Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

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Cindy Ryman Yost: Vice Chair
Lorenzo Ball
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Tracy Corr
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PLANNING STAFF

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

October 13, 2021

NOTICE: **The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, October 13, 2021, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.**

The Lincoln/Lancaster County Planning Commission will meet on Wednesday, October 13, 2021, at 12:00 p.m. in the Council Chambers, for a pre-briefing to Review the 2050 Comprehensive Plan/Long Range Transportation Plan Update. **Please Note Planning Commission briefings are for informational purposes only and no public testimony will be taken.**

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, OCTOBER 13, 2021

Approval of minutes of the regular meeting held September 29, 2021.

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

COMPREHENSIVE PLAN CONFORMANCE AND RELATED ITEMS:

1.1a COMPREHENSIVE PLAN CONFORMANCE 21020, to review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, an amendment to the North 56th Street & Arbor Road Redevelopment Plan to identify the "Central Lumber Sales Redevelopment Project," to include construction of a 122,500

square foot distribution facility, on generally located at N. 62nd Street and Arbor Road.
Staff recommendation: In Conformance with the Comprehensive Plan
Staff Planner: Rachel Christopher, 402-441-7603, rchristopher@lincoln.ne.gov

1.1b ANNEXATION 21006, to annex approximately 16.78 acres, more or less, on property generally located at North 66th Street and Arbor Road.
Page 17
Staff recommendation: Conditional Approval
Staff Planner: Rachel Christopher, 402-441-7603, rchristopher@lincoln.ne.gov

1.1c CHANGE OF ZONE 21042, from AG (Agriculture District) to I-1 (Industrial District), on property generally located at North 66th Street and Arbor Road.
Page 17
Staff recommendation: Conditional Approval
Staff Planner: Rachel Christopher, 402-441-7603, rchristopher@lincoln.ne.gov

1.1d PRELIMINARY PLAT 21004, for a preliminary plat consisting of one lot, on property generally located at North 66th Street and Arbor Road. ***** FINAL ACTION *****
Page 27
Staff recommendation: Conditional Approval
Staff Planner: Rachel Christopher, 402-441-7603, rchristopher@lincoln.ne.gov

CHANGE OF ZONES:

1.2 CHANGE OF ZONE 05054F, for an amendment to the Prairie Village North PUD (Planned Unit Development), for approval of a revised development plan which proposes modifications to the Zoning Ordinance and Land Subdivision Ordinance for single-family detached and attached lots north and south of Adams Street, on property generally located at North 84th and Adams Streets.
Page 39
Staff recommendation: Conditional Approval
Staff Planner: Rachel Christopher, 402-441-7603, rchristopher@lincoln.ne.gov

1.3 CHANGE OF ZONE 21040, from R-4 (Residential District) to R-3 (Residential District), on property generally located at North 104th Street and Shore Front Drive.
Page 53
Staff recommendation: Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

SPECIAL PERMITS:

1.4 SPECIAL PERMIT 11013C, to allow for soil excavation, on property generally located at NW 63rd and West O Streets. ***** FINAL ACTION *****
Page 61
Staff recommendation: Conditional Approval
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

1.5 SPECIAL PERMIT 21035, to allow for a residential healthcare facility for up to 32 residents, on property generally located at 3248 Starr Street.
Page 71
***** FINAL ACTION *****
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

2. REQUESTS FOR DEFERRAL:

3. ITEMS REMOVED FROM CONSENT AGENDA:

4. CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION:

CHANGE OF ZONE AND RELATED ITEM:

4.1a 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 81
Staff recommendation: Conditional Approval
Staff Planner: Stephanie Rouse, 402-441-6373, srouse@lincoln.ne.gov

4.1b 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 107
Staff recommendation: Conforms to the Comprehensive Plan
Staff Planner: Stephanie Rouse, 402-441-6373, srouse@lincoln.ne.gov

5. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

COMPREHENSIVE PLAN CONFORMANCE AND RELATED ITEM:

5.1a COMPREHENSIVE PLAN CONFORMANCE 21021, to review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, the South 48th Street Corridor Redevelopment Plan, a new Redevelopment Plan generally located adjacent to South 48th Street between L and A Streets, identifying the "Tabitha InterGen" Project, to provide independent senior housing options and housing opportunities for students enrolled in medical education programs on property generally located at South 48th and L Streets.
Page 115
Staff recommendation: In Conformance with the Comprehensive Plan
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

5.1b CHANGE OF ZONE 21037, from R-2 (Residential District) and R-4 (Residential District) to an R-2 and R-4 PUD (Planned Unit Development), with associated waivers, on property generally located at 4720 Randolph Street.
Page 125
Staff recommendation: Conditional Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

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

TEXT AMENDMENT:

5.2 TEXT AMENDMENT 21009, to amend Section 13.051(a), 13.051(a)(iv)(4)(a), and 13.051(a) (iv) (New Section 6) and 13.051(a)(vi) of the Lancaster County Zoning
Page 155

Regulations related to Solar Energy Conversion System.
Staff recommendation: Denial
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

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

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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

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

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

ACCOMMODATION NOTICE

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

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

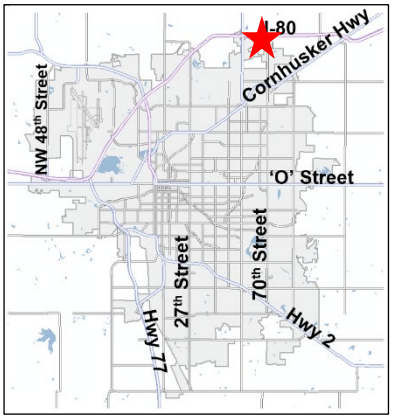
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER
Comprehensive Plan Conformance 21020 *Central Lumber Sales Redevelopment Project*	No	CLS, Inc.
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
October 13, 2021	None	N. 62nd Street and Arbor Road

RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

Review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, a proposed amendment to the North 56th Street & Arbor Road Redevelopment Plan that identifies the Central Lumber Sales Redevelopment Project. The Project is located on the north side of Arbor Road at approximately N. 62nd Street. It includes the construction of a 122,500 square foot distribution facility for wholesale building materials.



JUSTIFICATION FOR RECOMMENDATION

The Project is consistent with the Comprehensive Plan and the North 56th Street & Arbor Road Redevelopment Plan. It will provide for the retention and expansion of an existing local business and support continued economic development on this segment of Arbor Road.

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This project is consistent with the goals in the Comprehensive Plan that support retention and expansion of local businesses and siting new industrial and commercial uses within the designated areas identified on the future land use map.

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 1.9 The area is shown as Industrial on the Future Land Use map.

P. 4.7 - Entry Corridors and Public Art
- Preserve and enhance the character of key entry points and corridors into the City of Lincoln through enhanced landscaping and public art in rights-of-way, and respectful development of adjacent properties.

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. 5.5-5.6 - Commercial and Industrial Development Strategies
- It is the policy that Commercial and Industrial Centers in Lancaster County be located:
  - Within the City of Lincoln or incorporated villages.
  - Outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning).
  - Where urban services and infrastructure are available or planned for in the near term.
  - In sites supported by adequate road capacity — commercial development should be linked to the implementation of the transportation plan.
  - In areas compatible with existing or planned residential uses.
  - In existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and to more efficiently utilize existing infrastructure.
  - In areas accessible by various modes of transportation (i.e. automobile, bicycle, transit, and pedestrian).
  - So that they enhance entryways or public way corridors, when developing adjacent to these corridors.
  - In a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan.
  - Encourage public-private partnerships, strategic alliances, and collaborative efforts as a means to accomplish future economic objectives.

P. 5.16 - LPlan 2040 foresees the demand for nearly 1,400 acres of additional industrial property over the planning period.

NORTH 56th STREET & ARBOR ROAD REDEVELOPMENT PLAN SPECIFICATIONS:

P. 17 – Guiding Principles

- Areas that require redevelopment, including areas with obsolete land uses or un-resolvable land use conflicts, should be developed in ways that strengthen existing commercial and industrial investments. Stable areas or marginal areas with viable future uses should be targets for rehabilitation reinvestment.
- Separate, to the degree possible, local and through traffic movements.
- Establish defensible edges and smooth transitions between residential and non-residential uses. Use streets or green ways to provide boundaries, thus realizing the benefits of mixed use while protecting residential environments.
- Improve street landscaping, where possible, along parking lots or in conjunction with new developments.

- Encourage redevelopment and new development to occur as clusters or hubs with appropriate site design features that accommodate shared parking and ease of pedestrian movement within the site.
- Redevelopment should occur in ways that strengthen and support the existing business community in the Redevelopment Area.

P. 19 – Redevelopment Activities: Public Improvements

Infrastructure issues including utilities and streets impede new development throughout the Redevelopment Area and contribute to the blighting conditions.

- Future arterials in the Redevelopment Area are either gravel or county standard asphalt paving. Streets should be constructed in conjunction with redevelopment projects to enhance arterials and collectors or minor arterials, especially Alvo and Arbor Road.
- In conjunction with redevelopment projects, encourage street connections between developments to help maintain traffic flows and increase safety while continuing to provide needed access to new and existing businesses.
- In conjunction with redevelopment projects, encourage sidewalk construction within and between developments to help increase safety while continuing to provide needed pedestrian access to new and existing businesses.
- Trunk sewer improvements are needed from the Northeast Treatment Plant to serve the Redevelopment Area. Improvements such as lift stations may be necessary to feasibly serve some projects in the area. Funding in the CIP shall be authorized for these projects.
- Water main improvements programmed in the current CIP should go forward immediately including the installation of a 24" water main up North 56th Street to Arbor Road, a 16" main from North 56th Street to North 40th Street along Arbor Road. Future CIP projects shown in the draft 2006-2012 CIP should also go forward including a 16" water main extension eastward from North 56th Street to North 70th Street and a 24" main extension northward from North 56th Street and Arbor Road to approximately a ½ mile south of Bluff Road… These proposed water main extensions will serve the entire redevelopment area.

ANALYSIS

1. The property comprising the proposed project site is 16.78 acres comprised of the western portion of Lot 60 I.T. in Section 28-11-7. The Central Lumber Sales Redevelopment Project includes the redevelopment of an undeveloped, vacant parcel into an approximately 122,500 square foot distribution facility. Central Lumber Sales specializes in wholesale building materials. The Project will involve the relocation and consolidation of their facilities located within Lincoln and outside of Lancaster County into a single, larger location within Lincoln.
2. Located in northeast Lincoln, the Redevelopment Plan area contains approximately 1,873 acres generally bounded by Bluff Road on the north, Salt Creek on the south, N. 70th Street on the east, and N. 40th Street on the west. It includes the designated entryway corridor along Interstate 80 with a focus at the interchange of N. 56th Street and Interstate 80. The area consists primarily of commercial and industrial uses as well as a large amount of undeveloped land.
3. The goals of the project are to revitalize and strengthen the business community in the Redevelopment Area and make positive contributions to the removal of blight and substandard conditions. The site will include new structures and surface parking. No residential uses are proposed. Access will be taken from Arbor Road with associated intersection improvements. The site is currently outside City limits and zoned AG Agriculture. It will require annexation, change of zone, preliminary plat, and a final plat prior to development. Details such as lot layout, street improvements, grading and drainage will be addressed with the preliminary plat.
4. The estimated total cost to implement the project is expected to be more than $14 million, which will include approximately $2.5 million in public financing through Tax Increment Financing. The 2021 assessed value of the Project Site is approximately $61,000. The final assessed valuation of the Project Site is anticipated to be over $14 million. The Project is expected to generate approximately $290,000 in annual TIF revenue to assist with the cost

of the construction of public improvements and enhancements related to the Project. The public investment will leverage over $12 million in private sector resources.

5. The project went before the Urban Design Committee on September 7, 2021. They voted to approve it with a recommendation to consider using different building façade and fencing materials (see attached Urban Design Committee minutes).

6. The project supports the goals in the Comprehensive Plan for retaining existing businesses and use of public-private partnerships for economic development. The proposed land use fits the future industrial land use designation. The project is consistent with the goals of the North 56th Street and Arbor Road Redevelopment Plan pertaining to strengthening of the business community, attracting further development to this area, and elimination of blight and substandard conditions.

EXISTING ZONING: AG Agriculture District

EXISTING LAND USES: Agriculture

SURROUNDING LAND USE AND ZONING:

North: Interstate 80 and agriculture; AG
South: Rock crushing and agriculture; I-2 and AG
East: Agriculture; AG
West: Future commercial; H-4

APPROXIMATE LAND AREA: 16.78 acres

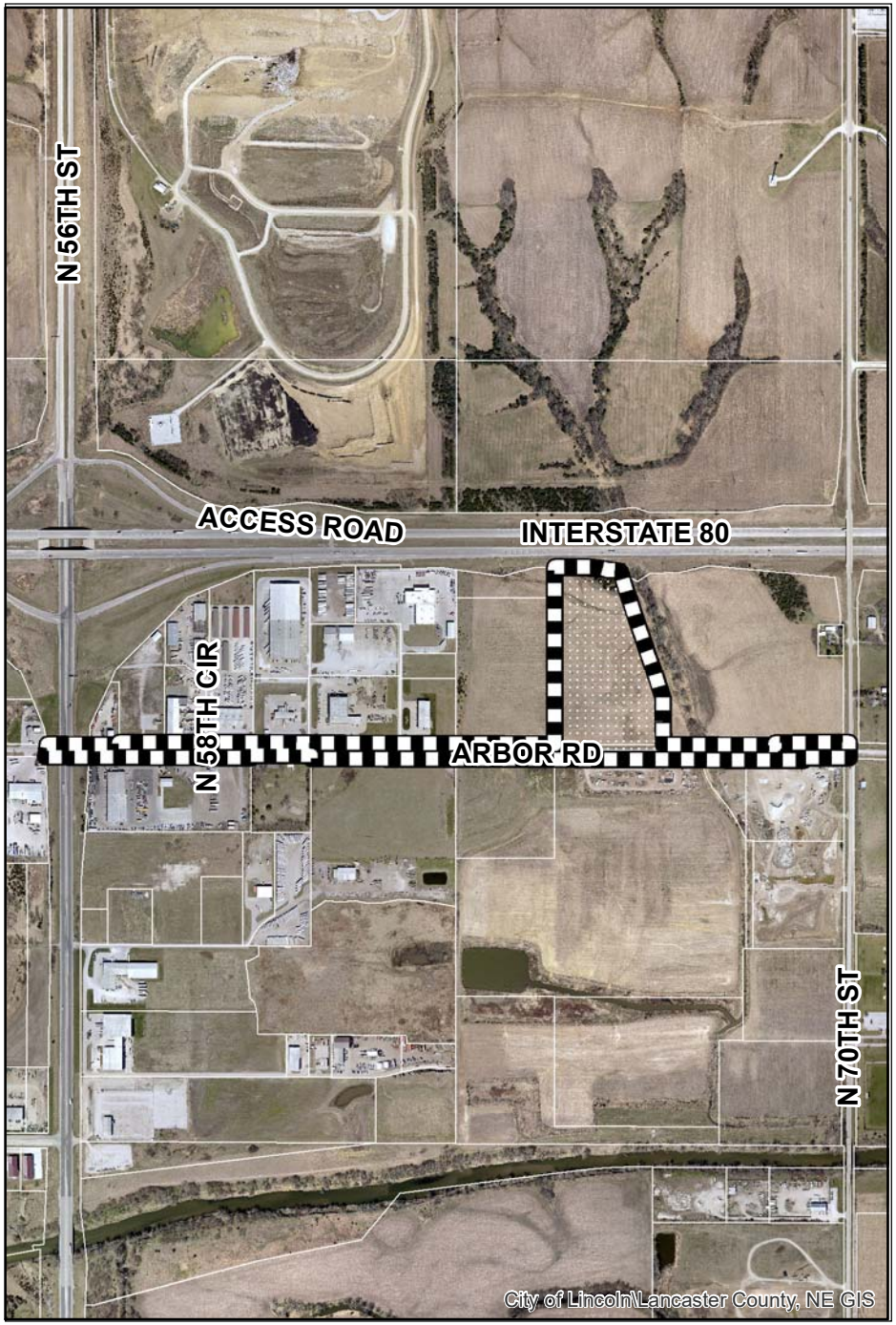
Prepared by

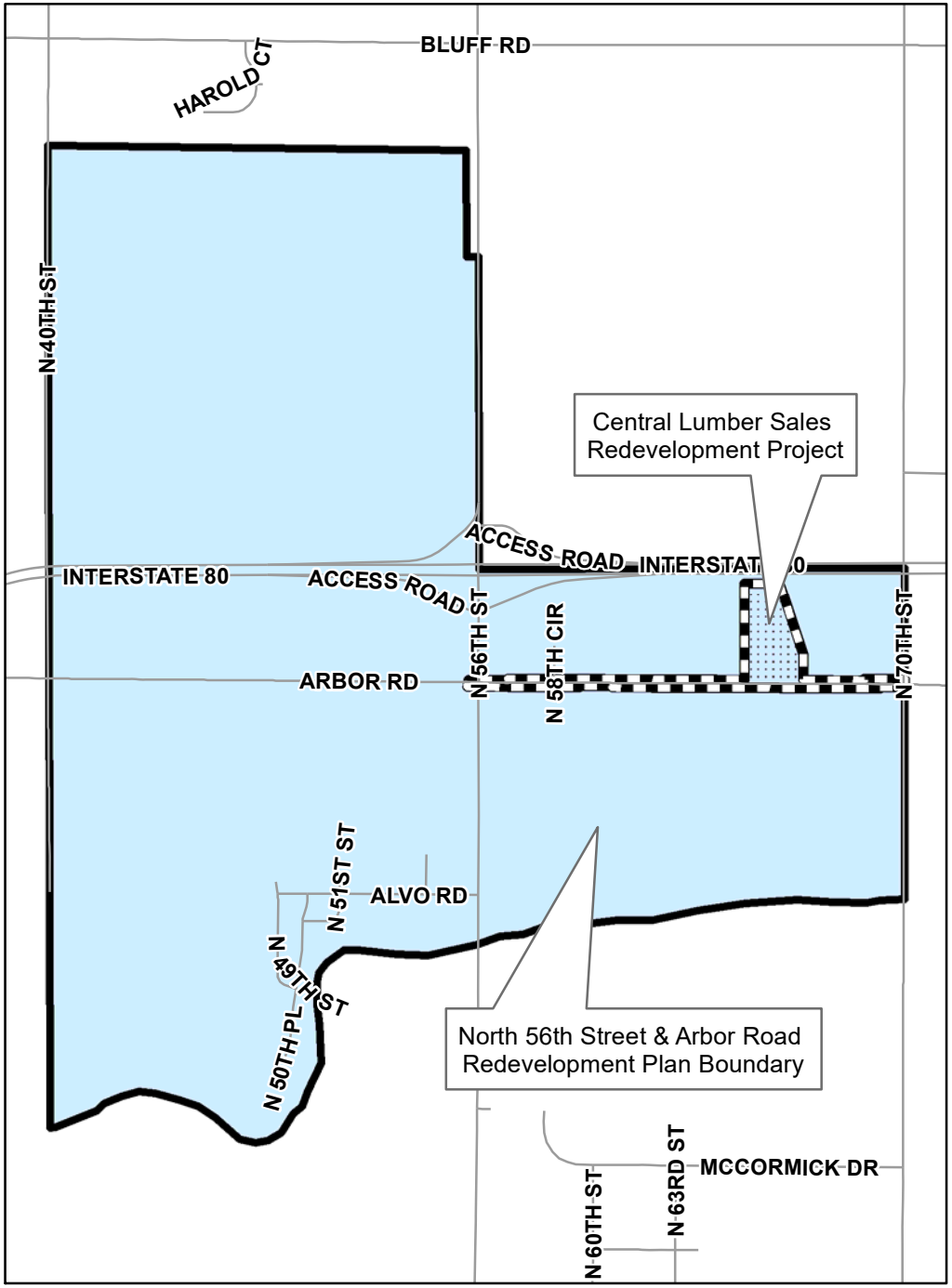
_____
Rachel Christopher, AICP

October 1, 2021

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

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





Comprehensive Plan Conformance #21020

North 56th Street & Arbor Road Redevelopment Plan
Central Lumber Sales Redevelopment Project

2020 aerial

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AMENDMENT TO THE
NORTH 56TH STREET & ARBOR ROAD REDEVELOPMENT PLAN
Central Lumber Sales Redevelopment Project

Project Description

The Central Lumber Sales Redevelopment Project (the "Project") is located on the west 16.78 acres of Lot 60, Irregular Tract located in the Northeast Quarter of Section 28, Township 11 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, located north of Arbor Road between North 56th Street and North 70th Street, as shown on the attached Exhibit "A" (the "Project Site"). The Project Area includes the Project Site and the adjacent rights of way as shown on the Project Area map on the right.

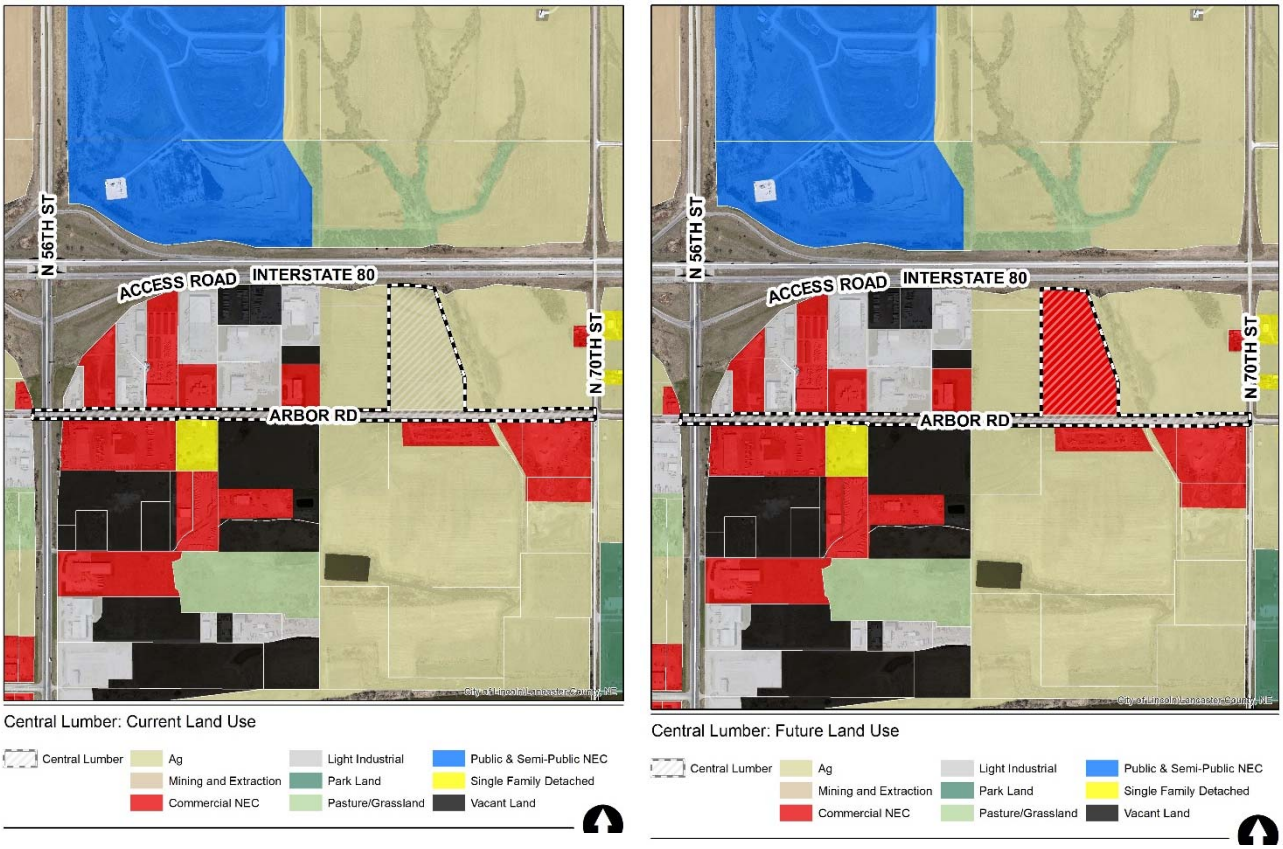
Central Lumber: Project Area

Central Lumber

The Project includes the construction of a 122,500 square feet distribution facility for Central Lumber Sales ("CLS"), a wholesale building materials distributor. The Project will involve the relocation and consolidation of CLS employees and facilities located within Lincoln and outside of Lancaster County into a single, larger location within Lincoln. The consolidation and expansion are necessary for the business to increase efficiency and stay competitive in its business market. CLS's major competitors are headquartered in Wisconsin, South Dakota, Minnesota and Missouri, and have additional facilities in Kansas and Iowa. No competitors are located in Nebraska.

The overall goals of the Project are to remove blighted and substandard conditions through the extension of public utilities and other infrastructure to serve the Project Site and the surrounding parcels, to provide for orderly subdivision in the redevelopment area, to support the retention and expansion of an existing local business, and to make a positive contribution to the economic and physical growth of the N. 56th Street and Arbor Road Redevelopment Area and the Lincoln community.

The proposed use fits well with surrounding land uses, which include highway commercial , industrial, warehouse, and commercial vehicle sale and repair. See the Current Land Use Map and Future Land Use Map below.



Section 18-2113 of the Community Development Law requires the City to review the Project and find that the proposed land uses and building requirements for the Project Area are designed with the general purpose of accomplishing, in conformance with the general plan, a coordinated, adjusted, and harmonious development of the City and its environs, which will, in accordance with the present and future needs, promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development. The Project is consistent with *LPlan 2040, the Lincoln-Lancaster County 2040 Comprehensive Plan*, particularly its Vision Statement for Economic Opportunity set forth in Chapter 1. It accomplishes the specific goal of retaining and encouraging existing businesses to flourish within Lincoln. The Project is also consistent with the guiding principles identified in Chapter 5 for Business and Economy which include focusing primarily on retention and expansion of existing businesses; promotion of appropriate, balanced and focused future economic growth that maintains the quality of life in the community; and provide flexibility in the marketplace in siting future commercial and industrial locations.

The Project Site is located within the "AG" Agriculture zoning district and will require a change of zone to "I-1" Industrial district.

The Project is consistent with the *North 56th Street & Arbor Road Redevelopment Plan*. The Project is located within the southeast quadrant of the North 56th Street and Arbor Road Redevelopment Area. It will include an orderly subdivision with proper design for grading, drainage, utilities, streets and access within the Redevelopment Area. The Project will support and strengthen existing commercial and industrial investments within the Area.

The Project represents a significant private investment in the North 56th Street and Arbor Road Redevelopment Area. Publicly funded redevelopment activities may include site preparation, demolition, construction of street improvements and public utilities, façade/building enhancements, energy efficiency enhancements, streetscape improvements, and other public improvements, enhancements, and expenses as permitted under Neb. Rev. Stat § 18-2117.03, and the Community Development Law in the North 56th Street and Arbor Road Redevelopment Area.

Statutory Elements

Property Acquisition, Demolition, and Disposal: The City does not intend to acquire property, nor would it use eminent domain if it did acquire property for this Project. The redeveloper has a contract to purchase the land in the Project Area that will be improved and prepared for the new structure.

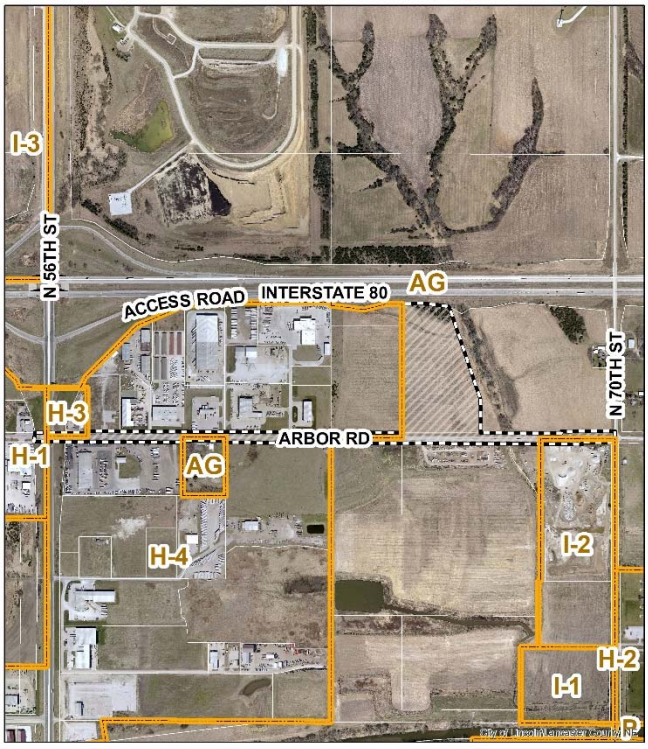
Population Density: The Project will not impact population density in the North 56th Street & Arbor Road Redevelopment Area.

Land Coverage: Land coverage will be altered with the Project. The new building will cover approximately 122,500 square feet of the Project Site. Total buildings and paving for the Project are anticipated to cover approximately 307,000 square feet of the Project Site. The Project will comply with the applicable land-coverage ratios and zoning requirements of the City of Lincoln.

Traffic Flow, Street Layouts, and Street Grades: The Project will increase traffic flow resulting from employees of the business traveling to and from the Project Site. It will require an access point to Arbor Road and associated intersection improvements. The redeveloper may seek to make changes in the rights of way to accommodate access to the site. The Project does not include vacating any streets or alleys.

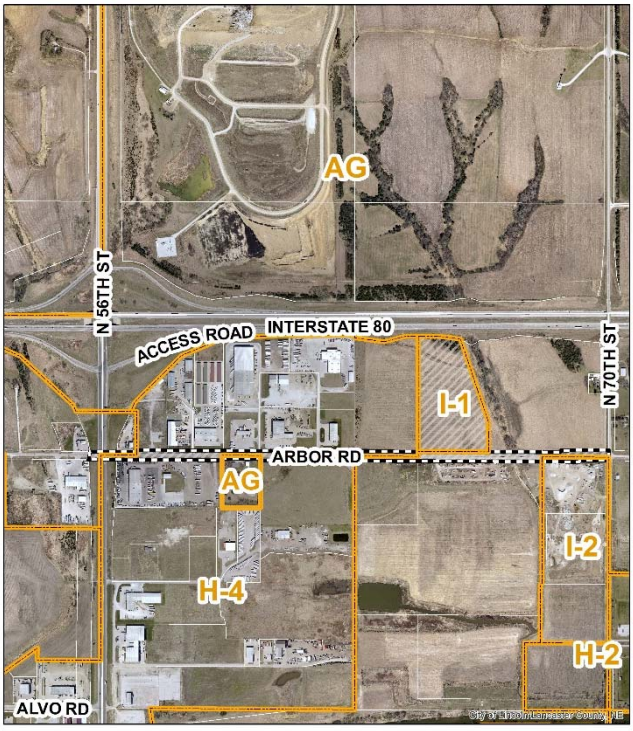
Parking: The Project proposes a total of 49 new surface parking stalls. All required parking will be provided on site. No on-street parking will occur around the site.

Zoning, Building Code, and Ordinances: The Project with require a change of zone, preliminary plat, annexation and a final plat. The Development Services Center will work with the redeveloper to ensure that applicable zoning and subdivision ordinances and building code requirements will be satisfied. See the Current Zoning Map and Future Zoning Map below.



Central Lumber: Current Zoning

Central Lumber Zoning



Central Lumber: Future Zoning

Central Lumber Zoning

Proposed Costs and Financing

The estimated total cost to implement the Project is expected to exceed $14 million, which includes approximately $2,500,000 in public funding. The Project cost will be finalized as construction costs are determined. The source of public funds for these improvements will be the tax increment generated from the private developments on the Project Site. Funding sources and uses will be negotiated and identified in the redevelopment agreement, subject to approval by the Mayor and City Council.

Lincoln Public Schools

The Project, because it does not include any residential dwelling units, and should have no impact on student populations in Lincoln Public Schools.

Cost-Benefit Analysis

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

Tax Revenues

The 2021 assessed value of the Project Site is approximately $61,000. The final assessed valuation of the Project Site is anticipated to be over $14 million. The Project is expected to generate approximately $290,000 in annual TIF revenue to assist with the cost of the construction of public improvements and enhancements related to the Project. The public investment will leverage over $12 million in private sector resources. The TIF funds will be subject to further adjustment as Project costs are defined.

The City will forgo approximately 15.78 percent of these annual collections over 15 years to support the Project. The tax increment gained from this Project Area would not be available for use as City general tax revenues over that time but be used toward bond repayment. After the debt has been retired, the increase in annual taxes paid will be split among the taxing jurisdictions according to the tax levy.

Public Infrastructure and Community Public Service Needs Impacts
Public infrastructure will be enhanced to support the continued redevelopment of North 56th Street and Arbor Road Redevelopment Area. City involvement may include site preparation; sanitary sewer and other utility improvements; the construction of street and streetscape amenities; other public right-of-way improvements; energy efficiency and sustainability improvements; façade improvements; and other related public improvements.

Employment within the Project Area
Forty-Three employees will occupy the new building. Construction employment will also be supported/generated related to the construction of the private property and related public improvements.

Employment in the City outside the Project Area
Approximately 143,596 people were employed in 8,659 private business establishments in Lancaster County in 2018, according to the Census, County Business Patterns, North American Industry Classification System. The 2018 median household income for the City of Lincoln was $55,224, according to the 2014-2018 American Community Survey 5-year estimates.

The Project is not expected to adversely affect employment in the City. Instead, the removal of extremely blighted and substandard conditions from the Project Site and the North 56th Street and Arbor Road Redevelopment Area is anticipated to enhance the aesthetics of the Redevelopment Area. As a result, it is anticipated that the Project will support current retail and services in the area, which will support jobs in the Redevelopment Area and the City of Lincoln as a whole.

Other Impacts
While the use of tax increment financing will defer the majority of the incremental ad valorem real property taxes generated by the Project for up to 15 years, there will be additional revenue generated by the Project from, for example, sales taxes generated by CLS, as well as income taxes paid by those working in the Project Area. Upon completion of the 15-year TIF period, the Project will benefit the community through higher property tax revenue.

Finding of Need for TIF
Section 18-2116 of the Community Development Law requires the City Council to make the following findings before authorizing the use of Community Development Financing:

- The redevelopment Project and plan as proposed would not be economically feasible without the use of Tax Increment Financing; and,
- The redevelopment project as proposed would not occur in the Community Development area without the use of Tax Increment Financing.
  The Urban Development Department believes that the private and public improvements proposed in this Plan Amendment would not occur "but for" the utilization of tax increment financing in the North 56th Street and Arbor Road Redevelopment Area. It would not be economically feasible for the redeveloper to construct the Project improvements without

tax increment financing because the existing site conditions constitute a barrier to development that cannot be adequately remedied without the use of tax increment financing.

Further, as this property is located outside the boundaries of the City, the City Council must make a determination as to whether the acquisition and development of the Project Area is necessary or convenient to the proper clearance or redevelopment of the adjacent substandard and blighted area on the edge of the City. Current infrastructure in the area west of the Project Area along Arbor Road is aging and inadequate to facilitate further redevelopment in the area. Arbor Road is currently a rural paved section of roadway without turnlanes and other traffic control improvements that will otherwise facilitate the orderly movement of vehicles traveling to and from the adjacent commercial properties. Likewise, additional sanitary sewer and water mains are necessary to better serve existing businesses and to allow for additional commercial development in the area. Projects such as the one described above will promote and incentivize additional development along Arbor Road, and that will, in turn, make it feasible for the City to invest in streets, water, and sanitary sewer improvements to serve the Project Area and to generally improve the infrastructure serving the surrounding blighted and substandard area.

Project Schedule and Implementation

Following the approval of the Plan Amendment, the following steps will occur in the implementation of the Project:

- The redeveloper will work with the Development Services Center to annex, rezone, preliminary plat and final plat the Project Site.
- The City will negotiate a redevelopment agreement with the redevelopers. It will be submitted to City Council for approval concurrent with or after the Project Area has been annexed.
- Following agreement approval, the City may issue and sell Community Improvement Financing bonds or notes to fund the public improvements related to the Project.
- Construction drawings of public and private improvements will be reviewed.
- TIF-funded public improvements will be identified and competitively bid, as needed and required by the Purchasing Department.
- The private and public improvements and enhancements will be constructed.
- Reimbursement for eligible public improvements and enhancements will occur when invoices have been approved, and the increment is received.

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

Dear David:

Enclosed is an amendment to the North 56th & Arbor Road Redevelopment Plan that identifies the Central Lumber Sales Redevelopment Project. The project includes the construction of a 122,500 square feet distribution facility. Central Lumber Sales is a wholesale building materials distributor and the project relocates the existing business location and consolidates employees into one larger facility. The project is generally located at 62nd & Arbor Road.

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

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

Sincerely,

Ernie Castillo

Cc: Dan Marvin, Director, Urban Development Department
Dallas McGee, Urban Development Department

Excerpt of
MEETING RECORD

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

NAME OF GROUP:	URBAN DESIGN COMMITTEE
DATE, TIME AND PLACE OF MEETING:	Tuesday, September 7, 2021, 3:00 p.m., County-City Building, City Council Chambers, 555 S. 10th Street, Lincoln, NE.
MEMBERS IN ATTENDANCE:	Jill Grasso, Peter Hind, Tom Huston and Michelle Penn; (Emily Deeker, Gil Peace and Michelle Penn absent).
OTHERS IN ATTENDANCE:	Paul Barnes and Teresa McKinstry of the Planning Dept.; Aaron Burd with L.A. Real Estate; Kurt Suhr with Architecture One; Cristy Joy with Archi+ etc., Jim Geasler, Rick Onnen, Gary Tucker and DaNay Kalkowski; Joy Ebmeier with Tabitha; Erin Dobesh with Davis Design; and other interested citizens.

CENTRAL LUMBER REDEVELOPMENT

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

Cristy Joy appeared to talk about Central Sales new distribution facility. They will be amending the Redevelopment Agreement for 56th and Arbor Rd. There are some process items as we move forward. They are looking at rezoning from AG to industrial and being annexed into the City. This also consolidates multiple facilities for Central Sales bringing into Lincoln. approximately 43 employees. They have access off Arbor Rd. It will be a 122,550 square foot facility. It will be a pre-engineered building. The site location will have 50 parking stalls. She tried to focus the southeast corner to be pedestrian and vehicular and approach the southwest for truck traffic. They will locate 20 plus Crimson Oak Spire, 16 plus White Oaks and focus the design to the entry corridor on Arbor Rd. They are keeping some existing vegetation with natural landscaping and grasses toward the northwest and east side of the site. As you approach the entry, they are using low grow Junipers and perennials in the islands. They have allowed enough area to the west for future expansion. She showed the exterior elevations. The south will be the main entry on the southeast side of the facility. There will be simulated stone. They are doing a cool gray on the building. The

entry piece will have cool gray and the main portion of the building will be lighter colored with cool shell gray. This is the skin that will be on the insulated panel. The main portion of the roof is a galvalume product. They are using MR24 by Butler Manufacturing. They are using a fine line corrugated design so a clean look is maintained while providing a nice exterior pattern. Exterior doors will be white. The main entry door is clear anodized aluminum. The walk-in doors will match the panel colors. The main canopy columns will be wrapped with simulated stone. The roof will be cool white. She showed how the roof slope works with the building. Windows are toward the top of the building. This is a facility that is designed to last a long time. It provides quick and easy access to I-80.

Grasso inquired about signage. Gary Tucker stated there will be no additional signage on site or the walls of the building. Penn understands there is signage on the street side and one on Arbor Rd. Tucker reiterated that they plan no additional signage.

Penn inquired about the site plan. Joy stated to the north is a fenced storage area. To the north of that is for future expansion. Grasso asked about the type of fencing. Joy responded it is chain link.

Penn is familiar with the road. Do they plan on traffic coming from I-80? Tucker stated they have deliveries with semi-trucks. These are not local deliveries. They frequently use Interstate 80. Joy believes it is in the plan to update that road. Camping World will go to the west of this site with an end of October completion date. She believes this road has plans to be updated.

Huston believes this is an industrial property with no site design requirements. It is in a redevelopment area. He inquired if the applicant will be using TIF (Tax Increment Financing). Joy replied yes. Huston noted they have talked about having general standards but aren't there yet.

Penn believes the general design intent is there. There is the antique mall and sporting event building. There is precedent in the area.

Hind has taken the position that buildings getting TIF, he has problems with a simulated stone façade. He would be happy to share his many failure photographs with the applicant. The climate and salt are detrimental to the product. He is unsure about gluing it onto a metal building. There can also be a problem with this material meeting the ground. He takes issue with simulated stone and encouraged the applicant to think through it. Other than that, the expansion is smart and thoughtful.

Grasso agreed with Hind. The color is varied. This is a metal building. She would be cognizant of the view from the interstate. She thinks it is a great location for the building.

Huston likes the stone. He believes it identifies with the office area. Hind just has an issue with simulated stone. Huston believes it is the owner's choice to make the selection. He would support this.

Penn commented she likes the porch area. It adds some solar benefit to the south. She is trying to remember, there is somewhat of a grain belt area on the east side that might be captured for employees. The fence is not the most exciting. It would be nice if it was a better building product. Huston is not sure how visible that would even be. At one point, the City was talking about entryway corridor standards. Joy noted this is not an urban corridor entryway from what she was told.

ACTION:

Hind moved approval with the suggestion that the applicant rethink the simulated stone and chain link fencing, seconded by Huston.

Penn wondered if this will be seen from the Interstate. Joy replied yes, but it is very far away. The simulated stone is on the wall construction with metal panel next to it. The metal panel is insulated so there is thermal dynamics. They wanted to emphasize where people touch the building.

Penn likes the solar white roof.

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

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

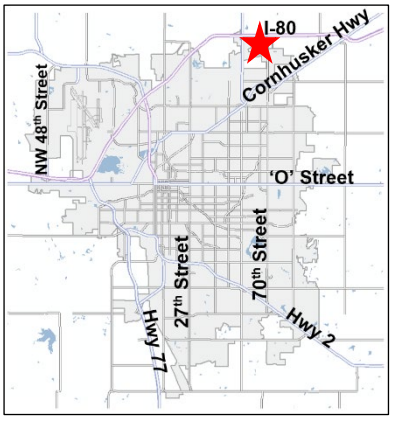
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER
Annexation #21006 Change of Zone #21042	No	Central Land Investments, LLC
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
October 13, 2021	Preliminary Plat #21004 Comprehensive Plan Conformance #21020	N. 66th Street and Arbor Road

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a combined staff report for an annexation and change of zone from AG Agriculture District to I-1 Industrial District. The proposed annexation and change of zone include 16.78 acres comprised of a portion of one irregular tract. Site layout and grading plan details were submitted with the related application for CLS Addition Preliminary Plat #21004.



JUSTIFICATION FOR RECOMMENDATION

The property to be annexed is contiguous to the City limits on the west. It is located in the Tier I, Priority B Growth Area which is appropriate for annexation. The proposed zoning conforms to the Future Land Use Map in the Comprehensive Plan.

APPLICATION CONTACT
Rick Onnen
(402) 420-7217
ronnen@eacg.com

STAFF CONTACT
Rachel Christopher
(402) 441-7603
rchristopher@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The requested annexation and change of zone are consistent with the 2040 Comprehensive Plan, which identifies future industrial land uses and classifies this site within Growth Tier I, Priority B. Priority B includes areas designated for development in the first half of the planning period (to 2026) and generally contiguous to existing development.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

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

P. 4.8 - This application is located along a Primary Entryway Corridor (Interstate 80).

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.

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

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

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

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

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

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

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

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

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

ANALYSIS

1. This request is to annex 16.78 acres with a change of zone from AG to I-1 on property located at N. 66th Street and Arbor Road.

2. The annexation area is contiguous to the City limits on the west. The proposed change of zone is in conformance with the future land use map in the Comprehensive Plan which designates this area for industrial uses. Industrial zoning is appropriate based on the future industrial designation and fits the existing pattern of highway commercial and industrial zoning along Arbor Road.

3. A Conditional Zoning and Annexation Agreement will accompany the applications at the City Council. The agreement will outline the required improvements and right-of-way dedication which are also discussed in the staff report for Preliminary Plat #21004.

4. The following describes the availability of utilities and services in this area:

    a. Topography: The site generally declines about 20 feet in elevation from east to west.

    b. There is a 16" water main in Arbor Road abutting the application area. At this time, there is not sanitary sewer available to the site, but there is a plan by the adjacent property owners to cooperate and extend the sanitary from its current location near Salt Creek.

    c. Emergency Services: The portion of the site outside City limits is within the Waverly Fire District. After annexation, fire protection would be provided by Lincoln Fire and Rescue (LFR). There is no necessary reimbursement in order for the city fire department to serve this area after annexation. The nearest LFR stations are at 4221 N. 24th Street and 3640 Touzalin Avenue.

    d. Parks and Trails: A future trail is planned on the south side of Arbor Road.

    e. Traffic: Arbor Road is an unimproved minor arterial street constructed as a paved two-lane road. Arbor Road would be annexed adjacent to this site. The Conditional Annexation and Zoning Agreement will require the construction of a single access point on Arbor Road, to be located at approximately N. 66th Street. City standards would require right and left turn lanes in Arbor Road at the access point. The final improvements are being determined by Lincoln Transportation and Utilities in coordination with other development interests along Arbor Road between N. 56th Street and N. 70th Street. The improvements will be formalized in the draft agreement prior to scheduling the items with the City Council.

5. Growth Tier I reflects the "Future Service Limit" where urban services and inclusion in the City limits is anticipated within the 30-year planning period. Tier I includes three Priority Areas for phasing development. Priority A is comprised of undeveloped land within the City limits, as well as areas that are not yet annexed but which have approved preliminary plans such as preliminary plats, use permits, community unit plans, or planned unit developments. Priority B Areas designated for development in the first half of the planning period (to 2026) are generally contiguous to existing development and should be provided with basic infrastructure as they develop. Some of the infrastructure required for development may already be in place.

EXISTING LAND USE & ZONING: Agriculture; AG

SURROUNDING LAND USE & ZONING

North: Interstate 80 and agriculture; AG
South: Agriculture; AG (approved Preliminary Plat #16005 for future I-2 Industrial development)
East: Agriculture and acreage residential; AG
West: Commercial; H-4

APPLICATION HISTORY

January 1995	Special Permit #1530 for sand, gravel and soil excavation was approved by the Planning Commission for a period of one year (expired Jan. 1996).
May 1999, May 2004	Special Permits #1763 and 1763A for sand, gravel and soil excavation were approved by the Planning Commission with several administrative time extensions (expired May 2010).

