

Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

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December 7, 2022

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, December 7, 2022, 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.

****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, DECEMBER 7, 2022

Approval of minutes of the regular meeting held November 16, 2022.

1. CONSENT AGENDA (Public Hearing and Administrative Action)

COMPREHENSIVE PLAN CONFORMANCE:

- 1.1 COMPREHENSIVE PLAN CONFORMANCE 22024, to review as to conformance with the 2050 Lincoln-Lancaster Comprehensive Plan, a proposed amendment to the Antelope Valley Redevelopment Plan, to add the "Union at Antelope Valley Redevelopment Project", a multi-family project with approximately 187 units, on property generally located at Antelope Valley Boulevard and K Street.
Page 1 **Staff recommendation: In Conformance with the Comprehensive Plan**
Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

ANNEXATION AND RELATED ITEMS:

- 1.2a ANNEXATION 22013, to annex approximately 14.68 acres, more or less, on property generally located at North 112th and O Streets.
Page 23 **Staff recommendation: Conditional Approval**
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

1.2b COMPREHENSIVE PLAN AMENDMENT 22006, to amend the 2050 Lincoln-Lancaster County Comprehensive Plan to amend the Future Land Use plan from Urban Residential to Urban Residential and Commercial, on property generally located at North 112th and O Streets.
Page 37

Staff recommendation: Approval

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

1.2c CHANGE OF ZONE 22036, from AG (Agricultural District) to R-3 (Residential District), on property generally located at North 112th and O Streets.
Page 23

Staff recommendation: Approval

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

1.2d PRELIMINARY PLAT 22003, for a new Preliminary Plat, with two phases of development, and associated waivers, on property generally located at North 112th and O Streets. The Planning Commission action is final, unless appealed to the Lincoln City Council. *** **FINAL ACTION** ***
Page 45

Staff recommendation: Conditional Approval

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

TEXT AMENDMENT:

1.3 TEXT AMENDMENT 22014, to amend Articles 4, 9, 13 and 18 of the Lancaster County Zoning Regulations and Section 4.07 of the Lancaster County Subdivision Regulations.
Page 63

Staff recommendation: Approval

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

SPECIAL PERMIT:

1.4 SPECIAL PERMIT 18004A, to allow for a CUP (Community Unit Plan), allowing 8 dwelling units, with an associated waiver to the storm water detention requirements, on property generally located at 4141 South 56th Street. The Planning Commission action is final, unless appealed to the Lincoln City Council. *** **FINAL ACTION** ***
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Staff recommendation: Conditional Approval

Staff Planner: Ben Callahan, 402-441-6360, bcallahan@lincoln.ne.gov

1.5 PRE-EXISTING SPECIAL PERMIT 28E, amending the Union College pre-existing special permit to increase the allowed height above the underlying R-6, and R-4, Residential zoning limit of 35 feet to a maximum of 80 feet, on property generally located at 3800 South 48th Street. The Planning Commission action is final, unless appealed to the Lincoln City Council. *** **FINAL ACTION** ***
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Staff recommendation: Conditional Approval

Staff Planner: Ben Callahan, 402-441-6360, bcallahan@lincoln.ne.gov

1.6 SPECIAL PERMIT 22039, to allow for the expansion of the non-conforming use of the existing pole sign, on property legally generally located at 4231 Industrial Avenue. The Planning Commission action is final, unless appealed to the Lincoln City Council.
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*** **FINAL ACTION** ***

Staff recommendation: Conditional Approval

Staff Planner: Emma Martin, 402-441-6369, emartin@lincoln.ne.gov

STREET & ALLEY VACATION:

- 1.7 STREET & ALLEY VACATION 22007, to vacate Sheridan Street east of S. Folsom Street adjacent Lots 1 and 2, Hofeling Subdivision on the north and Lots 232 and 233, I.T., on the south; generally located at 2400 South Folsom Court.

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Staff recommendation: Conforms to the Comprehensive Plan
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

2. REQUESTS FOR DEFERRAL

CHANGE OF ZONE AND RELATED ITEMS:

- 2.1a CHANGE OF ZONE 22035, from B-1 (Local Business District) to R-1 (Residential District) and B-2 (Planned Neighborhood Business District) and from R-1 (Residential District) to B-2 (Planned Neighborhood Business District), on property generally located at 2201 Old Cheney Road.

Staff recommendation: Approval
Staff Planner: Ben Callahan, 402-441-6360, bcallahan@lincoln.ne.gov

- 2.1b USE PERMIT 22013, to allow for a Use Permit with an associated change of zone to B-2 (Planned Neighborhood Business District) and allow up to 75,000 square feet of commercial floor area, on property generally located at 2201 Old Cheney Road. The Planning Commission action is final, unless appealed to the Lincoln City Council.

***** FINAL ACTION *****

Staff recommendation: Conditional Approval
Staff Planner: Ben Callahan, 402-441-6360, bcallahan@lincoln.ne.gov

- 2.1c SPECIAL PERMIT 22038, to allow for a CUP (Community Unit Plan) for up to 36 dwelling units, with associated waivers to the maximum block length and setback requirements, on property generally located at 2201 Old Cheney Road. The Planning Commission action is final, unless appealed to the Lincoln City Council.

***** FINAL ACTION *****

Staff recommendation: Conditional Approval
Staff Planner: Ben Callahan, 402-441-6360, bcallahan@lincoln.ne.gov

3. ITEMS REMOVED FROM CONSENT AGENDA

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION

TEXT AMENDMENTS:

- 4.1 TEXT AMENDMENT 22013, amending Lincoln Municipal Code Sections 27.02.020 and 27.02.170 along with 27.62.080, 27.63.470, 27.63.730, 27.67.040, and 27.69.035 pertaining to the definitions of academies and private schools, 27.02.160 along with 27.06.100 concerning the definition of office and permitting health care facilities, non-residential in the office and commercial districts for the use group table, 27.63.010 and 27.63.020 related to general provisions for adjustments that can be made to regulations under special permits as already defined by each special permit type,

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27.63.690 along with 27.67.040, 27.06.150 and 27.63.680 concerning removing community halls as permitted by special permit in AG zoning and allowing social halls in AG zoning through special permit, 27.67.040 Parking Requirements for hotels and motels removing accessory use requirement for parking, 27.72.080 Exceptions to the Front Yard Requirements concerning front yard setback where the average of existing setbacks is greater than the minimum zoning district requirement, and 27.72.120 Accessory Buildings for AG zoning district on lots 20 acre or more for accessory structure placement relative to the side lot line; and repealing Sections 27.02.020, 27.02.170, 27.62.080, 27.63.470, 27.63.730, 27.67.040, 27.69.035, 27.02.160, 27.06.100, 27.63.010, 27.63.020, 27.63.690, 27.06.150, 27.63.680, 27.67.040, 27.72.080, and 27.72.120 as hitherto existing.

Staff recommendation: Approval

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

5. CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION

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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: *BOARD OF ZONING APPEALS 22006, an appeal of an administrative official's decision, associated with property generally located at 4575 South 1st Street*

PRELIMINARY PLAT 04011A, for a preliminary plat amendment to show a revised street layout, with associated waiver, on property generally located at Waterford Estates Drive and Linwood Lane.

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The Planning Commission meeting which is broadcast live at 1:00 p.m. every other Wednesday will be available for viewing on LNK City TV at <https://lnktv.lincoln.ne.gov/CablecastPublicSite/watch/3?channel=1>

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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 Lincoln Commission on Human Rights at 402-441-7624, or the City Ombudsman at 402-441-7511, as soon as possible before the scheduled meeting date in order to make your request.*

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER
Comprehensive Plan Conformance 22024
Union at Antelope Valley Redevelopment Project

FINAL ACTION?
No

OWNER
Michael Magoon and Karen Johnson

PLANNING COMMISSION HEARING DATE
December 7, 2022

RELATED APPLICATIONS
None

PROPERTY LOCATION
18th & K Streets

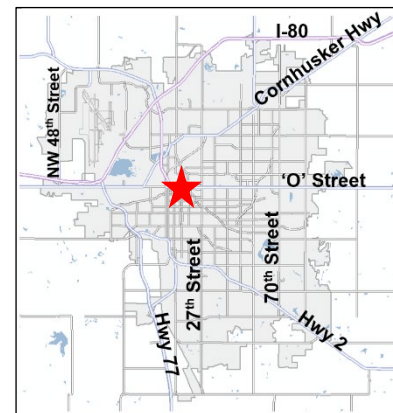
RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

Review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan, a proposed amendment to the Antelope Valley Redevelopment Plan to add the Union at Antelope Valley Redevelopment Project.

The Project includes construction of a multi-family building with approximately 187 residential units. The units will be a mix of market-rate and affordable rentals.

The Redevelopment Project is on file with the Urban Development Department and the Planning Department. The project documents can also be found online on the Planning Application Tracking System (PATS): [CPC22024](#).



JUSTIFICATION FOR RECOMMENDATION

The Project is consistent with the Comprehensive Plan, Downtown Master Plan, and the Antelope Valley Redevelopment Plan. It will utilize existing infrastructure, contribute to Lincoln's affordable housing stock, and help meet the Comprehensive Plan goal of 5,000 new dwelling units in Greater Downtown by 2050.

APPLICATION/STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

In addition to the specific elements listed above, this project contributes to the continued strengthening of the downtown core, which is a guiding principle reflected throughout the Comprehensive Plan, Downtown Master Plan, and Antelope Valley Redevelopment Plan.

COMPREHENSIVE PLAN SPECIFICATIONS:

Introduction Section: Growth Framework

Fundamentals of Growth in Lancaster County

The City of Lincoln's present infrastructure investment should be maximized by planning for well-designed and appropriately-placed residential and commercial development in existing areas of the city with available capacity.

Downtown Lincoln is the heart of our community, a unique common ground for all Lincoln and Lancaster County residents. It is also emerging as an attractive place to live, becoming an increasingly vibrant mixed-use neighborhood.

New commercial and industrial development should be located in Lincoln and other incorporated communities. Lincoln has ample land area and infrastructure availability for commercial and industrial development.

The Community in 2050

Twenty-five percent of all new dwelling units in Lincoln will be infill, meaning they will be located within the existing city. This equates to roughly 12,000 infill units over the next 30 years.

Land Use Plan

[Figure GF.b: 2050](#) - This site is shown as Commercial on the 2050 Future Land Use Plan. The Commercial designation includes residential mixed uses.

Goals Section

G1: Safe, Affordable, and Accessible Housing - Lincoln and Lancaster County will support the development of safe, affordable, and accessible quality housing that meets the diverse needs of the community.

PlanForward understands the ongoing need for affordable housing and supports development of 5,000 affordable units by the year 2030.

G2: Complete Neighborhoods - Lincoln and Lancaster County will support complete neighborhoods within both developing and redeveloping areas of Lincoln.

Housing variety, both in housing type and lot size, provides for interesting neighborhoods and accommodates changing household preferences, but, more importantly, provides affordable housing options. Housing variety should include townhomes, senior living facilities, low/no maintenance condominiums, accessory dwelling units, multi-family development, and even small lot single-family.

Elements Section

E1: Complete Neighborhoods and Housing

One of the essential elements of the community and PlanForward 2050 is housing and neighborhoods. Ensuring safe, adequate, and affordable housing is an important function in maintaining the vitality of neighborhoods and the city as a whole. The key to both developing and existing complete neighborhoods is land use diversity. For existing neighborhoods, the land use diversity is often already in place, but efforts must focus on maintaining this balance and variety. The diversity of architecture, housing types and sizes are central to what makes existing neighborhoods great places to live.

E2: Infill and Redevelopment

Downtown and Greater Downtown

Over 1,600 dwelling units were added in Greater Downtown from 2011 to 2020. The Plan envisions an additional 5,000 dwelling units in Greater Downtown by 2050.

Policies Section

P1: Housing Affordability - Make available a safe residential dwelling for all residents.

Action Steps

2. Distribute and preserve affordable housing throughout the community to be near job opportunities and public transit and to provide housing choices within existing and developing neighborhoods.
5. Promote the preservation, maintenance and renovation of existing housing and neighborhoods throughout the city, with special emphasis on low and moderate income neighborhoods.
6. Preserve the existing affordable housing stock, increase the supply of affordable owner and renter units, and add more variety in housing types.

P2: Existing Neighborhoods - Continue our commitment to strong, diverse, and complete neighborhoods.

Action Steps

3. Encourage well-designed and appropriately placed density, including within existing apartment and group living complexes and in redeveloping commercial or industrial centers, where there is land available for additional buildings or expansions. Provide flexibility to the marketplace in siting future residential development locations. This includes appropriately placed infill in prioritized Nodes and Corridors, neighborhood edges, and underutilized commercial or industrial sites.

P5: Downtown - Continue to make Greater Downtown a major focus for mixed-use reuse, infill and redevelopment.

Action Steps

2. Ensure that new development is compatible with the existing Downtown and is pedestrian-oriented.
3. Maintain the urban environment, including a mix of land uses with a major focus on residential uses, including a variety of types and affordable to diverse income levels.

P8: Infill and Redevelopment - Encourage infill and redevelopment in appropriate locations throughout the community in order to meet the assumption for 25% of all new dwelling units being infill.

Increased infill allows the community to grow our population and tax base while focusing public dollars on maintaining what we already have, rather than spending money constructing and maintaining new facilities. Infill projects should target existing underdeveloped or redeveloping areas in order to remove blighted conditions and more efficiently utilize existing infrastructure.

DOWNTOWN MASTER PLAN SPECIFICATIONS:

- p. 4.1.1 Residential is the strongest market opportunity in Downtown. Downtown housing enhances the region's competitive edge by helping to retain and recruit both young and highly skilled labor. In addition, more residents will make Downtown more vital and support other sectors, including retail and employment.
- p. 4.1.4 Examine existing incentives, such as the City's TIF Policy and Turnback Tax, and develop ways to support a variety of housing types and price points, (affordable, market rate, senior, for sale, high end/ luxury, townhomes, condos) particularly for middle class families.

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

p. 4.4.7 Reuse or redevelop vacant or underutilized spaces as opportunities arise.

LINCOLN AFFORDABLE HOUSING COORDIANATED ACTION PLAN SPECIFICATIONS:

p. 8 Over the next decade, Lincoln will need an additional 17,000 units to support projected population growth.

p. 9 Of the 17,000 additional units, 5,000 of those units will need to rent below \$1,000 a month and almost 4,000 ownership options will need to be priced below \$200,000.

p. 64 Land costs and changes in the tax law, along with the ability to quickly and easily make profits on market-rate products, has made the participation in Low Income Housing Tax Credit (LIHTC) projects less appealing. Lincoln will need to find ways to increase the appeal of these types of projects, which are an essential source of housing for those making less than 80% AML.

ANTELOPE VALLEY REDEVELOPMENT PLAN SPECIFICATIONS:

P. 57 The Mixed Use (MU) area east of traditional downtown is intended to accommodate a wide variety of land uses compatible with adjacent residential areas and supportive of downtown as the community's center. Within this wider area, certain subdistricts should be encouraged through incentives and regulations. Residential uses are encouraged throughout the MU area to capitalize on public investment and to provide a variety of housing options near the downtown core.

p. 66 A. Guiding Land Uses and Design Principles, General Principals

1. More Choices - Provide people more choices in housing, shopping, neighborhoods, employment, recreation, entertainment and transportation.
2. New Residential Products - Encourage a range of housing types (single-family, apartments, row homes, granny flats, condominiums and live/work units) giving citizens of different incomes, ages and family sizes a wide range of choices.
3. Compaction - Compact development patterns help assure that a City uses its land, infrastructure, transportation and human resources wisely.
5. Easy Walking Distance - As many activities as possible should be located within easy walking distance of trails and transit stops. Walkable communities are desirable places to live, work, play, learn, and worship.
18. Incentives - Provide incentives and tax policies to support urban intensification including brown field redevelopment and the redevelopment of underutilized lands and buildings.

P. 68 C. Urban Design Principles:

1. Development should avoid a suburban style and instead be pedestrian oriented and varied with strong streetscapes reinforced by quality buildings.
2. Building entrances should be given emphasis or "pride of place", placed on the street to enhance street level activity.
5. Streetscapes should be designed as attractive public spaces with ample room for sidewalks and street trees, encouraging pedestrian movement.
6. Buildings should be designed to be compatible, in form and proportion, with the neighboring buildings and should include a variety of forms, materials and colors, yet these elements should be composed to maintain a complementary appearance.
7. Buildings should include a richness of architectural detail to help define their scale and extend to the sidewalk in front of the property for pedestrian access and visual rhythm and interest.
12. Include a variety of uses in places that receive the most foot and car traffic to strengthen the most interesting and vital parts of town.

ANALYSIS

1. This is an amendment to the Antelope Valley Redevelopment Plan to add the Union at Antelope Valley Redevelopment Project. The Project involves the construction of approximately 187 multi-family residential units with a mix of market rate and affordable rental rate units.
2. The 187 dwelling units include approximately 79 one-bedroom units, 70 two-bedroom units, and 38 three-bedroom units. The proposed building will be four stories with a parking deck on the first floor.
3. The site is currently vacant in anticipation of redevelopment. Aerial imagery shows the site being used as surface parking over the past several decades.
4. The Project is anticipated to be partially funded with Low Income Housing Tax Credits (LIHTC), and other available state and federal programs to support affordable housing. By meeting the programmatic design of these financing mechanisms, this area will consist of housing opportunities targeted to households of a restricted income level, likely between approximately 40% and 120% of area median income.
5. The goal of the Project is to strengthen the Lincoln community by providing affordable infill residential dwelling units with mixed-income levels through the redevelopment of existing underutilized real property. The Project will remove blighted and substandard conditions and will make positive contributions to the Area. The Project will provide safe, quality housing in the Downtown Neighborhood near the Capitol and other employment centers.
6. The Project was reviewed at the November 1 Urban Design Committee (UDC) meeting and was recommended for approval 6-0. An excerpt from the draft minutes is attached and the UDC staff report and associated graphics are linked below. Streetscape enhancements for the Project will be reviewed at a future UDC meeting.

[UDC Union at Antelope Valley Staff Report & Graphics](#)

7. The lower-level parking area will include approximately 199 off-street parking spaces. The Project will also include secure bicycle parking and possibly have infrastructure for electric vehicle charging stations.
8. The site is within the B-4 (Lincoln Center Business District) which allows a mix of uses. The proposed project is in conformance with the existing B-4 zoning.
9. The Project is consistent with goals in the Comprehensive Plan, PlanForward 2050. The Comprehensive Plan calls Downtown Lincoln the heart of our community, and the importance of infill redevelopment and affordable housing is discussed throughout. The Comprehensive Plan specifically identifies a goal of 5,000 new dwelling units in Greater Downtown by 2050.
10. The Project is also consistent with the 2018 Downtown Lincoln Master Plan. The Master Plan encourages the reuse or redevelopment of vacant or underutilized spaces as opportunities arise. The Master Plan supports the creation of housing at higher densities at diverse price points and encourages increasing Downtown residential density to drive improvements to retail and restaurants and to create a more vibrant downtown.
11. The Project is also consistent with the Antelope Valley Redevelopment Plan. It is within the designated "Mixed Use (MU)" area east of the downtown core. Residential uses are encouraged throughout the MU area to capitalize on public investment and to provide a variety of housing options near the downtown core.
12. The public investment is expected to be approximately \$3.4 million. The source of public funds will be the tax increment generated from the private developments on the Project Site. The public investment will leverage a private investment of approximately \$47.5 million. More details can be found in the Cost Benefit Analysis section of the redevelopment plan amendment.

EXISTING ZONING: B-4 Lincoln Center Business District

EXISTING LAND USES: Vacant (previously surface parking)

SURROUNDING LAND USE AND ZONING:

North: L Street, Residential, Vacant	B-4 Lincoln Center Business District
South: K Street, Office	O-1 Office District
East: Antelope Valley Pkwy, Mixed-Use	B-4
West: 18 th Street, Vacant (State-owned)	B-4

APPROXIMATE LAND AREA: 5 acres

Prepared by

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

November 23, 2022

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

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

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CPC/22000/CPC22024 Union at Antelope Valley Redevelopment Project.adt.docx>

DRAFT MEETING MINUTES (EXCERPT)

NAME OF GROUP: URBAN DESIGN COMMITTEE

DATE, TIME AND PLACE OF MEETING: Tuesday, November 1, 2022, 3:00 p.m., County-City Building, City Council Chambers, 555 S. 10th Street, Lincoln, NE.

MEMBERS IN ATTENDANCE: Mark Canney, Emily Deeker, Jill Grasso, Peter Hind, Gil Peace and Michelle Penn; (Tom Huston absent).

THE UNION AT ANTELOPE VALLEY REDEVELOPMENT:

November 1, 2022

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

Joy Skidmore stated she is the development manager of this project. The Annex Group is a multifamily developer. They develop across the country. They started out as a student housing developer. The company changed their focus a little. Most of their projects are affordable housing. Their mission is to provide a positive impact. They have their own general contracting firm. When they go into a market, they try to find local contractors. After the project is built, the project managers will typically be hired locally. They have someone on staff whose focus is to find not-for-profit groups and other resources for their residents. They try to partner with organizations that can provide tenant services. She showed some of their other projects. They have one in the northwest corner of Lincoln that is starting construction. NIFA (Nebraska Investment Finance Authority) will be a project partner.

Evan Young stated they are working through schematic design at this point. They wanted to get some early feedback. He showed a site plan and the proposed traffic flow. They have worked with LTU (Lincoln Transportation and Utilities) to identify curb cuts. There will be a ramp that leads to the lower level parking complex. There will be just under 200 parking stalls. As you go up, there are two courtyards. There will be one, two and three bedroom units with shared amenities and access to courtyards. They are looking at a total of 187 units. He showed the south elevation along 'K' Street. There is quite a bit of slope from one side to the other. He believes the slope is around 18 feet. In order to deal with the slope, the parking is below ground on 18th Street and above ground on Antelope Valley Parkway. They wanted to keep the brick line horizontal and find the right proportion for the elevation. The brick will be sixteen feet tall on 18th Street and twenty six feet tall on Antelope Valley Parkway. They purposely restrained this to two colors for a simple, clean look. There will be several balconies that break up the façade. On 18th Street, the scale comes down a little. There is also visual access into the courtyard. Along Antelope Valley Parkway, the façade has been broken up with pedestrian access.

Casper would like the applicant to speak to the landscaping. Young wanted to keep this a little open for air flow. They were thinking of something that allows air flow, but minimalizes access.

Canney understands the whole first floor is parking. Nate Burnett replied he was correct. Canney wondered what the applicant anticipates happening above the entrance to the parking on 18th Street. Young replied a smaller courtyard is envisioned. The south side of the ramp is a pedestrian ramp to access courtyard.

Penn inquired what the applicant is planning to do in the courtyard. Young answered they will do some raised planting beds, create a space for each patio and some outdoor space in the center area. He pointed out areas for public gathering spaces in the middle.

Canney wondered about the income aspect and what that means. Is this for students, families or both? He also asked about the vision. Sometimes those can have conflicting values. Skidmore stated their target resident is

families. They would look at income typically and those rules do not typically allow students. Canney understands if this is to be family oriented, some thought should be given to the courtyards to serve children of the adults. Some thought should also be given to how the spaces are crafted. Skidmore stated they typically work with their market analyst to program activities for the area. Typically they include a dog park. They will look at a play area and interior amenities such as a computer lab room and a community area with a smaller kitchen.

Grasso asked about the material on the balconies. Young replied it would be fiber cement panels.

Peace questioned if the applicant's process is to keep this at the schematic design level until they are awarded NIFA funds. Skidmore stated that is typically what they do. When the credits are awarded, they will move forward with design documents.

Penn asked where the mechanical units are located. Young noted they haven't located them yet. They are looking at having a mechanical room on the lower level. Penn noted the parapet doesn't look tall enough to hide them. She would recommend making it taller if they are located on the roof. She thinks this will be a really great project. She is excited to have courtyards with southern exposure.

Hind commented he really appreciates the scale of the project and the parking. He believes this will work really well. He has a problem with a pedestrian entrance on Antelope Valley Parkway. Antelope Valley is a really important place in the City. This feels like it has turned its back on that. It feels like it is missing a certain scale. He thinks of this building urbanistically as well and how it reads within the fabric of the city. The "Union" sign doesn't appear to be above the door. He likes the building a lot and thinks the massing is great, but feels there could be some treatment to the front door. In his opinion, it doesn't need a change of material, just a change of attitude on what the entrance is, where it is. He would encourage them to look at that. The front door is somewhat ambiguous.

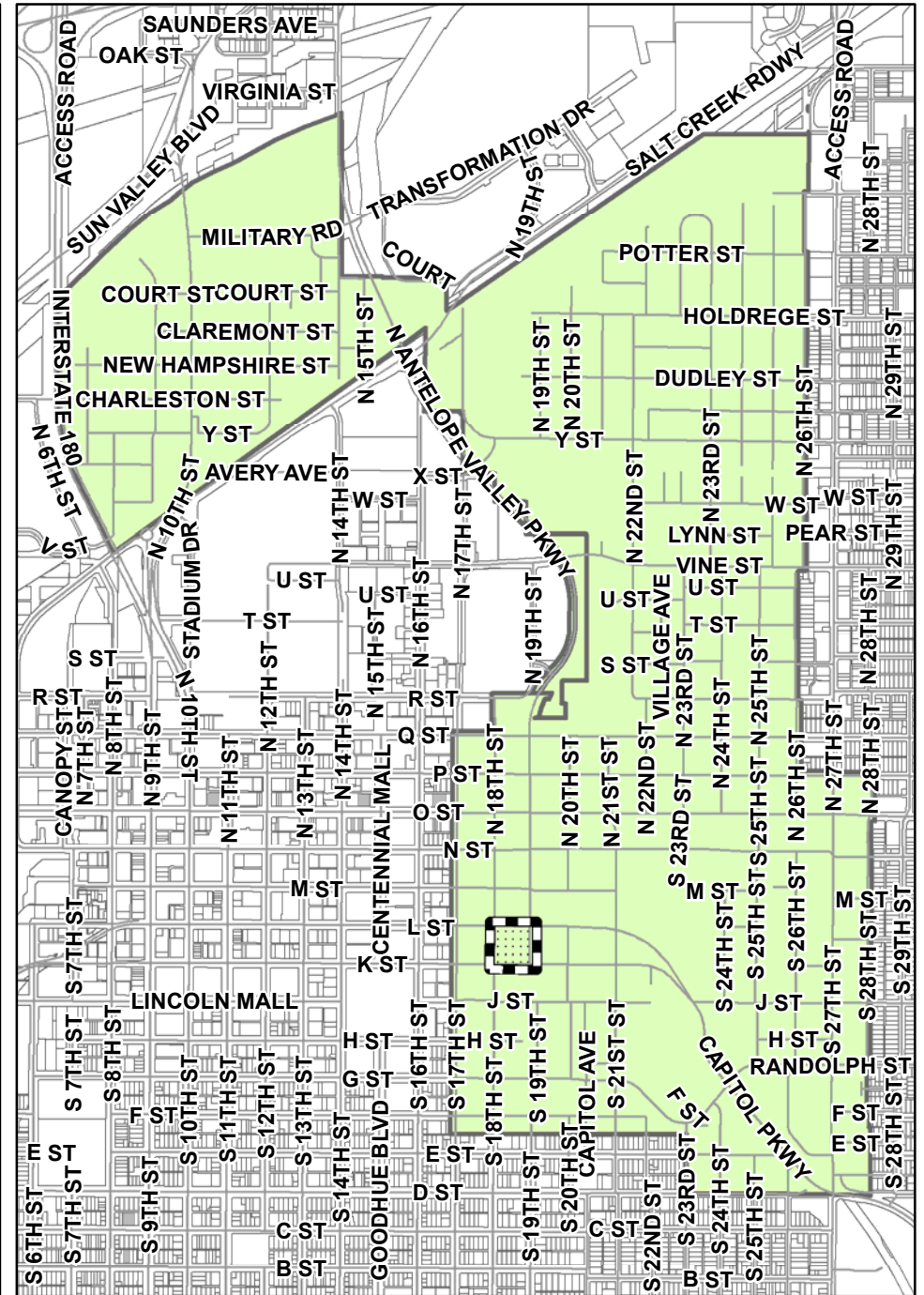
Grasso commented that she would encourage the applicant to think about some lighting. Other buildings have started to incorporate some lighting. It might help tie it to Antelope Valley a little.

ACTION:

Penn moved approval as presented, seconded by Hind.

Hind noted that the streetscape will be back for review. The applicant agreed.

Motion for approval carried 6-0: Canney, Deeker, Grasso, Hind, Peace and Penn voting 'yes'; Huston absent.



Comprehensive Plan Conformance #22024
Union at Antelope Valley Redevelopment Project
Antelope Valley Redevelopment Area



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AMENDMENT TO THE ANTELOPE VALLEY REDEVELOPMENT PLAN

Union at Antelope Valley Redevelopment Project.

1. Project Description

The Union at Antelope Valley Redevelopment Project (the “Project”) is located on the city block north of K Street, south of L Street, east of S 18th Street and west of Antelope Valley Parkway together with the adjacent rights of way, totaling approximately five acres (the “Project Area”). The Project Area is depicted on the map, below:



Union at Antelope: Project Area



City of Lincoln: Urban Development - Kurt Elder - 402-441-7874

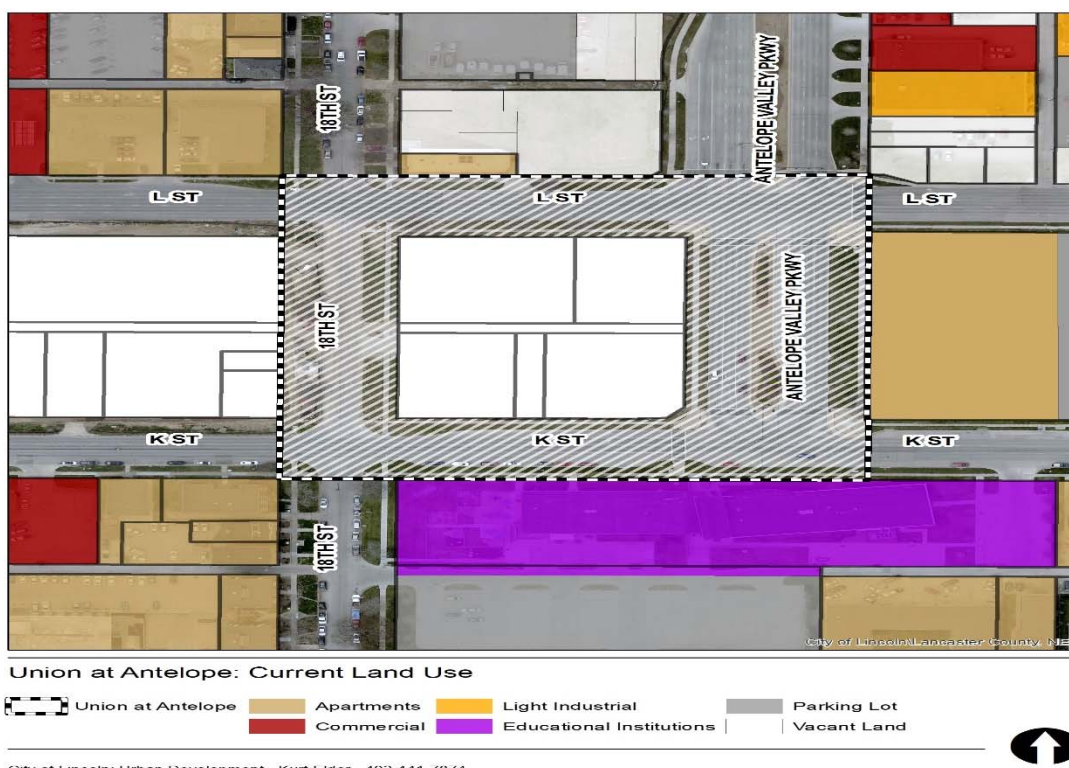


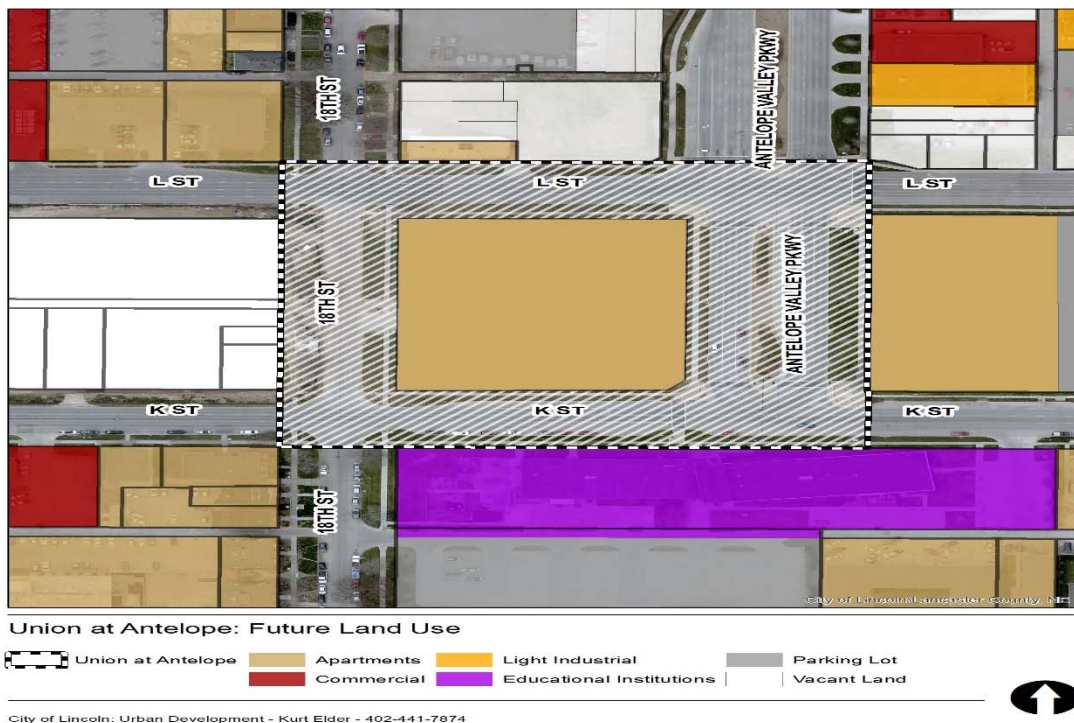
The Project would consist of the development and construction of a multi-family residential development with approximately 187 residential units with a mix of market

rate and affordable rental rates, consisting of approximately 79 one-bedroom, 70 two-bedroom units, and 38 three-bedroom units, along with typical amenities for multi-family residential units. The building will be 4 stories over a parking deck on the first floor. A preliminary site plan is attached as Exhibit “A”.

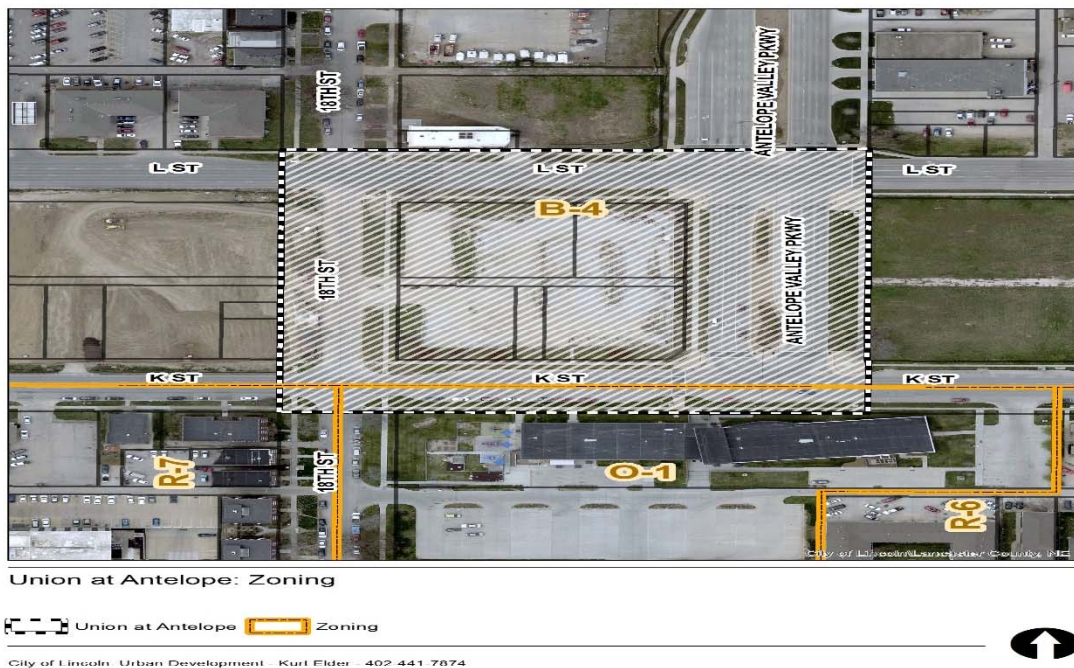
The goal of the Project is to strengthen the Lincoln community by providing affordable infill residential dwelling units with mixed-income levels through the redevelopment of existing underutilized real property. The Project will remove blighted and substandard conditions and will make positive contributions to the Area. The Project will provide safe, quality housing in the Downtown Neighborhood near the Capitol and other employment centers. The Project is anticipated to be partially funded with Low Income Housing Tax Credits (LIHTC), and other available state and federal programs to support affordable housing. By meeting the programmatic design of these financing mechanisms, this neighborhood will consist of housing opportunities targeted to households of a restricted income level, likely between approximately 40% and 120% of area median income.

Surrounding land uses include residential, commercial, and public/semi-public space. The Project’s location in the Downtown Neighborhood makes it an ideal location for a higher density housing project. See the Current Land Use Map and Future Land Use Map below.





