

Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

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December 21, 2022

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, December 21, 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 21, 2022

Approval of minutes of the regular meeting held December 7, 2022.

1. **CONSENT AGENDA**
(Public Hearing and Administrative Action)
2. **REQUESTS FOR DEFERRAL**
3. **ITEMS REMOVED FROM CONSENT AGENDA**
4. **PUBLIC HEARING AND ADMINISTRATIVE ACTION**

CHANGE OF ZONE:

- 4.1 CHANGE OF ZONE 22038, from H-3 (Highway Commercial) to R-2 (Residential District) for 0.35 acres as part of the Coyote Lane Planned Unit Development (PUD), with up to 32 dwelling units and up to 21,500 square feet of commercial floor area, with associated waivers, consisting of 7.17 acres in total, more or less, on property generally located North of O Street between N. 66th and N. 70th Streets along the MoPac trail.

Staff recommendation: Conditional Approval

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

PRE-EXISTING SPECIAL PERMIT:

4.2 PRE-EXISTING SPECIAL PERMIT 23J, to amend pre-existing Special Permit 23I, changing the boundary of the special permit to build parking lots, on property generally located at 5033 and 5435 Huntington Avenue and 2427 North 56th Street. The Planning Commission action is final, unless appealed to the Lincoln City Council.

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

5. CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION

5.1a 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.

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

5.1b 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.

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

5.1c 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.

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

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

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

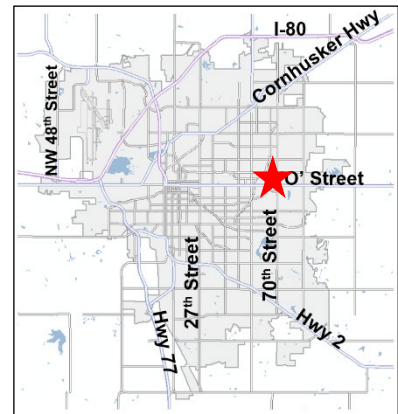
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Change of Zone 22038	FINAL ACTION? No	DEVELOPER/OWNER CTAC Enterprises, LLC
PLANNING COMMISSION HEARING DATE December 21, 2022	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION Generally located north of O Street between N. 66 th and N. 70 th Streets

RECOMMENDATIONS: CHANGE OF ZONE 22038 **CONDITIONAL APPROVAL**

BRIEF SUMMARY OF REQUEST

This is a request to approve the Coyote Lane Planned Unit Development (PUD) on approximately 7.17 acres that will include 32 residential units and 3 commercial lots with up to 21,500 square feet of floor area. This property is generally located north of O Street between N. 66th and N. 70th Streets adjacent the MoPac Trail. As part of the proposal, a small part of the PUD includes a change of zone from H-3 Highway Commercial to R-2 Residential for the proposed residential use. This change of zone area comprises only 0.35 acres.



JUSTIFICATION FOR RECOMMENDATION

The proposed PUD is appropriate because it is consistent with the Comprehensive Plan through encouragement of mixed-use infill redevelopment. It will provide another housing option for Lincoln with townhomes set in the existing City close to urban services and multiple modes of transportation including adjacency to the MoPac Trail. The requested waivers for parking location, light trespass internal to the PUD, sanitary depth and location are justified. The waivers for outdoor area setback, setbacks, sidewalk location and storm water detention are appropriate subject with the conditions. The requested waiver to allow up to 10 animals in the outdoor area is not appropriate given the potential impact on existing residential uses. The applicant is requesting to reduce the setback between the animals and existing houses and increase the number of animals. This could substantially impact the adjacent homes.

APPLICATION CONTACT
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dillon@regaeng.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Plan is consistent with the overall goals in the Comprehensive Plan; specifically, the Plan will support both commercial and residential infill and redevelopment on an underutilized parcel.

WAIVERS

1. Zoning Ordinance 27.62.100 (b)(1) to allow the outdoor area associated with the veterinary facility to reduce from 200 feet to 150 feet from the existing R-2 zoning. (Conditional Approval)
2. Zoning Ordinance 27.62.100 (b)(2) to allow an increase in the number of allowed animals permitted in the outdoor areas from 3 to 10 animals. (Recommend Denial)
3. Zoning Ordinance 27.67.030(d) to waive the requirement that parking has to be located on the same lot as the use which requires the parking. (Recommend Approval)
4. Zoning Ordinance 27.72.040(a) to reduce front, side and rear yard setbacks of interior lot lines to 0 feet with a perimeter setback of the development to be 20 feet. (Conditional Approval)
5. Subdivision Ordinance 26.23.095 to remove the sidewalk location requirement on the south side of the private street and allow sidewalk to abut the back of curb for the private street. (Recommend Approval)
6. Subdivision Ordinance 26.23.105 to waive stormwater detention. (Conditional Approval)
7. Design Standards, Chapter 2.0, Section 3, 3.4 to allow waiver for sanitary sewer location. (Recommend Approval)
8. Design Standards, Chapter 2.0, Section 3, 3.5 to allow sanitary sewer to run opposite the street grade. (Recommend Approval)
9. Design Standards, Chapter 3, 100, Section 9 to allow light trespass across interior lot lines. (Recommend Approval)

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is shown as future Commercial, Environmental Resources and Green Space on the 2050 Future Land Use Plan. The Environmental Resources part designation is for the floodplain area on the property while the Green Space part designation is for the trail. Otherwise, the site is shown Commercial.

Land Use Plan - Commercial land uses include 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.

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.

E3: Business, Economy, and Workforce

Commercial Infill

Figure E3.f: Commercial Infill Design Strategies

1. Encourage additional vehicular access to an arterial street.
2. Encourage a Floor Area Ratio that exceeds to existing/previous commercial uses on the site.
3. Face existing residential uses with new residential uses rather than the backs of commercial buildings unless existing residential faces the opposite direction such as along an alley.
4. Discourage commercial driveways that interrupt the blockface of a residential street, especially when residences face the street.
5. Encourage shared driveways and interconnected parking lots where possible.
6. Orient buildings to the street, especially corners.

7. Maintain or adaptively reuse existing structures (especially historical structures) where possible.
8. Encourage a vertical mix of residential and commercial use types.
9. Encourage shared parking between land uses with different peak demand periods.
10. Maintain or enhance on-street parking resources, especially in established/historic commercial districts

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.

Infill projects should target existing underdeveloped or redeveloping areas in order to remove blighted conditions and more efficiently utilize existing infrastructure.

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.

P14: Commercial Infill - Develop infill commercial areas to be compatible with the character of the area.

Action Steps

1. Implement commercial infill redevelopment principles as discussed in the Business & Economy element.
2. Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.
3. Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses, and take steps to ensure expansions are in scale with the adjacent neighborhood, use appropriate screening, fulfill a demonstrated need, and do not hinder health and safety.
4. Prioritize retaining areas for continued residential development in older sections of the community by maintaining existing housing and supporting infill housing. Prior to approving the removal of housing to provide additional parking for existing centers, alternatives such as reduced parking requirements, shared parking, additional on-street parking, and/or the removal of other commercial structures should be explored. Maintain and encourage ethnically diverse commercial establishments that are beneficial to existing neighborhoods.

UTILITIES & SERVICES:

A. Sanitary Sewer: There is existing sanitary sewer infrastructure on the property and in the vicinity. Sanitary sewer will be via a proposed sanitary sewer main that will be a developer/City upgrade project. The sewer will serve the proposed residential lots in the PUD as well as the existing homes to the north of the MoPac Trail. The public sanitary sewer main will be located along the north property line of the PUD.

B. Water: There are existing water mains along both N. 66th Street and N. 70th Street. A water main will be extended across the site connecting to both street locations. This public water main will be located in the proposed private

roadway.

C. Roads: North 66th Street and North 70th Street are both minor arterials. One point of access will be provided for each street located at the opposite ends of the PUD.

