Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

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

PLANNING STAFF

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

September 29, 2021

NOTICE: **The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, September 29, 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.**

Masks are strongly encouraged for our public meetings in this building.

****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, SEPTEMBER 29, 2021

Approval of minutes of the regular meeting held September 15, 2021.

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

COMPREHENSIVE PLAN CONFORMANCE:

1.1 COMPREHENSIVE PLAN CONFORMANCE 21019, to review as to conformance with the Lincoln-Lancaster County Comprehensive Plan, a request to declare city-owned land near the Ashland water treatment plant as surplus, on generally located at 5th and Cedar Streets, Ashland, Saunders County, Nebraska.
Staff recommendation: In Conformance with the Comprehensive Plan
Staff Planner: Andrew Thierolf, 402-441-6371, atheirolf@lincoln.ne.gov

SPECIAL PERMIT:

1.2 SPECIAL PERMIT 04010A, to allow for the sale of alcohol for consumption both on and off the premises, on property generally located at 7301 South 27th Street.
Page 09
***** FINAL ACTION *****
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

2. REQUESTS FOR DEFERRAL:

CHANGE OF ZONE AND RELATED ITEM:

2.1a CHANGE OF ZONE 08066C, amending the existing Antelope Village PUD (Planned Unit Development) to add the Mixed-Use Designation on two lots and add density for a residential development with requested waivers, on property generally located north of P Street between 22nd and 23rd Streets.
Page 19
Staff recommendation: Conditional Approval
Staff Planner: Stephanie Rouse, 402-441-6373, srouse@lincoln.ne.gov

2.1b STREET & ALLEY VACATION 21006, to vacate the entire alley between P and Q Streets, adjacent to Lots 1-6 and 8-12, Kinneys O Street Addition, and Lots A - C, Webster's Subdivision, located generally north of P Street between 22nd and 23rd Streets.
Page 45
Staff recommendation: Conforms to the Comprehensive Plan
Staff Planner: Stephanie Rouse, 402-441-6373, srouse@lincoln.ne.gov

3. ITEMS REMOVED FROM CONSENT AGENDA:

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

CHANGE OF ZONES:

4.1 CHANGE OF ZONE 21035, from H-3 (Highway Commercial District) to I-1 (Industrial District), on property generally located at 3301 West O Street.
Page 53
Staff recommendation: Conditional Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

4.2 CHANGE OF ZONE 21036, from R-1 (Residential District) to O-3 PUD (Planned Unit Development), with associated waivers, on property generally located at S. 70th and South Streets.
Page 59
Staff recommendation: Conditional Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

TEXT AMENDMENT:

4.3 TEXT AMENDMENT 21008, to amend Title 26 Land Subdivision and 27 Zoning Ordinance by amending Title 26 Land Subdivision to add a new Chapter 26.13 entitled “Procedure for Processing Lot Consolidation” to establish when lot
Page 75

consolidation is permitted, describe the application process, describe staff review process, and establish requirements for Lot Consolidation Plats; by amending Chapter 27.60 Planned Unit Development District to add a new section numbered 27.60.070 entitled "Clarification During Review"; by amending Chapter 27.63 Special Permits to add a new section numbered 27.63.035 entitled "Clarification During Review"; by amending Chapter 27.64 Use Permits to add a new section numbered 27.64.020 entitled "Clarification During Review"; by amending Chapter 27.65 Community Unit Plan to add a new section numbered 27.65.065 entitled "Clarification During Review"; and repealing Sections 26.11.060, 26.19.031, and 26.23.040 as hitherto existing.

Staff recommendation: 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:

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.

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.

CHANGE OF ZONE 21024, from B-1 (Local Business District) to H-2 (Highway Business District), on property generally located at 4615 Vine Street.

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
Rachel Christopher, *Planner*	402-441-7603	rchristopher@lincoln.ne.gov
Tom Cajka, *Planner*	402-441-5662	tcajka@lincoln.ne.gov
Stacey Hageman, *Planner*	402-441-6361	slhageman@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
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?	OWNER
Comprehensive Plan Conformance #21019	No	City of Lincoln
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
September 29, 2021	None	5th & Cedar Streets (Ashland)

RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

This is a request to surplus a vacant City-owned parcel near the City of Lincoln Water Treatment Plant in Ashland.

JUSTIFICATION FOR RECOMMENDATION

The City has no plans to use this property and therefore it is appropriate to surplus. There has been no opposition to the sale of the property by any departments or public agencies.

APPLICATION/STAFF CONTACT
Michelle Backemeyer
Urban Development Dept
(402) 441-8617 or
mbackemeyer@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The surplus of this property does not impact future water treatment capabilities for the City of Lincoln. The property is not within a designated floodplain.

COMPREHENSIVE PLAN SPECIFICATIONS

Page 1.9 The site is in Saunders County and not shown on the Lincoln-Lancaster County Future Land Use Map.

Page 11.10 The projected maximum day water demand for year 2040 is 141 million gallons per day (MGD), and for 2060 is 175 MGD based on the assumed population growth rate of 1.2% per year. Additional supply, treatment, and transmission improvements will be necessary to meet these growing demands.

ANALYSIS

1. This is a request to find in conformance with the Comprehensive Plan the surplus of a 0.54-acre parcel located near the City of Lincoln Water Treatment Plant in Ashland. Even though the parcel is not located in Lincoln or Lancaster County, a surplus declaration is required in order to sell the property since the property is owned by the City of Lincoln.
2. This request was started by an adjacent property owner who contacted the City of Lincoln with interest in the property. The parcel must be declared surplus prior to being sold.
3. The parcel is located outside the floodplain.
4. A water transmission line is located on a portion of the parcel. A utility easement in this area will be required as a condition of sale.
5. The City has no plans to use this property, so it is appropriate for surplus. With the noted utility easement, the current and anticipated future use of the Water Treatment Plant and connecting pipelines will not be impacted. There has been no opposition to the sale of the property by any departments or public agencies.

EXISTING LAND USE: Vacant

APPROXIMATE LAND AREA: 0.54 acres

LEGAL DESCRIPTION: Lots 1-4, Block 5, Beetison's Addition to Ashland, Saunders County, Nebraska

Prepared by

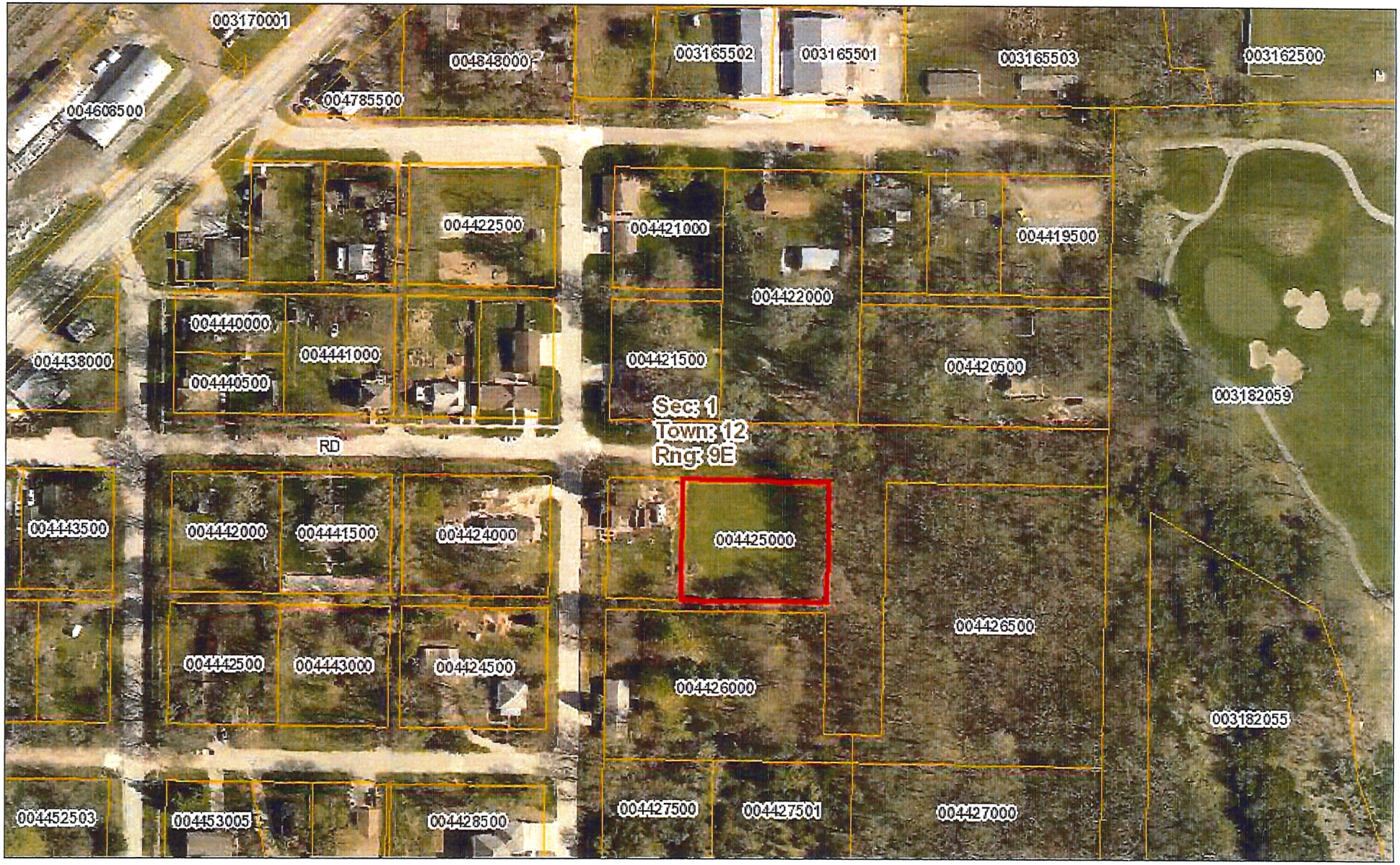
_____
Andrew Thierolf, AICP
Planner

September 16, 2021

Applicant/ Contact: Michelle Backemeyer
Urban Development Department
555 S 10th Street, Suite 205
Lincoln, NE 68508
(402) 441-8617 or
mbackemeyer@lincoln.ne.gov

Owner: City of Lincoln

5th and Cedar aerial



August 25, 2021

Parcels

Sections

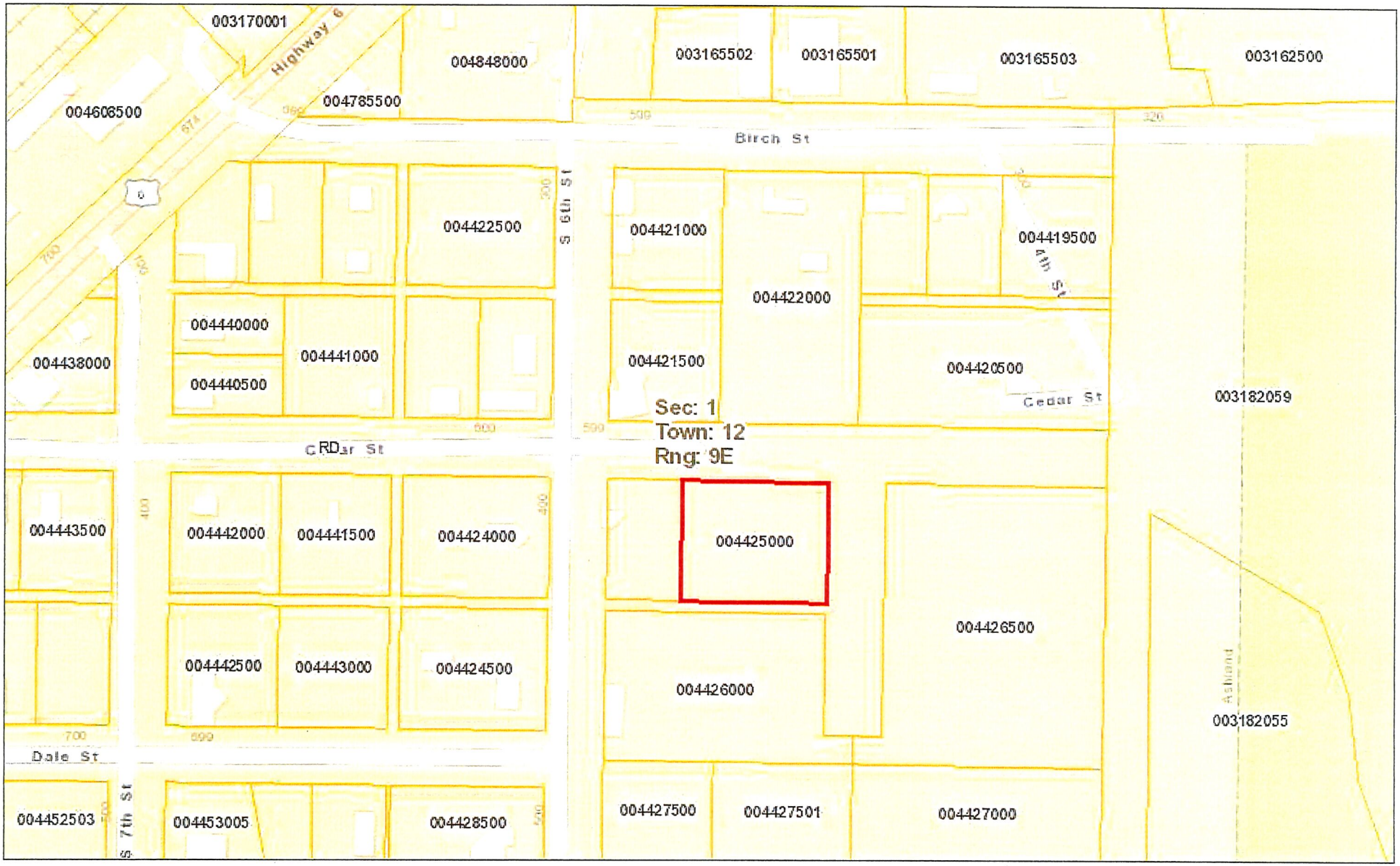
DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

1:2,524

0 0.02 0.04 0.08 mi

0 0.0325 0.065 0.13 km

5th and Cedar



August 25, 2021

Parcels

Sections

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

1:2,524

0 0.02 0.04 0.08 mi

0 0.0325 0.065 0.13 km

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

September 1, 2021

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

Dear David:

Enclosed is an application to declare surplus the property located at approximately 5th and Cedar Streets in Ashland, Nebraska. The LTU/Water Department has been asked to surplus and sell this particular property by an adjacent property owner. The Ashland transmission main from the treatment plant runs thru the property but easements would be retained in those areas before any sale would occur. There has been no opposition to the surplus of the property by any other departments or public agencies.

Please forward the request to the Planning Commission for their earliest consideration for Comprehensive Plan conformance. My understanding is that the request should be on the September 29 2021, agenda.

If you have questions or need additional information, please contact me at 441-8617or at mbackemeyer@lincoln.ne.gov. Thank you.

Sincerely,

Michelle R. Backemeyer

Michelle R. Backemeyer
Real Estate and Relocation
Assistance Agent

cc: Dan Marvin, Director, Urban Development Dept.

attachments

interoffice MEMORANDUM

to: FIELD(1)

from: Michelle Backemeyer, Housing Rehab and Real Estate Division

subject: Declaration of Surplus Property - 5th and Cedar, Ashland, Saunders County, Nebraska

date: August 16, 2021

The City of Lincoln through LTU/Water and Urban Development are requesting that Lots 1-4, Block 5, Beetison's Addition to Ashland, in Ashland, Nebraska, be declared surplus and eventually sold (see attached map). The property was originally purchased in conjunction with the Ashland Treatment Facility and pipelines from the facility, traverse thru the property in what appears to be the northerly two lots or on Lots 1 and 2. Easements for the pipeline will be retained in those areas. An adjacent property owner has expressed interests in purchasing the lots and LTU/Water has indicated they do not need to own the property as long as easements are retained and no buildings are constructed in the easement areas.

This notification is a requirement of the surplus process. Please respond via mail or email to mbackemeyer@lincoln.ne.gov in 10 days or less as to any comments or objections your department or agency may have in declaring this parcel surplus. If we have not received a response during this time period, we will assume you have no objections and will proceed with the surplus process.

Attachments

Michelle R. Backemeyer

From: Lynn Johnson
Sent: Wednesday, August 25, 2021 2:52 PM
To: Michelle R. Backemeyer
Subject: RE: Surplus property at 5th & Cedar, Ashland, NE

Thanks Michelle. Parks and Recreation does not have an interest in this property. Lynn

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From: Michelle R. Backemeyer <MBackemeyer@lincoln.ne.gov>
Sent: Wednesday, August 25, 2021 1:45 PM
To: Chad E. Blahak <cblahak@lincoln.ne.gov>; Lynn Johnson <ljohnson@lincoln.ne.gov>; 'swieska@lps.org' <swieska@lps.org>; 'john.jensen@unl.edu' <john.jensen@unl.edu>; David R. Cary <dcary@lincoln.ne.gov>; 'Paul Zillig' <pzillig@lpsnrd.org>; Wayne B. Mixdorf <WMixdorf@lincoln.ne.gov>; Shana Sprackling <ssprackling@les.com>; ason.jackson@nebraska.gov; Elizabeth D. Elliott <Elizabeth.Elliott@lincoln.ne.gov>; Patrick V. Borer <PBorer@lincoln.ne.gov>; Brian Jackson <LPD742@cjis.lincoln.ne.gov>
Cc: 'brendon.schmidt@nebraska.gov' <brendon.schmidt@nebraska.gov>; Wicken, Todd <Todd.Wicken@nebraska.gov>; at Leach <PLeach@lincoln.ne.gov>; Daniel K. Marvin <DMarvin@lincoln.ne.gov>; Steve R. Owen <sowen@lincoln.ne.gov>; David A. Derbin <DDerbin@lancaster.ne.gov>
ubject: RE: Surplus property at 5th & Cedar, Ashland, NE

ee attached memo and map on interest in City property at 5th and Cedar Streets in Ashland, Nebraska. If anyone has n interest in the property or would like easements retained, please contact me within the next 10 to 14 days. Thank ou.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

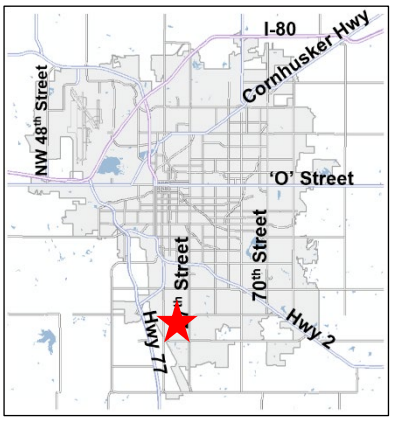
APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Special Permit #04010A	Yes	Ron Romero
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
September 29, 2021	None	3410 South 10th Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a special permit to allow the consumption of alcohol both on and off the premises. The proposed premises is Rumology Bar located at 7301 South 27th Street. The applicant describes the establishment as a craft cocktail lounge that offers live music and comedy with an outdoor seating area.

In addition to a State liquor license, a special permit for the sale of alcohol is also required. The sale of alcohol is allowed by special permit in the H-4 zoning district by special permit by Lincoln Municipal Code (LMC) Sections 27.63.680 and 27.63.685.



JUSTIFICATION FOR RECOMMENDATION

This request complies with all applicable criteria for a special permit for the sale of alcohol for consumption both on and off the premises.

APPLICATION CONTACT
Paul Donahue
Cline-Williams
(402)-474-6900
pdonahue@clinewilliams.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This lounge is in a multi-tenant building, surrounded by commercial uses near a major commercial center. There is a wide range of commercial uses located within the larger commercial center and a facility such as this one is compatible. There are other establishments in the larger center that also sell alcohol and uses such as this one are anticipated by the customers that visit and shop the center. This use at this location contributes to providing customers with the goods and services they expect and is consistent with the goals of the Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

Pg. 5.14 - Strategies for Commercial Infill
-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 commercial structures should be explored.

ANALYSIS

1.This is a request for a special permit for the sale of alcohol for consumption both on and off the premises. It is the re-use of an existing building. This request is the modification of the original special permit approved in 2004 which authorized the sale of alcohol in the tenant bay located at the east end of the building. The building and property were configured to allow for some of the tenant bays to be occupied by restaurants/bars, but not all of it. A more detailed explanation of the parking is in section 2(a) below.

The specific requirements of LMC 27.63.680 are addressed below.

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

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

Parking must be provided at the rate specified in the Zoning Ordinance. In this case there are two parking standards that apply: One parking space per 300 square feet of floor area for most commercial uses; and one space per 100 square feet of floor area for on-sale alcohol.

Based upon the floor area of the building and the current mix of uses 88 parking stalls are required. The site plan shows that 100 stalls are provided. The areas licensed for on-sale alcohol could potentially be expanded given the excess parking, but only to the extent that the required number of parking stalls doesn't exceed the number provided on site.

Given the entire site meets the criteria for both on and off-sale alcohol, allowing future expansion by administrative amendment to the extent possible subject to the parking limitation is appropriate.

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

This is a request for the sale of alcohol for consumption both on and off the premises. Compatibility with the criteria for off-sale are discussed in Section 3 below.

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

The subject building is located adjacent to a major arterial street surrounded by commercial zoning and commercial uses in all directions. None of the sensitive uses specified above are within 100' of the business. The nearest of any of these is R-4 Residential zoning more than 400' away to the west.

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

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

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

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

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

There is an outdoor dining component which could include amplified sound. However, it is located more than 400' away from a residential zoning district.

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

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

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

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

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

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

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

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

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

Off-sale alcohol has a parking requirement different and much lower than on-sale. Rather than one space per 100 square feet of floor area, the parking requirement is simply that of the underlying district. In this case, the zoning is H-4 and the parking requirement for most commercial uses is one space per 300 square feet of commercial floor area. Meeting the requirement for on-sale at 1:100 verifies there is enough parking for off-sale.

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

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

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

As noted previously, the nearest of any of the sensitive criteria is R-4 residential zoning more than 400' away to the west.

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

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

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

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

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

There is an outdoor dining component which could include amplified sound. However, it is located more than 400' away from a residential zoning district.

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

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

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

Access to the site is from Kendra Lane which is not a residential street in this area.

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

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

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

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

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

4. Subject to the conditions of approval, this request complies with all the criteria for the sale of alcohol for consumption both on and off the premises. This request complies with the Zoning Ordinance and the Comprehensive Plan and is an appropriate use of land at this location.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Commercial H-4

SURROUNDING LAND USE & ZONING

North:	Commercial	B-2
South:	Commercial	H-4
East:	Commercial	H-4
West:	Commercial	H-4

LEGAL DESCRIPTION: Lots 1 and 2, Block 1, Tamarin Ridge Addition, Lancaster County, Nebraska.

Prepared by

_____
Brian Will
bwill@lincoln.ne.gov or at
402-441-6362
September 10, 2021

Owner/
Applicant: RD Bentley Residential, LLC
c/o Ron Romero
5000 Bentley Drive
Lincoln, NE 68516
ronr@schaeferstv.com
402-429-6495

Contact: Paul Donahue
Cline-Williams
233 South 13th Street
Lincoln, NE 68508
pdonahue@clinewilliams.com
402-474-6900

CONDITIONS OF APPROVAL – SPECIAL PERMIT #04010A

This approval permits the sale of alcohol for consumption both on and off the premises per LMC Section 27.63.680 and 27.63.685, and the area authorized for the sale of alcohol can be amended by administrative amendment approved by the Planning Director provided all applicable criteria are met.

Conditions:

Site Specific:

1. The permittee shall submit two copies of the approved site plan to the Planning Department.

Standard:

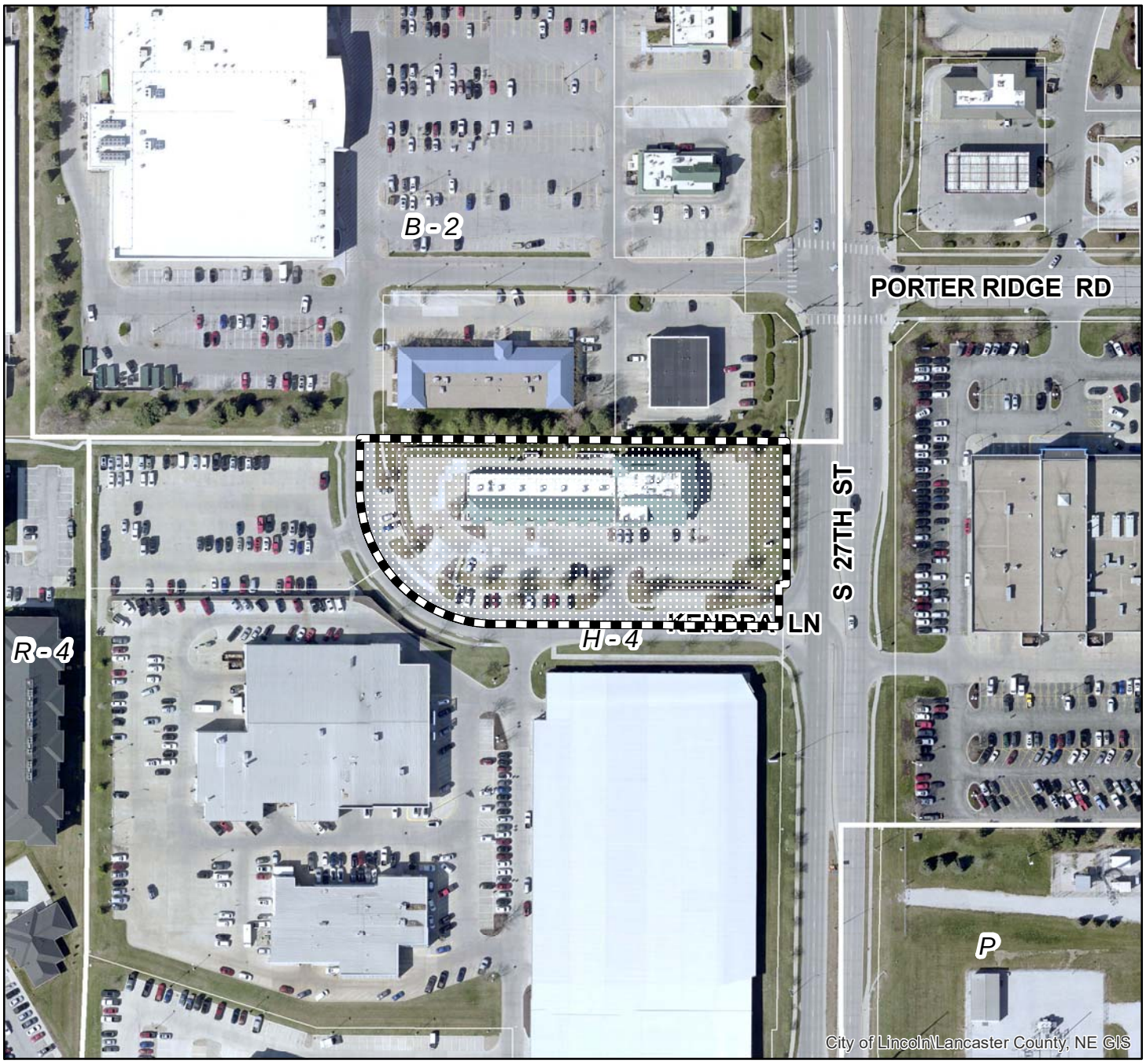
2. The following conditions are applicable to all requests:

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

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

   2.3 This resolution's terms, conditions, and requirements bind and obligate 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, filling fees therefore to be paid in advance by the applicant. The sale of alcohol is not authorized unless the letter of acceptance has been filed.