The Project Area is currently zoned B-4. The B-4 Lincoln Center Business District allows a large variety of activities, including multi-family housing. The proposed use of the Project Area will not require a change of zoning district.



The Project is consistent with the goals of this *Antelope Valley Redevelopment Plan* and is intended to support private sector residential development in the Redevelopment Area. In addition to consistency with the goals of the *Antelope Valley Redevelopment Plan*, the Project is also consistent with the Lincoln-Lancaster County 2050 Comprehensive Plan.

The Project represents a significant investment in the Redevelopment Area. Publicly funded redevelopment activities may include: site acquisition, site preparation, utility improvements, streetscape/right-of-way, public parking improvements, façade enhancements, energy efficiency enhancements, and other public improvements in the Project Area.

2. Statutory Elements

Property Acquisition, Demolition, and Disposal: The proposed redeveloper currently controls the Project Area. Demolition will include clearing structures on the property, including any required environmental remediation and any necessary capping, removal or replacement of utilities and site preparation.

Population Density: The Project will have an impact on and will increase the Project Area's population density, as approximately 187 residential units will be constructed on a vacant lot.

Land coverage: Land coverage and building density will be altered with construction of the Project, which will construct one building with approximately 187 residential units on a vacant lot. The building to be constructed as part of this project will have a footprint of approximately 1.73 acres.

Public Facilities and Utilities: Public infrastructure improvements will be required to implement this project, including improvements to Lincoln Electric System transformers and/or other equipment. Additional improvements may be required to implement this project, including but not limited to improvements to the water, sanitary sewer, storm sewer, and rights of way including alleys and streets. As the project is further developed, the Lincoln Transportation and Utilities Department will work with the Developer ensure that the systems can support the additional capacity requirements of the project.

Traffic Flow, Street Layouts, and Street Grades: It is anticipated that the Project will increase traffic flow generated to the Project Area from an increased number of residents. The entrance to the Project is proposed to be located on S 18th Street. The existing streets are anticipated to be sufficient for the Project.

Parking: The Project will include approximately 199 off-street parking spaces in a garage. There is no required parking in the B-4 district. The parking is anticipated to be sufficient for the Project and the Project will have ample, secure bicycle parking for residents. The parking garage is anticipated to also include infrastructure to install charging stations for electric vehicles should it be needed by any residents.

Zoning, Building Code, and Ordinances: The Project Area is zoned B-4 Lincoln Center Business District, and the Project is a permitted use in this zoning district. All applicable building codes will be met. The Project Area will need to be replatted.

3. Proposed Cost and Financing

The estimated total cost to implement the Project is approximately \$50,860,000, which includes approximately \$3,400,000 in public financing. 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 the City Council.

4. Cost Benefit Analysis

Even with the anticipated funding sources for affordable housing, housing at the price points intended for workforce and low-income occupants cannot be built without additional financial assistance provided by the use of tax increment financing. As required by the Nebraska Community Development Law (Neb. Rev. Stat. § 18-2113), the City has analyzed the costs and benefits of the proposed Project.

Public Tax Revenues

Tax Increment Financing Analysis

TIF Sources		
Base Value		\$1,366,800
Estimated New Assessed Value		\$16,737,338
Increment Value		\$15,370,538
Annual TIF Generated (Estimated)		\$306,337
Total TIF Available	-PV of 20 years at 6.50%	\$3,400,000

The 2022 assessed value of the Project Site is \$1,366,800. Upon completion of the Project, the assessed value of the Project Site will increase by an estimated \$15,370,538 as a result of the private investment for the Project. It is anticipated that the Project will be funded with Low Income Housing Tax Credits. Nebraska law contains a statutory prescribed valuation method for LIHTC projects which results in a tax liability based on the restricted rental structure. The Project will result in an increase in estimated annual property tax collections during the 20 year TIF period of approximately \$306,337, which will be available to finance the costs of construction of the public improvements related to the Project. The public investment will leverage approximately \$47,500,000 in private sector financing and state and federal tax credits.

Public Infrastructure and Community Public Service Needs Impacts

It is not anticipated that the Project will have an adverse impact on existing public infrastructure. The Project involves the capture of the incremental tax revenues for public improvements in the Redevelopment Area. Public investment may assist in site

acquisition, site preparation, design and construction of utility improvements, design and construction of streetscape and right-of-way improvements, public parking improvements, façade enhancements, energy efficiency enhancements, and other public improvements and enhancements allowed under the Community Development Law.

The Project will encourage additional private investment in the Redevelopment Area by removing blighted and substandard conditions in the Area. It is not anticipated that the Project will have an adverse impact on City services, but instead will generate additional revenue providing support for those services.

Employment within the Project Area

It is not anticipated that the Project will have an adverse impact on employers and employees of firms locating or expanding within the boundaries of the area of the Project. Instead, it is anticipated that the construction of approximately 187 multi-family dwelling units as part of the Project will create additional needed housing for the workforce population in the area of the Project. The Project will provide lower income workers new safe and secure housing. Additionally, the Project will support temporary construction jobs during the redevelopment of the Project Site.

Employment in the City outside the Project Area

The anticipated job creation resulting from the construction of the Project is not expected to adversely affect employment in the City outside the area of the Project. The Project should increase the need for services and products from existing business in and around the Redevelopment Area. The Project will help to meet the low-income and affordable housing goals of the City of Lincoln as a whole.

Impacts on Student Populations of School District

It is anticipated that the Project will increase the student population of Lincoln Public Schools. However, the Project will meet the demand for additional housing in the City, and the school district should have the capacity to handle any population increase from the Project.

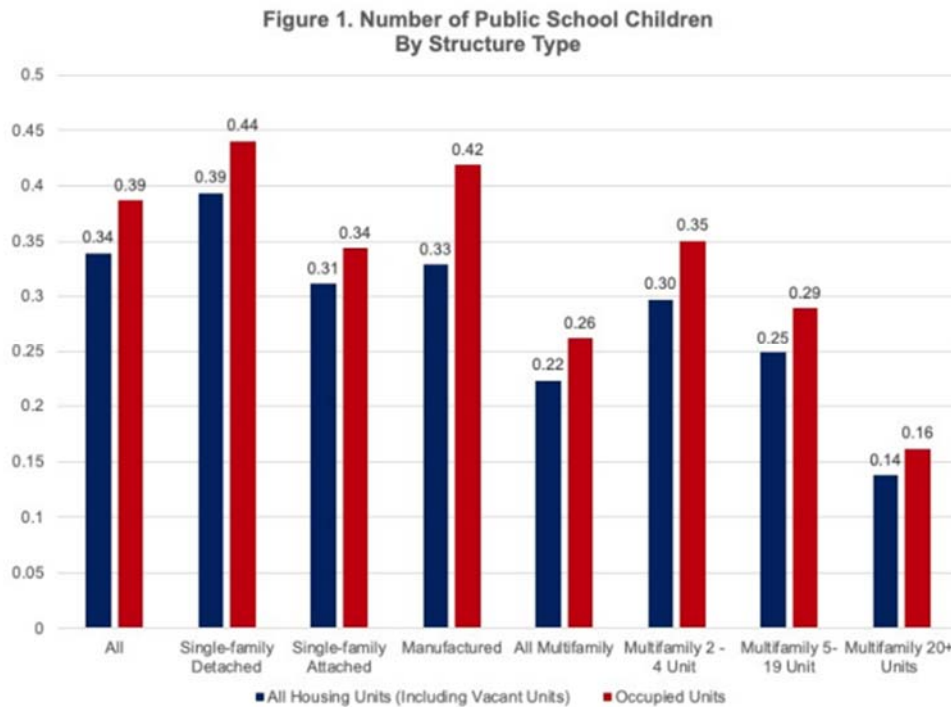
The Project will create approximately 187 multi-family dwelling units. Certain assumptions can be made about the resulting increase in student population from this Project:

- According to statistics from the National Association of Home Builders, in Nebraska, the average number of public school children in renter-occupied units for multifamily buildings with 20 or more units is 0.096.
- According to the most recent 2018 American Community Survey (ACS) data of national averages, the average number of public school children in multifamily buildings with 20 or more units is 0.14.

Table 1: NAHB – Nebraska data

Nebraska								
	All	Single-family Detached	Single-family Attached	Manufactured	All Multifamily	Multifamily 2 to 4 Units	Multifamily 5 to 19 units	Multifamily 20+ Units
All Housing Units	0.385	0.448	0.296	0.521	0.154	0.255	0.158	0.084
New Construction	0.290	0.458	***	***	***	***	***	***
Existing Homes	0.386	0.448	0.303	0.522	0.156	0.255	0.158	0.085
All Occupied Units	0.425	0.488	0.324	0.745	0.172	0.283	0.177	0.093
Recent Movers	0.365	0.562	0.576	***	0.190	0.258	0.177	0.160
Into New construction	0.410	0.583	***	***	***	***	***	***
Into Existing Homes	0.364	0.561	0.611	***	0.191	0.258	0.177	0.163
Non-movers	0.435	0.481	0.262	0.815	0.162	0.296	0.178	0.057
Owner Occupied Units	0.440	0.450	0.050	0.749	0.020	0.045	***	***
Recent Movers	0.492	0.560	0.109	***	0.103	0.180	***	***
Into New construction	0.437	0.488	***	***	***	***	***	***
Into Existing Homes	0.440	0.449	0.051	0.750	0.020	0.045	***	***
Non-movers	0.437	0.443	0.043	0.803	***	***	***	***
Renter Occupied Units	0.401	0.757	0.628	0.778	0.179	0.303	0.184	0.096
Recent Movers	0.321	0.578	0.750	***	0.194	0.267	0.183	0.161
Into New construction	***	***	***	***	***	***	***	***
Into Existing Homes	0.403	0.757	0.647	0.778	0.181	0.304	0.184	0.097
Non-movers	0.439	0.816	0.576	0.946	0.171	0.323	0.184	0.059

Table 2: ACS national data



Based on the foregoing data, approximately 18 to 27 public school children can be anticipated living in a multifamily building like the Project. It is not anticipated that the Project will have an adverse impact on the school district, but instead will serve the families of its students.

Other Impacts

The Project will create additional housing in the City. The Project is consistent with the policy of the *Lincoln-Lancaster County 2050 Comprehensive Plan*. It provides additional safe housing options in the City. Further, the Project provides appropriately placed density.

The development of the Project will eliminate the existence of blight and substandard conditions and will attract residents and businesses to the Redevelopment Area and the City of Lincoln.

The Project will be developed in an environmentally conscious manner. The building will be constructed utilizing sustainable design practices.

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

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

Finding the Need for TIF

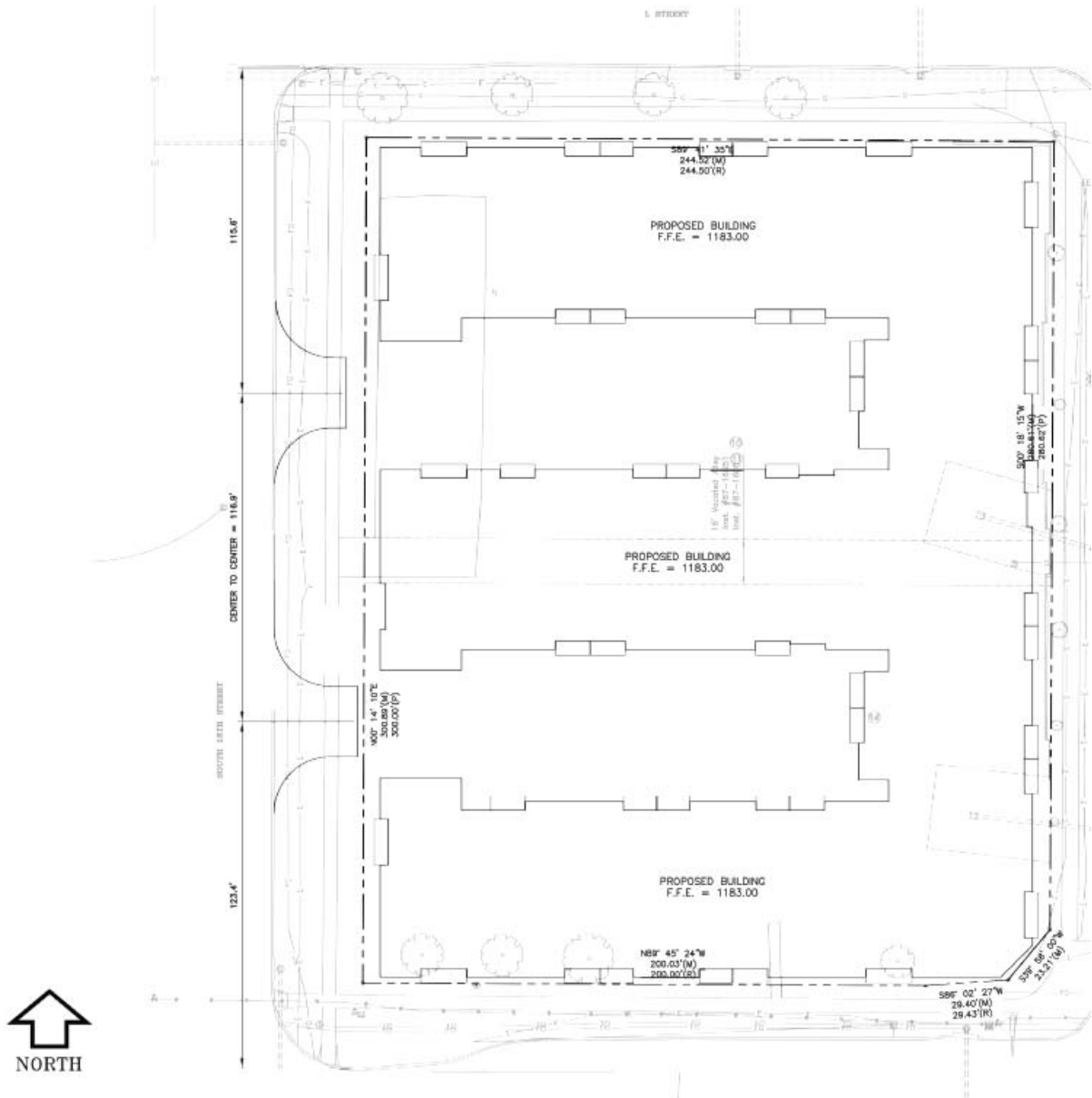
Section 18-2116 of the Community Development Law requires the City Council to make the following findings before authorizing the use of tax increment financing:

- The redevelopment project 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 redevelopment area without the use of tax increment financing.

The Urban Development Department believes, based on the representations made by the proposed developer, that the private and public improvements proposed in this plan amendment would not occur “but for” the utilization of tax increment financing in the Redevelopment Area. Further, 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.

Exhibit A

Preliminary Site Plan



Union at Antelope Project

LEGAL DESCRIPTION

LAVENDERS ADDITION, BLOCK 9, Lot 4 – 6, LAVENDERS ADDITION, BLOCK 9, Lot 2 - 3, & 7 - 8 & E1/2
LOT 9 & LOT 10 & LOT 11 EX PT IN S, LAVENDERS ADDITION, BLOCK 9, Lot 9, W1/2



URBAN DEVELOPMENT

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

November 8, 2022

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

Dear David:

Enclosed is a copy of the Union at Antelope Valley Redevelopment Project plan amendment to the Antelope Valley Redevelopment Plan. The project proposes to redevelop the block generally located at 18th & K Street into approximately 187 affordable and some market rate apartments with associated parking.

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 December 7, 2022, agenda.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Ernie Castillo".

Ernie Castillo

Cc: Andrew Thierolf, Planning Department
Dan Marvin, Director, Urban Development Department
Hallie Salem, Urban Development Department
Liz Switzer, Urban Development Department
Steve Henrichsen, 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
Annexation 22013
Change of Zone 22036

FINAL ACTION?
No

DEVELOPER/OWNER
Fund51, LLC/White Holdings, LLC

PLANNING COMMISSION HEARING DATE
December 7, 2022

RELATED APPLICATIONS
CPA22006, PP22003

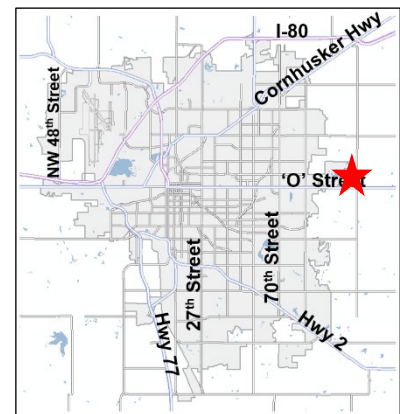
PROPERTY ADDRESS/LOCATION
N. 112th Street and O Street

**RECOMMENDATIONS: ANNEXATION 22013
CHANGE OF ZONE 22036**

**CONDITIONAL APPROVAL
APPROVAL**

BRIEF SUMMARY OF REQUEST

This is a request for annexation and change of zone including 14.68 acres. The area of this request is located at the north end of the approximately 78.84-acre property at the northwest corner of N. 112th Street and O Street. The change of zone is from AG Agricultural to R-3 Residential and is for the first phase of the development which will include 45 single family residential lots. Access will include street connections to the north and west through existing streets in The Dominion at Stevens Creek development.



JUSTIFICATION FOR RECOMMENDATION

The annexation proposal is justified as urban services are available in the adjacent subdivision. The change of zone is consistent with the adjacent zoning for urban residential.

APPLICATION CONTACT
Mark Palmer, (402) 458-5632 or
mpalmer@olsson.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The site is designated for urban residential on the Future Land Use Map, and these requests comply with the requirements of the Zoning Ordinance and Comprehensive Plan. Related Comprehensive Plan Amendment (CPA22006) will update the Future Land Use Plan to show commercial use instead of urban residential uses for the south and east sides of the larger 78.84-acre property to account for an existing gas pipeline and Pipeline Planning Area (PPA). CPA22006 does not change the land use in the first phase of development as currently proposed.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is designated for future urban residential on the 2050 Future Land Use Plan.

Land Use Plan - Urban Residential. Residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. All types of housing are appropriate here, from detached single family, duplex and missing middle, to higher density multi-family. Undeveloped areas shown as Urban Residential may also include neighborhood-scale commercial and other compatible uses that will be added to the map after approval of development plans.

Fundamentals of Growth in Lancaster County

The City of Lincoln's present infrastructure investment should be maximized by planning for well-designed and appropriately-placed residential and commercial development in existing areas of the city with available capacity. This can be accomplished by redeveloping underutilized commercial centers into areas that include a mix of uses, and encouraging higher-density residential redevelopment in appropriate locations, including missing middle housing. New infrastructure investments to serve growth areas can be maximized by encouraging a higher density of both residential and commercial uses in these areas.

Goals Section

G2: Complete Neighborhoods. Lincoln and Lancaster County will support complete neighborhoods within both developing and redeveloping areas of Lincoln. A complete neighborhood is one where residents are able to get the goods and services to meet daily needs within 15 minutes of their residence including a variety of housing options, grocery stores and other commercial services, quality public schools, public open spaces and recreational facilities, affordable active transportation options, and civic amenities. Housing variety should include townhomes, senior living facilities, low/no maintenance condominiums, accessory dwelling units, multi-family development, and even small lot single-family.

Elements Section

E1: Complete Neighborhoods and Housing

A complete neighborhood is more than housing - great neighborhoods combine all the elements of parks, education, commercial areas, environmental resources, and housing together in one place.

A complete neighborhood is one where residents have safe and convenient access to goods and services needed for daily life activities.

Figure E1.a: Strategies for Design, Sustainability and Complete Neighborhoods in Developing Areas

1. Encourage a mix of compatible land uses to develop more complete neighborhoods:
 - a. Similar uses on the same block face: residential faces residential.
 - b. Similar housing densities developed near each other: single-family and "missing middle" residential (3-12 units) scattered throughout with higher density residential (more than 12 units) near the neighborhood edge or clustered near commercial centers.
 - c. Non-residential uses, including parking lots, should be screened from residential areas.
 - d. Locate Commercial Centers so as residents can safely access essential goods and services (i.e. not located across arterial streets) and no more than a 15-minute walk from all residences.
2. Require sidewalks on both sides of all streets.
3. Encourage locations within neighborhoods to grow local food.
4. Plan for residences to be located within 1 mile to an existing or planned multi-use trail.
5. Plan for residences to be located within 1/2 mile to an existing or planned neighborhood park.
6. Integrate transit stops into developing neighborhoods and within a 1/2 mile distance from residences.
7. Encourage employment areas to be within a 15-minute walking distance to residences.
8. Plan for elementary or middle schools to be within a 15-minute walking distance to residences.

9. Encourage pedestrian orientation with parking at rear of residential and neighborhood commercial uses.
10. Develop shorter block lengths to provide multiple connections across residential and commercial areas.
11. Provide pedestrian connections when maximum block lengths are exceeded.
12. Encourage shared City and School facilities (aka SPARKS).
13. Provide adequate curb space to allow for on-street parking.
14. Encourage alley access and shared driveways to reduce interruptions to pedestrians, to preserve on street parking capacity, and to reduce automobile conflict points.
15. Support preservation or restoration of natural areas, and limit stream or drainageway crossings.

Developing Neighborhoods

Developing neighborhoods should have a variety of housing types and sizes, plus commercial and employment opportunities.

Policies Section

P3: Developing Neighborhoods - Accommodate and encourage growth that aligns with PlanForward's growth scenario and provides a mix of housing options with convenient access to parks, schools, shopping, jobs, and other community resources.

P61: Industrial Zoning and Pipelines

There are several major pipelines that travel through Lancaster County and parts of our community. Our community will continue to grow into where these high-pressure pipelines are currently located and additional pipelines will be required to support the growth of our community and the nation. Most of these new pipelines are proposed and developed by private companies. These pipelines transport large quantities of hazardous materials that can have serious public health and safety impacts to adjacent properties in the event of pipeline failure or damage. Therefore, uses with vulnerable populations including residential structures, childcare centers, retirement facilities, schools, or hospitals should not be located near pipelines. Uses that are acceptable near pipelines include residential garages, commercial and industrial uses, parking lots, open spaces or roads.

Action Steps

1. Land uses with vulnerable populations should not be located within pipeline planning areas. For large high-pressure pipelines, pipeline planning areas are established based upon pipeline metrics or the United States Department of Transportation's Emergency Response Guidebook. Most high-pressure pipelines have a planning area of approximately 150-250 feet from either side of the pipeline.
3. Do not support expansion of existing residential uses currently located within a pipeline planning area or within 300 feet of an industrial zoning district.

P80 - Annexation: Annexation should be utilized to provide municipal services in a fair and efficient manner.

The City of Lincoln requires that properties receiving municipal services be located within city limits. City annexation should occur before any property is provided with water, sanitary sewer, or other potential City services. In most cases this also means that annexation must occur prior to a property receiving an urban zoning designation. The City routinely annexes land at the request of a developer or landowner as part of the regular development process. This allows properties to be supplied with City services when they are needed, and the City benefits from the property taxes, utilities, and other fees that City residents pay. Some properties along the City's edge may not be interested in further development and thus will not request annexation. In some cases it is necessary for the City to initiate annexation of adjacent properties that are already developed and require a minimal public investment to serve.

Action Steps

1. Regularly evaluate for potential annexation all property along the city's edge for which basic infrastructure is generally available or planned for in the near term. The City should annex land in Tier 1 Priorities A and B that is contiguous to city limits and generally urban in character. All land that is engulfed by the City should

be annexed.

2. Provide advance notice to properties that may be subject to city-initiated annexation.
3. Properties within the Tier 1 Priority A growth area should be annexed upon approval of final plat.
4. Coordinate the provision of services for areas considered for annexation with the Capital Improvement Program.

UTILITIES & SERVICES:

A. Sanitary Sewer: Sanitary Sewer is available by way of connection to infrastructure in the adjacent Dominion at Stevens Creek. There also is the nearby Stevens Creek sanitary sewer trunk line immediately to the northeast.

B. Water: Water is available by way of connection to infrastructure in the adjacent Dominion at Stevens Creek. A water model study was submitted to determine the anticipate pressures and fire flow capabilities. The analysis concluded that fire flow requirements will be met and that extending mains in O Street or 112th Street is not necessary.

C. Roads: The development overall will have two phases which impact planning for roads. The first phase will include single family residential, which those lots will have street connections to the north and west to the Dominion at Stevens Creek development. The second phase will include commercial new street access to N. 112th Street.

D. Parks and Trails: There is a future trail planned in the Dominion at Stevens Creek development to the north near N. 112th Street which extends southeast. As a condition of approval for the related preliminary plat will need to show the continuation of the trail easement to the first roadway intersection with 112th Street.

E. Fire Protection: After annexation, fire protection will be provided by Lincoln Fire & Rescue (LFR). LFR Station 16 located at 98th Street and O Street will serve this area. No monies are owed to the Southeast Rural Fire District.

ANALYSIS

1. This request is for an annexation and change of zone including 14.68 acres. The change of zone is from Agricultural to R-3 Residential. This property is located northwest of the intersection of N. 112th Street and O Street. The annexation and change of zone area is for a small area of the total 78.84 acres of the property which is part of the first phase of the development. This first phase located at the north end of the property will include around 45 of a total of 150 single family residential lots in the entire preliminary plat. The second phase will include commercial uses near O Street and N. 112th Street with either commercial or apartments for the area not affected by the PPA and pipelines along said streets.
2. Access for the first phase of the development will include multiple street connections to the Dominion at Stevens Creek development to the north and west. There will be no new access to O Street. Two new access points to N. 112th Street will be provided as part of the Phase 2.
3. The proposed annexation area is shown as Growth Tier 1 Priority B in the 2050 Priority Growth Areas Map (Figure GF.c). As noted in the PlanForward 2050 Growth Framework section, Priority B areas move to Priority A upon approval of development plans. Following approval of this proposal, the 2050 Priority Growth Areas Map will be updated to show this area as Priority A.
4. This property is significantly impacted by Pipeline Planning Areas (PPAs) that run along the south and east sides of the property. These affect approximately 23 acres of the total 78.84 acres of the property but do not affect the areas to be annexed or rezoned currently. There is Pipeline Planning Area along O Street and along N. 112th Street. The PPA is approximately 240 feet from the centerline of O Street to the north. There is a relatively new pipeline which has a PPA extent of approximately 270 feet from the centerline of N 112th Street to the west.
5. The Pipeline Planning Areas reflect the presence of major pipelines that travel through the community. These are high-pressure pipelines which transport large quantities of hazardous materials that can have serious public health and safety impacts to adjacent properties in the event of pipeline failure or damage. The 2050 Comprehensive Plan includes policies and action steps (P61) such that vulnerable populations including residential structures, childcare centers, retirement facilities, schools or hospitals should not be located near the pipelines. Uses that are acceptable near the pipelines include commercial, residential garages or parking, open spaces or roads. In this

case, the PPAs are associated with Black Hills Energy gas pipelines that extend along both O Street and N. 112th Street.

6. Related CPA22006 is to change the Future Land Use (FLU) designation of the property in the 2050 Comprehensive Plan from entirely urban residential to urban residential and commercial, with commercial use designation along the south and east sides of the property. This change is to reflect the presence of the Pipeline Planning Areas (PPAs) along O Street and N. 112th Street.
7. Related PP22003 is to preliminary plat 150 single family residential lots along with 4 outlots. The latter outlots include future commercial/apartments, pedestrian ways and greenspace/drainage areas.
8. The site is designated for urban residential on the Future Land Use Map, and these requests, subject to the conditions of approval, comply with the requirements of the Zoning Ordinance and Comprehensive Plan.
9. As a condition of approval an annexation agreement is required before this item is scheduled with the City Council. This agreement will address that the street improvements for N. 112th Street and O Street that will be done in conjunction with the second phase of the development.

EXISTING LAND USE & ZONING: Agricultural; AG

SURROUNDING LAND USE & ZONING

North: Single Family Residential; R-3

South: Agricultural; AG

East: Agricultural; AG

West: Vacant/Undeveloped Land, Single Family Residential; R-3

APPROXIMATE LAND AREA:

Annexation 22013: 14.68 acres, more or less

Change of Zone 22036: 14.68 acres, more or less

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: Council District #1

LEGAL DESCRIPTION:

Annexation 22013: A portion of the Northeast Quarter of the Southeast Quarter of Section 24-10-7, Lancaster County, Nebraska

Change of Zone 22036: A portion of the Northeast Quarter of the Southeast Quarter of Section 24-10-7, Lancaster County, Nebraska

Prepared by

George Wesselhoft, Planner

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

Date: November 22, 2022

Owner: White Holdings, LLC
2001 Pine Lake Road
Lincoln, NE 68512
tew517@icloud.com

Applicant: Tom White
2001 Pine Lake Road
Lincoln, NE 68512
tew517@icloud.com

Contact: Mark Palmer, Olsson
601 P Street
Lincoln, NE 68508
(402)-458-5632 or mpalmer@olsson.com

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/AN/22000/AN22013 CZ22036 East Dominion Estates.gjw.docx>

CONDITIONS OF APPROVAL - ANNEXATION 22013

Before the City Council approves the annexation:

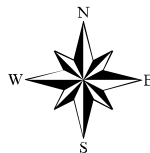
1. The applicant signs an annexation agreement.



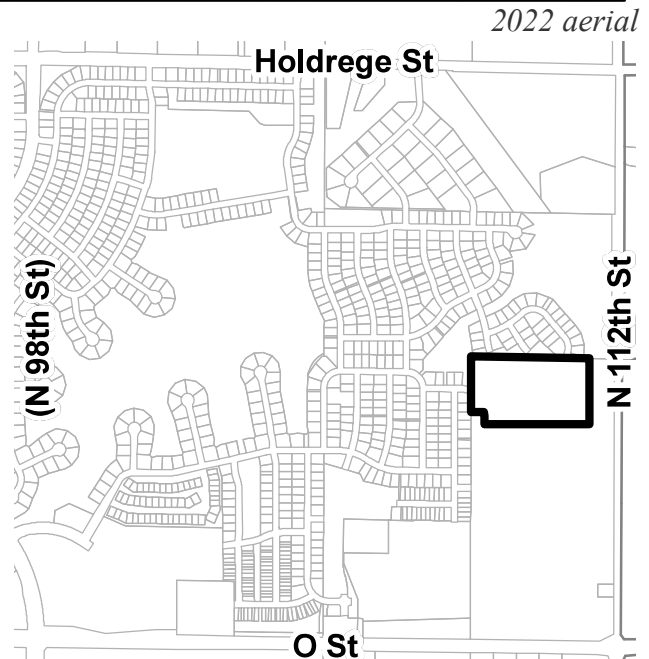
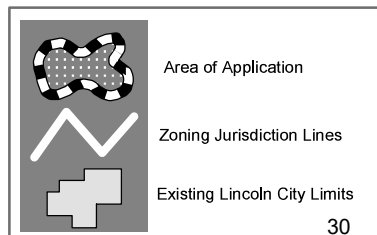
**Annexation #: AN22013 and
Change of Zone #: CZ22036 (AG to R-3)
East Dominion Estates
N 112th St & O St**

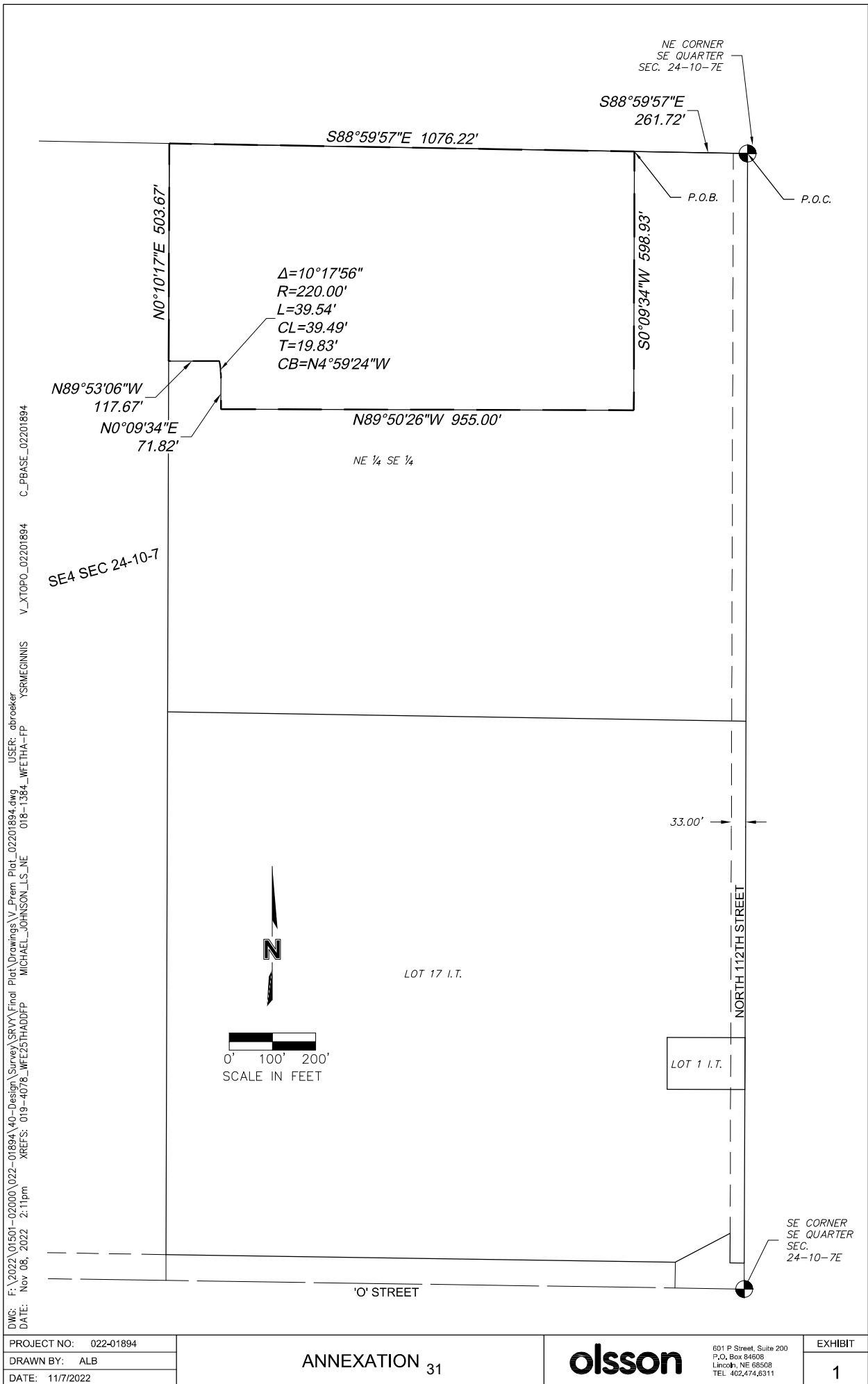
Zoning:

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



**One Square Mile:
Sec.24 T10N R07E**





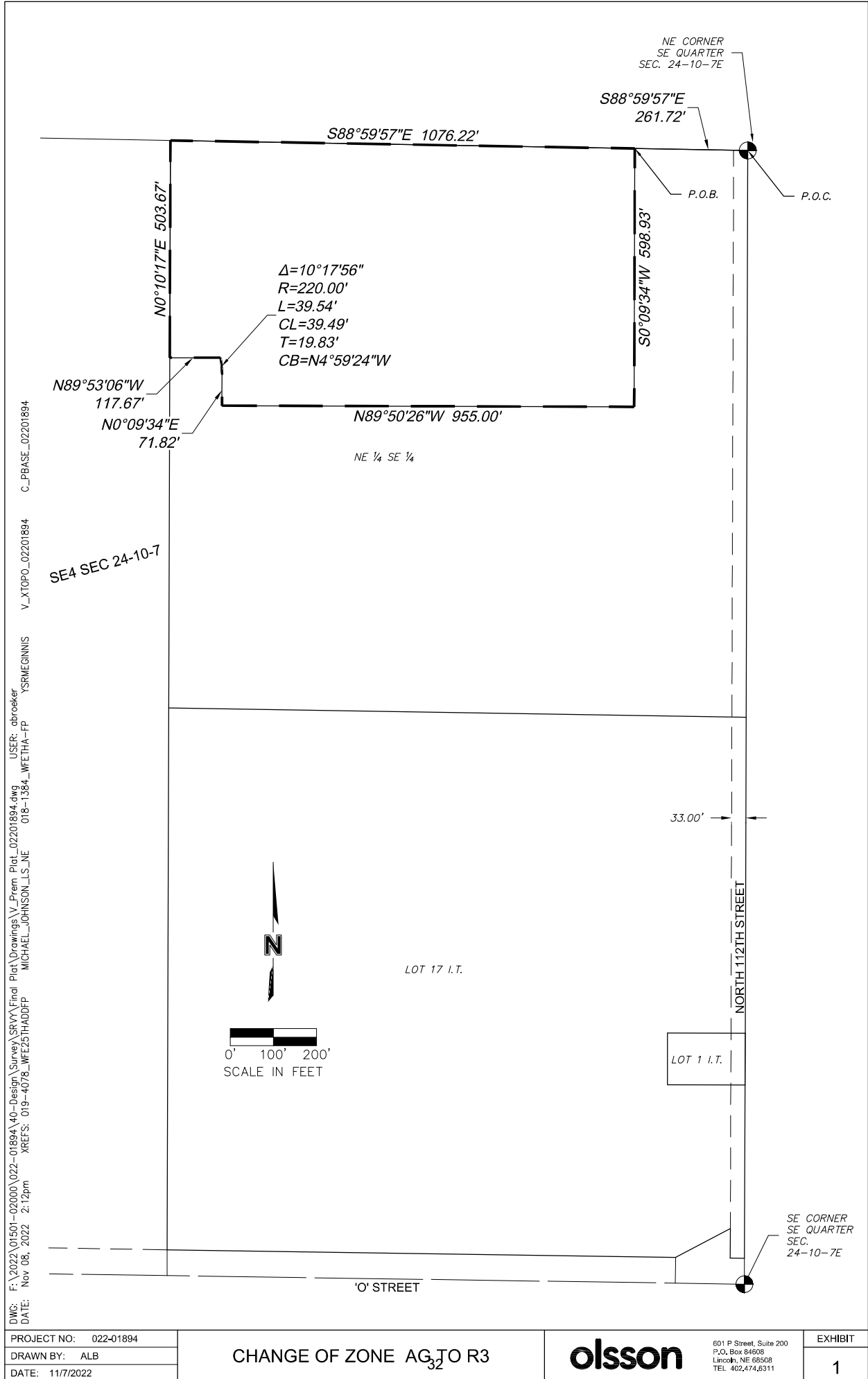
PROJECT NO:	022-01894
DRAWN BY:	ALB
DATE:	11/7/2022

ANNEXATION 31

olsson

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

EXHIBIT
1



PROJECT NO: 022-01894	CHANGE OF ZONE AG TO R3	olsson	601 P Street, Suite 200 P.O. Box 84608 Lincoln, NE 68508 TEL 402.474.6311	EXHIBIT 1
DRAWN BY: ALB				
DATE: 11/7/2022				

LEGAL DESCRIPTION
CHANGE OF ZONE / ANNEXATION

A TRACT OF LAND COMPOSED OF A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE, EASTERLY, ON THE NORTH LINE OF SAID SOUTHEAST QUARTER, ON AN ASSUMED BEARING OF N88°59'57"W, A DISTANCE OF 261.72' TO THE TRUE POINT OF BEGINNING; THENCE S00°09'34"W, A DISTANCE OF 598.93' TO A POINT; THENCE N89°50'26"W, A DISTANCE OF 955.00' TO A POINT; THENCE N00°09'34"E, A DISTANCE OF 71.82' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 10°17'56", A RADIUS OF 220.00', AN ARC LENGTH OF 39.54', A CHORD LENGTH OF 39.49', A TANGENT LENGTH OF 19.83', AND A CHORD BEARING OF N04°59'24"W TO A POINT; THENCE N89°53'06"W, A DISTANCE OF 117.67' TO A POINT; THENCE N00°10'17"E, ON THE WEST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, A DISTANCE OF 503.67' TO A POINT; THENCE S88°59'57"E, ON THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1,076.22' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 639,630.97 SQUARE FEET OR 14.68 ACRES, MORE OR LESS.