D. Parks and Trails: The MoPac trail extends from west to east in a trail easement area on the north side of the property. The trail easement is 20 feet in width with the centerline being the centerline of the trail. The trail is 10 feet wide, so five feet either side of the trail edge. The primary concern was that the trail easement area remains clear of vertical obstructions, including landscaping, but that is a requirement of the easement already in place, so it is not necessary to include as a condition of the PUD. It was also discussed the desire of the trails community to see a trail orientation to development along the trail, which the Pedestrian Bicycle Advisory Committee found acceptable.

E. Fire Protection: Fire protection will be provided by Lincoln Fire & Rescue (LFR). Fire Station #9 located at 901 N Cotner Boulevard is the nearest station. During an emergency fire apparatus will be able access the site either via N. 66th Street or via N. 70th Street.

ANALYSIS

1. This request is for Planned Unit Development with up to 32 dwelling units and 21,500 square feet of commercial floor area. The property is located generally north of O Street between N. 66th Street and N. 70th Street along the MoPac trail. The PUD total area is approximately 7.1 acres. Existing zoning includes H-3 Highway Commercial along N. 66th Street and R-2 zoning extending east from there to N. 70th Street. As part of this proposal, a small area comprising 0.35 acres will be rezoned from H-3 to R-2 to allow for some of the proposed residential where it is not already zoned R-2.
2. Access for the PUD includes a private roadway access off N. 66th Street along with a new private roadway access on N. 70th Street which will be a right turn out only. There is a proposed roll over curb for emergency access vehicles at the 70th Street entrance which was worked out previously with LTU and Lincoln Fire and Rescue.
3. Part of the PUD property is located in 100-year floodplain with Deadman's Run located to the south. This mainly includes the commercial area on the west side but includes a few of the residential units. The residential units will be required to be elevated out of the floodplain. The waiver for stormwater detention is being requested because of the proximity to Deadman's run, which is a floodway. As a condition of approval, they will need to provide justification for the waiver with pre and post development comparisons.
4. Regarding the requested waivers:
 - Zoning Ordinance 27.62.100 (b)(1) to allow the outdoor area associated with the veterinary facility to be located less than 200 feet from the nearest existing residential zoning with setback of 150 feet. This request is justified by the fact that the proposed outdoor area nearest to the residential homes to the north will still be setback approximately 190 feet. The closest existing homes are set back approximately 40 feet from their rear yards at the north edge of the PUD. As condition, the waiver note will need to be modified to also waive the 200-foot setback for residential zoning internal to the PUD. The proposed homes will be significantly closer to the veterinary facility. These residents should know in advance they are living close to an outdoor animal area.
 - Zoning Ordinance 27.62.100 (b)(2) to allow an increase in the number of allowed animals permitted in the outdoor areas from 3 to 10 animals. This waiver is not justified. Simply listing necessity for the business is not a justification. Since they are requesting to move the outdoor area closer to the existing residences, the 3 animal limit should remain. The proposed residential homes on Lots 26-32 do not necessarily screen the business on Lot 34 from the existing homes to the north. They may help toward the northeast with screening, but it may be years before the homes are built. There is no deadline or guarantee that these homes within the PUD are built within a certain timeframe. Dog barking can be quite loud and impact nearby residences. Increasing the number of dogs in one area may have a significant negative impact. The Health Department recommends denial of this waiver. Their department handles animal noise complaints and has the most experience with this issue.

- Zoning Ordinance 27.67.030(d) to waive the requirement that parking has to be located on the same lot as the use which requires the parking. This waiver is justified as it will allow the lots internal to the PUD to share parking, including the commercial lots. This waiver has been granted for other developments.
 - Zoning Ordinance 27.72.040(a) to reduce front, side and rear yard setbacks of interior lot lines to 0 feet with a perimeter setback of the development to be 20 feet. This waiver is justified if modified to allow the commercial lots specifically to have interior lot lines of 0 feet with the new residential lots to have 3' front, side and rear yard setbacks.
 - Subdivision Ordinance 26.23.095 to remove the sidewalk location requirement on the south side of the private roadway and allow sidewalk to abut the back of curb for the private roadway. This waiver is justified due to the presence of Deadman's Run to the south, the narrow width of the existing parcel and associated topography. The sidewalk would still be required on the north side of the private roadway.
 - Subdivision Ordinance 26.23.105 to waive stormwater detention. Subject to providing further information to LTU Watershed for their approval, this waiver is justifiable. The request is based on the proximity of the development to Deadman's Run, which is a floodway. The applicant notes that on-site detention is not as desirable because it would be preferable to get the stormwater downstream before the peak flows would come from downstream.
 - Design Standards, Chapter 2.0, Section 3, 3.4 to allow waiver for sanitary sewer location. This waiver is to allow sanitary sewer main on the northern side of the residential lots. This waiver has been approved in other developments and is justified. In this case, the request is related to the sanitary sewer upgrade project.
 - Design Standards, Chapter 2.0, Section 3, 3.5 to allow sanitary sewer to run opposite the street grade. There will be a slight increase in grade while the sanitary sewer is running opposite on the backside of the lots. This waiver is justified and has been approved in other developments.
 - Design Standards, Chapter 3, 100, Section 9 to allow light trespass across interior lot lines. This waiver is justified as it will allow lighting for safety reasons to cross the internal lot lines of the PUD. This waiver has been approved in other developments.
5. The City Council in August of 2018 approved CZ18009 (N. 66th Street Rail to Trail Zoning Update) which as one part of this PUD changed the commercial area of the property from I-1 Industrial to H-3 Highway Commercial PUD. The part of the CZ18009 PUD which includes this property will be superseded by this new PUD. CZ18009 was important from the standpoint of removing prior obsolete industrial zoning in the area, recognizing the potential for commercial and/or residential redevelopment. This new PUD implements that vision of allowing a mix of commercial and residential redevelopment in this area.
 6. The developer presented the proposed project to the Meadowlane Area Residents Association (MARA) on May 10, 2022. The developer reviewed the site details and took questions from the neighbors.
 7. The City Council on August 22, 2022 approved Comprehensive Plan Conformance 22013 for review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan for the proposed Coyote/Finke Redevelopment Plan that will be a guide for redevelopment activities within the Redevelopment Area.
 8. The Urban Design Committee (UDC) reviewed the proposal at their November 1, 2022, meeting. The UDC approved the proposal. It was noted that there is not anything like this project in Lincoln. The proposed density and bike trail proximity were noted as positive aspects of the project (see minutes excerpt attached).
 9. The Pedestrian Bicycle Advisory Committee (PBAC) reviewed the proposal at their November 8, 2022, meeting. The Committee in general was very supportive of the plan and appreciated the attention given to the interface with the trail (see minutes attached).

10. The site is designated for future Commercial, Environmental Resources and Green Space on the 2050 Future Land Use Plan. The Environmental Resources part designation is for the floodplain area on the property while the Green Space part designation is for the trail. Otherwise, the site is shown Commercial. The request subject to the conditions of approval complies with the requirements of the Zoning Ordinance and Comprehensive Plan.

EXISTING LAND USE & ZONING: The existing land uses within the Coyote/Finke Redevelopment Area are comprised of commercial, undeveloped and the MoPac trail. The existing zoning is H-3 PUD, R-2.

SURROUNDING LAND USE & ZONING

North:	Commercial, Single-Family Residential	B-1 PUD, R-2
South:	Commercial	B-5
East:	MoPac Trail, Single-Family Residential	R-2, P
West:	Commercial	H-3 PUD

APPROXIMATE LAND AREA: 7.1 acres

LEGAL DESCRIPTION:

All that part of vacated Missouri Pacific Railroad Right of Way lying Southeasterly of North 66th Street except for the West 3 feet for Road, and Lot 185, I.T., all located in the SE 1/4 of Section 21-10-7, Lincoln, Lancaster County, Nebraska

Prepared by

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Date: December 8, 2022

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(402) 474-6900

Applicant: REGA Engineering Group, LLC
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<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CZ/22000/CZ22038 Coyote Lane PUD.gjw.docx>

APPLICATION HISTORY

- March, 1999 City Council approved SP1761 which was for a Special Permit for authority to develop a garden center on property located at the former MoPac right-of-way between N. 66th and N. 70th Streets. This was for the part of the property zoned R-2 Residential.
- August, 2018 City Council approved CZ18009 which as one part of this PUD changed the commercial area of the redevelopment property from I-1 Industrial to H-3 Highway Commercial PUD.
- June, 2022 City Council approved MISC22004 for the Coyote/Finke Redevelopment Blight and Substandard Determination Study which determined there are sufficient factors for the property to be declared blighted and substandard.
- August, 2022 City Council approved CPC22013 for review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan for the proposed Coyote/Finke Redevelopment Plan that will be a guide for redevelopment activities within the Redevelopment Area.