2020 aerial

Special Permit #: SP04010A
S 27th St & Kendra La

Zoning:

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

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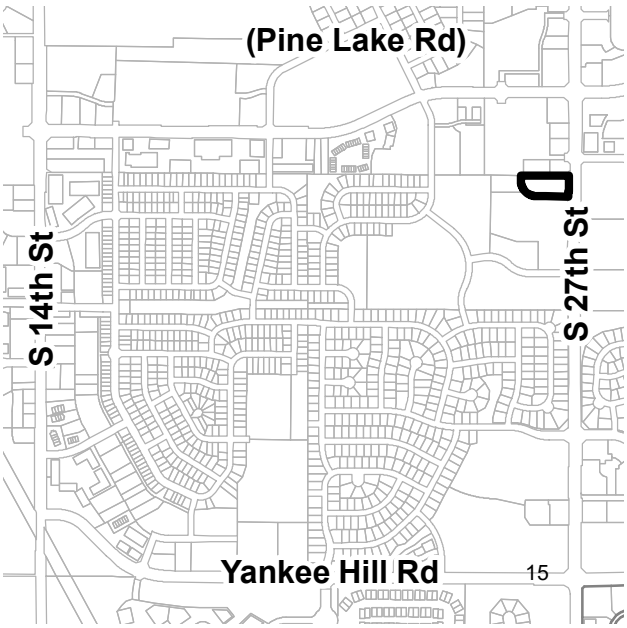
One Square Mile:
Sec. 24 T09N R06E

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



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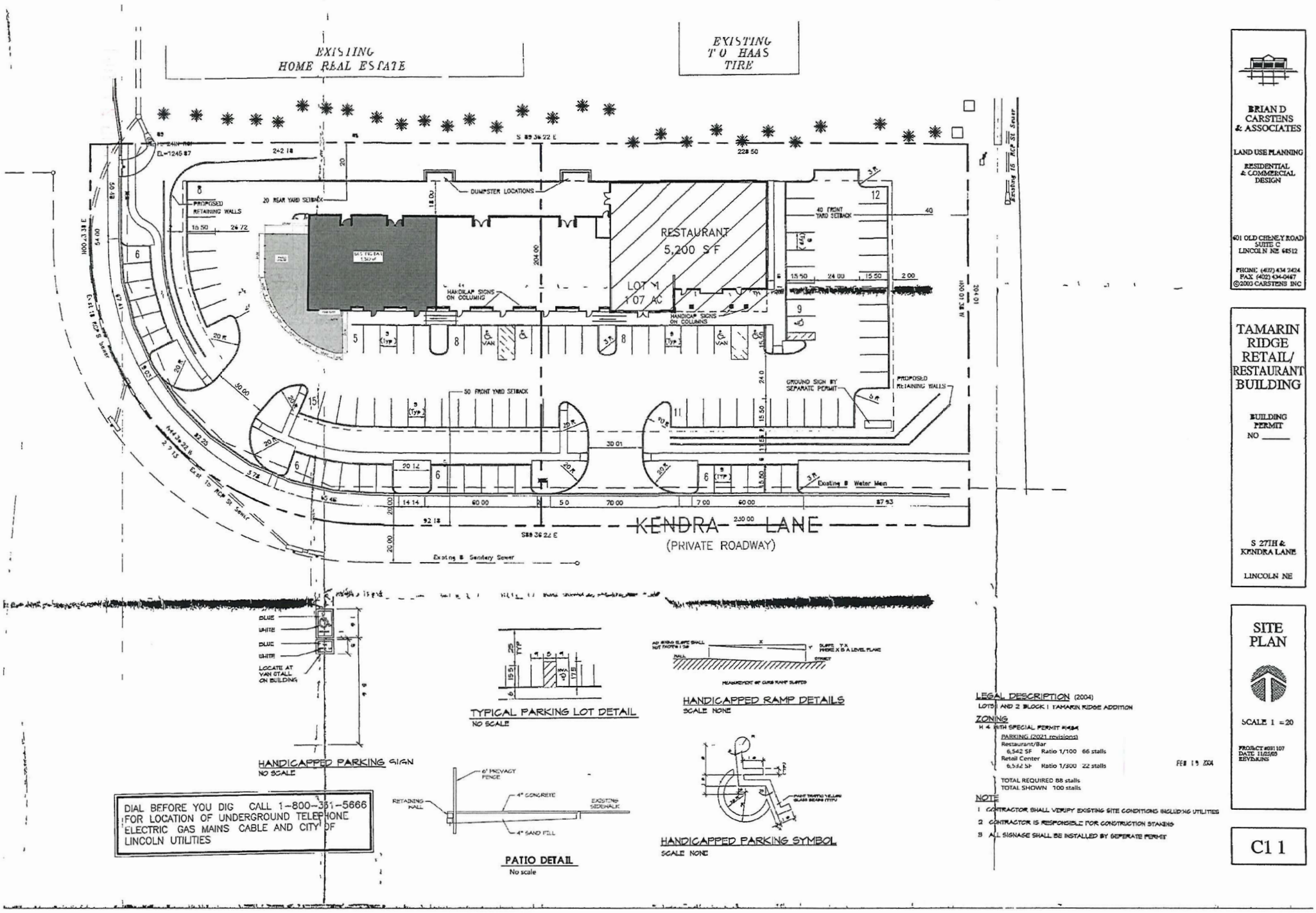

DIAL BEFORE YOU DIG CALL 1-800-331-5666
FOR LOCATION OF UNDERGROUND TELEPHONE
ELECTRIC GAS MAINS CABLE AND CITY OF
LINCOLN UTILITIES

LEGAL DESCRIPTION (2004)
LOTS 1 AND 2 BLOCK 1 TAMARIN RIDGE ADDITION

ZONING
H 4 WITH SPECIAL PERMIT #1484

PARKING (2021 revisions)
Restaurant/Bar
6,542 SF Ratio 1/100 66 stalls
Retail Center
6,542 SF Ratio 1/300 22 stalls

TOTAL REQUIRED 88 stalls
TOTAL SHOWN 100 stalls

FEB 19 2004

NOTE
1 CONTRACTOR SHALL VERIFY EXISTING SITE CONDITIONS INCLUDING UTILITIES
2 CONTRACTOR IS RESPONSIBLE FOR CONSTRUCTION STAKING
3 ALL SIGNAGE SHALL BE INSTALLED BY SEPERATE PERMIT

BRIAN D
CARSTENS
& ASSOCIATES

LAND USE PLANNING

RESIDENTIAL
& COMMERCIAL
DESIGN

601 OLD CHENEY ROAD
SUITE C
LINCOLN NE 68512

PHONE (402) 434 2424
FAX (402) 434-0467

©2003 CARSTENS INC

TAMARIN
RIDGE
RETAIL/
RESTAURANT
BUILDING

BUILDING
PERMIT
NO _____

S 27TH &
KENDRA LANE

LINCOLN NE

SITE
PLAN

SCALE 1 =20

PROJECT #031107
DATE 11/25/03
REVISIONS

C1 1

SCOTT D. KELLY
MARK A. CHRISTENSEN
RICHARD P. GARDEN, JR.
JOHN C. MILES
THOMAS C. HUSTON
DON R. JANSSEN
SUSAN K. SAPP
KEVIN J. SCHNEIDER
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WRIGHT JOHNSON & OLDFATHER, L.L.P.
ATTORNEYS AT LAW
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233 SOUTH 13TH STREET
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AMANDA C. SWISHER
LINCOLN J. KORELL
ELIZABETH A. STEVENSON

STEPHEN E. GEHRING
L. BRUCE WRIGHT
ROBERT J. ROUTH
DAVID R. BUNTAIN
TERRY R. WITTLER
RICHARD A. SPELLMAN
DAVID O. COLVER †
DONALD F. BURT (INACTIVE)
STEPHEN H. NELSEN (INACTIVE)

†ATTORNEYS ADMITTED IN COLORADO ONLY

August 27, 2021

Lincoln/Lancaster County Planning Commission
Attn: Brian Will
555 S 10th Street, Suite 213
Lincoln, NE 68508

Re: Special Permit for Rumology Bar, 7301 S 27th Street, #150
Our File: 26511.001

Dear Mr. Will,

As you know, we represent James Donaldson, owner and operator (through his entity, JDINNE, LLC) of Rumology Bar, regarding the application for special permits to sell both on- and off-site alcoholic beverages at Rumology's location, 7301 S 27th Street, Suite 150, Lincoln, Nebraska. Rumology is a craft cocktail lounge that offers live music and comedy and would sell alcoholic beverages on-site, as well as for off-site consumption at a proposed outdoor patio, approval for which Mr. Donaldson is also seeking with the Lincoln Building & Safety Department.

Rumology is the latest of numerous bars that have operated at the site's location since its development in 2004. Mr. Donaldson has operated Rumology there since obtaining a liquor license and opening in March of 2020, from which time until now he had no reason to believe the site lacked a permit from the city for the sale of alcohol. In June of this year, Mr. Donaldson contacted Building & Safety to inquire about the possibility of and procedure for removing three parking stalls to construct the outdoor patio. Building & Safety referred the matter to you, and upon review you concluded that Special Permit #04010, authorizing the sale of alcohol at a neighboring site, did not apply to Rumology's lot as had been understood, apparently collectively if not unanimously, by all involved for 17 years. In light of this conclusion, you suggested to Mr. Donaldson that to obtain the permitting he seeks he apply to amend Special Permit #04010's authorization of liquor sales to include both on- and off-site alcohol sales at the Rumology site.

In furtherance of Mr. Donaldson's desire that the site's permits be current and complete, I enclose the Planning Department Application Request Form along with a check in the amount of $412.00 for the application fee. Per your suggestion, the application seeks the requisite permit for the sale of both on- and off-site alcoholic beverages, the latter for the purpose of the above-mentioned outdoor patio. The owner

of the property, Mr. Ron Romero, as controlling member of RD Bentley Residential LLC, consents to and joins in this request, as evidenced by his signature on the application.

I also enclose a revised site plan identifying the specific lot Rumology leases with the proposed patio expansion, and which includes information showing the plan's compliance with City of Lincoln Ordinance No. 27.63.680 relating to the sale of alcohol. Should you need it for referencing I further enclose a copy of the final site plan used for the initial approval of SP#04010 in 2004.

The revised site plan shows compliance with Lincoln Ordinances No. 27.63.680(a)(1–9), as well as No. 27.63.685 relating to alcohol sales for off-site consumption. In particular, with respect to 27.63.680(a)(1), the entire parcel with the patio expansion requires 88 parking spots; the parcel would have 100.

I look forward to working with you on this matter. Please do not hesitate to call or email with any questions or if you need anything further.

Sincerely,

Paul B. Donahue
For the Firm

Enc.

4821-2116-8884, v. 1

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

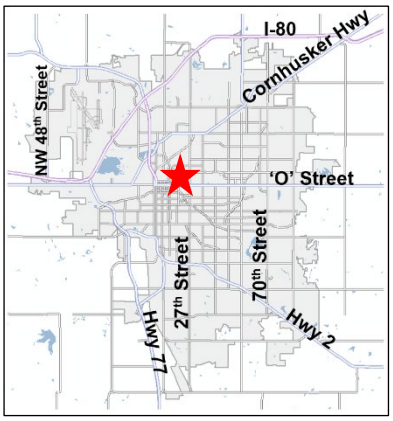
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Change of Zone 08066C	No	Assurity Life Insurance Co.
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
September 29, 2021	SAV21006	North of P Street between 22nd and 23rd St

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to amend the Antelope Village Planned Unit Development (PUD) for a multi-family complex with two buildings at the northeast corner of 22nd and P Streets. Several waivers are requested including setback reductions on 23rd and Q Streets, a height increase of five feet, and increased density. The PUD district designation of Mixed Use would be extended to cover the entire block, replacing a small portion of Neighborhood Business Area at the northeast corner of the block.



JUSTIFICATION FOR RECOMMENDATION

This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan. The original PUD intended most of this block to be high-quality redevelopment with moderately dense residential and limited compatible business uses within the residential buildings. The block to the east was similarly identified, however was developed without commercial uses like the request for this location.

The requested waivers are justified and will not negatively impact surrounding property. The setback reduction to zero feet on 23rd and Q Streets fits with the urban patterns established to the north and east while providing approximately 40 feet of setback to the curb from the building walls. The height increase of five feet up to 50 feet will only be applied to the southern end of the block which faces commercial uses to the south, Antelope Creek to the west, and an outlot for open space and recreation to the east. The current density allowed is 1 unit per 1,000 square feet or 90 dwelling units. The request is for up to 156 dwelling units which should not have a significant impact on the neighborhood since the 170 stalls of parking meets the PUD parking ratio of 1:1, additional angled on-street stalls may be added to N. 22nd Street, and the location is served by transit and is within walking distance of UNL and Downtown.

APPLICATION CONTACT
Brian Lang, Olsson
(402) 458-5691
blang@olsson.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN
This application would increase density adjacent to downtown which has the infrastructure and proximity to transportation facilities to support it. The proposed project includes a mix of housing types including multifamily and townhomes and varies the overall height to fit with the neighborhood character of adjacent block faces.

WAIVERS

1. Reduce the front yard setback from 10 to 0 feet on 23rd and Q Streets.
2. Increase the height limit from 45 to 50 feet on Lot 1, Block 2.
3. Allow up to 156 dwelling units on Lot 1, Block 2.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.9 The area is shown as Urban Density Residential on the Future Land Use map.

P. 1.2 - Quality of Life Assets:
- The community continues its commitment to strong, diverse neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies.

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

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. 5.4 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. 6.2 Mixed Use Redevelopment should…Target existing undeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and more efficiently utilized existing infrastructure.

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
- 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. 7.8 - Currently, there are roughly 333 acres of vacant residentially-zoned land in the existing built-out portion of the City. Some of the land is in the floodplain and lots scattered throughout the City. The Plan envisions a portion of this land will be utilized by 2040 since it has access to urban services today.

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

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

ANALYSIS

1. This is a request for an amendment to the Antelope Village PUD to include the northeast corner of the block in the Mixed Use Area designation as well as adjust and add several waivers. The project is located on approximately 2.07 acres and includes construction of two connected buildings of varying heights with apartments and townhomes located generally between 22nd and 23rd Street on the north side of P Street. Underground parking will be accessed via a ramp from N. 22nd Street at the current location of the public alley. Along with this application is a petition to vacate the alley to allow the project to move forward.

2. The Antelope Village PUD was approved in February 2009. The purpose of the PUD is to foster a transitional area of residences and other compatible uses between the urban mixed-use areas of Downtown/Antelope Valley and O Street and the residential neighborhoods to the north and east. It is also intended to encourage high quality development, especially in the vicinity of Union Plaza.

3. The PUD is divided into three areas: mixed-use, neighborhood business, and residential (see exhibit). The boundaries of each area have changed since the original PUD was approval. Today, the Residential Area is the largest of the three areas and includes most of the north side of Q Street and east of N. 23rd Street. The Mixed Use Area is limited to Block 2 (this site) and the first two lots northeast of 22nd and Q Streets. The Neighborhood Business Area encompasses a few lots with existing businesses on either side of 23rd Street south of R Street.

4. This amendment to the Antelope Village PUD will provide flexibility for urban density residential redevelopment for a project that will include an infill housing component and is consistent with the goals of the Comprehensive Plan, Downtown Master Plan, and Antelope Valley Redevelopment Plan which encourages a variety of housing types next to Downtown Lincoln and mixed-use development.

5. The Mixed Use Area currently allows a maximum height of 45 feet. The proposed project includes two-story townhomes on the east end of Q Street and a three-story apartment on the west end, three-story apartments on the north end of 23rd Street, and a four-story apartment building on the south ends of 22nd and 23rd Streets and along P Street (southern half of the block). The proposed increase in maximum height to 50 feet would be for the apartment building on the southern half of the block, adjacent to B-4 Lincoln Center Business district zoning on the west and south that allows up to 75 feet in height and open space to the east. The remainder of the buildings would be at or below three stories in height and in line with the adjacent residential units. To the east, the residential dwellings sit at a higher elevation than this site which will keep the proposed three-story building in line with them. To the north, the proposed two-story units will match the existing two-story townhomes and the three-story portion would face a surface parking lot.

6. The current density identified in the Mixed Use Area is 1:1,000 or approximately 90 dwelling units. The proposed development would have up to 156 dwelling units, a ratio of about 1:576. The north half of the block, adjacent to residential on the north, east and west, would have two-story townhomes and three-story apartments, above the current density requirement by one unit. The adjusted waiver is primarily necessary for the four-story apartment on the south end of the block which would have an additional 61 units above the current allowed density. The higher density portion of the development would be adjacent to commercial uses zoned B-4 Lincoln Center Business district. The step down from four stories on the south, to three stories on the east and two-stories on the north creates a smooth transition from the B-4 district, which allows up to 75-foot-tall buildings with no maximum density, to the neighborhood in line with the intent of the PUD as identified in #2 above.

7. The Mixed Use Area currently has a 1:1 parking ratio. The project is proposing an underground parking garage with 157 stalls accessed from the west through the existing alley. A small 13-stall surface lot would be in the middle of the development. The total stalls provided would be 170 stalls or a ratio just above the requirement within the PUD today. While not calculated as part of the parking requirements for this project, additional short-term stalls may be available along the southern half of the block on 22nd Street in the form of angled parking in the right-of-way.

8. The reduced front setbacks to zero feet on 23rd and Q Streets are necessary to allow a 10-foot setback and utility easement on 22nd and P Streets. The PUD allows patios to extend into the required setback, but

currently they are shown extending into the right-of-way. The site plan will need to be updated to show the patios out of the right-of-way, but the applicant could work with Lincoln Transportation and Utilities prior to building permit to determine whether a right-of-way permit would be granted for any patios in the public right-of-way.

The wide boulevards characteristic of the neighborhood ensures the buildings remain approximately 40 feet from the curb. The dwellings to the north and east have a reduced 10-foot front setback with the porches extending from a few feet or even up to the front property line.

9. The Neighborhood Design Standards, except as modified by the PUD, apply throughout the PUD area. The Antelope Village PUD is designed so that a building permit may be issued if the applicant meets the requirements of the PUD. The Planning Director may approve minor modifications to the PUD.

CONDITIONS OF APPROVAL: See attached

EXISTING LAND USES: Vacant

SURROUNDING LAND USE AND ZONING:

North:	Single Family Attached; Auto Repair	R-6 Residential District
South:	Used vehicle sales	B-4 Lincoln Center Business District
East:	Single Family Attached; Open Space	R-6 Residential District
West:	Antelope Creek	B-4 Lincoln Center Business District

APPLICATION HISTORY:

Feb. 2009	Change of Zone 08066 Antelope Village PUD was approved to foster a transitional area of residences and other compatible uses between the urban mixed use area of Downtown/Antelope Valley and O Street and the residential neighborhood to the north and east. The PUD was divided into three areas: mixed use, neighborhood business, and residential.
Sept. 2017	Administrative Amendment 17043 was approved to the Antelope Village PUD to add 14 residential lots to the site plan and modify setbacks.
May 2020	Change of Zone 08066A changed the zoning from R-6 (Residential) to R-6 Planned Unit Development (PUD) and expanded the existing Antelope Village PUD by 1.04 acres to accommodate a planned 12-unit apartment building project at the northeast corner of N 24th Street and Q Street.
May 2020	Comprehensive Plan Conformance 20004 approved an amendment to the Antelope Valley Redevelopment Plan that identifies the Hepburn Square Redevelopment Project. The Project includes the redevelopment of the currently vacant northeast corner of 24th & Q Streets.
June 2020	Change of Zone 08066B approved an amendment to increase the boundary of the PUD and approve the 2236 R Street Redevelopment project which included infill housing and retention of an existing commercial use.

APPROXIMATE LAND AREA: 2.07 acres

LEGAL DESCRIPTION: Lots A-C Websters Subdivision; Lots 1-6 and 8-12, Block 16 Kinneys O Street Addition

Prepared by:

_____

Stephanie Rouse, Planner
(402) 441-6373

Date: September 20, 2021

Applicant/Contact: Assurity Life Insurance Co.
Brett West
PO Box 82533
Lincoln, NE 68501
(402) 437-3685
bwest@assurity.com

Owner: Assurity Life Insurance Co.
See Above

Jack and Carol Schneider
11131 Rocky Ridge Ct
Lincoln, NE 68526

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CONDITIONS OF APPROVAL – CHANGE OF ZONE 08066C

This approval permits up to 156 dwelling units on Lot 1, Block 2 with setback reductions and a height increase.

Site Specific Conditions:

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

    1.1 Update site plan sheet numbering to Sheet 8 and the reference on cover page. Update the associated Index of Sheets with Sheet 8 "Change of Zone 08066C."

    1.2 Add waiver #12 to state access for the parking lot on Block 2, Lot 1 may be taken from N. 22nd Street."

    1.3 Add to Note 10 on the cover page "The height will be limited to two floors along the eastern end of Q Street, three floors on the west end of Q Street and north end of 22nd Street, and four floors on the south end of 22nd and 23rd Streets and along P Street." Add this note to the site plan as well.

    1.4 Add a note to the site plan stating "All parking in Right-of-Way is conceptual and must be approved by Lincoln Transportation and Utilities. Parking in right-of-way will be available to the public."

    1.5 Update the site plan to remove all patios shown in the public right-of-way.

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

    2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the planned unit development has been recorded.

Standard Conditions:

3. The following conditions are applicable to all requests:

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

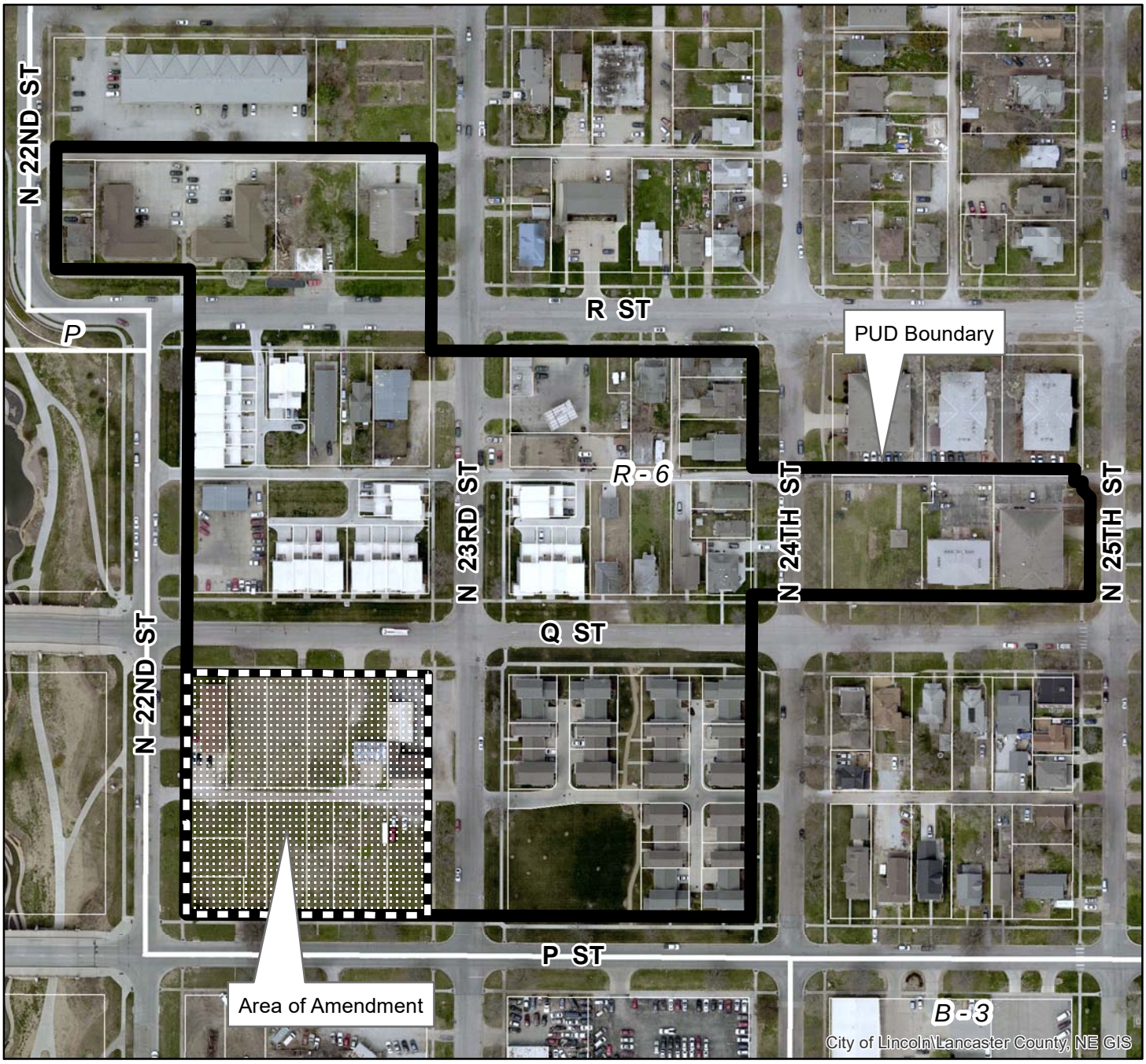
    3.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

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

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

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

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



2020 aerial

Change of Zone #: CZ08066C
Antelope Village PUD
N 22nd St & P 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
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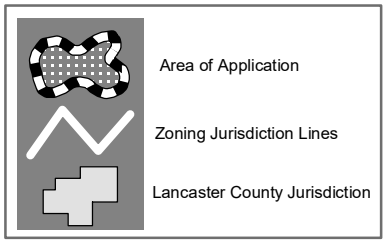
P	Public Use District

One Square Mile:
Sec.24 T10N R06E



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AMENDMENT TO
ANTELOPE VILLAGE P.U.D.

