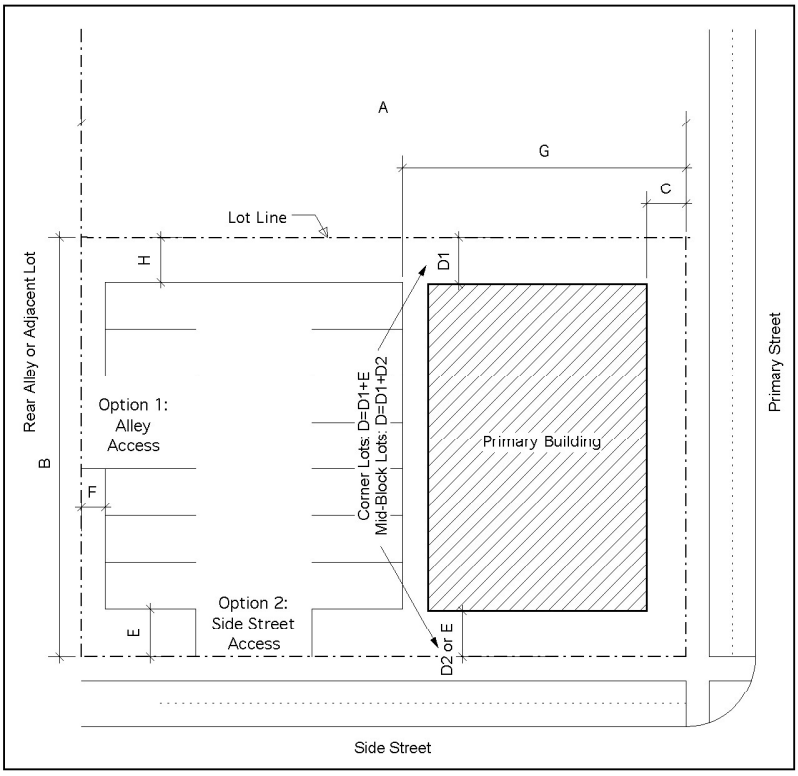
- Mixed-use buildings may occupy two or more of the following uses within the same building: retail, professional services, personal services, workshop, office, artisan, restaurant, lodging, childcare, professional business, governmental services, entertainment, recreational, residential and related accessory uses. Uses may be divided vertically or horizontally.

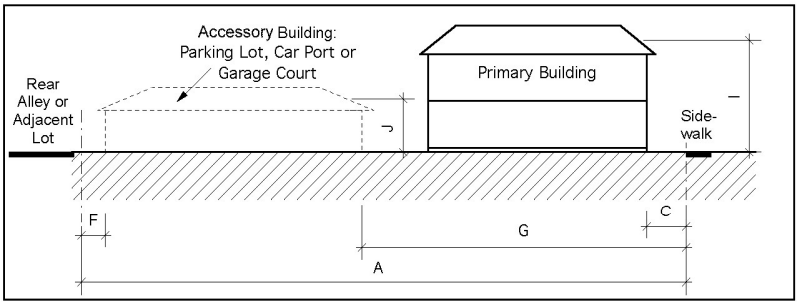
A	Min. Lot Depth	n/a ft.
B	Min. Lot Width	n/a.
C	Min. Primary Street Setback*	0 ft.
	Min. Combined Side Yard Adjacent Lot Setback*	0 ft.
	At corner lots, the side street setback E shall be included in the calculation of D.	
E	Min. Side Street Setback*	0 ft.
F	Min. Primary Accessory Bldg. Rear Setback*	8 ft.
	May be reduced to 3 ft. if there is no alley access.	
G	Min. Accessory Bldg. Front Setback	45 ft.
H	Min. Accessory Bldg. Side Setback	3 ft.
	This setback may be waived if Accessory Buildings are attached.	
I	Max. Primary Bldg. Height	50 ft.
	Tower elements of a maximum of 200 sq. ft. in floor area shall be exempt of the height limit and may exceed the ridge height of the primary roof by a maximum of 10 ft.	
J	Max. Accessory Bldg. Height	30 ft.
	Max. Lot Coverage	100%
	PARKING:	
	Min. Number Parking Spaces per Dwelling Unit for residential	1
	Min. Number Parking Spaces per 600 sf. of commercial uses	1
	Parking shall be accommodated on-site or off-site as part of a cross-parking easement. On Street parking in the B-3 area is allowed to be counted in the B-3 area cross-parking easement.	
	Secondary Dwelling Unit	N
	Y = permitted; N = prohibited	
	Primary Building Entrance	
	The primary pedestrian building entrance shall be located along a public or private street, common driveway, common walkway or park.	
	Allowable Encroachments: (Proper Sight Triangle must be maintained)	
	Covered or uncovered porches or stoops may encroach into the front or side street setback no deeper than 12 ft. and no closer than 0 ft. from a property line.	
	Bay windows and other similar enclosed building elements may be no wider than 6 ft. and may encroach up to 2 ft. in setbacks no closer than 0 ft. from a property line. The bay windows must not encroach within 4 ft. of the corners of the primary building.	
	Uncovered decks, balconies & trellises may encroach into setbacks, no deeper than 8 ft. and no closer than 0 ft. from a property line.	
	All building setbacks and building encroachments shall provide the proper Sight Triangle.	
	Driveways may encroach into all setbacks where curb cuts are permitted.	