CONDITIONS OF APPROVAL - CHANGE OF ZONE CZ22038

This approval permits a Planned Unit Development and allows for up to 32 dwellings and 21,500 square feet of commercial floor area in the overall PUD with the following waivers:

1. Zoning Ordinance 27.62.100 (b)(1) to allow the outdoor area associated with the veterinary facility to be located less than 200 feet from the nearest existing residential zoning with a setback of 150 feet and to allow waiver from this requirement for residential zoning internal to the PUD.
2. Zoning Ordinance 27.67.030(d) to waive the requirement that parking be located on the same lot as the use which requires the parking.
3. Zoning Ordinance 27.72.040(a) to reduce interior lot lines to 0 feet for the commercial lots with a perimeter setback of the development to be 20 feet.
4. Zoning Ordinance 27.72.020(a) to reduce front, side and rear lot lines to 3 feet for the residential lots with a perimeter setback of the development to be 20 feet.
5. Subdivision Ordinance 26.23.095 to remove the sidewalk location requirement on the south side of the private street and allow sidewalk to abut the back of curb on the north side of the private roadway.
6. Subdivision Ordinance 26.23.105 to waive stormwater detention subject to providing additional documentation to LTU-Watershed to their satisfaction per their 12/2/22 comments.
7. Design Standards, Chapter 2.0, Section 3, 3.4 to allow waiver for sanitary sewer location.
8. Design Standards, Chapter 2.0, Section 3, 3.5 to allow sanitary sewer to run opposite the street grade.
9. Design Standards, Chapter 3, 100, Section 9 to allow light trespass across interior lot lines.

Site Specific Conditions:

1. Before receiving building permits or before a final plat is approved the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council.
 - 1.1 Change private street to private roadway throughout the PUD.
 - 1.2 Delete General Notes 2, 5, 6,13,15, 17.
 - 1.3 Delete Waiver 6.
 - 1.4 Identify floor area for each of the three commercial lots within the total floor area.
 - 1.5 Amend General Note 11 to read "Parking shall be shared among the commercial lots".
 - 1.6 Amend General Note 18. to state: "The private roadway of 24 feet in width will remain open with no parking. Parallel parking outside of the 24 feet width permitted in front of residential garage stalls."
 - 1.7 Revise the parking and building layout on Lot 33 and 35 to the satisfaction of the Planning Director.
 - 1.8 Identify the width of the street and dimension from curb to lot line and from lot line to dwelling unit.
 - 1.9 Provide a 6-foot landscaped area for parking lot screening along N. 66th Street.
 - 1.10 Provide information to clarify the residential parking and exactly how that is provided as part of the 116 parking spaces indicated to be provided.

- 1.11 Shade the area of the 24' wide pavement width private roadway from N. 66th Street to N. 70th Street.
- 1.12 Add label "Private Roadway" to the private roadway.
- 1.13 Add label with the new street name and Private Roadway to road east of N. 66th Street.
- 1.14 Show and label the "Sanitary Sewer, water, utility and public access easement" associated with the private roadway from N 66th Street to N 70th Street.
- 1.15 Provide the private roadway easement width to the satisfaction of LTU.
- 1.16 Show the minimum 4 foot wide sidewalk on the north side of the private roadway.
- 1.17 Show connection from sidewalk to building entrances for Lots 34 and 35.
- 1.18 State the purpose of Outlot A, B and C.
- 1.19 Adjust Waiver 2. Note to specifically address Lots 33, 34 and 35 for interior lot lines and front, side and rear yard setbacks of 3' for residential.
- 1.20 Amend General Note 1 to change street to change street to "roadway", delete common access easement text and delete townhouse text.
- 1.21 Amend General Note 10 to delete last sentence referring to Administrative Amendments.
- 1.22 Label existing versus new buildings for the commercial buildings.
- 1.23 Provide trail connection either between Lots 12 and 13 or between Lots 19 and 20 to the satisfaction of the Parks and Recreation Department.
- 1.24 Submit revisions per Lower Platte South NRD 12/1/22 comments.
- 1.25 Submit revisions per LTU-Watershed 12/2/22 comments.
- 1.26 Identify name or purpose of 20' easements (89-37880 and 91-22101).
- 1.27 Darken or otherwise better define the commercial lot boundaries.
- 1.28 Darken or otherwise better define the boundaries of the outlots and the labeling of the outlots.
- 1.29 Submit revisions to sanitary sewer infrastructure connections and extensions to the satisfaction of LTU.
- 1.30 Submit revisions for water, sanitary sewer and storm sewer separations and easements to the satisfaction of LTU.
- 1.31 Rename the private roadway from Coyote Lane to another name to the satisfaction of Planning and Street Name Review Committee.
- 1.32 Revise the N. 70th and Coyote Lane intersection detail to the satisfaction of the Parks & Recreation Department, Lincoln Transportation & Utilities and Lincoln Fire and Rescue.
- 1.33 Revise the Utilities Plan to show the water tap on N. 70th Street on the east side of the street.

Standard Conditions:

- 2. The following conditions are applicable to all requests:

- 2.1 Before occupying the dwelling units/buildings all development and construction shall substantially comply with the approved plans.
 - 2.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 2.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
 - 2.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, 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 therefore 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 ordinance voids and supersedes all previously approved site plans, however all ordinances approving previous permits remain in full force and effect unless specifically amended by this ordinance.
3. Before receiving building permits, the developer shall provide the following documents to the Planning Department:
 - 3.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the planned unit development has been recorded.
 4. Before issuance of building permits, final plat(s) shall be approved by the City.

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

Before the approval of a final plat, the public streets, 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.

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

to complete the street paving of public streets, s shown on the final plat within two (2) years following the approval of the final plat.

To complete the paving of private roadway, 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 *the (private roadways)* as shown on the final plat within four (4) years following the approval of the final plat.

to complete the installation of sidewalks along Coyote Lane as shown on the final plat within two (2) years following the approval of this final plat.

to construct the sidewalk in the pedestrian way easements at the same time as adjoining streets are paved and to agree that no building permit shall be issued for construction on 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 the final plat.

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

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

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

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

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

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

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

to complete the planting of street trees along N. 66th and N. 70th Streets as shown on the final plat within two (2) years following the approval of this final plat.

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

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

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

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

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

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

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

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

to maintain the outlots on a permanent and continuous basis.

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

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

to maintain the street trees along the private roadways and landscape screens, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

to maintain the sidewalks in the pedestrian way easements in good order and condition, including repair and replacement as reasonably necessary, on a permanent and continuous basis.