VICINITY MAP
NOT TO SCALE

LEGAL DESCRIPTION
PUD

A TRACT OF LAND COMPOSED OF LOTS 2 THROUGH 19, OUTLOTS "A" AND "B", ANTELOPE CREEK VILLAGE ADDITION, OUTLOT "A", ANTELOPE CREEK VILLAGE 1ST ADDITION, LOTS 1 THROUGH 6, AND LOTS 8 THROUGH 12, AND EAST–WEST ALLEY, BLOCK 16, KINNEYS "O" STREET ADDITION, LOTS A, B, AND C, WEBSTER'S SUBDIVISION, LOTS 1 THROUGH 3, LOTS 7 AND 8, AND EAST–WEST ALLEY, BLOCK 5, KINNEYS "O" STREET ADDITION, LOTS 1 THROUGH 10, AND OUTLOT "A", ANTELOPE SQUARE ADDITION, LOTS 1 THROUGH 8, BLOCK 1, AND OUTLOT "A", ANTELOPE SQUARE 1ST ADDITION, LOTS 18 THROUGH 35, AND EAST–WEST ALLEY, BLOCK 8, LINCOLN DRIVING PARK COMPANY'S 1ST SUBDIVISION, LOT 1, WILLARD STEWART'S 1ST ADDITION, LOTS A AND B, WILLARD STEWART'S SUBDIVISION, LOTS 3 THROUGH 6, LOTS 9 THROUGH 12, AND EAST–WEST ALLEY, BLOCK 4, KINNEY'S "O" STREET ADDITION, LOTS 1 THROUGH 6, BLOCK 2, AND OUTLOT "B", ANTELOPE SQUARE 1ST ADDITION, LOTS 7 THROUGH 12, AND EAST–WEST ALLEY, BLOCK 3, KINNEYS "O" STREET ADDITION, A PORTION OF "Q" STREET RIGHT–OF–WAY, A PORTION OF "R" STREET RIGHT–OF–WAY, A PORTION OF NORTH 23RD STREET RIGHT–OF–WAY, A PORTION OF NORTH 24TH STREET RIGHT–OF–WAY, AND A PORTION OF VACATED NORTH 25TH STREET RIGHT–OF–WAY, ALL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA.

OWNER
GORILLA APARTMENTS LLC
2925 ARLINGTON AVE.
LINCOLN, NE 68502
PHONE: 402–429–3946

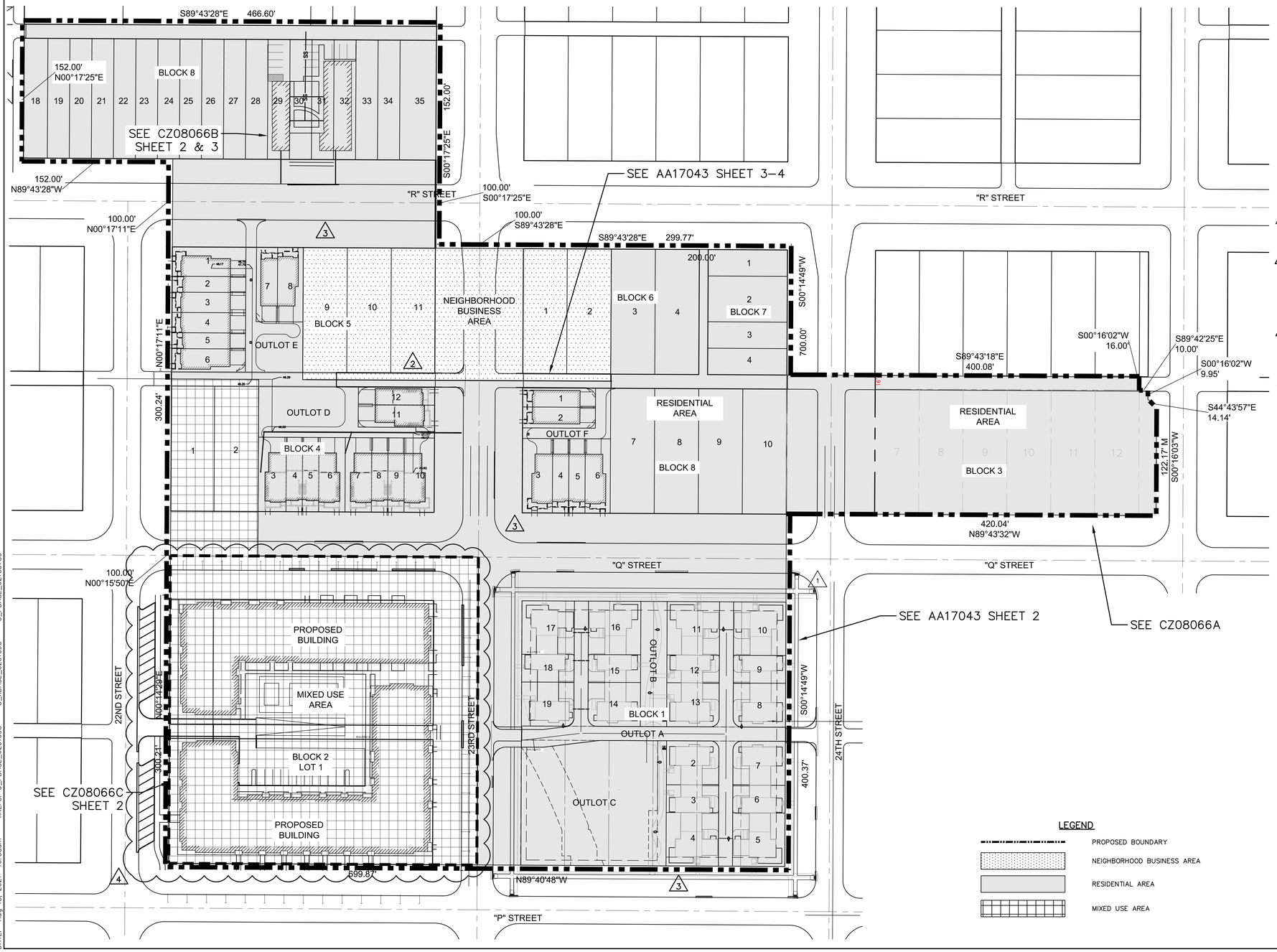
DEVELOPER
GORILLA APARTMENTS LLC
2925 ARLINGTON AVE.
LINCOLN, NE 68502
PHONE: 402–429–3946

ENGINEER & PREPARER
OLSSON
601 P STREET
LINCOLN, NE 68508
CONTACT: BRAD MARSHALL, P.E.
PHONE: 402–458–5672

INDEX OF SHEETS	
SHEET NO.	SHEET TITLE
SHEET 1	COVER
SHEET 2	SITE PLAN–SEE AA 17043 FOR THIS SHEET
SHEET 3	SITE PLAN–SEE AA 17043 FOR THIS SHEET
SHEET 4	GRADING AND DRAINAGE PLAN–SEE SHEET AA 17043 FOR THIS SHEET
SHEET 5	SITE PLAN–SEE PUD COZ0866A FOR THIS SHEET
SHEET 6	DEMOLITION PLAN & SITE PLAN
SHEET 7	DRAINAGE & GRADING PLAN

N

1" = 50'
0' 25' 50' 100'
SCALE IN FEET



LEGEND

- PROPOSED BOUNDARY
- NEIGHBORHOOD BUSINESS AREA
- RESIDENTIAL AREA
- MIXED USE AREA

GENERAL SITE NOTES

1. ALL SANITARY SEWERS TO BE PUBLIC UNLESS OTHERWISE NOTED. BRANCHED WATER AND SEWER SERVICES FOR LOTS 2–19, BLOCK 1
2. EACH LOT SHALL HAVE PROVISIONS FOR MAINTENANCE OF COMMON SERVICES FOR BRANCH WATER AND SEWER SERVICES. BRANCH SERVICE MAINTENANCE PROVISIONS SHALL BE RECORDED WITH THE DEED FOR EACH LOT.
3. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES..
4. ALL ELEVATIONS ARE BASED ON NAVD 1988.
5. AN ASSOCIATION SHALL BE ESTABLISHED TO MAINTAIN ALL OPEN SPACE AREAS.
6. OUTLOT AND BLOCK DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY.
7. ALL STREET DIMENSIONS ARE TO BACK OF CURB.
8. EXISTING AND PROPOSED EASEMENTS TO BE IDENTIFIED AND SHOWN AT TIME OF FINAL PLATTING.
9. EXACT LOCATIONS OF WATER, SEWER, DRAINAGE AND PAVING WILL BE SUBMITTED WITH INDIVIDUAL SITE PLANS AT TIME OF BUILDING PERMIT IN ACCORDANCE WITH CITY OF LINCOLN DESIGN STANDARDS.
10. THE YARD SETBACKS REGULATES STRUCTURAL WALLS ONLY AND DOES NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, BALCONY ETC. FROM ENCROACHING INTO THE SETBACKS. (4)
11. DETAILS OF ALL SIGNS, INCLUDING TYPE, HEIGHT AND SIZE, WILL BE SUBMITTED SEPARATELY FOR REVIEW WITH THE BUILDING PERMIT AND NEED NOT BE SHOWN ON THE PLAN. THEY WILL BE DESIGNED IN ACCORDANCE WITH THE ANTELOPE VILLAGE P.U.D. AND CITY OF LINCOLN STANDARDS.
12. FINAL SITE LAYOUT AND INDIVIDUAL LANDSCAPE PLANS FOR COMMERCIAL BUILDINGS TO BE SUBMITTED AT TIME OF BUILDING PERMIT.
13. FENCES, DUMPSTERS, DECORATIVE STRUCTURES AND ACCESSORY BUILDINGS ARE NOT SHOWN ON THE PLANS IF THEY ARE 1000 SQUARE FEET OR SMALLER AND ARE OUTSIDE OF THE SIGHT TRIANGLES AND SETBACKS AND ARE IN CONFORMANCE WITH ALL APPLICABLE ORDINANCES AND CODES.
14. STREET TREES TO BE REVIEWED AT TIME OF FINAL PLAT AND ASSIGNED BY PARKS AND RECREATION.
15. (1) PARKING IS NOT REQUIRED FOR PRE–EXISTING NONCONFORMING USES.

THE FOLLOWING APPLIES THROUGHOUT THE ANTELOPE VILLAGE PUD

1. ANY REQUIREMENT IN THE ANTELOPE VILLAGE PUD, EXCEPT FOR NON–PERMITTED USES, MY BE AMENDED BY ADMINISTRATIVE AMENDMENT APPROVED BY THE PLANNING DIRECTOR. A SITE PLAN IS REQUIRED WITH THE ADMINISTRATIVE AMENDMENT
2. THE PLANNING DIRECTOR MAY WAIVE BY ADMINISTRATIVE AMENDMENT THE REQUIREMENT THAT LOTS HAVE FRONTAGE AND ACCESS TO A PUBLIC OR PRIVATE.
3. THE NEIGHBORHOOD DESIGN STANDARDS APPLY EXCEPT:
   A. PITCHED ROOFS ARE NOT REQUIRED
   B. ROOFS MAY BE CONCEALED BY PARAPETS
   C. PORCHES ARE NOT REQUIRED ON NON–RESIDENTIAL PROPERTY
   D. NON–RESIDENTIAL PROPERTIES SHALL MEET THE REQUIREMENT FOR AN ENTRANCE AND WINDOWS ORIENTED TO THE STREET
   E. HEIGHT REGULATIONS OF THIS PUD SUPERCEDE THOSE OF THE NEIGHBORHOOD DESIGN STANDARDS
   F. MECHANICAL EQUIPMENT ON ROOFTOPS SHALL BE ARCHITECTURALLY SCREENED WITH MATERIALS COMPATIBLE WITH THE MAIN WALLS OF THE BUILDING SO THEY ARE NOT VISIBLE FROM ADJACENT STREETS
4. IN CASE ANY CONFLICTS ARISE BETWEEN DOWNTOWN DESIGN STANDARDS AND THE NEIGHBORHOOD DESIGN STANDARDS, OR OTHER ZONING REQUIREMENTS AND THE REQUIREMENTS OF THE PUD, THE MORE SPECIFIC REQUIREMENT APPLIES

WAIVER REQUEST

(1)
1. INTERNAL SETBACKS REDUCED TO 0' FOR LOTS 2–19, BLOCK 1, LOTS 3–12 BLOCK 4, LOTS 1–8, BLOCK 5, AND LOTS 1–6 BLOCK 8.

(3)
2. AN OPEN, UNENCLOSED PORCH MAY PROJECT INTO A REQUIRED FRONT YARD FOR A DISTANCE NOT EXCEEDING 8 FEET.
3. WAIVER TO REQUIRE ALL LOTS TO FRONT UPON AND HAVING ACCESS TO A PUBLIC STREET OR PRIVATE ROADWAY.
4. PERMIT MINIMUM LOT DEPTH REDUCED TO 55 FEET FOR LOTS 2–19, BLOCK 1.
5. SIDE YARD SETBACK REDUCED TO 2' FOR LOT 12, BLOCK 4.

(2)
6. SIDE YARD SETBACK REDUCED TO 0' FOR LOT 11, BLOCK 4.
7. NO BUILDING SHALL BE ALLOWED TO BE CONSTRUCTED ON OUTLOT 'D'. PROPERTY LINES FOR OUTLOT 'D' SHALL NOT BE ALLOWED TO BE MOVED SUCH THAT THE PROPERTY LINES BECOME CLOSER TO ANY STRUCTURES WITHIN THE ANTELOPE SQUARE ADDITION IN PERPETUITY OF ANTELOPE VILLAGE PUD.

(3)
8. SIDE YARD SETBACK REDUCED TO 3' FOR LOT 6–7, BLOCK 5 AND LOT 5–6, BLOCK 8.
9. NORTH AND EAST FRONT YARD SETBACK REDUCED TO 0' FOR LOT 1, BLOCK 2.
10. HEIGHT LIMIT OF 50' ON LOT 1, BLOCK 2
11. LOT 1, BLOCK 2 SHALL BE ALLOWED MAXIMUM OF 156 DWELLING UNITS. (4)

THE FOLLOWING APPLIES TO THE MIXED-USE AREA:

THE REGULATIONS OF THE B–3 DISTRICT SHALL APPLY EXCEPT WHERE MODIFIED BY THE PUD AS FOLLOWS:

1. LAND USE MODIFICATIONS SHALL REFERENCE THE ANTELOPE VILLAGE P.U.D. APPROVED DOCUMENT.
2. SIGNS:
   A. POLE SIGNS ARE PROHIBITED
   B. OFF–PREMISE SIGNS ARE PROHIBITED
   C. PERMITTED GROUND SIGNS SHALL NOT EXCEED 8' IN HIGHT OR 50 SQUARE FEET IN TOTAL AREA
3. NO PARKING LOT SHALL BE ADJACENT OR TAKE ACCESS TO N. 22ND STREET
4. HEIGHT AND AREA:
   A. ALL USES: FRONT YARD 10', SIDE YARD 5' OR 0' ON PARTY WALL, REAR YARD 10'.
   B. HEIGHT LIMIT OF 45'
      THE MINIMUM LOT AREA SHALL BE 1,000 SF PER DWELLING UNIT
5. THE LINCOLN DOWNTOWN DESIGN STANDARDS SHALL APPLY TO THE MIXED USE AREA. THE FRONTS OF THE BUILDINGS MUST BE ORIENTED TO N. 22ND STREET. IF THE PROPERTY HAS FRONTAGE TO N. 22ND STREET

THE FOLLOWING APPLIES TO THE NEIGHBORHOOD BUSINESS AREA:

THE REGULATIONS OF THE B–3 DISTRICT SHALL APPLY EXCEPT WHERE MODIFIED BY THE PUD AS FOLLOWS:

1. LAND USE MODIFICATIONS SHALL REFERENCE THE ANTELOPE VILLAGE P.U.D. APPROVED DOCUMENT.
2. SIGNS:
   THE REGULATIONS FOR SIGNS PER LMC 27.69.050 SHALL APPLY TO ALL USES EXCEPT SINGLE FAMILY AND TWO–FAMILY AND WHERE MODIFIED BY THE PUD AS FOLLOWS:
   A. POLE SIGNS ARE PROHIBITED
   B. OFF–PREMISE SIGNS ARE PROHIBITED
   C. PERMITTED GROUND SIGNS SHALL NOT EXCEED 8' IN HIGHT OR 50 SQUARE FEET IN TOTAL AREA
3. THE PARKING REQUIREMENTS OF THE B–3 DISTRICT SHALL APPLY.
4. HEIGHT AND AREA:
   A. ALL USES: FRONT YARD 10', SIDE YARD 5' OR 0' ON PARTY WALL, REAR YARD 10'.
   B. HEIGHT LIMIT OF 45'
   C. THE MINIMUM LOT AREA SHALL BE 1,000 SF PER DWELLING UNIT

THE FOLLOWING APPLIES TO THE RESIDENTIAL AREA:

THIS AREA SHALL COMPLY WITH THE R–6 ZONING DISTRICT EXCEPT WHERE MODIFIED BY THE PUD AS FOLLOWS:

1. HEIGHT AND AREA:
   A. ALL USES: FRONT YARD 10', SIDE YARD 5' OR 0' ON PARTY WALL, REAR YARD 10', EXCEPT AS REVISED IN WAIVER REQUEST SECTION.
   B. HEIGHT LIMIT OF 35'
   C. THE MINIMUM LOT AREA FOR A SINGLE FAMILY DWELLINGIS 4,000 SF.
   D. THE MINIMUM LOT AREA SHALL BE 1,100 SF FOR TWO–FAMILY DWELLING, TOWNHOUSES AND MULTIPLE DWELLINGS.
2. PARKING SHALL BE ONE STALL PER DWELLING UNIT.
3. AN OPEN, UNENCLOSED PORCH MAY PROJECT INTO THE REQUIRED FRONT YARD FOR A DISTANCE NOT EXCEEDING 8 FEET.

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
4	08/18/2021	REVISED USE FOR BLOCK 2

COVER SHEET

P.U.D. CZ08066C
ANTELOPE VILLAGE

2021

LINCOLN, NEBRASKA

drawn by:	ALL
checked by:	BAL
approved by:	BAL
QA/QC by:	BM
project no.:	021-03780
drawing no.:	
date:	08/18/2021

SHEET 1

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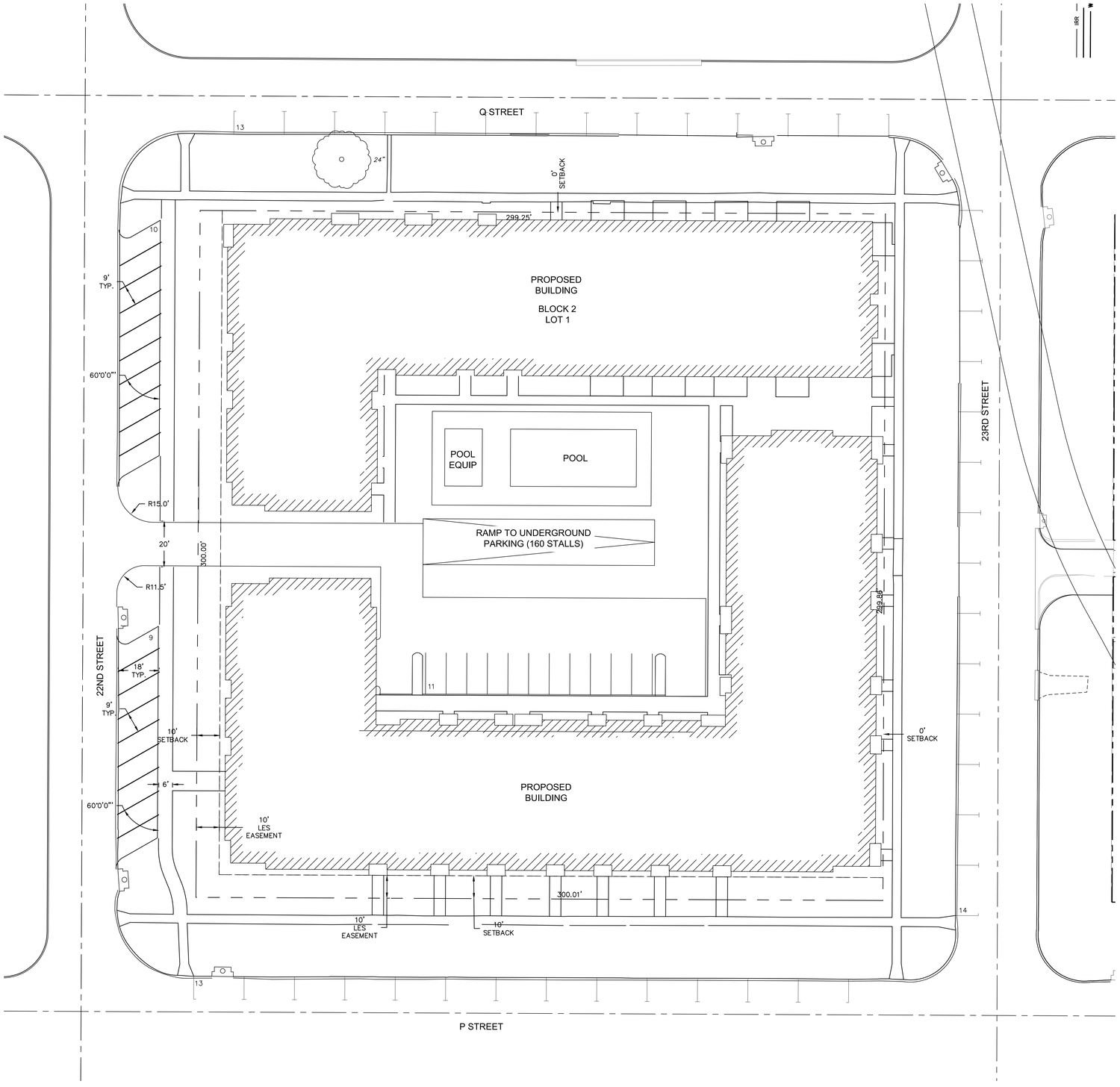

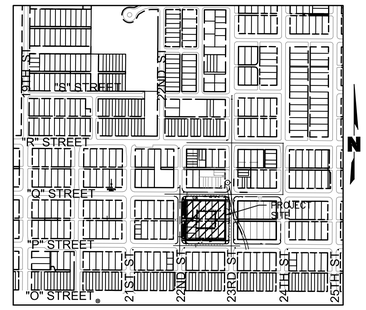

VICINITY MAP
NOT TO SCALE

NOTE:
ALL BUILDING SHAPES ARE CONCEPTUAL AND SUBJECT TO CHANGE (TYP).