*Minimum setbacks for Lot 2, Block 27:
20 ft. front and side yards
50 ft. rear yard

Type J –Elderly or Retirement Housing & Healthcare Facility, Residential

Elderly or Retirement Housing facilities house the elderly and incorporate features to address access problems experienced by the elderly. Healthcare Facility, Residential includes buildings or structures used in a residential nature that are licensed or approved by the state or an appropriate agency, if any. Each of these facilities will have staff and guest parking equal or greater than the present City of Lincoln standards for such facilities.





Type J – Lot Standards		
A	Min. Lot Depth	n/a
B	Min. Lot Width	n/a
C	Min. Primary Street Setback	20 ft.
D	Min. Side Yard Setback	15 ft.
E	Min. Side Street Setback	15 ft.
F	Min. Primary Bldg. Rear Setback	20 ft.
	Min. Accessory Bldg. Rear Setback	3 ft.
G	Min. Accessory Bldg. Front Setback	45 ft.
H	Min. Accessory Bldg. Side Setback	8 ft.
	This setback may be waived if Accessory Buildings are attached.	
I	Max. Primary Bldg. Height	50 ft.
	Tower elements of a maximum of 200 sq. ft. in floor area shall be exempt of the height limit and may exceed the ridge height of the primary roof by a maximum of 10 ft.	
J	Max. Accessory Bldg. Height	30 ft.
	Max. Lot Coverage	75%
	PARKING: per City of Lincoln municipal code and design standards	
	Parking shall be accommodated on-site .	
	Secondary Dwelling Unit	N
	Y = permitted; N = prohibited	
	Primary Building Entrance	
	The primary pedestrian building entrance shall be located along a public or private street, common driveway, common walkway or park.	
	Allowable Encroachments: (Proper Sight Triangle must be maintained)	
	All building setbacks and building encroachments shall provide the proper Sight Triangle.	
	Driveways may encroach into all setbacks where curb cuts are permitted.	

NOTES FROM THE LOT & BUILDING TYPE MATRIX:

- Permitted use on lots more than 10,000 sq. ft.

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THE REGULATORY MODIFICATIONS

See Village Gardens Regulatory Modifications document for specific information on regulatory documents modified for the Village Gardens PUD, dated this even date and incorporated herein by this reference.

THE PUD MAP SHEETS

See Village Gardens PUD Map Sheets (30"x42") prepared by Olsson Associates and dated this even date and incorporated herein by this reference.

GLOSSARY

Alley:
The vehicle passageway within a block, which provides access to accessory building and garbage bins along the rear edge of lots.