NOVEMBER 10, 2022
F:\2022\01501-02000\022-01894\40-DESIGN\SURVEY\SRVY\FINAL PLAT\DOCUMENTS\CHANGE OF ZONE_ANNEX.DOCX



SEACREST & KALKOWSKI, PC, LLO

KENT@SK-LAW.COM | DANAY@SK-LAW.COM

November 9, 2022

HAND DELIVERY

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

RE: Comp Plan Amendment, Preliminary Plat, Change of Zone and Annexation

Dear David:

Our office represents White Holdings, LLC and Fund51, LLC ("Developers"), who have a contract interest in Lots 1 and 17, Irregular Tracts in the Southeast Quarter, and the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4), all in Section 24, Township 10 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, consisting of approximately 77 acres (the "Property"). The Property is located at the northwest corner of N. 112th Street and O Street. Development of the Property is significantly impacted by Pipeline Planning Areas that run along the south and east sides of the Property. This Property is also subject to corridor protection along O Street.

Developers are requesting an amendment to the 2050 Comprehensive Plan to amend Figure GF.b: 2050 Future Land Use Plan to change the designation of the Property from entirely urban residential to urban residential and commercial, with red commercial use designated along the south and east sides of the Property that are impacted by the Pipeline Planning Areas.

Developers are also requesting a Preliminary Plat ("PP") for the entire Property. The PP will show two phases of development. Phase 1 will be single family residential. A detailed site plan and grading and drainage plans will be provided for Phase 1. Phase 2 will be the future commercial area along the south and east sides of the Property. Developers will be requesting a waiver to allow the site plan and grading and drainage details for the Phase 2 Property to be deferred and approved by administrative amendment when Developers are ready to move forward with development of the Phase 2 Property. Additional PP waivers include the following:



- a. Lot lines being radial and perpendicular to street right-of-way. This waiver is being requested specifically for Lot 1, Block 4 to give the corner lot more space and stay parallel with the rest of the lots to the south.
- b. Sanitary sewer running opposite street grade for the connection into Grantham Drive.
- c. Block length for Blocks 1 and 9. The waiver for Block 1 accommodates the drainageway for Dominion. The waiver for Block 9 is due to the future commercial/apartments.
- d. Sanitary sewer manholes exceeding 15' of depth. The connection into the existing 10" main may result in a deep drop manhole.

Developers will be requesting an Annexation Agreement for the entire Property that masterplans development of the Property but allows it to occur in phases. Consequently, annexation and zoning from AG to R-3 is being requested for just the first phase of the single family development consisting of approximately 14.68 acres. The Annexation Agreement will address any required payments to Southeast Rural Fire, but will defer addressing the required roadway improvements to N. 112th Street until the Phase 2 Property is ready to develop.

Enclosed please find the following:

- a. City of Lincoln Zoning Applications for Annexation, Change of Zone and Preliminary Plat;
- b. PP Site plan for illustration purposes; and
- c. Application fees of \$4,857 for the PP and \$1,056 for the Change of Zone.

We look forward to working with you on this project and appreciate the input we have received from the City team to date. If you have any questions regarding the enclosed or need any additional information, please feel free to contact me or Mark Palmer at Olsson.

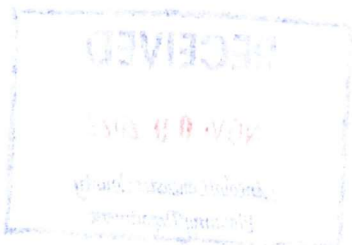
Very truly yours,

DANAY KALKOWSKI

For the Firm

Enclosures

Cc: James Michael Bowers via email



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

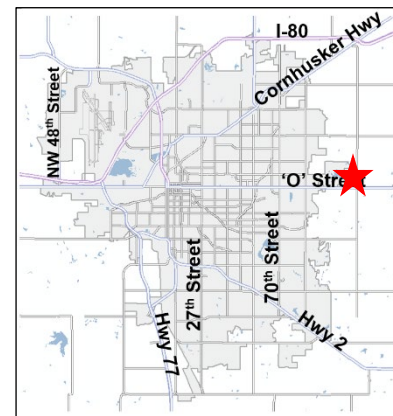
APPLICATION NUMBER Comprehensive Plan Amendment 22006	FINAL ACTION? No	DEVELOPER/OWNER Fund51, LLC/White Holdings, LLC
PLANNING COMMISSION HEARING DATE December 7, 2022	RELATED APPLICATIONS AN22013, CZ22036, PP22003	PROPERTY ADDRESS/LOCATION NW corner of N. 112 th Street and O Street

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to revise the Future Land Use (FLU) map of the 2050 Comprehensive Plan at the northwest corner of N. 112th Street and O Street to reflect a current development proposal.

The proposed amendment includes changing the designation of the property from entirely urban residential to urban residential and commercial, with commercial use designation along the south and east sides of the property to reflect the presence of Pipeline Planning Areas (PPAs).



JUSTIFICATION FOR RECOMMENDATION

This area can be served by utilities, and part of the property will be annexed as part of the first phase of the development. The Future Land Use map update is appropriate and aligns with proposed development plans for the area.

APPLICATION CONTACT

Mark Palmer, (402) 458-5632 or
mpalmer@olsson.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan allows for the Future Land Use and Growth Tier maps to be flexible and responsive to development needs and new information, and this change is consistent with the Comprehensive Plan. Specifically, it keeps residential land use with vulnerable populations out of the pipeline planning areas while still allowing for appropriate development.

COMPREHENSIVE PLAN SPECIFICATIONS:

Introduction Section: Growth Framework

Land Use Plan

Figure GF.b: 2050 Future Land Use

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

Urban Residential. Residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. All types of housing are appropriate here, from detached single family, duplex, and missing middle, to higher density multi-family. Undeveloped areas shown as Urban Residential may also include neighborhood-scale commercial and other compatible uses that will be added to the map after approval of development plans.

E1: Complete Neighborhoods and Housing

Figure E1.a: Strategies for Design, Sustainability, and Complete Neighborhoods in Developing Areas

Locate Commercial Centers so as residents can safely access essential goods and services (i.e. not located across arterial streets) and no more than a 15-minute walk from all residences.

E3: Business, Economy, and Workforce

Commercial Centers

Community Centers

Community Centers may vary in size from approximately 250,000 to 600,000 square feet of commercial space. They are intended to be smaller in scale and intensity of uses than Regional Centers and serve a more targeted market and geographic area. Community Centers tend to be dominated by retail and service activities, although they can also serve as campuses for corporate office facilities and should include a mix of residential uses. Community Centers can have a community-wide appeal but primarily serve a geographic subarea within Lincoln and surrounding areas within the County. They should be located approximately 1 to 1 ½ miles apart, depending upon their size, scale, function, and area population. Community Centers are typically sited in advance of development and shown as “Commercial” on the Future Land Use map

Neighborhood Centers

Neighborhood Centers typically range in size from 50,000 to 250,000 square feet of commercial space. They provide services and retail goods oriented to the neighborhood level, with significant pedestrian orientation and access. Residential mixed use is encouraged. Neighborhood centers are a key element of the Complete Neighborhoods concept discussed in the associated Goal and Element.

These centers typically serve the neighborhood level. Neighborhood Centers should be located approximately ½ mile apart, depending upon their size, scale, function and the population of the surrounding area. Future Neighborhood Centers are typically not sited on the Future Land Use map in advance but are identified as development plans are approved.

P61: Industrial Zoning and Pipelines

There are several major pipelines that travel through Lancaster County and parts of our community. Our community will continue to grow into where these high-pressure pipelines are currently located and additional pipelines will be

required to support the growth of our community and the nation. Most of these new pipelines are proposed and developed by private companies. These pipelines transport large quantities of hazardous materials that can have serious public health and safety impacts to adjacent properties in the event of pipeline failure or damage. Therefore, uses with vulnerable populations including residential structures, childcare centers, retirement facilities, schools, or hospitals should not be located near pipelines. Uses that are acceptable near pipelines include residential garages, commercial and industrial uses, parking lots, open spaces or roads.

Action Steps

1. Land uses with vulnerable populations should not be located within pipeline planning areas. For large high-pressure pipelines, pipeline planning areas are established based upon pipeline metrics or the United States Department of Transportation's Emergency Response Guidebook. Most high-pressure pipelines have a planning area of approximately 150-250 feet from either side of the pipeline.
3. Do not support expansion of existing residential uses currently located within a pipeline planning area or within 300 feet of an industrial zoning district.

ANALYSIS

1. This application is for a Future Land Use (FLU) map amendment at the northwest corner of N. 112th and O Street. This property is approximately 78.84 acres in size. The proposed amendment includes changing the designation of the property from entirely urban residential to urban residential and commercial, with commercial use designation along the south and east sides of the property.
2. Pipeline Planning Areas (PPAs) exist along O Street and N 112th Street to reflect the presence of existing gas line infrastructure. In the case of N 112th Street, the pipeline is relatively new. The proposed amendment is to change the FLU map designation to commercial use for both corridors for the Pipeline Planning Areas and an adjoining area; in the case of O Street approximately 240 feet from the centerline of the road and in the case of N. 112th Street approximately 270 feet from the centerline. These PPAs encompass approximately 23 acres. The total CPA area for commercial designation is approximately 31 acres.
3. The FLU and Growth Tier maps are meant to guide growth and development over the 30-year planning period. In some cases, it is appropriate to update and refine the maps to reflect new information and be responsive to development interest. The update included as part of this amendment still aligns with the overall growth framework of the Comprehensive Plan while taking into account the presence of nearby pipelines. It is likely that the commercial area will primarily serve the surrounding area as a neighborhood center.
4. The proposed amendment is consistent with the intent of keeping vulnerable populations, in this case residential uses, away from the pipelines which otherwise would present a risk for overlapping placement. Other uses that should not be located near pipelines also include childcare centers, retirement facilities, schools or hospitals.
5. Related AN22013 and CZ22036 are for the annexation and change of zone from AG to R-3 Residential of approximately 14.68 acres for the first phase of development in the north part of the property. This first phase of development is not affected by this CPA as it is outside the PPAs.
6. Related PP22003 is to preliminary plat 150 residential lots along with four outlots on 78.84 acres. Outlot C of this plat includes commercial, and where not in the PPAs, either commercial or apartments are proposed as part of the second phase of development.

EXISTING LAND USE & ZONING: Agricultural, Mobile Home; AG

SURROUNDING LAND USE & ZONING
North: Single Family Residential; R-3

South: Agricultural, Single Family Residential; AG
East: Agricultural, Single Family Residential; AG
West: Vacant/Undeveloped Land, Single Family Residential; R-3

PROPOSED AMENDMENT

Amend the 2050 Lincoln-Lancaster County Comprehensive Plan as follows:

1. Figure GF.b: 2050 Future Land Use: update as shown on the attached figure

Prepared by

George Wesselhoft, Planner
(402) 441-6366 or gwesselhoft@lincoln.ne.gov
Date: November 22, 2022

Owner: White Holdings, LLC
2001 Pine Lake Road
Lincoln, NE 68512
tew517@icloud.com

Applicant: Tom White
2001 Pine Lake Road
Lincoln, NE 68512
tew517@icloud.com

Contact: Mark Palmer, Olsson
601 P Street
Lincoln, NE 68508
(402)-458-5632 or mpalmer@olsson.com

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CPA/22000/CPA22006 East Dominion Estates.gjw.docx>

CPA # 22006
N 112th St & O St

Proposed Future Land Use Changes

Legend

-  Application Area
-  Tax Parcels

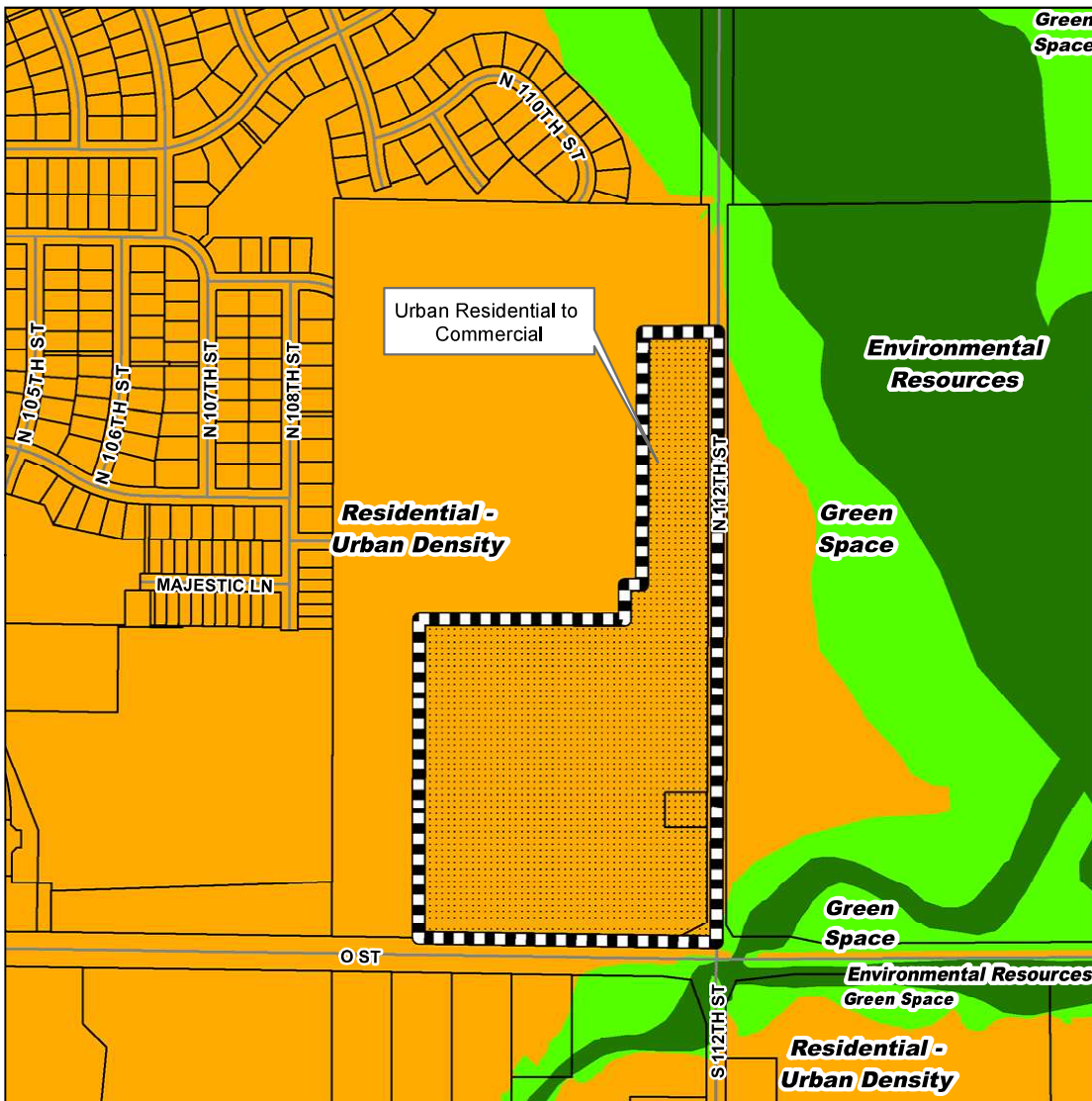
Future Land Use

-  Agricultural
-  Agricultural Stream Corridor
-  Commercial
-  Environmental Resources
-  Green Space
-  Industrial
-  Public/Semi-Public
-  Residential - Low Density
-  Residential - Urban Density
-  Lakes & Streams



Feet
0 250 500 1,000

f:\its\gis\arcview\CompPlanAmendment.mxd
(CPA22006)





SEACREST & KALKOWSKI, PC, LLO

KENT@SK-LAW.COM | DANAY@SK-LAW.COM

November 9, 2022

HAND DELIVERY

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

RE: Comp Plan Amendment, Preliminary Plat, Change of Zone and Annexation

Dear David:

Our office represents White Holdings, LLC and Fund51, LLC ("Developers"), who have a contract interest in Lots 1 and 17, Irregular Tracts in the Southeast Quarter, and the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4), all in Section 24, Township 10 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, consisting of approximately 77 acres (the "Property"). The Property is located at the northwest corner of N. 112th Street and O Street. Development of the Property is significantly impacted by Pipeline Planning Areas that run along the south and east sides of the Property. This Property is also subject to corridor protection along O Street.

Developers are requesting an amendment to the 2050 Comprehensive Plan to amend Figure GF.b: 2050 Future Land Use Plan to change the designation of the Property from entirely urban residential to urban residential and commercial, with red commercial use designated along the south and east sides of the Property that are impacted by the Pipeline Planning Areas.

Developers are also requesting a Preliminary Plat ("PP") for the entire Property. The PP will show two phases of development. Phase 1 will be single family residential. A detailed site plan and grading and drainage plans will be provided for Phase 1. Phase 2 will be the future commercial area along the south and east sides of the Property. Developers will be requesting a waiver to allow the site plan and grading and drainage details for the Phase 2 Property to be deferred and approved by administrative amendment when Developers are ready to move forward with development of the Phase 2 Property. Additional PP waivers include the following:



- a. Lot lines being radial and perpendicular to street right-of-way. This waiver is being requested specifically for Lot 1, Block 4 to give the corner lot more space and stay parallel with the rest of the lots to the south.
- b. Sanitary sewer running opposite street grade for the connection into Grantham Drive.
- c. Block length for Blocks 1 and 9. The waiver for Block 1 accommodates the drainageway for Dominion. The waiver for Block 9 is due to the future commercial/apartments.
- d. Sanitary sewer manholes exceeding 15' of depth. The connection into the existing 10" main may result in a deep drop manhole.

Developers will be requesting an Annexation Agreement for the entire Property that masterplans development of the Property but allows it to occur in phases. Consequently, annexation and zoning from AG to R-3 is being requested for just the first phase of the single family development consisting of approximately 14.68 acres. The Annexation Agreement will address any required payments to Southeast Rural Fire, but will defer addressing the required roadway improvements to N. 112th Street until the Phase 2 Property is ready to develop.

Enclosed please find the following:

- a. City of Lincoln Zoning Applications for Annexation, Change of Zone and Preliminary Plat;
- b. PP Site plan for illustration purposes; and
- c. Application fees of \$4,857 for the PP and \$1,056 for the Change of Zone.

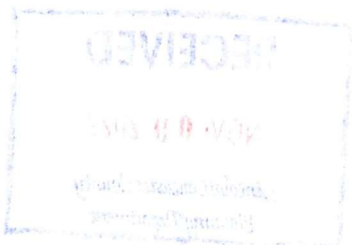
We look forward to working with you on this project and appreciate the input we have received from the City team to date. If you have any questions regarding the enclosed or need any additional information, please feel free to contact me or Mark Palmer at Olsson.

Very truly yours,


DANAY KALKOWSKI
For the Firm

Enclosures

Cc: James Michael Bowers via email



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

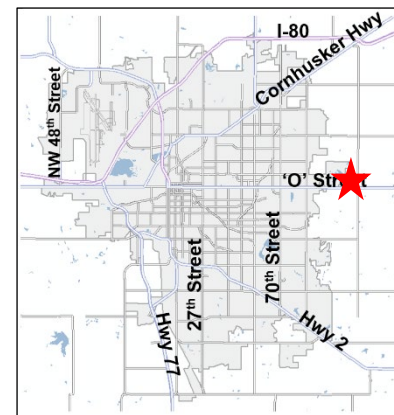
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Preliminary Plat 22003	FINAL ACTION? Yes	DEVELOPER/OWNER Fund51, LLC/White Holdings, LLC
PLANNING COMMISSION HEARING DATE December 7, 2022	RELATED APPLICATIONS AN22013, CZ22036, CPA22006	PROPERTY LOCATION N. 112 th Street and O Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a preliminary plat for 150 residential lots as part of East Dominion Estates. This property consists of 78.84 acres and is located at the northwest corner of N. 112th Street and O Street. The development will be phased with the first phase to include the single family residential with the second phase to include commercial along the south and east sides of the property. Initial access will include street connections to the Dominion at Stevens Creek development with future access to N. 112th Street. Related AN22013 and CZ22036 is for the annexation and change of zone for the first part of the single family residential that will include 45 lots on 14.68 acres.



JUSTIFICATION FOR RECOMMENDATION

The proposed preliminary plat as modified by the proposed conditions is in conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan, zoning and subdivision regulations.

The requested waivers for grading and information deferral to Phase 2, sanitary sewer mains to run opposite the street grades and to allow manholes to exceed sanitary sewer depth requirements are justified and have been approved for other developments. The requested waiver from the block length is not justified as it will cause future single family detached, attached and/or multi-family residential uses to have to travel further with no unique circumstances or physical limitations such as drainage ways to prohibit the street connection.

APPLICATION CONTACT
Mark Palmer, (402) 458-5632 or
mpalmer@olsson.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The site with the related Annexation 22013 will be in the city limits with urban services and is designated for future urban density residential land uses on the Future Land Use Map. These requests comply with the Zoning Ordinance and Comprehensive Plan.

WAIVERS

1. Subdivision Ordinance 26.23.130 (a) to allow block lengths to exceed 1,320 feet. (Recommend Denial)
2. Subdivision Ordinance 26.23.140(c) to allow lot lines not radial to street ROW. (Not Required)
3. Subdivision Ordinance 26.24.030(b) to allow grading and drainage information for Phase 2 to be deferred until

Phase 2. (Recommend Approval)

4. Design Standards, Title 2, Chapter 2, Section 3.3.6, to allow for sanitary sewer mains to run opposite the street grades. (Recommend Approval)
5. Design Standards, Title 2, Chapter 2, Section 3.3.6, to allow manholes exceeding 15' of sanitary sewer depth. (Recommend Approval)

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is designated for future urban residential on the 2050 Future Land Use Plan. Related CPA22006 proposes to amend the designation to urban residential and commercial with commercial along the east and south sides of the property.

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

Land Use Plan - **Urban Residential**. Residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. All types of housing are appropriate here, from detached single family, duplex and missing middle, to higher density multi-family. Undeveloped areas shown as Urban Residential may also include neighborhood-scale commercial and other compatible uses that will be added to the map after approval of development plans.

Fundamentals of Growth in Lancaster County

The City of Lincoln's present infrastructure investment should be maximized by planning for well-designed and appropriately-placed residential and commercial development in existing areas of the city with available capacity. This can be accomplished by redeveloping underutilized commercial centers into areas that include a mix of uses, and encouraging higher-density residential redevelopment in appropriate locations, including missing middle housing. New infrastructure investments to serve growth areas can be maximized by encouraging a higher density of both residential and commercial uses in these areas.

Goals Section

G2: Complete Neighborhoods. Lincoln and Lancaster County will support complete neighborhoods within both developing and redeveloping areas of Lincoln. A complete neighborhood is one where residents are able to get the goods and services to meet daily needs within 15 minutes of their residence including a variety of housing options, grocery stores and other commercial services, quality public schools, public open spaces and recreational facilities, affordable active transportation options, and civic amenities. Housing variety should include townhomes, senior living facilities, low/no maintenance condominiums, accessory dwelling units, multi-family development, and even small lot single-family.

Policies Section

P3: Developing Neighborhoods - Accommodate and encourage growth that aligns with PlanForward's growth scenario and provides a mix of housing options with convenient access to parks, schools, shopping, jobs, and other community resources.

Action Steps

1. Provide for an adequate supply of land and timely infrastructure improvements that meet the demands of growth.
16. Encourage a variety of housing types including townhomes, senior living facilities, low/no maintenance condominiums, accessory dwelling units, multi-family development, and small lot single-family units

E1: Complete Neighborhoods and Housing

Figure E1.a: Strategies for Design, Sustainability, and Complete Neighborhoods in Developing Areas

Locate Commercial Centers so as residents can safely access essential goods and services (i.e. not located across arterial streets) and no more than a 15-minute walk from all residences.

E3: Business, Economy, and Workforce

Commercial Centers

Neighborhood Centers

Neighborhood Centers typically range in size from 50,000 to 250,000 square feet of commercial space. They provide services and retail goods oriented to the neighborhood level, with significant pedestrian orientation and access. Residential mixed use is encouraged. Neighborhood centers are a key element of the Complete Neighborhoods concept discussed in the associated Goal and Element.

These centers typically serve the neighborhood level. Neighborhood Centers should be located approximately ½ mile apart, depending upon their size, scale, function and the population of the surrounding area. Future Neighborhood Centers are typically not sited on the Future Land Use map in advance but are identified as development plans are approved.

P61: Industrial Zoning and Pipelines

There are several major pipelines that travel through Lancaster County and parts of our community. Our community will continue to grow into where these high-pressure pipelines are currently located and additional pipelines will be required to support the growth of our community and the nation. Most of these new pipelines are proposed and developed by private companies. These pipelines transport large quantities of hazardous materials that can have serious public health and safety impacts to adjacent properties in the event of pipeline failure or damage. Therefore, uses with vulnerable populations including residential structures, childcare centers, retirement facilities, schools, or hospitals should not be located near pipelines. Uses that are acceptable near pipelines include residential garages, commercial and industrial uses, parking lots, open spaces or roads.

Action Steps

1. Land uses with vulnerable populations should not be located within pipeline planning areas. For large high-pressure pipelines, pipeline planning areas are established based upon pipeline metrics or the United States Department of Transportation's Emergency Response Guidebook. Most high-pressure pipelines have a planning area of approximately 150-250 feet from either side of the pipeline.
3. Do not support expansion of existing residential uses currently located within a pipeline planning area or within 300 feet of an industrial zoning district.

ANALYSIS

1. This preliminary plat proposes 150 residential lots intended for single family residential along with future apartments and commercial areas on approximately 78.84 acres. The property is generally located at the northwest corner of N. 112th Street and O Street to the east of the Dominion at Stevens Creek development. The property is currently zoned AG Agricultural. The initial area that will be developed and that is being annexed and rezoned includes 14.68 acres at the north end of the property as part of the single family residential.
2. The development as proposed will have two overall phases. Phase 1 will include the single family residential. Phase 2 will include the future commercial area along the south and east sides of the property. Phase 2 also includes an area that is not within the pipeline planning areas along O Street or N 112th Street that could either be commercial, single family detached/attached units or apartments in the future.
3. In terms of N. 112th and O Streets, there will be two future connections to N. 112th Street. LTU noted that turn

lanes, paving, and right of way dedication will be addressed as part of the Phase 2 of the development. The Nebraska Department of Transportation reviewed the proposal and did not have any objections. They have corridor protection along O Street for potential widening in the future. NDOT likely will acquire part of the property along O Street for future right-of-way, similar to what was done to the west with the Dominion at Stevens Creek and Waterford Townhomes. .

4. Four outlots are included with the preliminary plat including Outlots A and B for pedestrian easements, Outlot C for future commercial/apartments and Outlot D for greenspace/drainage. Outlot D which is located in the northeast part of the plat near N. 112th Street and Legends Lane includes one of the storm water detention areas for the development.
5. The requested waivers to the Lincoln Municipal Code and to Design Standards specifically are as follows:
 - a) Subdivision Ordinance 26.23.130 (a) to allow block lengths to exceed 1,320 feet. This is for the requirement for a street connection for Block 9 off N. 109th Street to connect for the future single family detached/attached units, apartments and/or commercial to the east. This request is not justified because residents of the single family detached/attached or apartments would otherwise have to travel longer. The plan states “future apartments or commercial” but the area in question could also be used for single family detached or attached lots if the developer changes their plans. It is a condition of approval to provide a street connection in the vicinity of Lots 9 and 10 of Block 9. There are not any natural features such as drainage ways or existing impediments to extension of the street and meeting the block length requirements.
 - b) Subdivision Ordinance 26.23.140(c) to allow lot lines not radial to street ROW. This is not required as the Subdivision Ordinance allows for a variation when it will provide a better street and lot layout.
 - c) Subdivision Ordinance 26.24.030(b) to allow grading and drainage information for Phase 2 to be deferred until Phase 2. This has been approved for other developments, and while it is a waiver it is only postponing the requirement until Phase 2 is developed. An Administrative Amendment will be required for the preliminary plat for this before a final plat can be approved for the Phase 2 area.
 - d) Design Standards, Title 2, Chapter 2, Section 3.3.6, to allow for sanitary sewer mains to run opposite the street grades. This is a typical waiver request, and LTU has no objection.
 - e) Design Standards, Title 2, Chapter 2, Section 3.3.6, to allow manholes exceeding 15’ of sanitary sewer depth. This waiver request has been approved before, and LTU has no objection.
6. In terms of stormwater management, the site is adjacent to a floodplain to the north, but no floodplain is within the area to be developed. Two detention ponds will be provided including one at the northeast part of the site and one at the south part of the site. There will be a temporary pond in the south until Phase 2 is developed.
7. There is Pipeline Planning Area along O Street and along N. 112th Street. O Street has a PPA extent of approximately 240 feet from the centerline of O Street to the north. North 112th is a relatively new pipeline which has a PPA extent of approximately 270 feet from the centerline of N 112th Street to the west.
8. Related CPA22006 is to change the Future Land Use (FLU) designation of the property in the 2050 Comprehensive Plan from entirely urban residential to urban residential and commercial, with commercial use designation along the south and east sides of the property. This change is to reflect the presence of the Pipeline Planning Areas (PPAs) along O Street and N. 112th Street.
9. Related AN22013 and CZ22036 is to annex and rezone approximately 14.68 acres of the total 78.84 acres of the property for the first part of the single-family residential phase. As a condition of approval of the related Annexation 22013, there will be an annexation agreement that will address any required payments to the Southeast Rural Fire District but will defer the required roadway improvements to N. 112th Street until the Phase 2 part of the property is developed.
10. The approval of this preliminary plat, with the proposed conditions, is in conformance with the Comprehensive Plan and the Zoning Ordinance and will allow for single-family residential dwellings an area to be zoned and intended for urban residential use.

CONDITIONS OF APPROVAL: See attached

EXISTING LAND USE & ZONING: Agricultural, Mobile Home; AG

SURROUNDING LAND USE & ZONING

North: Single Family Residential; R-3

South: Agricultural, Single Family Residential; AG

East: Agricultural, Single Family Residential; AG

West: Vacant/Undeveloped Land, Single Family Residential; R-3

APPROXIMATE LAND AREA: 78.84 acres

LEGAL DESCRIPTION: A tract of land composed of Lot 1 I.T., Lot 17 I.T. and the Northeast Quarter of the Southeast Quarter, all Located in the Southeast Quarter of Section 24, Township 10 North, Range 7 East of the 6th P.M. Lancaster County, Nebraska.

Prepared by

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

November 22, 2022

Owner: White Holdings, LLC
2001 Pine Lake Road
Lincoln, NE 68512
tew517@icloud.com

Applicant: Tom White
2001 Pine Lake Road
Lincoln, NE 68512
tew517@icloud.com

Contact: Mark Palmer, Olsson
601 P Street
Lincoln, NE 68508
(402)-458-5632 or mpalmer@olsson.com

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/PP/22000/PP22003 East Dominion Estates.gjw.docx>

CONDITIONS OF APPROVAL - PRELIMINARY PLAT 22003

This approval permits a preliminary plat with the following waivers:

- a) Subdivision Ordinance 26.24.030(b) to allow grading and drainage information for Phase 2 to be deferred until Phase 2.
- b) Design Standards, Title 2, Chapter 2, Section 3.3.6, to allow for sanitary sewer mains to run opposite the street grades.
- c) Design Standards, Title 2, Chapter 2, Section 3.3.6, to allow manholes exceeding 15' of sanitary sewer depth.

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: (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Revise the preliminary plat as follows:
 - 1.1.1 Show a street connection in the vicinity of Lots 9,10 of Block 9 to connect to the future single family detached/attached, commercial or apartments area.
 - 1.1.2 Provide dimensions and location of where centerline intersects subdivision boundary line.
 - 1.1.3 Submit intersection tangent approach correction for N. 109th and Legends Lane per LTU.
 - 1.1.4 Adjust minimum tangent section for Curve C1 per LTU.
 - 1.1.5 Show distance between Sovereign Street intersections with N. 109th Street per LTU.
 - 1.1.6 Correct Profile Sheet (Sheet 10 of 12) for Grantham Drive per LTU.
 - 1.1.7 Show continuation of trail easement from the southeast corner of Dominion at Stevens Creek 5th Addition to the first roadway intersection with 112th Street.
 - 1.1.8 Revise the plans to the satisfaction of Lincoln Transportation and Utilities (LTU)-Water per the 11/18/22 comments.
 - 1.1.9 Revise the plans to the satisfaction of LTU-Watershed per the 11/18/22 comments.
2. Final Plats will be approved by the Planning Director after:
 - 2.1 The required improvements are completed or a surety is posted to guarantee the completion of the public streets, private roadway improvements, sidewalks, sanitary sewer system, 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. 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.

The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

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 this final plat.

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

to construct the sidewalk in the pedestrian way easements at the same time as the adjacent streets are paved and to agree that no building permits shall be issued for construction on the adjacent lots until such time as the sidewalk in the pedestrian way easement is constructed.

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

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

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

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

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

to complete the installation of the street name signs within two (2) years following the approval of this 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 Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance which have not been waived but 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 preliminary plat.

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

to maintain the outlots and private improvements in a condition as near as practical to the original construction on a permanent and continuous basis.

to maintain the street trees along the streets and private roadways and landscape screens on a permanent and continuous basis.