N

0' 10' 20' 40'
SCALE IN FEET

olsson
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Lincoln, NE 68508
TEL 402.474.6311
www.olsson.com

REVISIONS

REV. NO.	DATE	REVISIONS DESCRIPTION

SITE PLAN

P.U.D. CZ08066C
ANTELOPE VILLAGE

LINCOLN, NEBRASKA

2021

drawn by: ALL
checked by: BAL
approved by: BAL
QA/QC by: BM
project no.: 021-03780
drawing no.:
date: 08/18/2021

SHEET 1

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SINCLAIR hille architects

ANTELOPE VALLEY MULTI-FAMILY HOUSING

August 3, 2021

Development Update

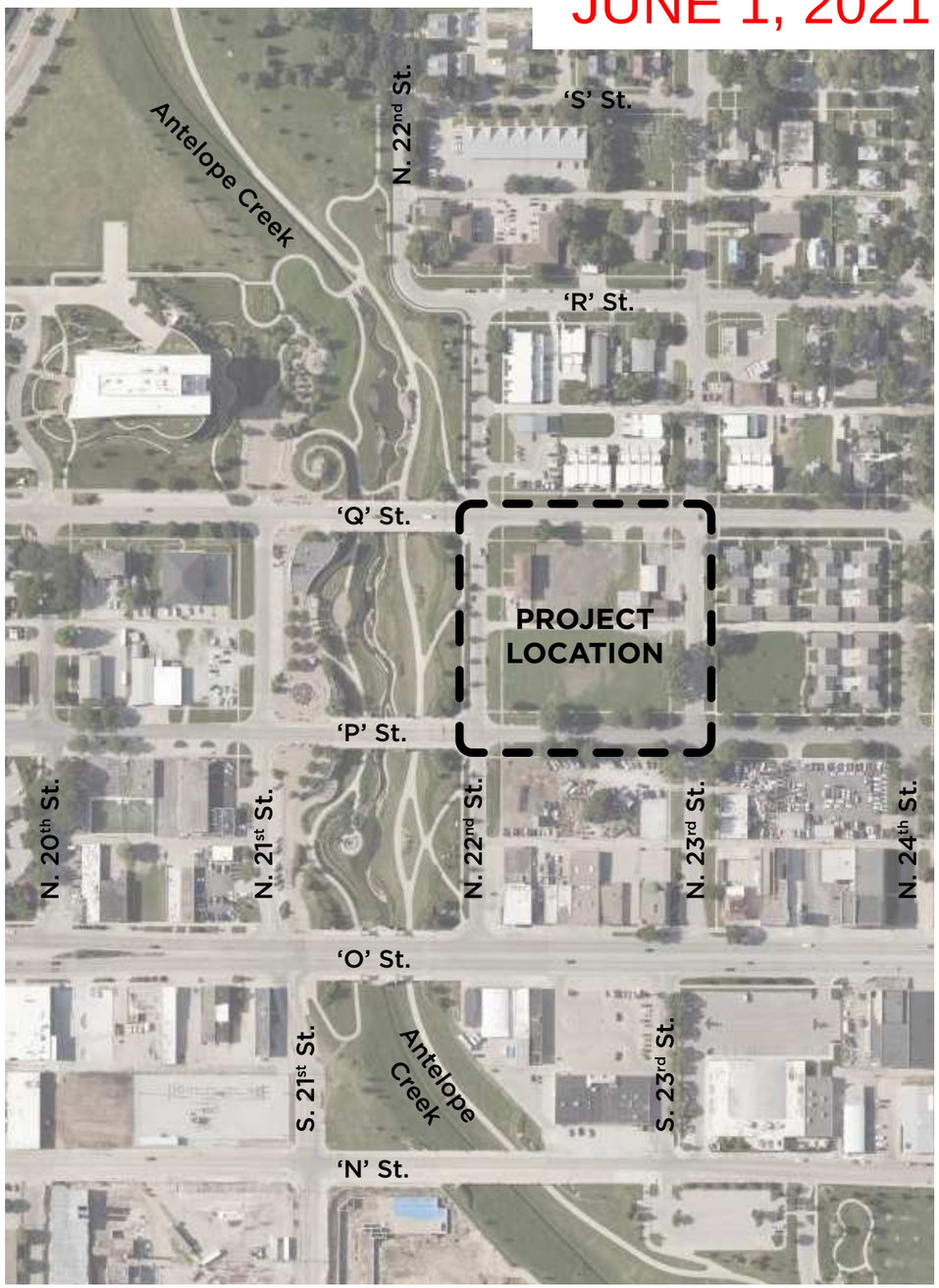
Assurity

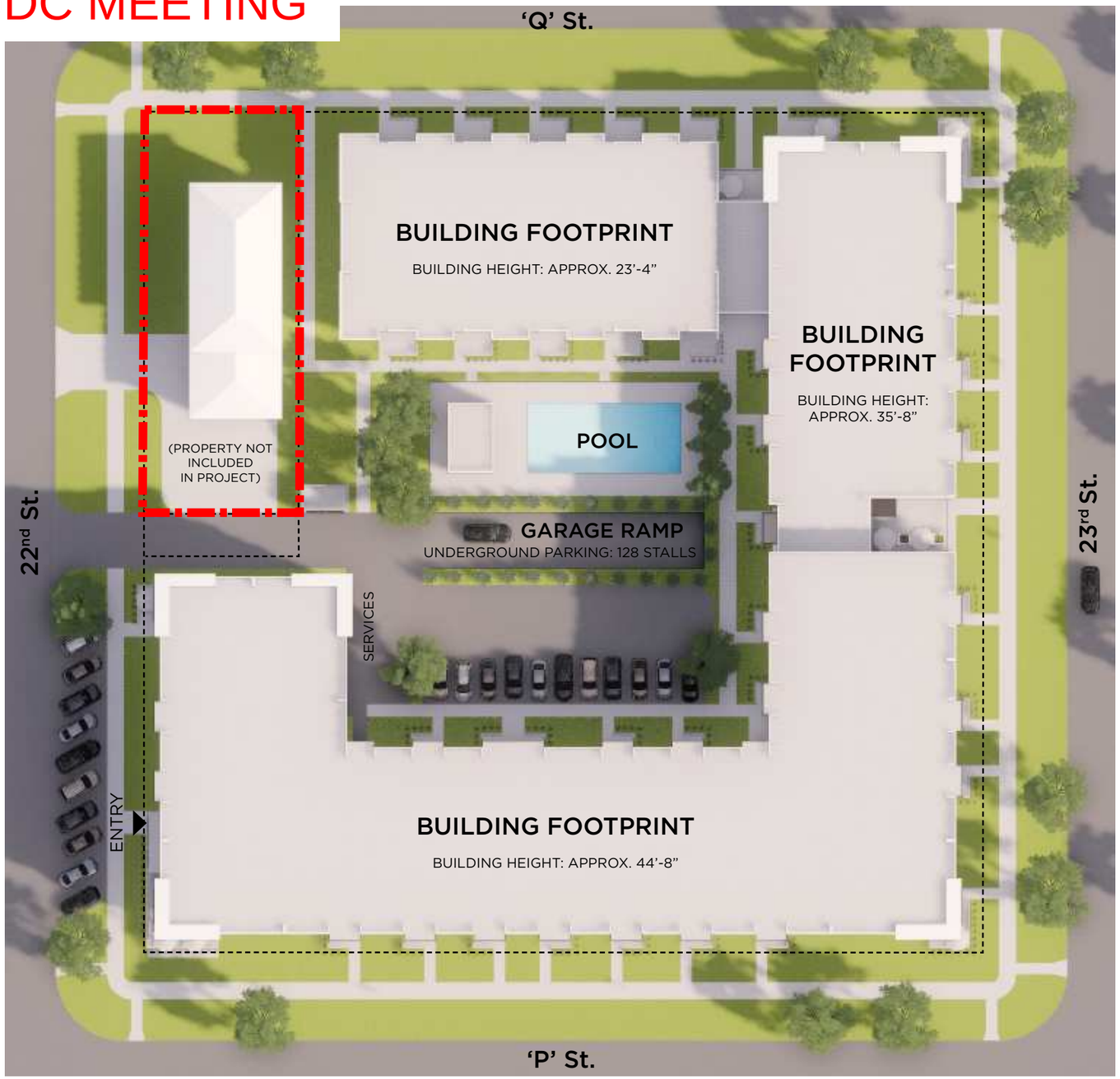
Assurity Real Estate Development
Brett West, *Senior Director*

BRESTER

Brester Construction
Chris Brester, *President*

JUNE 1, 2021 UDC MEETING

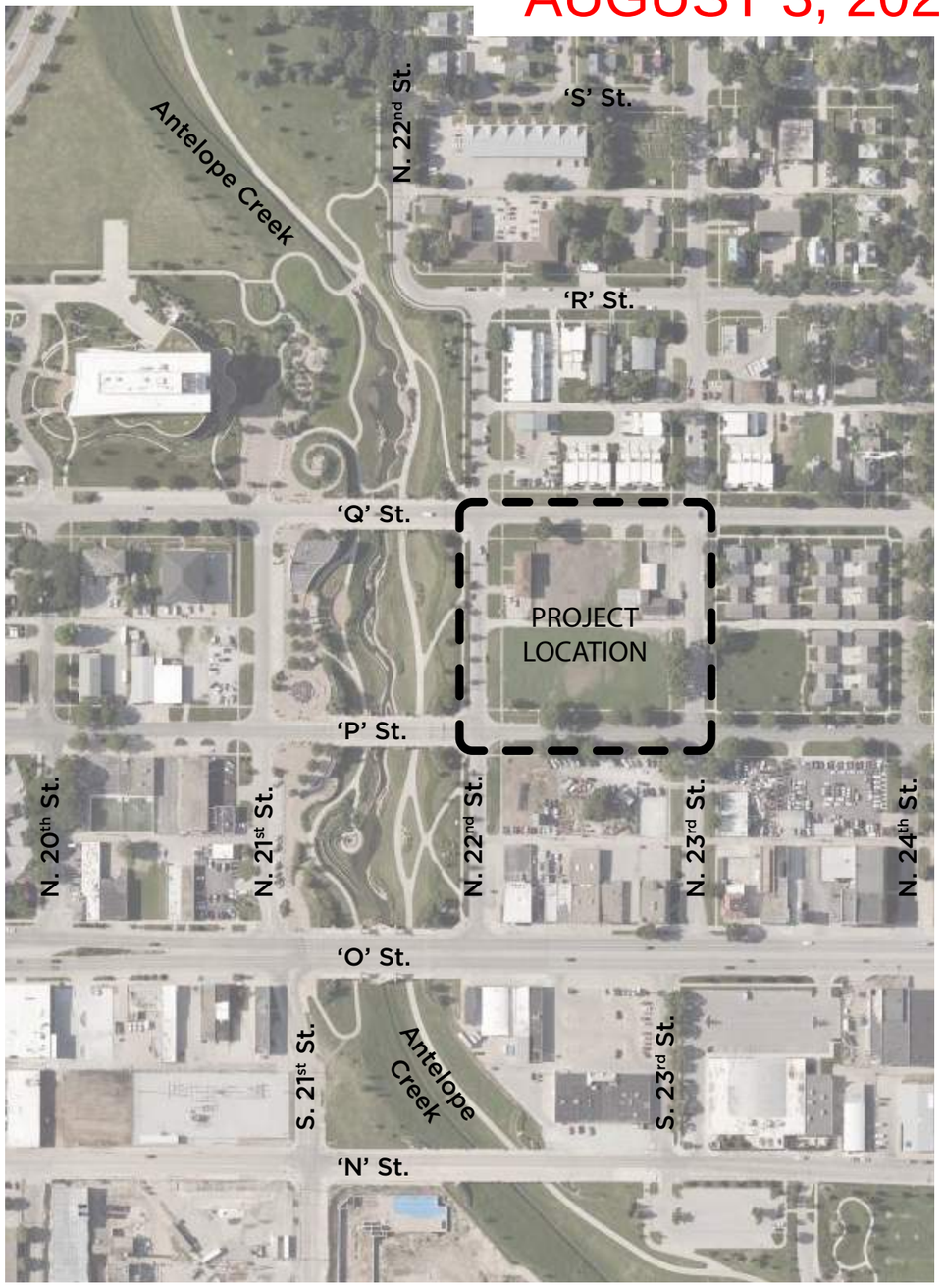


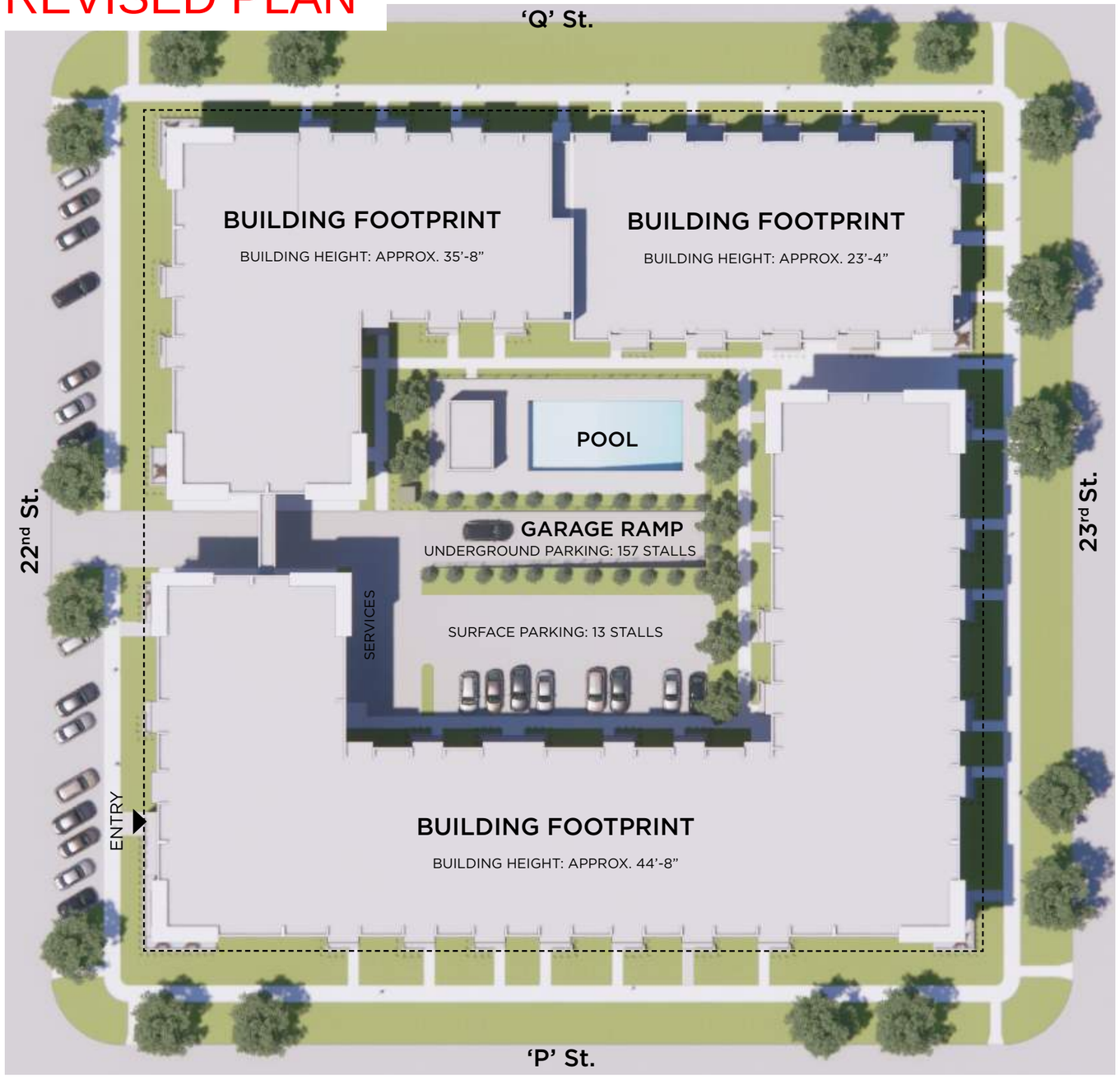


Location Map & Site

Not to Scale

AUGUST 3, 2021 REVISED PLAN





Location Map & Site Plan

Not to Scale

Southwest Aerial Perspective

Northwest Aerial Perspective

Southeast Aerial Perspective

Northeast Aerial Perspective

West Perspective

SINCLAIR hille architects

ANTELOPE VALLEY MULTI-FAMILY HOUSING

August 3, 2021

Development Update

Assurity

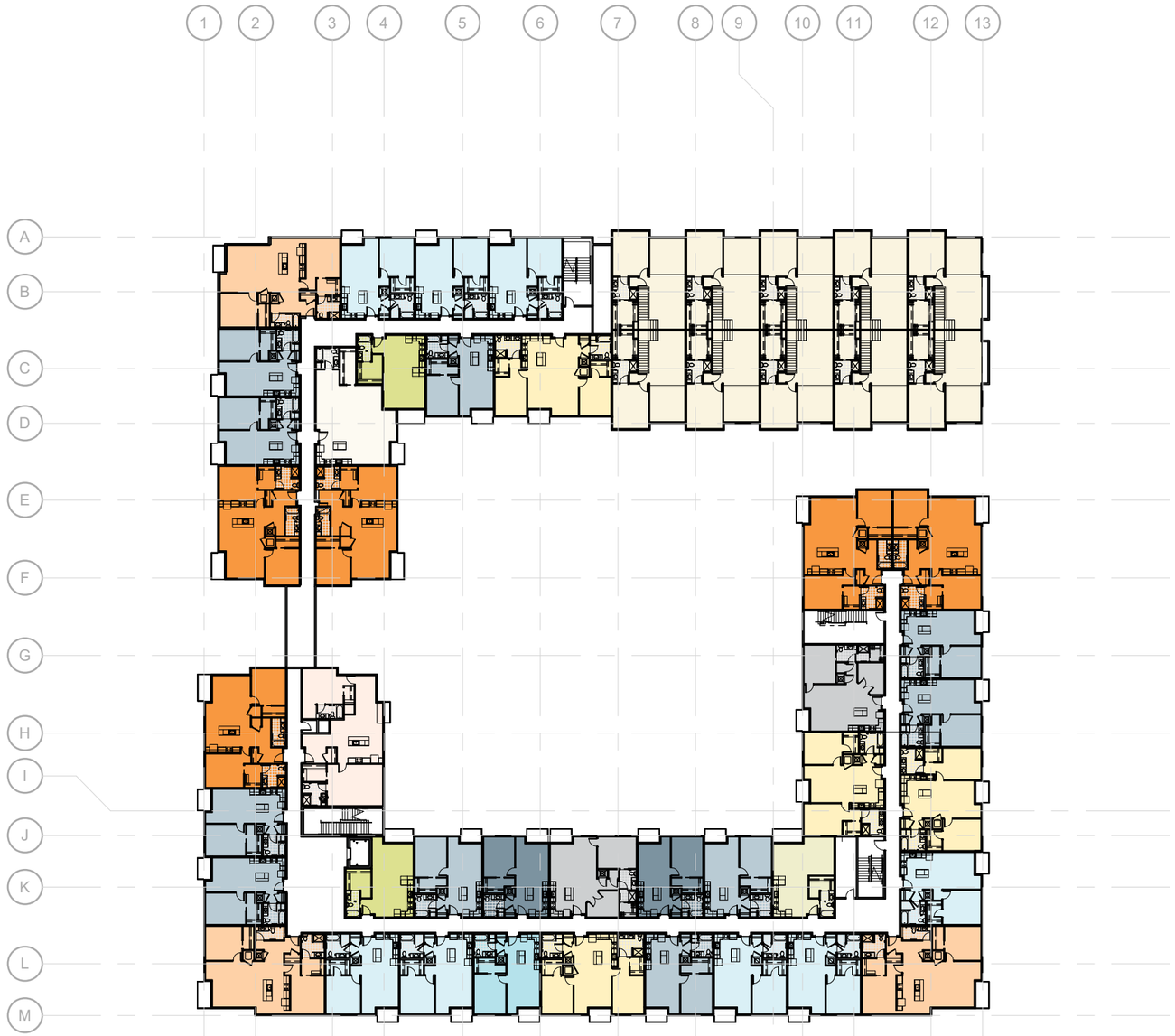
Assurity Real Estate Development
Brett West, *Senior Director*

BRESTER

Brester Construction
Chris Brester, *President*

Level 1

Scale: 1″ = 50′ - 0″



Level 2

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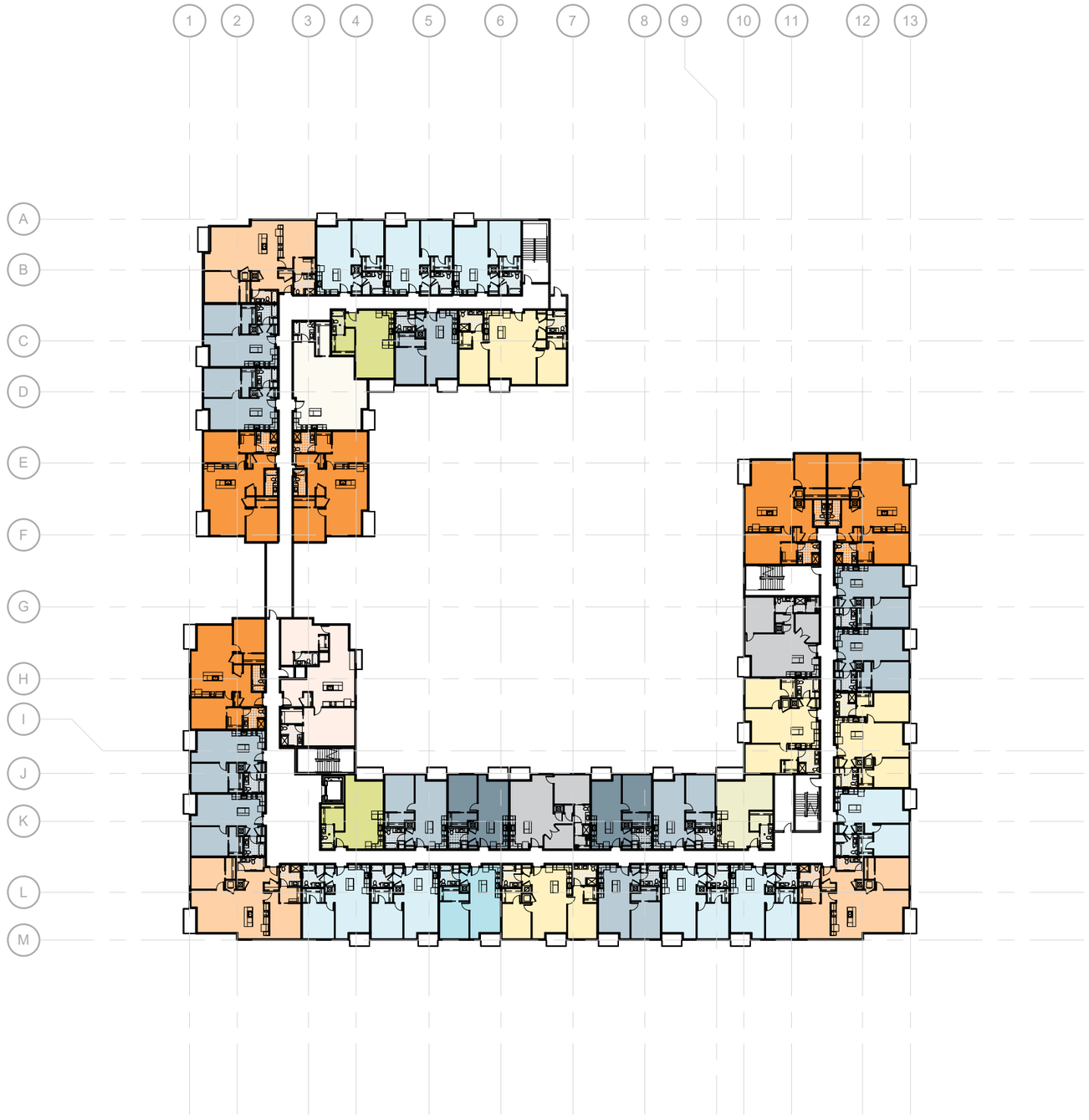

Level 3

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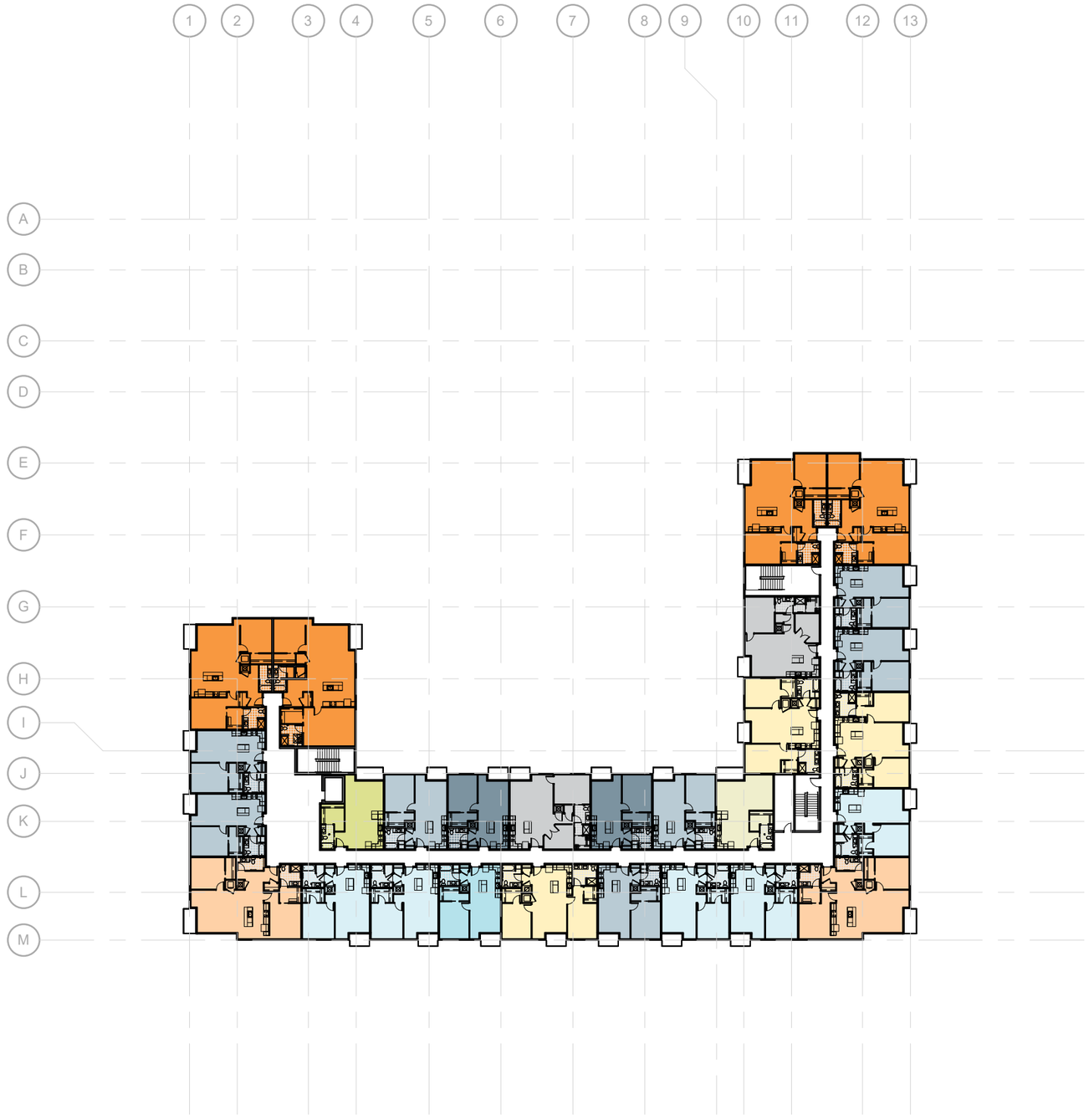