Accessory Building:
A smaller, detached structure located in the rear of a lot. Accessory Buildings may contain the following uses: garage, home office, workshop, secondary dwelling units and accessory uses.

Accessory Use:
An accessory use is one that is incidental to the main use.

Assisted Living Facility:
Assisted living facility shall mean a facility where shelter, food, and care are provided for remuneration for a period of more than twenty-four consecutive hours to four or more persons residing at such facility who require or request such services due to age, illness, or physical disability.

Average Lot Width:
Average lot width shall mean the width determined by dividing the total lot area by the depth of the lot from the right of way line to the furthest rear lot line. If the rear lot line and right of way are not parallel, an average depth dimension shall be used.

Bungalow Court:
Two or more single-family dwelling units built on separate lots that are situated around a shared outlot with shared landscaping and sidewalk system.

Civic Use:
Occupied building space used primarily for neighborhood use, public education, charity, cultural performance, gatherings, displays and accessory uses administered by non-profit neighborhood, cultural, educational, charitable and religious organizations.

Combined Side Yard Adjacent Lot Setback:
The sum of the distances between the side lot lines and the side elevations of a building. Roof overhangs may encroach into the setback. On street corners, the Side Street Setback shall be included in the calculation.

Commercial Use:
Occupied building space used for the conduct of retail, professional services, personal services, workshop, office, artisan, restaurant, lodging, childcare, professional business, governmental services, entertainment, recreational uses and accessory uses.

Elderly or Retirement Housing:
Elderly or retirement housing shall mean a residential development which incorporates specific features designed to alleviate access problems commonly experienced by the elderly, and in which each occupied dwelling unit is occupied by at least one person of sixty years of age or more. Dwellings may be detached, attached, or multiple-family.

Façade:
An elevation or 'face' of a building, from ground level to roofline.

Front Façade:
The elevation with the main entrance to a building, usually facing a public street.

Healthcare Facility, Residential:
Residential health care facility shall mean a building or structure that is to be used in a residential nature, licensed or approved by the state or an appropriate agency, if required. Residential health care facility could include but would not be limited to the following types of facilities: Assisted Living, Nursing Care, Convalescent Home, Hospice Home, Group home for 16 or more people and Intermediate Care.

Home Occupation:
A home occupation shall mean any office occupation or activity carried on within a dwelling unit or Accessory Building by a member of the family residing on the residential lot, which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character thereof.

Live/Work Unit:
A building in single ownership that provides commercial uses on the first floor and a residential use dwelling unit on the upper floor(s). The owner may occupy the commercial space and reside in the dwelling unit, or the owner may lease or rent the commercial space or the dwelling together or separately.

Lodging Use:
Premises used for short-term human habitation and accessory uses. Food service may be included, unless otherwise prohibited.

Lot:
Lot shall mean a parcel of land occupied or intended for occupancy by a use permitted by the Development Plan and fronting on a permitted public or private street, common driveway, common walkway or park as described in the Lots and Building Standards.

Lot Coverage:
The maximum area of a lot that may be occupied by a structure. Lot coverage is expressed as a ratio. Open porches, decks, terraces, and stoops are excluded from the calculations.

Mixed-Use Building:
A single building that occupies two or more of the following use: retail, professional services, personal services, workshop, office, artisan, restaurant, lodging, childcare, professional business, governmental services, entertainment, recreational, residential and related accessory uses. Uses may be divided vertically or horizontally.

Office Use:
Premises used for services, including professional, financial, clerical, administrative, medical and accessory uses. Retail and manufacturing are excluded.

Point-Of-Service:
Office uses or services frequented by customers or clients.

Primary Building:
The principal building on a site, containing the primary residence or business. The primary building fronts on the primary street.

Primary Street:
When there are two streets abutting a lot, the primary street will be the street identified by the building's legal address.

Primary Street Setback:
The distance between the frontage line of a primary street and the front façade of a building.