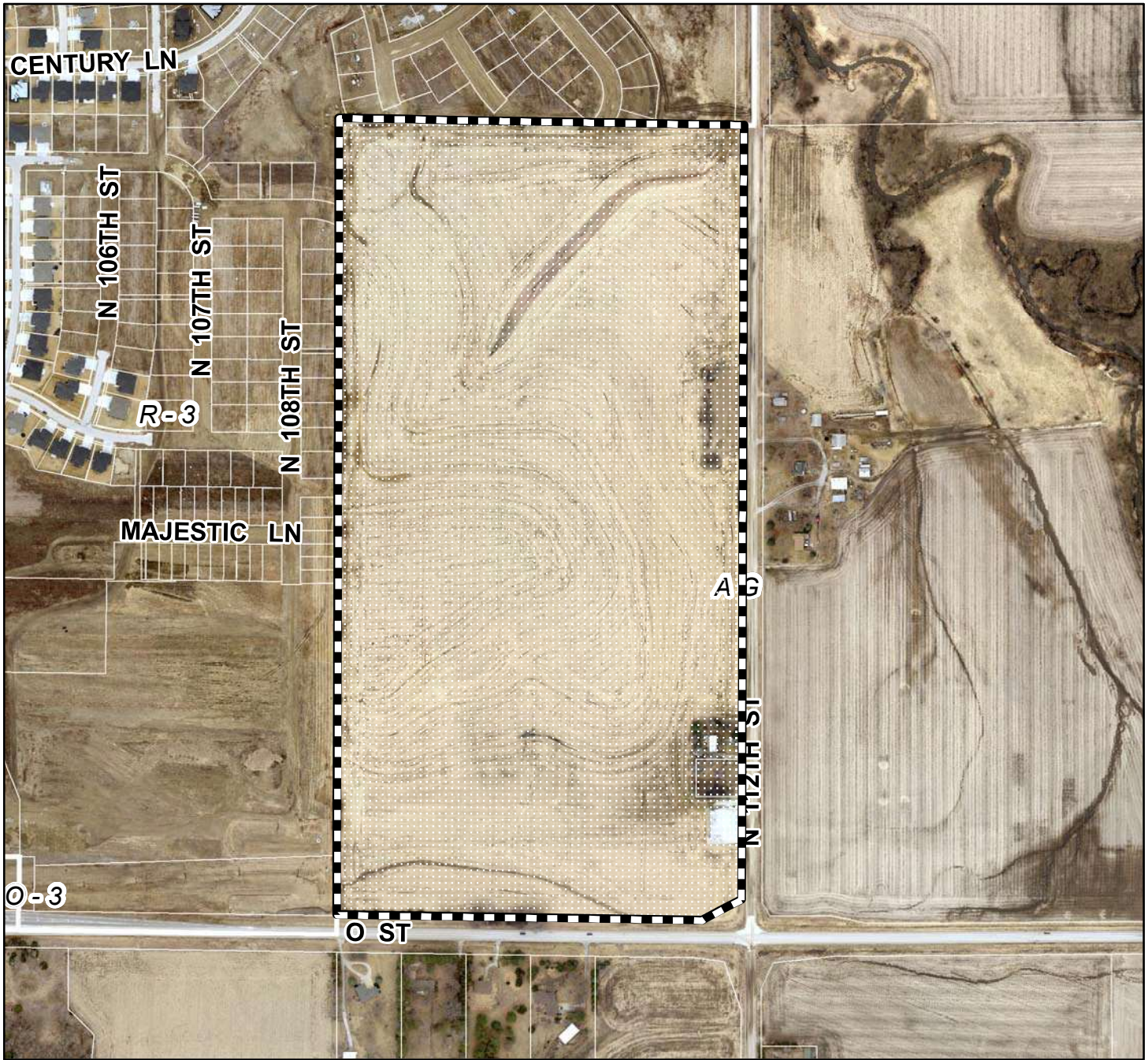
to maintain the sidewalks in the pedestrian way easements on lots and all of its elements in a condition as near as practical to the original or as constructed condition in order to provide the user with a safe and convenient facility on a permanent and continuous basis.

to maintain and supervise the private facilities which have common use or benefit in a condition as near as practical to the original construction on a permanent and continuous basis, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development and that these are the responsibility of the land subdivider.

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, Subdivider(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) Subdivider shall not be relieved of Subdivider'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.

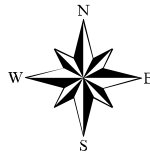
to pay all design, engineering, labor, material, inspection, and other improvement costs.



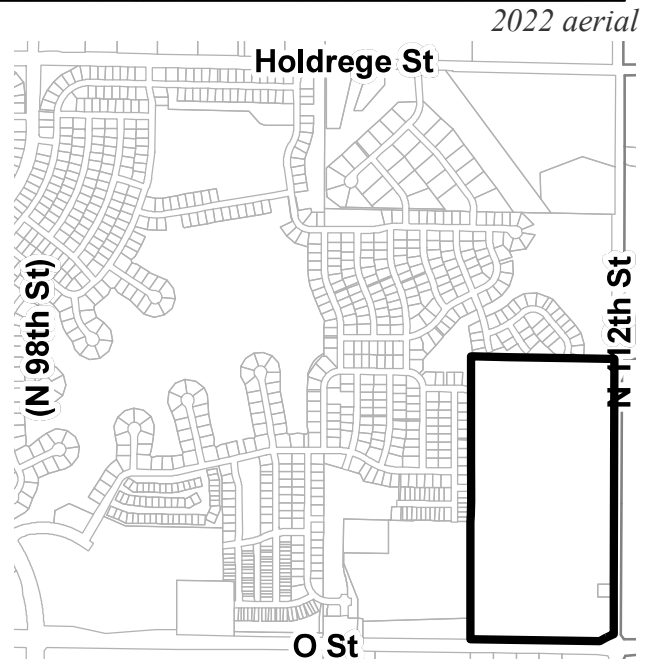
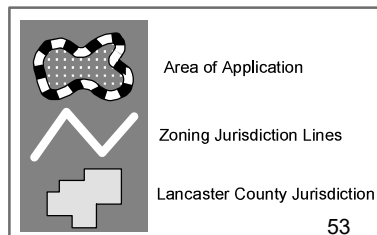
Preliminary Plat #: PP22003
East Dominion Estates
N 112th St & O St

Zoning:

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



One Square Mile:
Sec.24 T10N R07E



18



EAST DOMINION ESTATES
PRELIMINARY PLAT
PRE-DEVELOPED DRAINAGE PLAN



EXISTING LEGEND

- RIGHT-OF-WAY
- SECTION LINE
- WETLANDS
- TWO-WAY
- STORM SEWER
- COMMUNICATION UNDERGROUND
- POWER OVERHEAD
- GAS UNDERGROUND
- WATER MAIN
- SANITARY SEWER
- IRON FENCE
- WIRE FENCE
- POWER POLE/UTILITY WAY

Grading Legend

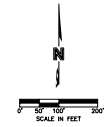
- PRE-DEVELOPED DRAINAGE AREA
- LIMITS OF PRELIMINARY PLOT
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR

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PROJECT: EAST DOMINION ESTATES PRELIMINARY PLAT POST-DEVELOPED DRAINAGE PLAN
DATE: MAY 10, 2022
DRAWN BY: J. HARRIS
CHECKED BY: J. HARRIS
APPROVED BY: J. HARRIS



EAST DOMINION ESTATES
PRELIMINARY PLAT
POST-DEVELOPED DRAINAGE PLAN



- EXISTING LEGEND**
- RIGHT-OF-WAY
 - SECTION LINE
 - WETLANDS
 - TREE MASS
 - STORM SEWER
 - COMMUNICATION UNDERGROUND
 - POWER OVERHEAD
 - POWER UNDERGROUND
 - GAS UNDERGROUND
 - WATER MAIN
 - SEWERY SEWER
 - IRON FENCE
 - WIRE FENCE
 - POWER POLE/STAY WIRE
- GRADING LEGEND**
- PROPOSED DRAINAGE AREA
 - LIMITS OF PRELIMINARY PLAT
 - PROPOSED MAJOR CONTOUR
 - PROPOSED MINOR CONTOUR
 - EXISTING MAJOR CONTOUR
 - EXISTING MINOR CONTOUR

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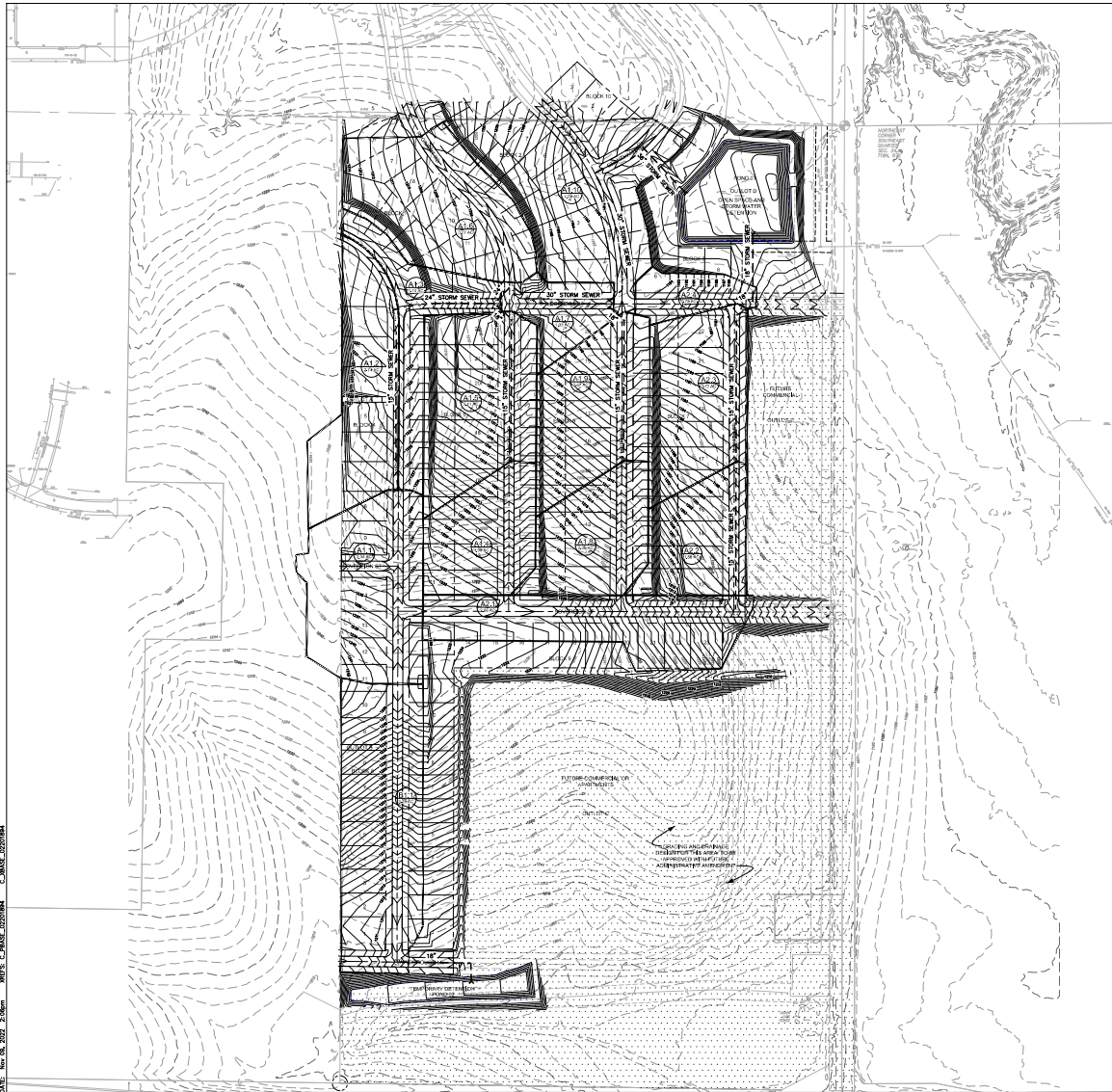
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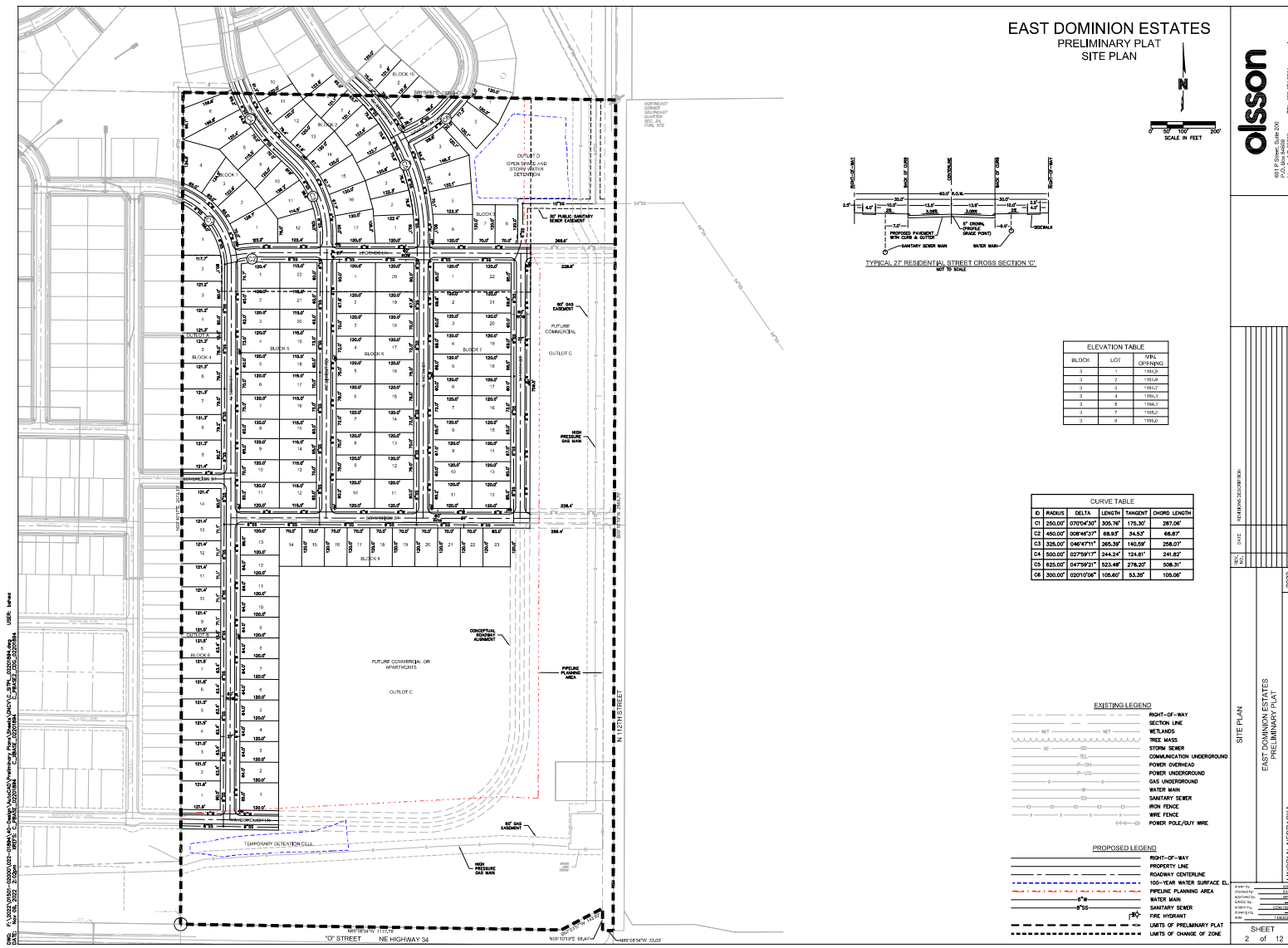
POST-DEVELOPED DRAINAGE PLAN

EAST DOMINION ESTATES
PRELIMINARY PLAT

LINCOLN, NEBRASKA

SHEET
4 of 12







SEACREST & KALKOWSKI, PC, LLO

KENT@SK-LAW.COM | DANAY@SK-LAW.COM

November 9, 2022

HAND DELIVERY

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

RE: Comp Plan Amendment, Preliminary Plat, Change of Zone and Annexation

Dear David:

Our office represents White Holdings, LLC and Fund51, LLC ("Developers"), who have a contract interest in Lots 1 and 17, Irregular Tracts in the Southeast Quarter, and the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4), all in Section 24, Township 10 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, consisting of approximately 77 acres (the "Property"). The Property is located at the northwest corner of N. 112th Street and O Street. Development of the Property is significantly impacted by Pipeline Planning Areas that run along the south and east sides of the Property. This Property is also subject to corridor protection along O Street.

Developers are requesting an amendment to the 2050 Comprehensive Plan to amend Figure GF.b: 2050 Future Land Use Plan to change the designation of the Property from entirely urban residential to urban residential and commercial, with red commercial use designated along the south and east sides of the Property that are impacted by the Pipeline Planning Areas.

Developers are also requesting a Preliminary Plat ("PP") for the entire Property. The PP will show two phases of development. Phase 1 will be single family residential. A detailed site plan and grading and drainage plans will be provided for Phase 1. Phase 2 will be the future commercial area along the south and east sides of the Property. Developers will be requesting a waiver to allow the site plan and grading and drainage details for the Phase 2 Property to be deferred and approved by administrative amendment when Developers are ready to move forward with development of the Phase 2 Property. Additional PP waivers include the following:



- a. Lot lines being radial and perpendicular to street right-of-way. This waiver is being requested specifically for Lot 1, Block 4 to give the corner lot more space and stay parallel with the rest of the lots to the south.
- b. Sanitary sewer running opposite street grade for the connection into Grantham Drive.
- c. Block length for Blocks 1 and 9. The waiver for Block 1 accommodates the drainageway for Dominion. The waiver for Block 9 is due to the future commercial/apartments.
- d. Sanitary sewer manholes exceeding 15' of depth. The connection into the existing 10" main may result in a deep drop manhole.

Developers will be requesting an Annexation Agreement for the entire Property that masterplans development of the Property but allows it to occur in phases. Consequently, annexation and zoning from AG to R-3 is being requested for just the first phase of the single family development consisting of approximately 14.68 acres. The Annexation Agreement will address any required payments to Southeast Rural Fire, but will defer addressing the required roadway improvements to N. 112th Street until the Phase 2 Property is ready to develop.

Enclosed please find the following:

- a. City of Lincoln Zoning Applications for Annexation, Change of Zone and Preliminary Plat;
- b. PP Site plan for illustration purposes; and
- c. Application fees of \$4,857 for the PP and \$1,056 for the Change of Zone.

We look forward to working with you on this project and appreciate the input we have received from the City team to date. If you have any questions regarding the enclosed or need any additional information, please feel free to contact me or Mark Palmer at Olsson.

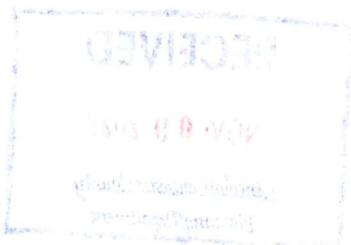
Very truly yours,



DANAY KALKOWSKI
For the Firm

Enclosures

Cc: James Michael Bowers via email



LEGAL DESCRIPTION
PRELIMINARY PLAT

A TRACT OF LAND COMPOSED OF LOT 1 I.T., LOT 17 I.T. AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, ALL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE, SOUTH, ON THE EAST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, AN EAST LINE OF SAID LOT 17 I.T. AND THE EAST LINE OF SAID LOT 1 I.T., SAID LINE BEING THE EAST LINE OF SAID SOUTHEAST QUARTER, ON AN ASSUMED BEARING OF $S00^{\circ}10'19''W$ A DISTANCE OF 2,568.78' TO A POINT THAT IS 60.00' NORTH OF THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE $N89^{\circ}08'34''W$, ON A SOUTH LINE OF SAID LOT 17 I.T., A DISTANCE OF 33.00' TO A POINT; THENCE $N00^{\circ}10'19''E$, ON A WEST LINE OF SAID LOT 17 I.T., A DISTANCE OF 68.44' TO A POINT; THENCE $S62^{\circ}23'57''W$, ON A SOUTHEAST LINE OF SAID LOT 17 I.T. SAID LINE BEING A NORTHWEST LINE OF "O" STREET RIGHT OF WAY, A DISTANCE OF 143.62' TO A POINT; THENCE $N89^{\circ}08'34''W$, ON A SOUTH LINE OF SAID LOT 17 I.T., SAID LINE BEING A NORTH RIGHT OF WAY LINE OF SAID 'O' STREET, A DISTANCE OF 1,177.78' TO A POINT; THENCE $N00^{\circ}10'17''E$, ON A WEST LINE OF SAID LOT 17 I.T. AND A WEST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, A DISTANCE OF 2,572.13' TO A POINT; THENCE $S88^{\circ}59'57''E$, ON THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1,337.94' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 3,434,364.34 SQUARE FEET OR 78.84 ACRES, MORE OR LESS.

NOVEMBER 8, 2022
F:\2022\01501-02000\022-01894\40-DESIGN\SURVEY\SRVY\FINAL PLAT\DOCUMENTS\PRELIM PLAT.DOCX

, such 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 #22014

FINAL ACTION?
No

PLANNING COMMISSION HEARING DATE
December 7, 2022

RELATED APPLICATIONS
None

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

The Lancaster County Board of Commissioners requested the Planning Department to amend the Lancaster County Zoning Regulations to add conditions to special permits. The proposed application is to amend the Lancaster County Zoning Regulations and the Lancaster County Subdivision Regulations. The proposed application is to amend Article 4 AG Agricultural District, Article 9 Industrial District, Article 13 Special Permit and Article 18 of the Lancaster County Zoning Regulations. It also amends section 4.07 Blocks in the Lancaster County Subdivision Regulations.

JUSTIFICATION FOR RECOMMENDATION

Having conditions for the special permits will allow for consistency in reviewing each special permit application. This will ensure the applicant knows from the beginning what is required. This change may limit the ability to add conditions at the time of special permit review depending upon how specific the conditions are in the regulations.

APPLICATION CONTACT

David Cary, Planning Director

STAFF CONTACT

Tom Cajka, County Planner
402-441-5662 or tcajka@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed text amendment is compatible with the Comprehensive Plan goals of streamlining the process and striving for predictability.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Page 4.25 Policy 12 - Economic Growth: Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.

Action Steps

6. Explore additional opportunities for streamlining the zoning and building permitting processes.

Page 4.31 Policy 17- Strive for predictability for neighborhoods and developers.

Action Steps

1. Continue to make updates as needed to zoning and subdivision ordinances, along with design standards, to support economic development, complete neighborhoods, and other PlanForward initiatives.

ANALYSIS

1. The main purpose of this text amendment is to add conditions to three special permits. These special permits are 13.022 Industrial, 13.029 Facilities for the Commercial Storage or Sale of Fertilizer or Toxic or Flammable Agricultural Chemicals and 13.034 Non-Commercial Distillation and Storage of Ethanol and Biodiesel. Other changes

are updating agencies names and clarifying when a special permit is needed in the I district.

2. This application is a follow up to Text Amendment (TX) #21011 that amended Article 13 Special Permit. TX #21011 added conditions for most special permits. Seven special permits, including the 3 in this application, were placed on hold while conditions could be developed for each use. These three special permits required additional time to develop conditions.
3. The Planning Department worked with the Lincoln-Lancaster County Health Department to establish appropriate conditions for the special permits for 13.022 Industrial, 13.029 Facilities for the Commercial Storage or Sale of Fertilizer or Toxic or Flammable Agricultural Chemicals and 13.034 Non-Commercial Distillation and Storage of Ethanol and Biodiesel.
4. This text amendment also proposes to amend Article 13-Special Permit by adding conditions. Adding conditions will allow for consistency for each application. The applicant will be aware of the conditions from the beginning, rather than waiting for the Planning Commission or County Board to decide the conditions. The Planning Commission or County Board will still have the option to add conditions if appropriate. Each special permit is discussed below.

Conditions for “Industrial” include providing a list of types and quantities of chemicals on site, submitting an emergency response plan and adding a setback of 300 feet to vulnerable populations, such as early childhood care facilities, health care facilities and schools. Industrial covers a broad range of uses that include different chemicals, metal refining, wood processing and manufacturing cement. The conditions are not very detailed to cover the broad range of uses.

Conditions for “Facilities for the Commercial Storage or Sale of Fertilizer or Toxic or Flammable Agricultural Chemicals” include providing a list of types and quantities of chemicals on site, submitting an emergency response plan and adding a setback of 300 feet to vulnerable populations.

Conditions for “Non-Commercial Distillation and Storage of Ethanol and Biodiesel” include providing documentation that fuel and fuel products will be used on site, the quantity of biodiesel or ethanol produced per year, provide a waste management plan and locate fuel 300 feet from vulnerable populations.

5. There is one proposed change to the Lancaster County Subdivision Regulations. Section 4.07 is amended to change the term “crosswalk” to “pedestrian easement.” A crosswalk implies a marked crossing on a street in the right-of-way. A pedestrian easement is needed when blocks exceed 1,000 feet in length and usually are located between lots within the block. An easement is not needed within public right-of-way. The text has been interpreted to mean pedestrian easement in the past, so the change in terminology will not have any impact on development.

Prepared by

Tom Cajka, Planner

Date: November 21, 2022

Applicant: David Cary, Planning Director
Lincoln-Lancaster County Planning Department
dcary@lincoln.ne.gov

Contact: Tom Cajka, County Planner
Lincoln-Lancaster County Planning Department
402-441-5662
tcajka@lincoln.ne.gov

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/TX/22000/TX22014 county special permit.tjc.docx>

LANCASTER COUNTY ZONING REGULATIONS

ARTICLE 4 “AG” AGRICULTURAL DISTRICT

4.007 Permitted Special Uses

A building or premises may be used for the following purposes in the "AG" Agricultural District if a special permit for such use has been obtained in conformance with the requirements of [ARTICLE 13](#):

- a. Academies, Private Schools, or Post-Secondary Education Facilities; (Resolution No. [R-17-0040](#), May 30, 2017);
- b. Recreational facilities;
- c. Dwellings for members of religious orders;
- d. Broadcast Towers; (Resolution No. [R-17-0040](#), May 30, 2017; Resolution No. 3958, August 21, 1984);
- e. Campgrounds;
- f. Veterinary facilities;
- g. Excavation; (Resolution No. [R-17-0040](#), May 30, 2017);
- h. Garden centers;
- i. Facilities for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals;
- j. Expansion of non-conforming use;
- k. Historic Preservation;
- l. Clubs; (Resolution No. [R-17-0040](#), May 30, 2017; Resolution No. 3569, March 10, 1981);
- m. Health Care Facilities, Residential; (Resolution No. [R-17-0040](#), May 30, 2017; Resolution No. 3569, March 10, 1981);
- n. Non-commercial distillation ~~and storage of ethanol or biodiesel and storage of fuel and fuel products produced in whole or in part from agricultural products raised within the County;~~ (Resolution No. 3501, July 29, 1980);
- o. Mobile homes; (Resolution No. [R-17-0040](#), May 30, 2017);
- p. Heritage center; (Resolution No. 4277, April 28, 1987);
- q. Airfields, Commercial Agriculture Airfields and Heliports; (Resolution No. [R-17-0040](#), May 30, 2017; Resolution No. 5367, August 26, 1996);
- r. Storage of agricultural conservation construction equipment; (Resolution No. 5367, August 26, 1996);
- s. Race track, drag strip or motor sport facility; (Resolution No. R-07-0061, July 24, 2007);
- t. Expanded home occupations; (Resolution No. [R-09-0076](#), September 29, 2009);
- u. Commercial Wind Energy Conversion Systems/Turbines; (Resolution No. [R-11-0022](#), March 29, 2011);
- v. Market Garden; (Resolution No. [R-12-0023](#), March 20, 2012);

- w. Commercial Composting Operation (Resolution No. [R-14-0007](#), Jan. 28, 2014);
 - x. Commercial feedlot, if the special permit application for a Commercial Feedlot under Section [13.035\(a\)](#) is received prior to March 10, 2020 (Resolution No. [R-20-0011](#), March 10, 2020); (Resolution No. [R-17-0040](#), May 30, 2017)
 - y. Community Unit Plan; (Resolution No. [R-17-0040](#), May 30, 2017);
 - z. Flood Plain Construction; (Resolution No. [R-17-0040](#), May 30, 2017);
 - aa. Personal Wireless Services Facility; (Resolution No. [R-17-0040](#), May 30, 2017); and
 - bb. Early Childhood Care Facilities; (Resolution No. [R-18-0078](#), November 20, 2018).
 - cc. Accessory Dwelling Unit. (Resolution No. [R-18-0094](#), December 18, 2018).
 - dd. Large Solar Facility. (Resolution No. [R-20-0037](#), July 14, 2020)
 - ee. Medium or Large Animal Feeding Operation. (Resolution No. [R-20-0011](#), March 10, 2020)
- (Resolution No. [R-22-0022](#), March 22, 2022)

ARTICLE 9 "I" INDUSTRIAL DISTRICT

9.003. Use Regulations

Any building or premise may be used for any purpose not in conflict with any resolution of Lancaster County regulating nuisances or laws of the State of Nebraska, provided, however that no building shall be erected, converted, reconstructed or structurally altered for places of religious assembly, library, school, hospital or residential purposes, except for resident watchmen and caretakers employed on the premises and except for farmsteads. ~~; provided further that uses listed in Section [13.001](#) of [ARTICLE 13](#) follow the procedure of that paragraph; and provided further that no building or occupancy permit shall be issued for manufacturing, compounding, processing, packaging or treatment of the following products or uses until and unless the location or expansion of such use shall be approved by the Planning Commission.~~

A building or premises may be used for the following purposes in the "I" Industrial District if a special permit for such use has been obtained in conformance with Article 13:

(Resolution No. [R-17-0040](#), May 30, 2017; Resolution No. [R-11-0023](#), March 29, 2011)

- a. Chemicals, Petroleum, Coal and Allied Products:
 - 1. Acids and derivatives;
 - 2. Acetylene;
 - 3. Ammonia;
 - 4. Carbide;
 - 5. Caustic soda;
 - 6. Cellulose and cellulose storage;
 - 7. Chlorine;
 - 8. Coke oven products (including fuel gas) and coke oven products storage;
 - 9. Creosote;
 - 10. Distillation, manufacture, or refining of coal, tar asphalt, wood and bones;

11. Explosives (including ammunition and fireworks) and explosives storage;
12. Fertilizer (organic);
13. Glue, gelatin (animal);
14. Hydrogen and Oxygen;
15. Lamp black, carbon black and bone black;
16. Nitrating of cotton or other materials;
17. Nitrates (manufactured and natural) of an explosive nature, and storage;
18. Petroleum, gasoline and lubricating oil refining and wholesale storage;
19. Plastic materials and synthetic resins;
20. Potash;
21. Pyroxylin;
22. Rendering and storage of dead animals, offal, garbage or waste products;
23. Turpentine and resin;
24. Wells: gas and oil;
25. Fish oils and meal.

The production, manufacture, distribution and commercial storage of toxic, radioactive, flammable or explosive materials, including chemicals, gases, fireworks and explosives;

- b. Clay, Stone and Glass Products:
 1. Brick, firebrick, refractories and clay products (coal, fired);
 2. Cement, lime, gypsum or plaster of Paris;
 3. Minerals and earths; quarrying, extracting, grinding, crushing and processing;
- c. Food and Beverage:
 1. Fat rendering;
 2. Fish curing, packing and storage;
 3. Slaughtering of animals;
 4. Starch manufacture;
- d. Metals and Metal Products:
 1. Aluminum powder and paint manufacture;
 2. Blast furnace, cupolas;
 3. Blooming mill;
 4. Metal and metal ores: reduction, refining, smelting and alloying;
 5. Scrap metal reduction or smelting;
 6. Steel works and rolling mill (ferrous);
- e. Wood and Paper Products:
 1. Match manufacture;
 2. Wood pulp and fiber: reduction and processing;
- f. Unclassified Industries and Uses:
 1. Hair, hides, and raw fur: curing, tanning, dressing, dyeing and storage;

2. Stockyard or livestock feed yard;
3. ~~Junk yards and auto-wrecking yards;~~ **salvage yards;**
4. Wind Energy Conversion Systems over the district height. (Resolution R-08-0090, Approved October 15, 2008; Resolution No. 3744A, October 5, 1982)
5. ~~Small Solar Facility;~~ (Resolution No. [R-20-0037](#), July 14, 2020)
- 6- 5. Large Solar Facility. (Resolution No. [R-20-0037](#), July 14, 2020)

ARTICLE 13 SPECIAL PERMIT

13.002. Procedures

- A. An application and copies of the plot plan drawn to an accurate scale and showing all pertinent information shall be filed in writing with the Planning Department. Before the issuance of any special permit of any buildings or uses, the County Board shall refer the proposed application to the Planning Commission. The Planning Commission shall hold a public hearing and shall consider the effect of such proposed building or uses upon the character of the neighborhood, traffic conditions, public utility facilities, the Comprehensive Plan and other matters relating to the public health, safety and general welfare. Any action by the Planning Commission may be appealed to the County Board. An existing use of the type listed in this Chapter lawfully established on the effective date of this resolution shall be deemed to have received a special permit as herein required and shall be provided with such a permit by the Building Inspector upon request and shall not be a nonconforming use; provided, however, that such an existing use shall require a special permit for enlargement, extension or relocation. Applications for Special Permits shall expire as provided in Section [22.019](#). (Resolution No. [R-17-0040](#), May 30, 2017)
- B. Prior to the start of the procedures provided in subsection (a) above, a text amendment shall be completed upon receipt of an application for a special permit for the following types of special permits:
 1. Mobile Home Courts;
 2. Campgrounds;
 3. ~~Industrial; Salvage Yards~~
 4. ~~Facilities for the Commercial Storage or Sale of Fertilizer or Toxic Flammable Agricultural Chemicals;~~
 5. Garden Centers;
 6. ~~Non-commercial distillation and storage of fuel and fuel products;~~
 - 7 6. Off-premises Signs. (Resolution No. [R-22-0022](#), March 22, 2022).

13.022. Industrial

Industrial uses as provided in Section 9.003 may be allowed by special permit in the "I" Industrial District under the following conditions: ~~upon completion of the procedures pursuant to Section 13.002(b).~~

a. Applicant shall provide a maximum quantity stored, manufactured, or processes onsite at any given time for extremely hazardous substances in accordance with 40 Code of Federal Regulations Part 355 and Risk Management Plan Program regulated substances in accordance with 40 CFR Part 68.

b. Applicant shall submit an emergency response plan to the Lincoln-Lancaster County Health Department for review and approval.

c. All uses listed in 9.003 (a), (b), (c), (d), (e), and (f) (1), (2) and (3) shall be located a minimum of three hundred (300) feet from dwellings, early childhood care facilities, schools, health care facilities and group homes.

(Resolution No. [R-17-0040](#), May 30, 2017; Resolution No. [R-11-0023](#), March 29, 2011; Resolution No. [R-18-0078](#), November 20, 2018; Resolution No. [R-22-0022](#), March 22, 2022).

13.029. Facilities for the Commercial Storage or Sale of Fertilizer or Toxic or Flammable Agricultural Chemicals

Facilities for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals may be allowed by special permit in the AG zoning district under the following conditions: upon completion of the procedures pursuant to Section 13.002(b).

a. Applicant shall provide a maximum quantity stored, manufactured, or processes onsite at any given time for extremely hazardous substances in accordance with 40 Code of Federal Regulations Part 355 and Risk Management Plan Program regulated substances in accordance with 40 CFR Part 68.

b. Applicant shall submit an emergency response plan to the Lincoln-Lancaster County Health Department for review and approval.

c. All uses shall be located a minimum of three hundred (300) feet from dwellings, early childhood care facilities, health care facilities, schools, and group homes.

(Resolution No. [R-17-0040](#), May 30, 2017; Resolution No. [R-18-0078](#), November 20, 2018; Resolution No. [R-22-0022](#), March 22, 2022).

13.034. ~~Non-Commercial Distillation and Storage of Ethanol or Biodiesel and storage of fuel and fuel products~~

~~Non-commercial distillation of ethanol or biodiesel and storage of fuel and fuel products produced in whole or in part from agricultural products raised within the County may be allowed by special permit in the AG zoning district under the following conditions: upon completion of the procedures pursuant to Section 13.002(b).~~

~~a. Applicant shall provide documentation demonstrating that all ethanol or biodiesel produced will be utilized onsite. Excess ethanol or biodiesel produced cannot be used for retail sales.~~

~~b. Applicant shall provide how many gallons of biodiesel or ethanol will be produced per year and the maximum number of gallons stored onsite at any given time.~~

c. Applicant shall provide a waste management plan and spill response plan to the Lincoln-Lancaster County Health Department for review and approval.

d. All waste shall be managed in accordance with all applicable local, state, and federal regulations.

e. All uses shall be located a minimum of three hundred (300) feet from dwellings, early childhood care facilities, health care facilities, schools, and group homes.

(Resolution No. 3501, July 29, 1980; Resolution No. [R-17-0040](#), May 30, 2017; Resolution No. [R-18-0078](#), November 20, 2018; Resolution No. [R-22-0022](#), March 22, 2022).

13.035. Commercial Feedlot

a. Commercial Feedlot

Commercial feedlot facilities for livestock and poultry may be allowed by special permit in the AG zoning district if the special permit application for the Commercial Feedlot under this Section is received prior to March 10, 2020. The application for a special permit shall be accompanied by a statement from the Department of ~~Environmental Quality (DEQ)~~ **Environment and Energy (NDEE)** that either the facility does not need to provide for anti-pollution controls, or that the applicant has received approval from DEQ for anti-pollution controls.

13.044. Dwellings Withing 1,320 feet of a Publicly Owned Lake

j. The public agencies of the adjacent lake property shall have the opportunity to review the special permit application as well as the Nebraska Game and Parks Commission, Natural Resources District, Corps. of Engineers and Department of ~~Environmental Quality~~; **Environment and Energy** ;

13.051 Solar Energy Conversion System (SECS)

a. A Large Solar Facility may be allowed in the AG ~~and I Districts~~ by special permit under the following conditions:

18.007. Airport Hazards.

a. The Building Official shall examine or cause to be examined any structures or trees, reported to him as an airport hazard within the airport hazard area, and if such is found to be an airport hazard as defined in Section 18-002, and is not otherwise approved or authorized by this Article, it shall be the duty of the Building Official to give the owner of the property where such airport hazard exists written notice thereof, and to take such measures as are necessary and authorized by law to eliminate or alleviate said airport hazard. For the purpose of aiding the Building Official to determine whether the existence of any such reported structures or trees constitute an airport hazard, the Building Official may in each case request a written report from the ~~State Department of Aeronautics~~ **Division of Aeronautics of the Nebraska Department of Transportation** under the provisions of Neb. Stat. § 3-108 and § 3-113 to advise whether or not an airport hazard, as defined in this Article, exists.

18.009. Marking of Non-conforming Structures.

Whenever the Building and Safety Department shall determine that a specific non-conforming structure or object exists and has existed prior to the passage of these regulations and within the zoned area hereinbefore described at such height or in such a position as to constitute a hazard to the safe operation of aircraft landing at or taking off from said airport or airfield, the owner or owners and the lessor or lessors of the premises on which such structure or object is located shall be notified in writing by the said official, and shall within a reasonable time permit the marking thereof by suitable lighting or other signals designated by the said agency and based on the recommendations of lighting officials or the ~~Nebraska Department of Aeronautics.~~ Division of Aeronautics of the Nebraska Department of Transportation

LANCASTER COUNTY SUBDIVISION REGULATIONS

Sec. 4.07. BLOCKS.