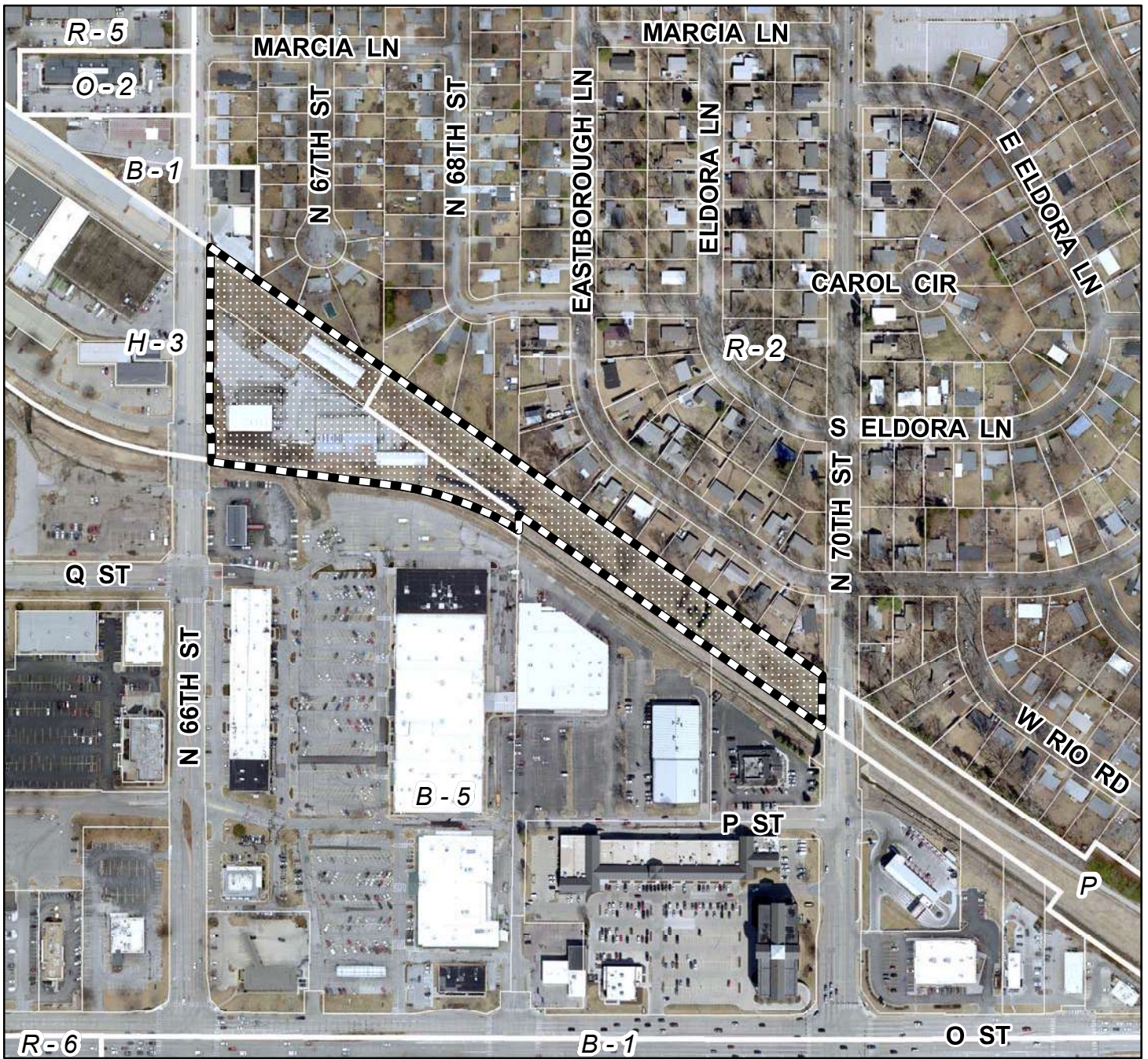
to maintain the private facilities which have common use or benefit in good order and condition and state of repair, including the routine and reasonable preventive maintenance of the private improvements, on a permanent and continuous basis.

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

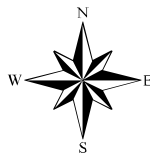
to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Developer(s) may be relieved and discharged of such maintenance obligations upon creating in writing a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

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

to inform all purchasers and users of land located within the 100 year floodplain and that the grading of the lots and outlots within the 100 year floodplain shall be in conformance with the grading plan approved with the Coyote Lane PUD CZ22038 or as amended by the Director of Planning. The volume of fill material brought into each lot and outlot from outside the floodplain shall not exceed that shown on the approved grading plan accompanying the PUD.



Change of Zone #: CZ22038
Coyote Lane PUD
N 66th St & O St

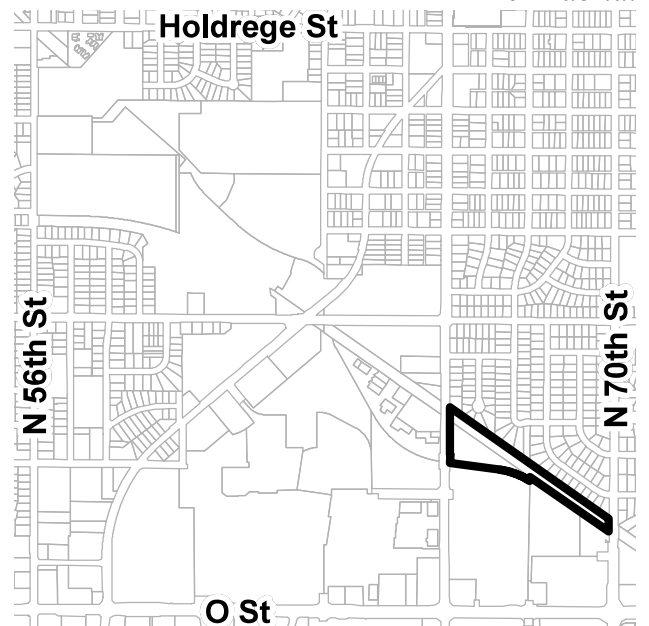
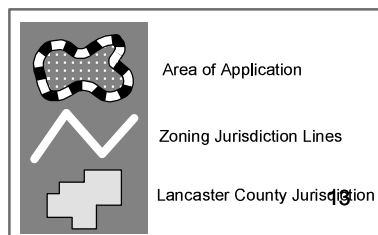


2022 aerial

Zoning:

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

One Square Mile:
 Sec.21 T10N R07E





PDF: F:\Boards\PC\Internet\out\GZ22038\Exhibi

Change of Zone #: CZ22038
Coyote Lane PUD & Zoning Change (H-3 to R-2)
N 66th St & O St

2022 aerial



**COYOTE LANE
PLANNED UNIT DEVELOPMENT #CZ22038**

NO.	REVISIONS		
	DESCRIPTION	DATE	BY

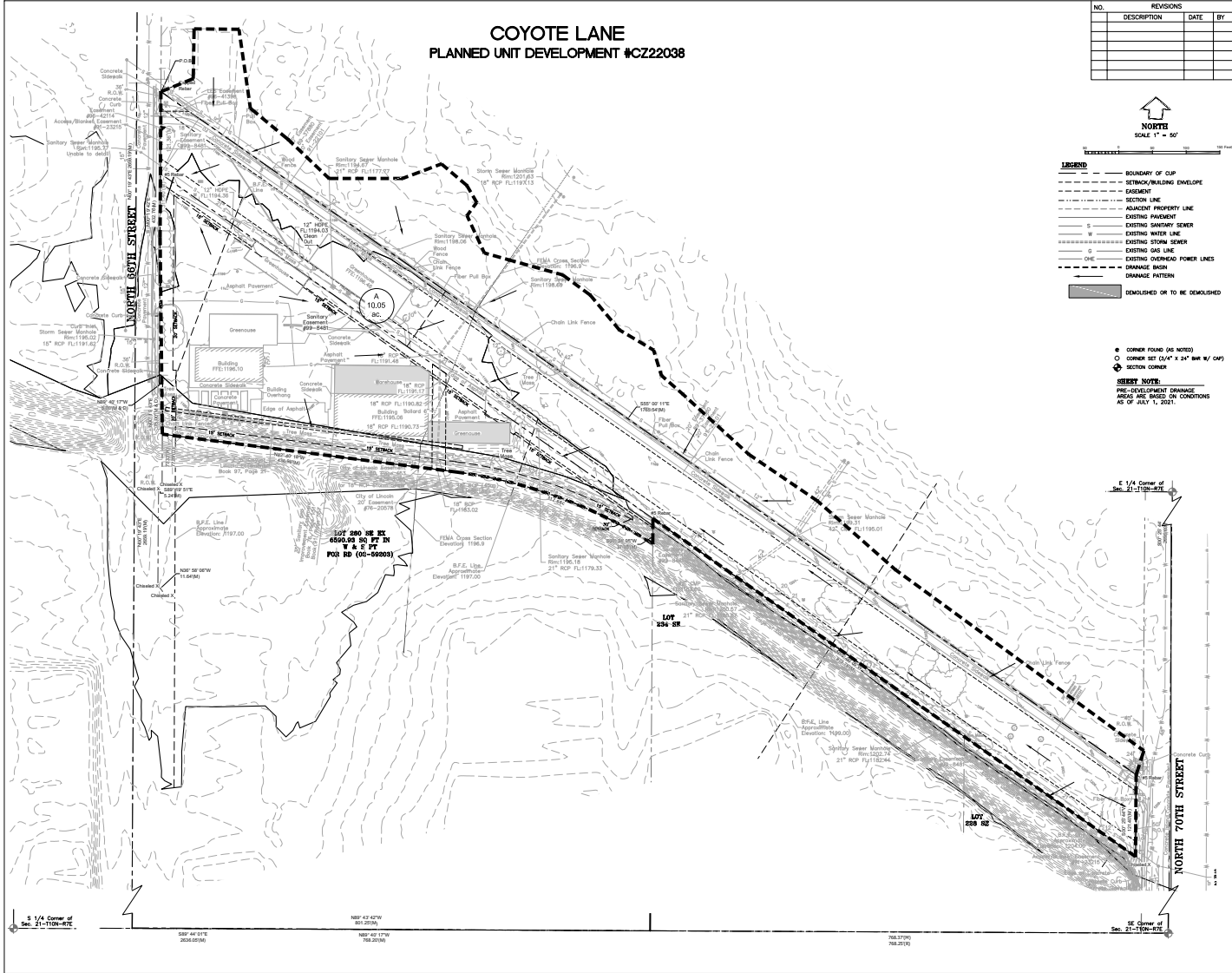
PROJECT
201111
REGA
ENGINEERING
GROUP, INC.
401 OLD CHENEY RD., SUITE A
LINCOLN, NEBRASKA 68012
(402)444-5742
• ENGINEERING
• PLANNING
• LANDSCAPE
ARCHITECTURE
• LAND SURVEYING