APPROXIMATE LAND AREA: 16.78 acres

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District 1

CONDITIONS OF APPROVAL: See attached.

LEGAL DESCRIPTION: See attached.

Prepared by

_____
Rachel Christopher, AICP

Date: October 1, 2021

Owner: Jack A. and Marie A. Herbert Trust
8410 Navajo Trail
Lincoln, NE 68520
(402) 489-6088
marjackher@msn.com

Applicant: Central Land Investments, LLC c/o Jim Giesler
3409 S. 29th Street
Lincoln, NE 68502
(402) 525-3972
Jim.g@go2cls.com

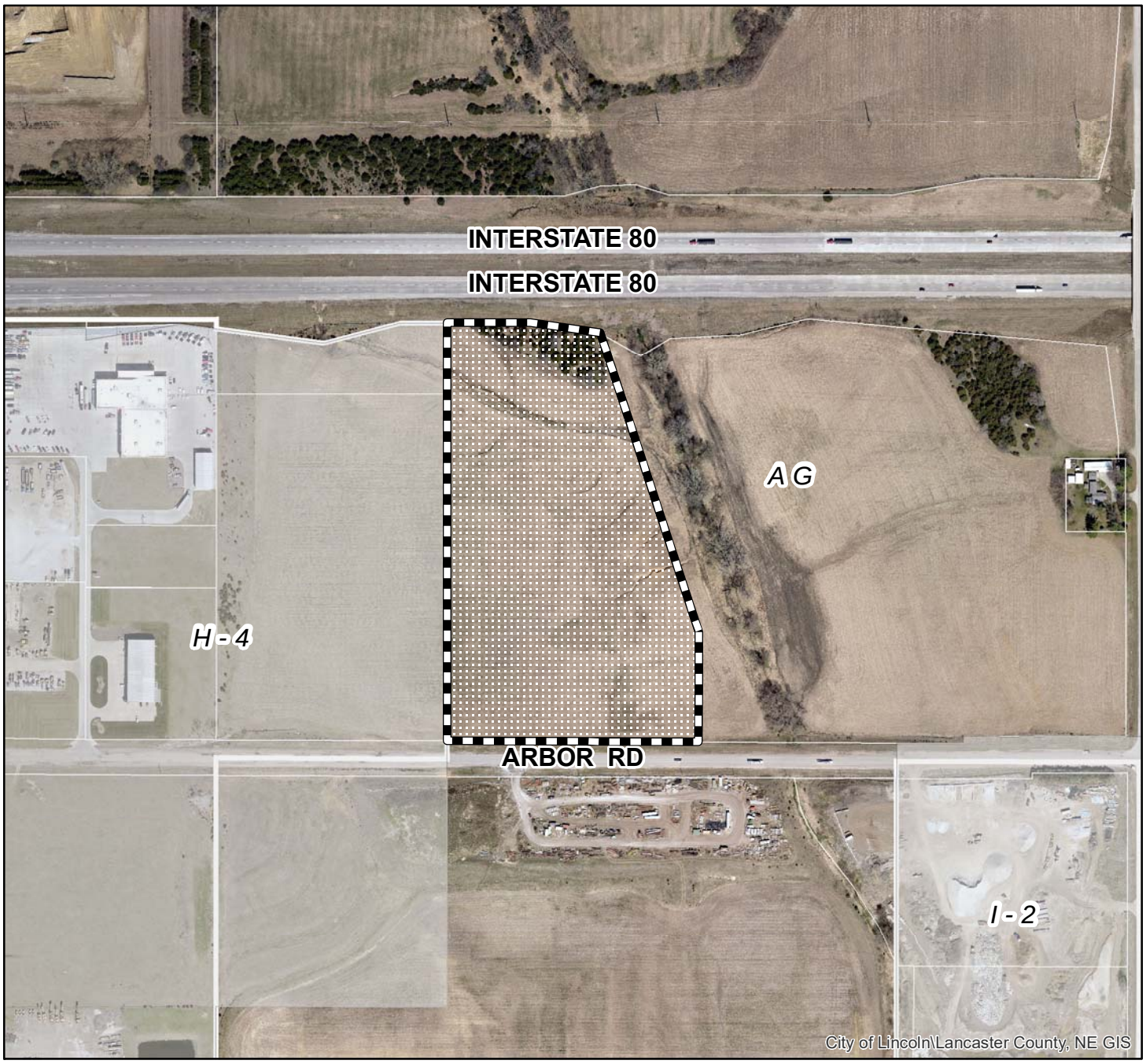
Contact: Rick Onnen
E & A Consulting Group, Inc.
701 O Street, Suite 400
Lincoln, NE 68508
(402) 420-7217
ronnen@eacg.com

https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/AN/21000/AN21006, CZ21042 CLS Addition.rkc.docx

CONDITIONS OF APPROVAL
ANNEXATION #21006 AND CHANGE OF ZONE #21042

Before the City Council approves the annexation:

The applicant signs a Conditional Zoning and Annexation Agreement.



2020 aerial

Change of Zone #: CZ21042, Annexation #: AN21006, and Preliminary Plat #: PP21004
CLS Addition
N 70th St & Arbor Rd

Zoning:

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

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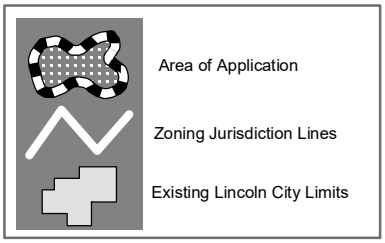
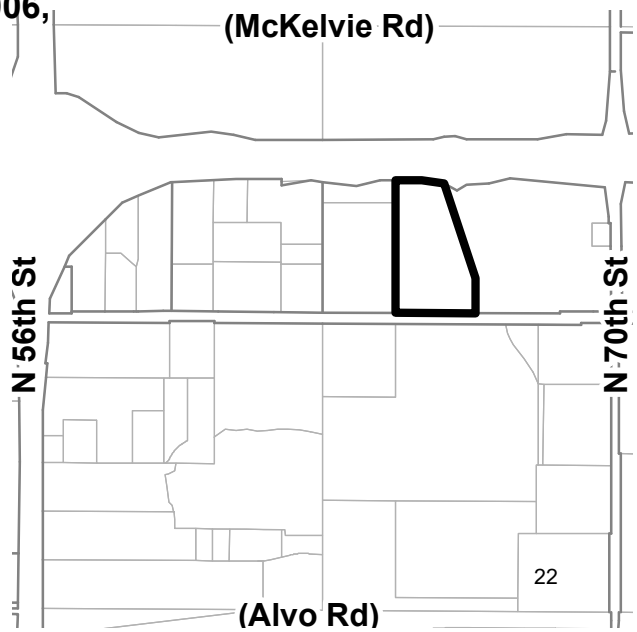
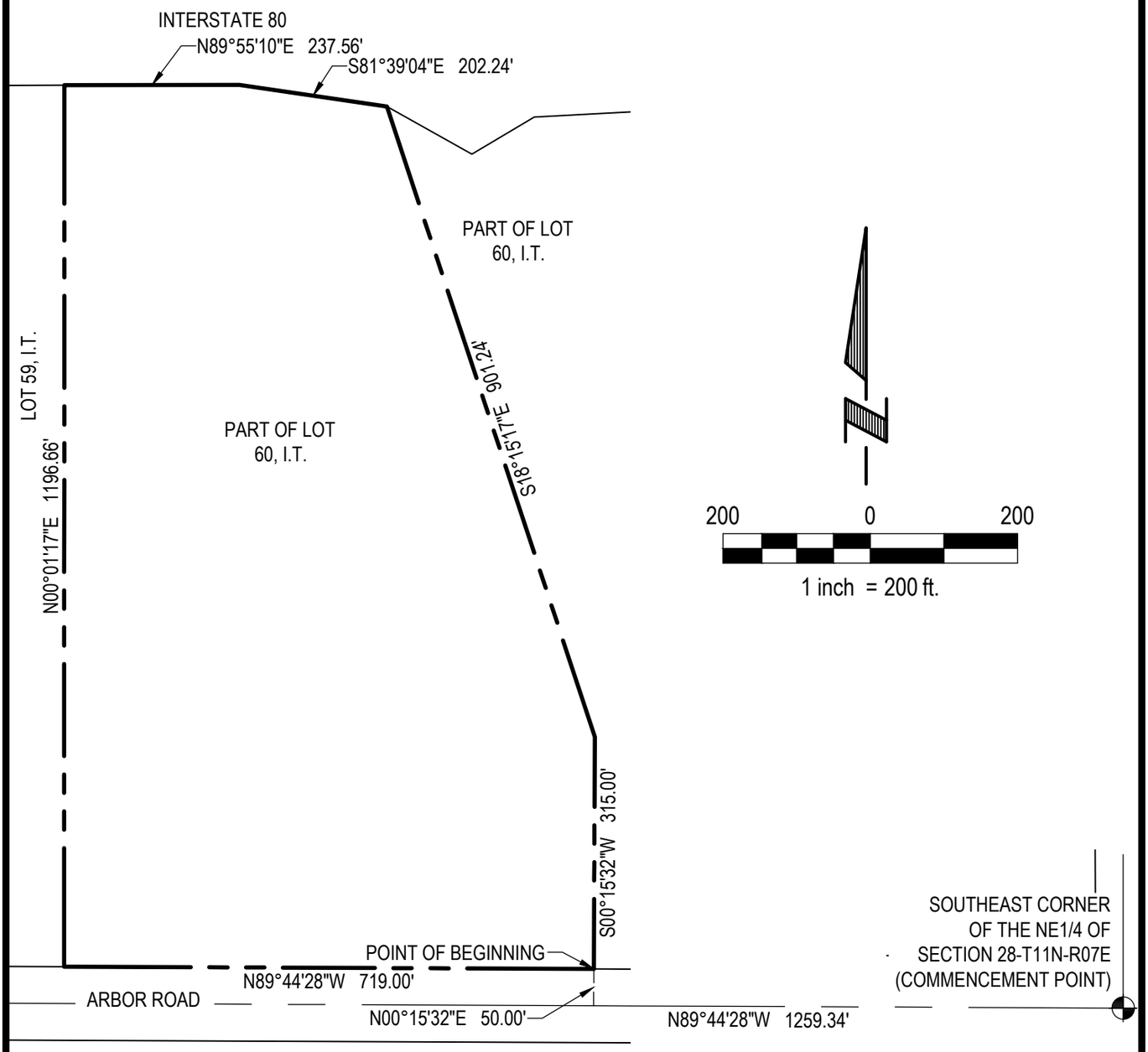
One Square Mile:
Sec.28 T11N R07E





File: C:\GIS\Projects\DevelopmentReview\AgendaDrawings\mxd\Agendadrawings.mxd (CZ21042, AN21006 & PP21004)

EXHIBIT "A"



LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN PART OF LOT 60, I.T., AN IRREGULAR TRACT LOCATED IN PART OF THE NE1/4 OF SECTION 28, TOWNSHIP 11 NORTH, RANGE 07 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NE1/4 OF SECTION 28; THENCE N89°44'28"W (ASSUMED BEARING) ALONG THE SOUTHERLY LINE OF SAID NE1/4 OF SECTION 28, A DISTANCE OF 1,259.34 FEET; THENCE N00°15'32"E, A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 60, I.T., SAID LINE ALSO BEING THE NORTHERLY RIGHT-OF-WAY LINE OF ARBOR ROAD, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE N89°44'28"W ALONG SAID SOUTHERLY LINE OF LOT 60, I.T., SAID LINE ALSO BEING SAID NORTHERLY RIGHT-OF-WAY LINE OF ARBOR ROAD, A DISTANCE OF 719.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 60, I.T., SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 59, I.T.; THENCE N00°01'17"E ALONG THE WESTERLY LINE OF SAID LOT 60, I.T., SAID LINE ALSO BEING THE EASTERLY LINE OF SAID LOT 59, I.T., A DISTANCE OF 1,196.66 FEET TO THE NORTHWEST CORNER OF SAID LOT 60, I.T., SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID LOT 59, I.T., SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 80; THENCE ALONG THE NORTHERLY LINE OF SAID LOT 60, I.T., SAID LINE ALSO BEING SAID SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 80 THE FOLLOWING TWO (2) DESCRIBED COURSES: (1) THENCE N89°55'10"E, A DISTANCE OF 237.56 FEET; (2) THENCE S81°39'04"E, A DISTANCE OF 202.24 FEET; THENCE S18°15'17"E, A DISTANCE OF 901.24 FEET; THENCE S00°15'32"W, A DISTANCE OF 315.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 730,934 SQUARE FEET OR 16.780 ACRES, MORE OR LESS.

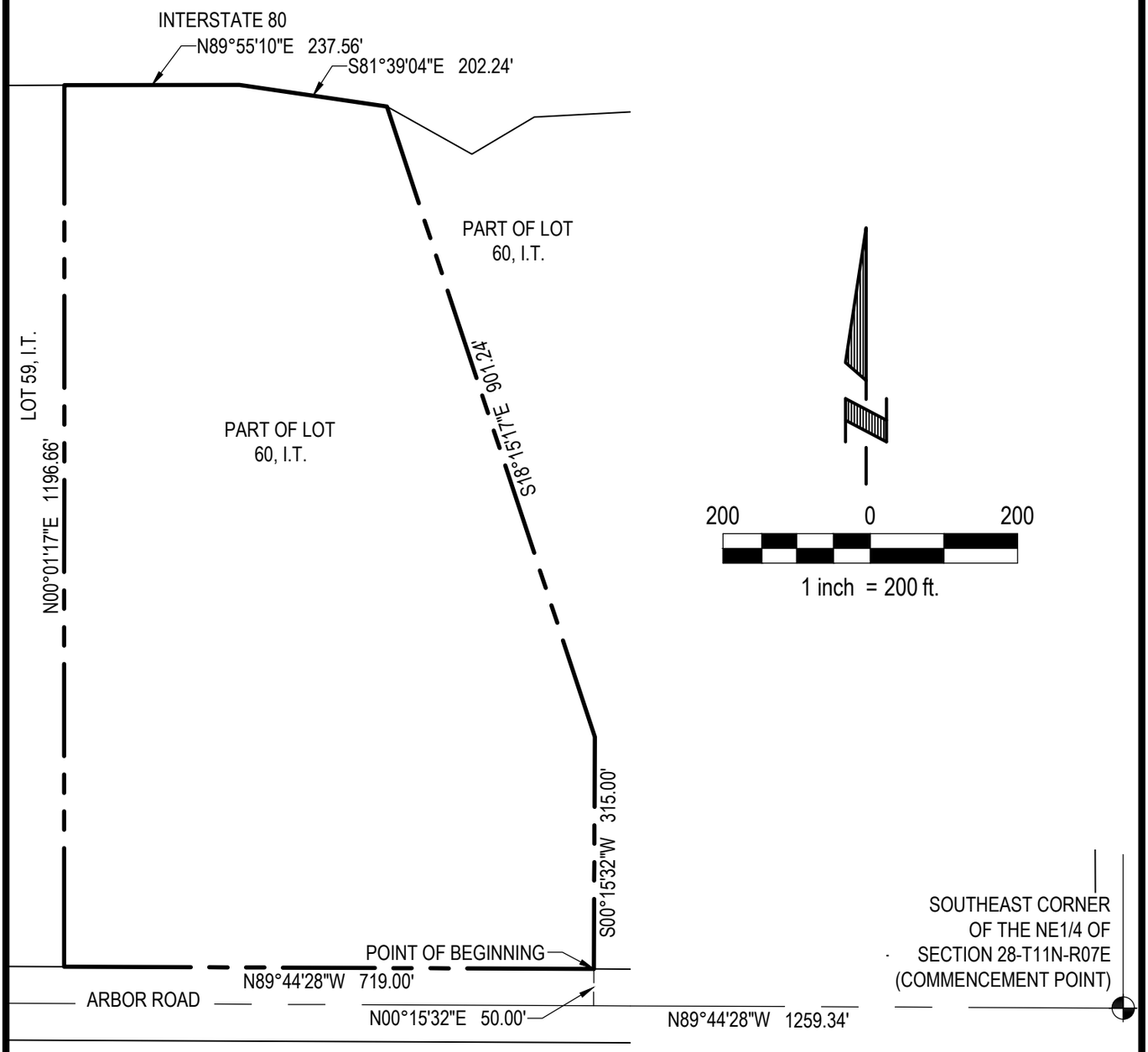
E & A CONSULTING GROUP, INC.
Engineering Answers

E & A CONSULTING GROUP, INC.
Engineering • Planning • Environmental & Field Services
10909 Mill Valley Road, Suite 100 • Omaha, NE 68154 Phone: 402.895.4700 • Fax: 402.895.3599

Drawn by: RLS	Chkd by:	Date: 09/10/2021
Job No.: 2021.053.001		

ANNEXATION LEGAL DESCRIPTION
PART OF LOT 60, I.T.
LANCASTER COUNTY, NEBRASKA

EXHIBIT "A"



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Drawn by: RLS	Chkd by:	Date: 09/10/2021
Job No.: 2021.053.001		

CHANGE OF ZONE LEGAL DESCRIPTION
PART OF LOT 60, I.T.
LANCASTER COUNTY, NEBRASKA

E & A CONSULTING GROUP, INC.
Engineering Answers
701 O Street, Suite 400 • Lincoln, NE 68508-1433
P 402.420.7217
www.eacg.com

September 15, 2021

Mr. David Cary, Director
Lincoln-Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508

RE: CLS Addition, 66th & Arbor Road
E&A Project No. P2021.053.001

Mr. Cary,

The attached is an application is being presented on behalf of Central Land Investments, LLC, for Annexation, Change of Zone, and Preliminary Plat for a 16.78-acre tract of land located on the north side of Arbor Road, approximately ¼ mile west of 70th Street.

The development is proposed as a single lot for use as a consolidated operations center for Central Lumber Sales (CLS). CLS sells wholesale building products to dealers in Nebraska, Northern Kansas, and Western Iowa. The facility site plan includes a new 122,500 square foot building, a 56,200 square foot fenced outdoor material storage area, and associated paved areas for parking and truck circulation.

The property abutts land recently annexed. The Lincoln/Lancaster County 2040 Comprehensive Plan designates the area for industrial use and identifies it as priority Tier 1-B. Consistent with that plan, an I-1 zoning designation is being requested to support the proposed operations of CLS.

The property lies within the bounds of the North 56th Street and Arbor Road Redevelopment Plan. An amendment to that plan has been submitted by the Urban Development Department incorporating the proposed improvements to be associated with this project.

An existing 16" municipal water main lies adjacent to the site in Arbor Road. Sanitary sewer service for the area is programed to flow to an existing siphon located under Salt Creek approximately one-half mile south of the property. The developer is actively working with a coalition of area land owners to fund construction of sewer draining to that location. A sewer study was recently prepared and provided to Lincoln Wastewater detailing the pipe sizing necessary to serve the designated basin area.

Access to the development is proposed from Arbor Road at the ¼ mile point. As a single user development, no access is proposed to adjacent properties. Adjacent property to the west is also a large single user. Access to adjacent property to the east was deemed impractical due to construction costs and permitting necessary to cross the drainage way located immediately to the east. The northern boundary of the plat abuts Interstate 80. Previous discussions with LTU staff indicated support for that access to be considered a single-user private drive.

A deviation is requested to the Access Management Policy requirement for a dedicated right-turn lane as stated in Section VII.H.2.d. Traffic into the facility – particularly truck traffic -is anticipated to come primarily from the west. Traffic volumes into the facility are not anticipated to require dedicated turn lanes. Truck volumes are anticipated at 10 to 14 trips per day. The largest employee shift consists of approximately 15 people.

Arbor Road is currently a 2-lane asphalt paved roadway. The plat submittal includes a concept for interim turn lane improvements to the existing roadway as well as future permanent improvements as shown in a 2007 grade study commissioned by the City. The developer is aware of other potential projects in the area that may generate the need for more extensive roadway improvements and has expressed a willingness to participate in more comprehensive coordinated effort with area landowners/developers.

Stormwater runoff from the site is proposed to be managed using two detention basins. A linear basin located along the Arbor Road frontage will provide treatment for runoff from the southern portion of the property. A larger detention and treatment cell located on the north side of the facility will provide management for both stormwater quality and quantity.

Please distribute the documents included in this application to the appropriate City staff for review and schedule the items to Planning Commission for their earliest consideration.

If you have questions or need additional information, please contact me at 402-420-7217 or ronnen@eacg.com.

Sincerely,

E & A Consulting Group, Inc.
Rick Onnen,
Project Manager

Cc: Jim Giesler, Central Land Investments, LLC
Gary Tucker, Ayars & Ayars, Inc.
DaNay Kalkowski, Seacrest & Kalkowski, PC, LLO

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
Preliminary Plat #21004

FINAL ACTION?
Yes

DEVELOPER/OWNER
Central Land Investments, LLC

PLANNING COMMISSION HEARING DATE
October 13, 2021

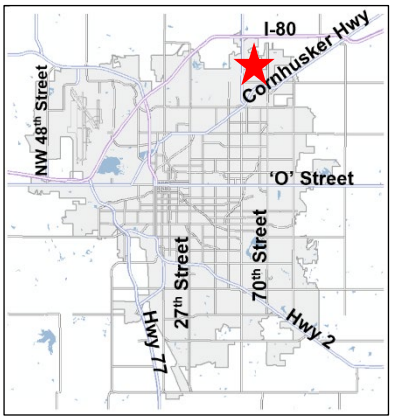
RELATED APPLICATIONS
Annexation #21006
Change of Zone #21042
Comprehensive Plan Conformance #21020

PROPERTY ADDRESS/LOCATION
N. 66th Street and Arbor Road

RECOMMENDATION: APPROVAL WITH CONDITIONS

BRIEF SUMMARY OF REQUEST

This is a request for a preliminary plat over 16.78 acres creating one lot that will have access to Arbor Road at approximately N. 66th Street. The land would be annexed with proposed zoning of I-1 Industrial with the applications for Annexation #21006 and Change of Zone #21042. There is also a proposed amendment to the North 56th Street & Arbor Road Redevelopment Plan adding this project with Comprehensive Plan Conformance #21020. No waivers are requested.



JUSTIFICATION FOR RECOMMENDATION

Provided the associated requests for annexation and change of zone are approved, this preliminary plat complies with the requirements of the Land Subdivision Ordinance and is consistent with the Comprehensive Plan. The Conditional Annexation and Zoning Agreement will cover needed traffic improvements.

APPLICATION CONTACT
Rick Onnen
(402) 420-7217
ronnen@eacg.com

STAFF CONTACT
Rachel Christopher
(402) 441-7603
rchristopher@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The request is consistent with the 2040 Comprehensive Plan, which identifies future industrial land uses for the site.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

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

P. 4.8 - This application is located along a Primary Entryway Corridor (Interstate 80).

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.

ANALYSIS

1. This request is for a new preliminary plat over the west portion of Lot 60, I.T. in the NE quarter of Section 28-11-7, located on the north side of Arbor Road at N. 66th Street. It is proposed to create one large lot under the preliminary plat. No subdivision waivers are requested.
2. There are associated applications for annexation, change of zone, and an amendment to the existing Redevelopment Plan to add the project for Central Lumber Sales. Those applications are discussed in the corresponding staff reports. The Planning Department's support of the annexation and change of zone is contingent upon approval of the preliminary plat, which will address issues such as grading and drainage, utilities, and access.
3. The proposed zoning is I-1 Industrial in anticipation of developing the site with a large distribution facility. Development will follow the standard I-1 uses, setbacks, building height, and minimum parking.
4. A Conditional Annexation and Zoning Agreement will accompany the applications at the City Council. The agreement will outline required traffic improvements and other conditions including submission of a final plat that dedicates right-of-way in Arbor Road and creates the necessary easements and outlots.
5. The preliminary plat shows a single access point at N. 66th Street. The access will align with the future street on the south side of Arbor Road that was approved with the Rogge Square Preliminary Plat #16005. City standards would require right and left turn lanes in Arbor Road at the access point. The final improvements are being determined by LTU in coordination with other development interests along Arbor Road. The improvements will be agreed upon in the draft Conditional Annexation and Zoning Agreement prior to scheduling the items at City Council.
6. Due to the significance of the drainage way along the east side, no connection to the adjacent property is required.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Agriculture; AG

SURROUNDING LAND USE & ZONING

North: Interstate 80 and agriculture; AG
South: Agriculture; AG (approved Preliminary Plat #16005 for future I-2 Industrial development)
East: Agriculture and acreage residential; AG
West: Commercial; H-4

APPLICATION HISTORY

January 1995	Special Permit #1530 for sand, gravel and soil excavation was approved by the Planning Commission for a period of one year (expired Jan. 1996).
May 1999, May 2004	Special Permits #1763 and 1763A for sand, gravel and soil excavation were approved by the Planning Commission with several administrative time extensions (expired May 11, 2010).

APPROXIMATE LAND AREA: 16.78 acres

LEGAL DESCRIPTION: See attached.

Prepared by

_____
Rachel Christopher, AICP

Date: October 1, 2021

Owner: Jack A. and Marie A. Herbert Trust
8410 Navajo Trail
Lincoln, NE 68520
(402) 489-6088
marjackher@msn.com

Applicant: Central Land Investments, LLC c/o Jim Giesler
3409 S. 29th Street
Lincoln, NE 68502
(402) 525-3972
Jim.g@go2cls.com

Contact: Rick Onnen
E & A Consulting Group, Inc.
701 O Street, Suite 400
Lincoln, NE 68508
(402) 420-7217
ronnen@eacg.com

CONDITIONS OF APPROVAL – PRELIMINARY PLAT #21004

Site Specific Conditions:

1. The subdivider shall complete the following instructions and submits the documents and plans and 2 copies to the Planning Department office:

    1.1 Revise the preliminary plat to show:

        1.1.1 Clarify or remove the driveway access shown on Arbor Road west of the preliminary plat boundary.

        1.1.2 Add a dimension for existing right-of-way and dedication on Arbor Road resulting in 60 feet from centerline.

        1.1.3 On the Cover & Site Plan sheet, delete the legal description under the title.

        1.1.4 On Sheet 2, show the 20-foot front yard setback.

        1.1.5 On Sheet 4, clarify who is responsible for the interim and future improvements.

        1.1.6 Show the access and traffic improvements on Arbor Road according to the approved Conditional Annexation and Zoning Agreement.

        1.1.7 Depending on LTU Watershed comments, an outlot for the detention and Minimum Flood Corridor may be required. If so, an access easement to the outlot from Arbor Road would be required.

        1.1.8 Address the attached comments from Watershed Management.

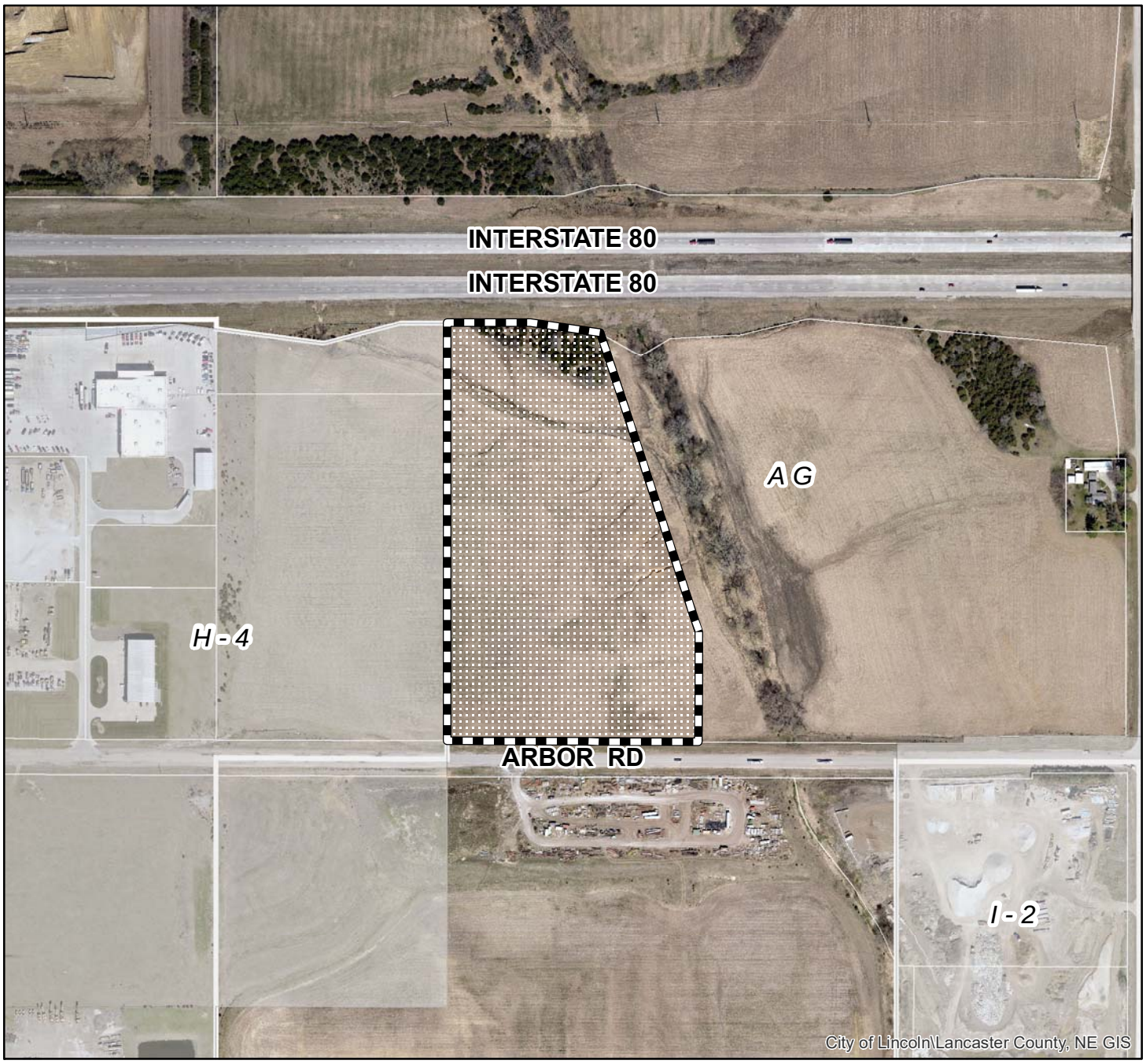
        1.1.9 Ensure adequate measures around detention pond outfalls to ensure no erosion on slopes.

2. The City Council approves associated request:

    2.1 Annexation #21006

    2.2 Change of Zone #21042

3. Final Plats will be approved by the Planning Director.



2020 aerial

Change of Zone #: CZ21042, Annexation #: AN21006, and Preliminary Plat #: PP21004
CLS Addition
N 70th St & Arbor Rd

Zoning:

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

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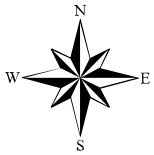
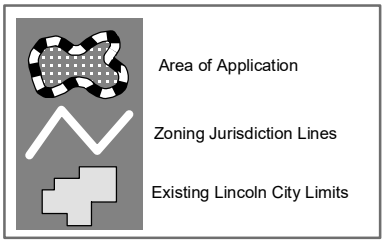
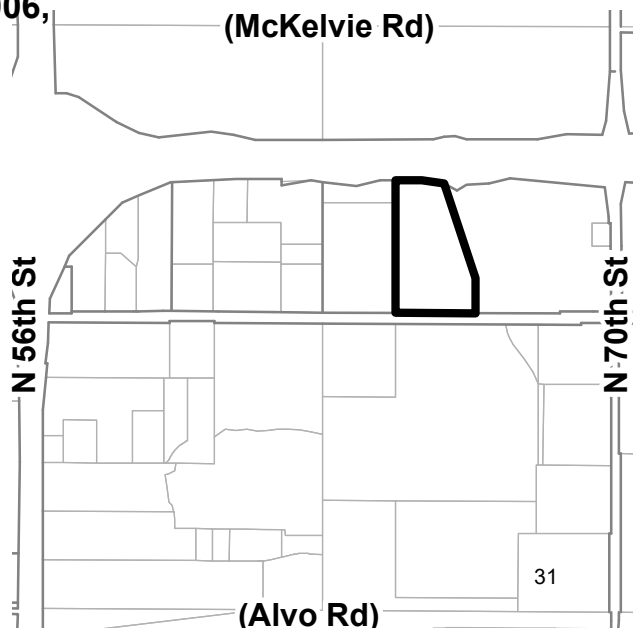
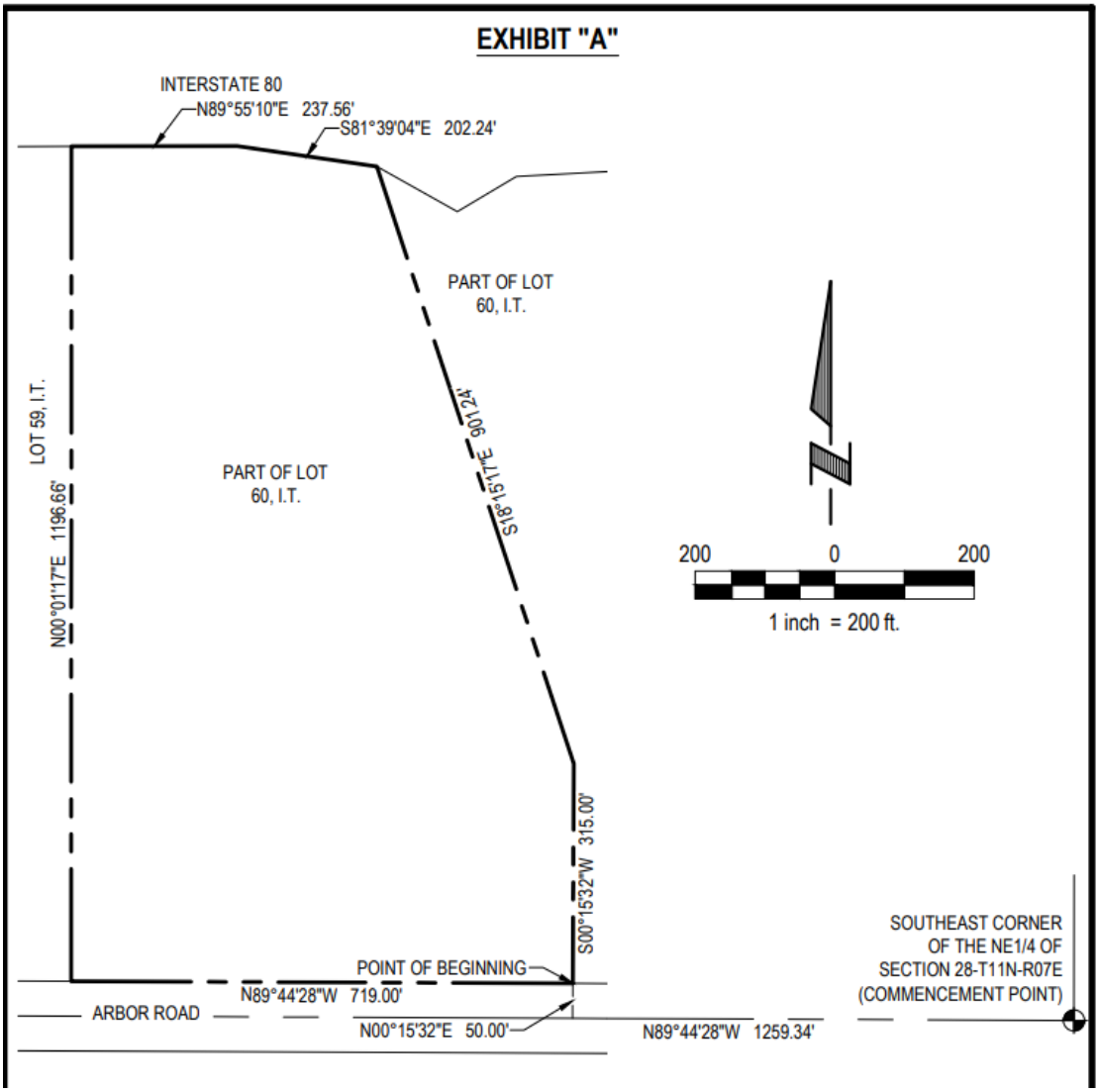


One Square Mile:
Sec.28 T11N R07E





File: C:\GIS\Projects\DevelopmentReview\AgendaDrawings\mxd\Agendadrawings.mxd (CZ21042, AN21006 & PP21004)



LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN PART OF LOT 60, I.T., AN IRREGULAR TRACT LOCATED IN PART OF THE NE1/4 OF SECTION 28, TOWNSHIP 11 NORTH, RANGE 07 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

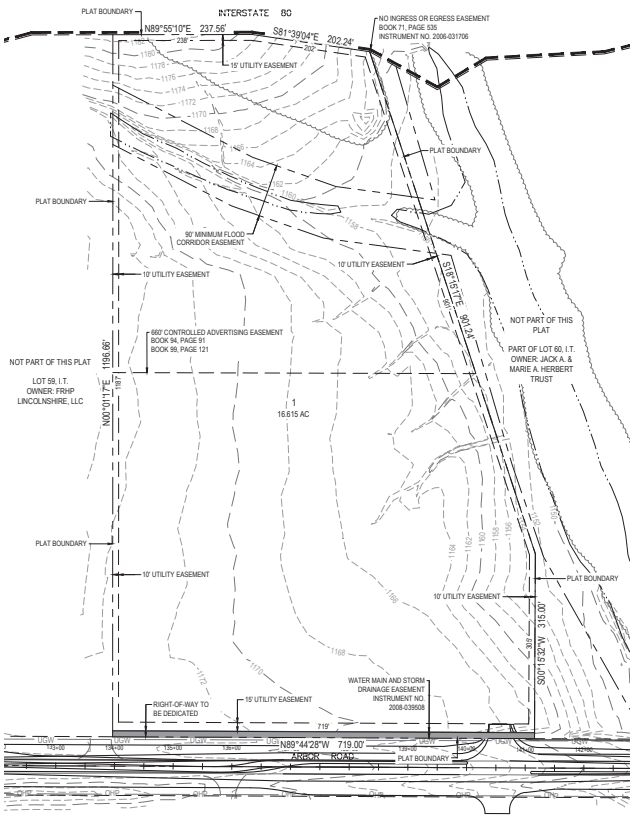
COMMENCING AT THE SOUTHEAST CORNER OF SAID NE1/4 OF SECTION 28; THENCE N89°44'28"W (ASSUMED BEARING) ALONG THE SOUTHERLY LINE OF SAID NE1/4 OF SECTION 28, A DISTANCE OF 1,259.34 FEET; THENCE N00°15'32"E, A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 60, I.T., SAID LINE ALSO BEING THE NORTHERLY RIGHT-OF-WAY LINE OF ARBOR ROAD, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE N89°44'28"W ALONG SAID SOUTHERLY LINE OF LOT 60, I.T., SAID LINE ALSO BEING SAID NORTHERLY RIGHT-OF-WAY LINE OF ARBOR ROAD, A DISTANCE OF 719.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 60, I.T., SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 59, I.T.; THENCE N00°01'17"E ALONG THE WESTERLY LINE OF SAID LOT 60, I.T., SAID LINE ALSO BEING THE EASTERLY LINE OF SAID LOT 59, I.T., A DISTANCE OF 1,196.66 FEET TO THE NORTHWEST CORNER OF SAID LOT 60, I.T., SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID LOT 59, I.T., SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 80; THENCE ALONG THE NORTHERLY LINE OF SAID LOT 60, I.T., SAID LINE ALSO BEING SAID SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 80 THE FOLLOWING TWO (2) DESCRIBED COURSES: (1) THENCE N89°55'10"E, A DISTANCE OF 237.56 FEET; (2) THENCE S81°39'04"E, A DISTANCE OF 202.24 FEET; THENCE S18°15'17"E, A DISTANCE OF 901.24 FEET; THENCE S00°15'32"W, A DISTANCE OF 315.00 FEET TO THE POINT OF BEGINNING.

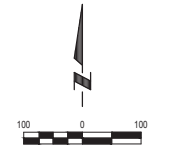
SAID TRACT OF LAND CONTAINS 730,934 SQUARE FEET OR 16.780 ACRES, MORE OR LESS.

CLS ADDITION

LOT 1

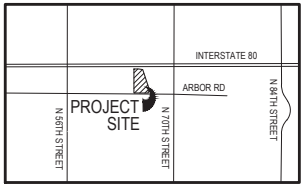
A TRACT OF LAND BEING ALL OF LOT 60, I.T., AN IRREGULAR TRACT, PREVIOUSLY KNOWN AS LOT 53, I.T., LOCATED IN PART OF THE NE1/4 OF SECTION 28, TOWNSHIP 11 NORTH, RANGE 07 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA.





LEGEND

- BOUNDARY LINE
- RIGHT OF WAY LINE
- LOT LINE
- EASEMENTS
- EXIST. BUILDING
- EXIST. MAJOR CONTOURS
- EXIST. MINOR CONTOURS
- OHP – OHP – POWER LINE (OVERHEAD)
- UGW – UGW – WATER LINE (UNDER GROUND)
- SS—SS— SANITARY SEWER LINE
- ST—ST— STORM SEWER LINE
- DELINEATED WETLANDS BOUNDARY



VICINITY MAP

Sheet List Table

Sheet Number	Sheet Title
1	Cover and Site Plan
2	Commercial Site PLan
3	Grading & Drainage Plan
4	Arbor Road Exhibit
5	Turn Lane Exhibit

LEGAL DESCRIPTION

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DEVELOPER	OWNER	ENGINEER/SURVEYOR
CENTRAL LAND INVESTMENTS, LLC	JACK A. & MARIE A. HERBERT TRUST	E & A CONSULTING GROUP, INC.
3409 S 29TH STREET	8410 NAVAJO TRAIL	401 O STREET, SUITE 400
LINCOLN, NE 68502	LINCOLN, NE 68520	LINCOLN, NE 68508

ZONING:

EXISTING	AG	
PROPOSED:	I-1, LOT 1	16.615 AC
	PROPOSED RIGHT-OF-WAY	0.165 AC
	TOTAL	16.860 AC

GENERAL SITE NOTES:

1. DIRECT VEHICULAR ACCESS WILL NOT BE ALLOWED TO INTERSTATE HIGHWAY 80 FROM ANY LOTS ABUTTING SAID STREETS. DIRECT VEHICULAR ACCESS WILL NOT BE ALLOWED TO ARBOR ROAD EXCEPT AT ONE DRIVE LOCATED APPROXIMATELY AT THE QUARTER MILE LOCATION.
2. TEMPORARY TURNAROUNDS WILL BE CONSTRUCTED AT ALL DEADEND STREETS.
3. TYPICAL UTILITY EASEMENTS WILL BE DEDICATED WITH THE FINAL PLAT.

E & A CONSULTING GROUP, INC.
Engineering • Planning • Environmental & Field Services
10909 Mill Valley Road, Suite 100 • Omaha, NE 68154
Phone: 402.895.4700 • Fax: 402.895.3599
www.eacg.com

E & A CONSULTING GROUP, INC.
Engineering Answers

CLS ADDITION
PRELIMINARY PLAT
LINCOLN, NEBRASKA

COVER & SITE PLAN

Revisions

No.	Date	Description

Proj No.: P23C1053.001
Date: 08/14/2023
Designed By: JRS
Drawn By: BRN
Scale: 1" = 100'
Sheet: 1 of 5

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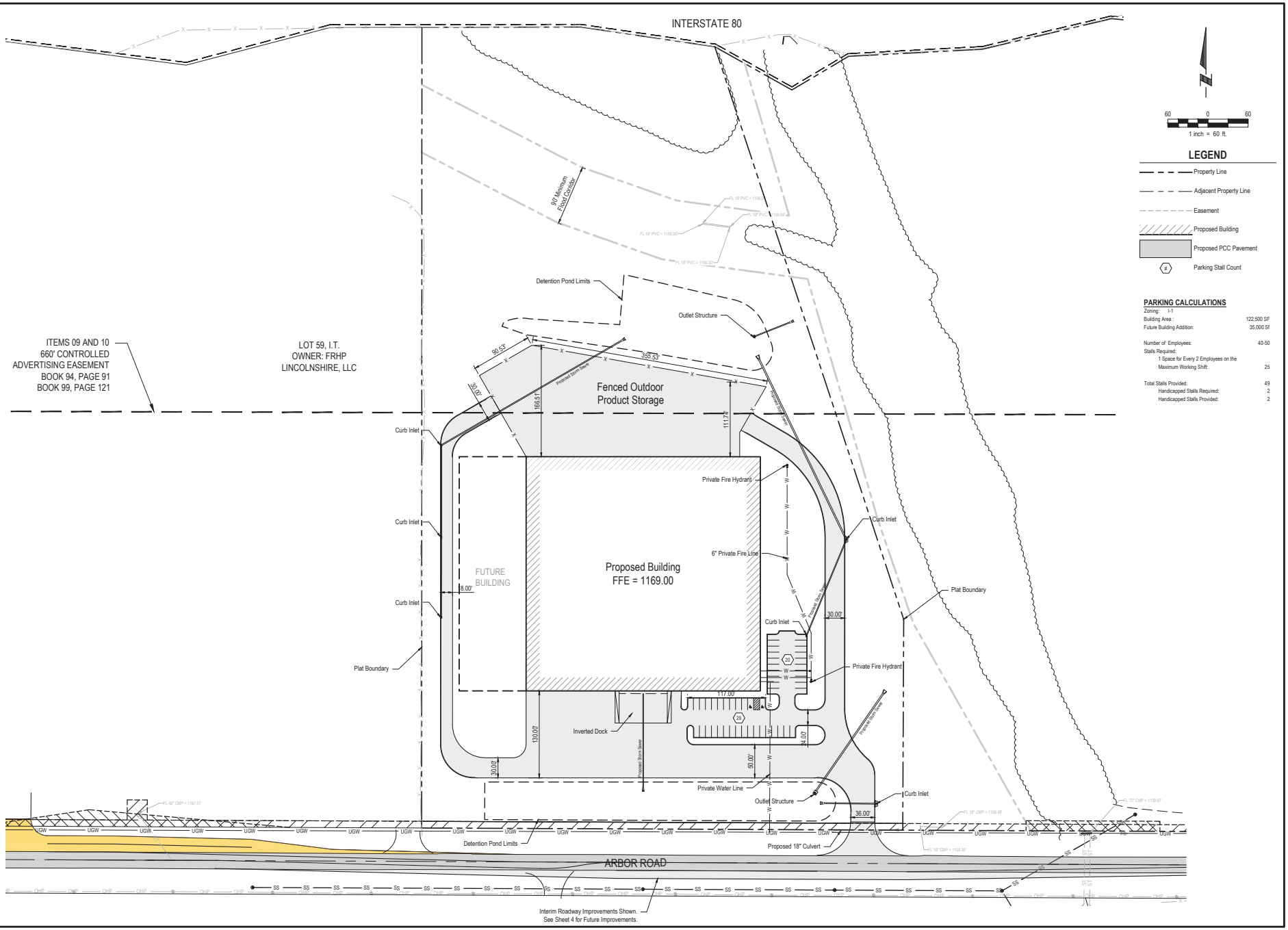
Jeff Ibsl



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7010 O Street, Suite 400 Lincoln, NE 68508
Phone: 402.420.7237 Fax: 402.420.7218
www.eacg.com

E & A CONSULTING GROUP, INC.
Engineering Answers

CLS Addition
Preliminary Plat
Lincoln, NE

Commercial Site Plan

Revisions
No. Date Description

Proj No: 2021.053.001
Date: 9/15/2021
Designed By: BPO
Drawn By: WZH
Scale: AS SHOWN
Sheet: 2 of 4

E & A CONSULTING GROUP, INC.
Engineering Answers
701 O Street, Suite 400 • Lincoln, NE 68508-1433
P 402.420.7217
www.eacg.com

September 15, 2021

Mr. David Cary, Director
Lincoln-Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508

RE: CLS Addition, 66th & Arbor Road
E&A Project No. P2021.053.001

Mr. Cary,

The attached is an application is being presented on behalf of Central Land Investments, LLC, for Annexation, Change of Zone, and Preliminary Plat for a 16.78-acre tract of land located on the north side of Arbor Road, approximately ¼ mile west of 70th Street.