Rear Setback:
The distance between the rear lot line and the rear wall of a building. Roof overhangs may encroach into the setback.

Residential Use:
Premises or dwelling used primarily for human habitation and related accessory uses.

Retail Use:
Premises used for the exchange of services or goods and accessory uses including but is not limited to, bicycle sales and repair shops and sale of alcoholic beverages for consumption on-premise and the sale of alcoholic beverages for consumption off-premises.

Rowhouse:
Attached single-family houses on individual platted lots. Rowhouses share common walls with one or more adjacent units.

Side Street:
When there are two streets abutting a lot, the primary street will be the street identified by the building's legal address and the side street will be the other abutting street.

Secondary Dwelling Unit:
Secondary Dwelling Units are located on the same lot as the primary dwelling unit and may be rented but not sold separately. Secondary dwelling units may be located within the primary building or within a Accessory Building to the rear of the primary building. Secondary dwelling units shall have separate outside entrances.

Sight Triangle:
The applicable Figure shown on Appendix A Sight Distance, City of Lincoln Design Standards, provided that, the Sight Triangle for Figure SD-2, Uncontrolled and Yield Controlled Intersections, shall be the crossed hatched areas marked a "area free of obstructions >30" high." (a triangular area comprised of two lot lines measured 25 feet from the intersecting corner of the lots, and the third leg, the hypotenuse, that connects the two 25 foot sides.

Side Street Setback:
The distance between the frontage line of a side street and the street facing side elevation of the building. Roof overhangs may encroach into the setback.

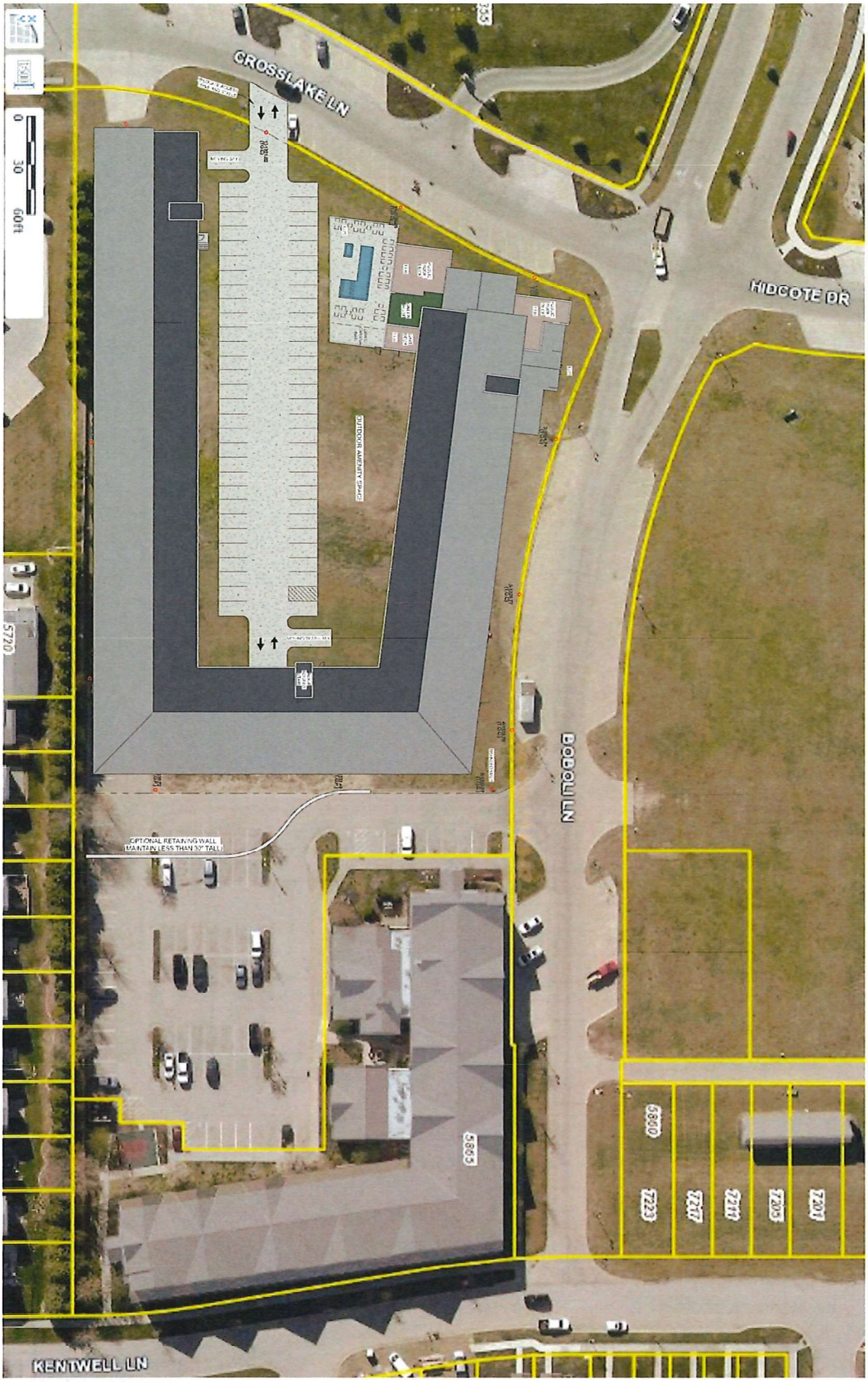
Storefront:
The portion of a building at the first story of a building that is made available for retail use. Storefronts shall be directly accessible from sidewalks.