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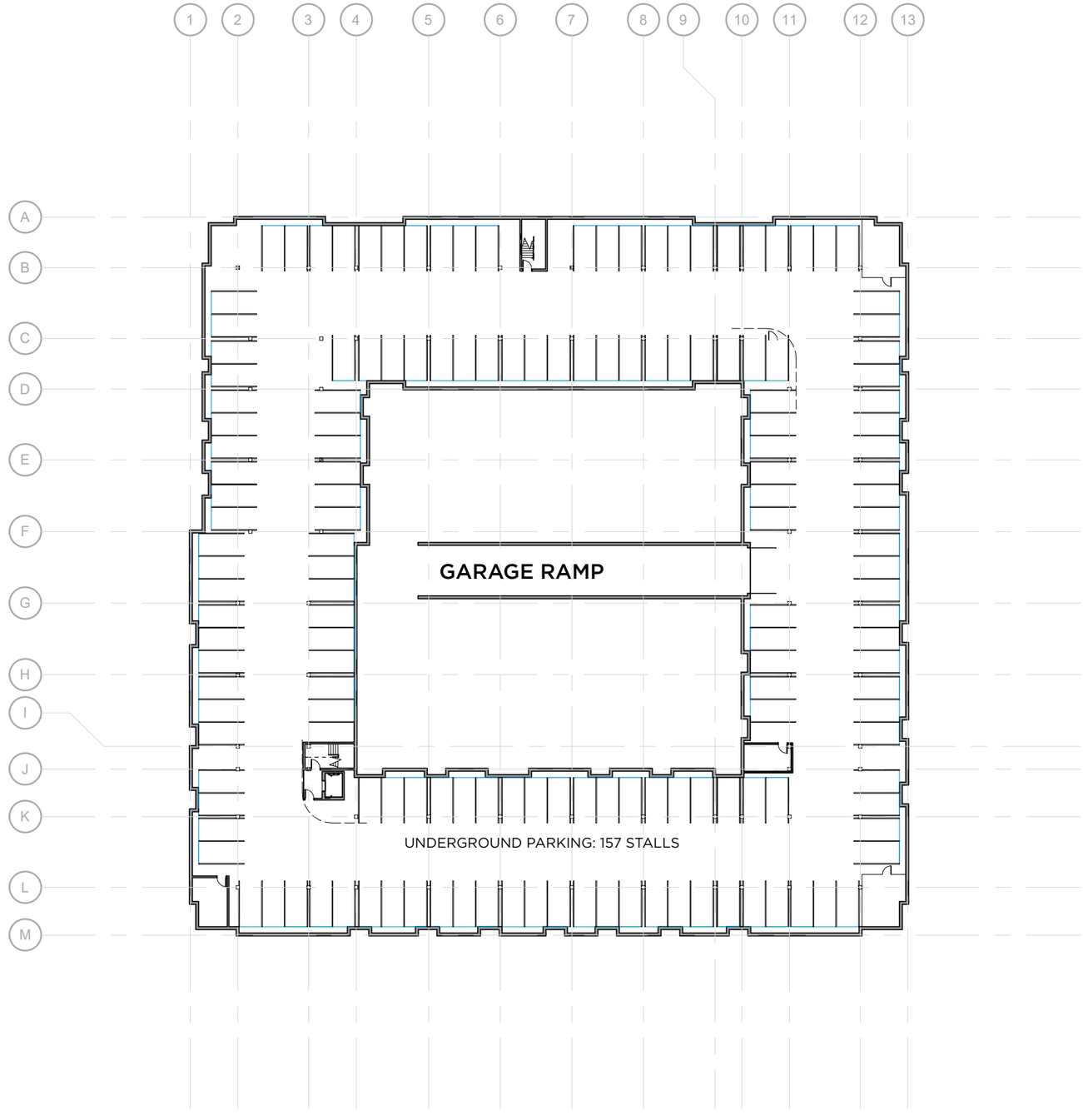


Level P

Scale: 1″ = 50′ - 0″

August 18th, 2021

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

RE: Amendment to the Antelope Village P.U.D.
Olsson Project No. 021-03780

Dear Mr. Cary:

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

1. Application for Amendment of the Antelope Village P.U.D.

The following will be uploaded to ProjectDox when the project has been set up.

1. Cover sheet
2. Site Plan

On behalf of the Owner/Developer, Assurity Life Insurance Co., we are requesting an amendment to the Antelope Village P.U.D. which will expand the area of the Mixed Use to include the full block bounded by 22nd and 23rd Streets and P and Q Streets. The area is proposing to change the zoning from Neighborhood Business to Mixed Use.

Within the proposed expansion area, Assurity Life Insurance is the current owner of the following real estate described as Lot A-C, Websters Subdivision and Lots 1-16 Block 16, Kinnerys O Street Addition and described as parcels 1024430007000, 1024430008000, 1024430009000, 1024430001000, 1024430002000, 1024430003000, 1024430004000, 1024430005000, 1024430010000, 1024430011000, 1024430012000, 1024430013000, 1024430014000, 1024430006000 and 1024430019000 (“Existing Parcels”). The Existing Parcels are currently zoned R-6 PUD.

The proposed project would be to construct a 152 unit multi family dwelling unit with 160 underground parking stalls and 13 on-site surface parking stalls to meet the required 1 stall per dwelling requirement. In addition we are proposing to construct 19 new diagonal stalls on 22nd street and stripe the existing parallel stalls on 23rd, Q and R Streets.

The project would be requesting a waiver to increase the max height to 50’ in lieu of 45’ and to reduce the front yard setback to 0’ on the north and east sides of Lot 1, Block 2 of the PUD to be able to accommodate the required LES easements on the south and west property lines.

If you require further information or have any questions, please do not hesitate to contact me at blang@olsson.com or (402) 458-5691.

Sincerely,

Brian A. Lang

cc Assurity Life Insurance Co.
File

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

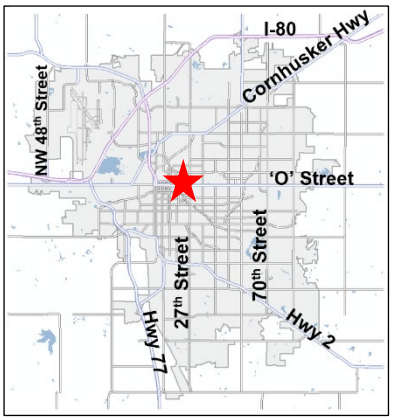
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Street and Alley Vacation #21006	No	Assurity Life Insurance Co.
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
September 29, 2021	CZ08066C	Alley from 22nd to 23rd St, north of P St

RECOMMENDATION: CONFORMS TO THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

The request is to vacate the entire alley north of P Street between 22nd and 23rd Streets. The petitioner owns all the properties adjacent to the alley being vacated except the lot at the northwest corner with an existing apartment building. This lot is under contract to be purchased by the petitioner who would then own the entire block. The alley vacation is necessary to support the proposed full block redevelopment for a new multi-family housing project.



JUSTIFICATION FOR RECOMMENDATION

This city block is nearly all vacant except for the three-story apartment building at the northwest corner and vacant commercial structures at the northeast end. The alley network while consistent to the east stops after this block due to Antelope Creek. The vacation is necessary to support the redevelopment of this site which will add up to 156 new dwelling units.

APPLICATION CONTACT
Brett West
PO Box 82533
Lincoln, NE 68501
(402) 437-3685
bwest@assurity.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

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

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.9 The area is shown as Urban Density Residential on the Future Land Use map.

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

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

P. 10.14 The alley is not shown on the Functional Street and Road Classification plan.

P. 10.14 Local streets and alleys are not included in the functional classification.

ANALYSIS

1. This is a request to vacate the entire alley north of P Street between 22nd and 23rd Streets. The area to be vacated includes approximately 0.11 acres.
2. The applicant is proposing to redevelop the entire block with construction of two connected buildings of varying heights with apartments and townhomes. Underground parking will be accessed via a ramp from the current location of the public alley off N. 22nd Street. A portion of the building would be built over the alley on the east end.
3. There is an existing sanitary sewer in the alley which will become property of the developer and with prior authorization by City Wastewater division, could be used as the service to the complex.
4. There are existing overhead utilities in the alley. The applicant is working with LES to relocate their facilities within future 10-foot utility easements on the south and west property lines. Until this is completed, easements will need to be retained until new easements are provide and LES facilities are relocated.
5. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council.

CONDITIONS OF APPROVAL: See attached.

SURROUNDING LAND USE & ZONING:

North:	Vacant/ apartment/vacant commercial	R-6 Residential District PUD
South:	Vacant and commercial	B-4 Lincoln Center Business District
East:	Single Family Attached; Open Space	R-6 Residential District PUD
West:	Antelope Creek	B-4 Lincoln Center Business District

APPROXIMATE LAND AREA: approximately 0.11 acres

LEGAL DESCRIPTION: See attached

Prepared by

_____

Stephanie Rouse, Planner
(402) 441-6373

Date: September 20, 2021

Applicant/Contact: Assurity Life Insurance Co.
Brett West
PO Box 82533
Lincoln, NE 68501
(402) 437-3685
bwest@assurity.com

Owner: Assurity Life Insurance Co.
See Above

Jack and Carol Schneider
11131 Rocky Ridge Ct
Lincoln, NE 68526

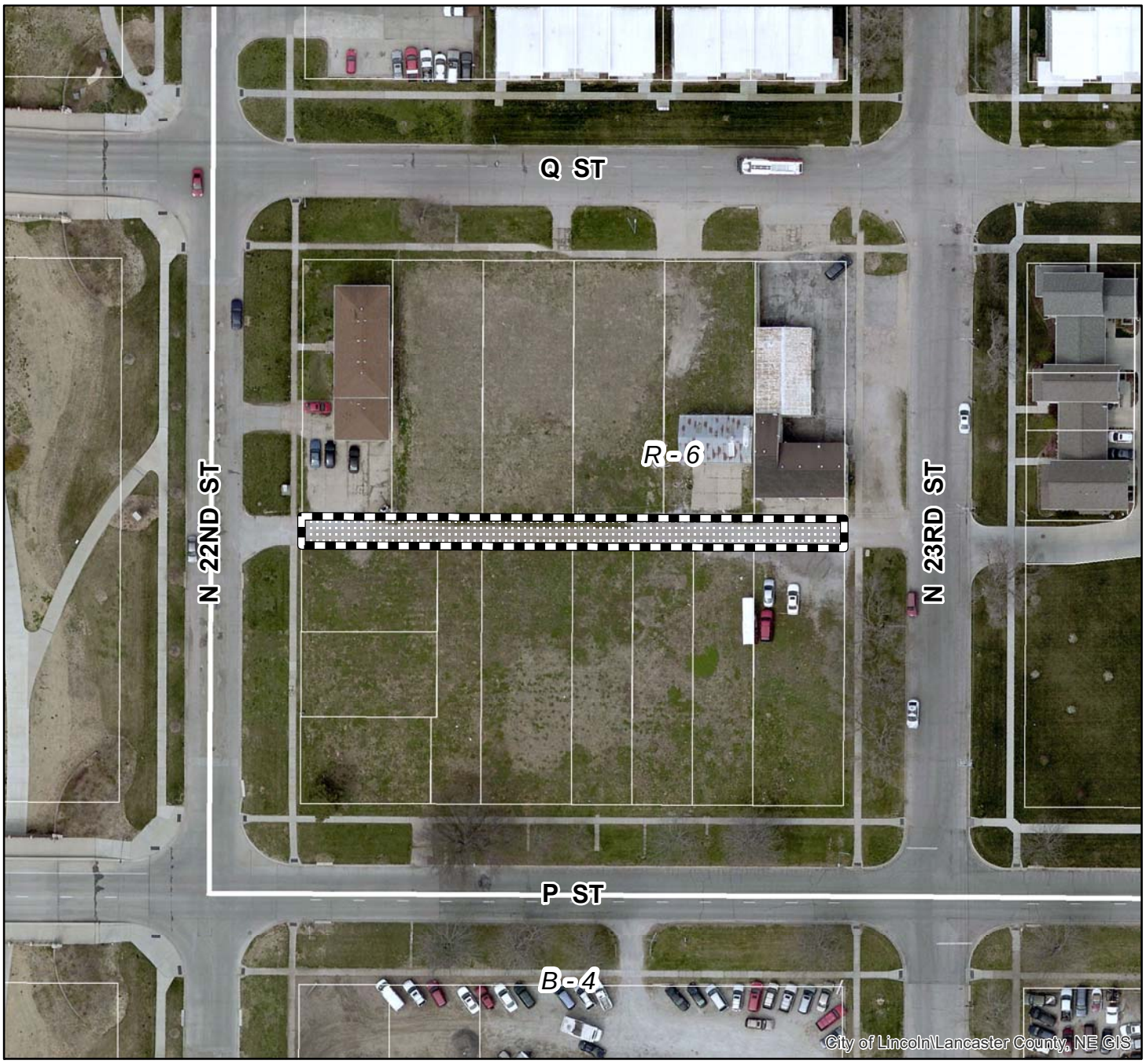
https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SAV/21000/SAV21006 Antelope Village.slr.docx

CONDITIONS OF APPROVAL - STREET AND ALLEY VACATION #21006

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

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

1.2 Include retention of utility easements by City with deed transfer.



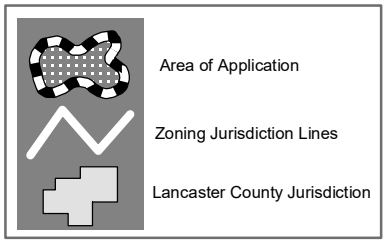
2020 aerial

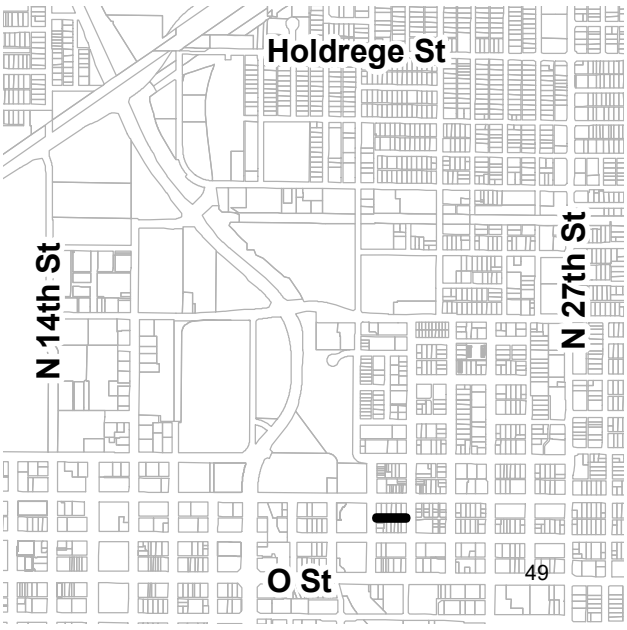
Street & Alley Vacation #: SAV21006
N 22nd St & P St

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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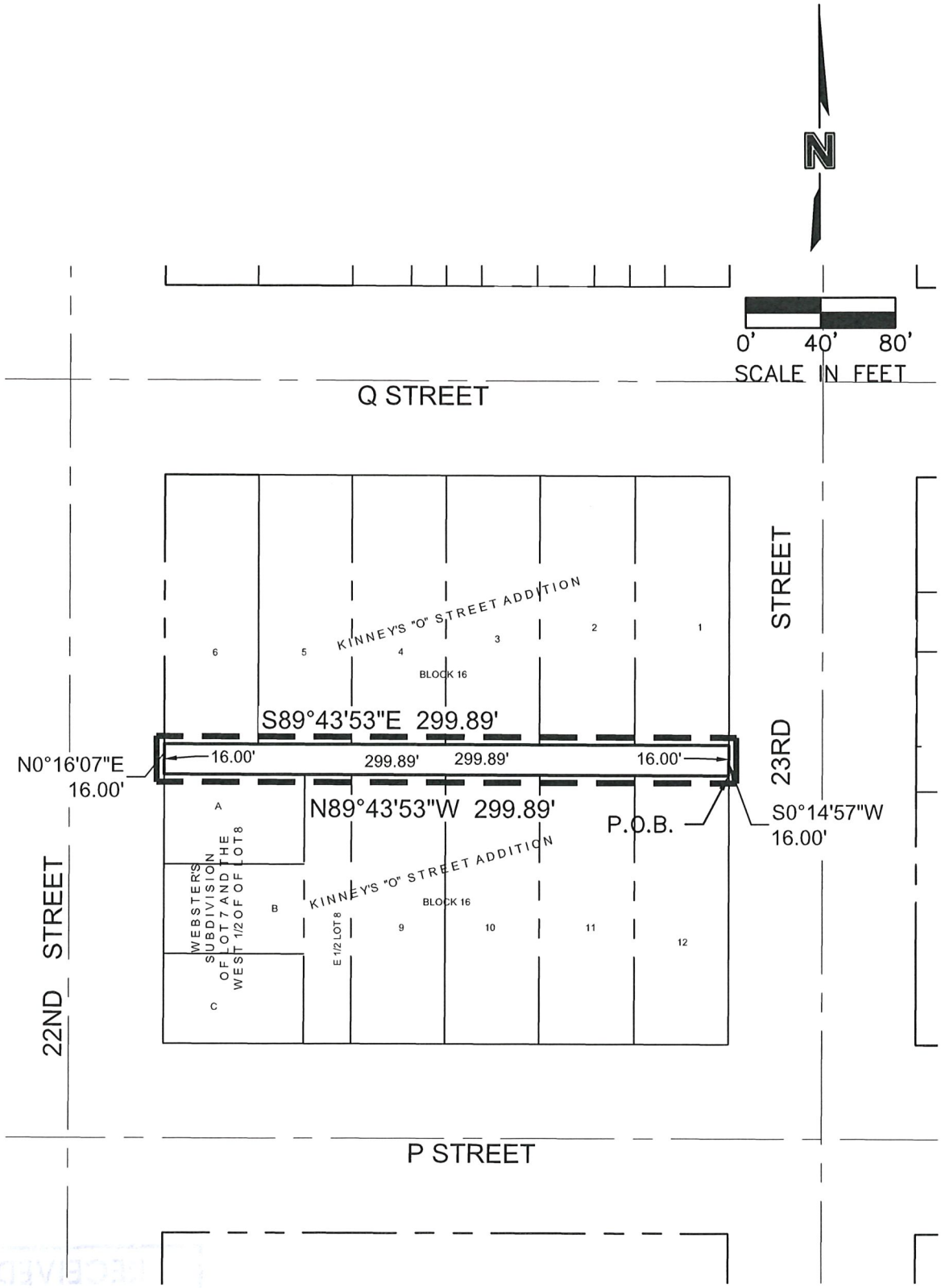

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DATE: Aug 17, 2021 7:41am XREFS: V_ALTA_160522 015-3335_ASAFP MICHAEL_JOHNSON_LS_NE 017-2448_ACV1AFP

PROJECT NO: 021-03780 DRAWN BY: ALB DATE: 5/03/2021	EAST-WEST ALLEY LOCATED IN BLOCK 16, KINNEYS "O" STREET ADDITION ALLEY VACATION	olsson	601 P Street, Suite 200 P.O. Box 84608 Lincoln, NE 68508 TEL 402.474.6311	EXHIBIT 50 2

LEGAL DESCRIPTION

A TRACT OF LAND COMPOSED OF THE EAST-WEST ALLEY LOCATED IN BLOCK 16, KINNEYS "O" STREET ADDITION, IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH. P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 12, BLOCK 16, KINNEYS "O" STREET ADDITION, SAID POINT BEING ON THE WEST RIGHT OF WAY LINE OF NORTH 23RD STREET; THENCE, WESTERLY, ON THE NORTH LINE OF LOTS 12 THROUGH 8, BLOCK 16, KINNEYS "O" STREET ADDITION, AND THE NORTH LINE OF LOT "A", WEBSTER'S SUBDIVISION OF LOT 7 AND THE WEST ½ OF LOT 8, KINNEYS "O" STREET ADDITION; ON AN ASSUMED BEARING OF N89°43'53"W, A DISTANCE OF 299.89' TO THE NORTHWEST CORNER OF SAID LOT "A" SAID POINT BEING ON THE EAST RIGHT OF WAY LINE OF NORTH 22ND STREET; THENCE N00°16'07"E, ON THE EAST RIGHT OF WAY LINE OF SAID NORTH 22ND STREET, A DISTANCE OF 16.00' TO THE SOUTHWEST CORNER OF LOT 6 BLOCK 16 KINNEYS "O" STREET ADDITION; THENCE S89°43'53"E, ON THE SOUTH LINE LOTS 6 THROUGH 1, BLOCK 16, KINNEYS "O" STREET ADDITION, A DISTANCE OF 299.89,' TO THE SOUTHEAST CORNER OF SAID LOT 1, SAID POINT BEING ON THE WEST LINE OF SAID RIGHT OF WAY ; THENCE S00°14'57"W, ON THE WEST LINE OF SAID RIGHT OF WAY, A DISTANCE OF 16.00' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 4,798.21 SQUARE FEET OR 0.11 ACRES, MORE OR LESS.

RECEIVED
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DATE: Aug 17, 2021 7:41am XREFS: V_ALTA_160522 015-3335_ASAFP MICHAEL_JOHNSON_LS_NE 017-2448_ACV1AFP

PROJECT NO: 021-03780 DRAWN BY: ALB DATE: 5/03/2021	EAST-WEST ALLEY LOCATED IN BLOCK 16, KINNEYS "O" STREET ADDITION ALLEY VACATION	olsson	601 P Street, Suite 200 P.O. Box 84608 Lincoln, NE 68508 TEL 402.474.6311	EXHIBIT 1

olsson

August 18, 2021

Mr. David Cary
Planning Director
Planning Department
County-City Building
555 South 10th Street
Lincoln, Nebraska 68508

Re: Antelope Village Apartments Addition
Right of Way Vacation
Olsson project no. 021-03780

Dear David:

Enclosed are a check in the amount of $206.00 for the application fee, the completed application form, the information sheet, the petition to vacate public right of way a legal description of the proposed alley vacation and a drawing showing the proposed alley vacation . The proposed alley vacation is generally located from 22nd to 23rd street between "Q" and "P" Street and in the Southeast, Quarter of Section 24, Township 10 North, Range 6 East of the 6th P.M

The Owner and Developer of this property is The Owner and Developer of this property is Assurity Real Estate Development Inc., A Nebraska Corporation, Brett D. West, Manager, 2000 "Q" Street, Lincoln, NE 68501, (402)476-6500, and Jack and Carol Schneider, 11131 Rocky Ridge CT, Lincoln NE 68526 The Owner and Developer have interest in the property surrounding this final plat.

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

Sincerely,

Andrew L. Broeker

Andrew Broeker, R.L.S., (402) 458-5674

Encls. / Attachments

cc: Brett west, File

August 18, 2021
F:\2021\03501-04000\021-03780\40-Design\Survey\SRVY\Final Plat\Documents\David Cary-Letterhead ROW VAC.docx

RECEIVED
AUG - 8 2021

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

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

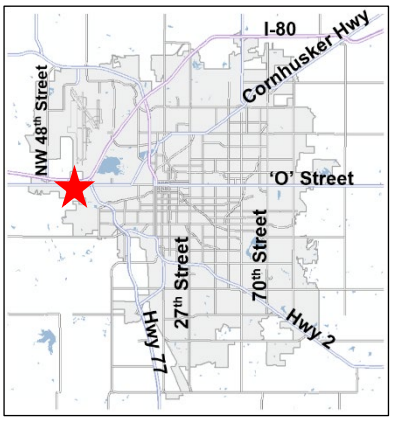
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Change of Zone 21035	No	M.I. Industries, Inc.
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
September 29, 2021	None	3301 W O Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from H-3 (Highway Commercial) to I-1 (Industrial) on approximately 6.56 acres located west of SW 32nd Street on the south side of W O Street. The change of zone will adjust the boundary line between the two districts by extending it 325 feet to the north while still keeping approximately 300 feet of H-3 zoning along W O Street. The intent of this proposal is to allow for a proposed building and site that will be an industrial use.



JUSTIFICATION FOR RECOMMENDATION

This request subject to the conditions of approval complies with the Zoning Ordinance and is consistent with the Comprehensive Plan because it provides flexibility for an industrial business while still maintaining H-3 zoning on the West O Street corridor.