No block shall be longer than thirteen hundred twenty (1,320) feet between cross streets except where a major street, other man-made barrier, lake or other natural barrier forms one boundary of a block. ~~A cross walk with an easement five (5) feet in width~~ A pedestrian way easement fifteen (15) feet in width within an outlet shall be required where the block exceeds one thousand (1,000) feet in length and where needed for pedestrian traffic. (Resolution No. [R-18-0079](#), November 20, 2018).

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/Projects/County Special Permit 2022.docx>

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/Projects/County Special Permit 2022.docx>

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

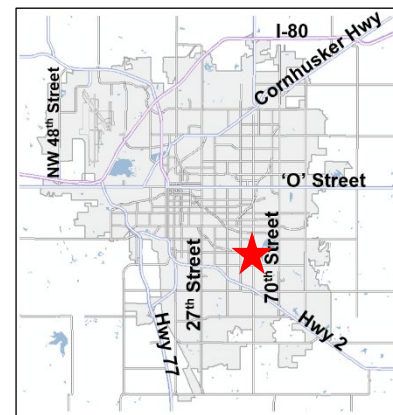
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #18004A	FINAL ACTION? Yes	DEVELOPER/OWNER US Global Services, LLC.
PLANNING COMMISSION HEARING DATE December 7, 2022	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 4141 S. 56 th Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for an amendment to an existing special permit to allow the Lexington Addition Community Unit Plan (CUP). The proposed CUP will match the existing special permit area of approximately 1.57 acres and would allow 8 dwelling units within the boundary zoned both R-4 and R-2, Residential. The current plan is proposing 4 dwelling units on the west side of the CUP area accessed from South 54th Street, as the east side is occupied by an operating residential healthcare facility under Special Permit #18004. The amendment would permit the CUP within the existing special permit while still allowing the residential healthcare facility.



JUSTIFICATION FOR RECOMMENDATION

The proposed Community Unit Plan (CUP) following R-4 zoning is consistent with the surrounding land use and single-family residential uses to the north and west. The CUP was desired as existing easements made it difficult to obtain the area and allow 2 two-family dwelling lots zoned R-4 abutting South 54th Street. The proposed lots and dwellings will be meeting R-4 required setbacks and lot area but will be accessed from a private drive within a separate outlot.

APPLICATION CONTACT

Dillon Reese, (402) 484-7342 or
dillon@regaeng.com

STAFF CONTACT

Ben Callahan, (402) 441-6360 or
bcallahan@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan designates this location as Future Urban Residential. This designation is defined as areas with varying residential densities ranging from more than fifteen dwelling units per acre to less than one dwelling unit per acre. This proposal will also be compatible with goals for additional infill development and housing types within existing neighborhoods.

WAIVERS

1. LMC 26.11.040, to waive the requirement for storm water detention. (Recommend Denial)

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is shown as future urban residential on the 2050 Future Land Use Plan.

Fundamentals of Growth in Lancaster County

The City of Lincoln's present infrastructure investment should be maximized by planning for well-designed and appropriately-placed residential and commercial development in existing areas of the city with available capacity. This can be accomplished by redeveloping underutilized commercial centers into areas that include a mix of uses, and encouraging higher-density residential redevelopment in appropriate locations, including missing middle housing. New infrastructure investments to serve growth areas can be maximized by encouraging a higher density of both residential and commercial uses in these areas.

The Community in 2050

The following assumptions provide the framework for growth in the 2050 plan.

Lancaster County is projected to add approximately 53,000 households by 2050, with 48,000 of those new households in Lincoln (roughly 1,600 new households per year).

25 percent of all new dwelling units in Lincoln will be infill, meaning they will be located within the existing city. This equates to roughly 12,000 infill units over the next 30 years.

Benefits of Well-Planned Growth

Continued investment within the city ensures that our existing neighborhoods and commercial areas remain vibrant and desirable locations. More "rooftops" near existing commercial areas help to support continued commercial investment.

Goals Section

G1: Safe, Affordable, and Accessible Housing. Lincoln and Lancaster County will support the development of safe, affordable, and accessible quality housing that meets the diverse needs of the community. PlanForward understands the ongoing need for affordable housing and supports development of 5,000 affordable units by the year 2030.

G2: Complete Neighborhoods. Lincoln and Lancaster County will support complete neighborhoods within both developing and redeveloping areas of Lincoln. A complete neighborhood is one where residents are able to get the goods and services to meet daily needs within 15 minutes of their residence including a variety of housing options, grocery stores and other commercial services, quality public schools, public open spaces and recreational facilities, affordable active transportation options, and civic amenities. Housing variety should include townhomes, senior living facilities, low/no maintenance condominiums, accessory dwelling units, multi-family development, and even small lot single-family.

Elements Section

E2: Infill and Redevelopment

Infill and Redevelopment Approach

PlanForward identifies the potential for 12,000 new dwelling units to be located within the existing built-out portion of the City, roughly 25 percent of the projected 48,000 new dwelling units to be built citywide by 2050.

Figure E2.b: Design Strategies for Mixed Use Nodes and Corridors

1. Maintain existing vehicular access, relocate drives as needed, share access where possible, and discourage additional vehicular access to an arterial street.

2. Encourage a higher Floor Area Ratio for commercial redevelopment.
3. Encourage a wide variety of commercial tenants.
4. Face existing residential uses with new residential uses rather than the backs of buildings, unless existing residential faces the opposite direction such as along an alley.
5. Align commercial driveways with existing streets where possible.
6. Discourage commercial driveways that interrupt the blockface of a residential street, especially when residences face the street.
7. Encourage shared driveways and interconnected parking lots where possible.
8. Orient buildings to the street, especially corners.
9. Maintain or adaptively reuse existing structures (especially historic structures) where possible.
10. Incorporate a variety of residential price ranges and use types such as rowhouses, apartment buildings, apartments in mixed use buildings, live-work units, and group housing. These buildings could also serve as a transition to the existing neighborhood.
11. Encourage a vertical mix of residential and commercial use types.
12. Encourage shared parking between land uses with different peak demand periods.
13. Create public/semi-public green or open spaces such as parks, plazas, or community gardens.
14. Establish or re-establish an internal public or private street network within the node that has substantial connectivity to adjacent neighborhoods to maximize access and mobility options.
15. Encourage public/semi-public uses.
16. Encourage supermarkets or specialty grocery stores to locate within nodes.
17. Encourage substantial connectivity and convenient access to neighborhood services (stores, schools, parks) from nearby residential areas.
18. Promote activities of daily living within walking distance, and provide sidewalks on both sides of all streets, or in alternative locations as allowed through design standards or review process.

Neighborhood Edges

Neighborhood edges present an opportunity for missing middle housing, which can help expand affordable housing options and overall housing choice in the community. Missing middle housing includes “house-scale” buildings that provide typically 3 to 12 units and fit in with the character of single-family neighborhoods.

Criteria to consider when locating and designing neighborhood edge redevelopment should include:

- Provide direct or adjacent access to an arterial street to minimize traffic impacts on neighborhood streets.
- In some cases a transition zone may be needed when creating higher-density redevelopment adjacent to lower density neighborhoods.
- Target legacy commercial sites and abandoned, vacant, or blighted parcels for new missing middle housing.
- Consider the character of adjacent built environment in both the design and location of buildings.

Existing Neighborhoods

Infill of housing in existing neighborhoods should respect the existing pattern of development. Infill redevelopment should include housing for a variety of incomes and households and should complement the character of the existing neighborhood by including appropriate transitions, scale, and context.

Policies Section

P8: Infill and Redevelopment - Encourage infill and redevelopment in appropriate locations throughout the community in order to meet the assumption for 25% of all new dwelling units being infill.

Action Steps

1. Encourage redevelopment of aging and underutilized commercial centers, along with other large sites in existing areas such as former schools and residential acreages, to add a variety of housing types that are affordable to diverse income levels. A mix of residential and commercial uses is desirable in locations with good visibility and access, such as most existing commercial centers, but in some cases redevelopment sites are more suited for exclusively residential uses.
2. Encourage redeveloped commercial centers to incorporate a variety of medium and high-density housing affordable to diverse income levels that could serve as a transitional use to less intensive residential

development and benefit from walkable access to the commercial area and transit.

4. Provide a mechanism for adjustments in older zoning districts to lot area, height, setbacks, and parking standards, similar to the provisions already available for newer districts.
5. Strive for predictability for neighborhoods and developers for residential development and redevelopment.
6. Encourage efforts to find new uses for abandoned, under-utilized or “brownfield” sites that are contaminated, through redevelopment and environmental mitigation.
7. Environmentally sensitive areas (i.e. floodplains, wetlands, native prairie) may not be appropriate for redevelopment. When redevelopment does occur, environmentally sensitive areas need to be considered and incorporated holistically as part of a redevelopment project.

ANALYSIS

1. This is a request to amend the existing Special Permit #18004 that permits a residential healthcare facility by allowing a Community Unit Plan (CUP) for up to 8 dwelling units. The 8-unit total also includes 4 units for the existing residential healthcare facility in case it redevelops in the future. Following the R-2 and R-4 zoning density allowance for a CUP with the Design Standards, the site would allow up to a maximum density of 18 units. This would leave 13 additional dwelling units for potential future use through an amendment.
2. A majority of the 1.58-acre special permit area, approximately 1.28 acres, is within R-4 zoning, with a small portion totaling .30 acres on the east side located within R-2 along South 56th Street. The density was calculated for the area of R-4 zoning which would allow 17 units and area of R-2 allowing one additional unit for a total of 18 maximum dwelling units for the entire site. The site plan shows the proposed 4 dwelling units located on the west side of the site and within the underlying R-4 zoning. The R-4 standard setbacks will be met as the properties will have a 25' front yard setback, 5' side yard, and 20' rear yard setback. Lot 1 will have a front yard setback of 25' abut South 54th Street. The CUP is being requested as extensive easements along the north, west and south sides of the property made it difficult to arrange the two lots having direct access from South 54th Street and still meet R-4 two-family dwelling lot requirements.
3. The 4 proposed dwelling units are shown as two, 2-unit structures on two separate lots with a private drive providing access from South 54th Street. The third lot will be for the existing residential healthcare facility which will continue to have access from South 56th Street. The private drive with a pedestrian sidewalk will be located within an outlot along the south property line and serve as access for the 4 units from South 54th Street. At this time, there will be no vehicular connection between the residential lots and healthcare facility. The development of 4 dwelling units within R-4 zoning requires 2 parking spaces per unit for a total of 8 required parking spaces which will be provided with each unit having two designated parking spaces.
4. The applicant has requested one waiver to the Lincoln Municipal Code:
 - a. Subdivision Ordinance Chapter 26.11.040, to waive the requirement for storm water detention.

This waiver is being request by the applicant to eliminate the requirement for storm water detention on the site as the total area of the special permit is over 1 acre in size, but the area being disturbed in association with the 4 proposed dwelling units is .70 acres. The waiver from required detention is not found to be appropriate by LTU-Watershed Management based on the request as more information will need to be shown on a drainage plan before soil conditioning can be used to reduce the required detention. Alternatively, a request can be made with Watershed Management directly for Water Quality requirements when the disturbed area is less than 1 acre.

5. The proposed CUP conforms with the Comprehensive Plan as the site is shown for future urban residential uses and provides a suitable level of residential density that will be compatible to the existing neighborhood. This project will also meet goals with the Comprehensive Plan to encourage residential infill project within existing neighborhoods that can provide a variety of new housing options and sizes.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Residential Healthcare Facility

R-4 & R-2, Residential

SURROUNDING LAND USE & ZONING

North: Single-family dwellings	R-2, Residential
South: Assisted Living	R-4, Residential
East: Multi-family apartment dwellings	R-4, Residential
West: Single-family dwellings	R-4, Residential

APPLICATION HISTORY

Feb, 2018 Special Permit #18004 was approved to allow a residential healthcare facility serving up to 20 persons for 24-hour peer counseling.

APPROXIMATE LAND AREA: 1.58 acres, more or less

LEGAL DESCRIPTION: Remaining portion of Lot 189 Southeast, located in the Southeast $\frac{1}{4}$ of Section 5-9-7, Lincoln, Lancaster County, Nebraska.

Prepared by

Ben Callahan, Planner

Date: November 22, 2022

Applicant &

Contact: REGA Engineering Group
Dillon Reese
601 Old Cheney Road, Suite A
(719) 433-3201

Owner: US Global Services, LLC
2030 N. 81st Street
Lincoln, NE 68505

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/18000/SP18004A Lexington CUP.bmc.docx>

CONDITIONS OF APPROVAL - SPECIAL PERMIT #18004A

Per Section 27.63.320 this approval permits a Community Unit Plan for up to 8 dwelling units.

Site Specific Conditions:

1. Before receiving building permits or before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
 - 1.1 Correct language for residential healthcare garage to “4-stall brick garage”
 - 1.2 Update Note #1 to state, “This special permit approves a Community Unit Plan for 8 dwelling units and a residential healthcare facility with two units allowed on Lots 1 and two units allowed on Lot 2. Lot 3 is for the residential healthcare facility or conversion to 4 dwelling units in the future.”
 - 1.3 Update Note #3 with additional sentence stating, “For purposes of setbacks in this CUP, Outlot A is treated as a private roadway for the front, rear and side yard setbacks.”
 - 1.4 Combine the R-2 and R-4 Density Tables into one table showing units allowed by R-2 and allowed by R-4 and the final total of 18 units allowed. Then note 8 units are permitted with this special permit.
 - 1.5 Remove the parking table as the required parking will be following the R-4 zoning requirements.
 - 1.6 Need to provide a drainage plan and show drainage swale. Plan must show that the soil conditioning has the capacity to capture the increase in runoff.
2. Before receiving building permits (if no final plat is required) or before a final plat is approved (if final plat is required) provide the following documents to the Planning Department:
 - 2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
3. Final plat(s) is/are approved by the City.

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

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.

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

to complete the installation of sidewalks to the satisfaction of LTU along South 54th Street as shown on the final plat within four (4) years following the approval of the final plat.

to complete land preparation including storm water detention/retention facilities and open drainageway improvements to the satisfaction of LTU-Watershed Management to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat

to complete the planting of the street trees along South 54th Street 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 complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

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

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

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

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

to maintain the outlots on a permanent and continuous basis.

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

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

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

- (1) Permittee shall not be relieved of Permittee's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.
- (2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds

Standard Conditions:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the dwelling units / buildings or starting the operation all development and construction shall substantially comply with the approved plans.
 - 4.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
 - 4.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
 - 4.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
 - 4.6 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.

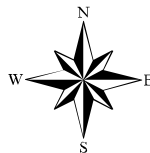


2022 aerial

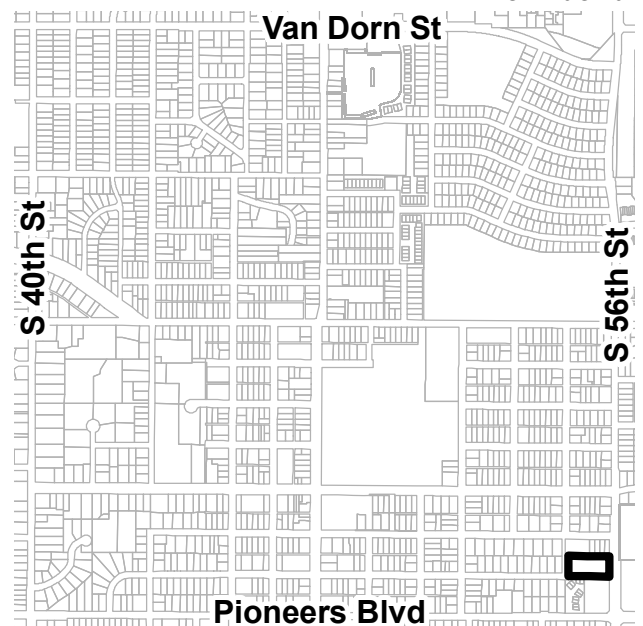
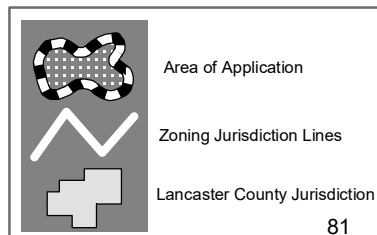
Special Permit #: SP18004A
Lexington Addition
S 56th St & Pioneers Blvd

Zoning:

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



One Square Mile:
Sec.05 T09N R07E



LEXINGTON ADDITION

NO.	REVISIONS		
	DESCRIPTION	DATE	BY

PROJECT
221129

REGA
ENGINEERING
GROUP, INC.

601 OLD CHENEY RD., SUITE A
LINCOLN, NEBRASKA 68512
(402) 484.7342

ENGINEERING

PLANNING

LANDSCAPE
ARCHITECTURE

LAND SURVEYING

IRRIGATION

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF LOT 189 IRREGULAR TRACT, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 9 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 189 IRREGULAR TRACT,

THENCE ON THE SOUTH, WEST, NORTH AND EAST BOUNDARIES OF SAID LOT 189 IRREGULAR TRACT THE FOLLOWING FIVE (5) COURSES:

N 89°39'57"W A DISTANCE OF 230.00 FEET;

S 89°51'05"W A DISTANCE OF 142.64 FEET;

N 00°22'06"E A DISTANCE OF 184.69 FEET;

S 89°51'30"E A DISTANCE OF 371.31 FEET;

S 00°02'34"E A DISTANCE OF 184.74 FEET TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 68,571 SQUARE FEET OR 1.57 ACRES MORE OR LESS.

GENERAL NOTES
COMMUNITY UNIT PLAN

- THIS SPECIAL PERMIT CONSISTS OF 4 DWELLING UNITS.
- ZONING IS R-2 & R-4 WITHIN THIS C.U.P.
- THE OWNER/DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE SETBACKS AS PER R-4 ZONING DISTRICT WITH EXCEPTION OF APPROVED WAIVERS.
- DIRECT VEHICULAR ACCESS TO SOUTH 56TH STREET SHALL BE RELINQUISHED EXCEPT AS SHOWN.
- ALL LOT LINES ARE CONCEPTUAL AND FINAL PLATS MAY SHOW DIFFERENT LOT DIMENSIONS.
- SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE, AND MUST BE APPROVED BY BUILDING & SAFETY DEPARTMENT PRIOR TO INSTALLATION.
- UTILITY EASEMENTS TO BE PROVIDED AS REQUIRED BY I.E.S..
- SIDEWALKS SHALL NOT BE REQUIRED ON THE SIDE OF PUBLIC STREETS UNLESS FURTHER DETERMINATION IS DETERMINED BY LINCOLN TRANSPORTATION AND UTILITIES.
- SANITARY SEWER AND WATER LINES TO BE 8" AND 6" PIPE RESPECTIVELY UNLESS SHOWN OTHERWISE AND TO BE BUILT TO THE CITY OF LINCOLN SPECIFICATIONS WITH EXCEPTION OF APPROVED WAIVERS.
- SITE MAY BE DEVELOPED PER APPROVED PLAN FOR SP#18004. (3) DWELLING UNITS ARE RESERVED FOR LOT 3, SHOULD IT CEASE OPERATING AS A HEALTHCARE FACILITY.

WAIVERS

- PRE/POST DEVELOPMENT STORM WATER DETENTION (LINCOLN MUNICIPAL CODE CHAPTER 26.11.040)

PARKING:

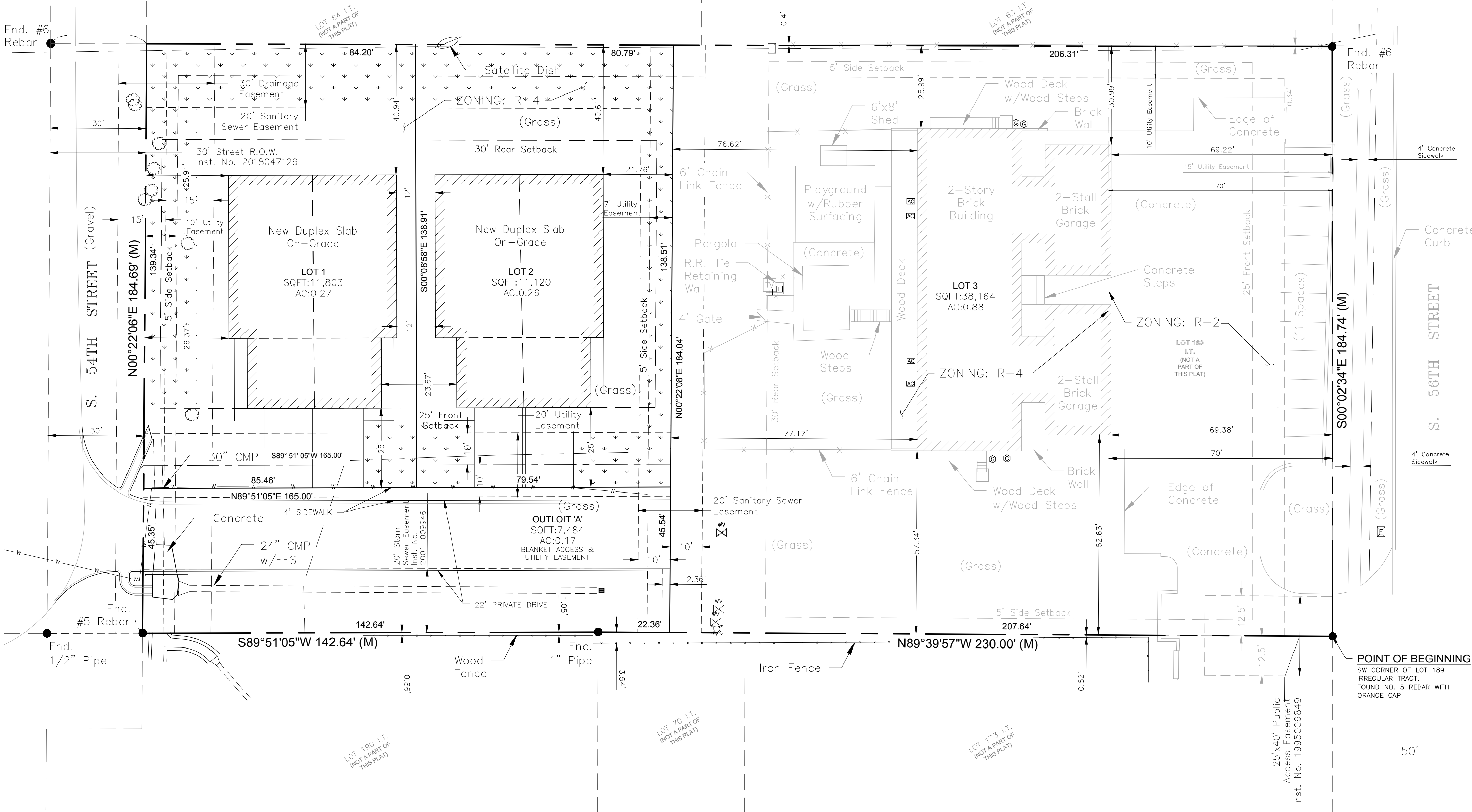
4 Units x 2 Per Unit = 8 Required

Actual: 8

Attached garage stalls = 4

Surface stalls = 4

Total Stalls = 8



OWNER/DEVELOPER

US GLOBAL SERVICE LLC
2030 N 81 STREET
LINCOLN, NE 68506

SURVEYOR:

JAYME M. MALONE
HUSKER SURVEYING
4535 NORMAL BLVD. SUITE 101
LINCOLN, NE 68506 (402)423-5211

ENGINEER:

NATHANIEL P. BURNETT
REGA ENGINEERING GROUP, INC.
601 OLD CHENEY ROAD, SUITE 'A'
LINCOLN, NE 68512 (402)484-7342

DENSITY:

Total Project Area 55,647 s.f.
or 1.28 acres
x 13.93 R-4 Zoning

17 units allowed
13 unassigned units
17 Units allowed by Density Calculations

4 Units permitted with this Special Permit

DENSITY:

Total Project Area 12,924 s.f.
or 0.30 acres
x 5.80 R-2 Zoning

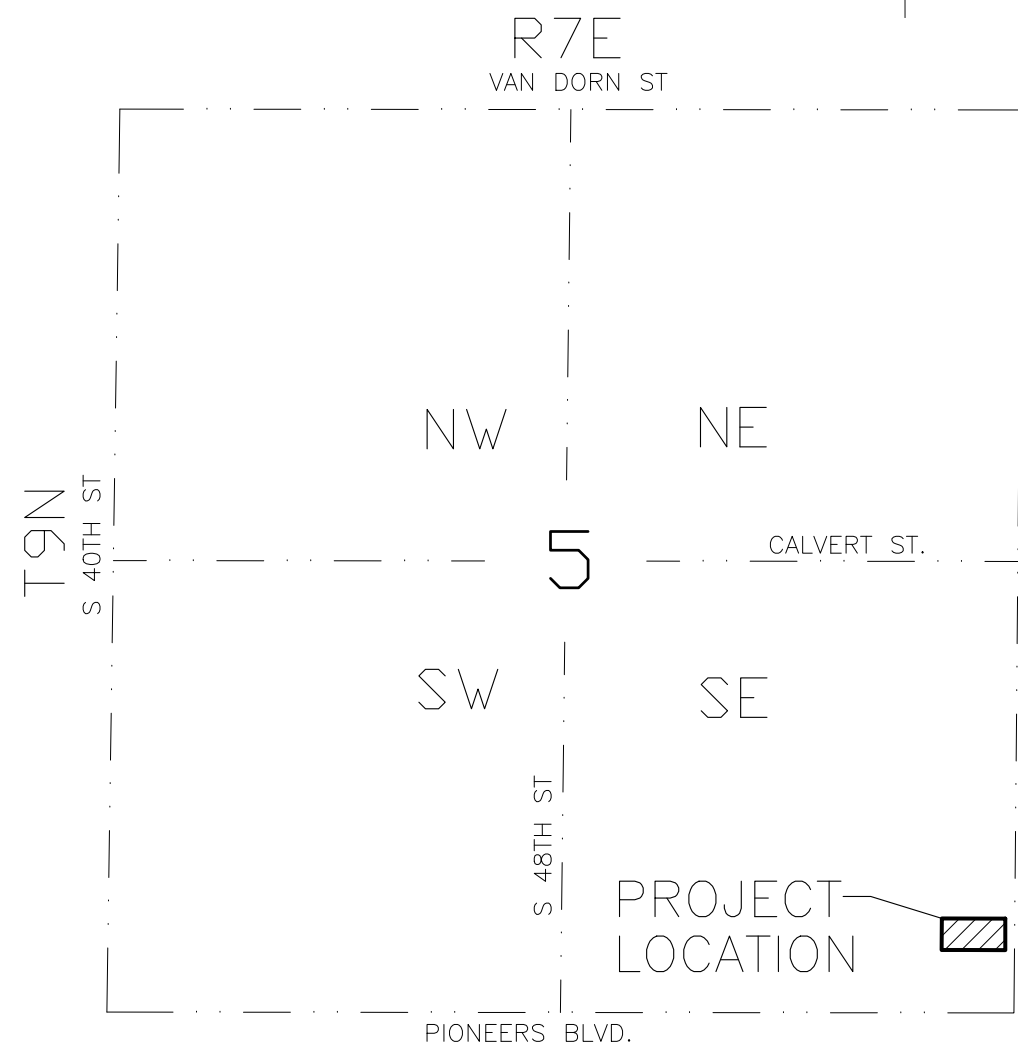
1 unit allowed
1 unassigned unit
1 Unit allowed by Density Calculations

No Units permitted with this Special Permit

- LEGEND
- BOUNDARY OF CUP
 - LOT LINE
 - SETBACK/BUILDING ENVELOPE
 - EASEMENT
 - CENTERLINE
 - ADJACENT PROPERTY LINE
 - CORNER FOUND AS NOTED
 - MEASURED DISTANCE
 - PROPOSED SOIL CONDITIONING

SHEET INDEX

SITE/UTILITY PLAN 1
GRADING PLAN 2



VICINITY MAP

NOT TO SCALE



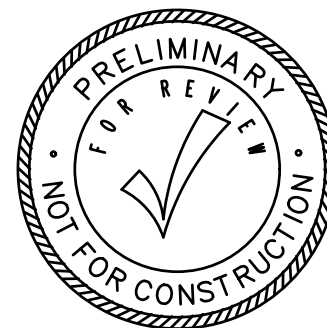
4141 S. 56TH STREET
COMMUNITY UNIT PLAN / SPECIAL PERMIT #
SITE PLAN
LEXINGTON ADDITION

DATE: 10/19/2022

DESIGNED BY: RDR

DRAWN BY: RDR

CHECKED BY: NPB



SHEET NO.

1 of 2

REGA

ENGINEERING GROUP, INC.

File No. 221129
November 09, 2022

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

RE: LEXINGTON ADDITION
COMMUNITY UNIT PLAN / SPECIAL PERMIT
4141 S 56TH ST

Dear David,

On behalf of US Global Service LLC, the developer, we are submitting an application for an amendment for Community Unit Plan / Special Permit. Currently, the property is owned by US Global Service LLC and has SP18004 for an operating facility. The CUP Boundary includes 1.57 acres including the existing special permit. The proposed amendment is to allow (4) dwelling units. The development includes (2) single family attached lots, (1) lot for the existing health care use and (1) outlot for an access and utility easement and private drive and pedestrian connectivity.

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

The following waiver are being requested as follows:

1. PRE/POST DEVELOPMENT STORM WATER DETENTION
(Lincoln Municipal Code Chapter 26.11.040)

A waiver for stormwater detention is being requested. The proposed disturbed area is 0.70 Acres which is less than the (1) Acre requirement. Currently, the site slopes from east to west and enters a ditch within S. 54th Street Right-of-Way before flowing out to Lowell Ave. Proposed drainage pattern is the same. To minimize post-development, we are proposing conditioning the soil as shown of the Grading Plan of the CUP. This will mitigate post-development runoff and provide water quality for the site. We are applying for an approved alternate for the water quality by using the soil conditioning.

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

Sincerely,



Nathaniel Burnett, PE

Cc: Randy Fisbeck

Enclosed: Application Form
Application Fee – CUP of \$1,333.89
CUP Description
Waiver List
Lot List

Engineering • Planning • Surveying • Landscape Architecture • Irrigation

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

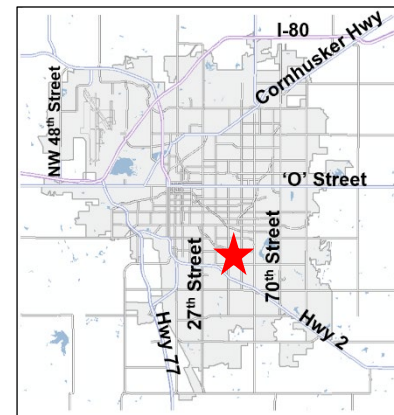
APPLICATION NUMBER Pre-Existing Special Permit #28E	FINAL ACTION? Yes	DEVELOPER/OWNER Union College
PLANNING COMMISSION HEARING DATE December 7, 2022	RELATED APPLICATIONS Text Amendment #22008	PROPERTY ADDRESS/LOCATION Generally located at South 48 Street and Prescott Avenue.

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to amend the Pre-Existing Special Permit #28D for Union College to allow the underlying maximum height limit to be increased to 80 feet within the special permit boundary. Currently Union College is under a Pre-Existing Special Permit that allows private colleges which requires the site to follow the underlying R-4 and R-6, Residential zoning height limit with no allowance above the stated limit.

The application was initially received with a request for a height increase above 35 feet, but no maximum listed. After discussion and agreement with the applicant, the request was updated to 80 feet based on existing building height on the campus.



JUSTIFICATION FOR RECOMMENDATION

The request for an increased height allowance is appropriate with the current special permit allowing a private college and existing heights limitation of the R-4 and R-6, Residential zoning district. The proposed amendment would allow future building height up to 80 feet. The campus currently has multiple buildings that surpass the 35 feet height limit that were built in the late 1960s and were not required to meet the same zoning standards as new construction would be today.

APPLICATION CONTACT

Marcia Kinning, (402) 420-7217 or mkinning@eacg.com

STAFF CONTACT

Ben Callahan, (402) 441-6360 or bcallahan@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This proposed amendment is in conformance with the Comprehensive Plan as Union College is shown as Public and Semi-Public on the future land use map. This amendment will also support goals to provide flexibility with infill development and allow for multi-story construction to limit land use and building footprint size within private college campuses.

WAIVERS

1. To allow the maximum building height of 80 feet, excluding bell and clock towers. (Recommend Approval)

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is shown as future Public and Semi-Public on the 2050 Future Land Use Plan.

Policies Section

P12: Economic Growth - Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.

Action Steps

6. Explore additional opportunities for streamlining the zoning and building permitting processes.

P8: Infill and Redevelopment - Encourage infill and redevelopment in appropriate locations throughout the community in order to meet the assumption for 25% of all new dwelling units being infill.

Action Steps

4. Provide a mechanism for adjustments in older zoning districts to lot area, height, setbacks, and parking standards, similar to the provisions already available for newer districts.

ANALYSIS

1. This request is to amend the Pre-Existing Special Permit #28D for Union College to increase the maximum height requirement to 80 feet. Currently the Union College campus within the Special Permit boundary has underlying zoning including R-4 and R-6, Residential, and B-3, Commercial. This text amendment will specifically allow the height increase on the main campus and does not pertain to the area south of Prescott Avenue occupied and owned by the Seventh-day Adventist Church. The campus is surrounded by B-3, Commercial to the west along South 48th Street, with the remaining north, east, and south sides abutting R-4, Residential. Currently the special permit requires a 20' and 25' setback along the south and east boundary abutting the existing R-4 neighborhood.
2. Recently Text Amendment #22008 was approved within the Lincoln Municipal Code Chapter 27.63.075 Special Permits for academies, private schools, community colleges, colleges, or other post-secondary education facilities to request an increased height allowance beyond the underlying zoning district. Union College, currently zoned R-4 and R-6 is limited to a maximum building height up to 35 feet. The proposed amendment will allow for the following waiver:
 - a. Buildings within the special permit boundary of the Union College property shall have a maximum allowable height of 80 feet, not including bell and clock towers.

This waiver is appropriate and consistent with the existing use as a private college and provide flexibility for the future development and layout of the campus. The waiver will allow increased heights above current limit of 35 feet by right and shall be no taller than 80 feet. This height limit will be consistent with existing buildings already constructed as Union College currently has building in use that range from 4 to 7 stories and exceed the 35-foot height limit. These buildings were constructed in the late 1960s and early 1970s, following different height requirements than new construction would today. Currently the tallest building on campus is Prescott Hall built in 1967 and approximately 78 feet in height. The waiver does not include bell or clock towers on the campus as this will specifically relate to habitable structures. Currently Union College has an existing bell and clock tower standing at 100 feet. If approved, this requested waiver would allow any new structure to follow the special permit setbacks and build up to 80 feet height through building permit review and would no longer require an amendment to the special permit.

3. The request is consistent with the 2050 Comprehensive Plan as the Union College campus is shown as P, Public and Semi-Public, which is common with larger educational campuses and facilities across the city. The request aligns with the Comprehensive Plan by providing flexibility for infill development related to educational facilities while encouraging multi-story construction to maximize land use and building footprint.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Union College, R-6 & R-4, Residential

SURROUNDING LAND USE & ZONING

North: Single-family, two-family, and apartment dwellings, elementary school	R-5 & B-3
South: Single-family, two-family, and apartment dwellings, commercial	R-6 & B-3
East: Single-family, two-family, and apartment dwellings	R-4
West: Commercial, two-family, and apartment dwellings	B-3

APPLICATION HISTORY

Pre-1978	Various street and alley rights-of-way within the Union College campus were vacated.
May 1978	Special Permit #814 approved a health education facility (the Health Science Complex) on the Union College campus.
May 1979	The zoning update changed the zoning on the Union College campus from B Two-Family and D Multiple-Family to R-4 Residential and R-6 Residential.
April 1991	Board of Zoning Appeals #1887 approved a reduction of the front yard setback from 25' to 0' on Lots 11 through 16, Block 31, College View (along a portion of the south property line of the College View Seventh-day Adventist Church).
May 2002	Administrative Amendment #02036 to Pre-Existing Special Permit #28 approved a revised parking lot and two new building envelope boundaries.
Aug 2002	Administrative Amendment #02058 to Pre-Existing Special Permit #28 approved the revision of a building envelope boundary.
Jul 2004	Waiver #04008 approved a waiver to the surfacing requirements for a newly added parking lot.
Aug 2004	Administrative Amendment #04036 to Pre-Existing Special Permit #28 approved the addition of a parking lot.
May 2005	Pre-Existing Special Permit #28A was approved allowing an expansion of the permit boundary by adding approximately 1.23 acres near South 52nd and Stockwell Streets to add a building and parking.
Oct 2011	Pre-Existing Special Permit #28B was approved allowing an expansion of the permit boundary by adding approximately 2.6 acres near South 52nd and Bancroft Streets to add a building and parking. 28 Pre-Existing Special Permit #28D Page 3
May 2012 Pre-	Existing Special Permit #28C was approved allowing an expansion of the permit boundary to add approximately 1.7 acres to accommodate a new building and associated parking areas.
Mar 2015	Administrative Amendment #15010 to Pre-Existing Special Permit #28C approved nine new signs as part of an overall sign package/plan.
July 2016	Administrative Amendment #16043 for Pre-Existing Special Permit #28C approved a new sign for Union College and a sign to be removed on the northeast corner of South 48th Street and Prescott Avenue.
Aug 2016	Pre-Existing Special Permit #28D was approved to expand the special permit boundary to include the College View Seventh-day Adventist Church and amend campus signing.
July 2022	Administrative Amendment #22045 to Pre-Existing Special Permit #28D approved the site location and parking for a new structure on the northeast corner of the campus.