Stoop:
An entry platform on the frontage of a building. Stoops may be roofed but they need not necessarily be enclosed.

Townhouse:
Attached single-family houses on individual platted lot. A townhouse shares a common wall with one adjacent unit.

Workshop Use:
Premises used for the creation, assemblage, repair of goods and hobbies, including their retail sale, unless otherwise prohibited.

1 SCHEMATIC SITE PLAN



Manzitto

Village Gardens Apartments

Site Plan Schematic

PR-100
12/22/20

davis design

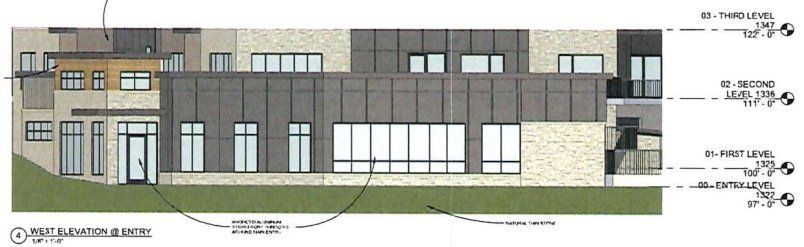
Lincoln
1221 N Street, Suite 600
Lincoln NE 68508
Phone 402-476-9700
Fax 402-476-9722

Vermillion
15 East Main, Suite 201
Vermillion SD 57069
Phone 605-624-1081

1 NORTH ELEVATION
3/32" = 1'-0"

2 EAST ELEVATION
3/32" = 1'-0"

BUILDING HEIGHT 55' DESCRIPTION
THE EXISTING LOT SLOPES FROM AN ELEVATION OF 1321 (LOW POINT) TO AN ELEVATION OF 1337 (HIGH POINT) **EXISTING LOT GRADE MID POINT ELEVATION: 1329**
55' MAX BUILDING HEIGHT IS MEASURED FROM ELEVATION 1329 TO THE MID POINT OF THE BUILDING'S TYPICAL ROOF **MAXIMUM MID POINT OF BUILDING ROOF ELEVATION: 1384** (DOES NOT INCLUDE BUILDING STAIR/ELEVATOR TOWERS FOR ROOF ACCESS)
THE START AND STOP ELEVATION FOR THE 55' BUILDING HEIGHT DESIGNATION IS SHOWN ON THE ELEVATIONS WITH A BLUE DOTTED LINE: .....