LEGEND

---	BOUNDARY OF CUP
---	STRUCK/BUILDING ENVELOPE
---	EASEMENT
---	SECTION LINE
---	ADVANCED PROPERTY LINE
---	EXISTING PAVEMENT
---	EXISTING SANITARY SEWER
---	EXISTING WATER LINE
---	EXISTING STORM SEWER
---	EXISTING GAS LINE
---	EXISTING OVERHEAD POWER LINES
---	DRAINAGE BASIN DRAINAGE PATTERN
---	DEMOLISHED OR TO BE DEMOLISHED

- CORNER POINT (DO NOT SET)
 - CORNER SET (2 1/2" x 2 1/2" DIA W/ CAP)
 - ⊕ SECTION CORNER
- SHEET NOTE:**
PRE-DEVELOPMENT DRAINAGE AREAS ARE BASED ON CONDITIONS AS OF JULY 1, 2001.



COYOTE LANE
PLANNED UNIT DEVELOPMENT
PRE-DEVELOPMENT PLAN
NORTH 70TH STREET

DATE: 11-22-2022
DESIGNED BY: NBC
DRAWN BY: NBC
CHECKED BY: NB & LL

SHEET NO.
3 of 6

**COYOTE LANE
PLANNED UNIT DEVELOPMENT #CZ22038**

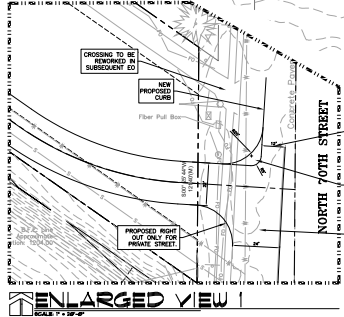
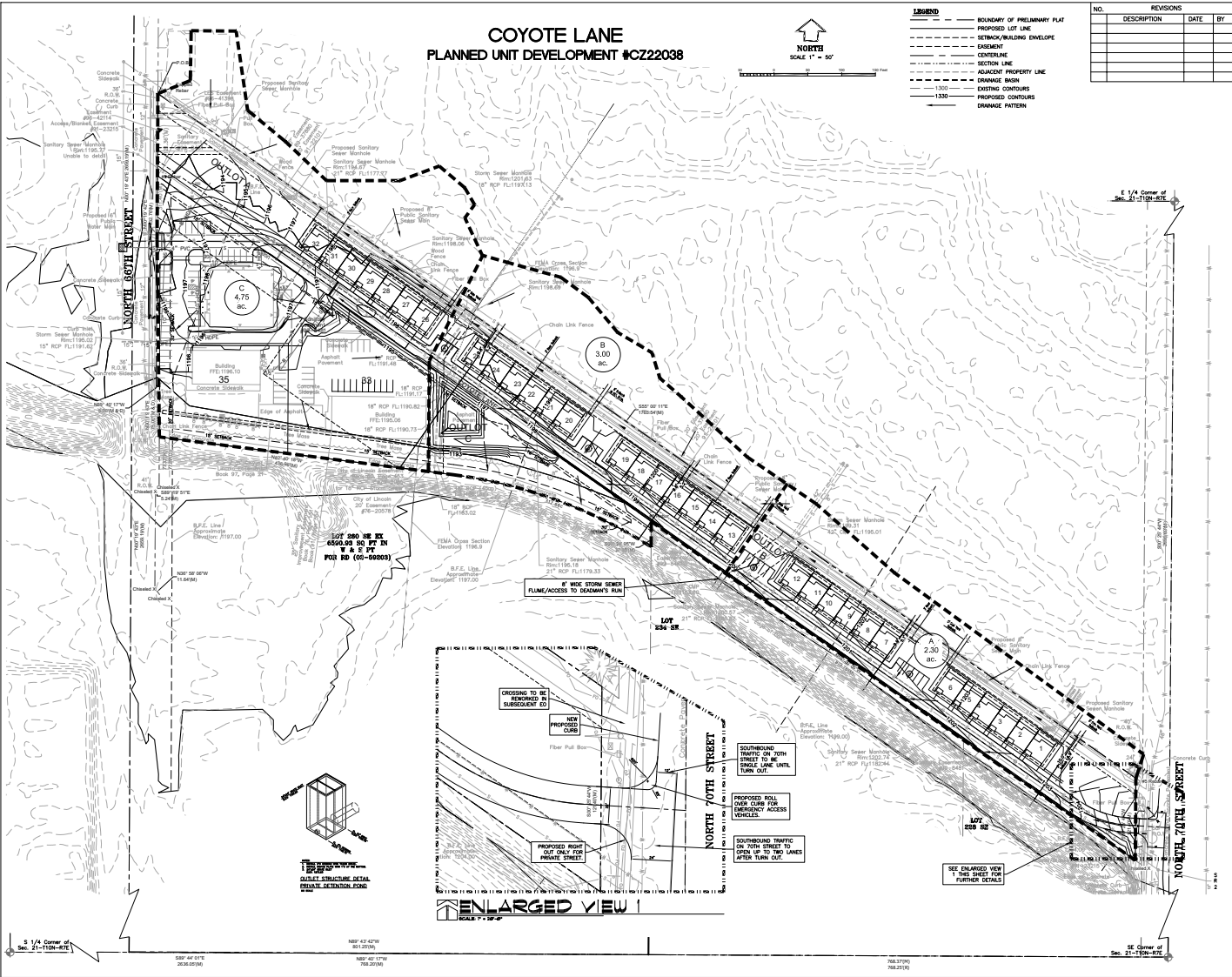


LEGEND

- BOUNDARY OF PRELIMINARY PLAT
- PROPOSED LOT LINE
- SETBACK/WALKING ENVELOPE
- EASEMENT
- CENTERLINE
- SECTION LINE
- ADJACENT PROPERTY LINE
- DRAINAGE BASH
- 1:200 EXISTING CONTOURS
- 1:200 PROPOSED CONTOURS
- 1:200 DRAINAGE PATTERN

REVISIONS			
NO.	DESCRIPTION	DATE	BY

PROJECT 201111
REGA
ENGINEERING GROUP, INC.
401 OLD CHENEY RD., SUITE A
LINCOLN, NEBRASKA 68012
(402) 441-5742
• ENGINEERING
• PLANNING
• LANDSCAPE ARCHITECTURE
• LAND SURVEYING



COYOTE LANE
PLANNED UNIT DEVELOPMENT PLAN
GRADING AND POST DEVELOPMENT PLAN
NORTH 70TH STREET

DATE: 11-22-2022
DESIGNED BY: NBC
DRAWN BY: NBC
CHECKED BY: NB & LL

SHEET NO.
4 of 6

REGA

ENGINEERING
GROUP, INC.