APPROXIMATE LAND AREA: 39 acres, more or less

LEGAL DESCRIPTION: See Attached

Prepared by

Ben Callahan, Planner

Date: November 22, 2022

Applicant

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

Owner:

Union College
3800 S. 48th Street
Lincoln, NE 68506
(816) 286-6597
Steve.trana@ucollege.edu

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/PESP/PESP28E Union College.bmc.docx>

CONDITIONS OF APPROVAL - PRE-EXISTING SPECIAL PERMIT #28E

Per Section 27.63.075 this approval permits a waiver to allow an increased maximum height of 80 feet within the special permit boundary of the Union College property, not including the existing bell or clock towers which are permitted at their current height of approximately 100 feet.

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 Removed Note #2 from the site plan as it is no not needed.
 - 1.2 Update waiver to state "Buildings within the special permit boundary of the Union College property shall have a maximum height of 80 feet not including bell and clock towers which are permitted at their current height of approximately 100 feet.

Standard Conditions:

2. The following conditions are applicable to all requests:
 - 2.1 Before building permits can be obtained all development and construction shall substantially comply with the approved plans.
 - 2.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
 - 2.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
 - 2.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 2.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
 - 2.6 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.



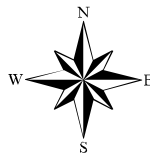
2022 aerial

Special Permit #: PESP28E
Union College
S 48th St & Prescott Av

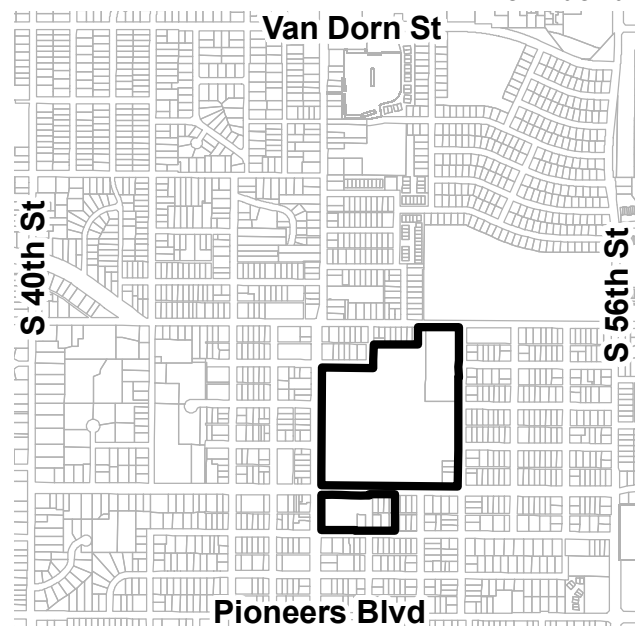
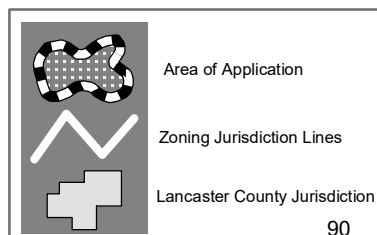
Zoning:

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

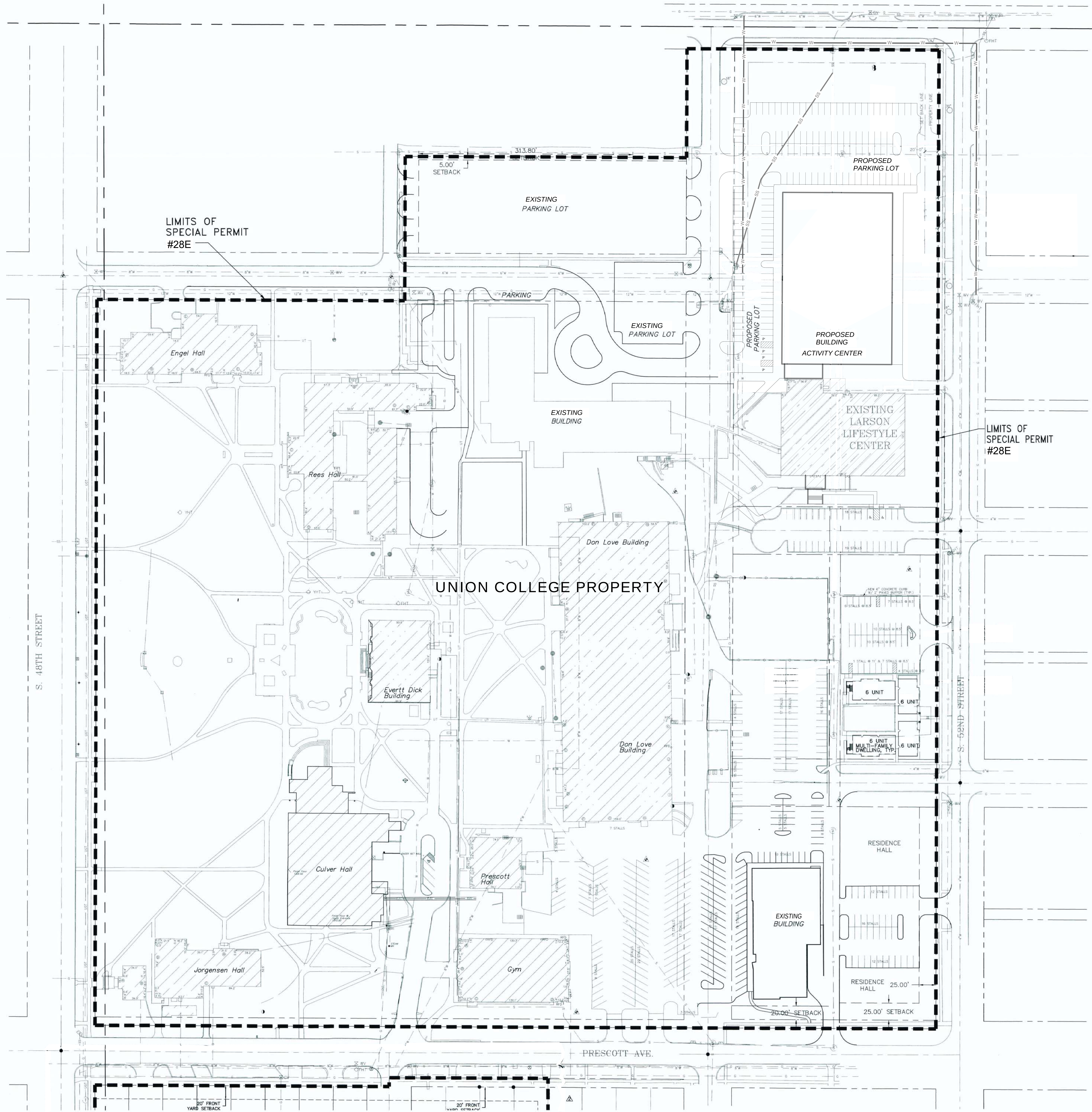
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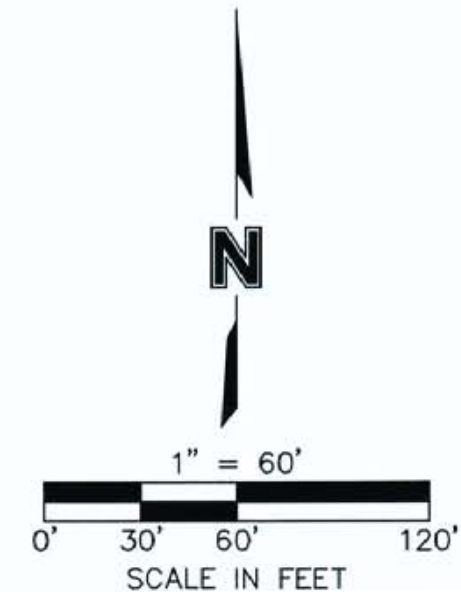
One Square Mile:
Sec.05 T09N R07E



DWG: C:\Lincoln\Terms\5 Miles\College View\College View_Special Permit.dwg USER: mjohnson
DATE: Sep 22, 2019 9:11am PLOT: 111688_AERIAL ADVENT base 03-21-12 ADVENT base 04-06-12 012-0716_FPC07A TP-UnionCollege-All-R-11-07



SPECIAL PERMIT #28E



LEGAL DESCRIPTION

A TRACT OF LAND COMPOSED OF LOT 9 THROUGH 16, BLOCK 2 COLLEGE VIEW; LOTS 1 THROUGH 12, BLOCK 15, COLLEGE VIEW; LOTS 1 THROUGH 6, BLOCK 20, COLLEGE VIEW; THE VACATED STOCKWELL STREET RIGHT-OF-WAY FROM THE EAST RIGHT-OF-WAY LINE OF SOUTH 51ST STREET TO THE WEST RIGHT-OF-WAY LINE OF SOUTH 52ND STREET; THE VACATED COOPER AVENUE RIGHT-OF-WAY FROM THE EAST RIGHT-OF-WAY LINE OF SOUTH 51ST STREET TO THE WEST RIGHT-OF-WAY LINE OF SOUTH 52ND STREET; THE VACATED SOUTH 51ST STREET RIGHT-OF-WAY FROM THE SOUTH RIGHT-OF-WAY LINE OF BANCROFT STREET TO THE NORTH RIGHT-OF-WAY LINE OF PRESCOTT AVENUE; THE VACATED BANCROFT STREET RIGHT-OF-WAY FROM THE EAST RIGHT-OF-WAY LINE OF SOUTH 49TH STREET TO THE EAST RIGHT-OF-WAY LINE OF SOUTH 51ST STREET; THE VACATED SOUTH 51ST STREET RIGHT-OF-WAY FROM THE SOUTH RIGHT-OF-WAY LINE OF CALVERT STREET TO THE NORTH RIGHT-OF-WAY LINE OF BANCROFT STREET; THE NORTH-SOUTH ALLEY, BLOCK 15, COLLEGE VIEW; LOTS 5 THROUGH 12, BLOCK 30, COLLEGE VIEW; THE VACATED EASTWEST ALLEY, BLOCK 30, ADJACENT TO LOTS 5 THROUGH 12, BLOCK 30, COLLEGE VIEW; LOTS 1 THROUGH 16, BLOCK 31, COLLEGE VIEW; THE VACATED EASTWEST ALLEY, BLOCK 31, COLLEGE VIEW; THE VACATED SOUTH 49TH STREET RIGHT-OF-WAY FROM THE SOUTH RIGHT-OF-WAY LINE OF PRESCOTT AVENUE TO THE NORTH RIGHT-OF-WAY LINE OF LOWELL AVENUE; THE NORTH 12' OF VACATED PRESCOTT AVENUE RIGHT-OF-WAY FROM THE EAST RIGHT-OF-WAY LINE OF SOUTH 48TH STREET TO THE WEST RIGHT-OF-WAY LINE OF SOUTH 52ND STREET; THE SOUTH 12' OF VACATED PRESCOTT AVENUE RIGHT-OF-WAY FROM THE CENTER LINE OF VACATED SOUTH 49TH STREET RIGHT-OF-WAY TO THE EAST LINE OF LOT 5, BLOCK 30, COLLEGE VIEW; THE NORTH 12' OF VACATED LOWELL AVENUE RIGHT-OF-WAY FROM A POINT 80' WEST OF THE WEST RIGHT-OF-WAY LINE OF VACATED SOUTH 49TH STREET TO THE EAST LINE OF LOT 12, BLOCK 30, COLLEGE VIEW; LOT 1, COLLEGE VIEW 7TH ADDITION; LOT 1, COLLEGE VIEW 8TH ADDITION, ALL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA.

GENERAL NOTES

1. THE OWNER/DEVELOPER CAN BUILD ANYWHERE WITHIN THE BUILDING ENVELOPE SHOWN ON THE SPECIAL PERMIT.
2. FUTURE SITE PLANS SHALL BE BY FUTURE ADMINISTRATIVE AMENDMENT.
3. REFER TO PESP28D FOR SHEETS 2 THROUGH 4.

WAIVER

1. BUILDINGS WITHIN THE SPECIAL PERMIT BOUNDARY OF THE UNION COLLEGE PROPERTY SHALL HAVE A MAXIMUM ALLOWABLE HEIGHT OF 35 FEET PLUS ONE ADDITIONAL FOOT FOR EACH FOOT OF DISTANCE SEPARATION BETWEEN THE BUILDING AND THE SPECIAL PERMIT BOUNDARY.

OWNER/DEVELOPER/PETITIONER:

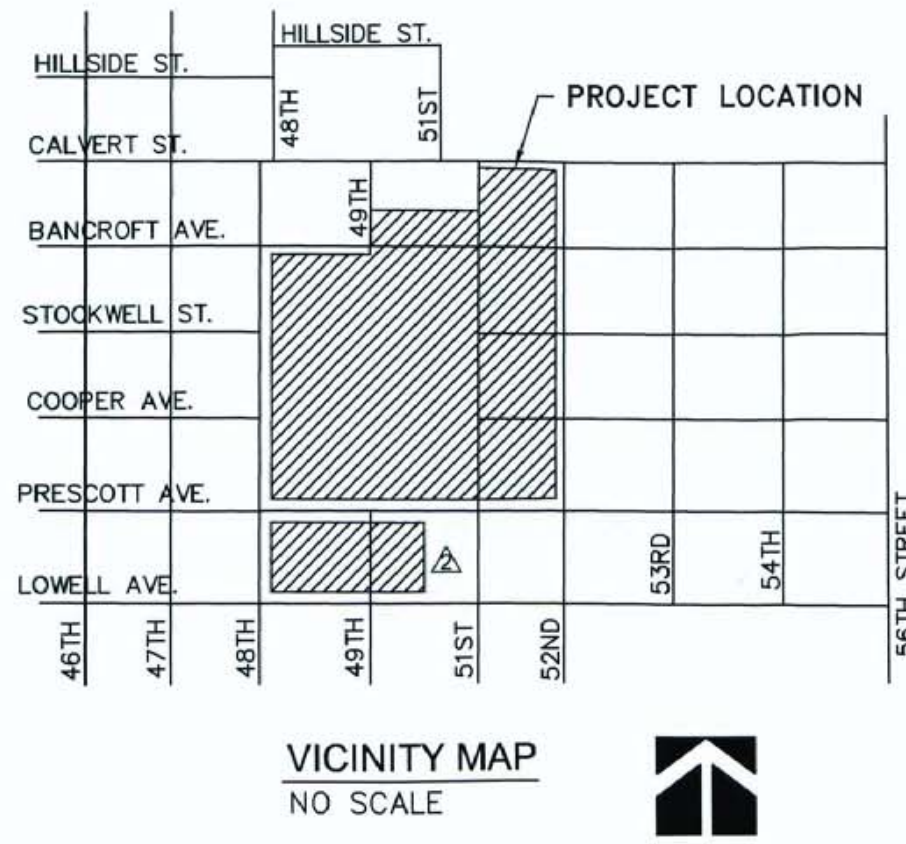
UNION COLLEGE
3800 SOUTH 48TH STREET
LINCOLN, NE 68506
(402) 466-2600

SURVEYOR/ENGINEER:

OLSSON ASSOCIATES
601 P STREET, SUITE 200
LINCOLN, NE 68508
(402) 474-6311

PARKING INFORMATION

TOTAL PARKING 794



OLSSON ASSOCIATES

1111 Lincoln Mall, Suite 111
P.O. Box 4888
Lincoln, NE 68508
TEL: 402-474-6311
FAX: 402-474-6310
www.olsonassociates.com

OLSSON ASSOCIATES
1111 LINCOLN MALL, SUITE 111
P.O. BOX 4888
LINCOLN, NE 68508
TEL: 402-474-6311
FAX: 402-474-6310
www.olsonassociates.com

REVISIONS DESCRIPTION

REV. NO.	DATE	DESCRIPTION

REVISIONS

2011

SITE PLAN

PRE-EXISTING SPECIAL PERMIT #28E

LINCOLN, NEBRASKA

drawn by: MLK
checked by: RPS
approved by: [Signature]
DATE: 2019.020.000
project no.: 111092022
drawing no.: [Signature]

SHEET
1 of 4

COLLEGE VIEW – PESP28E

Legal Description of

Union College Property

Parcel ID: 16-05-440-004-000

Lot 9 through 16, Block 2, College View

Lots 1 through 12, Block 15, College View

Vacated Stockwell Street from East Line of S. 51st Street to the West Line of S. 52nd Street

Vacated Cooper Avenue from East Line of S. 51st Street to the West Line of S. 52nd Street

Vacated South 51st Street from South Line of Bancroft Street to North Line of Prescott Avenue

Vacated Bancroft Street from East Line of S. 49th Street to East Line of S. 51st Street

Vacated South 51st Street from South Line of Calvert Street to North Line of Bancroft Street

North/South Alley of Block 15, College View

Vacated South 49th Street from South Line of Prescott Avenue to North Line of Lowell Avenue

The North 12' of Vacated Prescott Avenue from East Line of S. 48th Street to West Line of S. 52nd Street

Lot 1, College View 7th Addition

Parcel ID: 16-05-444-001-000

Lot 1, College View 8th Addition

7th Day Adventist Property

Parcel ID: 16-05-419-013-000, 16-05-419-012-000, 16-05-420-017-000, 16-05-420-010-000, 16-05-420-011-000, 16-06-420-007-000, 16-05-420-006-000, 16-05-420-005-000, 16-05-420-004-000, a portion of 16-05-420-998-000

Lots 5 through 12, Block 30, College View

Vacated East/West Alley of Block 30 adjacent to Lots 5 through 12, Block 30, College View

Lots 1 through 16, Block 31, College View

Vacated East/West Alley of Block 31, College View

The South 13' of Vacated Prescott Avenue from Centerline of Vacated S. 49th Street to East Line of Lot 5, Block 30, College View

The North 12' of Vacated Lowell Avenue from a point 90' west of the West Line of Vacated S. 49th Street to the East Line of Lot 12, Block 30, College View



E & A CONSULTING GROUP, INC.

Engineering Answers

701 O Street, Suite 400 • Lincoln, NE 68508-1433

P 402.420.7217

www.eacg.com

November 9, 2022

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

RE: UNION COLLEGE
Amendment to Pre-Existing Special Permit 28D
E&A Project No. P2019.020.002

Dear David,

On behalf of Union College, we are submitting an application amending the Pre-Existing Special Permit 28D of Union College. This application is requesting a waiver to the height of the existing and future buildings within the special permit boundary.

The special permit consists of several zones including R-4, R-6 and B-3 zoning. The zoning regulations for each of the zones has a maximum height of 35 feet. Some of the existing buildings and structures within the Union College special permit boundary exceed the 35 foot height limit. The taller buildings within the campus are set back from the boundary of the special permit a substantial distance.

We are requesting a waiver of the height restriction as follows to accommodate for the existing buildings, additions/modification to existing buildings as well as proposed buildings within the special permit boundary.

"Buildings within the Special Permit boundary of the Union College property are allowed to exceed the required zoning height of 35 feet with the following condition. Buildings are limited to increase in height above 35 feet with 1 foot in height for every 1 foot from the Special Permit boundary."

(Chapter 27.72.020 Table 27.72.020(a) and Table 27.72.020(b) and Table 27.72.030(a))

The exterior sign locations, as previously approved, will not be affected with this modification to the Pre-Existing Special Permit. A general note has been added to refer to PESP28D for Sheets 2 through 4.

Please feel free to contact me with any questions or comments by phone 402-420-7217 or email mkinning@eacg.com.

Sincerely,
E & A CONSULTING GROUP, INC.

Marcia L. Kinning

Enclosed: Application Form

Application Fee of \$1,056.00

Cc: Brad Sellentin

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
Special Permit #22039

FINAL ACTION?
Yes

DEVELOPER/OWNER
Shri Hanuman Properties LLC

PLANNING COMMISSION HEARING DATE
Dec. 7, 2022

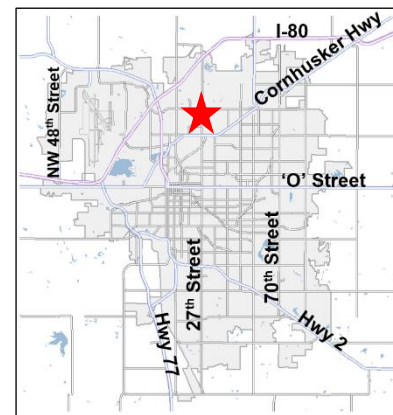
RELATED APPLICATIONS
None

PROPERTY ADDRESS/LOCATION
4231 Industrial Avenue, Lincoln, NE 68504

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for an expansion of non-conforming and non-standard uses to allow the continued use of a 35' tall, non-conforming sign pole at 4231 Industrial Avenue. The request has been submitted on order to update the sign cabinet on the existing pole sign located on the property.



JUSTIFICATION FOR RECOMMENDATION

The existing pole sign has been in use since 1994 and has not been a cause for concern. The proposal would allow the longstanding use to continue.

APPLICATION CONTACT
Lisa Scovill, 402-345-0800 or
lscovill@superiorlight.com

STAFF CONTACT
Emma Martin, (402) 441-6369 or
emartin@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan supports a mix of uses and infill commercial development that is compatible with existing neighborhoods and supports the retention and expansion of existing businesses.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is shown as future Commercial use on the 2050 Future Land Use Plan.

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

P17: Predictability - Strive for predictability for neighborhoods and developers.

Action Steps

1. Continue to make updates as needed to zoning and subdivision ordinances, along with design standards, to support economic development, complete neighborhoods, and other PlanForward initiatives.
2. Support timely and efficient implementation of the growth tiers framework through the Capitol Improvement Program and other coordinated infrastructure enhancements.

ANALYSIS

1. This is a request to expand a non-conforming use which if approved would allow for the continued use of an existing pole sign at 4231 Industrial Avenue, which is occupied by a Comfort Suites.
2. The existing building at 4231 Industrial Avenue received a permit in 1994 as a Motel, and the Comfort Suites Motel received a permit in 2013.
3. The sign permit for the existing pole sign was granted in 1994 (S9400534), when the maximum height for pole signs in the City of Lincoln in I-1 zoning districts was 35'. In 1995, the City of Lincoln reduced the maximum height for pole signs in I-1 zoning districts to 25'.
4. In October of 2022, Comfort Suites and Superior Lighting applied for a permit to update the sign cabinet and discovered the non-conforming nature of the existing pole sign. To update the sign cabinet, the applicant would need to either replace the entire sign or apply for an expansion of a non-conforming use.
5. This special permit allows the applicant to use the existing pole sign structure and update the existing sign. This has the potential improve the appearance of old signage.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Commercial; I-1

SURROUNDING LAND USE & ZONING

North: Commercial; I-1
South: Industrial; I-1
East: Industrial; I-1
West: Commercial; I-1

APPROXIMATE LAND AREA: 1.41 acres

LEGAL DESCRIPTION: Lot 1, Tharaldson Addition, located in the NW 1/4 of Section 7-10-7, Lincoln, Lancaster County, Nebraska, generally located at 4231 Industrial Avenue.

Prepared by

Emma Martin, Planner

Date: Nov. 18, 2022

Applicant: Superior Lighting
2121 S 24th Street
Omaha, NE 68108
PERMITS@superiorlight.com

Contact: Lisa Scovill
2121 S 24th Street
Omaha, NE 68108
lscovill@superiorlight.com

Owner: Shri Hanuman Properties LLC
4231 Industrial Avenue
Lincoln, NE 68504
aparnacomfort@gmail.com

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/22000/SP22039 Comfort Suites Signs.edm.docx>

CONDITIONS OF APPROVAL - SPECIAL PERMIT #22039

Per Section 27.63.280 this approval permits the Expansion of Nonconforming and Nonstandard Uses for the continued use of an existing non-conforming pole sign.

Standard Conditions:

5. The following conditions are applicable to all requests:
 - 5.1 Before occupying building all development and construction shall substantially comply with the approved plans.
 - 5.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
 - 5.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
 - 5.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 5.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

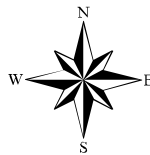


2022 aerial

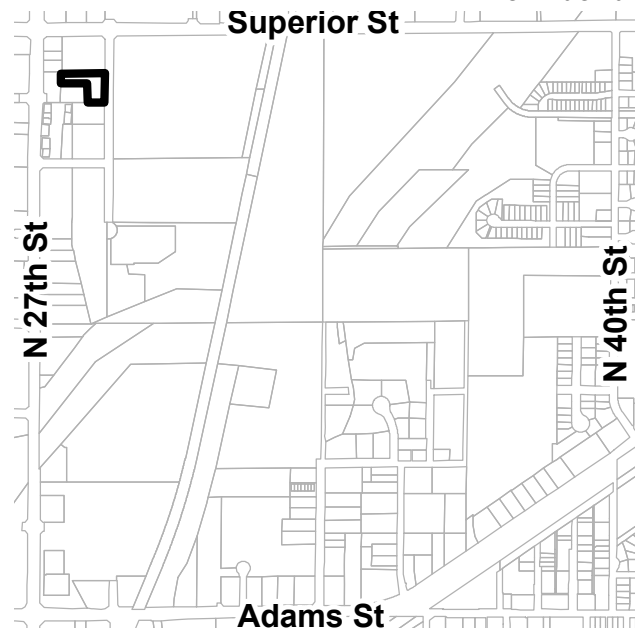
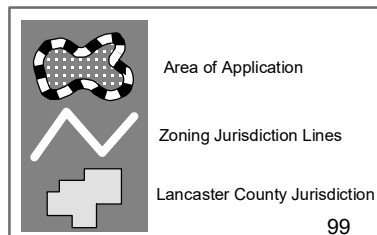
Special Permit #: SP22039
Industrial Av & Superior St

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



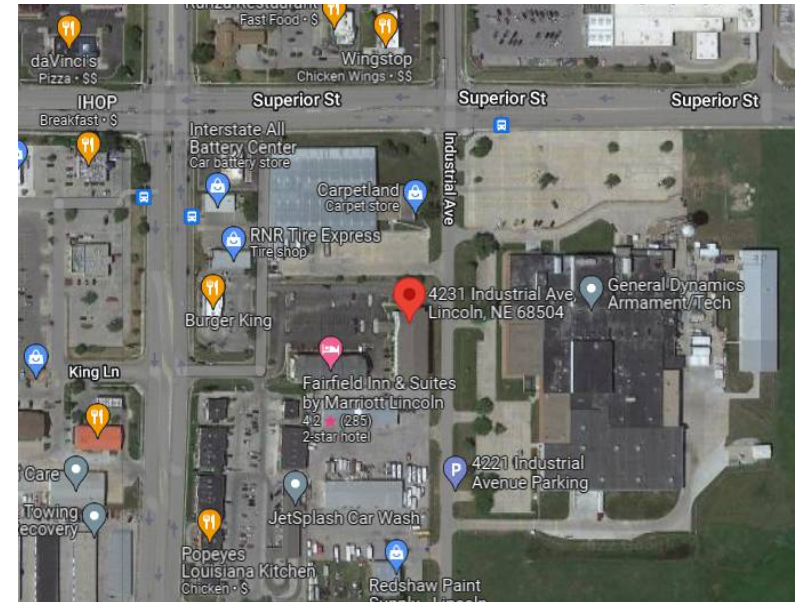
One Square Mile:
 Sec.07 T10N R07E





Comfort®
SUITES

COMFORT SUITES LINCOLN, NE



APPROVAL BOX - PLEASE INITIAL

CUSTOMER APPROVAL

Date

Customer:

COMFORT SUITES

Date:

23SEPT22

Prepared By:

MW

Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.

Location:

LINCOLN, NE

File Name:

369532 - LINCOLN, NE

100

Eng:

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persona
SIGNS | LIGHTING | IMAGE

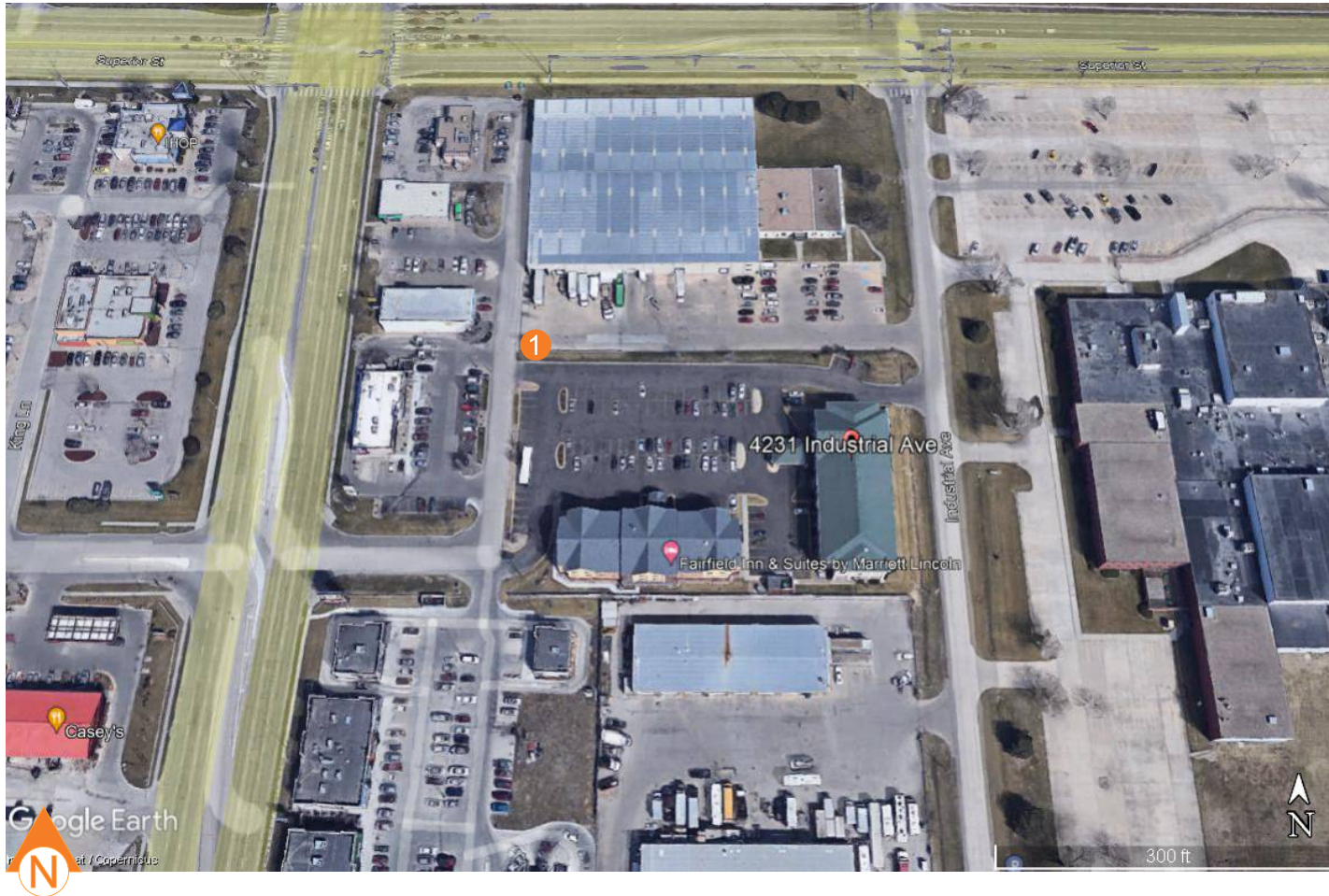
Persona Signs, LLC
700 21st Street Southwest
PO Box 210
Watertown, SD 57201-0210
1.800.843.9888 • www.personasigns.com

INN CODE: NE403

COMFORT SUITES
4231 INDUSTRIAL AVE
LINCOLN, NE 68504

PROPOSED SIGNS:

① 9'-5 1/2" X 7'-11" PYLON



APPROVAL BOX - PLEASE INITIAL

CUSTOMER APPROVAL

Date

Customer:
COMFORT SUITES

Date:
23SEPT22

Prepared By:
MW

Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.

Location:
LINCOLN, NE

File Name:
369532 - LINCOLN, NE

101

Eng:
-

persona
SIGNS | LIGHTING | IMAGE

Persona Signs, LLC
700 21st Street Southwest
PO Box 210
Watertown, SD 57201-0210
1.800.843.9888 • www.personasigns.com

1



EXISTING:
9'-5 1/2" X 7'-11"



PROPOSED



GRAPHIC DETAIL
SCALE: 3/16" = 1'-0"

APPROVAL BOX - PLEASE INITIAL

CUSTOMER APPROVAL

Date

Customer:
COMFORT SUITES

Date:
23SEPT22

Prepared By:
MW

Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.

Location:
LINCOLN, NE

File Name:
369532 - LINCOLN, NE

102

Eng:
-

persona
SIGNS | LIGHTING | IMAGE

Persona Signs, LLC
700 21st Street Southwest
PO Box 210
Watertown, SD 57201-0210
1.800.843.9888 • www.personasigns.com



Corporate Office:
2121 South 24th St.
Omaha, NE 68108
Tel: 402-345-0800
Fax: 402-345-0815

Des Moines Branch
7930 University Blvd
Des Moines, IA 50325
Tel: 515-255-0823

To Whom It May Concern,

We are applying a Special Permit for the Expansion of Nonconforming and Nonstandard Uses, to be able to install a new sign cabinet onto the existing pole at the OAH of 35'. The code states now that the maximum height is 25' but we feel that if we had to cut down the OAH to conforming, the neighboring businesses (ex, Stanton Optical, RNR Tire Express, Interstate Battery) would block the sign for travelers along N 27th St & Superior Street.

Sincerely,
Lisa Scovill (Superior Lighting Inc)

A handwritten signature in black ink that reads 'Lisa Scovill'. The signature is written in a cursive, flowing style.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

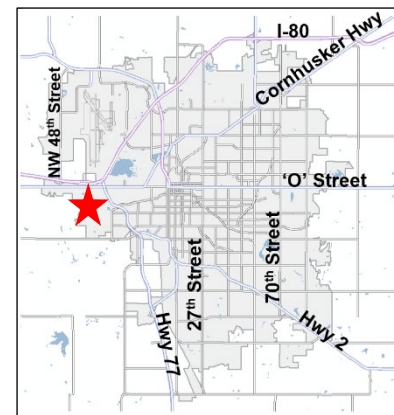
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Street and Alley Vacation #22007	FINAL ACTION? No	DEVELOPER/OWNER Scooter Properties, LLC
PLANNING COMMISSION HEARING DATE December 7, 2022	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 2400 S. Folsom Court

RECOMMENDATION: CONFORMS TO THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

This is a request to vacate Sheridan Street. The proposed vacated street is located east of S. Folsom Court between W. South Street and W. Van Dorn Street. The area to be vacated is approximately 26,700 sq. ft. The street was never constructed.



JUSTIFICATION FOR RECOMMENDATION

Sheridan Street was created in 1887 and has never been built. Given the right-of-way is no longer needed and serves no purpose it should be vacated so the land can be put to better use.

APPLICATION CONTACT

Ann Post, 402-475-5100
apost@remboltlawfirm.com

STAFF CONTACT

Tom Cajka, (402) 441-5662 or
tcajka@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 2050 COMPREHENSIVE PLAN

Elements Section

Transportation Element

The street is not shown on the Functional Street and Road Classification plan.

Policies Section

P71: Public ROW and Access - Manage public ROW and access to balance multimodal mobility needs and protect the value of adjacent property.

ANALYSIS:

1. The street was created in 1887 with Cottage Park Addition. The street has never been improved. It is right-of-way on paper only.
2. The street is within the 100-year flood plain. A conservation easement is required over the vacated area.
3. Lincoln Electric System requests an easement over the western ten feet of the vacated street. There are no other utilities within the vacated area.
4. The applicant owns the property on both sides of the alley.
5. The applicant proposes that the vacated right-of-way will be used as part of a regrading plan and operation of the business.
6. The right-of-way vacation will not affect the transportation system or traffic flow in the area. This right-of-way is excess and unneeded and should be vacated and put to better use. This proposal is consistent with the Comprehensive Plan.
7. The vacation of Sheridan St. will not leave any lots without street frontage.
8. 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.

EXISTING LAND USE & ZONING: Industrial I-1 Industrial

SURROUNDING LAND USE & ZONING

North:	Outdoor storage and buildings	I-1 Industrial
South:	Outdoor storage and buildings	I-1 Industrial
East:	Salt Creek	I-1 Industrial
West:	Homestead Expressway right-of-way	P Public

APPROXIMATE LAND AREA: 26,700 SQ. FT.

LEGAL DESCRIPTION: Sheridan St. east of S. Folsom Court adjacent to Lots 232 and 233 I.T. on the south and Lots 1 and 2, Hofeling Subdivision on the north.