The development is proposed as a single lot for use as a consolidated operations center for Central Lumber Sales (CLS). CLS sells wholesale building products to dealers in Nebraska, Northern Kansas, and Western Iowa. The facility site plan includes a new 122,500 square foot building, a 56,200 square foot fenced outdoor material storage area, and associated paved areas for parking and truck circulation.

The property abutts land recently annexed. The Lincoln/Lancaster County 2040 Comprehensive Plan designates the area for industrial use and identifies it as priority Tier 1-B. Consistent with that plan, an I-1 zoning designation is being requested to support the proposed operations of CLS.

The property lies within the bounds of the North 56th Street and Arbor Road Redevelopment Plan. An amendment to that plan has been submitted by the Urban Development Department incorporating the proposed improvements to be associated with this project.

An existing 16" municipal water main lies adjacent to the site in Arbor Road. Sanitary sewer service for the area is programed to flow to an existing siphon located under Salt Creek approximately one-half mile south of the property. The developer is actively working with a coalition of area land owners to fund construction of sewer draining to that location. A sewer study was recently prepared and provided to Lincoln Wastewater detailing the pipe sizing necessary to serve the designated basin area.

Access to the development is proposed from Arbor Road at the ¼ mile point. As a single user development, no access is proposed to adjacent properties. Adjacent property to the west is also a large single user. Access to adjacent property to the east was deemed impractical due to construction costs and permitting necessary to cross the drainage way located immediately to the east. The northern boundary of the plat abuts Interstate 80. Previous discussions with LTU staff indicated support for that access to be considered a single-user private drive.

A deviation is requested to the Access Management Policy requirement for a dedicated right-turn lane as stated in Section VII.H.2.d. Traffic into the facility – particularly truck traffic -is anticipated to come primarily from the west. Traffic volumes into the facility are not anticipated to require dedicated turn lanes. Truck volumes are anticipated at 10 to 14 trips per day. The largest employee shift consists of approximately 15 people.

Arbor Road is currently a 2-lane asphalt paved roadway. The plat submittal includes a concept for interim turn lane improvements to the existing roadway as well as future permanent improvements as shown in a 2007 grade study commissioned by the City. The developer is aware of other potential projects in the area that may generate the need for more extensive roadway improvements and has expressed a willingness to participate in more comprehensive coordinated effort with area landowners/developers.

Stormwater runoff from the site is proposed to be managed using two detention basins. A linear basin located along the Arbor Road frontage will provide treatment for runoff from the southern portion of the property. A larger detention and treatment cell located on the north side of the facility will provide management for both stormwater quality and quantity.

Please distribute the documents included in this application to the appropriate City staff for review and schedule the items to Planning Commission for their earliest consideration.

If you have questions or need additional information, please contact me at 402-420-7217 or ronnen@eacg.com.

Sincerely,

E & A Consulting Group, Inc.
Rick Onnen,
Project Manager

Cc: Jim Giesler, Central Land Investments, LLC
Gary Tucker, Ayars & Ayars, Inc.
DaNay Kalkowski, Seacrest & Kalkowski, PC, LLO

AN21006 – CLS Addition LTU-WSM Mike Middendorf - comment summary

1. Need to consider offsite drainage from the west. Existing should consider the Camping World approved grading

2. WQC form needs to be corrected for appropriate information

3. Detention cells require Access Path for maintenance, and if limiting any area of access, must provide a narrative to justify.

4. Drainage areas need to follow a reasonable contour path. Provide drainage path arrows to demonstrate decision for limits.

5. Future building addition footprint is located with drainage areas that flow in the opposite direction from the initial building footprint. provide a narrative to verify that this has been considered, even if the affect is negligible

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

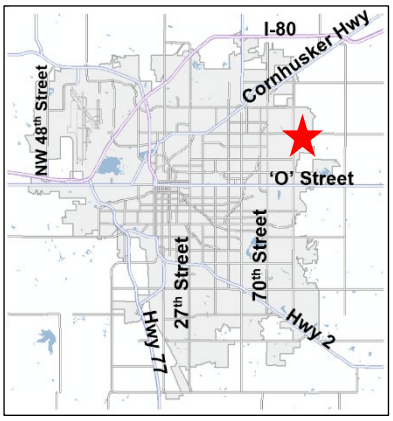
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Change of Zone #05054F	No	Prairie Home Builders, Inc.
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
October 13, 2021	None	N. 84th and Adams Streets

RECOMMENDATION: APPROVAL WITH CONDITIONS

BRIEF SUMMARY OF REQUEST

This is a request for an amendment to the Prairie Village North Planned Unit Development (PUD) to revise the layout and grading for two areas of the PUD to show single family and attached single family residential lots. Both areas are currently approved for primarily commercial uses. Waivers are requested to standards for setbacks, access, and the design standards for public streets.



JUSTIFICATION FOR RECOMMENDATION

The proposed changes conform to the intent of the approved PUD, which incorporates a mix of uses. Several other commercial centers have requested the conversion of commercial space to residential uses. The requested waivers are largely appropriate with approval of the staff conditions, with the exception of the proposed nonstandard intersection at N. 86th Street & Outlaw Court which is not supported by Lincoln Transportation and Utilities.

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

STAFF CONTACT
Rachel Christopher
(402) 441-7603
rchristopher@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposal meets the Comprehensive Plan goals supporting mix of uses, flexibility for siting of new residential development, connections and access between residential and commercial areas. The future land use is identified as commercial. The O-3 and B-2 zoning overlays through the PUD allow for flexibility in land uses including residential.

WAIVERS

1. Waive the requirement that lots north of Express Drive front on a public street and instead be allowed to take access through a common access easement. (Recommend Approval)
2. Reduce the front yard setback from 20 feet to 15 feet for lots along Express Drive. (Recommend Approval)
3. Waive the roadway centerline radius standards. (Recommend Conditional Approval)
4. Allow reduced cul-de-sac radii of 30 feet. (Recommend Conditional Approval)
5. Allow a nonstandard intersection (waive horizontal street alignment and intersection geometry standards). (Recommend Denial)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 5.6 – This area is identified as an existing Community Commercial Center.

P. 5.7 – Strategies for Commercial Centers
- Include higher density residential uses within and/or adjacent to all Commercial Centers except for Highway Oriented Commercial Areas.
- Design buildings and land uses at the edge of the center to be compatible with adjacent residential land uses. Examples of compatible land uses include apartments, mixed use residential buildings, offices, assisted living facilities, or child care centers. Buildings should be compatible in terms of height, building materials and setback.

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

P. 7.2 - Neighborhoods & Housing Guiding Principles
- Distribute and preserve affordable housing throughout the community to be near job opportunities and to provide housing choices within existing and developing neighborhoods.
- Make available a safe residential dwelling for all citizens.
- Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.

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

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

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

ANALYSIS

1. This request is to revise two areas of the Prairie Village North PUD to show residential lots along with revised grading and drainage plans.

2. The PUD identifies R-3, R-5, O-3, and B-2 zoning areas that generally follow the regulations of those districts. Each area has its own assigned dwelling units and/or commercial floor area. The areas of change are in the B-2 area.

3. The first area of change is located north of Express Drive and east of N. 86th Street. It is currently approved for a town center and a large retail site south of the Walmart. The town center is approved for commercial uses and up to 1,063 assigned dwelling units. It would be changed to a single-family residential layout. The town center layout does not make sense to retain because there is not enough demand for the additional commercial space and unbuilt commercial lots will remain available along 84th Street and Adams Street.

   The residential lots along Express Drive would be oriented in groups of four taking access to the street from a single shared driveway. The applicant stated the units will be marketed towards seniors. A clubhouse serving the surrounding lots is planned at the intersection of N. 85th Street and Market Drive.

   Express Drive does not allow on-street parking due to the lane striping. Express Drive and N. 85th Street function as

collectors and will have more traffic than a typical residential local street. They are striped with two through lines and a center turn lane, so there is no space for on-street parking. On-street parking is therefore prohibited. A condition of approval requires the applicant to submit an exhibit showing how off-street parking will be provided for the units along Express Drive.

Waivers to the Subdivision Ordinance, Zoning Ordinance, and Urban Public Street Design Standards are requested for the area of change north of Adams Street:

Waiver to Section 26.23.140.g.2 allowing lots to not front on a public street north of Express Drive and instead to access the street through a common access easement rather than through a public access easement or direct access to the street.

A waiver is requested to allow the units that will take access to Express Drive but not front on the street to utilize common access easements over the shared driveways. The waiver is acceptable considering that the access is only needed to serve the lots on each driveway. It was desirable to reduce the number of driveways on Express Drive and N. 85th Street, which led to the shared driveway concept.

Reduce the front yard setback from 20 feet to 15 feet for lots along Express Drive.

The front yard setback waiver will be for the dwellings themselves, not for garages. Therefore, the need to preserve sufficient space for a driveway parking stall in the front yard between the garage face and sidewalk is not a concern and the waiver is appropriate.

Waiver to Section 3.3 of the Urban Public Street Design Standards for centerline radius of roadway curves.

This waiver pertains to Curves D and H which are on proposed residential streets north of Adams Street. LTU responded that the waiver is acceptable but the City standards can be more fully met with a revised design. Therefore, a condition of approval would revise the curve radii to LTU's satisfaction.

4. The second area of change is located south of Adams Street between N. 84th and N. 86th Streets. The plan currently shows commercial lots with residential lots at the corner of 84th and Adams Streets. The layout would be changed to attached single family lots fronting on three public cul-de-sacs. The units will be similar to what exists further east. One commercial lot would remain at the corner of N. 84th Street and Windmill Drive. The LES transmission corridor along 84th Street restricts structures and other obstructions on approximately the west 100 feet of the property.

   Two waivers to the Urban Public Street Design Standards are requested for the area of change south of Adams Street:

   Waiver to Section 3.3 of the Urban Public Street Design Standards to allow reduced cul-de-sac radius of 30 feet (Regent Court, Lost Arrow Court, and Outlaw Court).

   Three public cul-de-sacs are proposed. The applicant proposes they would be less than the standard size. The waiver is acceptable as long as parking around the cul-de-sacs is prohibited to allow maximum turning movement by Lincoln Fire and Rescue vehicles.

   Waiver to Sections 3.3 and 3.9 of the Urban Public Street Design Standards to allow a non-standard intersection for horizontal street alignment and intersection geometry (N. 86th Street and Outlaw Court).

   The intersection of N. 86th Street and Outlaw Court is shown with a triangular median. The applicant states this is to allow existing drainage inlets to remain. The median unnecessarily limits local traffic movements and the intersection could be redesigned to work with the drainage system. In addition, LTU recommends redesigning the intersection to more closely meet at 90-degree angles. Based on those considerations, the recommendation is for denial of this waiver.

5. There are a number of conditions of approval. They include the addition of several pedestrian way easements for improved connectivity. For the area of change north of Adams Street, an east-west pedestrian way is required along the north side, south of Walmart; this connection is already in the PUD and is partially built. The same

pedestrian way should also include a connection south to the proposed street for Greeley Avenue / N. 87th Street.

The second required pedestrian way easement would create a direct connection to the clubhouse through the neighborhood. Considering that the clubhouse provides shared amenities, an east-west pedestrian route makes sense to serve residents on N. 85th and N. 87th Streets.

Lastly, for the new residential area south of Adams Street, a condition of approval would require the addition of three short pedestrian connections from each cul-de-sac to 84th Street.

EXISTING LAND USE & ZONING: Vacant; B-2 PUD

SURROUNDING LAND USE & ZONING (AREAS OF CHANGE)

North of Adams Street
North, South, West: Commercial and vacant; B-2 PUD
East: Single family residential dwellings; R-3 PUD

South of Adams Street
North, South, West: Commercial; B-2 PUD
East: Single family residential dwellings; O-3 PUD

APPROXIMATE LAND AREA: 36.34 acres

LEGAL DESCRIPTION: Outlot A, Prairie Village North First Addition, and Lot 2, Block 1 and Outlot A, Prairie Village North 28th Addition, Lincoln, Lancaster County, Nebraska.

Prepared by

_____
Rachel Christopher, AICP

Date: October 4, 2021

Owner: Prairie Home Builders, Inc.
2045 S. Folsom Street, Suite A
Lincoln, NE 68522

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

https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CZ/05000/CZ05054F Prairie Village North.rkc.docx

APPLICATION HISTORY

Mar. 2005 Change of Zone No. 05054 Prairie Village North PUD was approved by the City Council.

Feb. 2007 Annexation No. 16021 and Change of Zone No. 05054A Prairie Village North PUD was approved by the City Council. The existing layout of the entire PUD was approved in concept with this amendment.

Oct. 2014 Administrative Amendment No. 14026 to revise the lot and street layout and show grading/drainage and street profiles for the concept area was approved by the Planning Director.

Mar. 2015 Change of Zone No. 05054B was approved by City Council to change 22.5 acres to R-3 PUD.

July 2015 Administrative Amendment No. 15026 to revise the land use table for areas south of Adams Street was approved by the Planning Director.

Oct. 2015 Administrative Amendment No. 15113 to add a table for R-5 uses and increase the height for R-5 from 35 feet to 45 feet was approved by the Planning Director.

Nov. 2015 Administrative Amendment No. 15072 to revise the notes for lots adjacent to Market Drive was approved by the Planning Director.

Apr. 2016 Change of Zone No. 05054D to change 83.2 acres to R-3 PUD and Annexation No. 16002 to annex 89.9 acres was approved by the City Council. The area of this current application was included in the annexation.

Nov. 2016 Administrative Amendment No. 16016 to allow tandem parking in the residential area was approved by the Planning Director.

Jan. 2017 Change of Zone No. 05054E to add 7.37 acres of land was approved by the City Council. Several administrative amendments to CZ05054E were approved by the Planning Director for minor adjustments between 2017 and 2021.

CONDITIONS OF APPROVAL – CHANGE OF ZONE #05054F

This approval permits revised development plans showing single-family detached and attached lot layouts for areas north and south of Adams Street with waivers to:

- Reduce the front yard setback to 15 feet for lots along Express Drive provided the garage doors do not face Express Drive;
- Allow lots along Express Drive to not front on a street and instead to take access through a common access easement;
- Waive the design standards for roadway centerline radius to the satisfaction of LTU; and
- Allow reduced cul-de-sac radius of 30 feet with no parking permitted in the undersized cul-de-sac bulbs.

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 Submit the entire plan set including other sheets not being revised.

   1.2 Improve the file quality and readability.

   1.3 Label all outlots and their purpose.

   1.4 Provide dimensions for all street widths and rights-of-way.

   1.5 Make the following revisions to the Cover Sheet:

      1.5.1 Ensure that the zoning and subdivision waivers are reflected in the B-2 requirements table.

      1.5.2 State the number and type of residential units approved for the areas of change.

      1.5.3 Remove commercial floor area shown for the areas of change with the exception of the necessary floor area and uses for the clubhouse lot. State the approved floor area and use for the clubhouse lot as well as other allowed uses in case the clubhouse is not built or closes to the satisfaction of the Planning Director.

      1.5.4 Remove references to the town center including Note 22.

      1.5.5 Delete Note 34 as it appears to be unnecessary and contradicts Note 23.

   1.6 Make the following revisions to Sheet 4A for the area north of Adams Street:

      1.6.1 Show the street name for N. 86th Street continuing all the way south to Big Country Lane through both connections of Powder Horn Drive.

      1.6.2 Identify the adjacent sidewalk and driveway on the Walmart property to the north that stub into this property. Add a label to the driveway that reads, "Existing driveway to be converted to parking stalls by others."

      1.6.3 Show a pedestrian way from N. 85th Street to N. 89th Street on the north end of the project area. The pedestrian way must make connections to the sidewalk on the Walmart property, the existing pedestrian way segment west of 89th Street, and to Greeley Avenue/N. 87th Street. If preserving the existing evergreen trees, show a sidewalk route around the trees. Add a label that the portion of pedestrian way on Lot 1, Block 1, Prairie Village First Addition will be constructed by that owner.

1.6.4 Show pedestrian ways through Blocks 25 and 26 leading to the clubhouse.

1.6.5 Show a pedestrian way through Block 28 if the block length is over 1,000 feet generally in the middle of both blocks.

1.6.6 Identify where vehicle access will be taken for the clubhouse lot to the satisfaction of LTU.

1.6.7 Clarify whether existing evergreen trees along the east side of the property will remain as screening.

1.6.8 Revise Curves D and H to meet the design standards or to a lesser standard to the satisfaction of LTU.

1.6.9 Add a note that direct vehicular access will be relinquished to lots adjacent to N. 85th Street and Express Drive except at the common access easements along Express Drive.

1.6.10 Add a note that no on-street parking will be permitted on Express Drive and garages may not face Express Drive.

1.6.11 Submit a concept plan for the lots/units along Express Drive showing off-street parking.

1.7 Make the following revisions to Sheet 5A for the area south of Adams Street:

1.7.1 Add block numbers and correct the lot numbering.

1.7.2 Show pedestrian ways off the end of each cul-de-sac to the sidewalk along N. 84th Street.

1.7.3 Add a note that parking is not permitted in the cul-de-sac bulbs due to being undersized and no parking signs will be posted by the developer.

1.7.4 Submit a guest parking exhibit that meets the guest parking requirement. Update the On Street Parking Exhibit that currently reads "Wagon Dr. Only" and update the number of units in the note on guest parking.

1.7.5 Remove the lot line shown through the future open space east of 84th Street between Regent Court and Lost Arrow Court as that area should all be within one large outlot.

1.7.6 Remove the median at the intersection of N. 86th Street and Outlaw Court. Revise the intersection to meet at more of a 90-degree angle to the satisfaction of LTU.

1.8 Address the following comments from Watershed Management:

1.8.1 Show the existing contours on the grading plan for the area of change north of Adams Street.

1.8.2 Resolve discrepancies between Drainage Area A3 on Sheet 6A and measurements taken from the submitted plan.

1.8.3 Submit missing drainage inlet calculations.

1.8.4 Verify approval of the required LOMR (Letter of Map Revision).

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

Standard Conditions:

3. The following conditions are applicable to all requests:

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

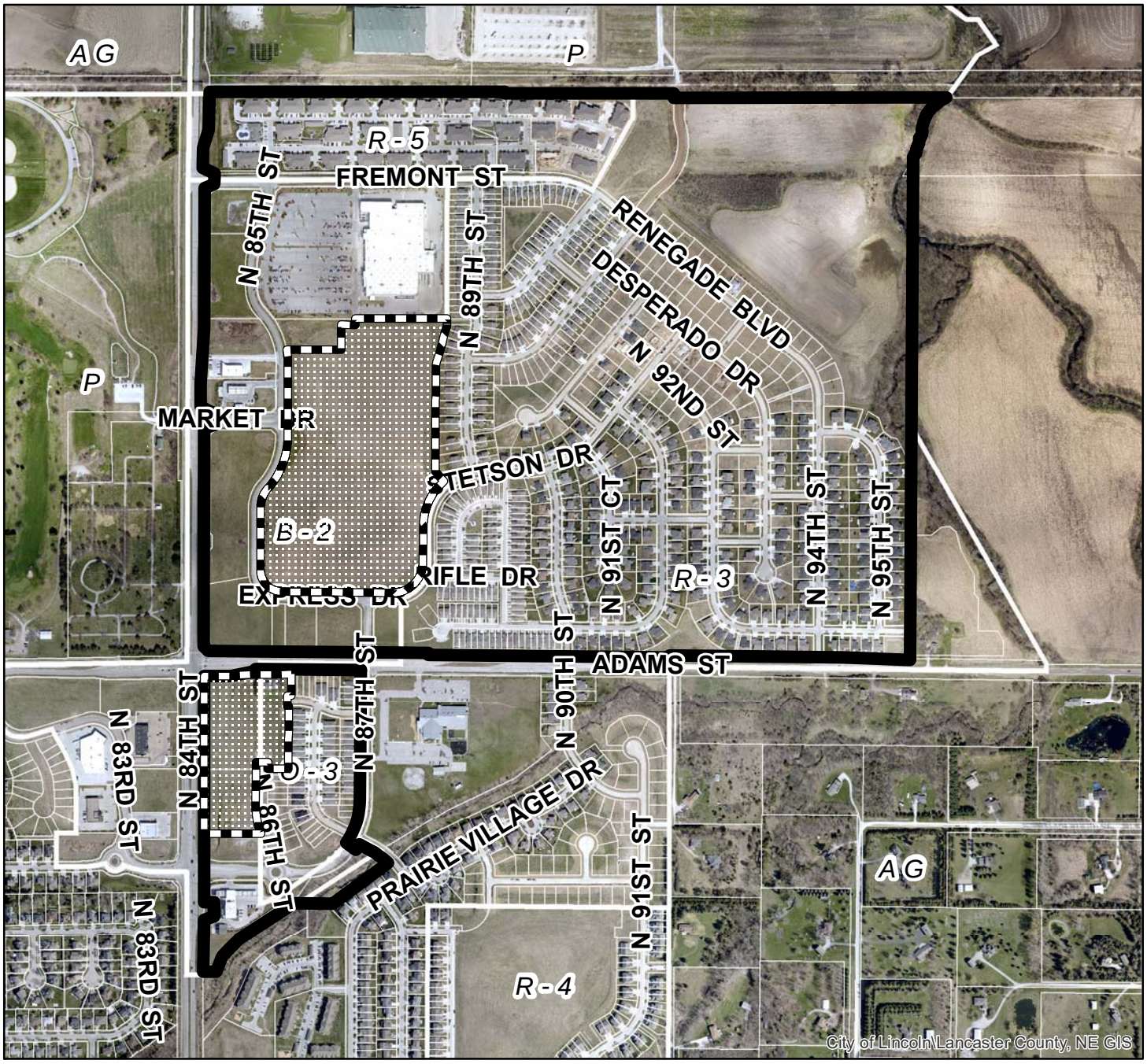
   3.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

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

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

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

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



2020 aerial

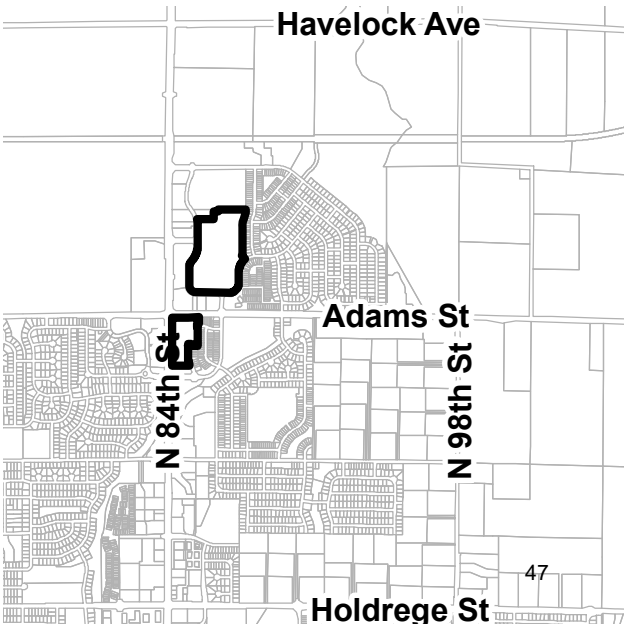
Change of Zone #: CZ05054F
Prairie Village North PUD
N 84th St & Adams St

Zoning:

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

Two Square Miles:
Sec.11 T10N R07E
Sec.14 T10N R07E

Area of Application
Zoning Jurisdiction Lines
Lancaster County Jurisdiction



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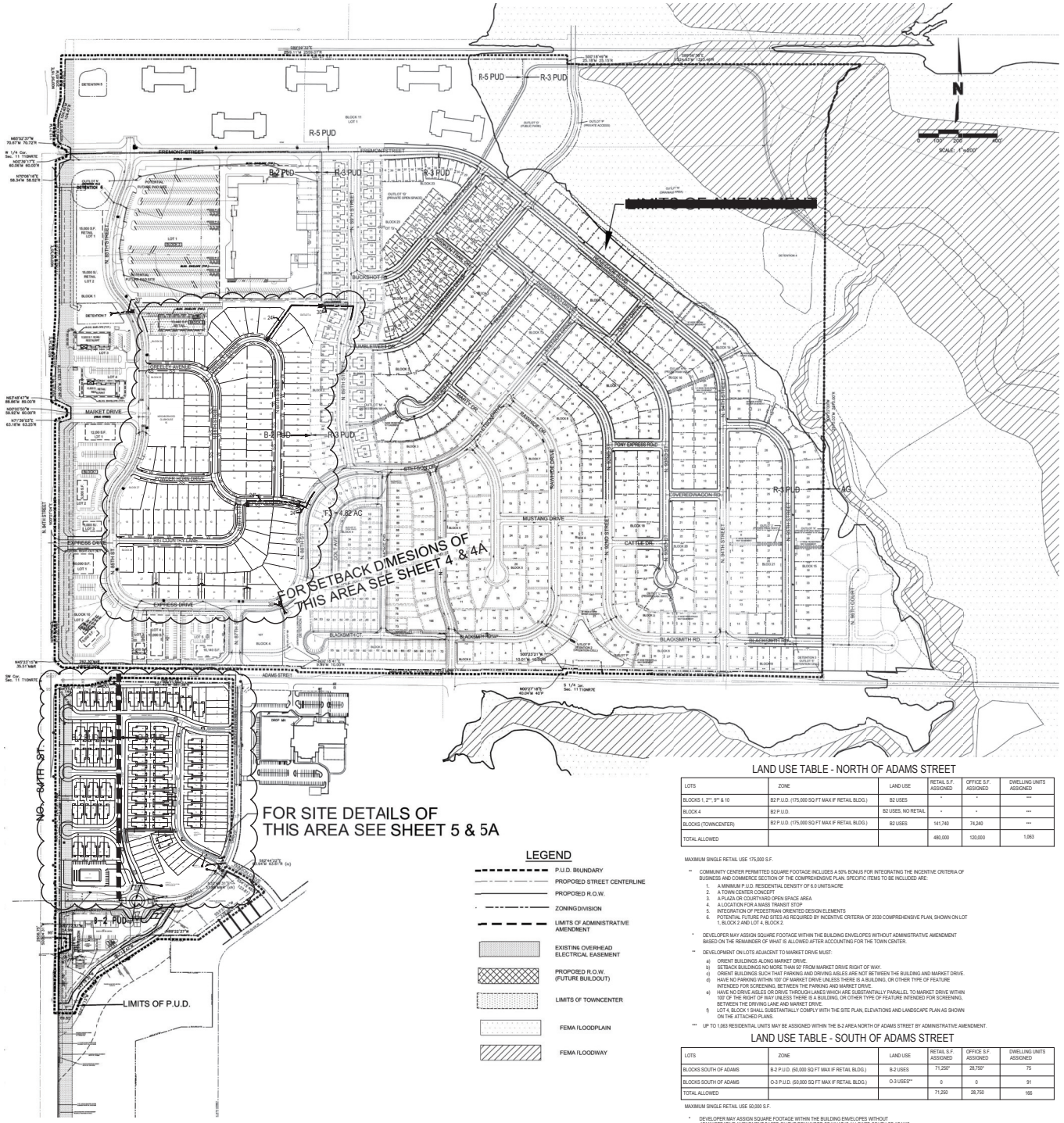

LEGEND

- P.U.D. BOUNDARY
- PROPOSED STREET CENTERLINE
- PROPOSED R.O.W.
- ZONING DIVISION
- LIMITS OF ADMINISTRATIVE AMENDMENT
- EXISTING OVERHEAD ELECTRICAL EASEMENT
- PROPOSED R.O.W. (FUTURE BUILDOUT)
- LIMITS OF TOWNCENTER
- FEMA FLOODPLAIN
- FEMA FLOODWAY

LAND USE TABLE - NORTH OF ADAMS STREET

LOTS	ZONE	LAND USE	RETAIL S.F. ASSIGNED	OFFICE S.F. ASSIGNED	DWELLING UNITS ASSIGNED
BLOCKS 1, 2**, 9* & 10	B2 P.U.D. (175,000 SQ FT MAX IF RETAIL BLDG.)	B2 USES	*	*	***
BLOCK 4	B2 P.U.D.	B2 USES, NO RETAIL	*	*	***
BLOCKS (TOWNCENTER)	B2 P.U.D. (175,000 SQ FT MAX IF RETAIL BLDG.)	B2 USES	141,740	74,240	***
TOTAL ALLOWED			480,000	120,000	1,063

MAXIMUM SINGLE RETAIL USE 175,000 S.F.

** COMMUNITY CENTER PERMITTED SQUARE FOOTAGE INCLUDES A 50% BONUS FOR INTEGRATING THE INCENTIVE CRITERIA OF BUSINESS AND COMMERCE SECTION OF THE COMPREHENSIVE PLAN. SPECIFIC ITEMS TO BE INCLUDED ARE:

1. A MINIMUM P.U.D. RESIDENTIAL DENSITY OF 6.0 UNITS/ACRE
2. A TOWN CENTER CONCEPT
3. A PLAZA OR COURTYARD OPEN SPACE AREA
4. A LOCATION FOR A MASS TRANSIT STOP
5. INTEGRATION OF PEDESTRIAN ORIENTED DESIGN ELEMENTS
6. POTENTIAL FUTURE PAD SITES AS REQUIRED BY INCENTIVE CRITERIA OF 2030 COMPREHENSIVE PLAN, SHOWN ON LOT 1, BLOCK 2 AND LOT 4, BLOCK 2.

* DEVELOPER MAY ASSIGN SQUARE FOOTAGE WITHIN THE BUILDING ENVELOPES WITHOUT ADMINISTRATIVE AMENDMENT BASED ON THE REMAINDER OF WHAT IS ALLOWED AFTER ACCOUNTING FOR THE TOWN CENTER.

** DEVELOPMENT ON LOTS ADJACENT TO MARKET DRIVE MUST:

a) ORIENT BUILDINGS ALONG MARKET DRIVE.
b) SETBACK BUILDINGS NO MORE THAN 50' FROM MARKET DRIVE RIGHT OF WAY.
c) ORIENT BUILDINGS SUCH THAT PARKING AND DRIVING AISLES ARE NOT BETWEEN THE BUILDING AND MARKET DRIVE.
d) HAVE NO PARKING WITHIN 100' OF MARKET DRIVE UNLESS THERE IS A BUILDING, OR OTHER TYPE OF FEATURE INTENDED FOR SCREENING, BETWEEN THE PARKING AND MARKET DRIVE.
e) HAVE NO DRIVE AISLES OR DRIVE THROUGH LANES WHICH ARE SUBSTANTIALLY PARALLEL TO MARKET DRIVE WITHIN 100' OF THE RIGHT OF WAY UNLESS THERE IS A BUILDING, OR OTHER TYPE OF FEATURE INTENDED FOR SCREENING, BETWEEN THE DRIVING LANE AND MARKET DRIVE.
f) LOT 4, BLOCK 1 SHALL SUBSTANTIALLY COMPLY WITH THE SITE PLAN, ELEVATIONS AND LANDSCAPE PLAN AS SHOWN ON THE ATTACHED PLANS.

*** UP TO 1,063 RESIDENTIAL UNITS MAY BE ASSIGNED WITHIN THE B-2 AREA NORTH OF ADAMS STREET BY ADMINISTRATIVE AMENDMENT.

LAND USE TABLE - SOUTH OF ADAMS STREET

LOTS	ZONE	LAND USE	RETAIL S.F. ASSIGNED	OFFICE S.F. ASSIGNED	DWELLING UNITS ASSIGNED
BLOCKS SOUTH OF ADAMS	B-2 P.U.D. (50,000 SQ FT MAX IF RETAIL BLDG.)	B-2 USES	71,250*	28,750*	75
BLOCKS SOUTH OF ADAMS	O-3 P.U.D. (50,000 SQ FT MAX IF RETAIL BLDG.)	O-3 USES**	0	0	91
TOTAL ALLOWED			71,250	28,750	166

MAXIMUM SINGLE RETAIL USE 50,000 S.F.

* DEVELOPER MAY ASSIGN SQUARE FOOTAGE WITHIN THE BUILDING ENVELOPES WITHOUT ADMINISTRATIVE AMENDMENT BASED ON THE REMAINDER OF WHAT IS ALLOWED SOUTH OF ADAMS STREET.

** SEE SHEET 1 FOR ADDITIONAL USES ALLOWED ON O-3 P.U.D.

PRAIRIE VILLAGE NORTH

FULL AMENDMENT TO AMENDED PLANNED UNIT DEVELOPMENT

SITE SPECIFIC NOTES

1. THE EXISTING ZONING IS AG, R-3, R-5, O-3 & B-2. THE PROPOSED ZONING IS R-3, R-5, B-2 & O-3
2. ALL LOTS ABUTTING 100 YEAR FLOOD PLAIN WILL HAVE A MINIMUM OPENING ELEVATION OF 1 FOOT ABOVE THE 100 YEAR FLOOD ELEVATION. MINIMUM OPENING ELEVATIONS WILL BE SHOWN ON FUTURE ADMINISTRATIVE AMENDMENTS.
3. DIRECT VEHICULAR ACCESS TO N. 84TH STREET AND ADAMS STREET IS RELINQUISHED EXCEPT WHERE SHOWN.
4. P.U.D. RESIDENTIAL CALCULATIONS

ZONE	TOTAL ACRES	MULTIPLIER	# OF UNITS
R-3	175.94	6.95	1224
R-5	24.86	29.04	721
TOTAL ALLOWABLE UNITS			1945 UNITS
TOTAL APPROVED UNITS (R-3)			579 UNITS
TOTAL APPROVED UNITS (R-5)			322 UNITS
TOTAL UNASSIGNED UNITS			1044 UNITS

5. DEVELOPER RESERVES THE RIGHT TO USE ALL UNASSIGNED UNITS IN P.U.D.
6. APPROXIMATELY 4 ACRES OF LAND WITHIN THE FLOOD PLAIN ADJACENT TO THE P.U.D. WILL BE RESERVED FOR A PUBLIC NEIGHBORHOOD PARK, EXACT CONFIGURATION OF PARK TO BE DETERMINED DURING FINAL PLATTING.
7. A NETWORK OF PEDESTRIAN WAYS WILL BE CONSTRUCTED TO PROVIDE ACCESS TO COMMERCIAL AND PARK AREAS FROM THE RESIDENTIAL NEIGHBORHOOD. PEDESTRIAN WAYS MAY CONSIST OF SIDEWALKS AND/OR PAVED TRAILS LOCATED WITHIN PUBLIC RIGHT OF WAY, OUTLOTS, AND/OR PEDESTRIAN EASEMENTS. LOCATION TO BE DETERMINED WITH FUTURE ADMINISTRATIVE AMENDMENTS. A PEDESTRIAN CONNECTION WITH SIDEWALK FROM N. 89TH STREET TO THE TOWNCENTER WILL BE PROVIDED.
8. A 20' WIDE TRAIL EASEMENT WILL BE DEDICATED WITHIN THE STEVENS CREEK FLOOD PLAIN ADJACENT TO THIS DEVELOPMENT. ALIGNMENT & LOCATION OF THE TRAIL SHALL BE MUTUALLY AGREEABLE TO BY THE DEVELOPER AND CITY OF LINCOLN PARKS & RECREATION DEPARTMENT, AND WILL BE DETERMINED AT A FUTURE DATE.
9. ONE OR MORE CONNECTIONS WILL BE MADE FROM THE DEVELOPMENT TO THE MURDOCK TRAIL. THE TRAIL CONNECTOR BETWEEN FREMONT STREET & MURDOCK TRAIL IS DEVELOPER'S RESPONSIBILITY TO BUILD.
10. THE FUTURE OPEN SPACE BOUNDARY SHALL BE FINALIZED WHEN THE FINAL FLOOD ELEVATIONS HAVE BEEN DETERMINED PER THE REMAPPING OF THE FLOOD PLAIN BASED ON THE STUDY PERFORMED BY THE CITY OF LINCOLN.
11.

R-3 REQ.	MINIMUM LOT AREA SQ. FT.	MINIMUM LOT WIDTH	MINIMUM FRONT YARD SETBACK	MINIMUM SIDE YARD SETBACK	MINIMUM REAR YARD SETBACK	MAXIMUM HEIGHT
SINGLE FAMILY	4000 SF	30'	15'	5'	20'	35'
SINGLE FAMILY ATTACHED	2,500 PER FAMILY	25' PER FAMILY	15'	5', 0' IF PARTY WALL	20'	35'

* SEE SHEET 4 FOR LOTS 1-58, BLOCK 4 SETBACKS:
** REAR YARD SETBACKS FOR LOTS 22 & 23, BLOCK 15 SHALL BE 10'.
*** REAR YARD SETBACKS FOR LOTS 1-23, BLOCK 15, AN UNENCLOSED COVERED OR UNCOVERED DECK MAY HAVE A SETBACK LESS THAN REQUIRED MINIMUM REAR YARD BUT IN NO INSTANCE MAY THE SETBACK BE LESS THAN 15 FEET.

12.

R-5 REQ.	MINIMUM LOT AREA SQ. FT.	MINIMUM LOT WIDTH	MINIMUM FRONT YARD SETBACK	MINIMUM SIDE YARD SETBACK	MINIMUM REAR YARD SETBACK	MAXIMUM HEIGHT
DWELLING MULTIPLE	1,500 SF PER UNIT	50'	20', 25' ALONG N. 84TH STREET	7' OR 10' IF OVER 20' IN HEIGHT	30' OR 20% OF LOT DEPTH WHICHEVER IS LESS	45'

13.

B-2 REQ.	MINIMUM LOT AREA SQ. FT.	MINIMUM LOT WIDTH	MINIMUM FRONT YARD SETBACK	MINIMUM SIDE YARD SETBACK	MINIMUM REAR YARD SETBACK	MAXIMUM HEIGHT
DWELLING SINGLE FAMILY	4,000 SF	50'	20', 25' ALONG N. 84TH & ADAMS STREETS, 20' & 10' FOR DOUBLE FRONTAGE LOTS	5', 40' WHEN ABUTTING RESIDENTIAL DISTRICT IF COMMERCIAL USE	20'	35'
SINGLE FAMILY ATTACHED	2,700 SF	30'			20'	35'
DWELLING MULTIPLE	1,500 SF PER UNIT	50'			20'	35'
TOWNHOUSE	2,500 SF PER UNIT	20'			20'	35'
OTHER PERMITTED USES	0	50'	20' ALONG ALL PUBLIC STREETS, 25' ALONG N. 84TH & ADAMS STREETS.	0', 20' WHEN ABUTTING RESIDENTIAL DISTRICT	0', 25' WHEN ABUTTING RESIDENTIAL DISTRICT	40'

* SIDE AND REAR YARDS ABUTTING A RESIDENTIAL DISTRICT SHALL BE SCREENED IN CONFORMANCE WITH THE LANDSCAPE DESIGN STANDARDS ADOPTED BY THE CITY OF LINCOLN.

14.

O-3 REQ.	MINIMUM LOT AREA SQ. FT.	MINIMUM LOT WIDTH	MINIMUM FRONT YARD SETBACK	MINIMUM SIDE YARD SETBACK	MINIMUM REAR YARD SETBACK	MAXIMUM HEIGHT
DWELLING SINGLE FAMILY	4,000 SF	50'	20', 25' ALONG N. 84TH & ADAMS STREETS, 20' & 10' FOR DOUBLE FRONTAGE LOTS	5', 40' WHEN ABUTTING RESIDENTIAL DISTRICT IF COMMERCIAL USE	20'	35'
SINGLE FAMILY ATTACHED	2,700 SF	30'			20'	35'
DWELLING MULTIPLE	1,500 SF PER UNIT	50'			20'	35'
OTHER PERMITTED USES	4,000 SF	50'			20'	35'
TOWNHOUSE	2,500 SF PER UNIT	20'			20'	35'

ADDITIONAL USES UNDER O-3 ZONE PERMITTED:

1. RESTAURANTS
   A. SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES OF A RESTAURANT MUST COMPLY WITH THE CONDITIONS OF LINCOLN MUNICIPAL CODE 27.31.040.
2. HEALTH CARE FACILITIES:
   A. HOSPITALS; A HOSPITAL MAY INCLUDE OFFICES OR MEDICAL SOCIETIES, OFFICE OF CHARITABLE PUBLIC HEALTH ASSOCIATIONS & PRIVATE OFFICE SPACE FOR THE PRACTICE OF MEDICINE AND DENTISTRY UNDER A LICENSE FROM THE DEPT. OF HEALTH OF THE STATE OF NEBRASKA; PROVIDE THAT ANY SUCH PRIVATE OFFICE FOR THE PRACTICE OF MEDICINE & DENTISTRY SHALL BE LOCATED ON THE HOSPITAL LOT & THE DOCTORS AND DENTISTS INVOLVED THEREIN MUST BE ON THE STAFF OF THE HOSPITAL.
   B. A FACILITY FOR OUTPATIENT PHYSICAL, OCCUPATIONAL OR VOCATIONAL THERAPY OR REHABILITATION.
3. RECREATIONAL FACILITIES
4. PRIVATE SCHOOLS
5. ALL OTHER PERMITTED CONDITIONAL OR PERMITTED SPECIAL USES UNDER THE O-3 ZONE SHALL BE APPROVED THROUGH THE ADMINISTRATIVE AMENDMENT PROCESS.

15. PARKING SHALL BE ALLOWED IN THE SIDE YARDS SETBACK BETWEEN ADJACENT O-3 & B-2 LOTS. PARKING LOT DETAILS AND NUMBER OF SPACES ARE NOT SHOWN ON THIS PLAN, BUT WILL BE PROVIDED AT TIME OF BUILDING PERMIT, IN COMPLIANCE WITH LINCOLN MUNICIPAL CODE AND DESIGN STANDARDS.
16. A TRANSIT STOP WILL BE PROVIDED FOR IN THE COMMUNITY COMMERCIAL CENTER.
17. ANY RESIDENTIAL LOTS LOCATED WITHIN THE B-2 P.U.D. ZONING WILL BE PERMITTED AS R-3 ZONING USES AND ARE PERMITTED ON THE FIRST FLOOR.
18. ANY COMMERCIAL LOTS LOCATED WITHIN THE R-3 P.U.D. ZONING WILL BE PERMITTED AS B-2 ZONING USES.
19. PRIOR TO THE APPROVAL OF A FINAL PLAT, ALL STREET NAMES SHALL BE APPROVED.
20. ANY EXTERIOR FACADE OF A RETAIL OR OFFICE BUILDING THAT IS FACING A STREET AND LESS THAN 100 FEET FROM THE STREET R.O.W. SHALL HAVE AT LEAST 20% OF THE GROUND LEVEL FACADE IN WINDOW AREA, AND SHALL HAVE ANY GROUND OR ROOFTOP MECHANICAL EQUIPMENT SCREENED FROM PUBLIC VIEW.
21. POTENTIAL SOURCES OF NOISE POLLUTION WILL BE LOCATED AS FAR AS POSSIBLE FROM RESIDENTIAL ZONING.
22. ALL BUILDINGS IN THE TOWN CENTER SHALL FRONT ON NORTH 84TH STREET OR MARKET DRIVE WITH THE EXCEPTION OF THE BUILDING AS SHOWN.
23. A MINIMUM OF 22 FT PARKING AREA BETWEEN THE GARAGE AND THE SIDEWALK IS REQUIRED IN ALL RESIDENTIAL AREAS.
24. A MINIMUM OF 267 UNITS SHALL BE REQUIRED IN THE R-5 OR THE OVERALL DENSITY OF THE P.U.D. SHALL BE AT 15 DWELLING UNITS PER ACRE.
25. THE PROPOSED 16" WATER MAIN IN ADAMS STREET FROM WEST OF 84TH STREET WILL NEED TO BE IN PLACE, UNDER CONTRACT, OR UNDER CONSTRUCTION PRIOR TO THE APPROVAL OF ANY FINAL PLAT IN THE P.U.D.
26. ALL OUTLOT AREAS ARE TO BE MAINTAINED BY THE DEVELOPER AND OR FUTURE HOMEOWNERS ASSOCIATION.
27. SIGNS ARE NOT REQUIRED TO BE SHOWN ON THE PLANS, ALL SIGNS SHALL COMPLY WITH THE B-2 ZONING DISTRICT AND SHALL BE SHOWN AT THE TIME OF SIGN PERMIT.
28. ANY RELOCATION OF EXISTING FACILITIES WILL BE AT THE OWNERS/DEVELOPERS EXPENSE.
29. ANY CONSTRUCTION OR GRADE CHANGES IN LES TRANSMISSION LINE EASEMENT CORRIDORS ARE SUBJECT TO LES APPROVAL AND MUST BE IN ACCORDANCE WITH LES DESIGN AND SAFETY STANDARDS. LANDSCAPING MATERIAL SELECTIONS WITHIN EASEMENT CORRIDORS SHALL FOLLOW ESTABLISHED GUIDELINES TO MAINTAIN MINIMUM CLEARANCE FROM UTILITY FACILITIES.
30. ADMINISTRATIVE AMENDMENTS SHALL BE REQUIRED FOR FUTURE CHANGES TO GRADING, DETENTION, STREET ALIGNMENTS, UTILITY LOCATIONS, STREET PROFILES, ETC. ADMINISTRATIVE AMENDMENTS ARE NOT REQUIRED REGARDING COMMERCIAL SQUARE FOOTAGE ALLOCATION AS SPECIFIED IN THE LAND USE TABLES ON SHEET 3.
31. COMMERCIAL AND MULTIPLE-FAMILY BUILDINGS, PARKING STALLS AND DRIVE AISLES OUTSIDE OF THE TOWNCENTER AND THE LOTS ADJACENT TO MARKET DRIVE ARE CONCEPTUAL AND ALL CONSTRUCTION WILL COMPLY WITH THE APPROVED PLANNED UNIT DEVELOPMENT AND DESIGN STANDARDS TO BE REVIEWED AT THE TIME OF BUILDING PERMITS.
32. A 20 FOOT WIDE EASEMENT WILL BE DEDICATED IN THE FUTURE WITHIN OUTLOT 2 FOR THE STEVENS CREEK TRAIL.
33. LOTS 4 THROUGH 14 OF BLOCK 15 WILL NEED A LETTER OF MAP CHANGE FROM FEMA PRIOR TO OBTAINING BUILDING PERMITS.
34. THE REQUIRED RESIDENTIAL PARKING SPACES MAY BE LOCATED ON A DRIVEWAY BEHIND A GARAGE THAT IS ATTACHED TO A DWELLING UNIT PROVIDED THE MINIMUM DEPTH OF THE PARKING SPACE IS 22 FEET BETWEEN THE BACK OF CURB AND FACE OF GARAGE.
35. OUTLOT 'F' SHALL PROVIDE EMERGENCY ACCESS TO AND FROM THE LANCASTER COUNTY EVENT CENTER PER THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LINCOLN AND THE LANCASTER COUNTY EVENTS CENTER.
36. THE GRADING PLAN WILL REQUIRE AN ADMINISTRATIVE AMENDMENT BEFORE THE LANCASTER EVENT EMERGENCY ACCESS ROAD CAN BE BUILT.