APPLICATION CONTACT
Andrew Willis
(402) 479-7151
awillis@clinewilliams.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The specific property in the Future Land Use Map is split between commercial designation along W O Street and industrial designation further south. The proposal still adheres to commercial zoning and uses directly along W O Street.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.9 – This site is designated for commercial and industrial on the 2040 Lincoln Area Future Land Use Plan with commercial designation on the north side of the property along W O Street and industrial designation to the south.

P. 5.2 – Guiding Principles:

- Provide flexibility to the marketplace in siting future commercial and industrial locations.
- Strive for predictability for neighborhoods and developers

ANALYSIS

1. This is a request for a change of zone from H-3 (Highway Commercial) to I-1 (Industrial) to allow for an industrial business use by expanding the I-1 zoning boundary. The property is located west of SW 32nd Street on the south side of W O Street with approximately 6.56 acres included in the change of zone.

2. The existing industrial use is located at 309 SW 32nd Street on the west side of SW 32nd Street south of West O Street. The existing site includes office building, cold storage facility, and industrial manufacturing buildings. The most recent project included the light manufacturing building and associated office which was built in 2018 and comprised 24,068 and 2,264 square feet, respectively, on the south side of the property.

3. Rezoning of the area will allow for proposed industrial business expansion to better fit the site. The new building will partially encroach into the existing H-3 area, which is why the change of zone is needed.

4. Lincoln Transportation and Utilities indicates that while no traffic signal will be needed, a traffic study will be required. A right-hand turn lane will be required, which is non-reimbursable for development impact fees. In addition, a public access easement will be required to the west along with the construction of said access drive to the west.

5. LTU-Watershed is requiring a grading and drainage plan for the entire site, including the change of zone and related final plat (FPPL21097) area. Detention and water quality will also need to be addressed for the whole area. This will be required as part of a preliminary plat and as a condition of approval of this change of zone.

6. The proposed development will require the lots in question be final platted into one lot as part of a new final plat application. Previously the applicant had submitted a final plat application (FPPL20111) for the property they own on SW 32nd Street and the lot immediately to the west (Lot 111 I.T.). However, their industrial project is expanding further to include the two lots to the west (Lots 69 and 70 I.T.). A new final plat (FPPL21097) was recently submitted to include the additional expansion area.

7. A zoning agreement is proposed as a condition of approval. This agreement will require the traffic related improvements identified by Lincoln Transportation and Utilities and any additional as determined by required traffic study. It will also require that a preliminary plat is submitted that will include the required storm water management information.

8. This proposal is consistent with the Comprehensive Plan with regard to providing flexibility for the marketplace for the specific allowed land use while maintaining commercial zoning on W O Street.

EXISTING LAND USE & ZONING: Vacant; H-3, I-1

SURROUNDING LAND USE & ZONING

North: Office, Warehouse; H-3 (Highway Commercial)
South: Pasture, Grassland; I-1 (Industrial)
East: Commercial; H-3 (Highway Commercial)
West: Pasture, Grassland; H-3 (Highway Commercial)

APPLICATION HISTORY:

August 2003	The City Council approved the EDM Business and Industrial Park Preliminary Plat (PP02021).
July 2004	The Planning Director approved the EDM Industrial Center Addition Final Plat (FPPL03049).
April, 2016	The City Council approved CZ16002 which changed the zoning from H-3 Highway Commercial District to I-1 Industrial District over five lots for EDM Industrial Center Addition.
May, 2018	The Planning Director approved the EDM Industrial Center 1st Addition Final Plat (FPPL17074)
October, 2020	The City Council approves SAV20003 for the vacation of West View Avenue from SW 32nd Street to the west end of West View Avenue to allow for expansion plans by Nature's Variety.

APPROXIMATE LAND AREA: 6.56 acres

LEGAL DESCRIPTION: See attached

CONDITIONS OF APPROVAL:

1. Applicant signs a zoning agreement concerning submitting and receiving approval of a traffic study, completing the required traffic improvements identified by Lincoln Transportation and Utilities after review of the traffic study, provides a public access easement along West O Street and requires approval of a preliminary plat prior to final plat approval.

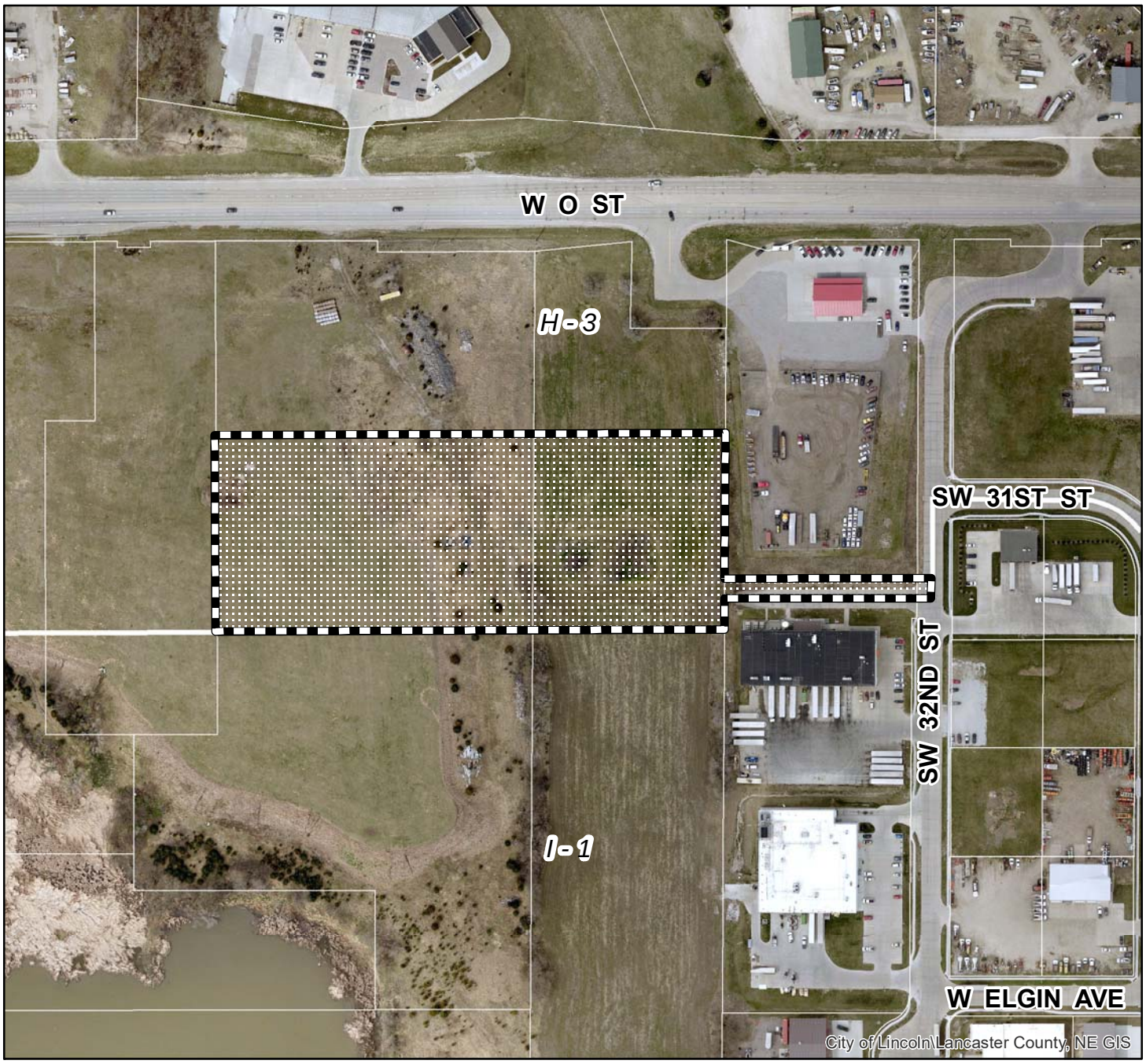
This item will be scheduled with the City Council once the zoning agreement is complete.

Prepared by

_____

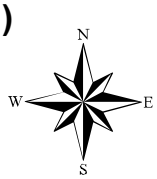
George Wesselhoft, Planner
(402) 441-6366 or gwesselhoft@lincoln.ne.gov
Date: September 16, 2021

Owner:	M.I. Industries, Incorporated 55 W Port Plaza, Suite 200 St. Louis, MO 63146 (314) 221-9998 or WOertli@instinctpetfood.com
Applicant/Contact:	Andrew Willis 233 South 13th Street Lincoln, NE 68508 (402) 479-7151 or awillis@clinewilliams.com



2020 aerial

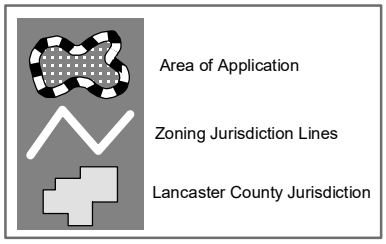
Change of Zone #: CZ21035 (H-3 to I-1)
SW 32ns St & W O St

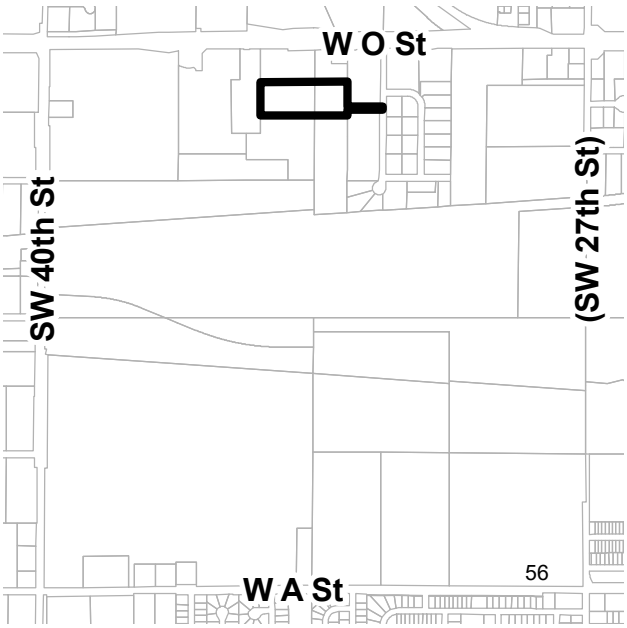


Zoning:

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. 29 T10N R06E





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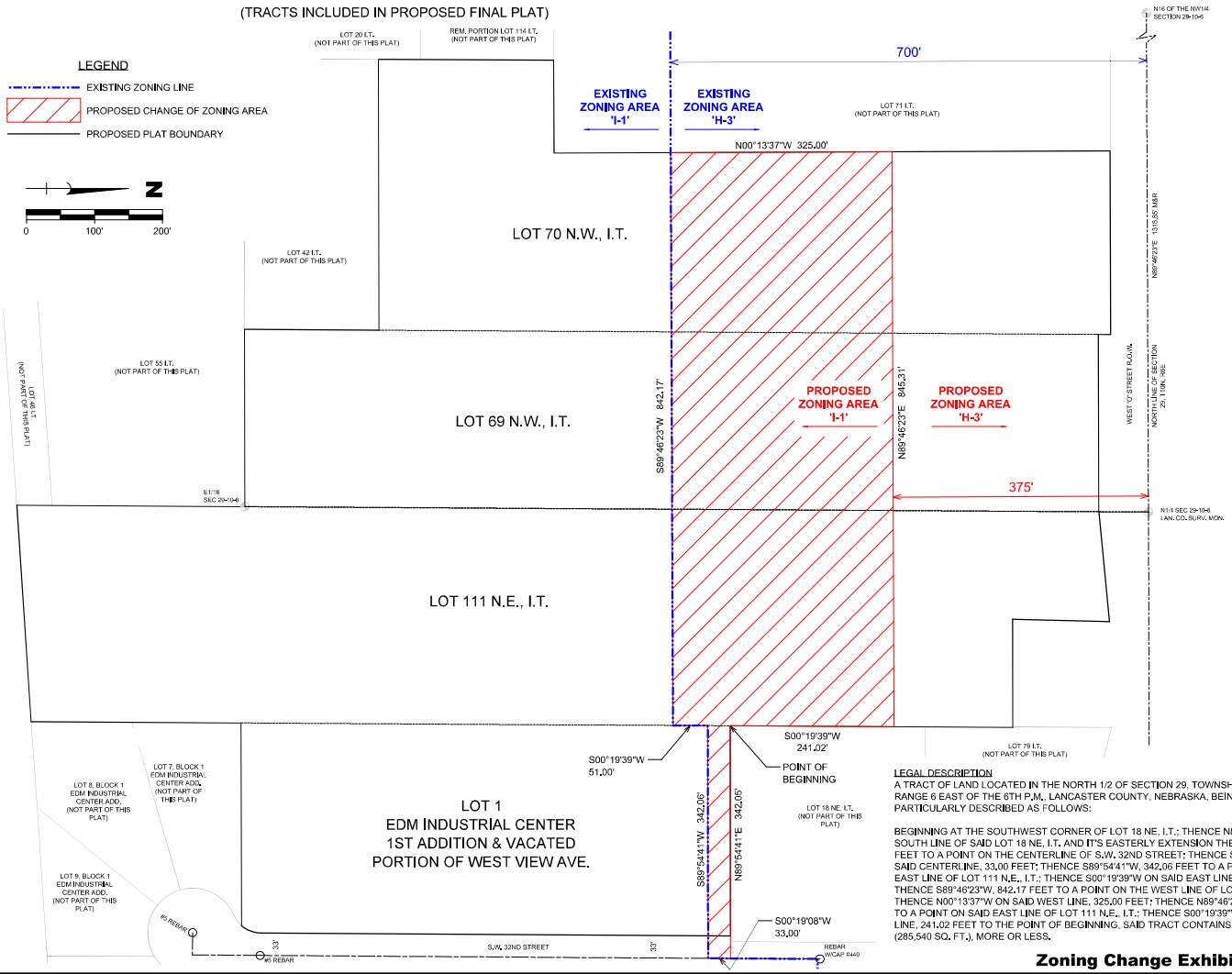
EDM INDUSTRIAL CENTER 2ND ADDITION

(TRACTS INCLUDED IN PROPOSED FINAL PLAT)



LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE NORTH 1/2 OF SECTION 29, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 18 NE, I.T.; THENCE N89°54'41"E ON THE SOUTH LINE OF SAID LOT 18 NE, I.T. AND IT'S EASTERLY EXTENSION THEREOF, 342.05 FEET TO A POINT ON THE CENTERLINE OF S.W. 32ND STREET; THENCE S00°19'08"W ON SAID CENTERLINE, 33.00 FEET; THENCE S89°54'41"W, 342.06 FEET TO A POINT ON THE EAST LINE OF LOT 111 N.E., I.T.; THENCE S00°19'39"W ON SAID EAST LINE, 51.00 FEET; THENCE S89°46'23"W, 842.17 FEET TO A POINT ON THE WEST LINE OF LOT 70 N.W., I.T.; THENCE N00°13'37"W ON SAID WEST LINE, 325.00 FEET; THENCE N89°46'23"E, 845.31 FEET TO A POINT ON SAID EAST LINE OF LOT 111 N.E., I.T.; THENCE S00°19'39"W ON SAID EAST LINE, 241.02 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS 6.56 ACRES (285,540 SQ. FT.), MORE OR LESS.

Zoning Change Exhibit 09/07/2021

Alfred Benesch & Company
825 M Street, Suite 100
Lincoln, NE 68508
www.benesch.com
P 402-479-2200
F 402-479-2276

September 1, 2021

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

Change of Zoning Request Application Letter – Instinct Center of Excellence

Greetings:

We are applying to the Planning Department for approval to relocate the Zoning line between H-3 and I-1 on our property. Our property is located at 3301 West O Street and consists of Lot 111 N.E., I.T, Lot 69 N.W., I.T. and Lot 70 N.W., I.T. We are applying to relocate this change of zone line 325'north, as shown on the attached exhibit, to better fit with our proposed building and site use. A legal description of the area to be rezoned is included on the attached exhibit.

Sincerely:

Alfred Benesch & Company

Frank Doland, PE
Civil Group Manager

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

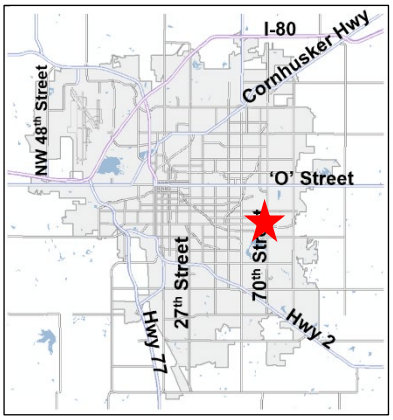
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Change of Zone #21036	No	Sphinx, LLC/Connecting Pointe Church of the Nazarene
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
September 29, 2021	None	Northwest Corner of South 70th Street and South Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from R-1 Residential to O-3 PUD (Planned Unit Development) on approximately 3.73 acres located on the west side of S. 70th Street between South Street and Monterey Drive. This is the site of an existing church, daycare and single-family home. The intent of the PUD is to allow flexibility so that the church and daycare uses can continue until they are phased out while also allowing a parking lot to be built along the south side of the property for nearby surgery center uses. In a later phase office uses would replace the church and day care center.



JUSTIFICATION FOR RECOMMENDATION

The proposed O-3 PUD is appropriate as it will allow flexibility for transition of uses and will keep allowed uses less intensive adjacent the residential neighborhood. The waivers requested to setbacks are also appropriate. The internal setbacks will not affect neighbors and the setback reduction to the west is consistent with the established parking setback for the church. The front setback reductions are to match existing for the church and to adjust for turn lane dedication.

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

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan supports locating medical office and small-scale commercial uses within walking distance of neighborhoods while limiting the impacts and encroachment into those neighborhoods. Although this site is designated for future residential uses on the future land use map, small-scale commercial redevelopment is typically assessed on a case by case basis in older neighborhoods and is not always denoted on the future land use map based on the smaller size and scale. A combination of limited commercial or office uses would be in keeping with the general character of the neighborhood and would be supported by the Comprehensive Plan.

Waivers:

1. Zoning Ordinance, Table 27.72.030 (a) to allow front yard setback reduction to 10' instead of 20' for S. 70th Street and 14' instead of 20' for South Street in specific locations. (Recommend Approval)
2. Zoning Ordinance, Table 27.72.030 (a) to allow side yard setback of 10' instead of 15' for west property line. (Recommend Approval)
3. Zoning Ordinance, Table 27.72.030 (a) to allow internal lot setbacks of 0' for all lots. (Recommend Approval)
4. Zoning Ordinance, Chapter 72.69 to allow the entire PUD to be treated as one premises for purposes of signage. (Recommend Approval)

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. 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.

P. 5.8 - Transition of uses; less intense office uses and residential mixed use buildings near residential areas.

P. 5.14-5.16 - Strategies for Commercial Infill

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

ANALYSIS

1. This proposal is for a change of zone from R-1 Residential to O-3 PUD (Planned Unit Development). The area included in this proposal is approximately 3.73 acres and is located on the west side of South 70th Street between South Street and Monterey Drive. This is the site of an existing church, daycare and preschool, and a single-family home.
2. The PUD proposes in the first phase that the two north buildings will remain, and the church will continue to operate for 15 months, and the daycare up to 39 months. The south single-family home will be removed, and a parking lot will be constructed. This parking lot and portions of the existing parking lot will be leased to Lincoln Surgical Hospital and Nebraska Surgery Center.
3. The proposed phasing includes 27,600 square feet of floor area for Phase 1 with 261 parking stalls. Phase 2 would allow for up to 62,500 square feet of floor area with 209 parking stalls required and 261 parking stalls provided. Phase 2 will include the removal of the church and daycare uses along with the demolition of the house structure south of the church.
4. The intent of the PUD is to allow flexibility for the church and daycare uses to continue until they phase out while at the same time allowing for parking associated with the hospital and surgery center uses which are not located directly on the site, but which are to the northeast across S. 70th Street. Otherwise, the parking for said uses would not be permitted as a primary use in the O-3 zoning. As the church and daycare uses cease, the church building will be remodeled for medical office use. A future phase would also allow a change of use on the middle building.
5. While the area of the PUD consists of existing R-1 zoning, the location is on S. 70th Street which is a minor arterial. There is already an established pattern of O-3 zoning along S. 70th Street, including directly to the south at the

southwest corner of S. 70th Street and South Street. In addition, there is a large O-3 area to the northeast extending from Lincolnshire Road to A Street. The proposed O-3 PUD will be consistent therefore with nearby zoning and will also provide a transition buffer to the nearby residential neighborhood to the west by not allowing the more intensive commercial uses found in the commercial 'B' zoning districts.

6. Transportation improvements related to the PUD include the removal of one access point to Monterey Drive and one access point to S. 70th Street. The southbound right turn lane in S. 70th Street will be extended, and a turn lane will be added for the access point to South Street. A deviation request will be submitted for the access to South Street. Additional right of way will be dedicated for the turn lane improvements. There will be no access connection to the residential neighborhood to the west.

7. Waivers are requested:

    a. To allow front yard setback reduction to 10' instead of 20' for S. 70th Street and 14' instead of 20' for South Street at specific locations. These front yard setback reductions are justifiable as they are to match existing church parking setback along S. 70th and to adjust for right of way dedication for turn lanes.

    b. To allow side yard setback of 10' instead of 15' for west property line. This waiver request is justifiable as it is a relatively minor setback reduction that is consistent with the established parking setback for the church.

    c. To allow internal lot setbacks of 0' for all lots. This waiver request is justifiable as it will not affect neighboring properties. This type of waiver has been approved in other developments.

    d. To allow the entire PUD to be treated as one premises for purposes of signage. This request is reasonable as it will allow for the site to be considered as one property for signage even though there are currently multiple lots of record.

8. A neighborhood meeting was held on August 26, 2021 at the Connecting Pointe Church to discuss the project. Approximately a dozen people attended. A significant concern of the neighbors was traffic and traffic movements including the limited left turning movements along with nearby elementary school traffic. Stormwater management and screening were also discussed.

9. This request subject to the conditions of approval complies with the requirements of the Zoning Ordinance and is consistent with the Comprehensive Plan. The proposed O-3 PUD is consistent with the O-3 zoning pattern along S. 70th Street and will provide for transitional zoning. The new parking area will be used by the nearby hospital and surgery center uses. There is a pedestrian activated signal in front of Morley Elementary School where the employees can safely cross 4 lanes of S. 70th Street traffic.

10. The hospital and surgery center considered as an alternative parking by way of expansion to the east. However, this would involve tearing down houses and expanding into a neighborhood that had concerns and was opposed to expansion. So instead, the applicant considered the church property as the church is seeking to relocate to another site regardless.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Church, Daycare, Single Family Residential R-1

SURROUNDING LAND USE & ZONING

North:	Morley Elementary School	P
South:	Office	O-3
East:	Single Family Attached	R-1
West:	Single Family Detached	R-1

APPROXIMATE LAND AREA: Approximately 3.73 acres

LEGAL DESCRIPTION: Lots 144, 145, 146 and the remaining portion of 150, I.T., located in the NE 1/4 of Section 33-10-

7, Lincoln. Lancaster County, Nebraska.

Prepared by

_____
George Wesselhoft, Planner
(402) 441-6366 or gwesselhoft@lincoln.ne.gov
Date: September 16, 2021

Applicant: Sphinx, LLC
1710 S. 70th Street
Lincoln, NE 68506
(402) 499-3629 or rlinafelter@lincolnsurgery.com

Contact: DaNay Kalkowski
1128 Lincoln Mall, Suite 105
Lincoln, NE 68508
(402) 435-6000 or danay@sk-law.com

Owner: Connecting Pointe Church of the Nazarene
1901 S. 70th Street
Lincoln, NE 68506
(913) 940-1843 or doug@connectingpointe.church

CONDITIONS OF APPROVAL – CHANGE OF ZONE #21036

This approval permits up to 62,500 total square feet of office space and other uses allowed by the PUD for phase 2 with the following waivers

i) To allow front yard setback reductions from 20' to 10' for S. 70th Street and 14' for South Street in specific locations.
ii) To allow side yard setback of 10' instead of 15' for west property line.
iii) To allow internal lot setbacks of 0' for all lots.
iv) To allow the entire PUD to be treated as on premises for purposes of signage.

Site Specific Conditions:

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

1.1 Under General Site Note 1 add Nonresidential healthcare facilities as a permitted use and add sentence that multiple uses may be permitted on one lot at the same time.

1.2 Delete General Site Note 6.

1.3 Under General Site Note 8 add that the right of way will be dedicated prior to the building permit for the parking lot in Phase 1.

1.4 Add Place of Religious Assembly, Early Childhood Care Facility, Parking lot to list of land uses in Phase 1 Land Use Table.

1.5 Change "Office Park" to O-3 Permitted uses and other land uses as allowed by the PUD under Phase 2 Land Use Table.

1.6 Submit revisions to show in the drainage report the analysis of the existing storm pipe in S. 70th Street along with a subarea exhibit, to show that the existing storm pipe can handle the increased flow.

1.7 Show a detail of the water quality outlet structure and provide calculations for drawdown between 24 and 48 hours. If the orifice is less than 6", provide a measure to reduce clogging.

1.8 Clearly indicate on the landscape plan the height, material, and style of the proposed fence along the west perimeter of the Phase 1 south parking lot. Also provide the same information for any existing fencing intended to meet screening requirements.

1.9 Clarify on the landscape plan understory landscaping along the west perimeter of the south parking lot.

1.10 Clarify on the landscape plan to show detention area landscaping and if that could be used to meet the parking lot screening requirement in Section 7.1 of Chapter 3.50 of the Design Standards.

1.11 Provide either through existing fencing and/or new screening the necessary landscaping for the existing parking lot on the west side of the property to fully meet Section 7 of Chapter 3.50 of the Design Standards.