Prepared by

Tom Cajka, Planner

Date: November 21, 2022

Applicant: Scooter Properties
2200 S. Folsom Court
Lincoln, NE 68522
402-438-8733
leann@hofelingenterprises.com

Contact: Ann Post
Rembolt Ludtke Law Firm
1128 Lincoln Mall, Suite 300
Lincoln, NE 68508
402-475-5100
apost@remboltlawfirm.com

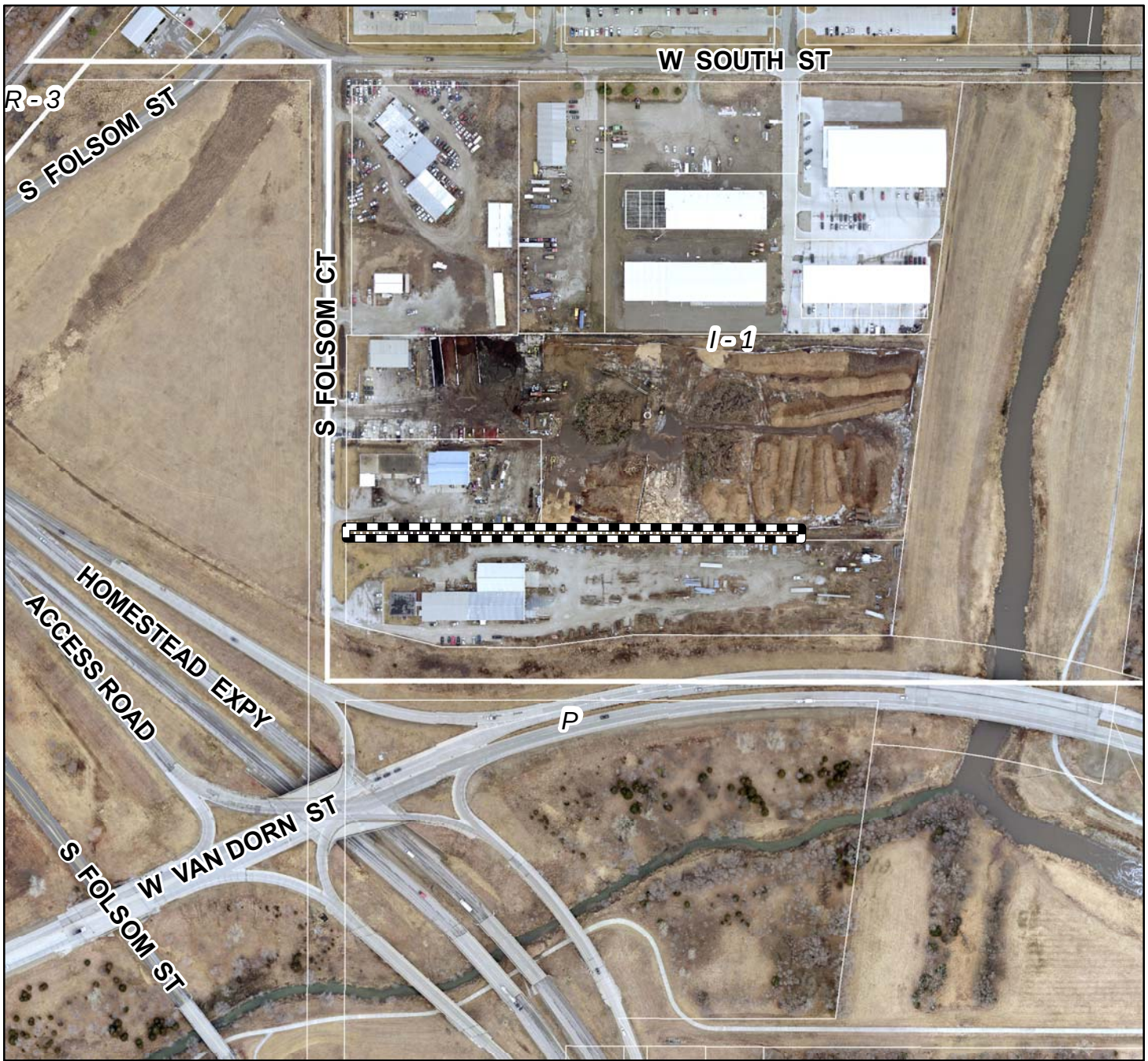
Owner: Same as applicant

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SAV/22000/SAV22007 Sheridan St.tjc.docx>

CONDITIONS OF APPROVAL - STREET AND ALLEY VACATION #22007

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.
- 1.3 Include retention of conservation easement by City with deed transfer.

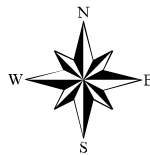


2022 aerial

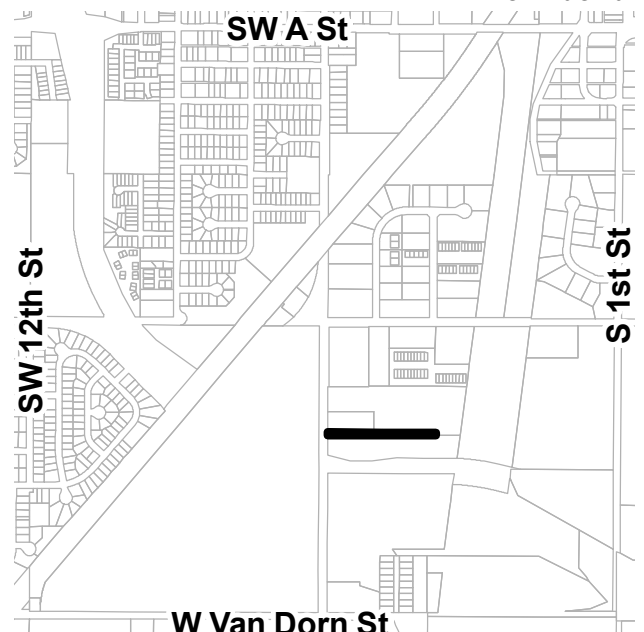
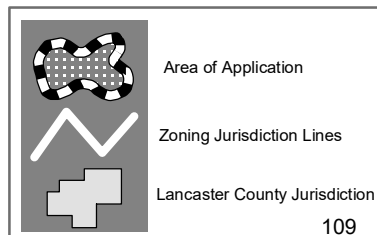
Street and Alley Vacation #: SAV22007 S Folsom Ct & W Van Dorn St

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.34 T10N R06E



INFORMATION SHEET

An Information Sheet must be filled out completely by the owners of each parcel abutting the requested vacation. The attached **Petition to Vacate Public Way** must also be filled out completely according to the instructions contained in the Instruction Sheet.

1. Name of Petitioner (Current Titleholder/s): Scooter Properties, LLC
If more than one individual, indicate if you are:
 joint tenants with right of survivorship, OR tenants in common
2. Petitioner's Address: 2200 S Folsom Ct. Lincoln, NE 68522
3. Petitioner's Telephone Number: (402) 438-8733
4. Name of street, alley, or other public way sought to be vacated: The east-west public right of way of Sheridan Street adjacent to Lots 1 and 2, Hofeling Subdivision to the north and Lots 233 and 232, Irregular Tracts located in the SE 1/4 of S 34, T 10 N, R 6 E of the 6th P.M. all located in Lincoln, Lancaster County, NE
5. Legal description of Petitioner's property which abuts the public way sought to be vacated: Lots 1 and 2, Hofeling Subdivision, and Lots 233 and S32, Irregular Tracts, located in the SE 1/4 of S 34, T10 N, R 6 E of the 6th P.M., all located in Lincoln, Lancaster County, Nebraska
6. Why are you seeking to have this street, alley, or other public way vacated?
Petitioner is in process of filling and regrading the adjacent properties for use in its business. Vacation of the right of way will allow this area to be used in operation of the business, and made a part of the regrading plan
7. What use or uses do you propose to make of the public way should it be vacated?
The public way will be incorporated into the site and adjacent business uses
8. Do you intend to purchase that portion of the vacated public way which abuts your property as described in the **Petition to Vacate Public Way** and/or other portions of the vacated public way?
 X YES NO
9. Name and address of person to whom tax statement should be sent:
Scooter Properties LLC
2200 S Folsom Ct.
Lincoln, NE 68522

The property will be appraised and the purchase price of the portion abutting your property must be paid by you to the City Clerk unless you have indicated that the portion abutting your property will be sold to any other abutting owner willing to pay the purchase price. The Vacation Ordinance will not be introduced before the City Council until the full price of the entire public way proposed to be vacated has been paid.

***** IMPORTANT: BE SURE THAT THE PETITION TO VACATE PUBLIC WAY HAS BEEN PROPERLY EXECUTED BY ALL TITLEHOLDERS TO YOUR PROPERTY AND ATTACH IT TO THIS INFORMATION SHEET.**

PETITION TO VACATE PUBLIC WAY
with
RELEASE AND WAIVER OF RIGHTS AND TITLE,
AND QUITCLAIM DEED TO CITY OF LINCOLN

TO THE HONORABLE CITY COUNCIL OF THE CITY OF LINCOLN, NEBRASKA:

The undersigned property owner(s) hereby petition you to vacate the following street, alley, or other public way, commonly known as: *(i.e.: Elm Street from 1st to 2nd St. or East-west alley, from the north line of 1st St. to the south line of 2nd St.)*

Please see attached

in the CITY OF LINCOLN, NEBRASKA, with the City reserving in said street, alley, or other public way such title, rights, easements, and privileges as it may deem necessary. In consideration of the vacation of the above-described street, alley, or other public way, we, and each of us, for ourselves, our heirs, personal representatives, successors, and assigns, hereby waive and release any and all claims, causes of action, rights of access, and demands of every nature, known or unknown, which may accrue to us, or which we now have, or which we may hereafter have as a result of such vacation; and hereby quitclaim unto the City of Lincoln, Nebraska, and to its successors and assigns forever, all right, title, interest, estate, and demand, both at law and in equity, in and to all of said street, alley, or other public way.

TO HAVE AND TO HOLD the above-described street, alley, or other public way together with all tenements, hereditaments, and appurtenances thereto belonging unto the City of Lincoln, Nebraska, and to its successors and assigns forever.

The undersigned hereby represent(s) that he, she, they, or it is(are) the owner(s) of the following described property in Lincoln, Lancaster County, Nebraska, abutting on said street, alley, or other public way: ***(Legal description from deed or abstract NOT street address, i.e. Lot 10, Block 500 Boardwalk Addition NOT 4500 Park Place Blvd.)***

Lots 1 and 2, Hofeling Subdivision to the north and Lots 233 and 232, Irregular Tracts

located in the Southeast Quarter of Section 34, Township 10 North, Range 6 East of the 6th P.M.

all located in Lincoln, Lancaster County, Nebraska

DATED this 1 day of November, 2022.

Scooter Properties LLC

[Name of Titleholder]

By: LeAnn K. Hoteling
Managing Member

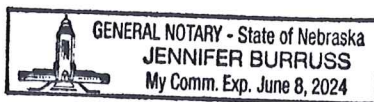
***(ALL TITLEHOLDERS OF THE REAL ESTATE DESCRIBED ON THE PRECEDING PAGE
MUST SIGN THIS PETITION BEFORE A NOTARY PUBLIC)***

STATE OF Nebraska)
Lancaster) ss.
COUNTY)

The foregoing instrument was acknowledged before me on this 1 day of November,
2022, by LeAnn K. Hoteling, managing member of Scooter Properties LLC,
on behalf of said limited liability company.

(Seal)

[Signature]
Notary Public



SIGNATURE PAGE FOR LIMITED LIABILITY COMPANY

Exhibit A

Description of Right of Way

That east-west public right of way of Sheridan Street located east of S. Folsom Ct., south of Lots 1 and 2, Hofeling Subdivision, and north of Lots 232 and 233, Irregular Tracts located in the Southeast Quarter of Section 34, Township 10 North, Range 6, East of the 6th P.M., all located in Lincoln, Lancaster County.

4891-7951-9037, v. 1

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER
Text Amendment 22013FINAL ACTION?
NoPLANNING COMMISSION HEARING DATE
December 7, 2022RELATED APPLICATIONS
None**RECOMMENDATION: APPROVAL****BRIEF SUMMARY OF REQUEST**

Text amendments are proposed to update the Zoning Ordinance for process improvements and clarifications. These amendments have been identified previously by staff and are intended to help with issues that have arisen in the past during the development process. These amendments are overall minor in nature.

JUSTIFICATION FOR RECOMMENDATION

The text amendments will add clarity and flexibility to the affected sections and will not add any substantial new restrictions while improving the development process.

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The 2050 Comprehensive Plan supports exploring options for streamlining the zoning and building permitting processes. These proposed amendments are consistent with the Plan as they are to clarify, provide flexibility and improve the process for development.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN**Policies Section**

P12: Economic Growth - Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.

Action Steps

6. Explore additional opportunities for streamlining the zoning and building permitting processes.

ANALYSIS

1. This request is for text amendments to the Zoning Ordinance to various sections including: Sections 27.02.020 (Definitions) A Academies, 27.02.170 (Definitions) P Private School and related sections for private schools;

27.02.160 (Definitions) O Office, 27.06.100 Use Groups; 27.63.010 (Special Permit) Procedures, 27.63.020 (Special Permit) Action of Planning Commission; 27.63.690 (Special Permits) Community Halls AG District and related sections; 27.67.040 Parking Requirements for hotels and motels; Special Conditions; 27.72.080 Exceptions to the Front Yard Requirements; and 27.72.120 Accessory Buildings. The amendments are overall minor and are intended to help with issues that have arisen and improve development review process.

2. The summary of each of the proposed text amendment is below:

27.02.020 (Definitions) A Academies and 27.02.170 (Definitions) P Private School

Amending the definitions of academies and private schools to remove the references to requirements of the State of Nebraska. Here is the current text:

***Private School** Private school shall mean privately owned education and instruction facilities that meet the State of Nebraska requirements for elementary or secondary education. Private school shall not mean academies, early childhood care facilities, private colleges, or vocational schools.*

Unfortunately, the current definition is not correct. A private school isn't necessarily required to meet the State of Nebraska requirements for curriculum. So this places a private school in the wrong category in the zoning ordinance. This amendment corrects the definition for private school and also deletes related sections where similar language is used. This amendment addresses a problem today for a private school that provides instruction similar to a public school, but that is not required by the State to meet the State of Nebraska instructional regulations. Lincoln had a recent example of a private school that was not required to meet the "requirements of the State of Nebraska" in order to operate. So the City classified them as an academy under the current regulations even though they operate as a private school. The private school provided Monday-Friday 8 to 3 p.m. classroom instruction and did not operate at all like an academy. Academies are typically offering instruction after regular school hours, such as a gymnastic or karate studio for youth. Private schools provide the teaching of all subjects in order to prepare their students for high school or college. Nationwide, there has been an increased interest in small private schools as well as in Lincoln. This text amendment will correct the definition so that private schools are not classified as academies.

27.02.160 (Definitions) O Office

Amending the definition for office (27.02.160) to include out-patient surgical centers. This amendment addresses a problem that arose in several cases in Lincoln. For example, a new facility for medical offices included an area for outpatient surgeries. At time of building permit, the room on the site plan for the "surgery area" changed the land use classification to nonresidential healthcare facility, which is intended for full scale hospitals not medical offices. This was a problem as nonresidential healthcare facilities are by special permit in many districts, while medical offices are a permitted use. So the surgery center which was approved as an office, would require a special permit as a nonresidential healthcare facility, simply because they had a surgery room. Related to this amendment, 27.06.100 Use Groups is being amended to permit health care facility, non-residential as permitted instead of special permit for the O-1 to O-3, B-1 to B-3, B-5, and H-2 to H-4 zoning districts. There is little benefit to having a special permit for a non-residential healthcare facility in a commercial district.

27.63.010 (Special Permit) Procedures

Amending the special permit procedures general sections to specifically note the adjustments that the Planning Commission can make as part of special permit approvals. This is a general section update. It does not add or change any regulations as those are specific to each special permit type.

27.63.020 (Special Permit) Action of Planning Commission

Amending the special permit action of Planning Commission general sections to specifically note the adjustments that the Commission can make as part of special permit approvals. This is a general section update. It does not add or change any regulations as those are specific to each special permit type.

27.63.690 Special Permits, Community Halls; AG District

Amending the special permit section to delete Community Hall, which overlaps with the use Social Hall. Currently, community halls are only allowed by special permit in the AG Agricultural District while Social Halls are allowed in commercial districts. The use Community Hall was created in 1996 to allow a pumpkin patch. It was then later used for an event space in AG zoning. Subsequently, the use "Agricultural Attraction" was created to cover

pumpkin patches and similar agriculture-oriented attractions. So, the use Community Hall is overlapping and no longer necessary.

27.67.040 Parking Requirements; Special Conditions

Amending the hotel and motel parking regulation to only require one space per room with no additional parking required for accessory spaces. The intent of this amendment is to simplify the parking calculation for hotel and motel parking to exclude accessory space such as lobbies, pools or other areas which can complicate the parking calculation at time of building permit. The additional parking for a pool or exercise room for guests is unnecessary. Omaha, for example, also requires only one parking space per unit for hotel and motel uses.

27.72.080 Exceptions to the Front Yard Requirements

Amending the exceptions to front yard setback requirements (27.72.080) to allow greater flexibility where the average method is used to calculate the front yard where it is greater than the standard requirement. The proposed change is to allow the average of building setbacks or 50 feet instead of having to provide all the dimensions for the street frontage for all main buildings. In other words, a 50-foot setback can simply be followed as an option without having to calculate the setbacks of the main buildings which could involve survey expense. The current text often requires a property owner to hire a surveyor to determine the setback of all their neighbors, just to be able to know their own setback. A neighborhood example of this would be Piedmont in the general vicinity of the Bryan East Medical Plaza where the required front setback is 30 feet for the R-1 zoning but the actual setbacks for the homes are greater than 30 feet in many cases. Here is the current text:

In the R-1 zoning district, where any forty percent (40%) or more of the frontage in the same zoning district is developed with two or more main buildings that have (with a variation of five feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the greater of the front yards established by the existing main building nearest the street line.

The current text above means that where multiple homes, for example, are set back greater than the minimum setback requirement that a larger than the minimum front setback requirement applies. As an alternative to having to calculate what that number is, a 50-foot setback can be used which presently is not an option in the text.

27.72.120 Accessory Buildings

Clarifying the requirement for placement of accessory buildings in the rear yard for AG zoned property of 20 acres or more. The proposed text states an accessory building can be placed no closer than 10% of the average lot width or 60 feet, whichever is less. This amendment clarifies, in cases where the 10% of the average lot width is greater than the required side yard of 60 feet (so average lot width greater than 600 feet), that the lesser amount is used for purposes of this section.

3. This request is compatible with the Comprehensive Plan by addressing issues that have arisen and by improving the development process.

Prepared by

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<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/TX/22000/TX22013 2022 Zoning Ordinance Text Amendments Group 2.gjw.docx>

ORDINANCE NO. _____

AN ORDINANCE amending Lincoln Municipal Code Sections 27.02.020, 27.02.160, 27.02.170, 27.06.100, 27.06.150, 27.62.080, 27.63.010, 27.63.020, 27.63.470, 27.63.680, 27.63.690, 27.63.730, 27.67.040, 27.69.035, 27.72.080, 27.72.120, and Figure 27.67.040 to improve the development review process and clarify the sections amended; and repealing Sections 27.02.020, 27.02.160, 27.02.170, 27.06.100, 27.06.150, 27.62.080, 27.63.010, 27.63.020, 27.63.470, 27.63.680, 27.63.690, 27.63.730, 27.67.040, 27.69.035, 27.72.080, 27.72.120, and Figure 27.67.040 as hitherto existing.

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

Section 1. That Section 27.02.020 of the Lincoln Municipal Code be amended to read as follows:

27.02.020 A.

Abutting Abutting shall mean adjacent or contiguous and shall include property separated by an alley.

Academies Academies shall mean education and instruction facilities for certain skills, including but not limited to, dance or music academies and gymnastic or martial arts schools. Academies shall not include early childhood care facilities, public schools, ~~or~~ private schools, ~~that meet the State of Nebraska requirements for elementary or secondary education or industrial trade or vocational~~ schools.

Accessory Buildings and Uses An accessory building is a subordinate building or a portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises. An accessory use is one which is incidental to the main use of the premises.

1 **Accessory Dwelling** An accessory dwelling is a subordinate building or portion of the main
2 building for use as a secondary single-family dwelling which is incidental to use of the main
3 building for a primary single-family dwelling.

4 **Adult Day Service Facility** Adult day service facility shall mean a facility where care and an array
5 of social, medical, or other support services are provided for a period of less than twenty four
6 consecutive hours to four or more persons who require or request such services due to age or
7 functional impairment outside of the person's home or facility the person resides in. Adult day
8 service does not include a group home.

9 **Agriculture** Agriculture shall mean the use of land for the purpose of raising and harvesting crops;
10 or for the raising, breeding, or management of livestock, poultry, fish, or honeybees; or for
11 dairying, truck gardening, forestry, nurseries, or orchards; for the non-commercial on-farm storage
12 or processing of agricultural products; or for any other similar agricultural, horticultural,
13 silvacultural, or aquacultural use.

14 **Agricultural Attraction** Agricultural attraction shall mean a premises used primarily for
15 agriculture for the purpose of raising and harvesting crops for sale, but that also includes a limited
16 amount of area devoted to the provision of entertainment for a period of no more than four months
17 per year. Examples of agricultural attractions include, but are not limited to, pumpkin patch, apple
18 orchard, or corn maze where, in addition to agricultural production, there are areas for sale of other
19 goods and entertainment. Attractions shall not include mechanical rides other than hayrack and
20 sightseeing vehicles.

21 **Alley** Alley shall mean a public or private thoroughfare which affords only a secondary means of
22 access to property abutting thereon.

23 **Amateur Radio Antenna Installation** Amateur radio antenna installation shall mean the

1 installation of the tower, antenna, mast, rotor, and other necessary apparatus by an amateur radio
2 operator at a particular location licensed by the Federal Communications Commission as an
3 amateur radio station for amateur radio communications.

4 For the purposes of this definition:

5 **Amateur radio operator** shall mean an individual who has passed a Federal Communications
6 Commission authorized examination and holds a current F.C.C. amateur radio license.

7 **Antenna** shall mean the device which receives and/or transmits radio waves and is connected to a
8 radio by means of some type of conducting media.

9 **Antenna installation** shall mean the complete system including tower, antenna(s), mast, and rotor.

10 **Mast** shall mean a pole or pipe-like device which separates an antenna from a tower.

11 **Rotor** shall mean a machine which turns the antenna about its axis.

12 **Tower** shall mean the supporting structure which holds the antenna above the ground.

13 **Animal Hospital** See Veterinary Facility

14 **Apartment** See multiple dwelling unit.

15 **Apartment Hotel** Apartment hotel shall mean a multiple dwelling under resident supervision
16 which maintains an inner lobby through which all tenants must pass to gain access to the
17 apartments and which may furnish services ordinarily furnished by hotels, such as drug store,
18 barber shop, beauty parlor, shoeshine shop, cosmetologists shop, cigar stand, or newsstand, when
19 such uses are located entirely within the building with no entrance from the street nor visible from
20 any public sidewalk, and having no sign or display visible from the outside of the building
21 indicating the existence of such use.

22 **Apartment House** See Dwelling, multiple.

23 **Assisted-living Facility** Assisted-living facility shall mean a facility where shelter, food, and care

are provided for remuneration for a period of more than twenty-four consecutive hours to four or more persons residing at such facility who require or request such services due to age, illness, or physical disability.

Average Lot Width Average lot width shall mean the width determined by dividing the total lot area by the depth of the lot from the right-of-way line to the furthest rear lot line. If the rear lot line and right-of-way line are not parallel, an average depth dimension shall be used.

Section 2. That Section 27.02.160 of the Lincoln Municipal Code be amended to read as follows:

27.02.160 O.

Office Office shall mean facilities in which the administrative activities, record-keeping, clerical work, and other similar affairs of a business, profession, service, industry, or government are conducted and, in the case of professionals such as, but not limited to, dentists, physicians, therapists, physical and occupational therapists, bankers, financial services, lawyers, engineers, and accountants, the facilities where such professional services are rendered. The incidental sale of goods which are furnished as part of the professional service is allowed. The term office includes “medical office” and “financial office.” including facilities that provide outpatient surgery not requiring an overnight stay.

Outdoor Dining Outdoor dining shall mean an open area for dining when associated with a food or drink establishment in which tables and seats are uncovered or covered by a permanent roof or individual umbrellas or canopies (no tents or other types of temporary structures) and may be surrounded by a fence.

Outlot Outlot shall mean a parcel of real property with a separate and distinct outlot designation shown on a final plat recorded in the office of the Register of Deeds for Lancaster County,

Nebraska, and which is reserved for future building or occupancy after replatting and subdivision or reserved for agricultural uses, open space, or common facilities.

Owner For purposes of making application for a special permit or a use permit under this title, the term “owner” shall include an owner of record, a trustee under a deed of trust or similar trust document, or a long-term lessee. A person, other than an owner, may be authorized to apply on behalf of an owner.

Section 3. That Section 27.02.170 of the Lincoln Municipal Code be amended to read as follows:

27.02.170 P.

Parking Lot Parking lot shall mean an area consisting of six or more parking spaces for the storage of automobiles, together with a driveway connecting the parking area with a street or alley and permitting ingress and egress for an automobile, provided that there shall be no storage of automobiles for the purpose of sale or resale.

Parking Space Parking space shall mean an area, enclosed or unenclosed, sufficient in size to store one automobile, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

Permanent Residence Permanent residence shall mean the place where a person actually lives and which such person regularly intends to occupy over a substantial period of time. If a person has more than one such place where he or she lives, the permanent residence shall be the place occupied the majority of the time by such person.

Personal Services Personal Services shall mean establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. Such services may include but are not limited to: beauty shops, barbershops, shoe repair, funeral services, nail salons,

1 health clubs, domestic services, dry cleaning drop off stations including cleaning and pressing and
2 diaper services.

3 **Place of Religious Assembly.** Any use of a building or premises by a religious organization, as
4 defined in the Nebraska Administrative Code, for religious worship, religious services, and/or
5 religious training (Title 350, Chapter 40 – Property Tax Exemption Regulations, or as may be
6 amended from time to time by the State of Nebraska).

7 **Premises** Premises shall mean a tract of land, consisting of one platted lot or irregular tract, or
8 more than one platted lot or irregular tract, provided such lots or tracts are under common
9 ownership and contiguous.

10 **Private College** Private college shall mean privately owned education and instruction facilities for
11 post-secondary education.

12 **Private School** Private school shall mean privately owned education and instruction facilities that
13 ~~meet the State of Nebraska requirements for provide education and instruction that is generally~~
14 ~~equivalent to a public~~ elementary or secondary education. ~~Private schools generally provide~~
15 ~~instruction to the same grade levels as public schools, but may include facilities with fewer grades~~
16 ~~than a public school.~~ Private school shall not mean academies, early childhood care facilities,
17 private colleges, or vocational schools.

18 Section 4. That Section 27.06.100 of the Lincoln Municipal Code be amended to read as
19 follows:

20 **27.06.100 Civic Services Use Group.**

21 Characteristics: The Civic Services Group is characterized by uses which provide services that
22 enhance the health, safety and welfare of the community. Such uses often serve and are
23 complimentary to neighborhoods. They also provide for assemblies of members, guests, and/or the

general public for social, cultural, charitable, religious and civic purposes. Such uses include but are not limited to adult care centers, clubs, cemeteries and mausoleums, places of religious assembly, museums, and hospitals. Such Civic Services typically do not include people living on site as their permanent residence.

Use Group Table:

27.06.100 Civic Services Use Group Table																											
Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3	
Adult day services facility				S	S	S					P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	
Cemeteries and mausoleums	C	C	S	S	S	S	S	S	S	S					S	S	S			S	S	S	S	P	P	P	
Places of Religious Assembly	P	P	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P		P	P	S	C	C	C	
Clubs/ Lodges	S	S	S	S	S	S	S	P	P	P	S	P	P	P	P	P	P	P	P		P	P	P	P	P	P	
Health-care facilities, Non-residential			S	S	S	S	S	S	S	S	S	P	P	P	S	P	P	P	P		P	P	P			S	
Neighborhood support services			S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	
All other uses in this Use Group											P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	

Section 5. That Section 27.06.150 of the Lincoln Municipal Code be amended to read as follows:

27.06.150 Commercial Recreation and Entertainment Facilities Use Group.

Characteristics: The Commercial Recreation Facilities Use Group is characterized by uses that provide as its primary function events and activities for the entertainment and/or recreation of members, guests, or customers. Events or activities may be indoors or outdoors. Such uses include but are not limited to outdoor recreational facilities, campgrounds, enclosed commercial recreational facilities, miniature golf courses, sexually oriented live entertainment establishments, social halls, ~~community halls~~, theaters and picture arcades. This use group does not include facilities that are primarily used for instruction and are not open to the public.

1 Use Group Table:

27.06.150 Commercial Recreation and Entertainment Facilities Use Group Table																											
Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3	
Campgrounds	S	S																									
Community halls	S																										
Recreational facilities, enclosed commercial															P	P	P	P	P		P	P	P	P	P	P	
Recreational uses, outdoor	S	S	S	S	S	S	S	S	S	S	S		S		S	S	S	P	P		P	P	P	P	P	P	
Sexually oriented live entertainment establishments																				S	S	S	S	S	S	S	
Social halls	S														C	C	C	P	C		C	C	C	P	P		
Theaters (indoor)																S	S	P	S								
Theaters (outdoor)																		P			S	P	P	S			
Amusement License	C																										
All other uses in this Use Group															P	P	P	P	P		P	P	P	P	P	P	

2 Section 6. That Section 27.62.080 of the Lincoln Municipal Code be amended to read as
 3 follows:

4 **27.62.080 Education and Instruction Use Group.**

5 A building or premises may be used for the following use types as a permitted conditional use in
 6 the designated zoning districts and in compliance with the conditions of approval applicable for
 7 that use type.

8 a. Early childhood care facilities are allowed in the AG, AGR, R-1 thru R-8, O-1, O-2, O3,
 9 and R-T zoning districts under the following conditions:

10 1. No more than a maximum of fifteen children shall be present in the facility at any time;

11 2. In the AG, AGR, and R-1 thru R-8 zoning districts:

12 i. Such facilities shall be used as the permanent residence of the licensed child care
 13 provider;

ii. If the facility is located in a mobile home, the facility shall have a severe weather emergency action plan approved by the Health Department.

(NOTE: Early childhood care facilities with sixteen or more children and early childhood care facilities with fifteen or fewer children not meeting the specified conditions for the above permitted conditional use may be allowed upon approval of a special permit pursuant to Chapter 27.63).

- b. Private ~~elementary and high~~ schools ~~having a curriculum equivalent to a public elementary or public high school~~ are allowed in the R-1 thru R-8, O-1, O-2, O-3, B-1, B-2, B-3, B-5, H-2 and H-3 zoning districts, provided that no rooms shall be used regularly for housing or sleeping purposes, except when the school is in a single family dwelling.

Section 7. That Section 27.63.010 of the Lincoln Municipal Code be amended to read as follows:

27.63.010 Procedures.

Certain use types by their nature tend to be incompatible with other land uses in the same zoning district, but may be found acceptable in certain circumstances when conditioned in a manner to protect abutting use types and to protect the character of the area.

Applications for a special permit under this chapter shall be filed by the owner in writing with the Planning Department on a form provided by the city. Upon filing of the application, the City Council shall refer the application to the Planning Commission. The Planning Commission may authorize, by special permit after public hearing, any of the following use types designated in this chapter as permitted special uses. Such permitted special uses shall be restricted to the particular district or districts listed under the applicable provisions below. Said special permit shall require conformance with all regulations of the applicable sections of this chapter. The Planning

Commission shall impose such conditions as are appropriate and necessary to ensure compliance with the comprehensive plan and protect the health, safety, and general welfare in the issuance of any such special permits. Where specifically authorized under the applicable provisions below for any of the use types designated in this chapter as permitted special uses, the Planning Commission or City Council may decrease the minimum regulations of the district in which the permitted special use is located or modify the specific conditions for approval of the special permit provided the public welfare and interest of the city and surrounding area are protected and the general interest and spirit of these regulations are preserved. Adjustments to the minimum regulations may include the height and lot requirements, parking, signage, design standards, or other regulations specifically listed in the specific special permit provision. Unless expressly modified by the terms of the special permit, all regulations of the district in which the permitted special use is located shall apply. Copies of a plot plan of the lot and proposed uses drawn to an accurate scale and showing all pertinent information shall accompany a request for a special permit.

Section 8. That Section 27.63.020 of the Lincoln Municipal Code be amended to read as follows:

27.63.020 Action of Planning Commission.

Before the issuance of any special permit for any of the buildings or uses enumerated in this chapter, the Planning Commission shall hold a public hearing upon such application and shall consider the effect of the proposed use upon the surrounding neighborhood, the Comprehensive Plan of the City of Lincoln, the community as a whole, and other matters relating to the public health, safety, and general welfare. If the applicant requests the City Council to make a permitted decrease in the minimum regulations of the district in which the permitted special use is located or to modify the specific conditions for approval of the special permit, the Planning Commission

1 shall hold a public hearing upon such adjustment or modification at the same time that it hears the
2 application for the special permit and shall make a report to the City Council regarding the effect
3 the proposed use and adjustment has upon the surrounding neighborhood, safety, community as a
4 whole, and other matters relating to public health, safety, and general welfare. Upon receiving a
5 report from the Planning Commission, the City Council, after public hearing, shall take final action
6 upon the application for the special permit and the adjustment. In approving a special permit, the
7 Planning Commission may adjust height and lot requirements, parking, signage, design standards
8 or other regulations specifically listed in the special permit provisions.

9 In the event the Planning Commission fails to act upon the application within sixty days from the
10 date the application is referred to the Planning Commission, the applicant may appeal to the City
11 Council requesting final action. If the City Council determines that the delay of the Planning
12 Commission is unjustified, it shall direct the commission to act no later than the commission's
13 next regularly scheduled meeting.

14 All applications for a special permit which have been placed on pending by an applicant shall
15 automatically expire and become null and void one year after placement on pending, unless said
16 applications are slated for action on the City Council agenda on or before the one-year anniversary
17 of the application. At least thirty days before the date of expiration, the Planning Director shall
18 cause notice of expiration to be sent to the applicant by regular United States mail, postage prepaid.
19 Said notice shall advise the applicant that the application shall automatically expire unless prior to
20 the expiration date, the Planning Director receives a request from the applicant to remove the
21 application from pending and reschedule the matter on the Planning Commission or City Council
22 agenda as appropriate.

Section 9. That Section 27.63.470 of the Lincoln Municipal Code be amended to read as follows:

27.63.470 Planned Service Commercial.

Planned service commercial development may be allowed by special permit in the H-4 General Commercial District under the following conditions:

a. The uses approved within a planned service commercial development shall be limited to:

1. Motor vehicle sales;
2. Warehouses;
3. Mini-warehouses;
4. Service centers for the repair of household appliances and lawn and garden equipment, provided outdoor storage of items to be repaired are permitted only when the storage area is enclosed with a solid fence or wall and gates eight feet in height and the items to be repaired are less than the height of the fence or wall and gates enclosing the storage area and no salvage or scrap processing operation shall be permitted. The fence or wall and gates shall be located where buildings are permitted;
5. Dwellings for caretakers employed and required to reside on the premises;
6. Ambulance services;
7. Veterinary facilities;
8. Contractors' services, provided outdoor storage of equipment and materials shall be permitted only when the storage area is enclosed with a solid fence or wall and gates eight feet in height and the stored equipment and material are less than the height of the fence or wall and gates enclosing the storage area. The fence or wall and gates shall be located where buildings are permitted;

- 1 9. Restaurants;
- 2 10. Motor fuel service facilities;
- 3 11. Stores or shops for retail sales and services not exceeding 30,000 square feet in floor
- 4 area per building; provided, there is at least four and one-half square feet of land area
- 5 excluding other uses and their accessory uses within the approved special permit area
- 6 per one square foot of floor area;
- 7 12. Food storage lockers;
- 8 13. Clubs, provided the activities are located at least 150 feet from an abutting residential
- 9 district;
- 10 14. Outdoor and enclosed commercial recreational facilities; provided that outdoor
- 11 recreational facilities are at least 150 feet from an abutting residential district;
- 12 15. Offices not exceeding 15,000 square feet of floor area per building; provided that there
- 13 is at least four and one-half square feet of land area excluding other uses and their
- 14 accessory uses within the approved special permit area per one square foot of floor area;
- 15 16. Early childhood care facilities, provided that such facilities shall be fenced and have
- 16 play areas that comply with the [design standards for early childhood care facilities](#). In
- 17 addition, such facilities shall comply with all applicable state and local early childhood
- 18 care requirements and all applicable building and life safety code requirements;
- 19 17. Cabinet shops and stores; provided that the total floor area of the operation does not
- 20 exceed 5,000 square feet and that all materials, both raw and finished, be stored inside;
- 21 18. Places of Religious Assembly;
- 22 19. Motor vehicle repair, including vehicle body repair shops, provided that all disabled
- 23 vehicles and all new and used parts are stored inside the building;

- 1 20. Academies;
- 2 21. Banks, savings and loan associations, credit unions, and finance companies;
- 3 22. Broadcast towers;
- 4 23. Indoor kennels;
- 5 24. Outdoor exercise area associated with an indoor animal hospital or indoor kennel;
- 6 provided that such facilities comply with the requirements of Section 27.63.780.
- 7 25. Motor vehicle and/or truck wash facility.
- 8 26. Public elementary, middle, and high schools, or private schools ~~having a curriculum~~
- 9 ~~equivalent to a public elementary, middle, or high school, and~~ having no rooms
- 10 regularly used for housing or sleeping purposes.
- 11 27. Motels and hotels.
- 12 28. Sale of alcohol for uses that meet the conditions of Sections 27.63.680 and 27.63.685.
- 13 29. Non-residential healthcare facilities per the conditions of Section 27.63.080.
- 14 30. Assembly facilities; provided that such facilities comply with the conditions of Section
- 15 27.62.150(a).
- 16 b. An applicant for a special permit under the provisions of this section shall comply with
- 17 environmental performance standards relating to noise, emission, dust, odor, glare, and heat
- 18 as shall be from time to time established for those districts requiring use permits.
- 19 c. Each application for a special permit under this section shall include a landscape plan which
- 20 shall show proposed plantings in conformance with city standards in all required yard areas,
- 21 open space areas, malls, parking areas, and around proposed buildings. The applicable
- 22 standards shall be those adopted by resolution of the City Council for those districts
- 23 requiring use permits.