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clarkenersen.com

Lincoln, Nebraska
1010 Lincoln Mall, Suite 200
Lincoln, NE 68508-2883
P: 402.477.3291 F: 402.477.6542

Kansas City, Missouri
Fairway, Kansas
Portland, Oregon
Fort Collins, Colorado

Prairie Village North
Full Amendment

Lincoln, NE

CE No.: 893-010-21

September 15, 2021

Cover Sheet

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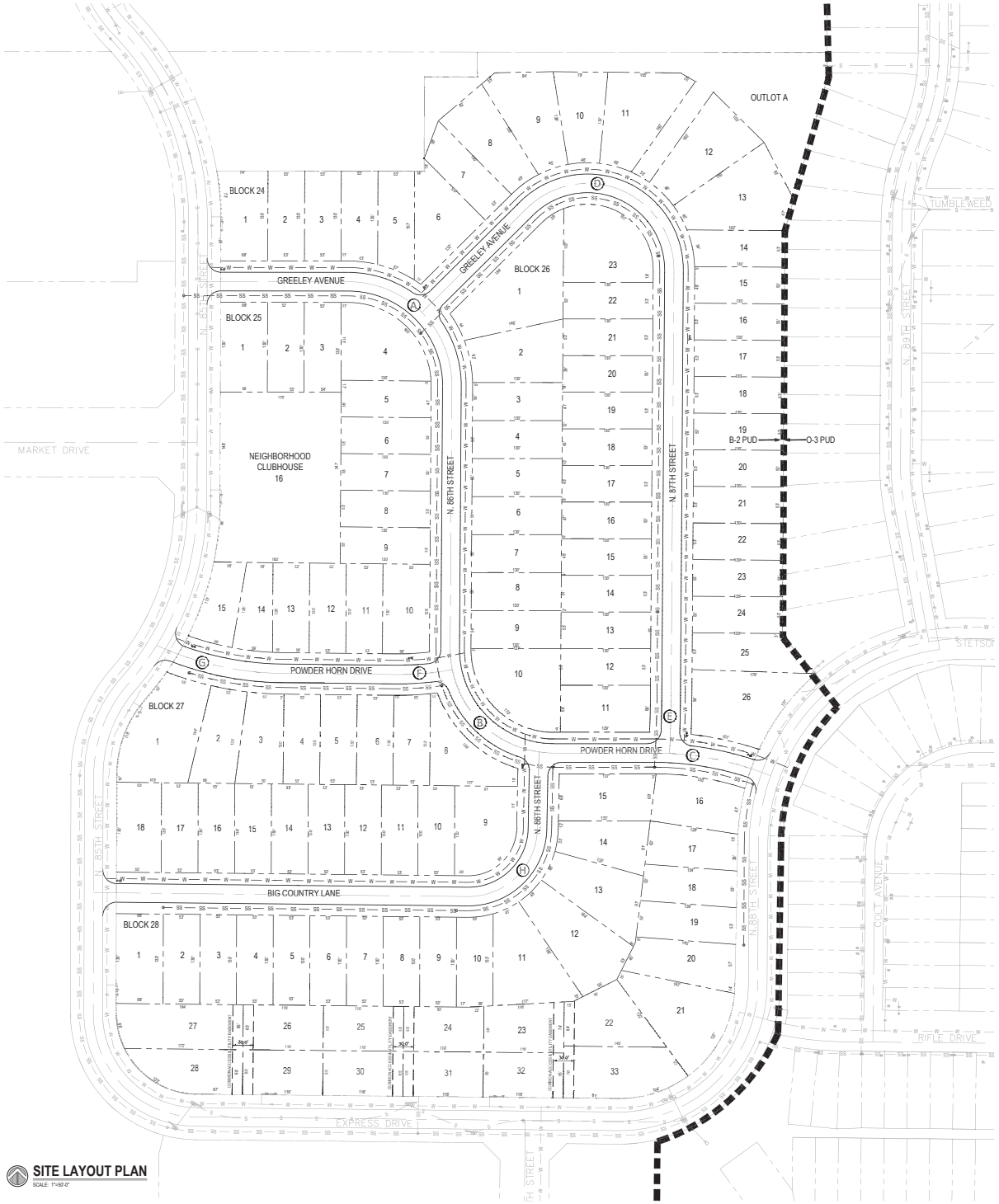

SITE LAYOUT PLAN
SCALE: 1"=50'-0"

CURVE DATA

A	B	C	D
R = 150.00'	R = 150.00'	R = 450.00'	R = 125.00'
L = 236.40'	L = 236.61'	L = 172.94'	L = 294.85'
T = 150.78'	T = 150.99'	T = 87.55'	T = 302.89'
CL = 212.68'	CL = 212.83'	CL = 171.88'	CL = 231.09'
Δ = 90° 17' 51"	Δ = 90° 22' 40"	Δ = 22° 01' 11"	Δ = 135° 08' 56"

E	F	G	H
R = 1800.00'	R = 450.00'	R = 450.00'	R = 100.00'
L = 81.66'	L = 83.95'	L = 188.03'	L = 156.15'
T = 40.84'	T = 42.10'	T = 95.41'	T = 99.08'
CL = 81.66'	CL = 83.83'	CL = 186.67'	CL = 140.76'
Δ = 2° 35' 58"	Δ = 10° 41' 20"	Δ = 23° 56' 27"	Δ = 89° 28' 07"

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Architecture \ Engineering \ Interior Design \ Landscape Architecture \ Planning
clarkenersen.com
Lincoln, Nebraska
1010 Lincoln Mall, Suite 200
Lincoln, NE 68508-2883
P: 402.477.5291 F: 402.477.6542
Kansas City, Missouri
Fairway, Kansas
Portland, Oregon
Fort Collins, Colorado

Prairie Village North Full Amendment

Lincoln, NE

CE No.: 893-010-21

September 15, 2021

Site Layout Plan

4A of 16

Plot Time/Scale: 9/16/2021 9:09:21 AM
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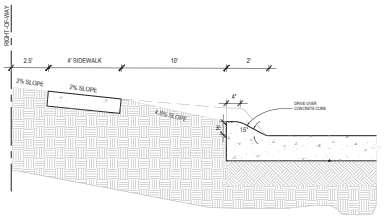
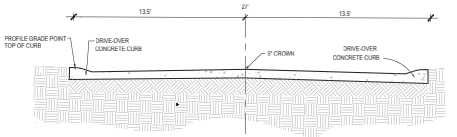
SITE LAYOUT PLAN
SCALE: 1"=60'-0"

CURVE DATA

NORTH 86TH STREET	REGENT DRIVE	WAGON DRIVE
A L = 145.68' R = 300.00' Δ = 27°49'23" T = 74.31	C L = 145.39' R = 297.00' Δ = 28°02'50" T = 74.18	E L = 166.76' R = 150.00' Δ = 63°41'44" T = 93.18
B L = 197.19' R = 400.00' Δ = 28°14'44" T = 100.64	D L = 147.00' R = 300.00' Δ = 28°04'35" T = 75.01	F L = 99.40' R = 300.00' Δ = 18°59'00" T = 50.16



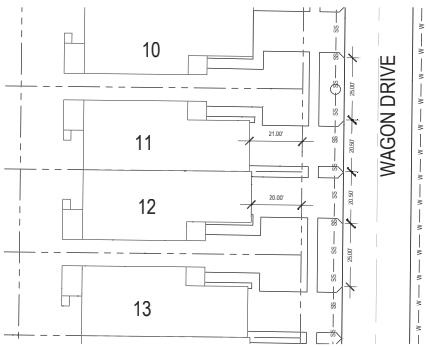
3" DRIVE OVER CURB DETAIL
(NOT TO SCALE)



WAGON DRIVE PAVEMENT CROSS-SECTION
(NOT TO SCALE)

GENERAL NOTES:

1. AN ASSOCIATION WILL BE ESTABLISHED TO MAINTAIN ALL OPEN SPACE AREAS INCLUDING MEDIANS, PEDESTRIAN EASEMENTS AND ROUNDABOUTS.
2. THE SINGLE FAMILY ATTACHED RESIDENTIAL AREA MEETS MINIMUM GUEST PARKING REQUIREMENT FOR 102 DWELLING UNITS AS SHOWN BY THE OVER 51 ON-STREET PARKING SPOTS ON THE SITE PLAN.
3. BUILDINGS ALONG WAGON DRIVE MUST BE IN SUBSTANTIAL COMPLIANCE WITH FOOTPRINT, AS SHOWN. BUILDING FOOTPRINTS ARE SHOWN TO B E ABLE TO HAVE ONE ON-STREET PARKING STALL PROVIDED PER TWO UNITS.



ON STREET PARKING EXHIBIT (WAGON DR. ONLY)
SCALE: 1"=20'-0"

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clarkenersen.com
Lincoln, Nebraska
1010 Lincoln Mall, Suite 200
Lincoln, NE 68508-2683
P: 402.477.5291 F: 402.477.6542
Kansas City, Missouri
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Fort Collins, Colorado

Prairie Village North Full Amendment

Lincoln, NE

CE No.: 893-010-21

September 15, 2021

Site Layout Plan

Plot Time/Scale: 9/16/2021 9:43:03 AM
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September 15, 2021

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

RE: Amendment to the Prairie Village North Planned Unit Development #05054E

Dear Mr. Cary:

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

1. Application
2. Application fee $988
3. PUD Site Plan & Notes
4. PUD Site Specific Plan
5. PUD Grading & Drainage Plan
6. PUD Street Profiles

On behalf of the Developer, Legacy Homes, LLC, 2045 S. Folsom St, Suite A, Lincoln, NE 68522, we are requesting an amendment to the Prairie Village North PUD to show single family attached lots to the B-2 PUD district located south of Adams St and single family lots to the B-2 PUD district north of Adams. The added single family residential lots north of Adams Street will be marketed towards an independent senior living lifestyle. A site specific plan and grading/drainage plan has been updated on the PUD to show the lots, elevations and the location of the public streets.

A waiver to the design standards is being requested for the 3 cul-de-sacs south of Adams Street. The cul-de-sac radii is 30'. A non-standard intersection is being requested south of Adams Street to allow the existing drainage inlets to remain.

A waiver to the design standards is being requested for roadway centerline radius for the new streets north of Adams Street. The minimum radius for roadway centerline is 100'. We are requesting lots to front onto a common access easement in lieu of a roadway for the new residential lots along Express Drive. This is to minimize the amount of driveways onto Express Drive. In addition, the setback from Express Drive for the new residential lots shall have a setback of 15'.

Sincerely,

Tim Gergen

RECEIVED
SEP 15 2021
Planning Department

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

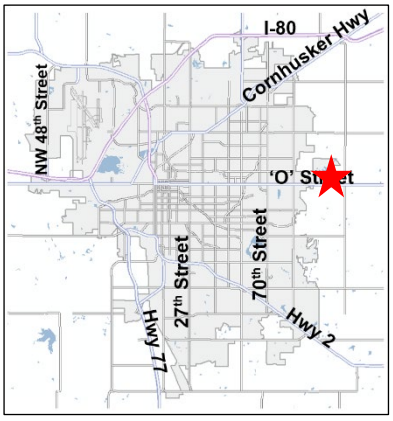
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Change of Zone 21040	No	Waterford Estates, LLC, Manion Construction, Inc., Spring Valley Homes, Inc.
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
October 13, 2021	None	N. 104th and Shore Front Drive

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone over 10.29 acres to rezone from R-4 Residential to R-3 Residential. The change of zone area includes all the lots and outlots in Waterford Estates 25th Addition and the two lots of Waterford Estates 27th Addition. This is generally located north of O Street and west of N. 104th Street between Shore Front Drive and Boathouse Road. The change of zone is proposed so that the single-family home lots have the same setbacks in this area as the other single family home areas in Waterford Estates Subdivision.



JUSTIFICATION FOR RECOMMENDATION

The proposed change of zone is consistent with the Comprehensive Plan which identifies the property for Urban Density Residential and will allow for consistent setbacks with other single family lot areas in the development.

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 future land use map designates the property as Urban Density Residential. R-3 and R-4 zoning districts are both consistent with this future land use designation, so the change of zone is compatible.

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. 7.2 - Neighborhoods and 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.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.

P. 7.8 - Strategies for Developing Neighborhoods

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

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

ANALYSIS

1. This is a request for a change of zone from R-4 Residential to R-3 Residential over 10.29 acres of land. This includes all of the lots and outlots in Waterford Estates 25th Addition and the two lots that comprise Waterford Estates 27th Addition. This area is located north of O Street and west of N. 104th Street between Shore Front Drive and Boathouse Road.

2. The purpose of the change of zone request is to provide for consistent setbacks for the single family lots in this area with the rest of Waterford Estates subdivision. Aside from two townhome areas, the remainder of Waterford Estates is zoned R-3.

3. A principal difference between R-3 and R-4 zoning in terms of height and lot requirements is the front yard setback requirement. The R-4 Zoning District requires a minimum front yard setback of 25 feet. The R-3 Zoning District requires a minimum front yard setback of 20 feet. The side and rear setback requirements and the maximum height requirements are the same. Other differences between the districts include minimum lot area and lot width.

4. This property was previously rezoned from AG to R-4 as part of Change of Zone 07002 in April of 2007. At the time, R-4 areas were shown on the preliminary plat as "Future multi-family" with the intent for a Community Unit Plan. Whereas R-3 zoning requested as part of the proposal was for single family lots.

5. The future land use map in the 2040 Comprehensive Plan designates this property and the general area for Urban Density Residential. R-3 and R-4 zoning are both consistent with this designation.

6. The proposed change of zone is consistent with the Comprehensive Plan and will provide for consistent setbacks with the rest of the development for the intended single family residential homes.

EXISTING LAND USE & ZONING: Vacant R-4 Residential

SURROUNDING LAND USE & ZONING

North:	Single Family Detached/Vacant	R-3
South:	Single Family Attached/Vacant	R-4
East:	Single Family Detached	R-3
West:	Single Family Attached	R-4/B-2
	Single Family Detached/Vacant	

APPLICATION HISTORY: See attached

APPROXIMATE LAND AREA: 10.29 acres, more or less

LEGAL DESCRIPTION: See attached

Prepared by

_____

George Wesselhoft, Planner
(402) 441-6366 or gwesselhoft@lincoln.ne.gov
Date: September 30, 2021

Owners: Waterford Estates, LLC
7211 S. 27th Street
Lincoln, NE 68512

Manion Construction, Inc.
15825 S. 64th Street
Roca, NE 68430

Spring Valley Homes, Incorporated
9100 Buckboard Drive
Lincoln, NE 68532

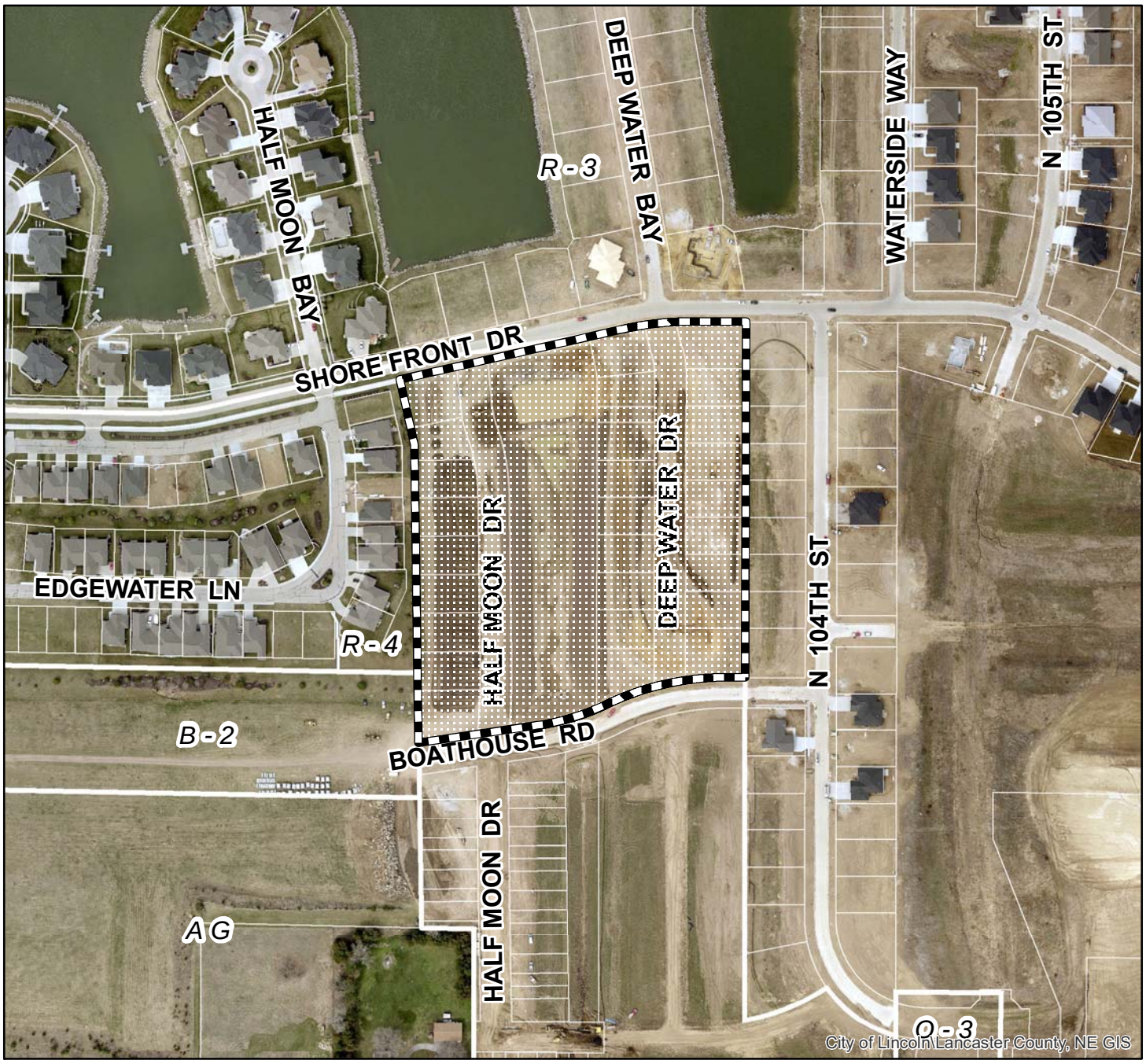
Applicant: Waterford Estates, LLC
2001 Pine Lake Road, Suite 100
Lincoln, NE 68512
(402) 421-1604
tew@inebraska.com

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

https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CZ/21000/CZ21040 Waterford Estates.gjw.docx

APPLICATION HISTORY – CZ#21040

February, 2007	Waterford Estates 1st Addition Preliminary Plat 07001 was approved by Planning Commission.
April, 2007	Annexation 07001 was approved by City Council which included the property as part of 122.2 acres annexed into the City.
April, 2007	Change of Zone 07002 was approved by City Council. This change of zone included the property as part of approximately 123.63 acres and rezoned the property from AG Agricultural to R-4 Residential.
September, 2020	Final Plat 20059 Waterford Estates 25th Addition was approved which includes the majority of the proposed CZ21040 area.
April, 2021	Final Plat 21020 Waterford Estates 27th Addition was approved which includes two of the lots in the proposed CZ21040 area.



2020 aerial

Change of Zone #: CZ21040 (R-4 to R-3)
N 104th St & Shore Front Dr

N
W E
S

One Square Mile:
Sec.24 T10N R07E

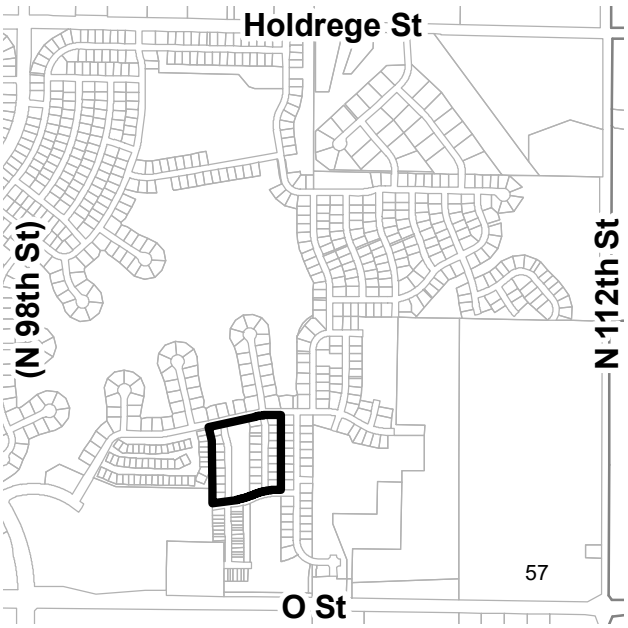
Zoning:

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

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



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File: C:\GIS\Projects\DevelopmentReview\AgendaDrawings\mxd\Agendadrawings.mxd (CZ21040)

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 Chang of Zone from R-4 to R-3

Dear David:

Our office represents Waterford Estates, LLC ("Developer"), the developer of the Waterford Estates Subdivision at North 98th Street and O Street. Developer desires to change the zone of the single family lots and outlots in Waterford Estates 25th Addition, and two lots in Waterford Estates 27th Addition from R-4 to R-3. Aside from two townhome developments, all of the remaining residential property within Waterford Estates is zoned R-3. A change of zone for these single family lots in 25th and 27th Additions will allow them to have the same setbacks and requirements as the other single family lots within the development.

Enclosed please find the following:

a. City of Lincoln Zoning Application for Change of Zone;
b. Map showing the area for the Change of Zone; and
c. Application fee in the amount of $988.

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

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

LEGAL DESCRIPTION

A TRACT OF LAND COMPOSED OF LOTS 1 THROUGH 9, BLOCK 1, LOTS 3 THROUGH 9, BLOCK 2, LOTS 1 THROUGH 9, BLOCK 3, AND OUTLOTS “A” AND “B”, WATERFORD ESTATES 25TH ADDITION, LOTS 1 AND 2, WATERFORD 27TH ADDITION AND A PORTION OF HALF MOON BAY AND DEEP WATER DRIVE RIGHT OF WAY, ALL LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 9, BLOCK 3, WATERFORD ESTATES 25TH ADDITION, SAID POINT BEING ON THE NORTH RIGHT OF WAY LINE OF BOATHOUSE ROAD; THENCE, WESTERLY, ON A SOUTH LINE OF SAID LOT 9, SAID LINE BEING A NORTH LINE OF SAID BOATHOUSE ROAD RIGHT OF WAY ON AN ASSUMED BEARING OF N89°49'57"W, A DISTANCE OF 35.44' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 25°38'18", A RADIUS OF 530.00', AN ARC LENGTH OF 237.16' ON A SOUTH LINE OF SAID LOT 9, AND ON A SOUTH LINE OF DEEP WATER DRIVE RIGHT OF WAY, AND A SOUTH LINE OF LOT 9, BLOCK 2 WATERFORD ESTATES 25TH ADDITION, SAID LINE BEING A NORTH LINE OF SAID BOATHOUSE ROAD RIGHT OF WAY, A CHORD LENGTH OF 235.19', A TANGENT LENGTH OF 120.60', AND A CHORD BEARING OF S77°20'54"W, TO A POINT OF REVERSE CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 17°04'31", A RADIUS OF 470.00', AN ARC LENGTH OF 140.07', ON A SOUTH LINE OF SAID LOT 9, BLOCK 2, AND ON THE SOUTH LINE OF SAID OUTLOT “A”, WATERFORD 25TH ADDITION, SAID LINE BEING A NORTH RIGHT OF WAY LINE OF BOATHOUSE ROAD, A CHORD LENGTH OF 139.55', A TANGENT LENGTH OF 70.56', AND A CHORD BEARING OF S73°04'01"W TO A POINT; THENCE S81°36'16"W, ON A SOUTH LINE OF SAID OUTLOT “A”, AND ON A SOUTH RIGHT OF WAY LINE OF HALF MOON BAY AND ON THE SOUTH LINE OF SAID LOT 9, BLOCK 1, WATERFORD 25TH ADDITION, SAID LINE BEING A NORTH RIGHT OF WAY LINE OF SAID BOATHOUSE ROAD, A DISTANCE OF 230.03' TO THE SOUTHWEST CORNER OF SAID LOT 9, BLOCK 1; THENCE N00°50'01"W, ON THE WEST LINE OF SAID LOT 9, BLOCK 1 AND ON A WEST LINE OF SAID LOT 8, BLOCK 1, WATERFORD 25TH ADDITION, A DISTANCE OF 135.64' TO A WEST CORNER OF SAID LOT 8, BLOCK 1; THENCE N00°48'30"W, ON A WEST LINE OF SAID LOTS 8 THROUGH 2, BLOCK 1, WATERFORD ESTATES 25TH ADDITION, A DISTANCE OF 437.32' TO A WEST CORNER OF SAID LOT 2, BLOCK 1; THENCE N12°37'04"W, ON A WEST LINE OF SAID LOTS 2 AND 1, BLOCK 1 WATERFORD ESTATES 25TH ADDITION, A DISTANCE OF 127.10' TO THE NORTHWEST CORNER OF SAID LOT 1, BLOCK 1, SAID POINT BEING ON A SOUTH LINE OF SHORE FRONT DRIVE; THENCE N77°14'11"E, ON A NORTH LINE OF SAID LOT 1, BLOCK 1, A NORTH LINE OF SAID HALF MOON DRIVE RIGHT OF WAY, THE NORTH LINE OF OUTLOT “A”, AND THE NORTH LINE OF SAID LOT 1, WATERFORD ESTATES 27TH ADDITION, SAID LINE BEING A SOUTH RIGHT OF WAY LINE OF SHORE FRONT DRIVE, A DISTANCE OF 438.80' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 12°55'59", A RADIUS OF 585.00', AN ARC LENGTH OF 132.05', ON A NORTH LINE OF SAID LOT 1, THE NORTH LINE OF

DEEP WATER BAY RIGHT OF WAY AND A NORTH LINE OF SAID LOT 1, BLOCK 3, WATERFORD ESTATES 25TH ADDITION, SAID LINE BEING A SOUTH RIGHT OF WAY LINE OF SHORE LINE DRIVE, A CHORD LENGTH OF 131.77', A TANGENT LENGTH OF 66.30', AND A CHORD BEARING OF N83°42'10"E TO A NORTH CORNER OF SAID LOT 1 BLOCK 3; THENCE S89°49'51"E, ON A NORTH LINE OF SAID LOT 1 BLOCK 3, SAID LINE BEING A SOUTH RIGHT OF WAY LINE OF SAID SHORE LINE DRIVE, A DISTANCE OF 104.98' TO THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 3; THENCE S00°10'09"W, ON AN EAST LINE OF LOTS 1 THROUGH 9, BLOCK 3, SOUTHWEST VILLAGE 25TH ADDITION, A DISTANCE OF 682.38' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 448,194.62 SQUARE FEET OR 10.29 ACRES, MORE OR LESS.

SEPTEMBER 20, 2021
F:\2019\4001-4500\019-4078\40-DESIGN\SURVEY\SRVY\FINAL PLAT\DOCUMENTS\CHANGE OF ZONE.RTF

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

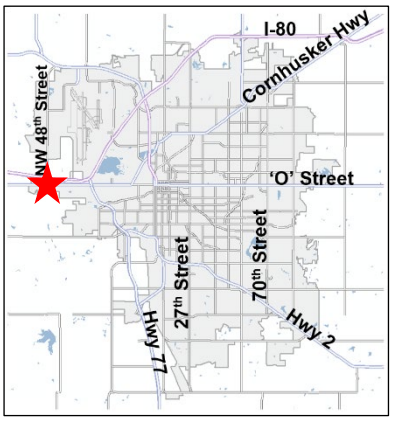
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	OWNER
Special Permit 11013C	Yes	Roger Schwisow
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY LOCATION**
October 13, 2021	None	W. O & NW 63rd Streets

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request per Section 27.63.160 to renew a special permit for soil mining. The property is currently in the Agriculture (AG) zoning district and is approximately 41.71 acres with 17.98 acres being disturbed with the requested soil mining activities. The excavation/mining of fill material will be used around the Lincoln area.



JUSTIFICATION FOR RECOMMENDATION

This application with the conditions of approval, meet the requirements for an Excavation special permit.

APPLICATION CONTACT
Nate Burnett, REGA Engineering
(402) 484-7342
marcia@regaeng.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The area is shown as Industrial in the 2040 Lincoln Area Future Land Use Plan. The property is located in Tier I, Priority B Growth Area.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

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

ANALYSIS

1. This request is for soil excavation on approximately 41.71 acres with 17.98 acres being disturbed with the requested soil mining activities, under the provisions of Lincoln Municipal Code (LMC) 27.63.160 Excavation.
2. This site was granted a special permit in July 2008 for excavation and then again in July 2011 with a renewal in 2015 and 2018. The site plan submitted with this application is similar to the site plan submitted for the previous special permit.
3. The area of excavation proposes to extract 203,000 cubic yards of soil. The applicant's letter notes that 101,000 cubic yards were excavated over the last three years. Another 101,00 cubic yards is expected to be mined over the next there years.
4. Hours of operation shall be limited to daylight hours Monday through Saturday.
5. The Lincoln-Lancaster County Health Department notes that during the soil mining process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but are not limited to, application of water or other dust suppression chemicals.
6. A berm along the south side of the parcel provides a screen to "O" Street.
7. The site is visible and in a Capitol View Corridor and is an entryway along I-80 to Lincoln. The lay of the land, distance from I-80 and the railroad partly hide this operation. Views from the west are totally obstructed and from the Interstate to the north will be limited. The previous special permits did not require any berms or landscaping to the north due to the distance from the Interstate and minimal visual impact.

CONDITIONS OF APPROVAL: See attached

EXISTING LAND USE & ZONING: Mining/extraction & Agricultural (AG)

SURROUNDING LAND USE & ZONING:

North: Farm land/Interstate 80 & Agricultural (AG)
South: Farm land/W. O St & Agricultural (AG)
East: Farm land & Agricultural (AG)
West: Pla Mor Ballroom/single-family house & Agricultural (AG and AGR)

APPLICATION HISTORY:

July 28, 2008	Special Permit 08015 for soil excavation on this property was approved for three years by the City Council.
July 11, 2011	Special Permit 11013 for soil excavation on this property was approved for three years by the City Council.
April 1, 2015	Special Permit 11013A, an amendment to renew the special permit for soil excavation was approved for three years by the Planning Commission.
September 26, 2018	Special Permit 11013B, an amendment to renew the special permit for soil excavation was approved for three years by the Planning Commission.

APPROXIMATE LAND AREA: Approximately 41.71 acres with 17.98 acres being disturbed with the requested soil mining activities.

LEGAL DESCRIPTION: Lot 25, I.T., located in the SW 1/4 of Section 24-10-5, Lincoln, Lancaster County, Nebraska.

Prepared by:

_____
Tom Cajka, Planner
(402) 441-5662

Date: September 30, 2021

Applicant: Nate Burnett
REGA Engineering
601 Old Cheney Road, Suite A
Lincoln, NE 68512

Owner: Eldonna Schwisow Revocable Trust
1354 Pelican Bay Place
Lincoln, NE 68528

https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/11000/SP11013C W. O Soil Excavation.tjc.docx

CONDITIONS OF APPROVAL – SPECIAL PERMIT 11013C

Per Section 27.63.160 this approval permits Excavation for approximately 41.71 acres with 17.98 acres being disturbed with the requested soil mining activities.

Site Specific Conditions:

1. This approval permits mining for a soil, sand and gravel excavation operation for a period of threes (3) years from the date of approval of this special permit.

2. The following conditions shall apply:

2.1 Before beginning the excavation operations, the Permittee shall have:

2.1.1 Clearly identify the area of excavation with SP11013C.

2.1.2 Provide to the Planning Department verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

2.1.3 Post performance bond in the amount of $21,890 ($525.00 per acre) intended to be disturbed to assure compliance with the final reclamation plan, including but not limited to regrading, topsoil conditioning, and re-vegetation. A registered professional engineer must certify at closure of operations that grading and final reclamation has been completed in accordance with the approved plans before the bond may be released.

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

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

2.1.5.1 Clearly visible from the adjacent road;

2.1.5.2 At least 32 square feet in area;

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

2.1.5.4 The sign shall list:

(a) The approved Special Permit Number;

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

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

(d) The Building and Safety Department contact number.

2.2 After beginning the excavation operations, the Permittee shall have:

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

2.2.2 No more than twenty (20) acres of the site shall be open for operations at any one time. The surface shall be maintained in such a manner that surface waters do not collect and pond, unless specifically approved

by the City. Underground drainage may be supplied if it connects to an existing drainage facility and is satisfactory to the City.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Standard Conditions:

3. The following conditions are applicable to all requests:

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

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

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

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

2020 aerial

Special Permit #: SP11013C
NW 56th 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

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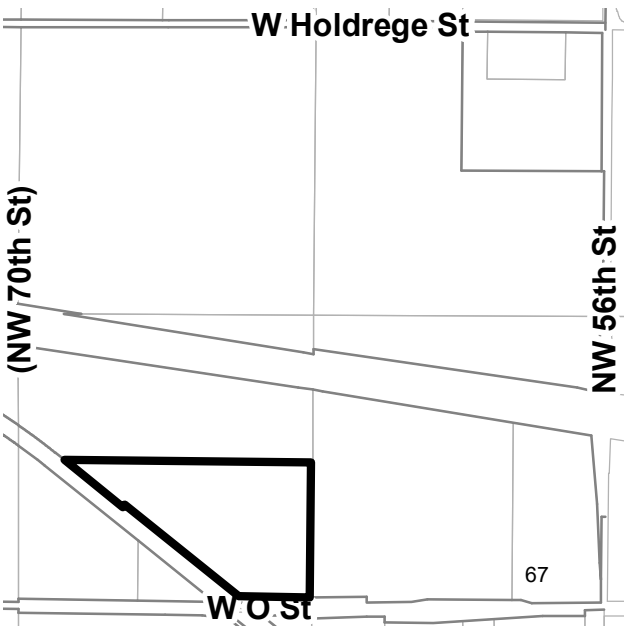
One Square Mile:
Sec.24 T10N R05E

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



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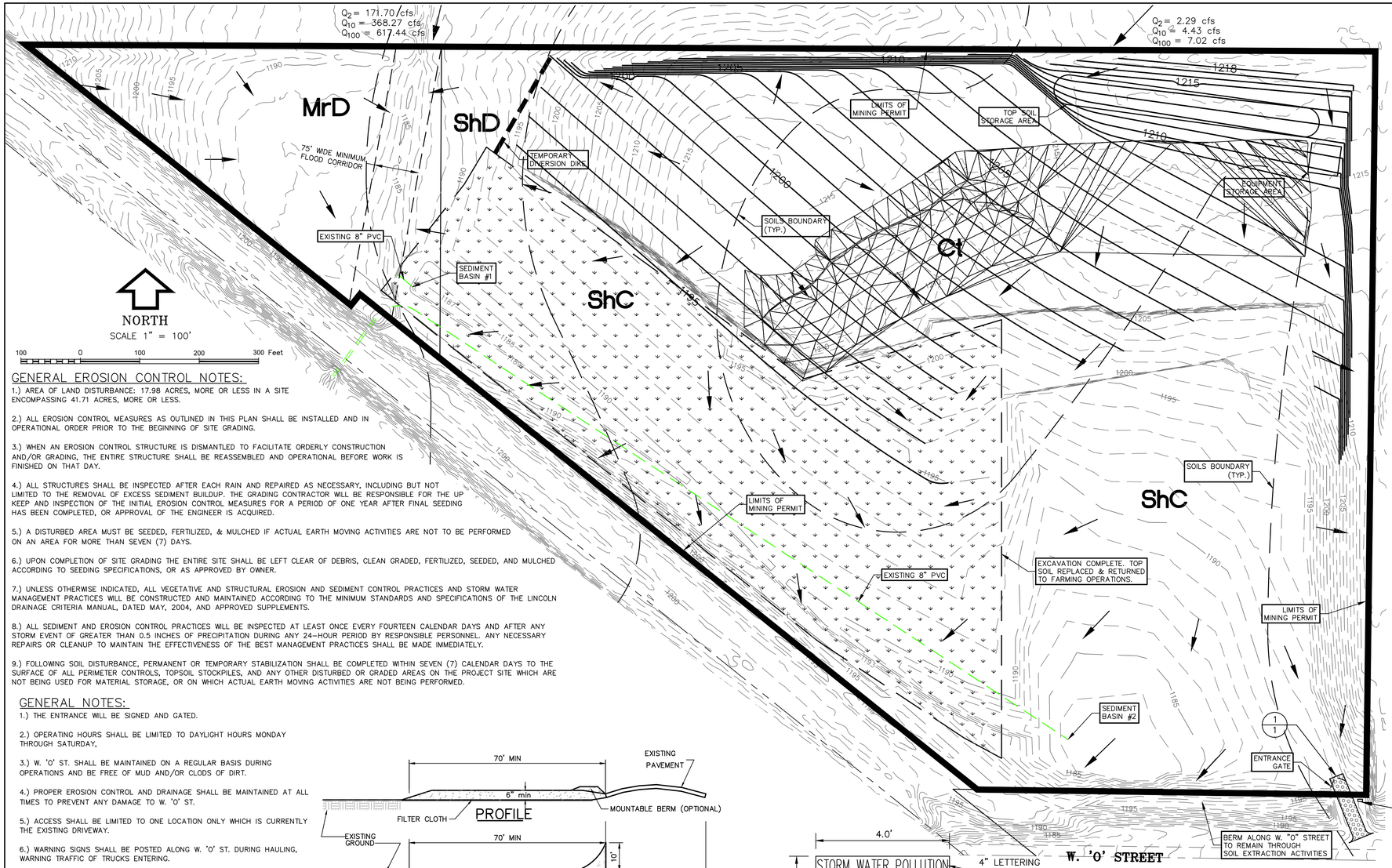
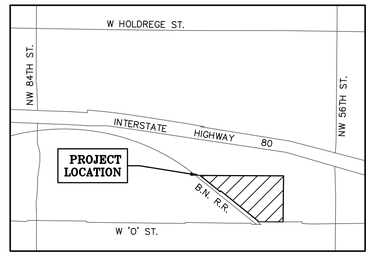




VICINITY MAP:
NO SCALE

GENERAL EROSION CONTROL NOTES:

1.) AREA OF LAND DISTURBANCE: 17.98 ACRES, MORE OR LESS IN A SITE ENCOMPASSING 41.71 ACRES, MORE OR LESS.

2.) ALL EROSION CONTROL MEASURES AS OUTLINED IN THIS PLAN SHALL BE INSTALLED AND IN OPERATIONAL ORDER PRIOR TO THE BEGINNING OF SITE GRADING.

3.) WHEN AN EROSION CONTROL STRUCTURE IS DISMANTLED TO FACILITATE ORDERLY CONSTRUCTION AND/OR GRADING, THE ENTIRE STRUCTURE SHALL BE REASSEMBLED AND OPERATIONAL BEFORE WORK IS FINISHED ON THAT DAY.

4.) ALL STRUCTURES SHALL BE INSPECTED AFTER EACH RAIN AND REPAIRED AS NECESSARY, INCLUDING BUT NOT LIMITED TO THE REMOVAL OF EXCESS SEDIMENT BUILDUP. THE GRADING CONTRACTOR WILL BE RESPONSIBLE FOR THE UP KEEP AND INSPECTION OF THE INITIAL EROSION CONTROL MEASURES FOR A PERIOD OF ONE YEAR AFTER FINAL SEEDING HAS BEEN COMPLETED, OR APPROVAL OF THE ENGINEER IS ACQUIRED.

5.) A DISTURBED AREA MUST BE SEEDED, FERTILIZED, & MULCHED IF ACTUAL EARTH MOVING ACTIVITIES ARE NOT TO BE PERFORMED ON AN AREA FOR MORE THAN SEVEN (7) DAYS.

6.) UPON COMPLETION OF SITE GRADING THE ENTIRE SITE SHALL BE LEFT CLEAR OF DEBRIS, CLEAN GRADED, FERTILIZED, SEEDED, AND MULCHED ACCORDING TO SEEDING SPECIFICATIONS, OR AS APPROVED BY OWNER.

7.) UNLESS OTHERWISE INDICATED, ALL VEGETATIVE AND STRUCTURAL EROSION AND SEDIMENT CONTROL PRACTICES AND STORM WATER MANAGEMENT PRACTICES WILL BE CONSTRUCTED AND MAINTAINED ACCORDING TO THE MINIMUM STANDARDS AND SPECIFICATIONS OF THE LINCOLN DRAINAGE CRITERIA MANUAL, DATED MAY, 2004, AND APPROVED SUPPLEMENTS.

8.) ALL SEDIMENT AND EROSION CONTROL PRACTICES WILL BE INSPECTED AT LEAST ONCE EVERY FOURTEEN CALENDAR DAYS AND AFTER ANY STORM EVENT OF GREATER THAN 0.5 INCHES OF PRECIPITATION DURING ANY 24–HOUR PERIOD BY RESPONSIBLE PERSONNEL. ANY NECESSARY REPAIRS OR CLEANUP TO MAINTAIN THE EFFECTIVENESS OF THE BEST MANAGEMENT PRACTICES SHALL BE MADE IMMEDIATELY.

9.) FOLLOWNG SOIL DISTURBANCE, PERMANENT OR TEMPORARY STABILIZATION SHALL BE COMPLETED WITHIN SEVEN (7) CALENDAR DAYS TO THE SURFACE OF ALL PERIMETER CONTROLS, TOPSOIL STOCKPILES, AND ANY OTHER DISTURBED OR GRADED AREAS ON THE PROJECT SITE WHICH ARE NOT BEING USED FOR MATERIAL STORAGE, OR ON WHICH ACTUAL EARTH MOVING ACTIVITIES ARE NOT BEING PERFORMED.

GENERAL NOTES:

1.) THE ENTRANCE WILL BE SIGNED AND GATED.

2.) OPERATING HOURS SHALL BE LIMITED TO DAYLIGHT HOURS MONDAY THROUGH SATURDAY,

3.) W. 'O' ST. SHALL BE MAINTAINED ON A REGULAR BASIS DURING OPERATIONS AND BE FREE OF MUD AND/OR CLODS OF DIRT.

4.) PROPER EROSION CONTROL AND DRAINAGE SHALL BE MAINTAINED AT ALL TIMES TO PREVENT ANY DAMAGE TO W. 'O' ST.

5.) ACCESS SHALL BE LIMITED TO ONE LOCATION ONLY WHICH IS CURRENTLY THE EXISTING DRIVEWAY.

6.) WARNING SIGNS SHALL BE POSTED ALONG W. 'O' ST. DURING HAULING, WARNING TRAFFIC OF TRUCKS ENTERING.

7.) THE LAND WILL BE RECLAIMED IN CONFORMANCE WITH USDA "FARM BILL COMPLIANCE".

8.) THERE SHALL BE NO GRADING WITHIN THE MINIMUM FLOOD CORRIDOR.

9.) RECYCLED CONCRETE MAY NOT BE USED FOR ANY NEW ENTRANCES OR FOR RE–ROCKING THAT IS NEEDED FOR MAINTENANCE PURPOSES

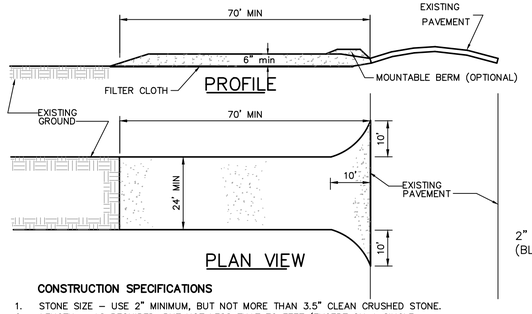
10.) TRAFFIC CONTROL WILL BE MAINTAINED ON A DAILY BASIS WHEN BORROW SITE IS IN USE. HAULING TRUCKS AND VEHICLES ARE NOT PERMITTED TO PARK ALONG ROADWAY SHOULD FOR ANY PERIOD OF TIME.

11.) EXISTING LES OVERHEADS ALONG EAST AND NORTH – USE CAUTION.