File No. 201111
November 22, 2022

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

RE: Coyote Lane
Planned Unit Development
500 N 66TH ST, LINCOLN, NE 68505



Dear David,

On behalf of CTAC Enterprises LLC, the owner and developer, we are submitting an application for a Planned Unit Development located north of Deadman's Run at 500 N. 66th Street. In addition, we are requesting an increase of the R-2 zoning on the property of x.xx Acres. The remaining H-3 zoning and R-2 will remain.

The PUD Boundary includes 7.17 acres which is adjacent to R-2 Zoning to the north with H-3 Zoning on the west side of N. 66th Street. The development includes (32) townhome dwelling units, (3) commercial lots, (1) outlot for a private street with common access and utilities, (2) outlots for green space, water quality basin, parking and utility easements.

A proposed public water main will run in the proposed private street. The developer is working with REGA and the Lincoln Wastewater Department on coordination of a developer/city upgrade sewer project for the proposed 8" sanitary sewer main. The sewer would serve the proposed residential lots as well as allow for better maintenance for the existing homes to the north of the MoPac Trail.

REGA and the developer have met extensively with city staff on this project as well as had a meeting the Pedestrian Bicycle Advisory Committee (PBAC) regarding the development of the previous Finke Gardens and the MoPac Trail. The project has also been in front of the Urban Design Committee for comments as well. A meeting and information for the development has taken place with the surrounding neighbors and neighborhood associations.

The following waivers are being requested as follows:

1. PARKING BE PROVIDED ON THE SAME LOT AS THE USE WHICH REQUIRES THE PARKING. (27.67.030(d))
The parking shown is shared between the (3) commercial properties. The residential visitors parking is within the proposed outlot.
2. FRONT, SIDE AND REAR YARD SETBACKS OF INTERIOR LOT LINES TO 0 FEET WITH A PERIMETER SETBACK OF THE DEVELOPMENT TO BE 20 FEET. (27.72.030(a))
The perimeter boundary of the proposed development is being requested to serve as the entity for the R-2 Setbacks. We are proposing interior lot lines of 0 feet for the proposed townhomes.

Engineering • Planning • Surveying • Landscape Architecture • Irrigation

3. SIDEWALK LOCATION FROM PROPERTY LINE ON NORTH SIDE OF PRIVATE STREET. (26.23.095)

A waiver for sidewalk location is being requested due to Deadman's Run on the south side of the private drive. Additionally, due to the tightness of the site we are proposing the sidewalk about the back of curb for the private street.

4. PRE/POST DEVELOPMENT STORM WATER DETENTION. (26.23.105)

A waiver for stormwater detention is being requested due to the proximity of the development to Deadman's Run. On-site detention is not desirable here as it is preferable to get this stormwater downstream before the peak flows would come from downstream. Water quality is being proposed within this development.

5. ANY ASSOCIATED OUTDOOR AREA MUST BE LOCATED NO CLOSER THAN 200 FEET FROM ANY R-1 THROUGH R-8 RESIDENTIAL DISTRICT. (27.62.100(b(1)))

A waiver for associated outdoor areas is being requested. The proposed distance from any R-1 through R-8 residential zoning district is requested to be 150 feet. We also request that this be based on the existing R-2 zoning and not the proposed re-zoning exhibit. We are requesting this waiver to allow the animal clinic and pet business's that will be on the commercial lots to have a serviceable area for the animals seeking service at these businesses.

6. NO MORE THAN 3 ANIMALS ARE PERMITTED IN THE OUTDOOR AREA AT ONE TIME. (27.62.100(b(2)))

A waiver for the number of animals permitted in an outdoor area at one time is being requested. The proposed commercial lots will support a variety of animal-related services including a veterinary clinic and a dog training facility. We are requesting that a limit of 10 animals at one time permitted in outdoor areas be approved due to the necessity from these businesses.

7. SANITARY SEWER RUNNING OPPOSITE STREET GRADE (Design Standards Chapter 2.00 Section 3, 3.5)

A waiver for sanitary sewer flow is being requested. There will be a slight increase in grade while the sanitary sewer is running opposite on the backside of the lots.

8. SANITARY SEWER LOCATION (Design Standards Chapter 2.0 Section 3, 3.4)

A waiver for sanitary sewer locations is being requested. We are requesting the proposed sanitary main be allowed to be on the northern side of the proposed residential lots. This request comes with the previously mentioned sewer upgrade project with LWWS.

9. EXTERIOR LIGHTING TO TRESPASS AND GLARE ACROSS INTERIOR LOT LINES.
(Chapter 3.100, Section 9)

Within the development there are lots created for individual buildings with an outlet surrounding the lots that consists of parking areas and driving aisles. For safety concerns, it is beneficial to all tenants within the development to have lighting cross lot lines internally.

REGA

ENGINEERING
GROUP, INC.

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,



Dillon Reese

Cc: Tyson Schlenker

Enclosed: Application Form
Application Fee – PUD of \$2,325.09
PUD Legal Description
Waiver List
Lot List
Change of Zoning Exhibit

PUD Legal Description

A parcel of land being a portion of vacated Right-of-Way of former Missouri Pacific Railroad excluding the West 3 feet adjacent to North 66th Street described in Instr # 96-42114, and the Remaining Portion of Lot 185 Irregular Tracts, all located in the Southeast Quarter of Section 21, Township 10 North, Range 7 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

BEGINNING at the Northwest corner of said vacated Right-of-Way of the former Missouri Pacific Railroad, said point being on the Easterly 36' Right-of-Way of North 66th Street;

Thence Southeasterly on the North line of said vacated Right-of-Way of former Missouri Pacific Railroad and on a bearing of S 55°00'11" E for a distance of 1765.54 feet to the Westerly 50' Right-of-Way of North 70th Street;

Thence Southerly on the Westerly 50' Right-of-Way of North 70th Street, S 00°25'44" W for a distance of 121.40 feet to the Southerly line of said vacated Right-of-Way of the former Missouri Pacific Railroad Right-of-Way;

Thence Northwesterly on the Southerly line of said vacated Right-of-Way of the former Missouri Pacific Railroad, N 55°00'05" W, for a distance of 873.76 feet to the Northeast corner of said Remaining Portion of Lot 185 Irregular Tracts;

Thence Southerly on the East line of said Remaining Portion of Lot 185 Irregular Tracts, S 00°24'05" W for a distance of 37.35 feet to a curve to the left, with a radius of 716.20 feet, a chord bearing of N 70°03'00" W, and a chord distance of 312.66 feet;

Thence Westerly on the Southerly line of said Remaining Portion of Lot 185 Irregular Tracts, on a said curve a distance of 315.19 feet;

Thence continuing on the Southerly line of said Remaining Portion of Lot 185 Irregular Tracts, N 82°40'18" W, for a distance of 436.96 feet to the Easterly 41' Right-of-Way of North 66th Street;

Thence Northerly on the Easterly 41' Right-of-Way of North 66th Street, N 00°19'43" E, a distance of 75.00 feet;

Thence on the Easterly Right-of-Way of North 66th Street, N 89°40'17" W, for a distance of 5.00 feet;

Thence Northerly on the Easterly 36' Right-of-Way of North 66th Street, N 00°19'42" E, for a distance of 432.76 feet to the **POINT OF BEGINNING** and having a calculated area of 312,450 sqft 7.17 acres, more or less.