1.12 Correct naming of Saylor Court to Saylor Circle.

1.13 Add note to the General Site Notes that there shall be no vehicular access to Saylor Circle.

1.14 Delete Rear Yard Setback reference under Requested Waivers Table.

1.15 Show sidewalks and routes for pedestrians to get to the public sidewalk without having to walk through parking lot drive aisles.

1.16 Show dimensions for future bike path along s. 70th Street and sufficient right of way to the satisfaction of Lincoln Transportation and Utilities Department.

1.17 Amend Phase 2 plan to show any Phase 1 work as existing.

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

2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the planned unit development has been recorded.

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

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

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

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

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

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

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

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

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

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

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

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

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

to maintain the outlots on a permanent and continuous basis.

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

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

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

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

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

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

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

to relinquish the right of direct vehicular access to Pine Lake Road except a shown.

Standard Conditions:

4. The following conditions are applicable to all requests:

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

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

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

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

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

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

2020 aerial

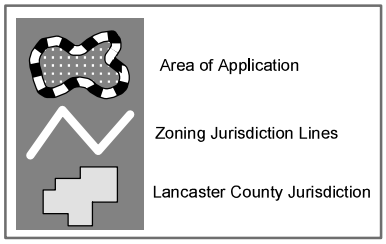
Change of Zone #: CZ21036
Sphinx Addition PUD
S 70th St & South St

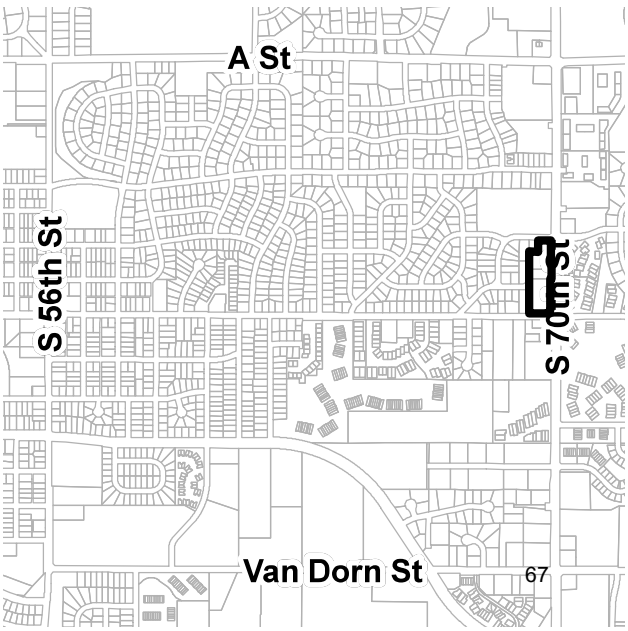
Zoning:

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

N W E S

One Square Mile:
Sec.33 T10N R07E





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SPHINX ADDITION - PLANNED UNIT DEVELOPMENT

SITE PLAN - PHASE 1

LEGEND

- AIR CONDITIONING UNIT
- BASKETBALL HOOP
- BUSH
- CURB INLET
- CONTROL POINT
- CURB STOP
- CONIFEROUS TREE
- DECIDUOUS TREE
- ELECTRIC RISER
- ELECTRIC METER
- FIRE HYDRANT
- FLAG POLE
- FOUND PROPERTY CORNER
- GAS METER
- JUNCTION BOX
- LIGHT POLE
- MAILBOX
- POWER POLE
- SANITARY SEWER CLEANOUT
- SECTION CORNER
- SIGN
- STEEL POST
- SANITARY SEWER MANHOLE
- STUMP
- TELEPHONE PEDESTAL
- TRANSFORMER
- TRAFFIC SIGNAL W/ ARM
- TRAFFIC SIGNAL BOX
- TRAFFIC SIGNAL MANHOLE
- WATER VALVE
- 1200 CONTOUR LINE
- CENTER LINE
- PROPERTY LINE
- SECTION LINE
- EASEMENT LINE
- WOOD FENCE
- CHAIN LINK FENCE
- WIRE FENCE
- 10"SS SANITARY SEWER LINE
- 15"SD STORM SEWER LINE
- 12"W WATER LINE
- G UNDERGROUND GAS MAIN
- OHP-DH OVERHEAD POWER
- P-UG UNDERGROUND POWER
- TEL UNDERGROUND TELEPHONE LINE
- CATV UNDERGROUND CABLE TELEVISION LINE
- FO UNDERGROUND FIBER OPTIC LINE
- T UNDERGROUND TRAFFIC LINE
- ST STEAM TUNNEL
- TREE MASS
- ROW DEDICATION

GENERAL SITE NOTES

1. THE O-3 ZONING REGULATIONS APPLY THROUGHOUT THIS PUD WITH THE FOLLOWING EXCEPTIONS:
   - A. PER THE APPROVED WAIVERS AS LISTED IN THE REQUESTED WAIVERS TABLE.
   - B. EARLY CHILDHOOD CARE FACILITIES AND PARKING LOTS AS A PRIMARY USE ARE ALLOWED AS PERMITTED USES.
2. DIRECT VEHICULAR ACCESS TO S. 70TH STREET IS RELINQUISHED EXCEPT AS SHOWN.
3. SITE PLAN LAYOUT IS CONCEPTUAL AND SUBJECT TO CHANGE. FINAL LAYOUT TO BE DETERMINED AT TIME OF BUILDING PERMIT.
4. PHASE 2 BUILDING ENVELOPE AND LOT DIMENSIONS ARE APPROXIMATE AND MAY VARY AT THE TIME OF FINAL PLAT.
2. CROSS ACCESS AND PARKING EASEMENT RIGHTS ARE GRANTED ON ALL DRIVES AND PARKING STALLS WITHIN PUD BOUNDARY.
3. DETAILS OF ALL SIGNS, INCLUDING TYPE, HEIGHT AND SIZE, WILL BE SUBMITTED SEPARATELY FOR REVIEW WITH THE SIGN PERMIT AND NEED NOT BE SHOWN ON THE PLAN, AND SHALL BE IN ACCORDANCE WITH MUNICIPAL CODE TITLE 27.69.
4. FENCES, DUMPSTERS, DECORATIVE STRUCTURES AND ACCESSORY BUILDINGS ARE NOT SHOWN ON SITE LAYOUT IF THEY ARE 25' X 25' OR SMALLER AND ARE OUTSIDE OF SITE TRIANGLES AND SETBACKS.
5. THE YARD SETBACKS REGULATE STRUCTURAL WALLS ONLY AND DOES NOT RESTRICT FENCES, OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCROACHING INTO THE SETBACKS.
6. INTERNAL LOT LINES SHALL HAVE 0' SETBACK.
7. BUILDING AND SITE LAYOUT IS CONCEPTUAL AND CHANGES WITHIN THE ENVELOPE ARE ALLOWED WITHOUT FURTHER ADMINISTRATIVE AMENDMENTS NEEDED AT THE TIME OF BUILDING PERMIT.
8. RIGHT-OF-WAY FOR RIGHT TURN LANES ON S. 70TH STREET AND SOUTH STREET TO BE DEDICATED AS SHOWN.
9. LANDSCAPE PLAN IS CONCEPTUAL. INDIVIDUAL LANDSCAPE PLANS SHALL BE SUBMITTED AT TIME OF BUILDING PERMIT.

ENGINEER

OLSSON
601 P STREET, SUITE 200
LINCOLN, NE 68508
CONTACT: TYLER PAULSEN, PE
TPAULSEN@OLSSON.COM
(402)-980-9471

REQUESTED WAIVERS TABLE

1. SETBACK REQUIREMENTS:
   - a. FRONT, SIDE, AND REAR YARD SETBACKS: AS SHOWN IN THE SITE PLAN
   - b. INTERNAL SETBACKS FOR ALL LOTS ARE ADJUSTED TO 0'
2. THE ENTIRE PUD IS TREATED AS ONE PREMISES FOR SIGNAGE PURPOSES

PHASE 1 LAND USE

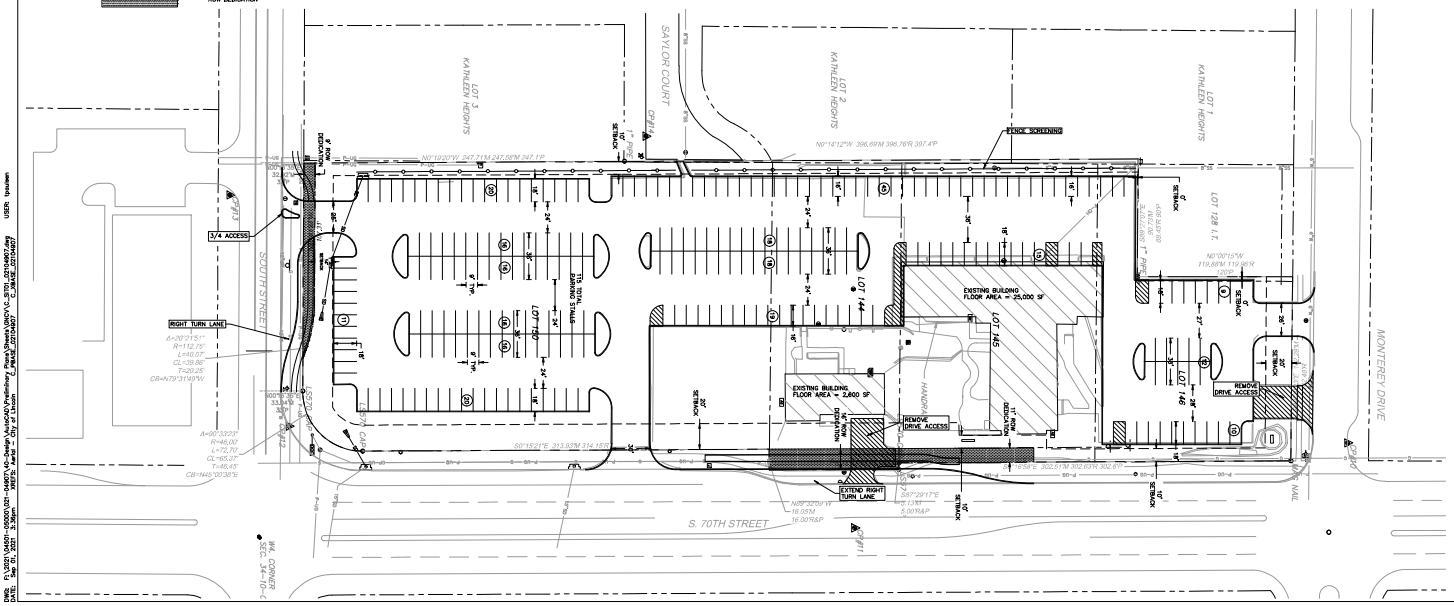
LOT	ZONE	FLOOR AREA (S.F.)	LAND USE		
			USE	REQUIRED PARKING	PARKING
144, 145, 146 & 150	O-3	2,600	OFFICE PARK	92 STALLS	261 STALLS

PHASE 2 LAND USE

LOT	ZONE	FLOOR AREA (S.F.)	LAND USE		
			USE	REQUIRED PARKING	PARKING
1	O-3	25,000	OFFICE PARK	84 STALLS	46 STALLS
3	O-3	57,000	OFFICE PARK	135 STALLS	195 STALLS

N

0' 15' 30' 60'
SCALE IN FEET



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Lincoln, NE 68508
TEL 402.474.6311
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NO.	DESCRIPTION	DATE
	REVISIONS	

SITE PLAN - PHASE 1
SPHINX ADDITION - PLANNED UNIT DEVELOPMENT
LINCOLN, NE
2021

drawn by:	
checked by:	
approved by:	
D/B/C by:	
date:	
drawing no.:	
scale:	

SHEET
1 of 4

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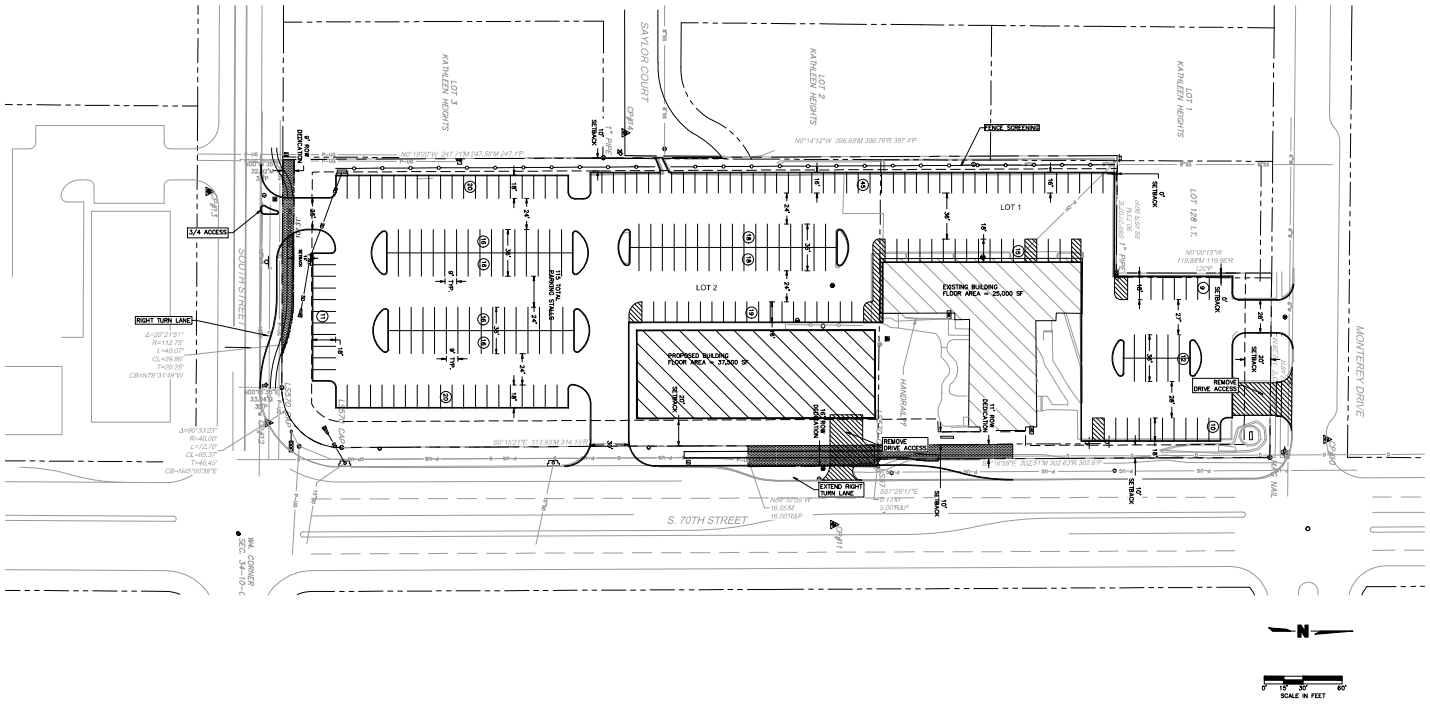
SPHINX ADDITION - PLANNED UNIT DEVELOPMENT

SITE PLAN - PHASE 2



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NO.	DATE	DESCRIPTION

SITE PLAN - PHASE 2

SPHINX ADDITION - PLANNED UNIT DEVELOPMENT

LINCOLN, NE

2021

SHEET 2 of 4

SPHINX ADDITION - PLANNED UNIT DEVELOPMENT

GRADING PLAN

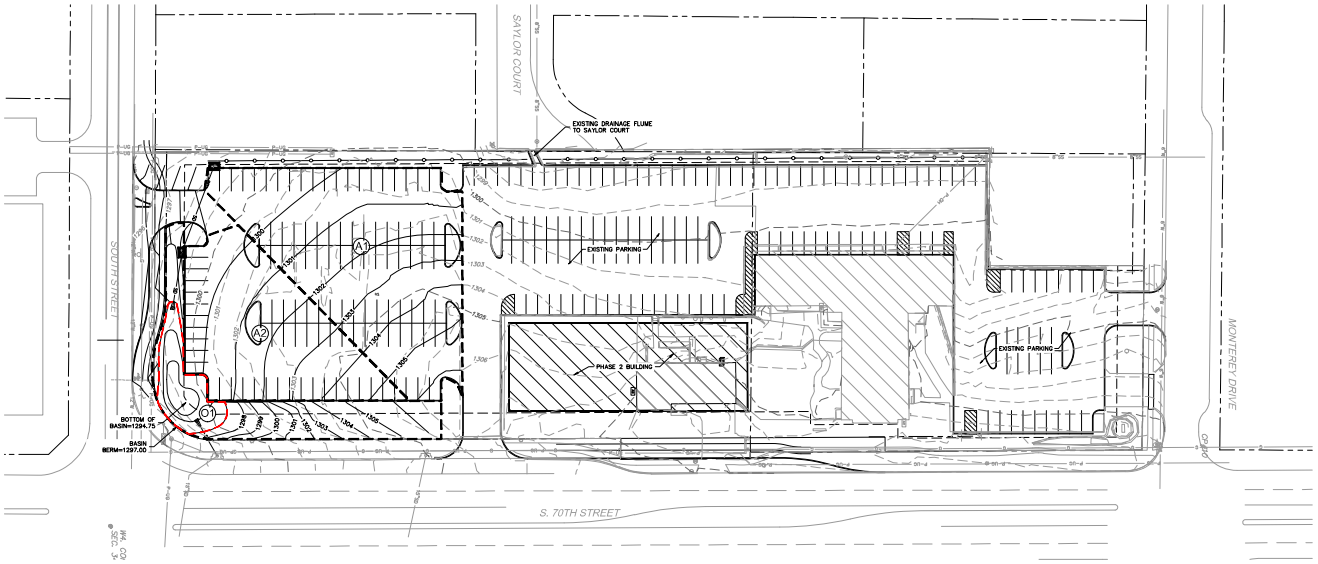
GRADING LEGEND

- PROPOSED STORM SEWER
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- RIGHT-OF-WAY
- PROPERTY LINE
- ROADWAY CENTERLINE
- STORM STRUCTURE
- WATER QUALITY
- DRAINAGE AREA LABEL

N

0' 15' 30' 60'
SCALE IN FEET

NOTES:
PUD ADMINISTRATIVE AMENDMENT WILL BE REQUIRED FOR PHASE 2 BUILDING TO PROVIDE DETAILS FOR STORMWATER DETENTION AND WATER QUALITY REQUIREMENTS.



DRAINAGE TABLE

Project: SPHINX ADDITION - PLANNED UNIT DEVELOPMENT

CFA PROJECT NO. 021046U

PRELIMINARY PIPE SIZING CALCULATIONS

	Minor Storm System Conveyance Analysis Minor Storm Average Return Frequency (yr):					10									Major Storm System Conveyance analysis Major Storm Average Return Frequency (yr):					100				
Location	Area (acres)	A Coefficient C	Sum A x C	Time of Concentration Tc (minutes)	Return Frequency (yrs)	Intensity I (in/hr)	Runoff Q= (cfs)	Pipe Slope Sp (ft/ft)	Pipe Length L (feet)	Pipe Diameter D (inches)	Pipe Capacity Qp (cfs)	Pipe Velocity Vp (fps)	Time in Section Tp (minutes)	Intensity I=I/I	Freq. Factor CF	Pipe Q=A/I	Overflow Route Slope S_{ov} (ft/ft)	Inlet Width Wid (feet)	Inlet Capacity Q_{in} (cfs)	Inlet Width W (feet)	Inlet Capacity Q_{in}	Unknown pipe Flow Capacity Q_{out} (cfs)	COMMENTS
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
A1	0.51	0.90	0.46	0.46	5.00	10	5.19	2.6	0.0050	72.00	12.0000	2.8	3.5	0.34	9.00	1.25	5.17	0.050	26	139	0	0	141.8	Inlet 1
A2	0.33	0.90	0.30	0.70	5.00	10	5.09	4.3	0.0120	42.00	19.0000	7.1	5.8	0.12	9.00	1.25	5.41	0.050	26	139	0	0	145.7	Inlet 2
U1	0.33	0.90	0.12	0.89	5.00	10	5.19	5.1	0.0210	23.00	19.0000	9.4	5.9	0.06	9.00	2.25	11.91	0.050	26	139	0	0	141.1	2@48

WATER QUALITY VOLUME CALCULATION TABLE

Elevation	Contour Area(ft2)	Avg. End Area	Incremental(ft3)	Total Storage(ft3)	Total Storage(yd3)	Total Storage(Ac-ft)
1294.75	250	0	0	0	0	0.0000
1295	1088	669	167	167	6	0.0038
1296	1938	1513	1513	1680	62	0.0386
1296.50	2330	2134	1067	2747	102	0.0631

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REVISIONS

NO.	DATE	REVISION DESCRIPTION
1		
2		

2021

GRADING PLAN

SPHINX ADDITION - PLANNED UNIT DEVELOPMENT

LINCOLN, NE

drawn by: MJ
checked by: TFF
approved by: TFF
DRGST by: TFF
project no.: 021046U
drawing no.:
date: 09/01/2021

SHEET
3 of 4

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SPHINX ADDITION - PLANNED UNIT DEVELOPMENT

LANDSCAPE PLAN

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NO. | DATE | REVISIONS

LANDSCAPE PLAN

SPHINX ADDITION - PLANNED UNIT DEVELOPMENT

LINCOLN, NE

2021

SHEET
4 of 4

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

September 1, 2021

HAND DELIVERY

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

RE: Application for O-3 PUD

Dear David:

Our office represents Sphinx, LLC ("Developer"), who has a contract interest in Lots 144, 145, 146 and 150, Irregular Tracts located in Section 33, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, containing approximately 3.73 acres of property (the "Property"). The Property is located on the west side of S. 70th Street from South Street north to Monterey Drive. The Property is the current location of Connecting Pointe Church of the Nazarene, Noah's Ark Christian Daycare & Preschool, and a single family home.

Developer is requesting to change the zone of the Property to O-3 Planned Unit Development ("O-3 PUD"). Under the first phase of the O-3 PUD, the two north buildings will stay, and the Church will continue to operate for up to 15 months, and the Daycare for up to 39 months. The south single family residence will be removed and a parking lot will be constructed and leased to Lincoln Surgical Hospital and Nebraska Surgery Center (collectively the "Hospital"). Developer is requesting an O-3 PUD to allow the flexibility for the Church and Daycare uses to continue to be permitted uses while they phase out. It will also permit the construction of the parking lot as a primary use to serve the Hospital while the Church and Daycare uses phase out. As the Church and Daycare uses cease, the Church building will be remodeled for medical office and additional uses by the Hospital. A future phase would also allow a change of use on the middle building.

Under the proposed plan, one access point to Monterey Drive and one to S. 70th Street will be eliminated. The southbound right turn lane in S. 70th Street will be extended and a turn lane added for the access point to South Street, which will not permit left turn movements out of the property. A deviation request for the South Street access point is being submitted by separate document to LTU. Reductions in setbacks have been requested to accommodate additional right-of-way dedications along both S. 70th and South Streets, and also to allow consistent setbacks

1128 LINCOLN MALL, STE. 105; LINCOLN, NEBRASKA 68508 | PHONE 402.435.6000 | FAX 402.435.6100

along the west side of the Property. This will accommodate cohesive screening and landscaping adjacent to the neighboring residential homes. Setbacks around most of the site are simply reflective of the built environment.

Enclosed please find the following:

a. City of Lincoln Zoning Application for Annexation;
b. Site plan for illustration purposes; and
c. Application fee in the amount of $1,648.

A meeting was held on August 26, 2021 with neighboring property owners to discuss the proposed project. Continuing dialog is occurring with the neighbors to the west about their preferences for screening materials.

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

Cc: Sphinx, LLC via email
Richard Meginnis via email

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER	FINAL ACTION?
Text Amendment #21008	No
PLANNING COMMISSION HEARING DATE	RELATED APPLICATIONS
September 29, 2021	None

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This proposed text amendment includes six amendments to both Title 26 Land Subdivision and Title 27 Zoning Ordinances. They are all intended to improve process by updating the affected ordinance accordingly. Two of the amendments, Consolidation Final Plat and Planning Director Clarification, are new sections to Lincoln Municipal Code. All the proposed amendments are designed to enhance the process of application review and approval as well as the interaction among the City departments, residents, and the development community.

Each is explained in this report by a summary describing the purpose and effect of the amendment. Attached to this report is the draft ordinance containing all the proposed amendments with the changes highlighted in red in legislative format.

JUSTIFICATION FOR RECOMMENDATION

In sum, these amendments simplify either the City's development review procedure or permitting process. Outdated provisions are being deleted, others updated to reflect current practice, and new sections added to provide tools to enhance the City's ability to keep projects moving through the approval process in a timely manner.

The impact will be positive for the public, the development community, and City staff due to decreased regulations and review time.

APPLICATION CONTACT
David Cary
402-441-7491
dcary@lincoln.ne.gov

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The City's ability to positively interact with the public and development community will be enhanced by these changes. Simplifying processes, eliminating unnecessary regulations, and modifying provisions so they more accurately reflect current procedure is consistent with the City's mission statement and the Comprehensive Plan.

KEY QUOTES FORM THE 2040 COMPREHENSIVE PLAN

Pg 12.10 - Examine ways of simplifying the development regulations to encourage a broader understanding of planning concepts and their relevance to neighborhoods' and businesses' continuity and viability.

ANALYSIS

1. There are six proposed amendments to Title 26 Land Subdivision and Title 27 Zoning being proposed with this application. A brief summary explaining each is contained in this report. They are listed in no particular order except to mirror how they are stated in the draft ordinance. The draft ordinance in legislative format is attached to this report with the proposed changes highlighted in red.