12.) THE OWNER/DEVELOPER WILL BE RESPONSIBLE FOR CONTROLLING OFF–SITE DUST EMISSIONS IN ACCORDANCE WITH LINCOLN–LANCASTER COUNTY AIR POLLUTION REGULATIONS AND STANDARDS ARTICLE 2, SECTION 32.

LEGEND

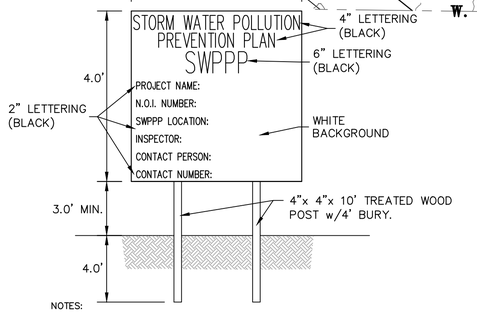
- CONSTRUCTION ENTRANCE (1/1)
- EXCAVATION COMPLETE. TOP SOIL REPLACED & RETURNED TO FARMING OPERATIONS.
- 1200 – EXISTING CONTOURS
- 1200 – PROPOSED CONTOURS
- PROPERTY LINE & MINING PERMIT LIMITS
- FLOW DIRECTION



CONSTRUCTION SPECIFICATIONS

1. STONE SIZE – USE 2" MINIMUM, BUT NOT MORE THAN 3.5" CLEAN CRUSHED STONE.
2. LENGTH – AS REQUIRED, BUT NOT LESS THAT 70 FEET (EXCEPT ON A SINGLE RESIDENCE LOT WHERE A 30 FOOT MINIMUM LENGTH WOULD APPLY).
3. THICKNESS – NOT LESS THAN SIX (6) INCHES.
4. WIDTH – TWENTY FOUR (24) FOOT MINIMUM, BUT NOT LESS THAT THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS.
5. FILTER CLOTH – WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE. FILTER WILL NOT BE REQUIRED ON A SINGLE FAMILY RESIDENCE LOT.
6. SURFACE WATER – ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5H:1V SLOPES WILL BE PERMITTED.
7. MAINTENANCE – THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS–OF–WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHT–OF–WAYS MUST BE REMOVED IMMEDIATELY.
8. WASHING – WHEELS SHALL BE CLEANED TO REMOVE SEDIMENT PRIOR TO ENTRANCE ONTO PUBLIC RIGHTS–OF–WAY. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
9. PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.
10. ONLY ONE CONSTRUCTION ENTRANCE IS SHOWN ON THE PLAN. IF CONTRACTOR ELECTS TO HAVE TWO ACCESS POINTS, A STABILIZED CONSTRUCTION ENTRANCE SHALL BE CONSTRUCTED AT BOTH ACCESS POINTS.

(1/1) STABILIZED CONSTRUCTION ENTRANCE
NO SCALE



NOTES:

1. SIGN TO BE CONSTRUCTED OF RIGID MATERIAL SUCH AS PLYWOOD OR OUTDOOR SIGN MATERIAL. LETTERING AND SIGN PAINT SHALL BE SUCH TO BE PROTECTED FROM THE ELEMENTS. SIGN SHALL BE LOCATED ON PUBLIC RIGHT OF WAY OR EASEMENT.
2. SIGN SHALL BE LOCATED NEAR THE ENTRANCE TO THE SITE AND VISIBLE BY THE GENERAL PUBLIC, AND SHALL NOT BE AN OBSTRUCTION OR SAFETY HAZARD.
3. ALL POSTED DOCUMENTS MUST BE MAINTAINED AT ALL TIMES THROUGH OUT CONSTRUCTION AND UNTIL THE NOTICE OF TERMINATION IS FILED FOR THE PERMIT.
4. CONTRACTOR IS RESPONSIBLE TO MAINTAIN THE SIGN THROUGH OUT CONSTRUCTION AND REMOVE SIGN COMPLETELY AFTER CONSTRUCTION.

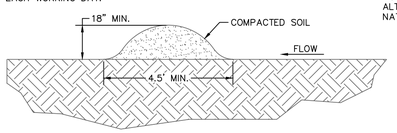
(2/1) SWPPP SIGN DETAIL
NO SCALE

TEMPORARY DIVERSION DIKE NOTES:

1. TEMPORARY DIVERSION DIKES MUST BE INSTALLED AS A FIRST STEP IN THE LAND DISTURBING ACTIVITY AND MUST BE FUNCTIONAL PRIOR TO UPSLOPE LAND DISTURBANCE.
2. THE DIKE SHALL BE ADEQUATELY COMPACTED TO PREVENT FAILURE.
3. TEMPORARY OR PERMANENT SEEDING AND MULCH SHALL BE APPLIED TO THE DIKE IMMEDIATELY FOLLOWING IT'S INSTALLATION.
4. THE DIKE SHOULD BE LOCATED TO MINIMIZE DAMAGES BY CONSTRUCTION OPERATIONS AND TRAFFIC.

MAINTENANCE:

THE MEASURE SHALL BE INSPECTED AFTER EVERY STORM AND REPAIRS MADE TO THE DIKE, FLOW CHANNEL, OUTLET OR SEDIMENT TRAPPING FACILITY, AS NECESSARY. ONCE EVERY TWO WEEKS, WEATHER A STORM EVENT HAS OCCURRED OR NOT, THE MEASURE SHALL BE INSPECTED AND REPAIRS MADE IF NEEDED. DAMAGES CAUSED BY CONSTRUCTION TRAFFIC OR OTHER ACTIVITY MUST BE REPAIRED BEFORE THE END OF EACH WORKING DAY.



TEMPORARY DIVERSION DIKE
NO SCALE

MACHINERY:

1. BACKHOE
2. FRONT–END LOADER
3. MOTOR GRADER

PROJECT SCHEDULE:

1. CONSTRUCTION ENTRANCE & SEDIMENT BASINS SHALL BE INSTALLED AND IN WORKING ORDER PRIOR TO ALL EARTHWORK.
2. TOP SOIL STRIPPING AND STOCK PILING, A WORKING AREA NOT TO EXCEED 20 ACRES.
3. EARTH MINING.
4. REPLACEMENT OF TOP SOIL.
5. EITHER RETURN TO FARMING OPERATIONS, TEMPORARY SEEDING, OR SPRAY ON TACKIFIER (SEE NARRATIVE).
6. EVENTS 2 THRU 5 TO REPEAT UNTIL GRADING HAS BEEN COMPLETED.
7. OPERATIONAL MAINTENANCE, INSPECTION OF PRACTICES.
8. REMOVAL OF SEDIMENT CONTROLS.

APPROXIMATE EXCAVATION VOLUME
NET HAUL OFF
203,000 CY

TEMPORARY SEEDING SPECIFICATIONS:

	MINIMUM PURITY (%)	APPROVED MECH. DRILL APPLICATION RATE IN LB. OF PURE LIVE SEED/ACRE
ALTERNATE NO. 1		
OATS	90	45
ALTERNATE NO. 2		
NRD COOL SEASON #4 SEED MIX		50
1/3 FAWN FESCUE	85	
1/3 PERENNIAL RYE	80	
1/3 SMOOTH BROME	85	

FERTILIZER–200 LBS/ACRE OF 16–48–0 OR 18–40–0 OR 11–52–0
MULCH–2 TONS/ACRE OF PRAIRIE HAY OR 2.25 TONS/ACRE OF STRAW. NO BROME HAY.

NOTES: DEVELOPER SHALL HAVE THE OPTION TO USE THE ABOVE NOTED MIXES OR AN ALTERNATIVE. IF APPROVED PRIOR TO PLACEMENT BY THE LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT.

(2/1)

PERMANENT SEEDING SPECIFICATIONS:

	MINIMUM PURITY (%)	APPROVED MECH. DRILL APPLICATION RATE IN LB. OF PURE LIVE SEED/ACRE
NATIVE GRASS SEED MIX		
PERENNIAL RYEGRASS–LINN	85	5
WESTERN WHEATGRASS–FLINTLOCK	85	8
SIDEOATS GRAMA–TRAILWAY	75	4
LITTLE BLUESTEM–CAMPER	45	3
SAND LOVEGRASS–NATIVE	90	1.5
BLUE GRAMA–NE,KS,CO	35	2
BLUE FLAX	90	3
BLACK–EYED SUSAN	90	1
RED CLOVER–2X INOCULATION	90	2
PARTRIDGE PEA–PLATTE	90	0.25
OATS	90	12
NRD COOL SEASON #4 SEED MIX		50
1/3 FAWN FESCUE	85	
1/3 PERENNIAL RYE	80	
1/3 SMOOTH BROME	85	

FERTILIZER–200 LBS/ACRE OF 16–48–0 OR 18–40–0 OR 11–52–0
MULCH–2 TONS/ACRE OF PRAIRIE HAY OR 2.25 TONS/ACRE OF STRAW. NO BROME HAY.

MULCH–2 TONS/ACRE OF PRAIRIE HAY OR 2.25 TONS/ACRE OF STRAW. NO BROME HAY.

NOTES: DEVELOPER SHALL HAVE THE OPTION TO USE THE ABOVE NOTED MIXES OR AN ALTERNATIVE. IF APPROVED PRIOR TO PLACEMENT BY THE LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT.

OWNER:
ROGER H. SCHWISOW TRUST
1354 PELICAN BAY PLACE
LINCOLN, NE 68528
(402) 435–8251

ENGINEER:
NATHANIEL BURNETT
REGA ENGINEERING
601 OLD CHENEY RD. SUITE 'A'
LINCOLN, NE 68512
(402) 484–7342

CONTRACTOR:
LAND CONSTRUCTION
5905 WEST 'O' ST.
LINCOLN, NE 68528
(402) 477–5263

LEGAL DESCRIPTION:
LOT 25 I.T., SW 1/4 OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 5 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA.

PROJECT
211220 Mining Permit

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

REVISIONS		
NO.	DESCRIPTION	DATE	BY

WEST "O" MINING PERMIT
SPECIAL PERMIT #11013C
GRADING PLAN
LINCOLN, NE

SHEET NO.
1 of 1

REGA

ENGINEERING
GROUP, INC.

REGA File No. 211220
September 13, 2021

Mr. David Cary
Planning Director
Tom Cajka, Planner
Lincoln/Lancaster County Planning Department
555 South 10th Street
Lincoln, NE 68508

RE: West 'O' Mining Permit
Special Permit #11013C
NW 63rd Street and West O Street

Dear David,

On behalf of Roger Schwisow, we are submitting a special permit application for soil excavation on property located at approximately NW 63rd and West O Streets. The property is currently zoned AG. The total site includes Lot 25 of Irregular Tracts and is approximately 41.71 acres with 17.98 acres being disturbed with the requested mining activities. The excavation/mining of fill material shall be used in and around the Lincoln area.

Previously, the same application was submitted and approved in 2008, 2011 and 2018. The latest permit was Special Permit #11013B. A total of 101,000 Cubic Yards has been mined in the last (3) years. It is anticipated that a similar amount will be mined in the next (3) years which would close out the permit.

Lastly, in 2008, a ground water report was completed for the original application for soil excavation. A copy of the original report by Geotechnical Services, Inc., has been included with this application in ProjectDox.

Please feel free to contact me if you have any further questions or comments.

Sincerely,

Nathaniel Burnett

Nathaniel Burnett

Cc: Roger Schwisow

Enclosures: Application
Application Fee of $988.00

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 #21035	Yes	Broadstep Behavioral Health/ AG Mens Club
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
October 13, 2021	None	3248 Starr Street

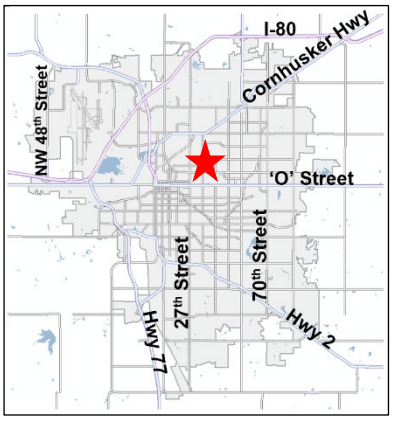
RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a Residential HealthCare Facility for up to 32 residents and 27 employees as allowed per Lincoln Municipal Code (LMC) Section 27.63.530.

The request is being made by Broadstep Behavioral Health which is a national care provider for both adolescents and adults. This facility will only care for youth, all of whom will eat, sleep, recreate and be educated on the premises.

The facility is a re-use of a former fraternity house. It will be converted as necessary to serve as a health care facility. The premises consists of former fraternity building, open space in yards, a sand volleyball court, and a parking lot which is mostly, but not entirely paved.



JUSTIFICATION FOR RECOMMENDATION

The proposed facility is located in the R-6 zoning district which allows for higher-density residential uses. The facility is surrounded by a mix of single-family and multi-family dwellings. This facility will primarily function as the dwelling for those receiving care and is appropriate to be sited in a residential neighborhood. Conversion from a fraternity to a residential health care facility as proposed will require few, if any external changes.

APPLICATION CONTACT
Fisher Easterling, 864-680-1170 or Fisher.easterling@i3resources.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The facility is considered a Residential Health Care Facility by the Zoning Ordinance but is also the home for those being cared for. It is appropriate that it be in a residential zoning district, even more so in the R-6 Residential which allows for higher density residential uses. It allows the re-use of an existing facility and continued use as a dwelling with little impact external impact on the neighborhood.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

P. 7.2 - During the planning period, there will continue to be a need to accommodate Special Needs Housing, which generally includes, but is not limited to: low income, elderly housing, assisted living facilities, group homes, domestic shelters, and children's homes.

P. 7.9 - Strategies for Redevelopment in Existing Neighborhoods

- Promote the preservation, maintenance and renovation of existing housing and neighborhoods throughout the city, with special emphasis on low and moderate income neighborhoods.
- Maintain and enhance infrastructure and services in existing neighborhoods.
- Encourage well-designed and appropriately placed density, including within existing apartment complexes and special needs housing where there is land available for additional buildings or expansions.
- Recognize that broad economic diversity within existing neighborhoods encourages reinvestment and improves quality of life for all residents while acknowledging the need for affordable housing.
- Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.
- Promote the continued use of single-family dwellings and all types of buildings, to maintain the character of neighborhoods and to preserve portions of our past. Building code requirements for the rehabilitation of existing buildings should protect the safety of building occupants, while recognizing the need for flexibility that comes with rehabilitating existing buildings.
- Implement the housing and neighborhood strategies as embodied in the City of Lincoln Consolidated and Annual Action Plans and subsequent housing and neighborhood plans. These plans provide the core for affordable housing and neighborhood preservation actions for public and private agencies.
- Retain existing predominately single-family blocks in some existing neighborhoods, in order to maintain the mix of housing types.

ANALYSIS

1. This is a request for a special permit for a Residential Health Care Facility per LMC Section 27.63.580. The use is allowed by special permit in the R-6 zoning district.
2. The property is developed with a former fraternity house that according to the Lancaster County Assessor was built in 1975 and could house up to 75 students. The applicant, Broadstep Behavioral Health, is proposing to occupy the structure with a facility to provide adolescent care for those with behavioral health challenges and therapeutic needs. The facility will house 32 residents and have 27 staff on the largest shift.
3. Per LMC Section 27.63.530 a Residential Health Care Facility may be allowed in the R-6 zoning district subject to review using the following conditions:

    a. Parking shall be in conformance with Chapter 27.67 unless modified under the condition of the special permit, provided that no parking shall be permitted in the required front or side yards.

    Chapter 27.67 requires one parking space per four residents, and two parking spaces per every three employees. Based upon the operating statement of 32 residents and 27 employees on the largest shift, 26 parking spaces are required. The site plan shows 27 parking spaces and satisfies this requirement. It is noted that all the parking areas are not currently paved but will be required to be at the time of building permit.

    The adjacent alley to the north of the facility provides primary access to the parking lot but is not currently a paved surface. The portion adjacent to the site, as well as that length to the closest street, North 32nd Street, will be required to be paved as a result. This paving will also need to be done at the time of building permit and requires submission and approval of an executive order by the Lincoln Transportation and Utilities Department.

b. Residential healthcare facilities shall be licensed to comply with all state requirements.

This facility is required to be licensed by the State of Nebraska. The applicant states the licensing process has been initiated but the license has not yet been granted. This requirement is included as a condition of approval and the license must be granted to prior to operation of the facility.

c. The total number of client or employee residents shall not exceed the lot area ratio below except as provided for in this section, and provided that all facilities may have up to four individuals sixty years of age or older and one family acting as the residential caretaker:

i. AG zoning district: One person for 5,000 square feet of lot area;

ii. R-1 zoning district: One person per 3,000 square feet of lot area;

iii. R-2 and R-3 zoning districts: One person per 2,000 square feet of lot area;

iv. R-4 zoning district: One person per 1,000 square feet of lot area;

v. R-5 through R-8 zoning districts: One person per 750 square feet of lot area.

The site is 0.76 acres in area and is zoned R-6. By this formula up to a maximum of 44 residents could be accommodated. The operating statement says 32 residents are proposed.

d. Depending on the character of the development and impacts on adjacent land uses, the Planning Commission may grant an increase in the number of residents allowed in (d) above where the site plan and building plans comply with the barrier-free standards in the design standards as adopted by the City Council. Such increase shall not exceed fifty percent.

No such increase has been requested.

e. The height and lot requirements of the district in which the proposed use is located shall apply provided, however, that if the area of the lot is one acre or more, the height requirement of the district may be adjusted to provide flexibility in the design of buildings and to provide compatibility with surrounding uses except that solar access to adjacent buildings or potential buildings on land under other ownership shall not be reduced by such adjustment. In the AG zoning district the minimum lot area requirement is five acres.

The subject tract is less that one acre in area and would not qualify for this exception, which has not been requested. The proposal is the re-use of the existing facility with internal and no external improvements.

f. The sale of alcohol for consumption on and/or off the premises is allowed as a permitted accessory use as part of a residential health care facility otherwise approved according to this Section.

This provision is included for those facilities caring for adults. The subject facility will accommodate minors and is not applicable.

4. There were other minor comments noted during the review of this application. They include showing the correct setbacks, gaining a building for an existing accessory building, an ensuring that a retaining wall shown on the site plan is outside the public right-of-way for Starr Street and be relocated if necessary.

5. This request will provide a residential setting for up to 32 adolescents where care and treatment can also be provided at the same location. It is a re-use of an existing facility previously used as a fraternity which could have housed up to 75 students. It is appropriate for facilities such as this to be in or adjacent to residential neighborhoods. This request complies with the requirements of the Zoning Ordinance and the goals of the Comprehensive Plan.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: College Fraternity R-6 Residential

SURROUNDING LAND USE & ZONING

North:	Residential	R-6
South:	Residential	R-6
East:	Residential	R-6
West:	Residential	R-6

APPROXIMATE LAND AREA: 0.76 acres, more or less.

LEGAL DESCRIPTION: Lots 9-12, Blystones Addition, and Lot 7, Block 1, Blystones 3rd Addition, all located in the NW 1/4 of Section 19-10-7, Lancaster County, Nebraska,

Prepared by

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

Applicant/
Contact: Fisher Easterling
i3Resources
112 Haygood Avenue
Lexington, SC 29072
Fisher.easterling@i3resources.com
864-680-1170

Owner: AG Mens Club
3248 Starr Street
Lincoln, NE 68503

CONDITIONS OF APPROVAL – SPECIAL PERMIT #21035

Per Section 27.63.530 this approval permits a Residential Health Care Facility for up to 32 residents and up to 27 employees on the largest shift.

Site Specific Conditions:

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

    1.1 Revise the site plan and Lot Area Table to show the correct side and rear setbacks for the R-6 district for the proposed use.

    1.2 Revise the site plan to show the retaining wall located outside the Starr Street right-of-way.

    1.3 Show the accessory building in compliance with required setbacks or deleted from the site plan.

    1.4 Sheet #2 does not contribute to the site plan and can be deleted.

    1.5 Correct the Land Area Table – Parking on the site plan to show that 26 parking stalls are required but 27 are shown.

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

    2.1 Verification that the retaining wall is located outside the Starr Street right-of-way and approval of an Executive Order to allow work in the right-of-way if necessary.

    2.2 Verification that the accessory building meets required setbacks or has been removed.

    2.3 Verification that an Executive Order has been approved by LTU for the improvements in the adjacent east-west alley.

Standard Conditions:

3. The following conditions are applicable to all requests:

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

    3.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee.

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

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

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

2020 aerial

Special Permit #: SP21035
N 33rd St & Starr 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

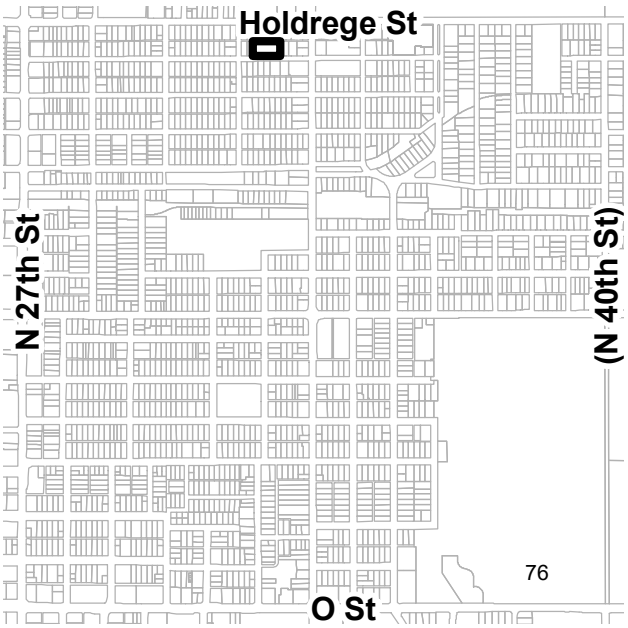
N
W E
S

One Square Mile:
Sec.19 T10N R07E

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



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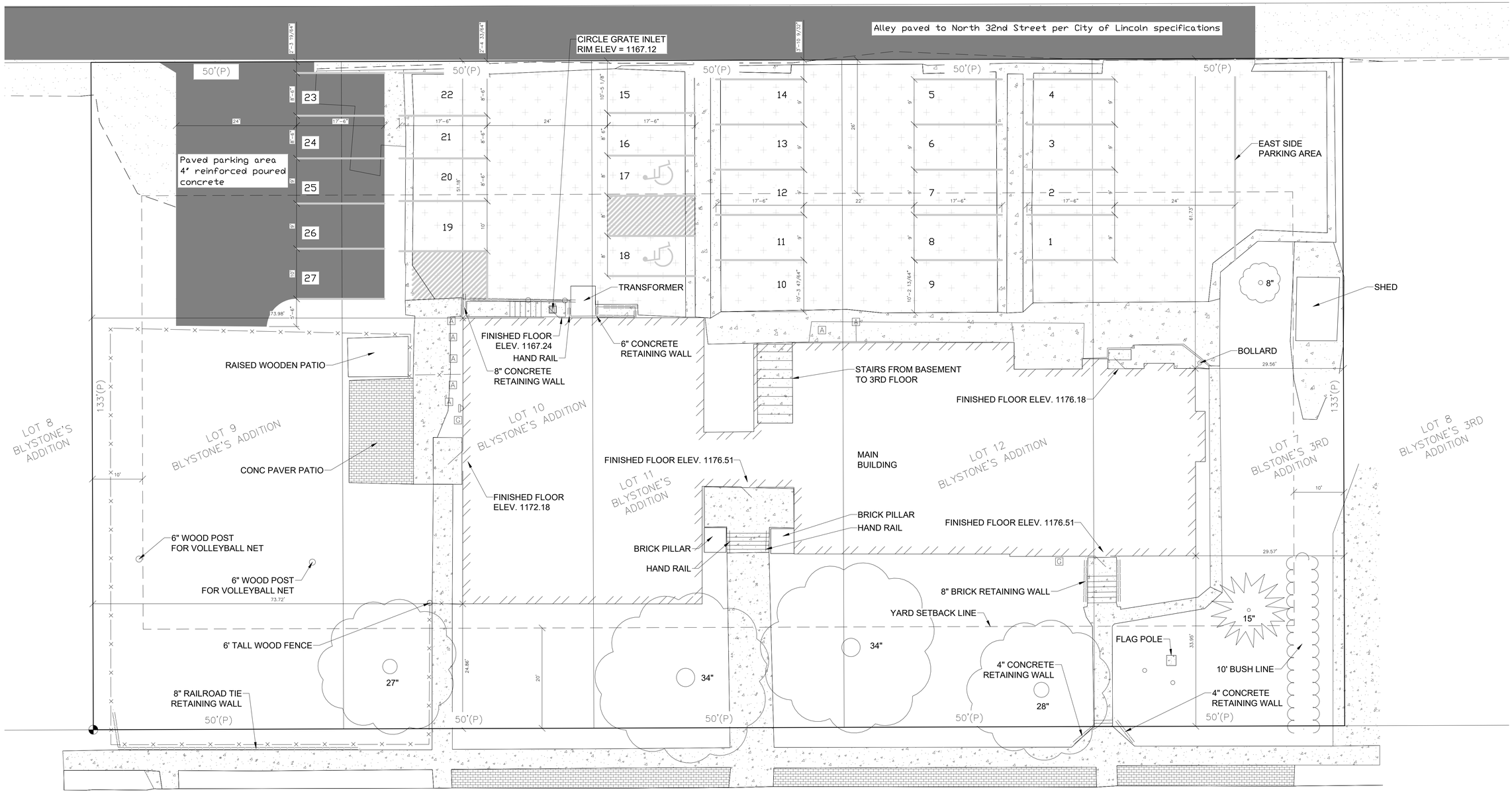
File: C:\GIS\Projects\DevelopmentReview\AgendaDrawings\mxd\Agendadrawings.mxd (SP21035)



LAND AREA TABLE - (R-6) RESIDENTIAL

# OF RESIDENTS	USE	PARKING RATIO	PARKING REQUIRED	PARKING PROVIDED
32	RESIDENTIAL HEALTH CARE	1 STALL PER 4 RESIDENTS	8	8
	RESIDENTIAL HEALTH CARE	2 STALLS PER 3 EMPLOYEES	19	19
			27 TOTAL	27 ON SITE

LEGEND OF SYMBOLS & ABBREVIATIONS

- MONUMENT FOUND
- M MEASURED DISTANCE
- P PLATTED DISTANCE
- A AIR CONDITIONER
- E ELECTRICAL METER
- GRATE INLET
- G GAS METER
- PROPERTY LINE
- WOOD FENCE
- BUSH LINE
- DECIDUOUS TREE
- CONIFEROUS TREE
- BRICK
- GRAVEL
- ASPHALT
- CONCRETE

LOT AREA TABLE

LOTS	AREA (S.F.)	DISTRICT SETBACKS FRONT YARD	SIDE YARD	REAR YARD	CONDITIONAL USE REQUIREMENTS
BLYSTONE'S ADD LOTS 9, 10, 11, 12					
BLYSTONE'S 3RD ADD LOT 7	33,258	20 FT.	10 FT.	26.6 FT.	27.63.530 Residential Healthcare Facilities by special permit
					RESDENTIAL HEALTHCARE
					1 PERSON PER 750 S.F OF LOT AREA — 44 RESIDENTS ALLOWED
					32 RESIDENTS ON SITE

GRAPHIC SCALE
0 2.5 5 10 20

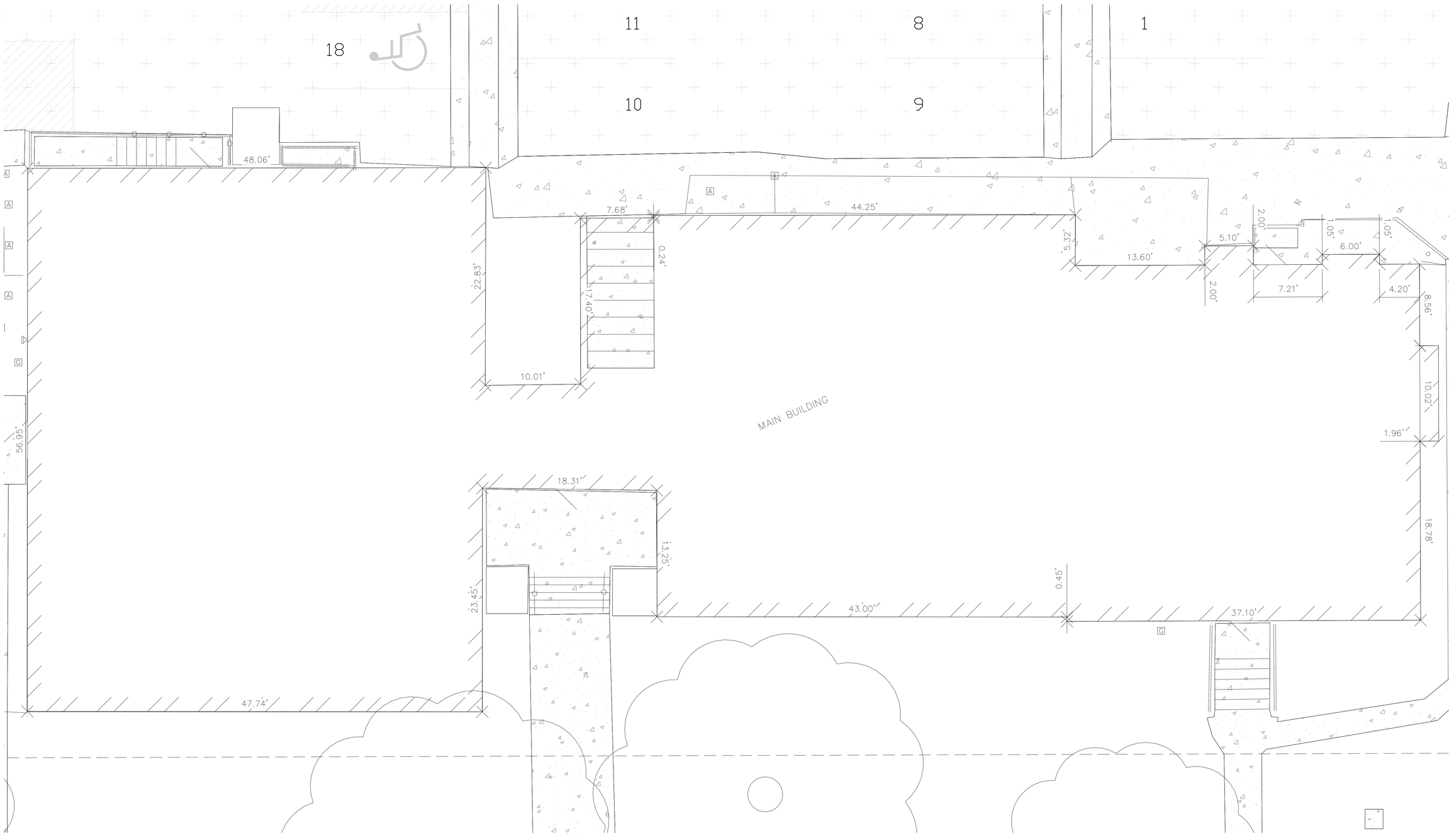
JEO CONSULTING GROUP
1-800-723-8567
Ph: 402.435.3080
2700 Fletcher Avenue
Lincoln, Nebraska 68504

2021
211393
3248 STARR
STREET TOPO

SITE SURVEY

PROJECT NO. 211393
DATE 9/15/2021
DRAWN BY BW
FILE NAME SV-211393.dwg
FIELD BOOK LINCOLN # 20
FIELD CREW NH/CC
SURVEY FILE NO.
REVISIONS

SV-211393.dwg, on 9/15/2021 9:54 AM



JEO CONSULTING GROUP
1-800-723-8567
Ph: 402.435.3080
2700 Fletcher Avenue
Lincoln, Nebraska 68504

2021
211393
3248 STARR
STREET TOPO

BUILDING

PROJECT NO.	211393
DATE	9/15/2021
DRAWN BY	BW
FILE NAME	SV-211393.dwg
FIELD BOOK	LINCOLN # 20
FIELD CREW	NH/CC
SURVEY FILE NO.	
REVISIONS	

GRAPHIC SCALE
0 1.25 2.5 5 10

SV-211393.dwg on 9/15/2021 9:58 AM

Dear City of Lincoln,

Thank you for your time and consideration regarding the pending Special Permit for the property at 3248 Starr Street. As previously discussed, we are seeking a Special Permit, changing from the current "R-6 Residential" designation to the appropriate "Residential Healthcare Facility" designation. It is our understanding that this change will allow for the Tenant's use as behavioral healthcare providers.

To be more specific "Broadstep Behavioral Health" is a national care provider for both adolescents and adults and has recently added Nebraska to its geography due to a stated statewide shortage of care in this category. This facility is planned for adolescent care for those with behavioral health challenges and therapeutic needs. The youth in this facility will eat, sleep, recreate, and be educated on these premises.

Plans for the property include up to 32 adolescents being at the facility after a few years of operation. The most workers on site will be 27, which will be met with the planned 27 parking spaces.

We look forward to discussing with your group as necessary, and we look forward to being a part of the Lincoln community.

Best Regards,

Fisher Easterling

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

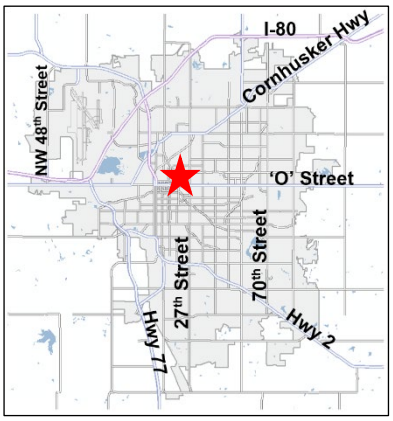
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

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

"F:\DevReview\CZ\08000\CZ08066C Antelope Village.slr.docx"

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.

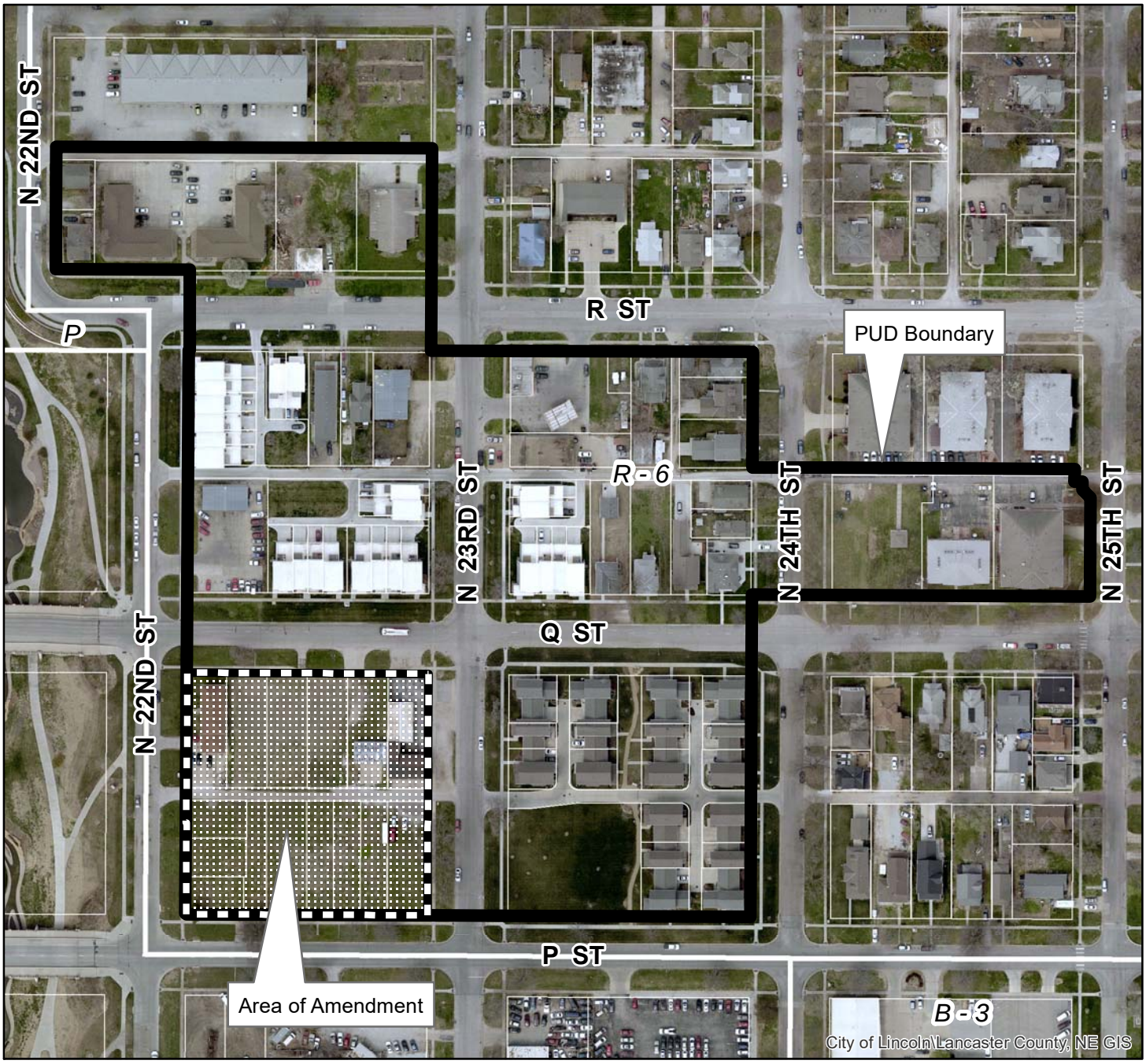
    3.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

    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
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

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction

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

File: F:\DevReview\PlannerPacket\MXD\Agendadrawings.mxd (CZ08066C)

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

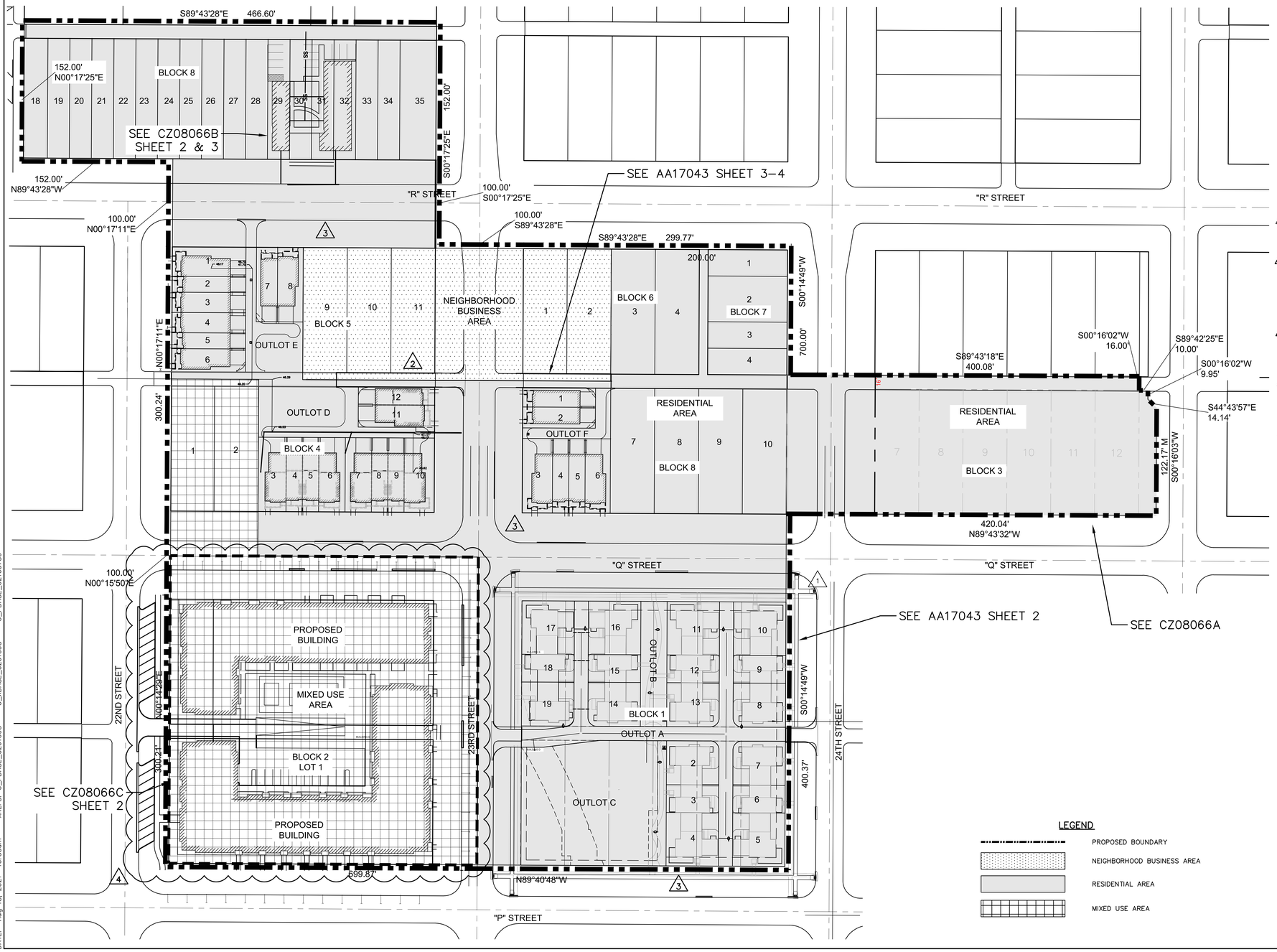
DEVELOPER
GORILLA APARTMENTS LLC
2925 ARLINGTON AVE.
LINCOLN, NE 68502
PHONE: 402–429–3946

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

DWG: F:\2021\0350I–04000\021–03780\40–Design\AutoCAD\Preliminary Plans\Sheets\GNCV\C_PUD–COV_02103780.dwg USER: alabenz
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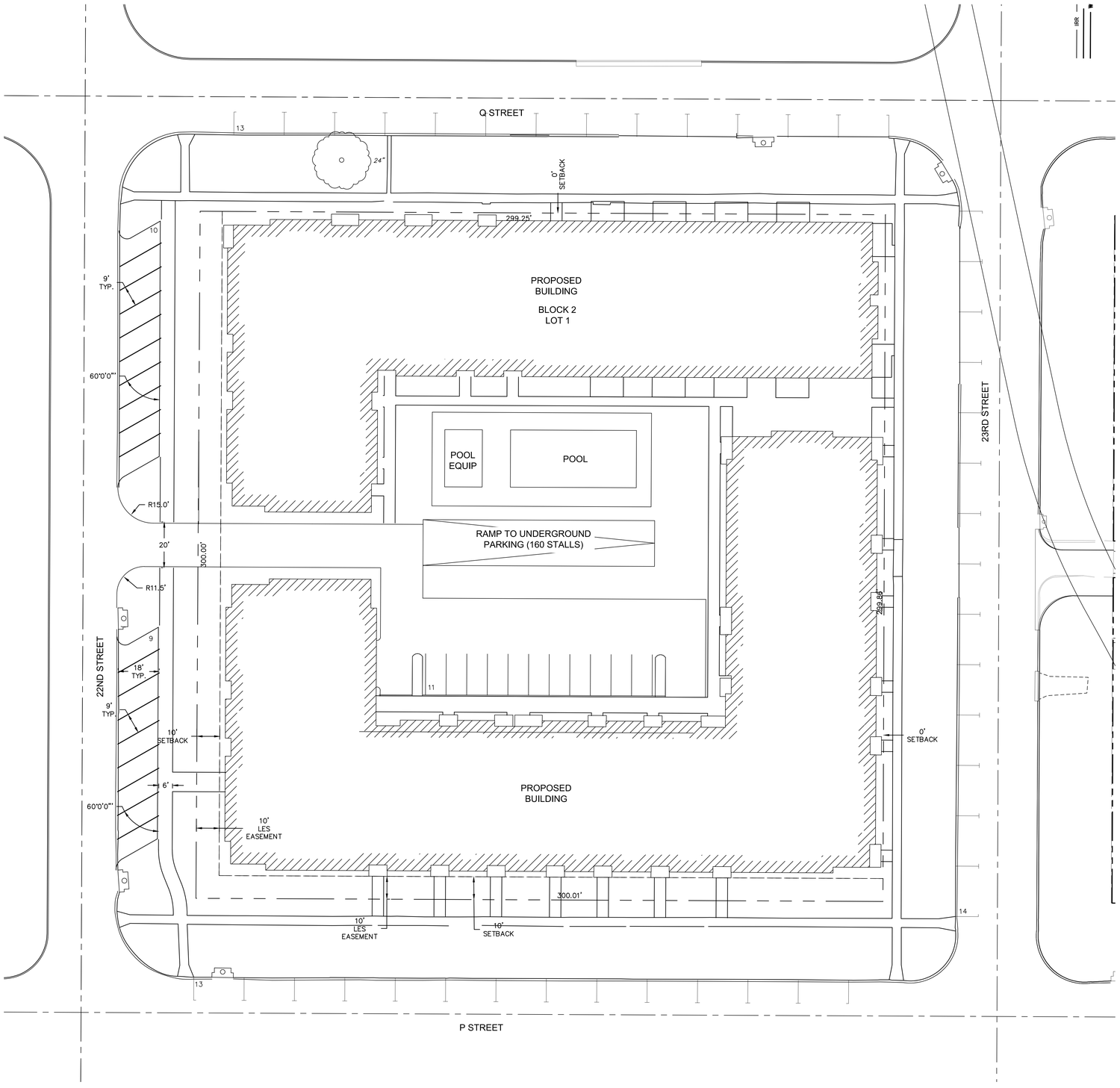

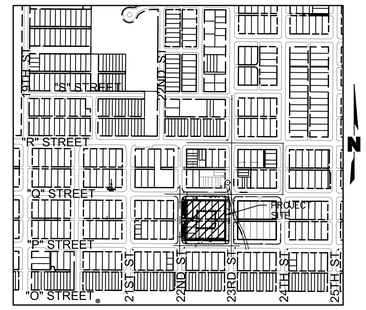

VICINITY MAP
NOT TO SCALE

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

N

0' 10' 20' 40'
SCALE IN FEET

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

REVISIONS

REV. NO.	DATE	REVISIONS DESCRIPTION

SITE PLAN

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

DWG: F:\2021\03501-04000\021-03780\40-Design\AutoCAD\Preliminary Plans\Sheets\GNCV\C_SIT01_02103780.dwg USER: dlabenz
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SINCLAIR hille architects