Change of Zone Legal Description

A parcel of land being a portion of vacated Right-of-Way of former Missouri Pacific Railroad excluding the West 3 feet adjacent to North 66th Street described in Instr # 96-42114, located in the Southeast Quarter of Section 21, Township 10 North, Range 7 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

COMMENCING at the Northwest corner of said vacated Right-of-Way of the former Missouri Pacific Railroad, said point being on the Easterly 36' Right-of-Way of North 66th Street;

Thence Southeasterly on the North line of said vacated Right-of-Way of former Missouri Pacific Railroad and on a bearing of S 55°00'11" E for a distance of 295.38 feet to **POINT OF BEGINNING**, all bearings hereon are relative thereto;

Thence continuing Southeasterly on said North line, S 55°00'11" E for a distance of 220.15 feet to the West boundary of the existing R-2 zoning limits;

Thence departing said North line and on said West boundary, S 34°59'49" W, for a distance of 68.50 feet;

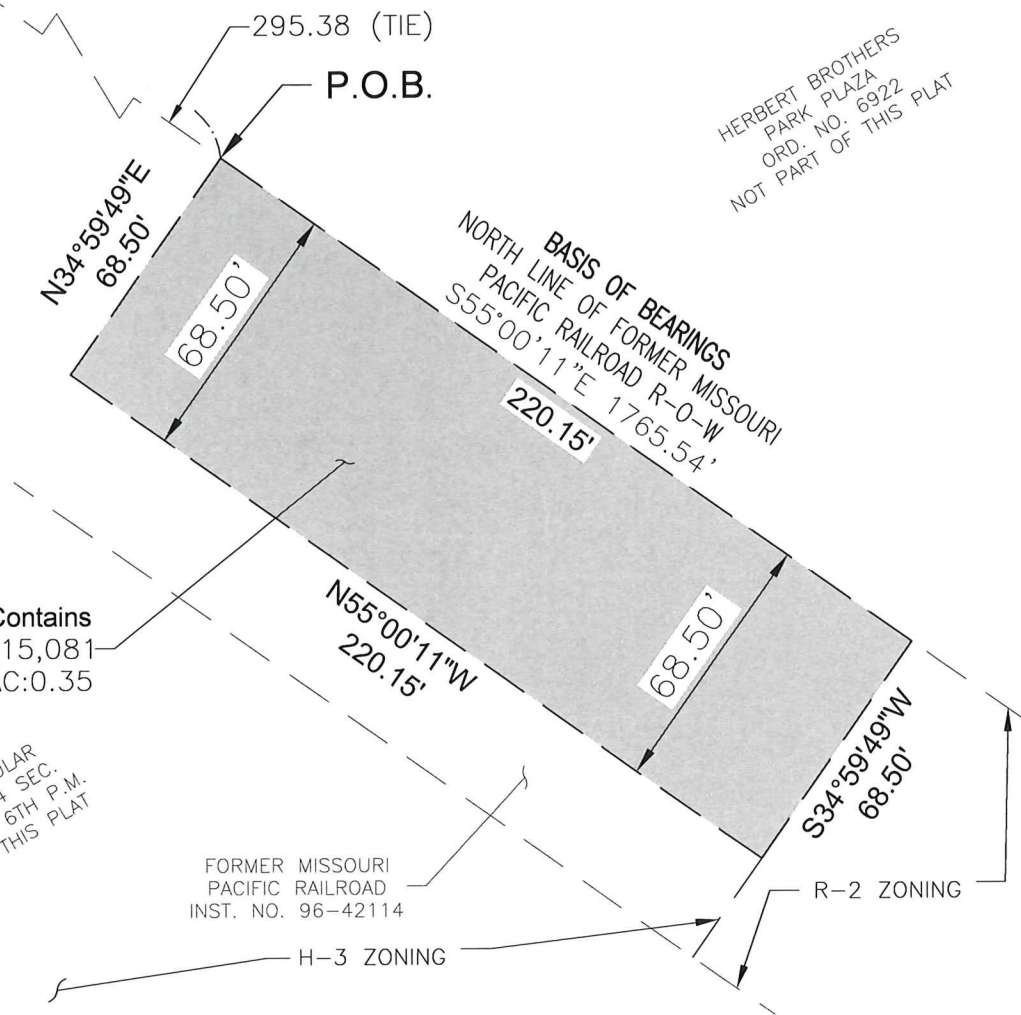
Thence departing said West boundary, N 55°00'11" W for a distance of 220.15 feet;

Thence N 34°59'49" E, for a distance of 68.50 feet to the **POINT OF BEGINNING**

Containing a calculated area of 15,081 sqft 0.35 acres, more or less.

P.O.C.
 NW CORNER OF
 VACATED R-O-W OF
 FORMER MISSOURI
 PACIFIC RAILROAD

HERBERT BROTHERS
 PARK PLAZA
 ORD. NO. 6922
 NOT PART OF THIS PLAT



Parcel Contains
 SQFT: 15,081
 AC:0.35

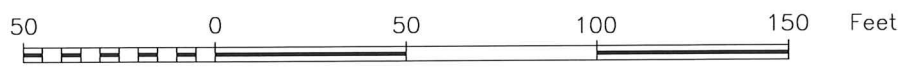
LOT 185 IRREGULAR
 TRACTS, SE 1/4 SEC.
 21, T.10. R.7W. 6TH P.M.
 NOT PART OF THIS PLAT

FORMER MISSOURI
 PACIFIC RAILROAD
 INST. NO. 96-42114



NORTH

SCALE 1" = 50'



REGA ENGINEERING
 601 OLD CHENEY RD.
 LINCOLN, NE 68512
 402-484-7342 OFFICE

LEGEND
 - - - - - ROW BOUNDARY
 P.O.B. - POINT OF BEGINNING
 P.O.C. - POINT OF COMMENCEMENT
 R-O-W - RIGHT-OF-WAY

REGA
ENGINEERING
GROUP, INC.

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

- ENGINEERING
- PLANNING
- LAND SURVEYING

JOB NAME: COYOTE LANE
 LOCATION: LINCOLN, NEBRASKA
 DESCRIPTION: CHANGE OF ZONE EXHIBIT

DRAWN BY: RDR
 SCALE: 1":50'
 DATE: 11/17/2022
 JOB NUMBER: 201111

CHECKED BY: LLL
 SHEET: 2 OF 2

Excerpt from MEETING RECORD

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

NAME OF GROUP: URBAN DESIGN COMMITTEE

DATE, TIME AND PLACE OF MEETING: Tuesday, 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).

OTHERS IN ATTENDANCE: Paul Barnes, Stacey Hageman, Collin Christopher and Teresa McKinstry of the Planning Department; Hallie Salem of Urban Development; Jonathan Fliege and Ryan Curtis with Leo Daly; DaNay Kalkowski; Jennifer Seacrest with Olsson Studio; Evan Young; Joy Skidmore appeared via Zoom Video Communications ©; Nate Burnett with REGA Engineering Group; Matt Olberding with Lincoln Journal Star; and other interested parties.

THE COYOTE/FINKE REDEVELOPMENT:

November 1, 2022

Members present: Canney, Deeker, Grasso, Hind and Penn; Peace declaring a conflict of interest; Huston absent.

Gil Peace appeared as applicant. He stated that this has been seen before. He pointed out the area of a new veterinary clinic. He showed the location of the former nursery building. There is also a building existing on the site. Previously they had shown a series of rowhouses that worked their way down the bike trail. They have now learned more information. As for the timing, the rowhouses will probably not be built for the next twelve months or longer. They have a PUD (Planned Unit Development) and redevelopment agreement in the works. He showed how the rowhouses would fit on the property. The spaces are dictated largely by easements that cut through this. They have learned they have a little less space from north to south from what was previously thought. He showed the layout of the houses. He showed the location of the bike path and Dead Man's Run. The development team is intending for the units to be similar. He doesn't want them to be cookie cutter though. They want them to have some individuality. He showed a view from the trail side. The developer would like a fence to separate the bike trail from the unit spaces. The materials will be traditional residential, James Hardie products and some stucco.