A. Amendment to Section 26.11.060 – Reduction of Final Plat Re-review Time From 10 Days to 5 Business Days – All final plats are reviewed electronically by City staff and allied reviewing agencies. Once a complete final plat application has been submitted to the City, it is uploaded and routed to the various agencies involved using the City's review software program, ProjectDox. Once routed to the agencies and departments for review, those reviewers have 10 days to complete their review and respond with any review comments they may have.

Most plats require more than one review cycle as the completed corrections from the first cycle must be verified by the commenting agency. Currently, as with the initial review cycle, the re-review cycle also allows 10 days for agencies to comment.

The reality is that subsequent reviews are less complicated and time-consuming when compared to the initial review given the focus is primarily on simply verifying that corrections have been addressed. In recognition of this fact this amendment proposes to reduce the time allowed for re-review from 10 days to 5 business days. This will still allow adequate time for review and help make the final plat review process timelier and more efficient.

B. Adding Chapter 26.13 Creating the Consolidation Final Plat - At the time of building permit commercial customers seeking to build across a lot line or lot lines were required to sign a TORA (Transfer of Restriction Agreement) with the City prior to permit approval. With these agreements owners consented to maintaining the affected lots in common ownership for the life of the building. Provided the lots were held in common ownership and used for the same building no violation existed. However, if the lots are sold and come under separate ownership, zoning violations can be created when the required setback is no longer maintained to lot lines of properties now under separate ownership.

The City has ceased TORA's due to the difficulty of tracking and enforcing the agreements. Instead, applicants have been notified that a final plat is required to combine the affected lots to eliminate the potential creation of future zoning violations.

With respect to final plats, the type which simply combines lots is the least complicated of all. Typically, there are no required improvements, a single owner is involved, and there is no relocation or dedication of utility easements.

The proposed amendment creates a simplified, expedited process for plats that meet the criteria of a Consolidation Final Plat as specified in the amendment. For those that meet the requirements, such plats can be approved in a fraction of the time required for a standard final plat.

Key to this simplified process are the main criteria that must be achieved to qualify: The lots involved are under single ownership; no new easements are needed and none are required to be released; and no improvements are required (i.e. sidewalks, street trees, etc.). The criteria define the simplest, most basic form of a final plat that essentially move or eliminate lot lines.

This is because there will be no subdivision or escrow agreements due to a lack of improvements, so once the form of the plat is correct it can be recorded. This will allow consolidation plats to be reviewed and approved much quicker compared to a typical final plat. This will result in a significant time savings to owners and developers as well as aiding City staff in the building permit approval process.

C. Amend Section 26.19.031 to Require Subsequent Final Plat Additions Titles to Use Numeric Designations – Final plats within the same area or based upon the same preliminary plat are typically numbered in secession. The first final plat will simply use the suffix 'Addition', and subsequent final plats will be numbered successively as '1st Addition', '2nd Addition', '3rd Addition', etc.

A review of the final plats recorded over the years revealed that the subsequent numbering of additions has used both the spelling of the addition as well as the numeric designation, i.e. 'First Addition' versus '1st Addition'.

The meaning of the two is the same, but it has caused significant problems with tracking and indexing final plats. Some developments have in excess of 40 additions and a mixing of the spelling of the titles makes electronic cataloging and access difficult. Electronic systems do not recognize '1st Addition' as being the same as 'First Addition' and so final plat listings become out of sequence and difficult to find.

This will standardize the naming convention and make naming consistent, and therefore tracking and locating much simpler without expending any effort or resources.

D. Amend Section 26.23.040 to Require the Access Easement to Detention Facilities to be 20' in Width – This amendment is requested on behalf of the Watershed Management Division of LTU. Detention facilities are required as a part of the land development process to slow the influx of storm water into the City's system. Developers and subdividers are required to design and provide such facilities based upon engineering submitted to and approved by the City.

These facilities are not always located near a public street or private roadway and at times are remotely located. Regardless, all such facilities require maintenance and upkeep to keep them functioning as designed.

If such a facility is not located adjacent to a street, access must be provided in the form of an access easement to a street. Currently however, there is not a standard for how wide that access easement must be. As a result there are facilities throughout the city accessed by easements of varying widths.

This amendment will adopt a uniform standard for a 20'-wide access easement. As the easement must be able to accommodate mowing tractors and sometimes heavier equipment for dredging, anything less may be inadequate. These facilities are often maintained by private entities such as business and homeowner's associations, but many are also maintained by the City. LTU notes that a minimum width of 20' is required to accommodate the needs of those tasked with maintaining them and to adequately provide for their equipment.

E. Delete LMC Section 26.27.080 in its Entirety – This section requires screening along major streets, railroads and land uses of substantially different character at the time of final plat. This also duplicates a requirement in the City's Design Standards which requires similar screening.

Being part of the Subdivision Ordinance, this standard has proven to be both duplicative and difficult to administer. Live plants or a fence can be used to satisfy this requirement, but rarely do subdividers install live plants as fences are usually installed instead. Calculating costs for fences varies, and being a private improvement there is no one on City staff qualified to comment on a fence design or verify it has been installed correctly.

The reality is that virtually every development plans for screening along a major street or railroad as part of the development and there is little need for the City to be involved in the process. Additionally, as these screens are located on private property it would be very difficult for the City to use the bonded funds to install the screen if the developer chose not to do so.

F. Planning Director Clarification – This amendment affects four chapters within the Zoning Ordinance – Chapter 27.60 Planned unit Development; Chapter 27.63 Special Permits; Chapter 27.64 Use Permits; Chapter 27.65 Community Unit Plans.

The zoning approvals granted under these four chapters all require applications to be reviewed by the Planning Department. These reviews range from simple to extensive, but in the end the Planning Department's review is the most extensive among City staff. This provides the Planning Department with the greatest familiarity and understanding of the contents and requirements of the affected applications.

In any given plan set involved with a permit granted under one of these chapters the associated notes, adjustments, layout and design can get complicated. Being most involved in the review of these plans, and in many cases suggesting revisions and preferred wording of text and notes, the Planning Department is in the best position to comment on and interpret the plans when questions arise.

Once approved these plans are used during the review of building permits and executive orders for public improvements by multiple City departments. It is not unusual for questions to arise as to the meaning of certain terms or the intent of specific language. This amendment allows the Planning Director to draw on the Department's familiarity and help clarify questions raised, thereby helping to provide assurance to both City staff and the applicant as to the original intent.

Many administrative amendments are required simply to provide the kind of clarification envisioned by this amendment. With these changes the Planning Director can issue a written clarification in a matter of days and perhaps avoid an amendment altogether. This will benefit both applicants and staff in time savings and gains in efficiency.

2. These proposed amendments have been reviewed by City and County staff as well as other affected reviewing agencies. They were also sent to the development community and made available to the public for review. There were minor changes made as a result of the staff review and they have been incorporated. The response from the development community was positive and supportive.

3. These amendments will help improve the efficiency of the City's application review process by simplifying procedures or providing mechanisms to reduce review time. The intent and effect of the Subdivision and Zoning Ordinances are still preserved but also enhanced by these changes. All the amendments are consistent with the intent of the Subdivision and Zoning Ordinances as well as the goals of the Comprehensive Plan.

Prepared by

_____

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September 14, 2021

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21-xx Introduce: xx-xx-21
TX21008

ORDINANCE NO. _____

AN ORDINANCE amending Lincoln Municipal Code Sections 26.11.060, 26.19.031, and 26.23.040 to _____; by amending Title 26 Land Subdivision to add a new Chapter 26.13 entitled "Procedure for Processing Lot Consolidation" to establish when lot consolidation is permitted, describe the application process, describe staff review process, and establish requirements for Lot Consolidation Plats; by amending Chapter 27.60 Planned Unit Development District to add a new section numbered 27.60.070 entitled "Clarification During Review"; by amending Chapter 27.63 Special Permits to add a new section numbered 27.63.035 entitled "Clarification During Review"; by amending Chapter 27.64 Use Permits to add a new section numbered 27.64.020 entitled "Clarification During Review"; by amending Chapter 27.65 Community Unit Plan to add a new section numbered 27.65.065 entitled "Clarification During Review"; and repealing Sections 26.11.060, 26.19.031, and 26.23.040 as hitherto existing.

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

Section 1. That Chapter 26.07 of the Lincoln Municipal Code be amended by adding a new section numbered 26.07.250 read as follows:

26.07.250 Lot Consolidation.

Lot Consolidation shall mean the elimination of boundary lines between lots or parcels under common ownership, for the purpose of development and/or construction that would otherwise be placed across a boundary line or result in inconsistency with applicable current regulations such as, but not limited to, water supply, sewage disposal, building code requirements, minimum lot size requirements, or zoning setback requirements.

Section 2. That Section 26.11.060 of the Lincoln Municipal Code be amended to read as follows:

26.11.060 Action Required on Final Plat.

(a) Upon receipt of the final plat, the Planning Director shall cause copies of the proposed final plat and accompanying documents to be distributed to the Director of Transportation and Utilities and other city departments and governmental agencies who are directly concerned with the subdivision.

(b) Each department or governmental agency which is directly concerned with the proposed subdivision shall, within ten days from receipt of the first request to review a copy of the final plat, file with the Planning Director its approval of said plat or a report indicating in what manner such final plat does not conform to the requirements of this title and all other rules, regulations, and standards adopted pursuant to this title over which such department has administrative responsibility. For subsequent review requests each department or governmental agency which is directly concerned with the proposed subdivision shall, within five business days from receipt of a revised copy of the final plat, file with the Planning Director its approval of said plat or a report indicating in what manner such final plat does not conform to the requirements of this title and all other rules, regulations, and standards adopted pursuant to this title over which such department has administrative responsibility.

(c) Within ten days from receipt of all the above reports, the Planning Director shall notify the subdivider in writing of the recommended approval, conditional approval or disapproval of the final plat based upon a review of the recommendations of the various departments and the Director's own review of the design of the subdivision. If the Director finds that the final plat should be conditionally approved, the notification shall set forth all conditions of approval and the

amount of all bonds or escrow of security agreements necessary to insure installation of all required improvements. The Planning Director shall also furnish the subdivider a subdivision agreement to be executed by the subdivider wherein the subdivider agrees to comply with all conditions of approval and further agrees to construct the required improvements as provided therein. Upon satisfaction of all conditions of approval set forth in the Director's letter including, but not limited to, receipt of the fully executed subdivision agreement and acceptance of the required sureties by the Law Department, the Planning Director shall sign the final plat, thereby indicating that the final plat has been approved and it substantially conforms to the approved preliminary plat and the requirements of this title at the time of approval of the preliminary plat and that all approved offers of dedication are accepted. If the final plat does not substantially conform to the approved preliminary plat, the Planning Director shall disapprove the final plat.

(d) The subdivider may appeal any action of the Planning Director to the Planning Commission by filing a notice of appeal within fourteen days following the action being appealed. The appeal of the Planning Director's action shall be filed with the Director. Upon receipt of the appeal, the Planning Commission shall hold a public hearing thereon within thirty days from the date of the appeal. Notice of public hearing shall be given as provided in Section 26.11.036. In exercising its appellate jurisdiction, the action appealed from shall be deemed advisory and the Planning Commission may make such decision as ought to be made. Any council member or aggrieved person may appeal any action of the Planning Commission to the City Council by filing a notice of appeal within fourteen days following the action being appealed. The notice of appeal shall be filed with the City Clerk. Upon receipt of the appeal, the City Council shall hold a public hearing thereon within thirty days from the date of the appeal. Notice of the public hearing shall be given as provided in Section 26.11.036. In exercising its appellant jurisdiction, the action

appealed from shall be deemed advisory and the City Council may make such decision as ought to be made. If the Planning Commission approves a final plat and its action is not appealed to the City Council, the final plat shall be signed by the chairman of the commission. If the City Council approves a final plat after the appeal of the denial of such a plat by the commission, no further action shall be required by the commission to approve such a plat. After approval thereof by the City Council, the plat shall be returned to the Planning Department for signing by the chairman of the commission. Thereafter, such plat shall be processed in accordance with the procedures set forth in Section 26.11.070.

Section 3. That Title 26 of the Lincoln Municipal Code be amended by adding a new section number 26.13.010 to read as follows:

26.13.010 Lot Consolidation; When Permitted.

The Planning Director shall approve or conditionally approve a lot consolidation without public notice or hearing if, on the basis of the complete application, all of the following findings can be made:

a. The lot consolidation is consistent with the comprehensive plan and the regulations of the zoning and building codes;

b. The land could be developed as a single premises under the zoning regulations;

c. The lots to be consolidated are under common ownership;

d. The lot consolidation does not impair existing easements and will not require the release or relocation of existing easements, utilities, or infrastructure serving adjacent lots, parcels, or public lands and streets;

e. The lot consolidation will not require installation of any subdivision improvements under Chapter 26.27;

f. The lot consolidation does not impair existing access or create a need for access to adjacent lots or parcels; and

g. The lot consolidation shall not adjust or remove the boundaries between parcels on which any previously required improvements have not been completed.

Upon a determination by the Planning Director that the proposed lot consolidation meets all the requirements for approval, the Planning Director shall sign the lot consolidation plat map and the applicant shall cause to be recorded with the Register of Deeds a plot map evidencing the consolidation.

Section 4. That Title 26 of the Lincoln Municipal Code be amended by adding a new section number 26.13.020 to read as follows:

26.13.020 Application.

An application for a lot consolidation shall be initiated by submitting an application to the Planning Director and shall include the following additional information:

a. A plat map showing the existing lot lines proposed to be merged, the location of any existing structures, easements, access to public streets, and any other data as required by the Planning Director.

b. A certificate of title or a title opinion showing all parties whose consent is necessary to pass clear title for the land being consolidated and dedicated, together with the nature of their interests therein, shall be furnished. Such proof of title shall be in a form acceptable to the City Attorney. Any subsequent change affecting ownership of the proposed lot consolidation or any part thereof shall be made only upon the prompt notification and certification to the city of said change in ownership. The city shall assume no responsibility for any title problem with said proposed lot consolidation or any part thereof, and approval

of said lot consolidation shall not be construed as approval of the title of the proposed lot consolidation or any part thereof.

c. A survey to support data furnished on the plat map. The allowable error of closure on any portion of the legal description for the lot consolidation shall not exceed one in Twenty-five thousand (1/25,000).

d. All required fees. The fee for lot consolidation plats shall be the same as that for final plats.

Section 5. That Title 26 of the Lincoln Municipal Code be amended by adding a new section number 26.13.030 to read as follows:

26.13.030 Staff Review of Lot Consolidation Plat.

The method of processing lot consolidation plats shall be the same as the method for processing final plats as described in Chapter 26.11.

Section 6. That Title 26 of the Lincoln Municipal Code be amended by adding a new section number 26.13.040 to read as follows:

26.13.040 Form of Lot Consolidation Plat.

The lot consolidation plat shall conform with all requirements of Section 26.19.010.

Section 7. That Title 26 of the Lincoln Municipal Code be amended by adding a new section number 26.13.050 to read as follows:

26.13.050 Certificates and Acknowledgments on Lot Consolidation Plat.

The lot consolidation plat shall show the following:

a. Owners' acknowledgment and offer of dedication, if any;

b. Lien holder's acknowledgment and consent to owners' offer of dedication, if any;

c. Certificate of the surveyor;

d. Certificate of approval by the Planning Director;

e. All affidavits, certificates, acknowledgments, endorsements, dedications, and notarial seals as are required by law and the provisions of this title, shall be as approved by the City Attorney.

Section 8. That Title 26 of the Lincoln Municipal Code be amended by adding a new section number 26.13.060 to read as follows:

26.13.060 Data Required on a Lot Consolidation Plat.

a. The lot consolidation plat shall be accurately and legibly drawn and shall show the following:

1. All survey and mathematical information with sufficient linear, angular, and curve data necessary to locate all existing and placed monuments and stakes, and to locate and retrace all lots, blocks, and parcels within the lot consolidation, and the boundary of the lot consolidation.

2. All dimensions on the lot consolidation plat shall be to the nearest one-hundredth (.01) of a foot with such other information necessary to reproduce the lot consolidation plat on the ground.

3. Lot lines. All such lines shall be shown and dimensioned.

i. Where such lines are curved at street intersections, the length of tangents shall be shown.

ii. Where such lines abut curvilinear streets, chord or arc distances shall be shown and noted.

iii. All angles of deflection or bearings of such lines other than those which are at right angles to the centerline of a street or on a radial line of a curved street.

4. Lot identity. All lots shall be numbered in sequence, beginning with the number one and continuing consecutively with no omission or duplication.

5. Areas to be dedicated or reserved for public use. For streets, private roadways, and other public ways within and adjacent to the consolidated lot, the location, name, centerline, centerline radius, length, and interior angle of horizontal curves, tangent length, and width. All areas shall be located and identified which are to be dedicated or reserved for public use, including park land and other public areas.

6. Location, width, and purpose of all existing easements for storm drains, overland stormwater flow routes, flood corridors, detention/retention facilities, wastewater collectors, water mains, other public utilities, and other easements for public use.

7. The elevations of any building or structure along flow routes indicating that no opening in the building or structure is subject to flooding at the post development flow route elevations.

8. The location and identification of all section corners, section lines, monuments and stakes found and placed. The boundary lines shall be located in reference to existing official monuments. Describe the stakes, monuments, or other evidence used to determine the boundaries of the subdivision.

9. The lot area in square feet for the consolidated lot.

b. The following data shall be shown on each sheet of the lot consolidation plat:

1. The name of the new consolidated lot.

2. Scale.

3. North arrow.

4. Sheet number and the total number of sheets comprising the lot consolidation plat.

c. A blank space shall be left at the top of the first page which is at least two and one-half inches by six and one-half inches in size.

d. A Computer-Aided-Design (CAD) file representing all information being submitted that complies with the CAD Standards for Subdivision Submittals maintained by the Transportation and Utilities Department shall be submitted to the Planning Director along with the lot consolidation plat.

Section 9. That Title 26 of the Lincoln Municipal Code be amended by adding a new section number 26.13.070 to read as follows:

26.13.070 Survey Requirements.

A land survey conforming to the requirements of Section 26.19.041 of this title is required to support the data furnished on all lot consolidation plats.

Section 10. That Section 26.19.031 of the Lincoln Municipal Code be amended to read as follows:

26.19.031 Data Required on a Final Plat.

(a) The final plat shall be accurately and legibly drawn and shall show the following:

(1) All survey and mathematical information with sufficient linear, angular, and curve data necessary to locate all existing and placed monuments and stakes, and to locate and retrace all lots, blocks, and parcels within the subdivision, and the boundary of the subdivision. Where the land being subdivided abuts on an existing plat, the distances, angles, and bearing of all common lines and the street centerline points shall be shown and any differences in measurements so noted.

(2) All dimensions on the final plat shall be to the nearest one-hundredth (.01) of a foot with such other information necessary to reproduce the final plat on the ground.

(3) Lot, outlot, and block lines. All such lines shall be shown and dimensioned.

(i) Where such lines are curved at street intersections, the length of tangents shall be shown.

(ii) Where such lines abut curvilinear streets, chord or arc distances shall be shown and noted.

(iii) All angles of deflection or bearings of such lines other than those which are at right angles to the centerline of a street or on a radial line of a curved street.

(4) Lot, outlot, and block identity. Within each block all lots shall be numbered in sequence, beginning with the number one and continuing consecutively throughout each block with no omission or duplication. All blocks shall be numbered in the same manner. Outlots shall be assigned an alphabetical letter beginning with the letter "A" and continuing consecutively through the alphabet. The proposed use of the outlot shall be designated on the plat.

(5) Areas to be dedicated or reserved for public use. For streets, private roadways, and other public ways within and adjacent to the subdivision, the location, name, centerline, centerline radius, length, and interior angle of horizontal curves, tangent length, and width. All areas shall be located and identified which are to be dedicated or reserved for public use, including park land and other public areas. All such parcels shall be outlots except streets dedicated to the public. A clear distinction shall be made as to which parcels are to be dedicated to the public from those parcels to be privately owned but reserved for public use.

(6) Location, width, and purpose of all required easements for storm drains, overland stormwater flow routes, flood corridors, detention/retention facilities, wastewater collectors, water mains, other public utilities, and other easements for public use.

(7) The elevations of any building or structure along flow routes indicating that no opening in the building or structure is subject to flooding at the post development flow route elevations.

(8) The location and identification of all section corners, section lines, monuments and stakes found and placed. The boundary lines shall be located in reference to existing official monuments. Describe the stakes, monuments, or other evidence used to determine the boundaries of the subdivision.

(9) The number of acres, the total number of lots and outlots within the subdivision, and the lot area in square feet for each lot and outlot.

(b) The following data shall be shown on each sheet of the final plat:

(1) The name of the subdivision. The use of ~~first~~ 1st, ~~second~~ 2nd, ~~third~~ 3rd, etc., for additions or subdivisions shall be made in sequence but only if the final plat is located adjacent to a plat with the same name. Only numerals 1st, 2nd, 3rd, etc. shall be used to designate subsequent additions. Spelled designations (i.e. First, Second, etc.) are not permitted.

(2) Scale.

(3) North arrow.

(4) Sheet number and the total number of sheets comprising the final plat.

(5) The name and number of the preliminary plat upon which the final plat is based. This information shall appear directly beneath the name of the final plat.

(c) A blank space shall be left at the top of the first page which is at least two and one-half inches by six and one-half inches in size.

(d) A Computer-Aided-Design (CAD) file representing all information being submitted that complies with the CAD Standards for Subdivision Submittals maintained by the

Transportation and Utilities Department shall be submitted to the Planning Director along with the final plat.

Section 11. That Section 26.23.040 of the Lincoln Municipal Code be amended to read as follows:

26.23.040 Street and Other Public Way Widths.

(a) The width of all rights-of-way shall conform to the widths prescribed herein and shall be determined pursuant to the comprehensive plan.

(b) The minimum right-of-way widths shall be as follows:

Classification	Width
Major streets	**As shown or described for such streets in the Comprehensive Plan***
Collector streets	**72 feet**
Local streets:	
Commercial, business, or industrial zoning district	66 or 72 feet (In accordance with design standards)
Residential	60 feet
Cul-de-sacs:	
Residential	60-foot radius
Commercial, business, or industrial	66- or 72-foot radius (In accordance with design standards)
Alleys	**20 feet**
Pedestrian ways	**15-foot easement for the sidewalk**
Bikeways, Detention Facility Access Way	**20-foot easement**
* The typical cross sections for major streets having a width of 120 feet and 130 feet are set out in Figures A, B and C at the end of this chapter.	

Section 12. That Section 26.27.080 of the Lincoln Municipal Code be and the same is hereby repealed.

~~**26.27.080 Landscape Screens.**~~

~~Landscape screens as required by the city shall be installed at the subdivider's expense as a buffer for the protection of residential properties along major streets, railroad rights-of-way, and land uses which are substantially different from that proposed in the subdivision. The design of~~

~~the landscape screen shall be reviewed and approved by the Planning Director in accordance with the design standards for landscape screens of the city on file with the City Clerk. The required landscape screens shall be installed on private property within the subdivision to be maintained by the subdivider, his heirs, successors, and assigns. The installation of the landscape screens shall be under the direction and subject to the approval of the director of parks and recreation. Notwithstanding the above, the landscape screen requirements are not required in that part of a subdivision located outside the city limits where all lots contain an area of one or more acres.~~

Section 13. That Chapter 27.60 of the Lincoln Municipal Code be amended by adding a new section numbered 27.60.070 to read as follows:

27.60.070 Clarifications During Review.

During the building permit review process the Planning Director may clarify, in writing, the intended application of any zoning or subdivision aspect of a development approved under Chapter 27.60 Planned Unit Development District. That written clarification shall serve as the basis for review of the building permit.

Section 14. That Chapter 27.63 of the Lincoln Municipal Code be amended by adding a new section numbered 27.63.035 to read as follows:

27.63.035 Clarification During Review.

During the building permit review process the Planning Director may clarify, in writing, the intended application of any zoning or subdivision aspect of a development approved under Chapter 27.63 Special Permits. That written clarification shall serve as the basis for review of the building permit.

Section 15. That Chapter 27.64 of the Lincoln Municipal Code be amended by adding a new section numbered 27.64.020 to read as follows:

27.64.020 Clarifications During Review.

During the building permit review process the Planning Director may clarify, in writing, the intended application of any zoning or subdivision aspect of a development approved under Chapter 27.64 Use Permits. That written clarification shall serve as the basis for review of the building permit.

Section 16. That Chapter 27.65 of the Lincoln Municipal Code be amended by adding a new section numbered 27.65.065 to read as follows:

27.65.065 Clarifications During Review.

During the building permit review process the Planning Director may clarify, in writing, the intended application of any zoning or subdivision aspect of a development approved under Chapter 27.65 Community Unit Plan. That written clarification shall serve as the basis for review of the building permit.

Section 17. That Sections 3 through 9 of this Ordinance shall be codified in the Lincoln Municipal Code as Chapter 26.13 entitled Procedure for Processing Lot Consolidation.

Section 18. That Sections 26.11.060, 26.19.031, and 26.23.040 of the Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

Section 19. This ordinance shall be published, within fifteen days after the passage hereof, in one issue of a daily or weekly newspaper of general circulation in the City, or posted on the official bulletin board of the City, located on the wall across from the City Clerk's office at 555 S. 10th Street, in lieu and in place of the foregoing newspaper publication with notice of passage and such posting to be given by publication one time in the official newspaper by the City Clerk. This ordinance shall take effect and be in force from and after its passage and

publication or after its posting and notice of such posting given by publication as herein and in the City Charter provided.

Introduced by:

_____

Approved as to Form & Legality:

_____
City Attorney

Approved this ___ day of _____, 2021:

_____
Mayor