ANTELOPE VALLEY MULTI-FAMILY HOUSING

August 3, 2021

Development Update

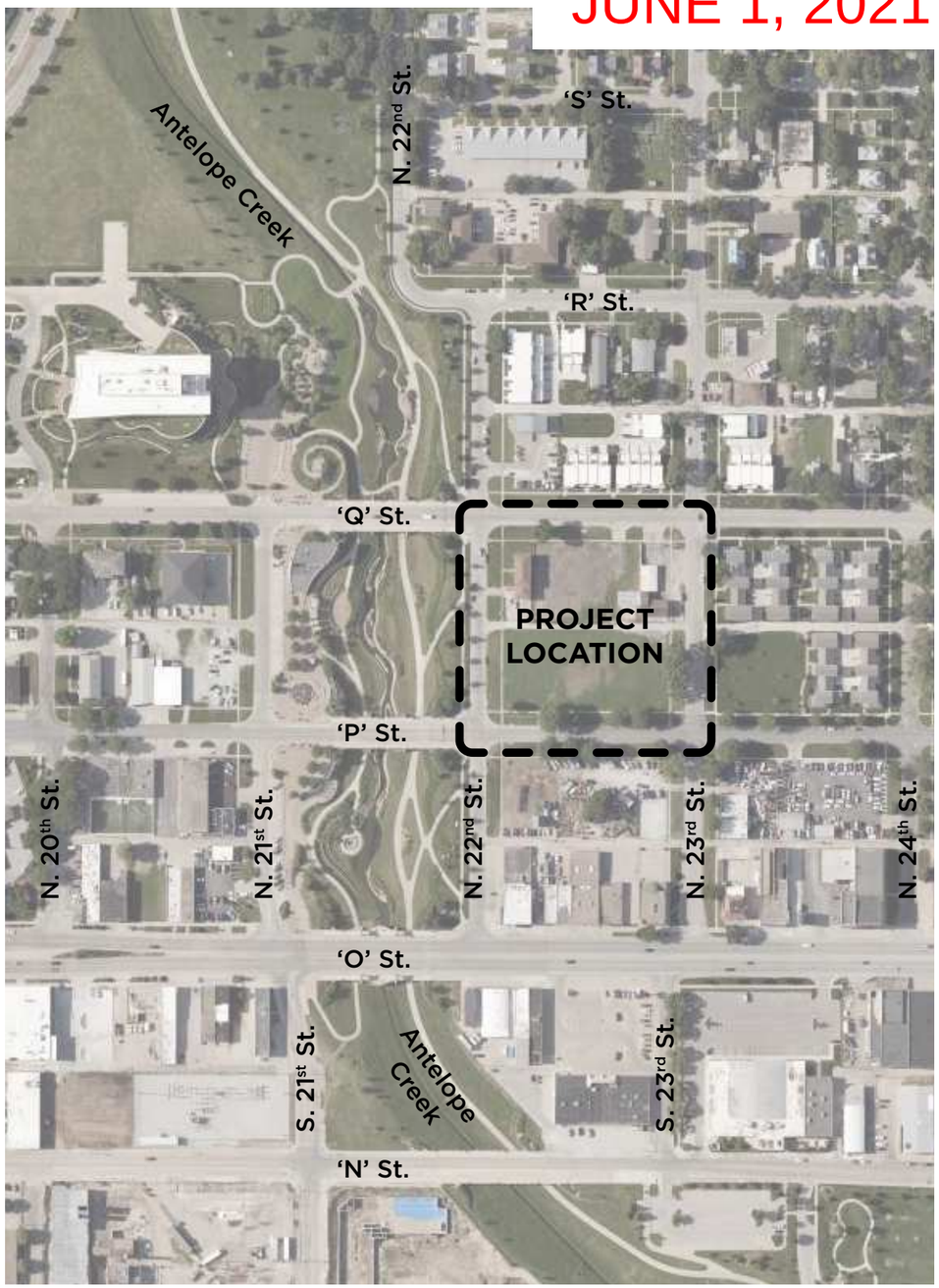
Assurity

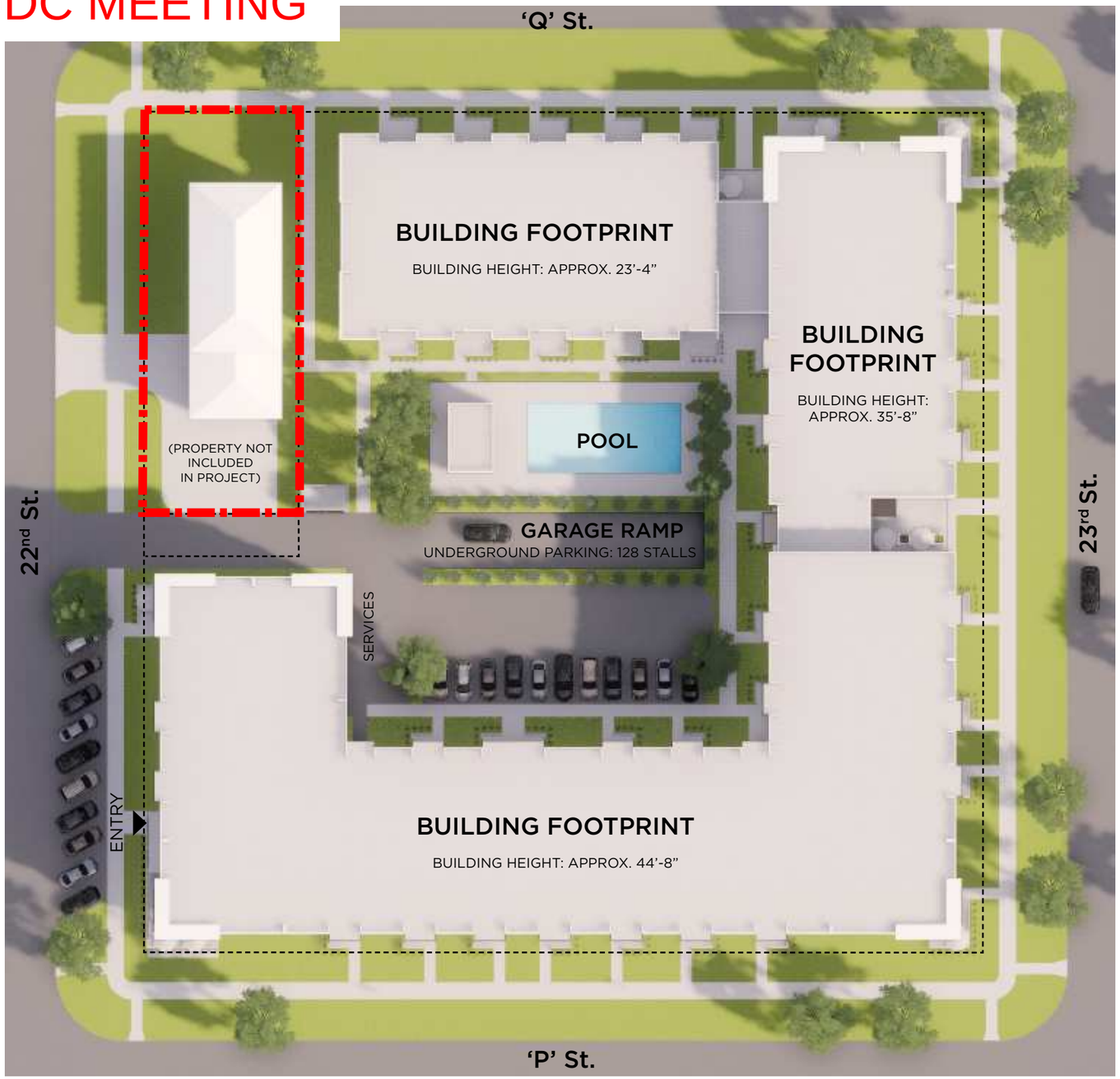
Assurity Real Estate Development
Brett West, *Senior Director*

BRESTER

Brester Construction
Chris Brester, *President*

JUNE 1, 2021 UDC MEETING

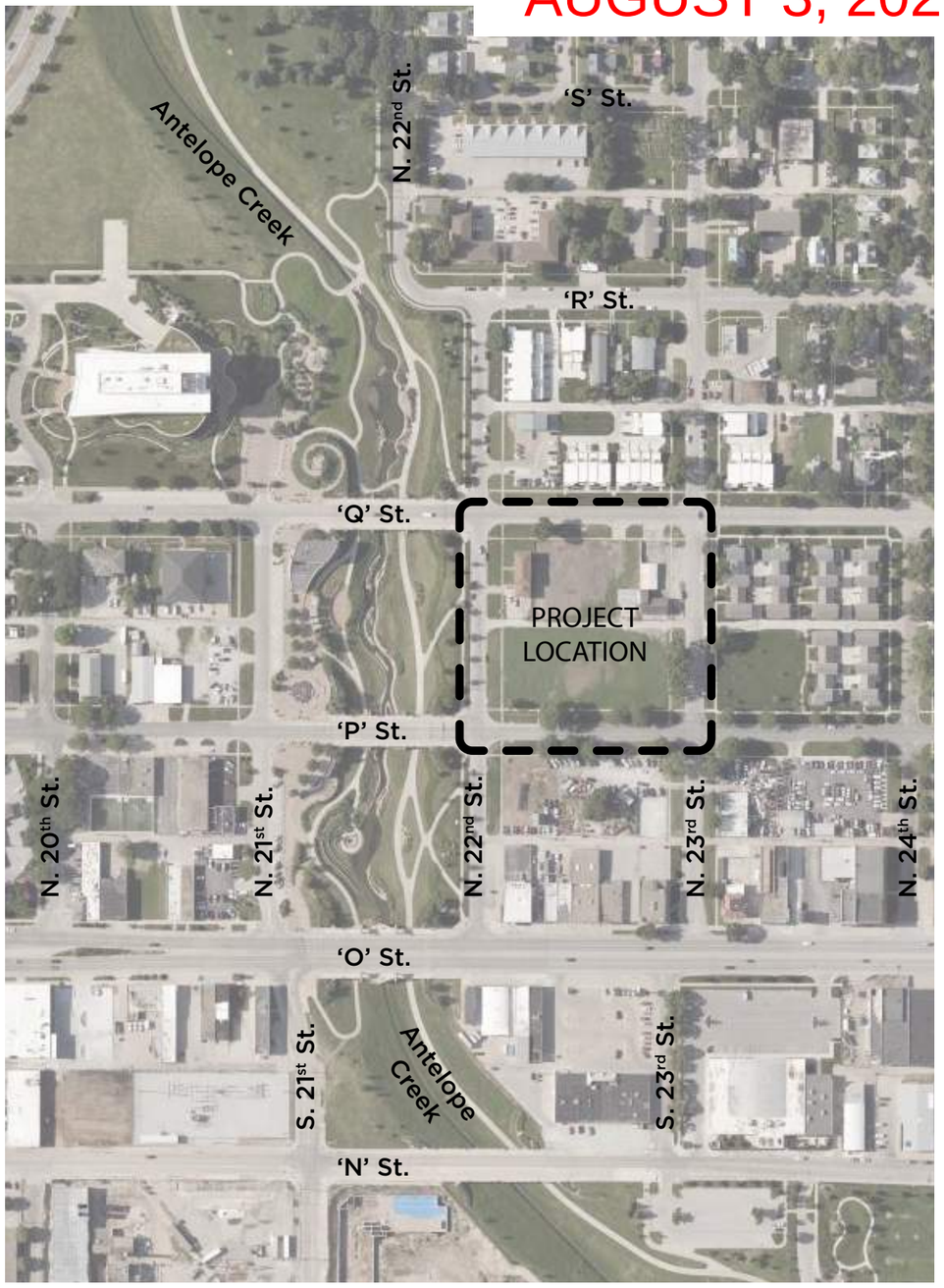


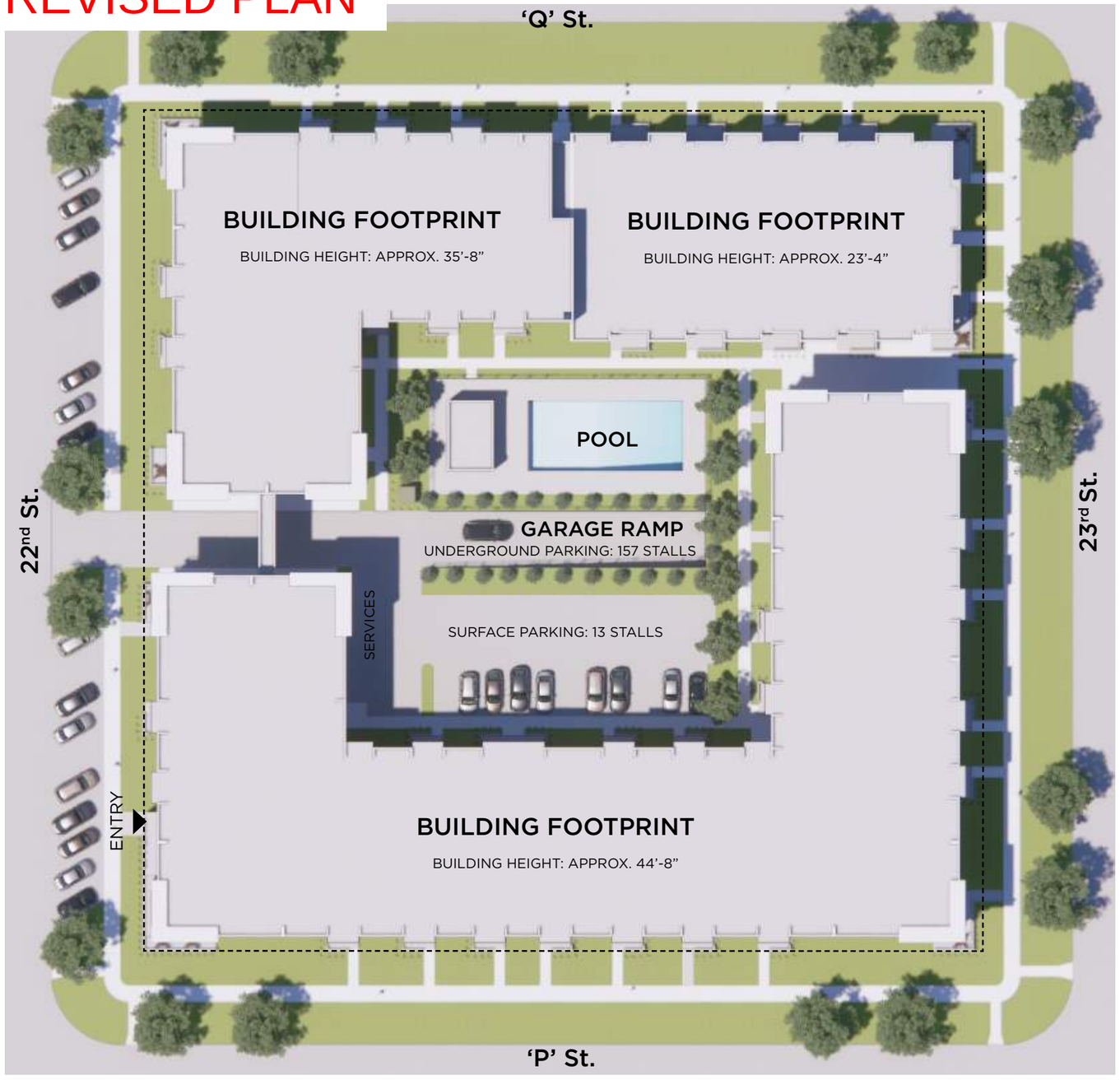


Location Map & Site

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

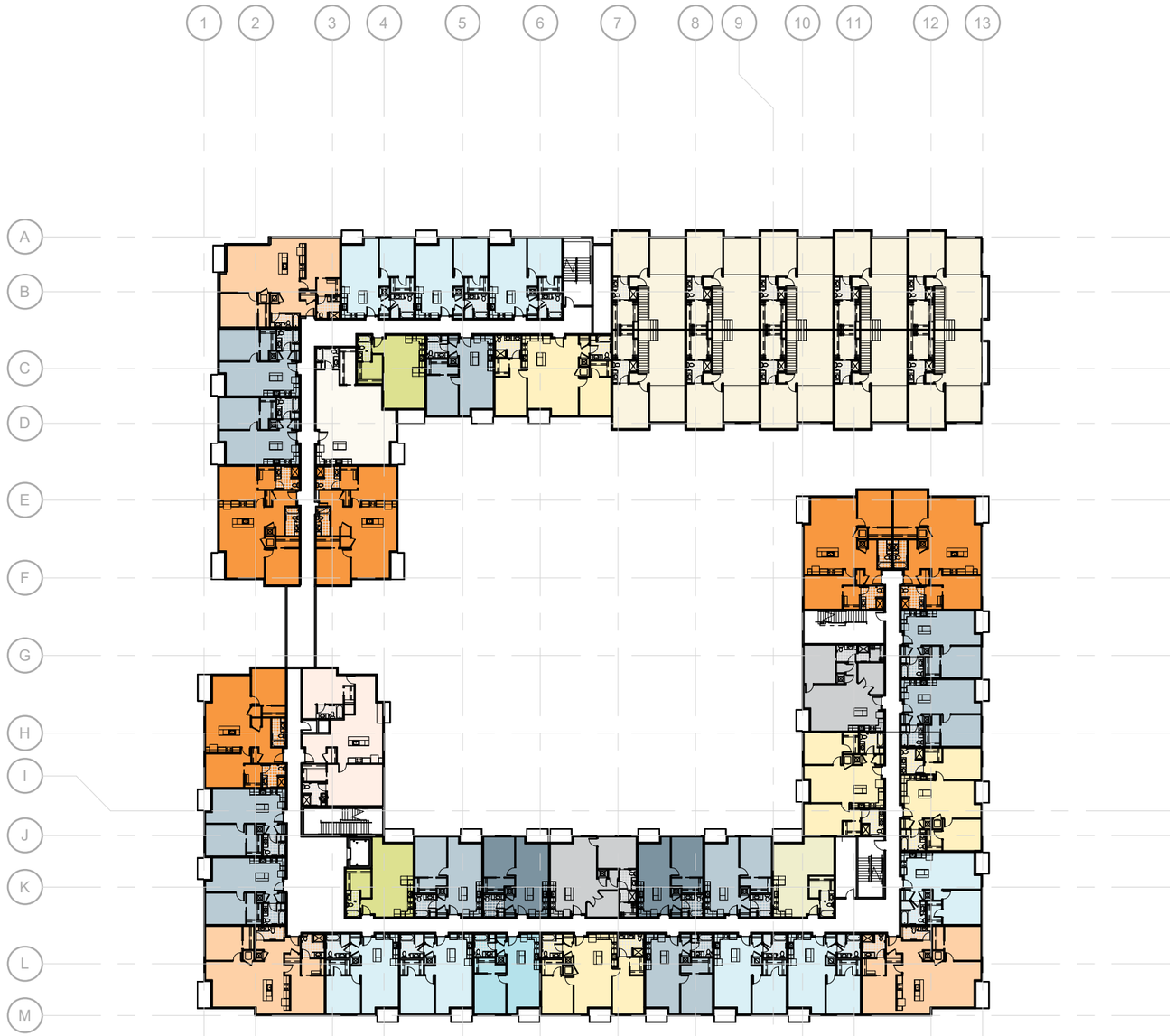
Assurity Real Estate Development
Brett West, *Senior Director*

BRESTER

Brester Construction
Chris Brester, *President*

Level 1

Scale: 1″ = 50′ - 0″



Level 2

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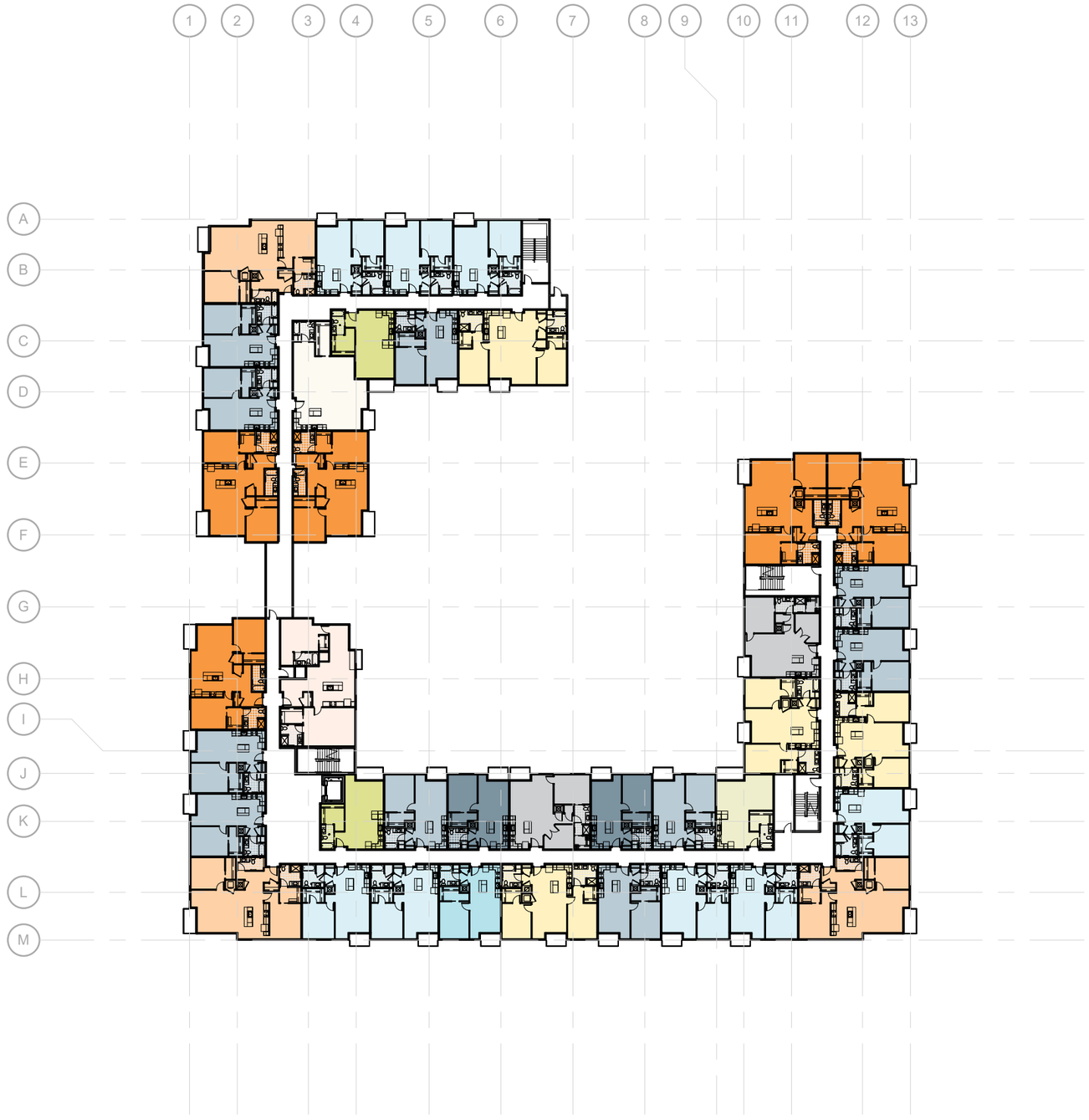

Level 3

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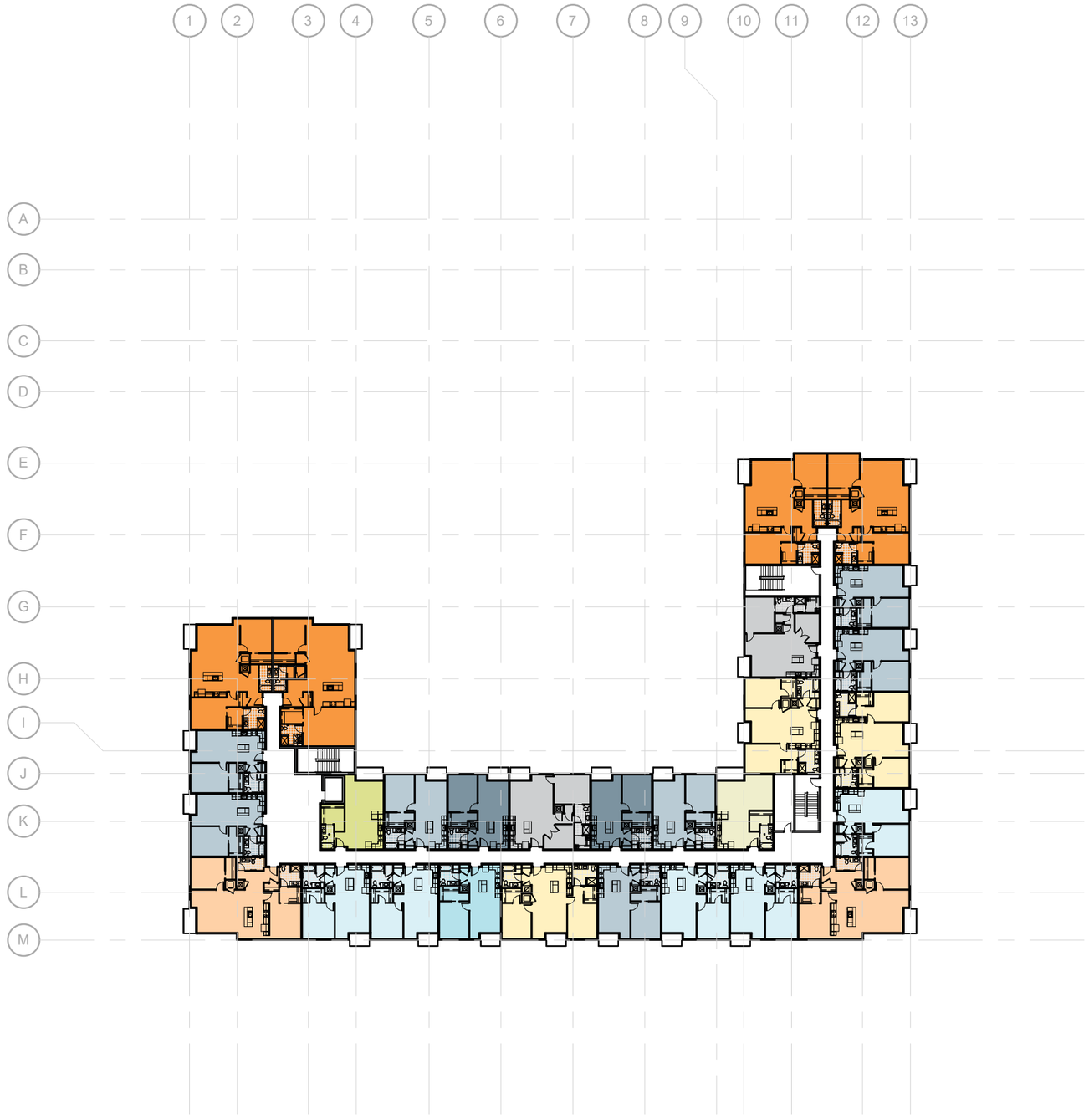

Level 4

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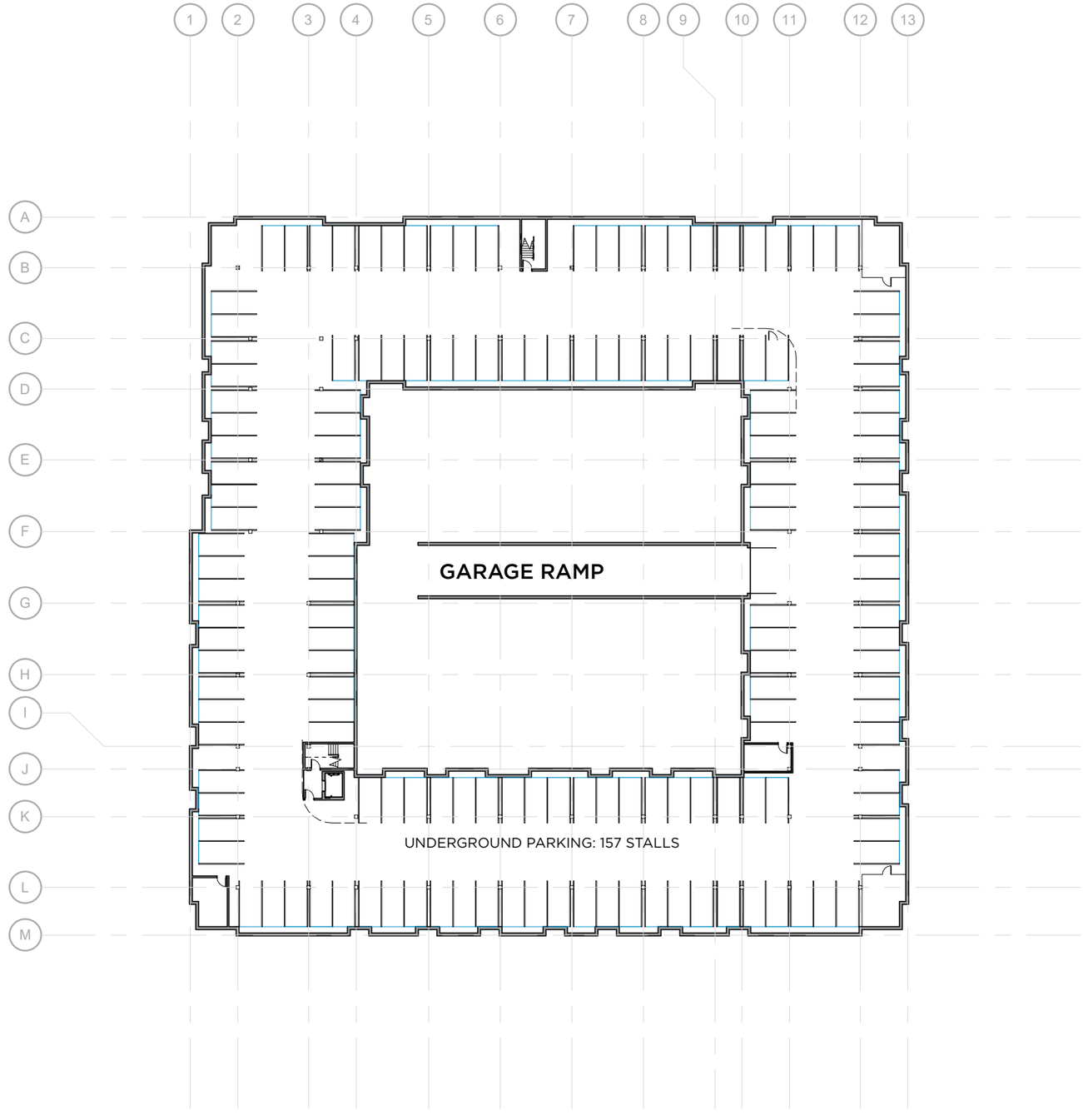


Level P

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.

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

Sincerely,

Brian A. Lang

cc Assurity Life Insurance Co.
File

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

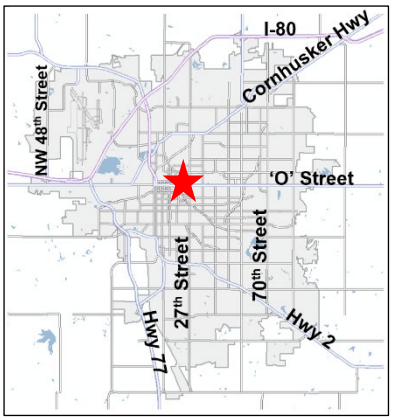
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

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

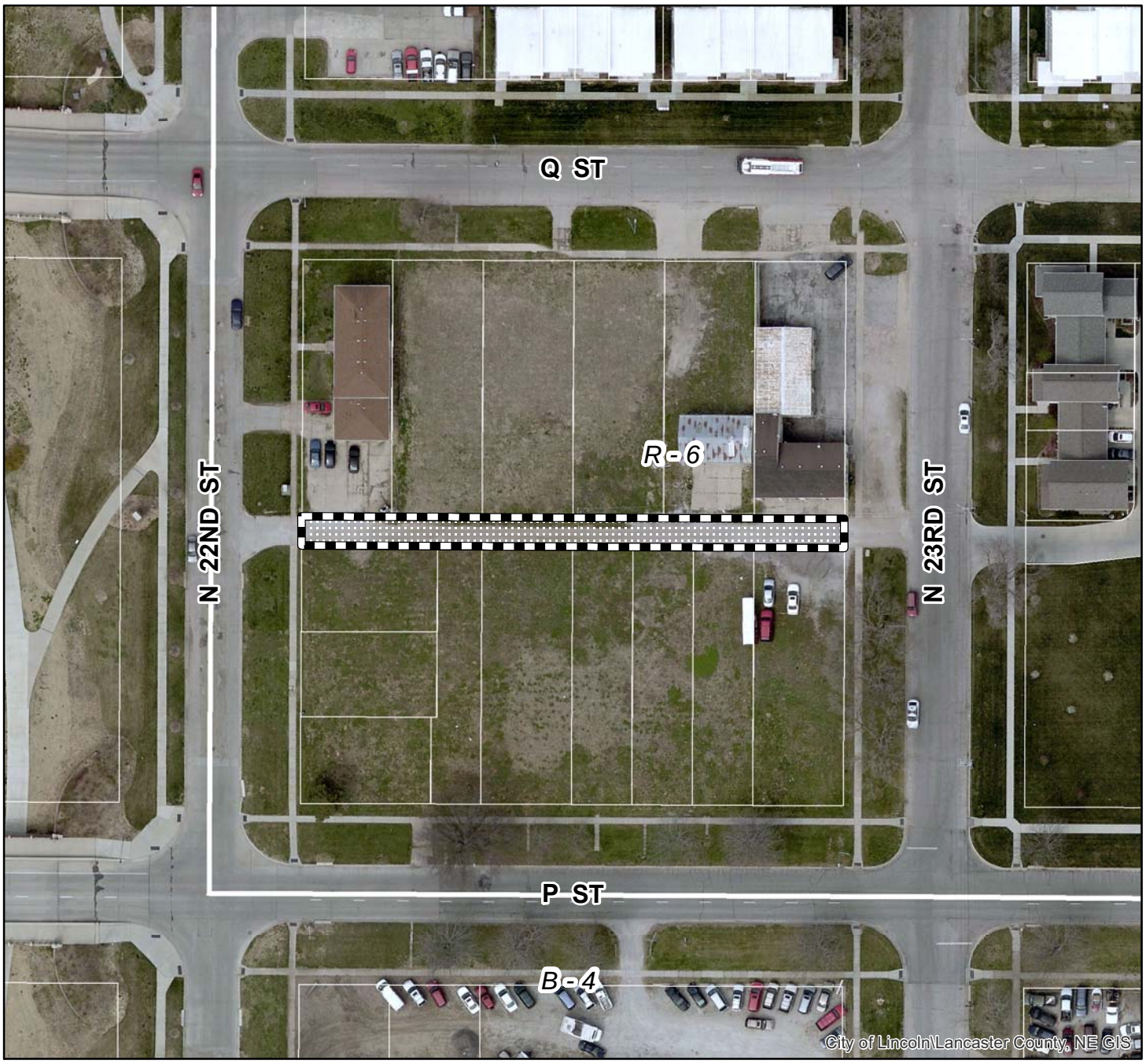
https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SAV/21000/SAV21006 Antelope Village.slr.docx

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.



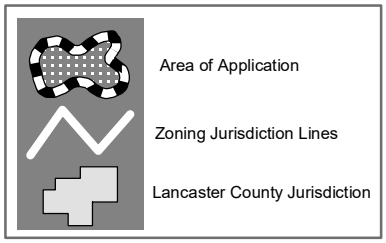
2020 aerial

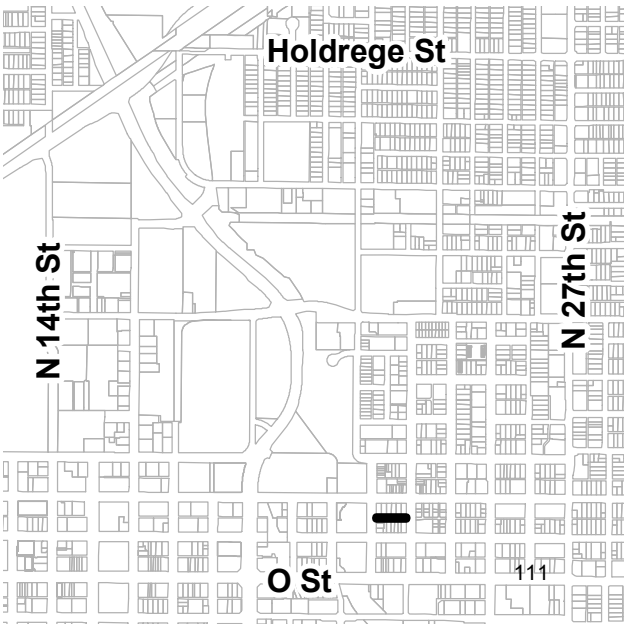
Street & Alley Vacation #: SAV21006
N 22nd St & P St

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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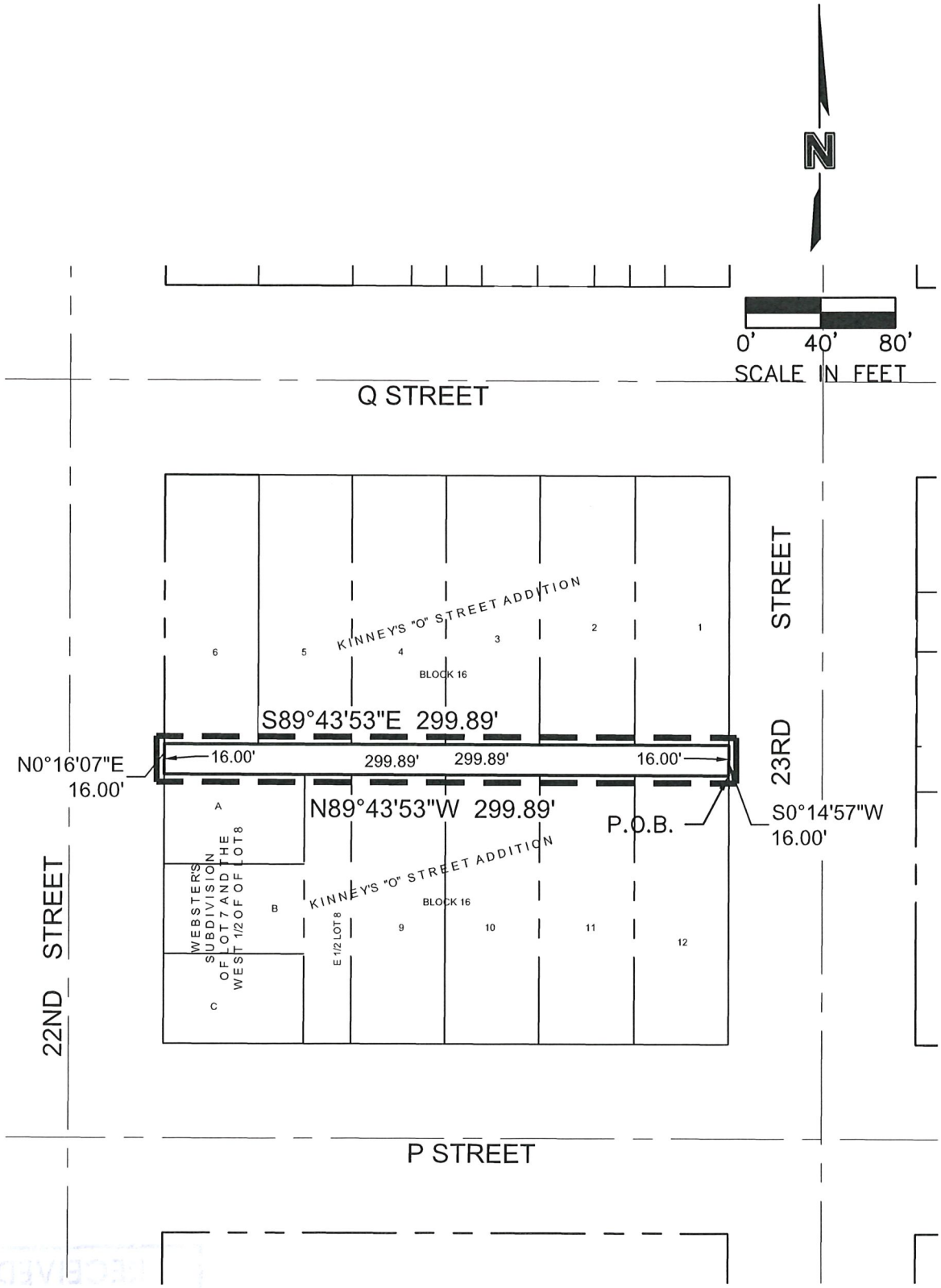

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DATE: Aug 17, 2021 7:41am XREFS: V_ALTA_160522 015-3335_ASAFP MICHAEL_JOHNSON_LS_NE 017-2448_ACV1AFP

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 112 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
AUG 18 2021

DWG: F:\2021\03501-04000\021-03780\40-Design\Survey\SRVY\Final Plat\Drawings\V_02103780_ROW VAC..dwg USER: abroeker
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
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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

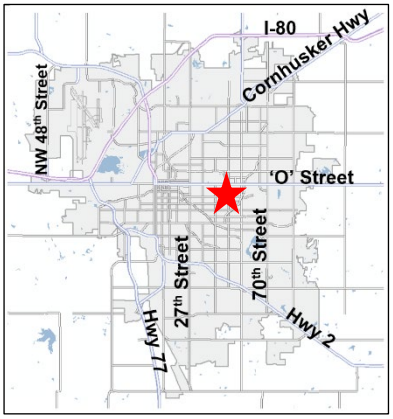
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Comprehensive Plan Conformance 21021	No	Tabitha Inc, Tabitha Housing Corporation
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
October 13, 2021	MISC21010, CZ21037	South 48th and L Streets

RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

Review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, a proposed South 48th Street Corridor Redevelopment Plan that identifies the Tabitha Intergen Redevelopment Project. The Project includes the construction of a 155,388 square foot, four story building consisting of approximately 127 residential units which could go up to 138 residential units. The project is intended to provide independent senior housing options and housing opportunities for students enrolled in medical education programs.



JUSTIFICATION FOR RECOMMENDATION

The Project is appropriate as it will provide a unique housing option that will include seniors within the established City close to existing services and public transportation.

APPLICATION/STAFF CONTACT
Wynn Hjermstad
City of Lincoln Urban Development Dept
(402) 441-8211
whjermstad@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This project in general is consistent with the Comprehensive Plan as it will provide for increased residential density along a corridor that is targeted for redevelopment.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

p. 5.2 Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.

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

p. 6.5 The Comprehensive Plan includes this area as part of the Mixed Use Redevelopment Nodes and Corridors designation on the Future Land Use Map.

p. 6.5 Nodes should be located on arterials and should have access to public transit. They should provide adequate facilities for multi-modal transportation including a complete sidewalk network, transit stops, automobile parking and circulation, and storage of bicycles. This concept is design and intended to be mutually beneficial for existing adjacent neighborhoods and the new mixed-use neighborhood created by the redevelopment center.

p. 6.10 Strategies for facilitating infill development:

> Develop subarea plans for specific areas that set a framework for development, including advance blight studies, redevelopment plans, identification of infrastructure needs, and public/private roles.
> Work with state and local government to extend financial incentives to designated locations within the built environment.
> Support and enhance existing infrastructure and amenities.

p. 7.2 Diversity of land uses, including commercial and special needs housing, is important provided the use fits within the character of the block and neighborhood.

p. 7.2 Promote sustainability and resource conservation by preserving and improving housing in existing neighborhoods.

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

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

ANALYSIS

1. This is a Comprehensive Plan Conformance review for the South 48th Street Corridor Redevelopment Plan that identifies the Tabitha Intergen Redevelopment Project. This project is located on the south side of L Street between S. 47th and S. 48th Streets. The Project will include the construction of an approximately 155,388 square foot, four (4) story building consistent of approximately one hundred twenty-seven (127) residential units which could go up to 138 units (approximately 12-17 micro apartments, 27-35 studio apartments, 64-76 one-bedroom apartments, and 12 two-bedroom apartments). There will be a parking garage containing approximately ninety-three (93) stalls, and off-street parking with approximately forty-five (45) parking spaces along with a 7,800 square foot outdoor plaza. It should be noted that the number of units and bedroom counts listed above are approximate and that for the related Planned Unit Development (PUD) 138 residential units are requested in order to allow flexibility with the PUD.

2. The Tabitha Intergen Project is intended to provide independent senior housing options and housing opportunities for students enrolled in medical education programs. The intergenerational living concept is intended to provide a healthy and beneficial living experience for the seniors and the students. The Project will provide safe and affordable housing to seniors and students which will revitalize and strengthen the corridor and the surrounding community.

3. The goal of the Project is to create strong neighborhoods that thrive through investment in people and places by following the health corridors approach created by the Urban Institute. In conjunction with the Health Corridor Typology established by the Urban Institutes, the Redeveloper has identified several opportunities to improve the South 48th Street Corridor, which include, but are not limited to, the following:

-Safe walking and biking paths in the Redevelopment Area
-Property development to create easily accessible services frequented by seniors and students
-Improved infrastructure
-Reduced traffic congestion and traffic speeds that accommodate pedestrians, bicyclists and other users
-Utility lines and traffic signs and signals that are placed underground or blend in
-Safe and well-lit sidewalks and bike trails that connect adjacent neighborhoods
-Streetscapes that include amenities for visual interest and safety, including seating, trees for shade and green buffers
-Housing options for all incomes
-Improved parking strategies
-Accommodations for vulnerable populations, including children, elderly and people with disabilities
-Regular programs in community gathering places
-Transit, including enhanced bus service

4. The Project is consistent with goals in the Comprehensive Plan. The project will create a unique type of housing that will include both seniors and students. The Project will increase the population density in the Redevelopment Area by an estimated 140 residents. This increase in population density is consistent with the goals of the Comprehensive Plan.

5. Nearby bus service includes StarTran bus route #44 O Street which includes stops at O Street and S. 44th Street in both directions and #53 SouthPointe which includes stops at Randolph Street and S. 44th Street in both directions and S. 48th and Valley Road (Northwest side) and S 48th and Bryson Street (Northeast side),

6. The estimated total cost to implement this project is $22 million which includes between $3,150,000 to $4,000,000 in public financing. The project cost will be finalized as construction costs are determined. The source of the public funds for these improvements will be the tax increment generated from the private developments on the Project Site.