4 WEST ELEVATION @ ENTRY
1/8" = 1'-0"

3 SOUTH ELEVATION
3/32" = 1'-0"

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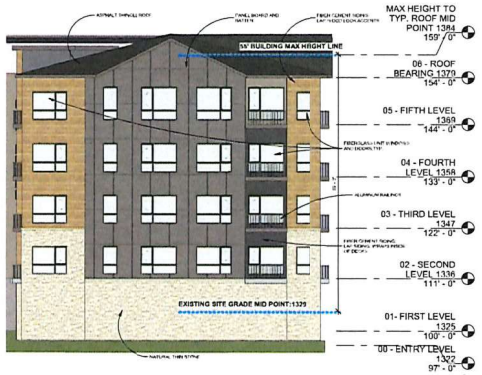
davis design

PR-201
03/30/21

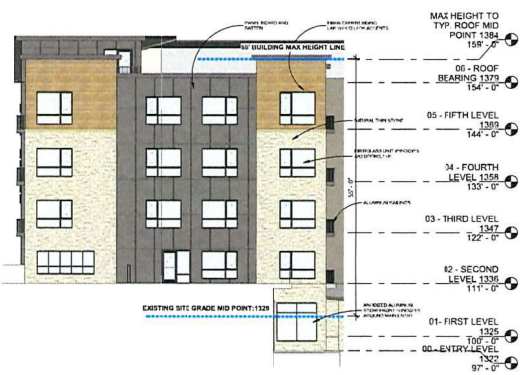
Manzitto
Village Gardens Apartments
Exterior Elevations

1 COURT SOUTH ELEVATION
3/32" = 1'-0"

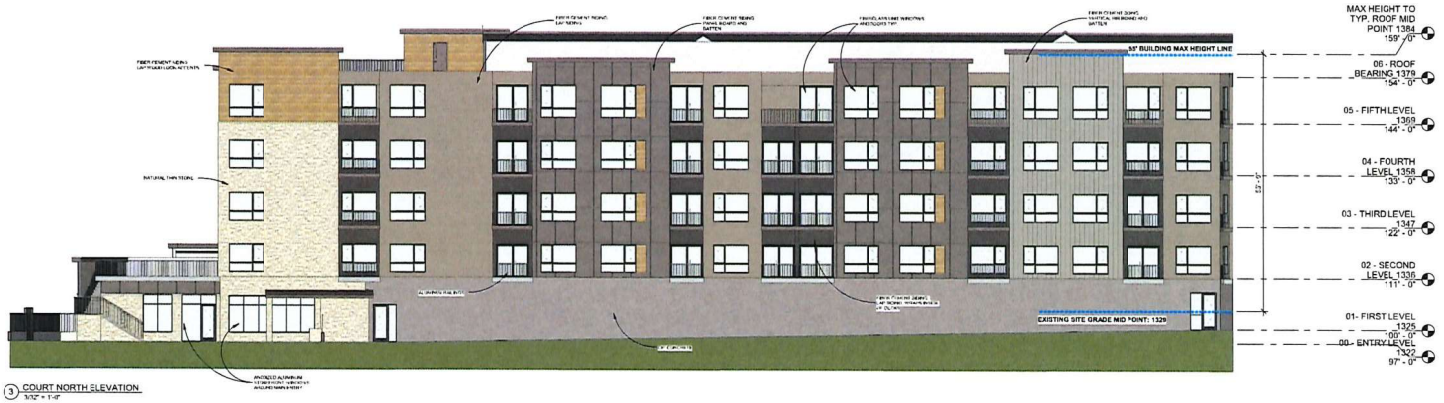
2 COURT EAST ELEVATION
3/32" = 1'-0"



4 WEST ELEVATION (SOUTH)
3/32" = 1'-0"



5 WEST ELEVATION (NORTH)
3/32" = 1'-0"



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PR-202
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