- 1 d. The City Council may adjust the floor area requirements above, height and lot regulations,
2 and minimum parking applicable in the H-4 General Commercial District, consistent with
3 adequate protection of the environments of adjacent land uses;
- 4 e. That the land surrounding the tracts for the proposed planned service commercial
5 development will not be adversely affected;
- 6 f. That upon approval of a planned service commercial development, the land proposed to be
7 included within such development shall not be developed for or devoted to any other
8 permitted use or specially permitted use of the H-4 General Commercial District, except
9 those specifically approved in the special permit authorizing the planned service
10 commercial development, unless an amendment thereto has been approved in accordance
11 with the procedures set forth for approving special permits generally.

12 Section 10. That Section 27.63.680 of the Lincoln Municipal Code be amended to read as
13 follows:

14 **27.63.680 Sale of Alcoholic Beverages for Consumption On the Premises.**

- 15 a. The sale of alcoholic beverages for consumption on the premises may be allowed in the B-
16 1, B-3, H-1, H-2, H-3, H-4, I-1, I-2, and I-3 zoning districts and on the premises of a
17 restaurant in the O-3 district upon the approval of a special permit subject to the
18 requirements of the respective districts, all applicable ordinances, and the following
19 conditions:
- 20 1. Parking shall be in conformance with [Chapter 27.67](#).
- 21 2. The sale of alcoholic beverages for consumption off the premises shall not be permitted
22 without issuance of a separate special permit under Section [27.63.685](#) of this code.

- 1 3. The designated area specified in a license issued under the Nebraska Liquor Control
2 Act of any building approved for such activity must be located no closer than (i) 100
3 feet from the property line of a premises used in whole or in part for a first-floor
4 residential use, day care facility, park, place of religious assembly, or state mental
5 health institution, or (ii) 100 feet from a residential district (except where such use is
6 accessory to a golf course, country club, farm winery, or market garden).
- 7 4. Any lighting on the property shall be designed and erected in accordance with all
8 applicable lighting regulations and requirements.
- 9 5. Vehicle stacking for a drive-through window used as any part of the permitted business
10 operation shall not be located in any required building setback from a residential
11 district.
- 12 6. The use shall not have any amplified outside sound or noise source, including bells,
13 buzzers, pagers, microphones, or speakers within 150 feet of any residential district.
14 This shall not apply to sound sources audible only to the individual to whom they are
15 directed, such as personal pagers, beepers, or telephones.
- 16 7. No access door to the business, including loading or unloading doors, shall face any
17 residential district if such doors are within 150 feet of the residential district. This shall
18 not apply to emergency exit doors required by building or safety codes. No door facing
19 a residential district shall be kept open during the operation of the establishment.
- 20 8. Vehicular ingress and egress to and from the property shall be designed to avoid, to the
21 fullest extent possible, disruption of any residential district. Particular attention shall be
22 given to avoiding designs that encourage use of residential streets for access to the site
23 instead of major streets.

1 9. All other regulatory requirements for liquor sale shall apply, including licensing by the
2 state.

3 b. In addition, a special permit may be granted to allow alcoholic beverages to be sold for
4 consumption on the premises of a restaurant in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, I-2, I-
5 3, and O-3 districts subject to the requirements of the respective districts, all applicable
6 ordinances, and the following conditions:

7 1. The Permittee as the holder of any liquor license issued on the premises pursuant to a
8 special permit for the sale of alcoholic beverages for consumption on the premises of a
9 restaurant shall agree in writing to voluntarily surrender and consent to the cancelling
10 of the liquor license in the event the special permit is revoked by the City. If the
11 Permittee is not the holder of the liquor license, the Permittee shall require such holder
12 to agree in writing to voluntarily surrender and consent to the cancelling of the liquor
13 license in the event the special permit is revoked by the City. In addition, the City shall
14 request that the Nebraska Liquor Control Commission issue the liquor license
15 contingent upon the premises having such special permit.

16 2. The restaurant shall be located at least 25 feet away from a residential zoning district.

17 3. Gross sales from the sale of alcoholic beverages shall not exceed forty percent (40%)
18 of the gross sales of food and beverages. Upon request of the City, the license holder/
19 operator shall provide sales receipts for the past six (6) months for the purpose of
20 demonstrating that no more than 40% of the restaurant's gross sales are derived from
21 the sale of alcohol

22 4. The restaurant shall serve full-course meals as defined by *Neb. Rev. Stat. § 53-*
23 *123.04(c)(3)* during the hours of operation.

1 5. Hours of operation must not commence prior to 8:00 a.m. and shall end no later than
2 11:00 p.m.

3 6. Hours of outdoor operation must not commence prior to 8:00 a.m. and shall end no later
4 than 10:00 p.m.

5 7. The restaurant shall not have any gaming devices or self-serve vending. Gaming
6 devices include pool tables, dart boards, keno. Self-serve vending includes candy
7 machines and drink machines that use electricity.

8 8. No drive-through windows shall be allowed.

9 9. The sale of alcoholic beverages for consumption off the premises shall not be permitted
10 without issuance of a separate special permit under Section [27.63.685](#) of this code.

11 c. For the purposes of this section, restaurant shall mean any place (i) which is kept, used,
12 maintained, advertised, and held out to the public as a place where meals are served and
13 where meals are actually and regularly served; (ii) which has no sleeping area; and (iii)
14 which has adequate and sanitary kitchen and dining room equipment and capacity and a
15 sufficient number and kind of employees to prepare, cook, and serve suitable food for its
16 guests.

17 d. Alcoholic beverages may also be sold for consumption on the premises as an accessory use
18 to an outdoor recreational facility as part of a separate special permit under Section
19 [27.63.130](#) approving the outdoor recreational facility in any district where outdoor
20 recreational facilities are allowed as a permitted use, permitted conditional use, or permitted
21 special use.

22 e. Alcoholic beverages may be sold for consumption on the premises as an accessory use to a
23 residential health care facility or an elderly and retirement housing facility as part of a

special permit under either Section 27.63.210 or 27.63.530 or in any district where such facilities are allowed as a permitted or a conditional use.

- f. Alcoholic beverages may be sold for consumption on the premises as an accessory use to a social hall as part of a special permit under Section 27.63.690 or in any district where such a facility is allowed as a permitted, special, or a conditional use.

- g. The City Council may consider any of the following as cause to revoke the special permit approved under these regulations:

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

Notwithstanding the above, no special permit or amendment thereto shall be required for interior expansions of existing licensed liquor premises.

Section 11. That Section 27.63.690 of the Lincoln Municipal Code be amended to read as follows:

27.63.690 Community Social Halls; AG District.

In the AG Agriculture District, a special permit may be granted to allow a community social hall, subject to the following conditions:

- a. Rides shall be limited to hayrack rides.
- b. Parking shall be in conformance with Chapter 27.67.

- c. The site for the community-social hall shall be on the same premises as the main residence of the owner or operator of the hall.
- d. The use of the community-social hall will primarily be for one-day activities. It shall not be open for use more than three days per week or more than twelve times per month.
- e. The community-social hall and any accessory building shown on the site plan shall not be relocated, altered, or enlarged unless approved by the City.
- f. There shall be no amplified music outside of the social hall.
- g. The site shall have access via a paved road.

For the purposes of this section, community-social hall shall mean a building or premises open for rental and use by the public for recreational, social, and other special gatherings on an occasional basis.

Section 12. That Section 27.63.730 of the Lincoln Municipal Code be amended to read as follows:

27.63.730 Sexually Oriented Live Entertainment Establishment.

In the H-1, H-2, H-3, H-4, I-1, I-2, and I-3 zoning districts, a special permit may be granted to allow a sexually oriented live entertainment establishment, subject to the following conditions:

- a. Separation of a sexually oriented live entertainment establishment from other sexually oriented live entertainment establishments. Not more than two sexually oriented live entertainment establishments shall be located within 1,500 feet of each other measured from the nearest access doors of the two establishments, regardless of whether such uses are located in the same facility, separate facilities, or different zoning districts.
- b. Separation of sexually oriented live entertainment establishments from certain other uses.

- 1 1. Types of other uses to which applicable. The separation requirements of this subsection
2 shall apply to the location of the sexually oriented live entertainment establishment in
3 relationship to property zoned AGR, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8 for
4 residential use; a place of religious assembly; a public elementary or high school or
5 private school ~~having a curriculum equivalent to a public elementary or high school~~; an
6 early childhood care facility; a public park; a hospital; a public library; a public
7 museum; an amusement park, recreation area or playground that primarily serves
8 persons younger than 18; a correctional facility; or a residential treatment facility
9 licensed by the State of Nebraska in which people reside while receiving therapy,
10 counseling, rehabilitation for physical, emotional or mental disease or disability.
- 11 2. General location requirements. No sexually oriented live entertainment establishment
12 shall be located on the same block with (i) any property zoned AGR, R-1, R-2, R-3, R-
13 4, R-5, R-6, R-7, or R-8 or (ii) any use specified in subsection (b)(1) above.
- 14 3. Distance requirements. No sexually oriented live entertainment establishment shall be
15 located within 1,000 feet of (i) any property zoned AGR, R-1, R-2, R-3, R-4, R-5, R-6,
16 R-7, or R-8 or (ii) any use listed in subsection (b)(1) above measured from the nearest
17 access door of the sexually oriented live entertainment establishment to the property
18 line of such property or outdoor use or the nearest access door of a use within a building.
- 19 c. Waiver of separation requirement. The City Council may modify or waive the separation
20 requirements in subsections (b)(2) and (b)(3) above upon a finding by the City Council that
21 there is sufficient justification for such adjustment and that there will be no significant
22 adverse affect on existing or reasonably anticipated future uses in the surrounding area.

Section 13. That Section 27.67.040 of the Lincoln Municipal Code be amended to read as follows:

27.67.040 Parking Requirements; Special Conditions.

An alphabetical list of uses with special parking requirements for this title are set out in Figure 27.67.040 at the end of this chapter. Any change in use from one with a special parking requirement to another use in the future could result in a higher parking requirement, and the need to reconfigure the parking and/or building to accommodate the change in the requirement. The following special parking requirements shall apply to the listed uses in place of the general parking requirements found in Section 27.67.020:

a. A fraternity or sorority shall provide 0.75 spaces per resident. Parking shall be provided either onsite or within 600 feet of the premises. Notwithstanding the above, no parking shall be required for a fraternity or sorority located within the boundaries of 14th Street to 17th Street and Q Street to W Street.

b. Group homes and transitional living facilities: One space per three client or employee residents, plus two spaces per three nonresident employees on the largest shift; provided, however, that no spaces shall be required for client residents who will not possess motor vehicle operator's licenses. Appropriate documentation from the group home licensing agency shall be provided evidencing the non-possession of motor vehicle operator's licenses by clients.

c. Adult day service facilities: One space/employee on the largest shift, plus off-street loading/unloading area for one automobile per ten care receivers. Joint parking with another use is acceptable if the adult care center and the other use have nonconcurrent parking demands.

d. Elderly or retirement housing: One space/dwelling unit.

e. Mini-warehouses:

1. Two spaces for manager's quarters or office; and
 2. One space for every 60 storage cubicles; however, if access lanes and roads to the storage area are twenty feet or greater in width, to allow vehicles to unload and pass, no additional parking for the storage cubicles is required.
- f. Two-family or attached single-family dwellings, approved as part of a Special Permit for a Community Unit Plan pursuant to [Chapter 27.65 COMMUNITY UNIT PLAN](#), a development plan for a planned unit development pursuant to [Chapter 27.60 PLANNED UNIT DEVELOPMENT DISTRICT](#), or a use permit pursuant to [Chapter 27.64 USE PERMITS](#) on lots having a width of less than 35 feet and where garages take direct access from a public street or private roadway are required to provide 1 off-premises guest parking stall per 2 dwelling units. On-street parking may be counted if there is at least 22 contiguous feet of uninterrupted curb space abutting each lot along the face of curb from the edge of the curb return to the lot line.
- g. Drive-in restaurants: One space/40 sq. ft. of floor area.
- h. Bowling alleys: 4 spaces/lane (plus required parking for affiliated uses.)
- i. Auditoriums, theaters, grandstands, stadia, amphitheaters, and other places of public assembly: One space/50 sq. ft. of seating area plus parking for affiliated uses within 300 ft. of the main use.
- j. Recreational uses:
1. Racquetball and other court games: Four spaces/court (plus required spaces for affiliated uses);
 2. Swimming pools: One space/100 sq. ft. of water surface (plus parking for affiliated uses) as determined by the city;
 3. Golf courses: Two spaces/hole on course, plus parking for affiliated uses.

- 1 k. Hospitals: One space/2.5 beds, plus one space/employee on the largest shift.
- 2 l. Places of religious assembly, chapels, public schools, private schools ~~having a curriculum~~
3 ~~equivalent to a public elementary or public high school~~, and private business or commercial
4 schools: One space/50 sq. ft. in largest assembly hall as determined by the City.
- 5 m. Academies, such as gymnastic, karate, judo, dance, or music academies: One space for
6 every three students allowed per class session plus one space for every employee. In those
7 instances where two sessions of classes occur one after another, without at least one-half hour
8 separation between sessions, the maximum number of students allowed at both sessions shall be
9 combined in determining the amount of required parking per class session.
- 10 n. Housing for the physically handicapped: (see also Section [27.63.215](#)) One space/ dwelling
11 unit.
- 12 o. Domestic shelters: One space for every four residents and two spaces for every three
13 employees on the largest shift.
- 14 p. Salvage yard: Six spaces, two spaces/acre of lot area, or one space/1,000 square feet of
15 floor area, whichever is greater.
- 16 q. Dwellings for members of a religious order: one space for every three residents.
- 17 r. Warehouses:
- 18 1. Warehouses with a floor area of 50,000 square feet or less: one space per every 1,000
19 square feet of floor area or a minimum of one space per employee on the largest shift.
20 The floor area shall be calculated based on the total floor area of all structures on the
21 lot.
- 22 2. Warehouses with a floor area of more than 50,000 square feet: one space per every
23 1,000 square feet of floor area for the first 50,000 square feet of floor area and one

1 additional space per 2,000 square feet of floor area in excess of 50,000 square feet, or
2 a minimum of one space per employee on the largest shift. The floor area shall be
3 calculated based on the total floor area of all structures on the lot.

- 4 3. If the number of spaces required by the building ratio is greater than required by the
5 employee ratio in (1) or (2) above, the additional parking spaces need not be provided
6 physically, but sufficient areas shall be reserved to accommodate construction of the
7 additional spaces. If the Building Official finds at any time that the character of the use
8 of the warehouse is such as to require the full provision of parking facilities to be
9 constructed, the Building Official shall report this fact to the City Council which may,
10 after holding a hearing of which the owner shall be notified, require such additional
11 parking to be installed.

12 s. Hotels and motels: one space per room ~~and one space per 100 square feet of accessory uses.~~

13 t. Restaurants and Social Halls: one space per 100 square feet; one space per 200 square feet
14 for restaurants located in the B-1 and B-3 zoning districts; one space per 300 square feet for
15 restaurants located in the B-2 and B-5 zoning districts.

16 u. Dwellings for caretakers employed and residing on the premises and/or accessory dwelling
17 units: one space per dwelling unit in addition to the number required for the main use.

18 v. Early childhood care facilities: One space/employee on the largest shift, plus off-street
19 loading/unloading area for one automobile per ten care receivers. Joint parking with another use
20 is acceptable if the early childhood care facility and the other use have nonconcurrent parking
21 demands.

22 w. Residential Healthcare Facilities: One space for every four residents and two spaces for
23 every three employees on the largest shift.

x. Sale of alcoholic beverages for consumption on the premises: One space per 100 square feet of floor area; one space per 200 square feet for premises for on-site alcohol consumption located in the B-1 and B-3 zoning districts; one space per 300 square feet for premises for on-site alcohol consumption located in the B-2 and B-5 zoning districts.

y. Greenhouses and garden centers located in the AG or AGR zoning districts: For greenhouses, one parking space shall be provided for each employee on the maximum shift. Parking for greenhouses and garden centers in the AG zoning district may be provided on unpaved areas, except for ADA accessible stalls.

z. Heritage Centers and Agricultural Attractions located in the AG zoning district: One space shall be provided for every 200 square feet of floor area devoted to permanent retail and service use. In addition, an overflow parking area shall be provided with three stalls for every acre included within the special permit area. Parking may be provided on unpaved areas, except for ADA accessible stalls.

aa. ~~Community Halls~~, Farm Wineries, and Market Gardens located in the AG and AGR zoning districts: There shall be adequate parking for vehicles compatible with the number of people using the facility.

ab. Off-street Freight Loading Requirements. At the time of construction, alteration, or enlargement of any commercial or industrial building having a floor area of 10,000 square feet or more, and containing a use or uses which requires off-street freight loading, off-street freight loading areas shall be provided on the premises to serve the use and maintained as follows:

1. Six hundred square feet for the first 10,000 square feet of floor area;
2. An additional 600 square feet for each additional 20,000 square feet of floor area.

1 ac. Data Center: Two (2) spaces per three (3) employees on largest shift, plus land shall be
2 reserved to provide required parking for office uses in the underlying zoning districts in the event
3 the Data Center is changed to another office use.

4 ad. Urban Gardens greater than two acres in size shall provide three off-street parking stalls
5 per every acre or part thereof over two acres.

6 ae. Dwellings for Nonrelated Persons, for four to six persons living as a single housekeeping
7 unit permitted under a community unit plan: One space per resident.

8 af. Parking for accessory buildings for retail sales, such as lumber storage areas, is not required
9 to be provided, when they are not fully enclosed or are left open during business hours.

10 ag. Three parking stalls shall be provided on premises used for motorized vehicle sales if the
11 premises is less than two (2) acres in size. If the premises is two (2) or more acres in size, parking
12 shall be as shown on the parking matrix for the district the motorized vehicles sales is located in.

13 ah. Large item retail sales: One space per 600 square feet of floor area.

14 ai. Motorized Vehicle Wash Facilities: For properties where the primary use is automatic car
15 wash facilities, 1 space per 3 employees on the largest shift shall be required. No parking shall be
16 required for self-service or accessory automatic car wash facilities.

17 Section 14. That Section 27.69.035 of the Lincoln Municipal Code be amended to read as
18 follows:

19 **27.69.035 Off-Premises Signs.**

- 20 a. Administrative Permits. Off-premises signs are permitted in the B-1, B-3, B-4, H-1, H-2,
21 H-3, H-4, and I-1 zoning districts by administrative permit issued by the Director of
22 Building and Safety. The administrative permits shall automatically expire ten years from

1 their date of issuance. The permittee may make application for renewal of the administrative
2 permit.

3 1. Applications for administrative permits and renewals thereof shall include:

4 i. The legal description of the land upon which an off-premises sign is to be located.

5 ii. A copy of a signed lease or other verification that the applicant has permission of
6 the owner of the land upon which the off-premises sign shall be located to locate
7 the off-premises sign thereon.

8 iii. The area of the proposed off-premises sign.

9 iv. The description and location of a nonconforming off-premises sign or signs to be
10 removed as required by subsection (e) below or which was removed after January
11 10, 2000 and registered with the Department of Building and Safety and not
12 previously used to satisfy the requirement of subsection (3) below. The above
13 provisions are not required to be met for renewal of an administrative permit. For
14 the purpose of this section, a nonconforming off-premises sign shall mean any off-
15 premises sign which was lawfully installed on the January 10, 2000 effective date
16 of Ordinance No. 17585 and for which an administrative permit has not been
17 issued.

18 2. The administrative permit and any renewals thereof shall be issued under the following
19 conditions:

20 i. The off-premises sign shall be subject to the provisions of this section,
21 notwithstanding any other applicable regulation of the zoning district in which the
22 off-premises sign is located.

1 ii. The nonconforming off-premises sign or signs identified in the application for
2 removal shall be removed prior to application for the permit or within 30 days of
3 the date of the issuance of the permit.

4 iii. The off-premises sign shall be removed within 30 days following the expiration of
5 the permit.

6 b. Siting Limitations.

7 1. The minimum distance between an off-premises sign and an existing off-premises sign
8 or nonconforming off-premises sign shall be 600 feet measured in all directions
9 regardless of the zoning jurisdiction in which the existing off-premises sign or
10 nonconforming off-premises sign is located.

11 2. The minimum distance between any two off-premises electronic changeable copy signs
12 shall be 5,000 feet measured in all directions regardless of the zoning jurisdiction in
13 which the existing off-premises electronic changeable copy sign is located.

14 3. The minimum distance between an off-premises sign and a public elementary or public
15 high school, private school ~~having a curriculum equivalent to a public elementary or~~
16 ~~public high school~~, college or university, park, or cemetery shall be 600 feet measured
17 in all directions regardless of the zoning jurisdiction in which the public elementary or
18 high school, private school ~~having a curriculum equivalent to a public elementary or~~
19 ~~public high school~~, university, park, or cemetery is located.

20 4. No off-premises sign shall be permitted in the areas designated as District A, District
21 B, or District C of the Capitol View Corridor Overlay District.

22 5. No off-premises sign shall be permitted within the B-4 zoning district area bounded by
23 10th Street, 14th Street, N Street, and P Street, or within the B-4 zoning district area

1 west of 9th Street or in the area beginning 150 feet east of 17th Street continuing to the
2 eastern boundary of the district.

- 3 6. Within one-fourth mile on either side of the corporate limits of the City, the minimum
4 distance between an off-premises sign and any of the below listed entrance corridors to
5 the City shall be 800 feet measured in all directions.

6 i. Interstate 80 and 180;

7 ii. Homestead Expressway (U.S. Highway 77) and Rosa Parks Way;

8 iii. L55X (defined as the north line of Interstate 80 to the north line of Cornhusker
9 Highway);

10 iv. Nebraska Highway 2;

11 v. U.S. 6;

12 vi. Cornhusker Highway;

13 vii. North 27th Street;

14 viii. "O" Street.

- 15 7. Off-premises signs shall be located a minimum of 150 feet measured in all directions
16 from all residential zoning districts.

- 17 8. No off-premises signs shall be located within 600 feet measured in all directions from
18 a sensitivity zone. For the purpose of this section, a sensitivity zone shall mean an
19 historic district, historic landmark, and Capitol environs.

- 20 9. No off-premises signs shall be located within 660 feet of Interstate 80 and 180.

21 Notwithstanding the above (b)(1) through (b)(9) siting limitations, the Director of
22 Building and Safety may approve an administrative permit for the face of the sign to be
23 changed to an electronic changeable copy sign of equal or lesser face area provided that

1 the sign is located at least 150 feet from and does not face a residential district, cemetery
2 or park.

- 3 c. Lighting. Illumination of off-premises signs shall not be allowed from midnight to 5:00
4 a.m., except for government initiated emergency information announcements. If off-
5 premises signs are illuminated by reflected lighting, the lighting shall be provided by
6 downlighting methods, until such time as sign illumination standards are adopted by
7 resolution of the City Council and thereafter it shall in accordance with [design standards](#).
8 The lighting shall be controlled by an automatic timing device.

- 9 d. Abandoned Signs. In addition to all other applicable regulations, off-premises sign
10 structures and existing nonconforming off-premises sign structures which contain no sign
11 copy on all faces for a continuous period of six months shall be considered an abandoned
12 sign and shall be removed. This removal shall take place within ten days of the date of the
13 abandonment.

- 14 e. Removal of Existing Nonconforming Off-Premises Signs. For each new off-premises sign
15 of a given total face area (rather than area of sign) to be erected within the zoning
16 jurisdiction of the City in conformance with this section, an existing nonconforming off-
17 premises sign or signs encompassing equal or greater total face area to the new off-premises
18 sign shall be removed. In the alternative a nonconforming off-premises sign or signs
19 removed after January 10, 2000 and registered with the Director of Building and Safety
20 encompassing equal or greater face area to the new off-premises sign may be removed from
21 the from the Director of Building and Safety registration and used in whole or part to satisfy
22 this requirement. Notwithstanding the foregoing, for each new off-premises electronic
23 changeable copy sign of a given sign area (rather than face area) to be erected within the

1 zoning jurisdiction of the City in conformance with this section, three existing
2 nonconforming signs each encompassing equal or greater sign area to the new off-premises
3 electronic changeable copy sign shall be removed. In the alternative, three nonconforming
4 off-premises signs removed after January 10, 2000 and registered with the Director of
5 Building and Safety, each encompassing equal or greater sign area value to the new off-
6 premises sign, may be removed from the Director of Building and Safety registration and
7 used in whole or part to satisfy this requirement.

- 8 f. Notwithstanding (e) above, upon request of the applicant, the City Council may, after report
9 and recommendation of the Planning Commission, grant the applicant a bonus of one
10 additional off-premises sign of equal square footage to the nonconforming off-premises sign
11 to be removed upon a finding that the nonconforming off-premises sign to be removed is
12 located in an area of special aesthetic value to the community and that removal of the
13 nonconforming off-premises sign in question is a special desire of the community.

14 Section 15. That Section 27.72.080 of the Lincoln Municipal Code be amended to read as
15 follows:

16 **27.72.080 Exceptions to the Front Yard Requirements.**

- 17 a. In any commercial district, including the R-T district, where the district boundary line is
18 located on the same block face as an adjoining residential district, the front yard setback of
19 the adjacent residential district shall apply on said block face to the abutting lot in such
20 commercial district. In the B-3 district, such front yard setback may be reduced by one foot
21 for every two feet of distance the building on the commercial lot is set back from the
22 abutting residential district over and above the side yard setback required for the commercial
23 lot, provided that for any building located within the reduced front yard setback, the building

1 facade facing the street from which the reduced front yard setback is measured shall have a
2 minimum of thirty percent (30%) transparency from three to nine feet above grade. If said
3 commercial lot is a corner lot, the thirty percent (30%) transparency requirement shall also
4 apply to the building facade not located on the same block face as the residential district
5 unless the building is set back at least 30 feet from the street.

- 6 b. In the AG and AGR zoning districts, the sum of (1) the distance from the centerline of
7 abutting road to the property line, plus (2) the required front yard need not exceed 80 feet.
8 The required front yard may be reduced, where necessary, to reach this total.

- 9 c. In the I-1 zoning district, lots developed with buildings on the effective date of this title, the
10 front yard shall be none except where the frontage on one side of a street between two
11 intersecting streets is located partly in the I-1 zoning district and partly in a district that
12 requires a front yard, in which case the front yard requirements of the adjacent district shall
13 apply to the I-1 zoning district from the place where it abuts the other district to the next
14 intersecting street, or for 300 feet, whichever is less.

- 15 d. In all zoning districts except the O-3, B-2, B-5, H-4, and I-3 districts, where any forty
16 percent (40%) or more of the frontage in the same zoning district is developed with two or
17 more buildings that have a front yard of less depth than herein required, then:

- 18 1. Where a building is to be erected on a parcel of land that is within 100 feet of existing
19 main buildings on both sides, the minimum front yard shall be a line drawn between
20 the two closest front corners of the adjacent main building on each side; or
21 2. Where a building is to be erected on a parcel of land that is within 100 feet of an existing
22 main building on one side only, such building may be erected as close to the street as
23 the existing adjacent main building.

- e. In the R-1 zoning district, where any forty percent (40%) or more of the frontage in the same zoning district is developed with two or more main buildings that have (with a variation of five feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the average of the buildings' setbacks or 50 feet greater of the front yards established by the existing main building nearest the street line. The 50-foot setback may be used instead of determining the distance the adjacent buildings are set back from the property line.

Section 16. That Section 27.72.120 of the Lincoln Municipal Code be amended to read as follows:

27.72.120 Accessory Buildings.

(*Only applies to accessory structures associated with a main dwelling)

- a. Accessory buildings which are attached to or not located more than (1) six feet from the main building in the R-1 through R-8, O-1*, B-1*, and B-3* zoning districts and (2) 10 feet from the main building in the AG, AGR, O-2, O-3, B-4, B-5, all H, and I-2 zoning districts shall be considered a part of the main building and shall comply with the height, front, side, and rear yard requirements of the main building, except that an accessory building attached to the main building by an unenclosed deck or walkway shall not be considered part of the main building, nor subject to the height and yard requirements of the main building.
- b. In all commercial and industrial zoning districts, accessory buildings shall not extend into any required yard, except as otherwise stated in this chapter.
- c. Accessory buildings which are not a part of the main building:
1. May, if located not less than sixty feet from the front lot line, extend into the required side yard though not closer than two feet to the side lot line in the R-1 through R-8, O-

1 1*, O-2, O-3, B-1*, B-3*, B-4, all H, and the I-2 zoning districts, provided that such
2 accessory buildings shall not be more than fifteen feet in height.

3 2. May be located in the required rear yard, provided that such accessory buildings:

4 i. Shall not be nearer than two feet to the side or rear lot line in the AG, AGR, R-1
5 through R-8, O-1*, O-2, O-3, B-1*, B-3*, B-4, B-5, all H, and the I-2 zoning
6 districts.

7 ii. Shall not occupy more than the following percent of the required rear yard:

8 - Forty percent in the R-1 through R-6, O-1*, B-1*, and B-3* zoning districts.

9 - Thirty percent in the AG, AGR, R-7, R-8, O2, O3, B-4, B-5, all H, and the I-2
10 zoning districts.

11 iii. Shall not be more than fifteen feet in height in the R-1 through R-8, O-1*, O-2, O-
12 3, B-1*, B-3*, B-4, B-5, all H, and the I-2 zoning districts;

13 iv. Notwithstanding the above, an accessory building used as a garage and taking
14 access from an alley shall not be located closer than ten feet to the alley line in the
15 R-1 through R-8, O-1*, O-2, O3, B-1*, B-3*, B-4, B-5, all H, and the I-2 zoning
16 districts.

17 v. Shall not abut a residential district in the O-2, O-3, B-5, H-4, and I-2 zoning
18 districts.

19 vi. In the AG zoning district on lots 20 acres or more, accessory buildings shall not
20 be nearer than the lesser of a distance equal to ten percent of the average lot width
21 from the side lot line or 60 feet in the AG zoning district on lots 20 acres or more.

22 3. May be located in the required front yard on double-frontage lots where at least one
23 frontage is along a major street in R-1, R-2, and R-3, provided such accessory buildings:

- i. Shall not occupy any portion of any required front yard along the local street.
- ii. Shall not be closer than two feet to the side lot line, closer than two feet to the front lot line along the major street, or closer than two feet to an area specified as a building line district.
- iii. Shall not occupy any portion of the required front yard along any major street except when a landscape screen is located along all front lot lines of such lot adjacent to any major street in conformance with the "[Design Standards for Screening and Landscaping](#)" adopted by the City of Lincoln.
- iv. Shall not have direct vehicular access from any major street along any major street frontage in the block.
- v. Shall not occupy more than 100 square feet for buildings and 600 square feet for structures of the required front yard along the major street.
- vi. Shall not exceed fifteen feet in height and any accessory building or portion thereof within twenty feet of the front lot line along the major street shall not exceed eight feet in height.

4. Accessory buildings in the AG and AGR districts are not permitted in the side yard unless also located in the rear yard.

d. Maximum and expanded maximum cumulative allowable area for all accessory buildings on single family or two family residential lots or tracts in AG, AGR, and R-1 to R-8 zoning districts:

1. The maximum and the expanded maximum cumulative allowable area for all accessory buildings are as set out in Table 27.72.120(d) below. The applicable maximum

- 1 cumulative allowable area may be increased up to the expanded maximum allowable
- 2 area as provided in Table 27.72.120(d) Notes *1-4 below:

Table 27.72.120(d) Maximum and Expanded Maximum* Cumulative Allowable Area for Accessory Buildings on Single Family or Two Family Residential Lots or Tracts						
**Expanded Maximum only applies in accordance with the applicable Note ** below (e.g. *1)						
		Lot or Tract Size				
		less than 7,500 sq. ft.	7,500 sq. ft. to less than 20,000 sq. ft.	20,000 sq. ft. to less than 1 acre	1 acre or more	
R1- R-8 Accessory Building sq. ft.	Maximum	1,000	1,500	2,000	2,000	
	Expanded Maximum	1,500* ¹	3,000* ²	3,000* ²	5,000* ³	
		less than 1 acre	1 acre to less than 2 acres	2 acres to less than 4 acres	4 acres to less than 10 acres	10 acres or more
AGR Accessory Building sq. ft.	Maximum	2,000	2,000	2,000	2,000	2,000
	Expanded Maximum	3,000* ²	6,000* ⁴	8,000* ⁴	20,000* ⁴	No maximum* ⁴
AG Accessory Building sq. ft.	Maximum	2,000	2,000	2,000	2,000	No maximum
	Expanded Maximum	3,000* ²	6,000* ⁴	8,000* ⁴	20,000* ⁴	
Notes:						
*1. In the R-1 to R-8 zoning districts, for lots or tracts less than 7,500 square feet in size, the maximum cumulative square footage of all accessory buildings may be increased up to the above expanded maximum square feet provided:						
i. Total square footage for all accessory buildings does not exceed the total square footage, excluding basement, of the main building.						
ii. The total square footage for all accessory buildings does not exceed a cumulative total of 500 square feet in the side, rear, and front yard setbacks.						
*2. In the R-1 to R-8 zoning districts for lots or tracts 7,500 square feet to less than 1 acre in size, and in AG and AGR zoning districts for lots or tracts less than 1 acre in size, the maximum cumulative square footage for all accessory buildings may be increased up to the above expanded maximum square feet provided:						
i. The total square footage for all accessory buildings shall not exceed the total square footage, excluding basement, of the main building.						
ii. The total square footage for all accessory buildings does not exceed a cumulative 250 square feet in the side, rear, and front yard setbacks.						
iii. Any individual accessory building over 250 square feet in area must be located outside of the side, rear, and front yard setbacks.						
*3. In the R-1 to R-8 zoning districts, for lots or tracts of 1 acre or larger in size, the maximum cumulative square footage for all accessory buildings may be increased up to the above expanded maximum square feet provided:						
i. The total square footage for all accessory buildings does not exceed a cumulative total of 250 square feet in the side, rear, and front yard setbacks.						
ii. Any individual accessory building over 250 square feet in area must be located outside of the side, rear, and front yard setbacks.						
*4. In the AG zoning district for lots and tracts 1 acre to less than 10 acres, and in the AGR zoning district for lots or tracts 1 acre or greater, the maximum cumulative square footage for all accessory buildings may be increased to the above expanded maximum square feet provided that the total square footage of all accessory buildings does not exceed a cumulative total of 2,000 square feet in the side and rear setbacks.						

- 3 e. Accessory buildings having a conditioned area shall comply with the applicable height
- 4 restrictions and setback requirements of the main building.

- 1 Section 17. That Figure 27.67.040 of the Lincoln Municipal Code be amended to read as
- 2 follows:

Figure 27.67.040 Uses with Special Parking Requirements	
The following uses have special parking requirements that shall apply in place of the general parking requirements found in Section 27.67.020:	
Academies	27.67.040(m)
Accessory buildings for retail sales	27.67.040(af)
Accessory Dwelling Units	27.67.040(u)
Adult day services facility	27.67.040(c)
Agricultural attractions (located in the AG zoning district)	27.67.040(z)
Amphitheaters	27.67.040(i)
Auditoriums	27.67.040(i)
Bowling alleys	27.67.040(h)
Chapels	27.67.040(l)
~~Community halls (located in the AG zoning district)~~	~~27.67.040(aa)~~
Court games	27.67.040(j)
Data center	27.67.040(ac)
Domestic shelters	27.67.040(o)
Drive-in restaurants	27.67.040(g)
Dwellings for members of a religious order	27.67.040(q)
Dwellings for caretakers employed and residing on premises	27.67.040(u)
Early childhood care facilities	27.67.040(v)
Elderly housing	27.67.040(d)
Farm wineries	27.67.040(aa)
Fraternities	27.67.040(a)
Grandstands	27.67.040(i)
Greenhouses (located in the AG or AGR zoning districts)	27.67.040(y)
Group homes	27.67.040(b)
Golf courses	27.67.040(j)
Guest parking for small lot two-family and single-family dwellings	27.67.040(f)
Healthcare residential	27.67.040(w)
Heritage centers (located in the AG zoning district)	27.67.040(z)
Hospitals	27.67.040(k)
Hotels	27.67.040(s)
Housing for the physically handicapped	27.67.040(n)
Market Garden	27.67.040(aa)
Mini-warehouses	27.67.040(e)
Motels	27.67.040(s)
Motorized Vehicle Sales	27.67.040(ag)
Motorized Vehicle Wash Facilities	27.67.040(ai)
Off-street freight loading requirements	27.67.040(bb)
Places of public assembly	27.67.040(i)
Places of religious assembly	27.67.040(l)
Private business or commercial schools	27.67.040(l)

Figure 27.67.040 Uses with Special Parking Requirements	
The following uses have special parking requirements that shall apply in place of the general parking requirements found in Section 27.67.020:	
Private schools ~~having a curriculum equivalent to a public school~~	27.67.040(l)
Public schools	27.67.040(l)
Recreational uses	27.67.040(j)
Restaurants (also see Drive-in restaurants)	27.67.040(t)
Retirement housing	27.67.040(d)
Retail Sales, Large Items	27.67.040(ah)
Salvage yards	27.67.040(p)
Sale of alcoholic beverages for consumption on the premises	27.67.040(x)
Social halls	27.67.040(t)
Sororities	27.67.040(a)
Stadia	27.67.040(i)
Swimming pools	27.67.040(j)
Theaters	27.67.040(i)
Warehouses	27.67.040(r)
Urban gardens	27.67.040(ad)

Section 18. That Sections 27.02.020, 27.02.160, 27.02.170, 27.06.100, 27.06.150, 27.62.080, 27.63.010, 27.63.020, 27.63.470, 27.63.680, 27.63.690, 27.63.730, 27.67.040, 27.69.035, 27.72.080, 27.72.120, and Figure 27.67.040 of the Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2022:

Mayor