7. The 2021 assessed value of the Project Site is $537,400. The final assessed valuation of the Project Site is anticipated to be approximately $15,500,000. The Project is expected to generate approximately $300,000 in annual TIF revenue to assist with the cost of the construction of public improvements and enhancements related to the project. The public investment will leverage approximately $22 million in private sector resources.

8. MISC20010 approved by the Planning Commission on September 1, 2021 is the South 48th Street Corridor Blight and Substandard Determination Study that provided sufficient evidence that the Redevelopment Area qualifies under Nebraska Community Development Law as substandard and blighted.

9. Related Change of Zone 21037 is to change the zoning from R-2 and R-4 to an R-2 and R-4 Planned Unit Development (PUD). The block in question for the Project is zoned R-2. The boundary of the change of zone for the PUD includes the entire Tabitha campus. The intent of the PUD is to allow flexibility in terms of land uses and for the various waivers requested as part of the Project. The Tabitha campus is presently classified as a Residential Health Care Facility under the Zoning Ordinance with an approved Special Permit (SP384H).

10. The Project was reviewed by the Urban Design Committee on September 7, 2021 (see Excerpts of Meeting Records attached). The Urban Design Committee approved the project as presented. It was noted that attention should be given to L Street respective of the Intergenerational Project as that is the main interaction with the Witherbee Neighborhood (though there is a home to the west and homes to the east across S. 48th Street). It was noted that the applicant met several times with the Witherbee Neighborhood and will continue to work with them.

11. The redevelopment plan can be found on the Planning Application Tracking System, search: CPC21021. https://app.lincoln.ne.gov/aspx/city/pats/

EXISTING LAND USE & ZONING: Residential Health Care Facility, Vacant; R-2

SURROUNDING LAND USE & ZONING

North: Single Family Detached; R-2 Residential
South: Residential Health Care; R-2 Residential
East: Single Family Detached; R-2 Residential
West: Single Family Detached, Residential Health Care; R-2 Residential

APPROXIMATE LAND AREA: 55 acres

Prepared by

_____

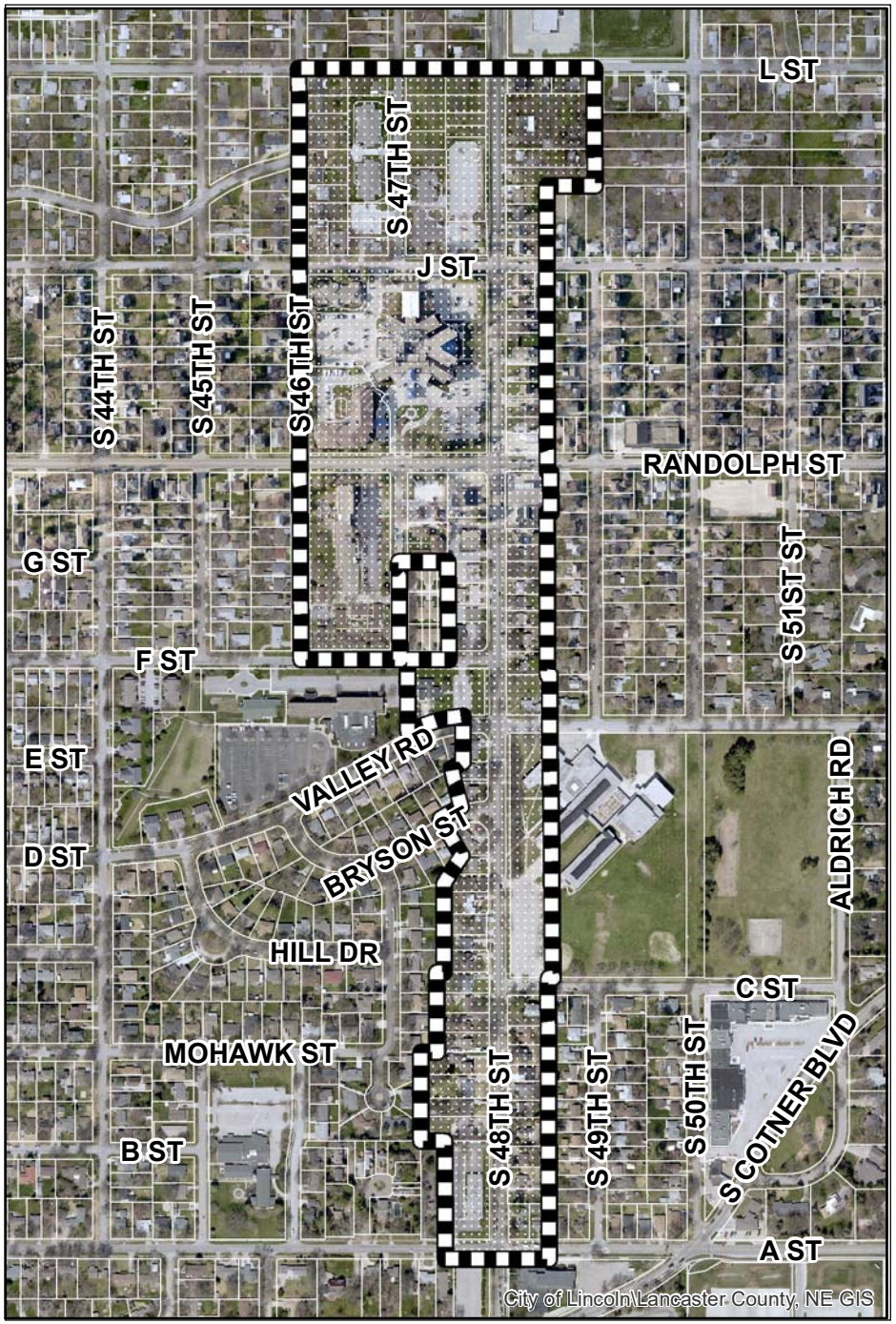
George Wesselhoft
Planner
(402) 441-6366 or gwesselhoft@lincoln.ne.gov

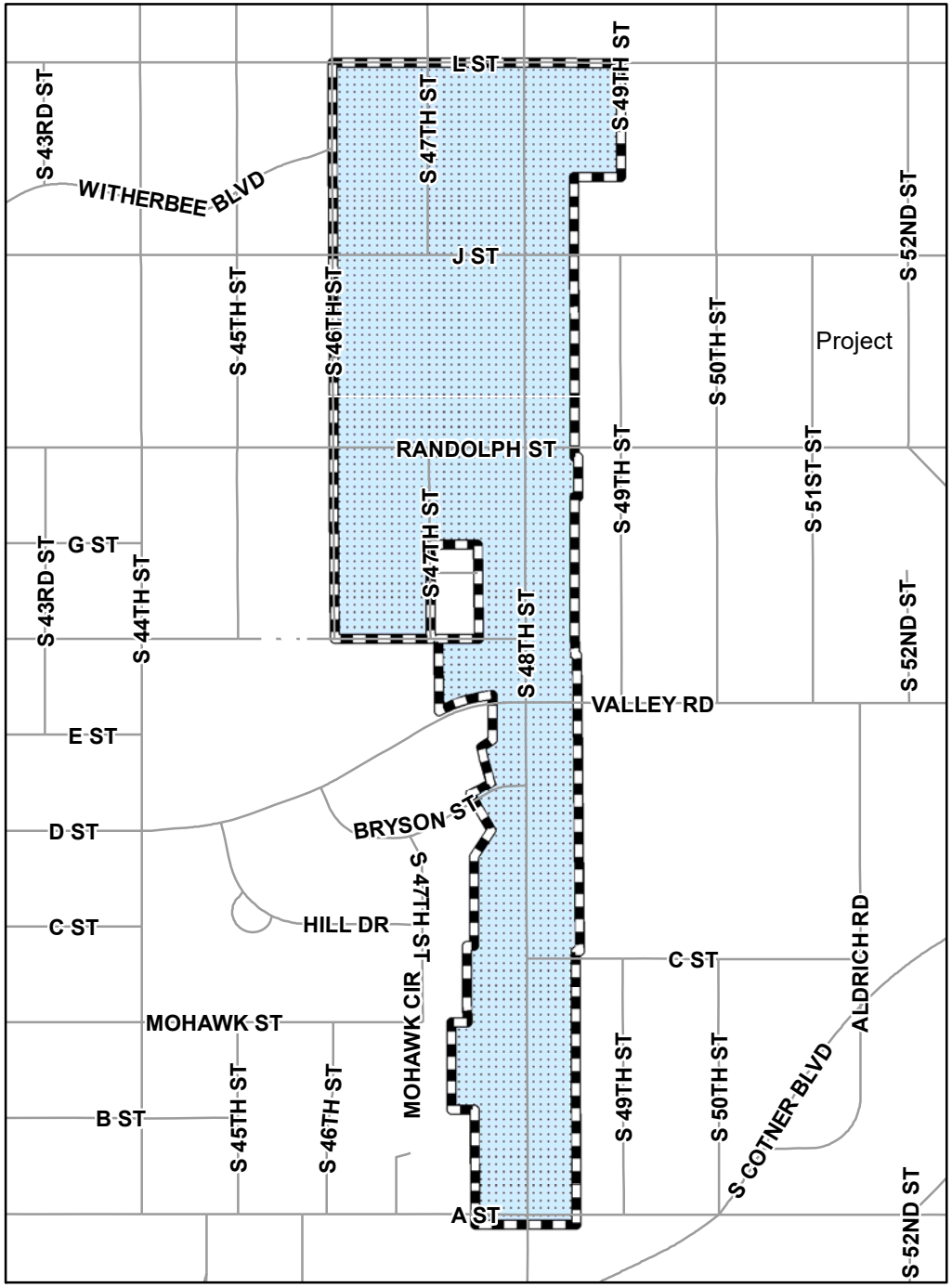
September 30, 2021

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

Contact: Wynn Hjermstad
555 S. 10th Street, Suite 205
Lincoln, NE 68508
(402) 441-8211 or whjermstad@lincoln.ne.gov

https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CPC/21000/CPC21021 South 48th Street Corridor Redevelopment Plan.gjw.docx





Comprehensive Plan Conformance #21021

South 48th Street Corridor Redevelopment Plan
Tabitha Intergen Redevelopment Project

2020 aerial

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

September 15, 2021

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

Dear David:

Enclosed is the *South 48th Street Corridor Redevelopment Plan*. This is a new Redevelopment Plan generally located adjacent to South 48th Street between "L" and "A" streets. The Plan addresses statutory elements required by the State of Nebraska's Community Development Law. The principal project identified is Tabitha InterGen, intended to provide independent senior housing options and housing opportunities for students enrolled in medical education programs. The Project is generally located between 47th and 48th Streets adjacent to "L" Street. It includes the construction of an approximately 155,388 sq. ft. four-story building consisting of approximately 127 residential units , a parking garage containing approximately 88 stalls, off-street parking with 32 parking places and a 7,800 sq. ft. outdoor plaza area. This intergenerational residential project is the first of its kind in Lincoln.

Please forward the Plan to the Planning Commission for their earliest consideration for Comprehensive Plan conformance. My understanding is that the Plan should be on the October 13, 2021 agenda.

If you have questions or need additional information, please contact me at whjermstad@lincoln.ne.gov. Thank you.

Sincerely,

Wynn S. Hjermstad, AICP
Community Development Manager

Cc: Dan Marvin, Director, Urban Development Department

enc.

MEETING RECORD

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

NAME OF GROUP:	URBAN DESIGN COMMITTEE
DATE, TIME AND PLACE OF MEETING:	Tuesday, September 7, 2021, 3:00 p.m., County-City Building, City Council Chambers, 555 S. 10th Street, Lincoln, NE.
MEMBERS IN ATTENDANCE:	Jill Grasso, Peter Hind, Tom Huston and Michelle Penn; (Emily Deeker, Gil Peace and Michelle Penn absent).
OTHERS IN ATTENDANCE:	Paul Barnes and Teresa McKinstry of the Planning Dept.; Aaron Burd with L.A. Real Estate; Kurt Suhr with ArchitectureOne; Cristy Joy with Archi+ etc., Jim Geasler, Rick Onnen, Gary Tucker and DaNay Kalkowski; Joy Ebmeier with Tabitha; Erin Dobesh with Davis Design; and other interested citizens.

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

TABITHA REDEVELOPMENT

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

Joy Ebmeier stated this is an intergenerational project that represents an important addition to Tabitha. They will be utilizing TIF (Tax Increment Financing) funds. This is designed to meet and approve upon three challenges. The first is to address the epidemic of loneliness across generations; second is to address a lack of moderately priced housing; and third is to address the shortage of health care workers to support seniors. The work force shortage must be addressed to ensure access of health care to seniors. The two groups that will live in this development will be active independent seniors 65 and older, and students from Bryan Health Sciences. The need for this is supported by data. Tabitha is eager and poised to create this addition to our campus to empower residents to live joyfully and age gracefully. They have been at the same site for over 135 years. Due to strong community support, we can provide exceptional care. This will sit on 48th St. and 'L' St. It will be a four story structure with 128 units. It has been designed to fit cohesively on the campus. Exterior materials and rooflines have been chosen to fit with current campus structures.

Erin Dobesh showed the elevations. She believes they kept the feel of the neighborhood. The exterior is red face brick with fiber cement siding. They will be using two different sidings, Vermeil and Hardie inverse board and batten. They have incorporated asphalt shingles. Gable rooflines are mixed with flat rooflines for variation. They are using a recessed metal panel that looks like wood. In addition, they are showing punched opening instead of large ribbon openings. The windows are very large. Most are seven foot 6 inches with operable portions. She believes it will break down the mass of the building. She pointed out the garage entry off 'L' Street. Not all the apartments have balconies. Amenity spaces were brought out into the south wing. This allowed us the opportunity to have a more residential height building. There is a rooftop terrace between the living space and the lower building. She showed the east side of the building that will be visible off 48th Street.

Hind asked about the black squares on the drawing and if they were for ventilation. Dobesh replied yes. They incorporated all the electrical meters in the garage below. They are showing some green space between the building and the sidewalk. She showed the west side of the building. The parking will be accessed off 47th Street. The front entry has a small canopy that covers the main entry point. They are incorporating different wood tone soffit panels on the canopy. There will be spaces for fitness, yoga, a common area, a lounge and small café, amongst other areas. The rooftop terrace will have seating. She believes it will be an active space. They are showing a parapet wall which will be the edge of the terrace. There will be some nice decorative elements. She showed the preliminary landscape plan. They are asking for a front yard setback reduction of five feet. This is part of the PUD (Planned Unit Development) process going on. They have requested this waiver on the 'L' Street side and the 48th Street side. They will incorporate trees. The drainage will be surface drainage. They are discussing water quality plantings.

Penn stated the staff report says the applicant is asking for various waivers. One of them is a waiver of the allowable height from 35 feet to 70 feet, not including mechanical equipment and elevator towers. Also, parking would be reduced to one stall per unit and would be allowed in the front yard. It also says the applicant is proposing to eliminate or reduce the stormwater detention and runoff requirements and that they are requesting to reduce the internal setbacks to zero feet and the front yard to twenty feet, along with allowing multi-family and healthcare facilities with residential uses. She inquired as to the proposed location of the mechanical units. Dobesh answered that some will be in the rooms. The units will be on the roof. That should be the bulk of the mechanicals. They are still working on exact locations. The intent is to have them not be visible. Two elevators are tucked on the inside corners. One elevator goes to the rooftop.

Hind wants to congratulate what Tabitha is doing. This is a true thing that is happening. He is glad they are tackling this head on. He applauded them on the program. They have a great architect working with them. He would encourage them to spend dollars on a parapet to hide the HVAC

equipment. He doesn't like to see the units on top. He suggested they work with the HVAC contractor or engineer. This is a small detail. Regarding the elevation on the north, there is a relatively steep slope down to the garage area. He is assuming it is a natural slope of the street. He looks at the first floor and wishes the brick changed there so it became more of a utility brick, bigger or a slight difference to the finish to create a datum line. Dobesh noted they are planning on a soldier course through there. Hind thinks a landscape architect can help as well. Dobesh stated their first meeting with the landscape architect is tomorrow. Hind thinks that scale is something to look at. He also pointed out the simulated wood panel on the north elevation. There is an awkward bump under the overhang. It happens again on the south side. He is not sure how to solve it. There could be a way. He encouraged the applicant to think about some details. He gave his congratulations again. This is a great project to see.

Grasso asked about the material on the parapet wall, upper level terrace. Dobesh stated they haven't shown any material on the back side yet. It is a continuation of the reveal system board, Hardie board with a top on cap for screening.

Grasso wondered about grills for the patio space. Dobesh stated they haven't talked about them in depth yet. They are showing four but believes they only need two. They are potentially adding a couple of openings to break up the façade to let in more air or light.

Grasso thinks this is a beautiful project. She is excited to see this developed. Tabitha has historically done a very nice job. This will be an added asset to this corner

Hind stated that if the current zoning is 35 feet, he questioned why the applicant was asking for 70 feet. Ebmeier doesn't want to ask for too much. She is not sure where that number came from. Dobesh added they don't know the full ridge height counts. Hind believes it is to the half center line. Ebmeier doesn't want to ask for more than is needed. Hind noted it is measured to the center of the gable.

Huston thinks this is a wonderful project. It is unique. They are targeting two generations of residents. He likes the efforts to minimize the height differential. He recognizes that Tabitha owns all the facilities directly across from this facility. He understands the waivers. It is hard to avoid waivers with three front yards. He would suggest they pay attention to 'L' Street. That is the only interaction with the Witherbee neighborhood.

Ebmeier stated that they have met several times with the Witherbee neighborhood folks and will continue to work with them. Huston believes that Tabitha has had a great relationship with Witherbee over the years.

Penn wondered about the waivers. She is wondering about the stormwater detention. Dobesh stated there is no stormwater at that location for them to tie into. Tabitha has a stormwater

detention plan. Jeff Morrison with Olsson Associates has been working with the City and calculated this to be minimal more than what was originally proposed which was houses. Greenspace in the parking area has been identified as a strong landscape area. Hind would recommend trying to introduce some bioswales.

Penn doesn't think parking will be an issue. Dobesh noted the street parking at one point was pitched for some perpendicular parking. She doesn't think the City is in support of that. That was deleted from the plan and will be additional green space.

Hind believes that lighting and light trespass is important. Even meeting code, you can still get a lot of light trespass. He would be cognizant of how light works for safety and also consider the intergenerational aspect. Dobesh noted the four main entry points are on an interior courtyard. They hope to not have a lot of light pollution going onto the neighbor's homes. Ebmeier stated they are keenly aware that they need to think of lighting and safety as well.

Penn questioned why the applicant has chosen to not to have balconies for everyone in apartments. Dobesh responded that in looking at the demographics and economics, they believe that not having balconies on some units might make them more affordable. Also, they are providing a lot of outdoor space. This is an attempt to bring the community together. Ebmeier pointed out that one apartment is a micro-apartment which they expect to be used by students. The philosophy is about bringing people together

Penn questioned the outdoor space on the south side. She appreciates the space but pointed out it is in the direct sun. Ebmeier stated they are designing it so it will be a common space with garage type openings. The entire area can be opened up. They haven't put anything there which would permanently give shade, but they expect people will be out there when it is comfortable. It also sits close to the house to the south of it. Sun hasn't been an issue yet. They are open to suggestions.

Penn can see this being a space that would be popular during fall or spring, would be unusable in 90 degree weather. Ebmeier believes the deck on the second level might be more comfortable and shaded. Dobesh added they have talked about a pergola being a more permanent structure.

Penn thinks this is a beautiful project

Hind complemented the applicant on nice work.

ACTION:

Penn moved approval of the project as presented, including all waivers, seconded by Huston and carried 4-0: Grasso, Hind, Huston and Penn voting 'yes'; Deeker, Peace and Penn absent.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

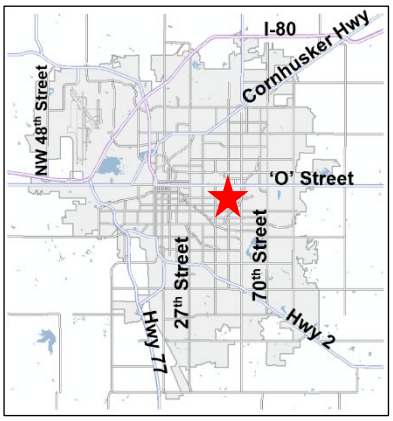
APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Change of Zone #21037	No	Tabitha, Tabitha Housing Corporation
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
October 13, 2021	MISC21010, CPC21021	South 48th Street and "L" Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a PUD (Planned Unit Development) for the Tabitha campus generally located between S. 46th and S. 48th Street from L Street to south of Randolph Street. The request includes approximately 14.25 acres. The existing base zoning is R-2 Residential except for the portion of their campus on the south side of Randolph Street which is zoned R-4 Residential. The proposed change of zone is from R-2 and R-4 to R-2 and R-4 PUD.

The PUD development plan is intended to allow flexibility for their campus such that the existing Residential Health Care Facility uses will remain but other uses including residential for their proposed intergenerational facility will be allowed. The significant development change is for the latter facility which will be located at the southwest corner of South 48th Street and L Street. In addition, the PUD is to allow flexibility for certain waivers to facilitate the redevelopment in the future.



JUSTIFICATION FOR RECOMMENDATION

This PUD is justified because it will allow for increased residential density and a mix of land uses along the S. 48th Street corridor as part of redevelopment. It will also allow for a unique type of housing that will serve an aging population along with students.

APPLICATION CONTACT
Jeffrey Morrison, (402) 458-5615 or
jmorrison@olsson.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The area is designated for Urban Density Residential in the Comprehensive Plan and is part of an identified redevelopment corridor. The proposal is therefore consistent with the Comprehensive Plan in terms of land use and density and providing infill housing.

Waivers:

1. Zoning Ordinance 27.67.030 to allow parking in the required front yard in Area 2. This waiver was previously approved with the Special Permit for Residential Health Care Facility for the Tabitha campus with the parking built along 48th Street just north of Randolph Street. (Recommend Conditional Approval)
2. Zoning Ordinance, Figure 26.67.020 to allow parking reduction from 1.5 spaces per dwelling unit to 1 space per dwelling unit for Area 3 of the PUD. (Recommend Approval)

3. Zoning Ordinance, 27.60.020 (a) to allow height increase from 45 feet to 65 feet for Area 3. (Recommend Approval)
4. Zoning Ordinance, Table 27.72.020 (a) to allow interior side yard setback of 0' for Areas 1 and 3. (Recommend Approval)
5. Zoning Ordinance, Table 27.72.202 (a) to allow front yard setback reduction from 25' to 20' for Area 3. (Recommend Approval)
6. Zoning Ordinance, Table 27.72.020 (a) to allow rear yard setback reduction from 26.8 feet to 20 feet for Area 1. (Recommend Approval)
7. Design Standards Title 2, Chapter 2.05, Section 8, to waive detention requirements. (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. 5.2 Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.

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

p. 6.5 The Comprehensive Plan includes this area as part of the Mixed Use Redevelopment Nodes and Corridors designation on the Future Land Use Map.

p. 6.5 Nodes should be located on arterials and should have access to public transit. They should provide adequate facilities for multi-modal transportation including a complete sidewalk network, transit stops, automobile parking and circulation, and storage of bicycles. This concept is design and intended to be mutually beneficial for existing adjacent neighborhoods and the new mixed-use neighborhood created by the redevelopment center.

p. 6.10 Strategies for facilitating infill development:

> Develop subarea plans for specific areas that set a framework for development, including advance blight studies, redevelopment plans, identification of infrastructure needs, and public/private roles.
> Work with state and local government to extend financial incentives to designated locations within the built environment.
> Support and enhance existing infrastructure and amenities.

p. 7.2 Diversity of land uses, including commercial and special needs housing, is important provided the use fits within the character of the block and neighborhood.

p. 7.2 Promote sustainability and resource conservation by preserving and improving housing in existing neighborhoods.

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

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

ANALYSIS

1. This request is for a new Planned Unit Development including all of the Tabitha campus, which is currently under Special Permit 384H, for a Residential Health Care Facility. The changes in development include a proposed 138-unit intergenerational apartment building with both surface and underground parking at the southwest corner of L Street and South 48th Street. A new maintenance building is also proposed on the east side of S. 47th Street south of Randolph Street. A total of 14.25 acres is included with the existing zoning R-2 Residential except for that portion of the Tabitha campus on the south side of Randolph Street which is zoned R-4 Residential. It should be noted that the proposed 138 dwelling units is somewhat higher than the number of dwelling units identified in the related CPC21021 South 48th Street Corridor Redevelopment Plan (127 dwelling units) to allow flexibility within the PUD.

2. The proposed uses include Residential Health Care Facility including 350 residents and 138 dwelling units which will comprise the new intergenerational facility. Other allowed uses will include Office, Early Childhood Care Facility, Non-Residential Health Facility, Adult Day Services Facility, On Premises Sale of Alcohol when associated with dwelling unit building, and Small Solar Energy Conversion System. These other uses are appropriate as they will allow related uses as part of the Tabitha campus in the PUD.

3. The proposed intergenerational facility is intended to provide independent senior housing options and housing opportunities for students enrolled in medical education programs. The intergenerational living concept is intended to provide a healthy and beneficial living experience for the seniors and the students. The Project will provide safe and affordable housing to seniors and students which will revitalize and strengthen the corridor and the surrounding community.

4. The proposed intergenerational project will not be the same as a Residential Health Care Facility use such as assisted living because of the living arrangement which would be the same under the Zoning Ordinance as apartments. Therefore, the use is considered multi-family residential. It is for this reason along with the flexibility to allow for certain waivers that under the current Special Permit would not be possible that the PUD is needed. It should be noted that the approval of this PUD will allow 138 multi-family uses on the site, but it will not be limited to seniors or students. This will give Tabitha flexibility if the concept of mixed housing and the apartments need to be rented to other persons.

5. The requested waivers include the following:

    a) Zoning Ordinance 27.67.030 to allow parking lot stalls to be in the front yard. This is justified for the existing parking stalls in the front yard such as along South 48th Street next to the main Tabitha building in Area 2. The recommendation and justification to approve this request is for existing stalls to remain until redeveloped. This waiver was previously approved with the Special Permit for Residential Health Care Facility and the parking built.

    b) Zoning Ordinance, Figure 26.67.020 to allow parking reduction from 1.5 spaces per dwelling unit to 1 space per dwelling unit for Area 3. This waiver is justifiable because a majority of the units will either be studios or one-bedroom units.

    c) Zoning Ordinance, 27.60.020 (a) to allow height increase from 45 feet to 65 feet for Area 3. Height waivers for apartments have been previously approved in the 55 to 60-foot height range. In this case, per the definition of height in the Zoning Ordinance, the applicant calculated the average grade elevation and then determined the tallest portion of the building from that elevation. The north side of the project will be the taller side. The reason the building is taller on the north side is to create drive in access to the basement parking garage. Any other orientation will create an issue of getting from existing grade down to parking garage level. The existing topography of the block in question generally falls approximately ten feet from the south side to the north side of the block toward L Street. So the existing small house facilities are at a higher elevation than the existing north side of the block. The existing conditions of 47th Street and L Street set up to have generally walk in access on the west and north for different levels. In addition, the applicant proposal is to keep the one-story part of the building more centralized within their development interior and away from the residential neighborhood. Thus, the topographic conditions combined with the parking garage level and building orientation factor into the need for the height waiver request. The waiver is justifiable if the applicant adds trees for screening. This would include preserving existing trees, except for new driveway to the north side of Area 3 and adding new trees with a mature height over 20’ as a condition of approval.

    d) Zoning Ordinance, Table 27.72.020 (a) to allow interior side yard setback of 0’ for Areas 1 and 3. This waiver has been approved in other developments for internal setbacks and allows flexibility where there may be multiple subdivision lots that comprise a particular site within the campus. Therefore, it is justified.

    e) Zoning Ordinance, Table 27.72.020 (a) to allow front yard setback reduction from 25’ to 20’ for Area 3. This setback reduction is justified as it is relatively minor and with the conditions of approval will be offset with the preservation of existing trees and the planting of new trees with substantial mature height on the north side of Area 3 facing the residential neighborhood.

f) Zoning Ordinance, Table 27.72.020 (a) to allow rear yard setback reduction from 26.8 feet to 20 feet for Area 1. This is justifiable as the setback in question is adjacent B-1 Commercial zoning and already has existing parking lot area.

g) Design Standards Title 2, Chapter 2.05, Section 8 to allow waiver from detention requirements. This is justified as there will not be a substantial increase in storm water runoff, and there is also no public storm drainpipe in the area for connection.

6. Prior SP384H approved by the Planning Commission on November 9, 2016 was for an expansion of the residential health care campus to add two 19-bed small house facilities. These facilities were to be located between J and L Streets adjacent South 48th Street. The proposed PUD for this area now includes the intergenerational facility in the place of these two small house facilities. Tabitha has operated under a Special Permit since the original SP384 was approved in July of 1969 for a Health Care Facility. 371 parking spaces and 46 garage stalls have been approved under the prior Special Permit approvals with existing parking lots on the existing nursing home and rehabilitation center site between Randolph and J Streets west of S. 48th Street, parking lots associated with the small house facilities on S. 47th Street, and a parking lot on the south side of Randolph Street. The proposed parking with the PUD includes 93 new garage stalls and 45 new surface parking stalls. 348 parking stalls are required in total for the PUD with 555 stalls total provided. So there will be more than the required minimum parking provided in total.

7. Lincoln Transportation and Utilities (LTU) Watershed approved the requested storm water detention waiver as there will be no substantial increase in storm water runoff and there is no public storm sewer infrastructure in immediate proximity for connection purposes. This waiver pertains to the storm water on the site as a whole. A separate request to allow alternate treatment for storm water off the proposed building was also approved. The request for Approved Alternative has been approved by the Director of LTU. The request was to allow storm water treatment of the proposed building to be treated for water quality with Bio-Clean Downspout filters again due to no public storm sewer system in the nearby area.

8. MISC20010 approved by the Planning Commission on September 1, 2021 is the South 48th Street Corridor Blight and Substandard Determination Study that provided sufficient evidence that the Redevelopment Area qualifies under Nebraska Community Development Law as substandard and blighted. CPC21021 is the Comprehensive Plan Conformance for the related South 48th Street Corridor Redevelopment Plan for consideration by the Planning Commission at the same meeting as this Change of Zone request.

9. As the proposal will include Tax Increment Financing, it was reviewed by the Urban Design Committee on September 7, 2021. The Urban Design Committee approved the project as presented. It was noted that attention should be given to L Street relative to the Intergenerational Center as that impacts primarily to the north with the Witherbee Neighborhood (though there is a house to the west and houses to the east across 48th Street). It was noted that the applicant met several times with the Witherbee Neighborhood and will continue to work with them. As a condition of approval, the proposed maintenance building on the south side of the PUD will require design review by the Urban Design Committee.

10. The site is designated for future urban density residential land uses on the Future Land Use Map, and this request subject to the conditions of approval complies with the requirements of the Zoning Ordinance and Comprehensive Plan as it will allow for infill residential redevelopment along the South 48th Street corridor.

EXISTING LAND USE & ZONING: Residential Health Care Facility, Vacant; R-2, R-4

SURROUNDING LAND USE & ZONING

North: Single Family Detached; R-2 Residential
South: Single Family Attached; R-2 Residential
East: Single Family Detached, Special Housing, Commercial; R-2 Residential, B-1 Commercial
West: Single Family Detached, Duplex, Special Housing; R-2 Residential

APPLICATION HISTORY: See attached.

APPROXIMATE LAND AREA: 14.25 acres

LEGAL DESCRIPTION: See attached.

Prepared by

_____
George Wesselhoft, Planner
(402) 441-6366 or gwesselhoft@lincoln.ne.gov
Date: September 30, 2021

Applicant/ Contact: Jeffrey Morrison, Olsson
601 P Street, Suite 200
Lincoln, NE 68508
(402)-458-5615 or jmorrison@olsson.com

Owner: Tabitha
C/O Joe Hakenkamp
4720 Randolph Street
Lincoln, NE 68510
(402) 486-8500 or Joseph.Hakenkamp@tabitha.org

https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CZ/21000/CZ21037 Tabitha PUD.gjw.docx

APPLICATION HISTORY

July 1969 Special Permit 384 approved for the enlargement of a Health Care Facility.

May 1979 Before the zoning update, this property zoned Two Family District, Single Family District and Local Business District. After the update, the zoning was R-4 Residential, R-2 Residential and B-1 Local Business.

July 1982 Special Permit 384A approved for an on-site day-care facility for employees' children.

Dec 1986 Special Permit 384B approved for additional parking and revised vehicular circulation with the site.

Dec 1988 Special Permit 384C approved to amend the development and occupancy permit for the paving of certain parking lots.

May 1990 Special Permit 384D approved to expand the existing health care facility with a north addition and provide additional parking stalls.

Apr 2003 Special Permit 384E approved to allow a four-story addition to the main building.

Oct 2006 Change of Zone 06045 was approved from B-1 and R-4 to R-2 for the Tabitha campus as part of the larger Witherbee down zoning.

Jan 2009 Special Permit 384F was approved to allow an additional 63-bed assisted living facility and to create additional parking on the main campus.

Dec 2009 Special Permit 384G was approved to allow the addition of a 12-bed hospice care facility, and expand the campus to include two, 12-bed assisted living units.

Nov 2016 Special Permit 384H was approved to allow expansion to add two 19-bed small house facilities.

Feb 2020 Administrative Amendment 19080 to SP384H was approved to add a connection between the existing Martin House and Good house.

CONDITIONS OF APPROVAL – CHANGE OF ZONE #21037

This approval permits 350 residents for Residential Health Care Facility use, 138 dwelling units, Office use, Early Childhood Care Facility, Non-Residential Health Facility, Adult Day Services Facility, On Premises Sale of Alcohol when associated with dwelling unit building, and Small Solar Energy Conversion System, a future maintenance facility for Area 1, with the following waivers:

a) Zoning Ordinance 27.67.030 to allow pre-existing parking in the front yard for Area 2 until such time the property is redeveloped.
b) Zoning Ordinance, Figure 26.67.020 to allow parking reduction from 1.5 spaces per dwelling unit to 1 space per dwelling unit for Area 3.
c) Zoning Ordinance, 27.60.020 (a) to allow height increase from 45 feet to 65 feet for Area 3.
d) Zoning Ordinance, Table 27.72.020 (a) to allow interior side yard setback of 0' for Areas 1 and 3.
e) Zoning Ordinance, Table 27.72.020 (a) to allow front yard setback reduction from 25' to 20' for Area 3.
f) Zoning Ordinance, Table 27.72.020 (a) to allow rear yard setback reduction from 26.8 feet to 20 feet for Area 1.
g) Design Standards Title 2, Chapter 2.05, Section 8 to allow waiver from storm water detention requirements.

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 Delete Note 2 under General Notes.

1.2 Categorize height waiver by the specific area of the PUD under the Waiver Table.

1.3 Show how all the required parking was calculated under the Parking Table.

1.4 Amend statement under Waiver Table, Parking to state that existing parking stalls allowed to remain in front yard until redeveloped.

1.5 Change "Unit" to "Dwelling Unit" for clarity in notes and table.

1.6 Change number of Dwelling Units under Parking Table to show 138 units.

1.7 Delete Note 9 under General Notes.

1.8 Change statement under Land Use section of Waiver Table for on premise sale of alcohol to "…when accessory to a residential use".

1.9 Add note next to existing driveway on S. 47th Street for Area 1 that driveway and pavement to be removed and any other existing curb openings will be removed other than access to a parking lot.

1.10 Remove parking stalls from the 20' setback on S. 47th Street in Area 3.

1.11 Show future lot line at south end of Area 3.

1.12 Provide a 20' setback for future maintenance building in Area 1 to the south.

1.13 Add note that additional screening for future maintenance building in Area 1 is required.

1.14 Add note that future maintenance building is required to conform to Neighborhood Design Standards such as if it were a house. This includes a pitched roof and window opening toward street. Also, maintenance

building is to not have metal siding. If there are garage doors for the maintenance building, they only may face north. Building must be reviewed by the Urban Design Committee.

1.15 Label dual dashed lines at the west side of Area 3.

1.16 Add note to preserve existing trees, except for new driveway to the north side of Area 3 and adding new trees in accordance with the City's Master Street Tree Plan to reach a standard of one street tree per 50' of street frontage with a mature height over 20'.

1.17 Add to Setback under Waiver Table Area 1 for Reduce Internal Setbacks to 0 feet.

1.18 Add to Setback under Waiver Table Reduce Rear Yard Setback to 20 feet for Area 1.

1.19 Move Land Use from Waiver Table to its own Permitted Land Uses table.

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

to complete the installation of sidewalks along both sides of 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 installation of public street lights within this plat within 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 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:

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.

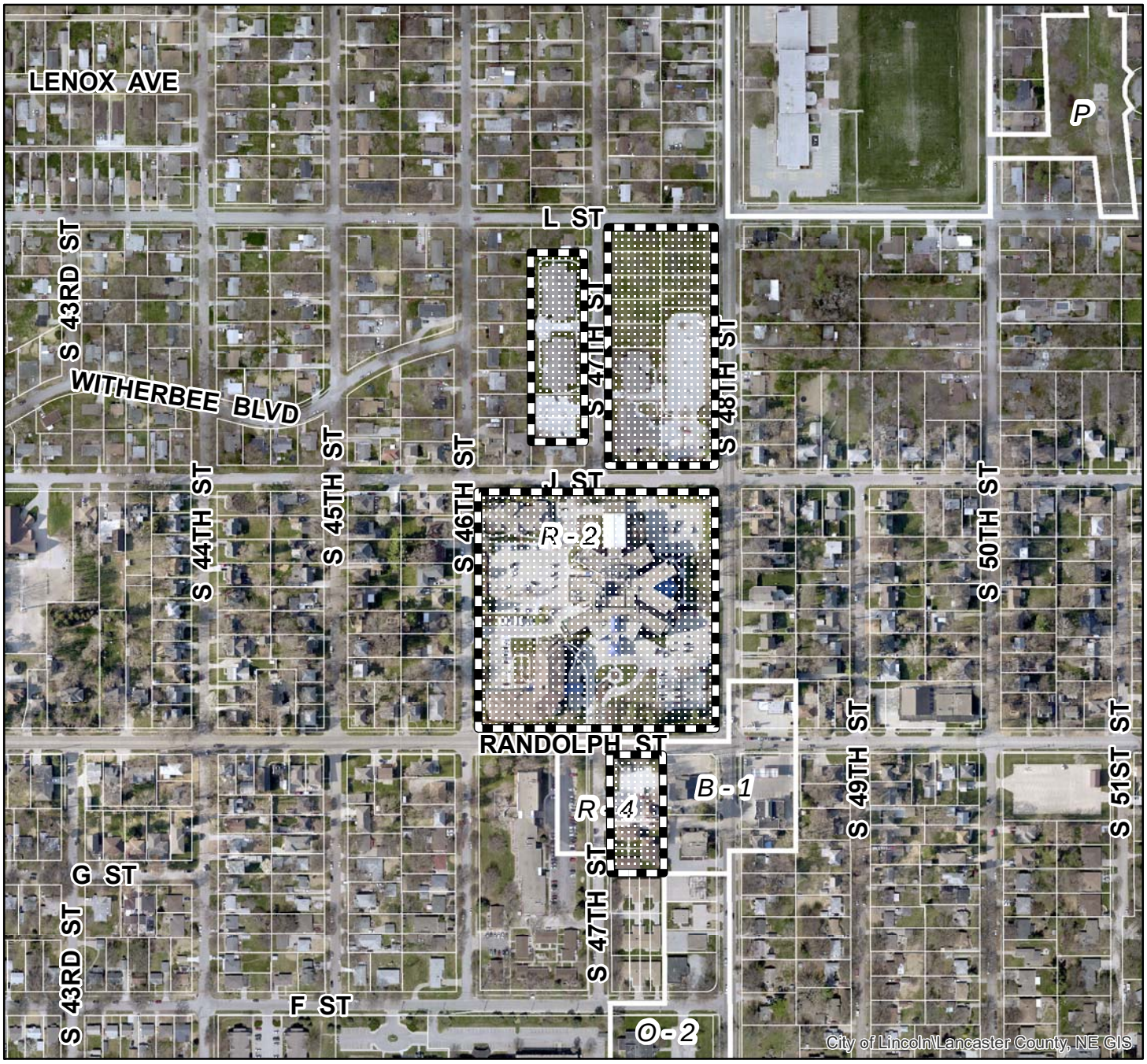
4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

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

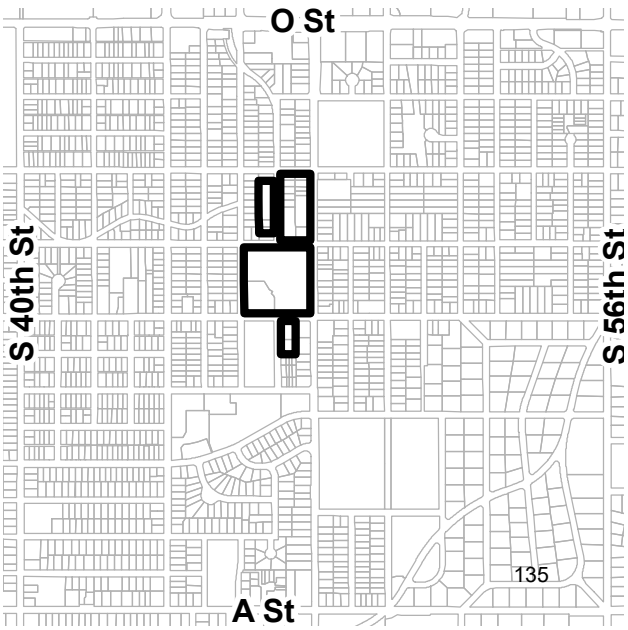
Change of Zone #: CZ21037
Tabitha - 48th and Randolph PUD
S 48th st & Randolph St

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 R07E

Area of Application
Zoning Jurisdiction Lines
Lancaster County Jurisdiction



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

File: C:\GIS\Projects\DevelopmentReview\AgendaDrawings\mxd\Agendadrawings.mxd (CZ21037)

TABITHA - 48TH AND RANDOLPH

P.U.D.

SITE PLAN

NOT TO SCALE

PARKING TABLE

TOTAL RESIDENTS AND UNITS = 478 (350 RESIDENTS + 140 UNITS)
REQUIRED PARKING = 228 STALLS
TOTAL EMPLOYEES ON LARGEST SHIFT = 180
REQUIRED PARKING = 120 STALLS

TOTAL STALLS REQUIRED = 348 STALLS

STALL PROVIDED WITHIN P.U.D. = 371 EXISTING SURFACE (FUTURE SMALL HOUSE: 24 STALLS NOT INCLUDED)
139 GARAGE STALLS (46 EXISTING, 93 PROPOSED)
45 NEW SURFACE

555 TOTAL STALLS ON SITE
(DOES NOT INCLUDE THE 24 STALLS USED FOR FUTURE SMALL HOUSE AND THE STREET PARKING ON 47TH STREET)

WAIVER TABLE

(CITY OF LINCOLN LAND SUBDIVISION AND ZONING REGULATIONS)

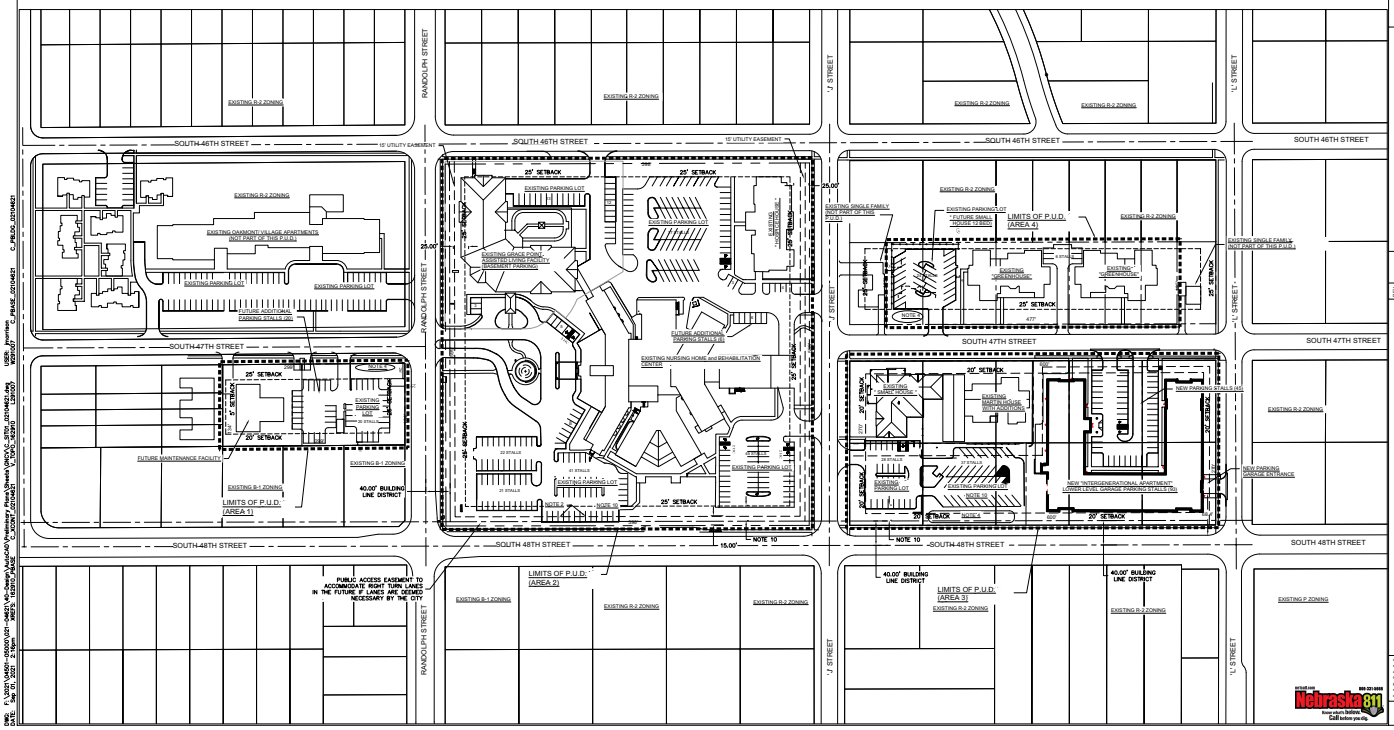
- HEIGHT
  - AVERAGE GRADE PLANE AROUND BUILDING = 1286.64
  - ALLOWED HEIGHTS PER ZONING = 35'
  - PROPOSED HEIGHT REQUEST ABOVE GRADE = 45'
  - HEIGHT DOES NOT LIMIT MECHANICAL EQUIPMENT AND ELEVATOR TOWER
- PARKING
  - PARKING LOT STALLS TO BE ALLOWED IN FRONT YARD
  - PARKING TO ALLOW A MINIMUM OF 7 STALL PER UNIT
- STORMWATER DETENTION
  - STORMWATER DETENTION REQUIREMENTS FOR NEW BUILDINGS. INCREASE IN PROPOSED RUNOFF FROM EXISTING CONDITIONS TO PROPOSED BUILDING IS NEGIBLE AND THE DOWNSTREAM STORM SEWER IS SIZED ADEQUATELY TO DISCHARGE THE RUNOFF FROM THE CONTRIBUTING AREA.
- SETBACKS
  - REDUCE INTERNAL SETBACKS TO 0 FEET (AREA 3)
  - REDUCE FRONT YARD SETBACKS TO 20 FEET (AREA 3)
- USES
  - ALLOW FOR THE FOLLOWING PERMITTED USES:
  - NON RESIDENTIAL USES IN R-2 ZONING
  - DWELLING UNITS = MAXIMUM OF 139 UNITS (COULD BE CONVERTED TO RESIDENTIAL HEALTH CARE RESIDENTS)
  - CLUB
  - EARLY CHILDHOOD CARE FACILITY
  - NON RESIDENTIAL HEALTH CARE FACILITY
  - ADULT DAY SERVICE FACILITY
  - ACCESSORY USES AND STRUCTURES WHEN ASSOCIATED WITH DWELLING UNIT BUILDING
  - SMALL SOLAR ENERGY CONVERSION SYSTEM

GENERAL NOTES

1. ALL PARKING LAYOUT IS CONCEPTUAL AND WILL BE FINALIZED AT TIME OF SUBMITTAL FOR BUILDING AND SAFETY PERMIT. ALL PARKING LOT WILL BE DESIGNED IN ACCORDANCE WITH CITY OF LINCOLN DESIGN STANDARDS.
2. EXISTING PARKING EXTENDS INTO FRONT YARD SETBACK.
3. THE EXISTING BASIN LOCATED ALONG 48TH STREET WILL REMAIN.
4. A REQUEST FOR APPROVED ALTERNATE TO CHAPTER 28.63 OF THE REGULATIONS OF POST CONSTRUCTION STORMWATER MANAGEMENT WILL BE REQUIRED TO BE SUBMITTED FOR THE STORMWATER QUALITY BEST MANAGEMENT PRACTICES ASSOCIATED WITH THE PARKING LOT. WATER TREATMENT FOR QUALITY BEST MANAGEMENT PRACTICES ARE REQUIRED PER SECTION 3.7.3 OF THE DRAINAGE CRITERIA MANUAL, AND WILL BE SUBMITTED AT THE TIME OF BUILDING AND SAFETY PERMIT.
5. A WAIVER IS REQUESTED TO THE DRAINAGE CRITERIA MANUAL TO ELIMINATE THE STORMWATER DETENTION REQUIREMENTS FOR NEW BUILDINGS. THE INCREASE IN PROPOSED RUNOFF FROM THE EXISTING PARKING LOTS AND THE PROPOSED BUILDINGS IS NEGLIBLE AND THE DOWNSTREAM STORM SEWER SYSTEM IS SIZED ADEQUATELY TO DISCHARGE THE RUNOFF FROM THE CONTRIBUTING AREA.
6. LANDSCAPING WILL BE PROVIDED IN ACCORDANCE WITH CITY OF LINCOLN PARKING LOT DESIGN STANDARDS AND LANDSCAPE SCREENING REQUIREMENTS. A LANDSCAPE PLAN WILL BE SUBMITTED WITH PERMIT FOR THE PARKING LOT CONSTRUCTION. LANDSCAPE PLAN WILL INCLUDE INSTALLATION OF STREET TREES IN AREAS OF NEW CONSTRUCTION AND IDENTIFY EXISTING STREET TREES THAT ARE TO BE PRESERVED.
7. SIGNS NOT SHOWN ON THE SITE PLAN, SIGNS WILL BE PROVIDED IN ACCORDANCE WITH CITY OF LINCOLN SIGN REGULATIONS. ANY SIGNS WILL BE PROVIDED AT THE SAME TIME OF BUILDING PERMIT FOR NEW CONSTRUCTION.
8. PARKING SPACES, OTHER THAN REQUIRED MINIMUM PARKING, MAY BE LOCATED WITHIN A BUILDING LINE DISTRICT, BUT THE PROPERTY OWNER SHALL AGREE, AT NO COST TO THE CITY, TO REMOVE THE PARKING WHICH EXCEED THE COSTS THE CITY WOULD NORMALLY INCUR IN THE WIDENING OF SUCH STREET WITHOUT THE EXISTENCE OF SUCH PARKING SPACES.
9. THE NUMBER OF RESIDENTS INCLUDES THE ADDITIONAL RESIDENTS ALLOWED WHERE THE SITE PLAN AND BUILDING PLANS COMPLY WITH THE BARRIER-FREE STANDARDS IN THE DESIGN STANDARDS AS ADOPTED BY THE CITY COUNCIL, WHICH IS SUBJECT TO VERIFICATION AT THE TIME OF BUILDING PERMIT.

SCALE IN FEET

0 30' 60' 120'



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

REVISIONS

REV NO.	DATE	REVISIONS DESCRIPTION

SITE PLAN

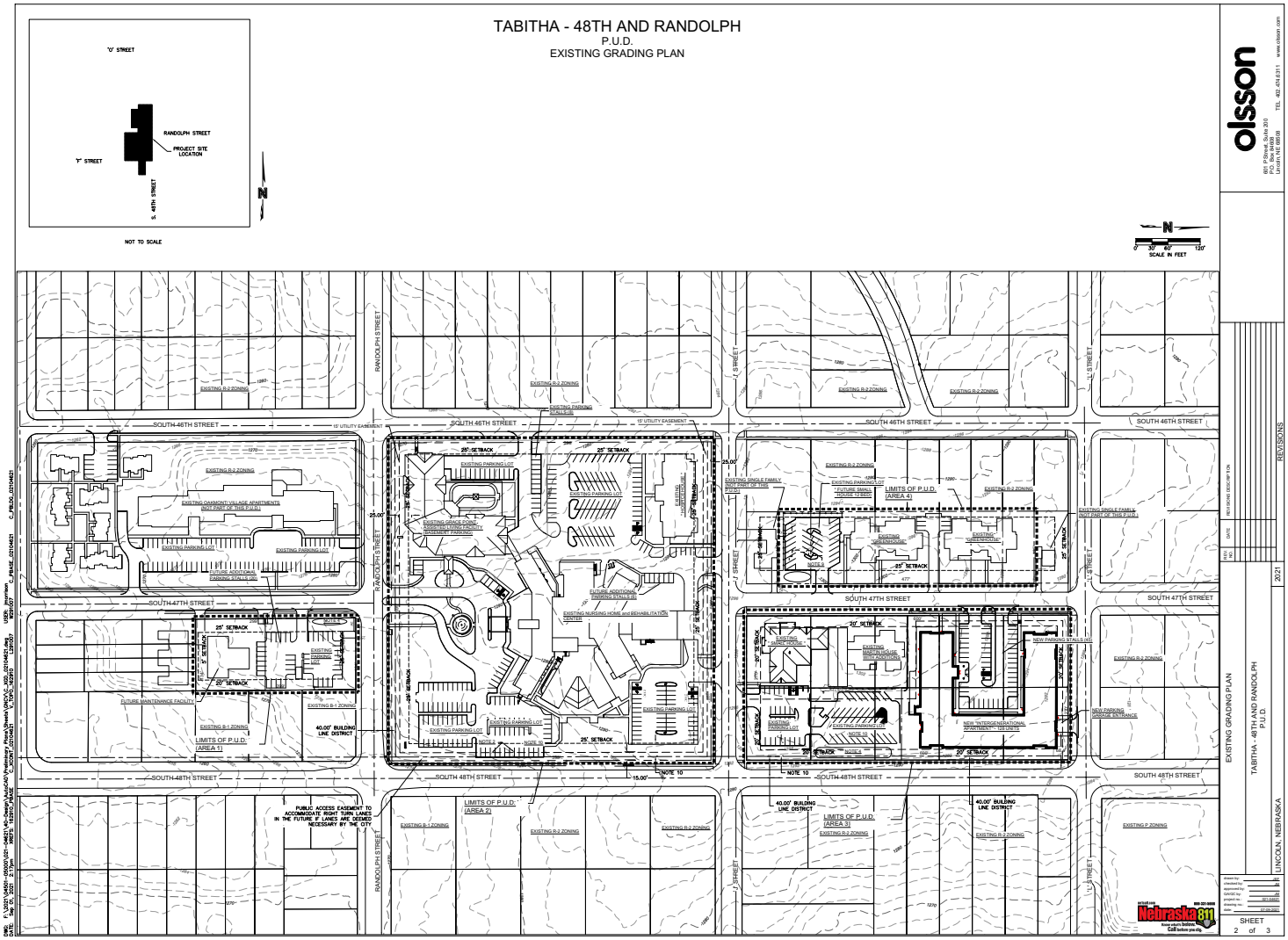
TABITHA - 48TH AND RANDOLPH
P.U.D.

2021

LINCOLN, NEBRASKA

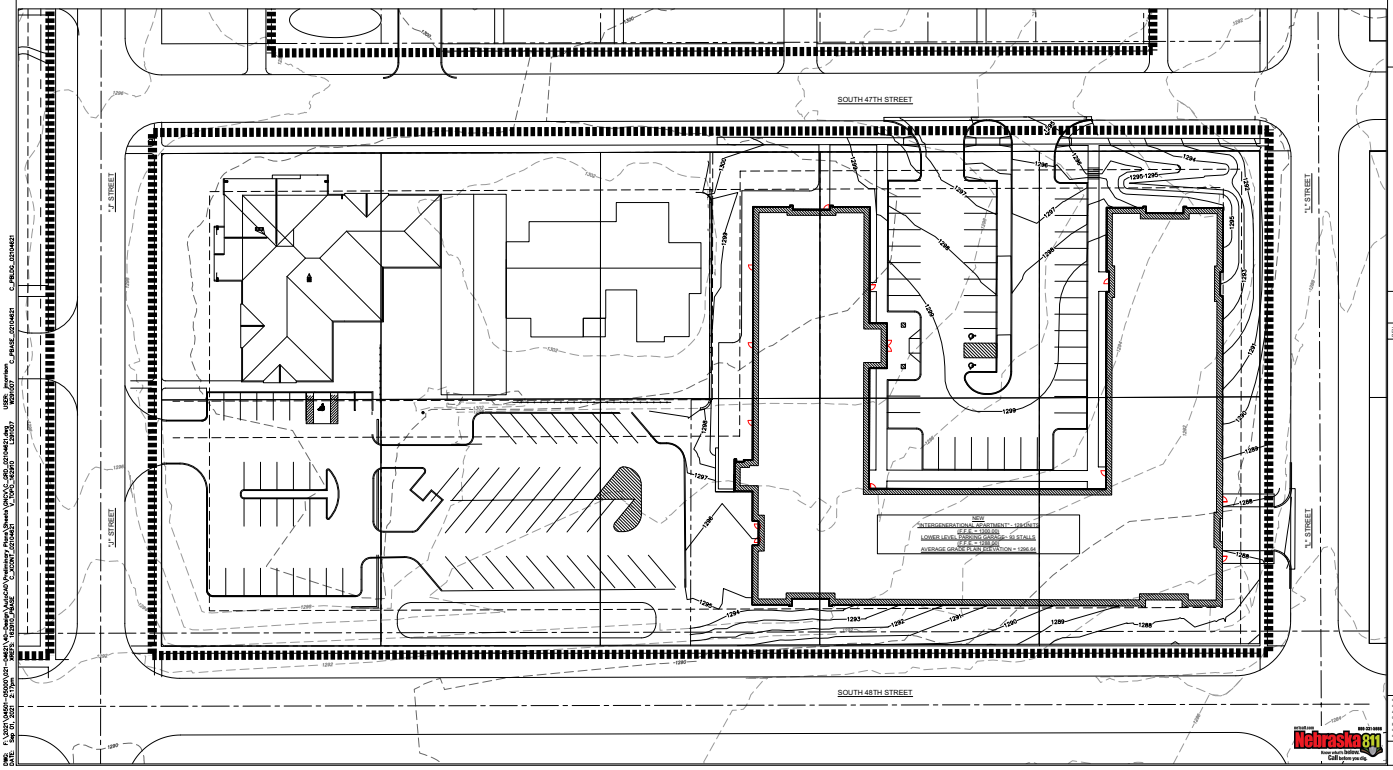
Nebraska 811 800-331-5666
Know what's below. Call before you dig.

SHEET
1 of 3


TABITHA - 48TH AND RANDOLPH
P.U.D.
EXISTING GRADING PLAN
'O' STREET
'Y' STREET
RANDOLPH STREET
PROJECT SITE LOCATION
S. 45TH STREET
NOT TO SCALE
N
SCALE IN FEET
SOUTH 46TH STREET
SOUTH 47TH STREET
SOUTH 48TH STREET
RANDOLPH STREET
I STREET
L STREET
LIMITS OF P.U.D. (AREA 1)
LIMITS OF P.U.D. (AREA 2)
LIMITS OF P.U.D. (AREA 3)
LIMITS OF P.U.D. (AREA 4)
EXISTING R-2 ZONING
EXISTING B-1 ZONING
EXISTING P ZONING
EXISTING PARKING LOT
EXISTING NURSING HOME and REHABILITATION CENTER
FUTURE ADDITIONAL EXISTING NURSING HOME
EXISTING GRACE POINT ASSISTED LIVING FACILITY WITH MEMORY PARKING
EXISTING OAKMONT VILLAGE APARTMENTS (NOT PART OF THIS P.U.D.)
EXISTING SINGLE FAMILY (NOT PART OF THIS P.U.D.)
FUTURE MAINTENANCE FACILITY
FUTURE ADDITIONAL PARKING STALLS (26)
NEW PARKING STALLS (42)
NEW PARKING GARAGE ENTRANCE
NEW INTERGENERATIONAL APARTMENTS - 120 UNITS
EXISTING MARTIN HOUSE WITH ADDITIONS
EXISTING GREENHOUSE
EXISTING MAINTENANCE BUILDING
EXISTING SHED
EXISTING GARAGE
EXISTING PARKING STALLS
20' SETBACK
25' SETBACK
30' SETBACK
40.00' BUILDING LINE DISTRICT
15' UTILITY EASEMENT
PUBLIC ACCESS EASEMENT TO ACCOMMODATE RIGHT TURN LANES IN THE FUTURE IF LANES ARE DEEMED NECESSARY BY THE CITY
NOTE 10
olsson
601 P Street, Suite 200
P.O. Box 84608
Lincoln, NE 68508
TEL 402.474.6311
www.olsson.com
REVISIONS
NO.
DESCRIPTION
DATE
2021
TABITHA - 48TH AND RANDOLPH
P.U.D.
EXISTING GRADING PLAN
LINCOLN, NEBRASKA
Nebraska 811
SHEET
2 of 3

TABITHA - 48TH AND RANDOLPH
P.U.D.
PROPOSED GRADING PLAN

NOT TO SCALE



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601 P Street, Suite 200
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TEL 402.474.6311 www.olsson.com

REVISIONS

REV NO.	DATE	REVISIONS DESCRIPTION

PROPOSED GRADING PLAN
TABITHA - 48TH AND RANDOLPH
P.U.D.
2021
LINCOLN, NEBRASKA

Nebraska 811
Know what's below. Call before you dig.

SHEET
3 of 3

1 BUILDING ELEVATION - EAST
1/8" = 1'-0"

2 BUILDING ELEVATION - WEST
1/8" = 1'-0"

Lincoln
1221 N Street - Suite 800
Lincoln, NE 68508
Phone: 402-474-6700
Fax: 402-474-5160

Vermillion
15 East Main - Suite 201
Vermillion, SD 57069
Phone: 605-624-0811

olsson
davis design

Tabitha
Intergenerational
Living Community

48th & L St.

Schematic Design
Pricing Set

JOB # 21-0098

Building
Elevations

A-202

September 1, 2021

George Wesselhoft
City of Lincoln Planning Department
555 South 10th St., Suite 213
Lincoln, NE 68508

RE: Tabitha – 48th and Randolph, Planned Unit Development
4720 Randolph Street

George,

On behalf of property owner, Tabitha, Olsson is submitting application for Planned Unit Development to the property generally located at 4720 Randolph Street. The development includes all areas approved under Special Permit 384H. The proposed changes to the development include a maximum 138-unit "Intergenerational" apartment with underground parking and at-grade parking lot.

Olsson has prepared engineering documentation for the existing grading, proposed grading, and site plan information associated with the planned unit development project area.

Tabitha is making the following applications and requests:

Planned Unit Development: Parcels – 1729300003000, 1729300002000, 1729140001000, 1729140002000, 1729122025000, 1729122024000, 1729122017000, 1729122018000, 1729122019000, 1729122020000, 1729122001000, 1729122002000, 1729122003000, 1729122004000, 1729142002000, 1729142001000, 1729121011000, 1729133008000, 1729133009000, for a total of 14.25 acres.

Requested waivers:

1. Height:
    a. Average grade plane around building: 1296.64
    b. Allowed Heights per zoning = 35'
    c. Proposed Height request above grade = 65'
2. Parking:
    a. Parking lot stalls to be allowed in front yard setback
    b. Parking to allow a minimum of 1 stall per unit
        i. Apartment maximum of 138-units that allow 1 vehicle per unit. Any necessary maintenance staff on-site will be parked in existing lots.
3. Detention Requirements:
    a. Eliminate stormwater detention requirements for new buildings. Increase in proposed runoff from existing conditions to proposed building is negligible and the downstream storm sewer is sized adequately to discharge the runoff from the contributing area.
4. Setback:
    a. Reduce internal setbacks to 0' feet. (Area 3, Site Plan)
    b. Reduce front yard setbacks to 20 feet (Area 3, Site Plan)
5. Land Use:
    a. Allow for the following permitted uses:
        i. Residential Health Care Facility = 350 Residents
        ii. Dwelling Units = 138 Units (Could be converted to Residential Health Care Residents)
        iii. Office
        iv. Early Childhood Care Facility
        v. Non-Residential Health Care Facility

vi. Adult Day Services Facility
vii. On Premise Sale of Alcohol when associated with Dwelling Unit building
viii. Small Solar Energy Conversion System

Future improvements include:
Area 1 - a future maintenance facility to replace existing residential duplexes and 20 additional future stalls (not included in parking table calculations).
Area 2 - 6 future parking stalls (not included in parking table calculations).

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

1. City Application Form
2. Application fees in the amount of $3,339.25
3. Legal Descriptions and Parcel Numbers for the Planned Unit Development area (via ProjectDox)
4. Tabitha – 48th and Randolph PUD site plan, existing grading plans, and proposed grading plans. (via ProjectDox)

Olsson will submit the site plan documentation to ProjectDox upon notification from the Planning Staff.

We appreciate your consideration of the above requests and look forward to continuing to work with you on this amendment. If you require further information or have any questions, please do not hesitate to contact me at 402.458.5615 or jmorrison@olsson.com.

Regards,

Jeffrey Morrison, PE
Olsson

LEGAL DESCRIPTIONS

S29, T10, R7, 6th Principal Meridian, LOT 158 SW

S29, T10, R7, 6th Principal Meridian, IRREG TRACT LOT 175 SW

TABITHA ADDITON, Lot 1

TABITHA ADDITON, Lot 2

WITHERBEE GARDENS, LOT 117

WITHERBEE GARDENS, Lot 99, S40' & LOTS 100 & 116

WITHERBEE GARDENS, Lot 99, N40' S80'

WITHERBEE GARDENS, Lot 99, N40'

WITHERBEE GARDENS, Lot 83, S1/2

WITHERBEE GARDENS, Lot 83, N1/2

WITHERBEE GARDENS, Lot 84, N1/2

WITHERBEE GARDENS, Lot 84, S1/2

WITHERBEE GARDENS, Lot 98, N1/2

WITHERBEE GARDENS, Lot 98, S1/2

WITHERBEE GARDENS 4TH ADDITION, Lot 2

WITHERBEE GARDENS 4TH ADDITION, Lot 1

PETERSON PLACE, Lot 8 - 10, & WITHERBEE GARDENS, LOT 102, & LOT 114 EX S60'

WITHERBEE GARDENS, Lot 114, S60'

WITHERBEE GARDENS, Lot 119, N1/2

PARCEL ID NUMBERS

1729300003000

1729300002000

1729140001000

1729140002000

1729122025000

1729122024000

1729122017000

1729122018000

1729122019000

1729122020000

1729122001000

1729122002000

1729122003000

1729122004000

1729142002000

1729142001000

1729121011000

1729133008000

1729133009000

ProjectDox

Department Review Status Report

Project Name: CZ21037

Workflow Started: 09/01/2021 11:44 AM

Report Generated: 10/05/2021 06:37 AM

Cycle	Department	Reviewer	Email	Status	Reviewer Comments	Applicant Comments
1	Planner Review	George Wesselhoft	gwesselhoft@lincoln.ne.gov	Corrections Required	1).Add to Setback under Waiver Table Area 1 for Reduce Internal Setbacks to 0 feet 2) Add to Setback under Waiver Table Reduce Rear Yard Setback to 20 feet for Area 1 3) Specify Area 3 for the specific height waiver and also add Area 2 with height information for prior Tabitha building 4) Parking and Waiver Table dwelling unit information should be consistent. Change number of dwelling units under Parking table to 138 5) Move Land Use from Waiver Table to its own Permitted Land Uses table	
	Building and Safety	Ron Rehtus	rrehtus@lincoln.ne.gov	Did Not Complete	Did not complete review by 9/11 deadline, however, see mark-ups. RER 9/15/2021	
	Historic Districts - Capitol Environs	Collin Christopher	cchristopher@lincoln.ne.gov			
	LTU - Engineering Services	Brion Perry	bperry@lincoln.ne.gov	Corrections Required		
	Development Review Manager	Stephen Henrichsen	shenrichsen@lincoln.ne.gov	Corrections Required		
	County Health	Chris Schroeder	cschroeder@lincoln.ne.gov	Recommend Approval	During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Developers are responsible for all mosquito control issues during the building process and all outlots, green-spaces, and/or natural corridors subsequently controlled by the owner, tenant, occupant, lessee, or otherwise, for that subdivision would be responsible for vectors of zoonotic disease in those areas.	
	LTU - Watershed Management	Tim Zach	TZach@lincoln.ne.gov	Recommend Approval	1. Waiver to detention is warranted and okay with Watershed. 2. Request for Approved Alternative has been approved by the Director of LTU.	
	Urban Development	Wynn Hjermstad	whjermstad@lincoln.ne.gov			

ProjectDox

Department Review Status Report

1	Allo Communications	Tom Gremel	tgremel@allophone.net	Recommend Approval	ALLO has fiber facilities located in this development. We will need to relocate or abandon our facilities in this area. Our facilities are located in the utility easement that runs down the middle of the block.	
	LES	LES Reviews	edreviewer@les.com	Recommend Approval	9/9/2021 There are existing utility easements with the area of the proposed Intergenerational apartment complex. These easements will need to be released prior to construction. Please coordinate utility relocation and utility easement releases with LES staff. -JM	
	GIS Survey	Chad Kendall	ckendall@lancaster.ne.gov	Recommend Approval		

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER
Text Amendment #21009

FINAL ACTION?
No

PLANNING COMMISSION HEARING DATE
October 13, 2021

RELATED APPLICATIONS
None

RECOMMENDATION: DENIAL

BRIEF SUMMARY OF REQUEST

The proposed application is to amend Section 13.051 Solar Energy Conversion Systems to make multiple changes including adding a noise level for electrical substations within a Community Unit Plan (CUP), add a requirement for a fire protection plan and an environmental impact study, increase the screening requirement, and increase the setback to non-participating property.

JUSTIFICATION FOR RECOMMENDATION

The existing conditions for Solar Energy Conversion System were adopted unanimously by the Lancaster County Board in July 2020. The conditions as set were deemed appropriate to address the concerns of non-participating properties, while allowing for a solar project. The proposed conditions are excessive, without sufficient justification and go beyond what is necessary to protect property owners.

APPLICATION CONTACT
Mick Von Busch, 402-890-8384
mickvb@epmach.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The current regulations for Large Solar Energy Conversion System in Lancaster County are in conformance with the goals of the Comprehensive Plan for renewable energy sources, while protecting the public health and need not be amended.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

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

P. 2.6 – Agriculture is still a major factor in Lancaster County's economy with about 90 percent of the land area of the county being used for agricultural production.

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

acreages.
P. 3.11- Preserve agricultural land within Tier I and Tier II areas, both to reduce conflicts in the future growth of Lincoln and to ensure available land for the production of food products that are important to the health and economic vitality of the community.

P. 5.4 – Agriculture is the dominant land use in Lancaster County, accounting for roughly ¾ of all land.

P. 7.2 – Encourage acreages to develop in appropriate areas and preserve farmland.

P. 7.12 – LPlan 2040 supports the preservation of land in the bulk of the County for agricultural and natural resource purposes. However, it recognizes that some parts of the County are in transition from predominantly agricultural uses to a mix that includes more residential uses. Balancing the demand for rural living and the practical challenge of integrating acreages with traditional land uses will continue.

P. 11.2 - Promote renewable energy sources.

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

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

P. 11.7 - Local government entities, including all local utilities, should strive to increase utilization of renewable energy sources such as wind power, hydropower, solar energy, biomass and geothermal energy.

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

P. 11.22 – Continue to include, and increase where feasible, renewable sources of energy, such as wind and solar energy, in future planning of LES facilities and partnerships.

ANALYSIS

1. This text amendment is to amend Section 13.051 of the Lancaster County Zoning Regulations. The applicant proposes amending Section 13.051(a) to add additional noise requirements, require a fire protection plan, require an environmental impact study, increase the number of trees required for screening and change the setback from non-participating properties to a solar facility. This report covers each change individually.
2. The proposed text amends Section 13.051(a)(ii) to add a new section for electrical substations owned or operated by a private electric supplier in a Community Unit Plan (CUP). The proposed decibel levels are 37 dba from 10:00 p.m. to 7:00 a. m. and 40 dba from 7:00 a.m. to 10:00 p.m. if located within a CUP. The noise levels would be taken at the closest exterior wall of any dwelling, including a participating property. The proposed noise levels are the same as for wind turbines to a non-participating property. Lincoln-Lancaster County Health Department (LLCHD) supported more restrictive noise limits for wind turbines due to the unique properties of the noise generated by wind turbines. LLCHD believes the existing noise levels for substations provide adequate protection from noise-induced public health impacts.

   LLCHD also notes that the proposal to take noise measurements at the closest dwelling is a significant departure from LLCHD's practice of conducting code enforcement on a complaint basis. In addition, the proposal does not differentiate between participating and non-participating properties. A complaint-based approach has been an effective method of protecting the public health, while also utilizing LLCHD resources in an efficient manner.
3. Amend Section 13.051(a)(iii) to add a requirement to submit an approved fire protection plan. The fire protection plan would need to be approved by the fire department for the area of the facility. Fire protection in the County is provided by volunteer rural fire departments. The City of Lincoln fire department was asked to look at the risk of fire to a solar facility. The fire department found that the risk of fire is very low. A review found that most fires associated with solar panels are from roof mounted units.

A paper, "Health and Safety Impacts of Solar Photovoltaics", by North Carolina State University Clean Energy Technology Center May 2017 (Paper) addressed many concerns of Photovoltaic (PV) solar systems, including fire. The paper identified that only a small portion of materials in the panels are flammable and those components cannot self-support a significant fire. Flammable components include the thin layers of polymer encapsulates surrounding the PV cells, plastic junction boxes and insulation on wiring. The rest of the panel is composed of non-flammable components, mainly the protective glass.

Fire from solar panels is extremely rare. Installed properly, PV solar panels do not cause fires. Where fire has started from a solar panel it was in most cases electrical arcing due to improper installation, faulty wiring, or insufficient insulation. (nachi.org/solar-panel-fire-electrical-hazards.htm)

4. Amend Section 13.051(a)(iii) to add a requirement to submit an Environmental Impact Study. The County would be required to select an independent third-party engineering firm specializing in Environmental Impact Studies. The proposed text does not specify if County refers to the County Board of Commissioners or a specific department within the County, such as County Engineering.

   The North Carolina State paper also addressed environmental impacts. A PV solar system has small amounts of toxic materials. Solar PV panels consist of glass, polymer, aluminum, copper and semiconductor materials. Some panels contain a small amount of lead. Testing to simulate the potential for leaching from broken panels did not find a potential toxicity threat from these trace elements.

   LLCHD does not support the added condition of an Environmental Impact Study. LLCHD has reviewed environmental impacts related with solar farms. LLCHD did not find any unusual risk to air quality or soil/groundwater contamination of solar panels compared to any other type of man-made structure. As an example, solar panels provide no more risk to air quality of a fire or soil contamination after a storm than a large agricultural building filled with vehicles, agricultural farm products and chemicals.

   No other use within the Lancaster County Zoning Regulations requires an Environmental Impact Study. These uses include, but not limited to, manufacturing and processing of chemicals and petroleum products' metal products, salvage yards, commercial feedlot, and commercial wind energy conversion system.

5. The proposed text amendment also proposes to amend Section 13.051(a)(iv)(4)(a) to increase the number of trees from 4 to 8 per 100 linear feet and a cost estimate for maintenance of vegetation screening for the life of the project prepared by a professional arborist. In addition, an updated vegetation plan would be required every 5 years and provided to the Planning Department. A surety would be required for the vegetation maintenance cost.

   Only 2 other uses require trees: Commercial feedlots and wireless towers. Neither require a cost estimate for maintenance of the trees or a surety to be posted. There is no screening requirement for Commercial Wind Energy Conversion System and the screening requirement for broadcast towers and cell towers is one tree per 25 linear feet. The proposal is that Fifty percent of the trees must have a mature height of 35 feet. Commercial feedlots require 2 rows of trees of 8 trees every 100 feet. The extensive number of trees for commercial feedlots was to help dissipate odor. The number of trees required for a Solar Energy Conversion System is the same as cell towers.

   A maintenance plan including a cost estimate for maintaining the vegetation and providing a surety is not a requirement of any other use in the Lancaster County Zoning Regulations. With all special permits if there is a violation of the conditions of the special permit, the County Board has the authority to revoke the special permit.

6. The applicant is proposing to amend Section 13.051(a)(vi) to increase the setback to non-participating properties with or without a dwelling from 100 feet to 500 feet. The setback at 100 feet was approved by the County Board in July 2020. The setback of 100 feet is greater than the side yard setback of 60 feet and is the same as the rear yard setback in the AG District. The 100 feet setback is greater than other accessory structures are required to be. Accessory structures are required to be setback 60 feet from a side lot line unless it is within the rear 100 feet. If in the rear 100 feet, an accessory structure can be within 3 feet of the side lot line. The existing setbacks maintain a reasonable distance between the solar facility and an adjacent property line of a non-participating property. There is no justification for the 500 feet setback.

7. A ground mounted solar array located east of NW 84th St. between Interstate 80 and W. Holdrege St. has bene operating since 2016. The panels consist of photovoltaic cells. The only issue related to the panels was some damage caused by hail damage to the glass panels. The panels cracked but remained intact.

8. The conditions as stated in Article 13.051 were adopted unanimously by the Lancaster County Board in July 2020.

The existing conditions are reasonable for protection of non-participating properties. The 2040 Lincoln-Lancaster County Comprehensive Plan encourages renewable energy sources such as wind and solar. The proposed conditions are excessive and go beyond what is necessary to protect property owners. The current regulations provide a proper balance between providing for solar panel development and protecting owners.

Prepared by

_____
Tom Cajka, Planner

Date: September 30, 2021

Applicant: Mick Von Busch
1633 N. 173rd St.
Lincoln, NE 68527
402-890-8384
mickvb@epmach.com

Contact: David Bargen
11128 Lincoln mall #300
Lincoln, NE 68508
402-475-5100
dbargen@remboltlawfirm.com

https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/TX/21000/TX21009 Solar.tjc.docx

13.051 Solar Energy Conversion System (SECS)

a. A Large Solar Facility may be allowed in the AG District by special permit under the following conditions:

i. The Large Solar Facility shall use photovoltaic cells to convert solar energy into electricity.

ii. No electrical substation owned or operated by a private electric supplier, or any other facility owned or operated by a private electric supplier to support the generation, transmission or distribution of electricity for a Large Solar Facility, located other than in a CUP**,** shall be located as to cause an exceedance of the

1. From the hours of 10 pm to 7 am: Fifty (50) dBA maximum 10-minute Laeq
2. From the hours of 7 am to 10 pm: Sixty (60) dBA maximum 10-minute LAeq

No electrical substation owned or operated by a private electric supplier, or any other facility owned or operated by a private electric supplier to support the generation, transmission or distribution of electricity for a Large Solar Facility, located in a CUP, shall be located as to cause an exceedance of the following noise level standards.

1. From the hours of 10 pm to 7 am: Thirty-Seven (37) dBA maximum 10-minute Laeq
2. From the hours of 7 am to 10 pm: Forty (40) dBA maximum 10-minute LAeq

For the purposes of determining compliance with these standards, noise levels shall be measured at the closest exterior wall of any dwelling unit ~~located on the property that submitted the noise complaint~~. If an electrical substation(s) owned or operated by a private electric supplier violates a noise standard at a dwelling unit constructed after the electrical substation(s) is approved, then the electrical substation becomes a non-conforming use. Electrical substations owned by public electric suppliers shall not be subject to the noise level standards herein.

iii. Before receiving building permits, ~~O~~obtain

a an approved erosion control plan from the Lower Platte South Natural Resources District or Nemaha Natural Resources District, depending on the location of the Large Solar Facility, ~~before receiving building permits.~~

b. an approved fire protection plan from the fire department primarily tasked with responding to fire emergencies at the site of the Large Solar Facility and adjust design of the Large Solar Facility as recommended by such plan.

c. An environmental impact study approved by the County and conducted by an independent third-party engineering firm specializing in such studies and selected by the County.

iv. The Large Solar Facility shall provide visual screening for adjacent non-participating residential uses, public park uses, and school uses, through setbacks as otherwise required in the Lancaster County Zoning Regulations and/or other techniques to address the site-related impacts of the Large Solar Facility on adjacent non-participating properties.

1. The applicant shall use fences, walls, berming, vegetation, or some combination thereof to provide visual screening. Fencing, walls or berming may be used to supplement other screening methods, but shall not account for over fifty percent (50%) of the screening. Existing natural features, topography and vegetation may be used to achieve visual screening if provided in accordance to the visual screening requirements provided herein.
    a. If the visual screening is for adjacent non-participating residential uses, it shall be provided as follows:
        i. The screen shall only be required if the closest exterior wall of the dwelling is within three hundred (300) feet of the property line adjacent to the Large Solar Facility.
        ii. If the screen is required, the screen shall cover one hundred percent (100%) of the surface area of a vertical plane extending along the property line adjacent to the Large Solar Facility at an amount equal to or greater than the surface area of the dwelling to be visually screened, plus seventy five (75) feet in both directions or until it reaches a public road right-of-way, whichever comes first, and from the ground to a height of at least eight (8) feet above the adjacent ground.
    b. If the visual screening is for adjacent non-participating public park or school uses, it shall be provided as follows:
        i. The screen shall cover at least seventy percent (70%) of a vertical plane extending along the entire property line adjacent to the Large Solar Facility, from the ground to a height of at least eight (8) feet above the adjacent ground.
2. If the visual screening is achieved through a fence or wall, it shall be provided along the property line as follows:
    a. Acceptable fence and wall materials for visual screening include masonry, stone, and wood, but exclude chain link fences (with or without slats). Alternative fence materials being used for screening must be approved by the Planning Director.
3. If the visual screening is achieved through berming, it shall be provided along the property line as follows:
    a. The side slopes shall not exceed three to one (3 to 1), horizontal to vertical.
    b. The mounded ground surface shall be protected to prevent erosion though the use of turf lawn or other alternative groundcovers.
4. If the visual screening is achieved through vegetation, it shall be provided along the property line as follows:

a. At a rate of at least ~~four (4)~~ eight (8) trees every one hundred (100) linear feet. Of the four ~~(4) trees~~ eight (8) every one hundred (100) linear feet, at least ~~one (1)~~ two (2) shall be a deciduous shade tree and ~~three (3)~~ six (6) shall be evergreen or ornamental trees. The trees shall be evenly distributed within each one hundred (100) linear feet section.

b. At least two-thirds (2/3), but no more than three-quarters (3/4) of the total ornamental/evergreen trees along the property line shall be made up of evergreen trees.

c. Each tree shall have a minimum mature height of fifteen (15) feet.

5. Visual screening is not required along the property line adjacent to a Participating Property.

6. If the visual screening is achieved through vegetation:

a. The Large Solar Facility shall, for the life of the project, maintain all such vegetation through proper care and watering to avoid death, disease, or deterioration of the screening, and shall promptly replace any trees in such conditions.

b. At the expense of the permittee, a cost estimate for such maintenance of vegetation screening for the life of the project shall be prepared by a professional arborist. The permittee shall provide to the Planning Department a revised and updated vegetation maintenance cost estimate every five (5) years from the date of approval to cover the cost of meeting this obligation. The vegetation maintenance cost estimate shall explicitly detail the cost, and shall account for inflation, cost and value changes, and advances in maintenance technologies and approaches.

c. The estimated vegetation maintenance cost shall be guaranteed in one of the following forms: (i) surety bond, (ii) cash to be held in escrow by the County Treasurer at a Bank, or (iii) a letter of credit from a financial institution reasonablv acceptable to the County which shall be irrevocable unless replaced with cash or other form of security reasonably acceptable to County. The owner of the Large Solar Facility shall provide the vegetation maintenance cost guaranty no later than the end of the first (1st) year of operation, and shall maintain the financial security thereafter for as long as the Large Solar Facility is in existence or upon discontinuance. decommissioning, or abandonment of the Large Solar Facility. Such financial security shall be updated everv five (5) years to cover the costs associated with the updated vegetation maintenance cost estimates.

v. Each application shall have a decommissioning plan (removal of equipment/improvements and restoration of lands) that is reviewed and approved by the Planning Department prior to beginning operations. The decommissioning plan shall provide the following:

1. A plan outlining the means, procedure, and costs of removing the Large Solar Facility, including, but not limited to, the solar panels and collectors, electrical wiring/cabling, fencing, and any related supporting infrastructure to a minimum depth of three (3) feet.

2. At the expense of the permittee, a cost estimate for the decommissioning of the Large Solar Facility and any estimated resale and salvage value shall be prepared by a professional engineer. The permittee shall provide to the Planning Department a revised and updated decommissioning cost estimate every five (5) years from the date of approval to cover the cost of meeting this obligation. The decommissioning cost estimate shall explicitly detail the cost, any estimated resale and salvage values, shall account for inflation, cost and value changes, and advances in decommissioning technologies and approaches.

3. The estimated decommissioning cost, less any resale and salvage value, shall be guaranteed in one of the following forms: (i) surety bond, (ii) cash to be held in escrow by the County Treasurer at a Bank, or (iii) a letter of credit from a financial institution reasonably acceptable to the County which shall be irrevocable unless replaced with cash or other form of security reasonably acceptable to County. The owner of the Large Solar Facility shall provide the decommissioning cost guaranty no later than the end of the fifteenth (15th) year of operation, and shall maintain the financial security thereafter for as long as the Large Solar Facility is in existence or upon discontinuance, decommissioning, or abandonment of the Large Solar Facility Such financial security shall be updated every five (5) years to cover the costs associated with the updated decommissioning cost estimates.

4. For purposes of this Section, discontinuance, decommissioning, or abandonment shall mean the Large Solar Facility has produced no energy for twelve (12) consecutive months. The owner or operator shall have twelve (12) months to complete decommissioning of the Large Solar Facility. If the owner or operator of the Large Solar Facility fails to remove the installation in accordance with the requirements of this permit or within twelve (12) months following discontinuance, decommissioning, or abandonment, the County may collect the bond or other financial security and the County or a hired third party may enter the property to physically remove the installation.

vi. The Large Solar Facility shall meet the following setback requirements:

Property Line Setbacks	
Non-Participating Property with a Dwelling	~~100~~ **500** feet
Non-Participating Property without a Dwelling	~~50~~ **500** feet
Participating Property with a Dwelling	0 feet
Participating Property without a Dwelling	0 feet
Public or Private Roadway	50 feet

b. A Small Solar Facility may be allowed in the AGR and R Districts by special permit under the following conditions:

i. The Small Solar Facility shall be in conformance with subsections 13.051(a)(i)-(vi) above.

ii. The height of the solar panel or solar collector and any mounts shall not exceed fifteen (15) feet when oriented at maximum tilt. (Resolution No. R-20-0037, July 14, 2020)

Peter C. Wegman
Daniel E. Klaus *
Timothy F. Clare
Timothy R. Engler
Timothy L. Moll
Jane F. Langan Mach
Mark A. Fahleson
Troy S. Kirk
David J. A. Bargen
Ramzi J. Hynek
Andrew S. Pollock
Tara Tesmer Paulson
Mark R. Richardson
Sheila A. Bentzen ±
Anthony M. Aerts
Max L. Rodenburg
Alex M. Lierz
Sami D. Schmit
Jennifer L. Ralph ♦
Elizabeth A. Smith
Adam J. Kost ±
Kendra M. Nebel

OF COUNSEL
Alan D. Slattery
Robert L. Nefsky
Donald L. Dunn
Benjamin E. Moore

* also admitted in Colorado
± also admitted in Iowa
♦ also admitted in Illinois

September 15, 2021

VIA HAND DELIVERY

Honorable Commissioners
Lancaster County
c/o Lincoln-Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508

RE: Application for Text Amendment to Lancaster County Zoning Regulations

Dear Commissioners:

On behalf of Mick Von Busch, I respectfully request that Lancaster County amend its Zoning Regulations as provided by the redlining below:

Section 13.051(a):

ii. No electrical substation owned or operated by a private electric supplier, or any other facility owned or operated by a private electric supplier to support the generation, transmission or distribution of electricity for a Large Solar Facility, <u>located other than in a CUP</u>, shall be located as to cause an exceedance of the following noise level standards.

1. From the hours of 10 pm to 7 am: Fifty (50) dBA maximum 10-minute Laeq
2. From the hours of 7 am to 10 pm: Sixty (60) dBA maximum 10-minute LAeq

<u>No electrical substation owned or operated by a private electric supplier, or any other facility owned or operated by a private electric supplier to support the generation, transmission or distribution of electricity for a Large Solar Facility, located in a CUP, shall be located as to cause an exceedance of the following noise level standards.</u>

1. <u>From the hours of 10 pm to 7 am: Thirty-Seven (37) dBA maximum 10-minute Laeq</u>
2. <u>From the hours of 7 am to 10 pm: Forty (40) dBA maximum 10-minute LAeq</u>

For the purposes of determining compliance with these standards, noise levels shall be measured at the closest exterior wall of any dwelling unit ~~located on the property that submitted the noise complaint~~. If an electrical substation(s) owned or operated by a private electric supplier violates a noise standard at a dwelling unit constructed after the electrical substation(s) is approved, then the electrical substation becomes a non-conforming use. Electrical substations owned by public electric suppliers shall not be subject to the noise level standards herein.

iii. Before receiving building permits, obtain:

a. an approved erosion control plan from the Lower Platte South Natural Resources District or Nemaha Natural Resources District, depending on the location of the Large Solar Facility;~~, before receiving building permits.~~

b. an approved fire protection plan from the fire department primarily tasked with responding to fire emergencies at the site of the Large Solar Facility, and adjust design of the Large Solar Facility as recommended by such plan

c. an environmental impact study approved by the County and conducted by an independent third-party engineering firm specializing in such studies and selected by the County

Section 13.051(a)(iv)(4)(a):

At a rate of at least ~~four~~ eight (~~4~~ 8) trees every one hundred (100) linear feet. Of the ~~four~~ eight (4 8) trees every one hundred (100) linear feet, at least ~~one~~ two (~~1~~ 2) shall be ~~a~~ deciduous shade trees and ~~three~~ six (~~3~~ 6) shall be evergreen or ornamental trees. The trees shall be evenly distributed within each one hundred (100) linear feet section.

Section 13.051(a)(iv)(NEW SECTION 6):

6. If the visual screening is achieved through vegetation:
   a. The Large Solar Facility shall, for the life of the project, maintain all such vegetation through proper care and watering to avoid death, disease, or deterioration of the screening, and shall promptly replace any trees in such conditions.
   b. At the expense of the permittee, a cost estimate for such maintenance of vegetation screening for the life of the project shall be prepared by a professional arborist. The permittee shall provide to the Planning Department a revised and updated vegetation maintenance cost estimate every five (5) years from the date of approval to cover the cost of meeting this obligation. The vegetation maintenance cost estimate shall explicitly detail the cost, and shall account for inflation, cost and value changes, and advances in maintenance technologies and approaches.
   c. The estimated vegetation maintenance cost shall be guaranteed in one of the following forms: (i) surety bond, (ii) cash to be held in escrow by the County Treasurer at a Bank, or (iii) a letter of credit from a financial institution reasonably acceptable to the County which shall be irrevocable unless replaced with cash or other form of security reasonably acceptable to County. The owner of the Large Solar Facility shall provide the vegetation maintenance cost guaranty no later than the end of the first (1st) year of operation, and shall maintain the financial security thereafter for as long as the Large Solar Facility is in existence or upon discontinuance, decommissioning, or abandonment of the Large Solar Facility. Such financial security shall be updated every five (5) years to cover the costs associated with the updated vegetation maintenance cost estimates.

Section 13.051(a)(vi):

Non-Participating Property with a Dwelling	~~100~~ 500 feet
Non-Participating Property without a Dwelling	~~100~~ 500 feet

Rembolt | Ludtke

I enclose the required application form and fee of $412. Please place these amendments on the Planning Commission's agenda for its October 13, 2021 meeting. Please do not hesitate to contact me with any questions. Thank you.

Sincerely,

David J. A. Bargen

Enclosures

cc: Mick Von Busch