Canney thinks this is a cool project. He questioned the possibility of a fence. He knows that Parks and Recreation likes to mow a certain number of feet off the trail. He would check with them. He would establish the fence materials so there isn't a mix. Peace stated there has been discussions regarding fence height and materials. They are aware they need to pick the right fence. They want the bike trail to be an amenity. There will be a HOA (homeowners association). He would agree with having one option for fencing.

Grasso thinks the bike trail is an amenity. She likes the idea of a minimal fence. Canney believes it would be almost like another courtyard. Grasso thinks about residential neighborhoods. Everyone seems to sit in their garage and talk to their neighbors. Peace stated there is a debate in the office as well. Some people think the front door should be on the bike trail. He believes people that will live here will want access to the bike trail. Hind disagreed. He would push for more separation. He likes the separation of public and private. He believes it will be successful either way. The trail gets a lot of use. Peace noted the site is relatively flat.

Peace noted that the veterinary clinic is phase one. They have to get a market analysis yet.

Grasso likes the color pop on the exterior. She thinks it should extend to both sides of the building. Peace agreed. He believes an accent color should be on both sides.

Hind wondered about the courtyards. Peace stated that in between, there is friends and family parking. The idea is that those will not be fenced. It lines up with an easement that goes there. This has evolved. The first pass had 29 units. Through the process, it has been bumped to 32. He would like to hear comments on that.

Hind believes the density is great. There isn't anything like this in Lincoln. Canney agreed. It has a desirable walkability. Peace believes there is a rehabilitation effort going on where the Sears used to be.

Hind wanted the applicant to clarify all fire questions. Peace noted those questions were answered a while ago. The intention is for Coyote Lane to only turn south on 70th Street. He showed the curve for a rescue vehicle. There is a deceleration lane. He believes this will clean up the merge lane. Canney asked if this will involve a private road or public street. Peace answered it will be a private drive.

Canney inquired if this will have a homeowner association with individual yards. Peace stated that a homeowner association has not been developed yet. The intent was that your backyard is yours, you can do what you want. Everything outside of that is homeowner association.

ACTION:

Canney moved approval, seconded by Grasso and carried 5-0: Canney, Deeker, Grasso, Hind and Penn voting 'yes'; Peace declaring a conflict of interest; Huston absent.

https://linclanc.sharepoint.com/sites/PlanningDept-Boards/Shared Documents/Boards/UDC/Minutes/2022/HPC excerpt 110122 Coyote_Finke .docx

Pedestrian Bicycle Advisory Committee

Minutes from the Nov. 8, 2022, Meeting – 7:00 a.m.
Woods Park Place – 3131 'O' Street, LPR Conference Room

Members Present: Barb Fraser, Delrae Hirschman, Jordan Messerer, Mauricio Lang, Sarah Knight, Susan Larson Rodenburg (Paul Tunakan joined via Zoom)

Guests: Parks Coble, Logan Spackman, Kyle McLaughlin, Tyson (?), Brian Beherens

Staff Present: Bobby Bartja, J.J. Yost, Jamie Granquist, Maggie Stuckey-Ross, Stephanie Rouse, Kylie Gokie, Sara Hartzell, Roberto Partida, Dan Carpenter, Denise Pearce

Call to Order: Hirschman called the meeting to order at 7:00 a.m. and noted the meeting follows the Open Meetings Act, posted in the room. Roll call was made.

Approval of Minutes: A motion was made by Knight and seconded by Fraser to approve the minutes from the October meeting. Motion passed unanimously.

Staff Reports: Bartja started with a report on the work on Boosalis near the Alamo Center which has been completed. Precision Concrete is working through their areas for the year to address some of the panel shifts in the trail surface. They are about halfway through. Trail centerline painting continues. The Annual Bridge Inspections will begin this month. The Mountain Bike Master Plan Working Group met for the first time on October 20th and that meeting was well attended and productive. Nate Lowry is representing PBAC on that Working Committee. The next meeting will be on November 17. Trail closure in Haymarket Park during the drive through Christmas Light event. This will be closed until early March.

Gokie updated the group on Safe Kids Lincoln which is a bike and ped, safety focused effort. They received a mini-grant that is helping focus on kids 15 and under and school zone safety. Working with LTU on the Safe Schools work. Using GIS to look for hot spots in school zones and then work with the school and neighborhood to identify appropriate improvements. Clinton Elementary School is a potential concentration. Question was asked whether we were being proactive in this effort rather than reactive? Carpenter responded that they are constantly evaluating. As new schools come on line they are looking for any safety issues. This can be difficult when a neighborhood is still in the process of being constructed. Partida commented that just having a plan is really a proactive step. We can take information learned in reacting to older sites and apply the lessons learned to new sites.

Yost commented that the Rock Island Bridge over Salt Creek in Wilderness Park has received notice to proceed and is working on an engineering contract.

Granquist shared upcoming events in parks: November 11 Veterans' Day at 11 am in Auld Pavilion, Nov 12 Bike Lincoln is holding a Bike For All event in Tierra Park, Dec. 4 is the Holiday Run at Pioneers Park 10 – 11:30, Dec. 11 is the Hurts Donut Run afternoon.

Spackman shared more information about the Bikeshare For All event at Tierra Park on November 12 from 11 am to 2 pm. This is associated with a community grant received from the AARP this year. BikeLNK will have mobile dock and bicycles available and will be helping people get signed up and try out peddle and ebikes.

Partida shared that the scooter program has been up and running for about a month with Lime scooters on the streets and have had about 10,000 rides this first month. The scooters are not operable during home football games and are not yet at full capacity. Scooters have a wider area

they are able to travel than the original pilot program. Byrd is planned to be operable soon. Question was asked about how the sidewalk and trail issue is being handled? At this point the City is responding to complaints. It is up to the contractor to manage the bikes and make certain users are following their rules. PBAC members were encouraged to contact Partida or use the upLNK app to report issues.

Rouse shared that the mobile trail counter program has completed its first year of data gathering and reports are being compiled. From here out reports will be constantly updating. A second batch of sites will be counted in spring. Rouse participated in a webinar with the League of American Bicyclists to present the program.

Old Business: The revised letter to the Mayor in support of the Safety Stop legislation was reviewed. Larson Rodenburg moved and Lang seconded a motion to send the revised letter to the Mayor. Unanimous support.

New Business: Facilities manager for Clocktower Animal Clinic, Tyson Schlunkard, presented proposed designs for a revision of the old Finke Gardens property between N 66th and N 70th Streets north of East Park Plaza Mall. The business has been growing and a move to a larger space was needed. The plan is to use some of the existing buildings and build new to form a kind of animal care campus. Along with the larger area abutting N 66th Street, there is a long linear piece of land that runs southeast to N 70th Street. This is zoned residential but is very narrow. The plan is to develop townhouse or rowhouse style residential structures in this area, along with a private roadway. The townhouses would be between the existing trail and the roadway. There are clusters of buildings with spaces in between where some visitor parking is provided. The owner has met with the Meadow Lane Area Neighborhood Association. There was some misunderstanding that the old business, Finke Nursery, was a park rather than the garden sales business that it actually was, but that was the only issue that arose. There will be changes to the N 70th Street intersection to make the two-lane section begin at that point. This should reduce any attempts to pass in the area of the trail crossing. These homes would be single-family, owner-occupied homes. This would not technically be affordable housing, in the federal definition of the word. Price range is planned between \$290,000 - \$350,000. The trail was a limitation to the flexibility of the site, however it also provides an opportunity and amenity. There was discussion about the property line location near the trail. The property line will be 5 feet from the edge of the trail, which should give opportunity to widen the trail in the future if needed. The back of the property should be fairly uniform, with some opportunity for color on the buildings and for landscaping inside the property lines. AC units are planned for rooftops, electrical pedestals in the spaces between clusters of dwellings. Fences would be opaque with possibly some transparency on the upper part and inward opening gates. The parking spaces are not meant for trailhead use but do provide opportunities for trail access from garage doors. The green space near the trail at 66th Street is intended as stormwater treatment area. Trail drainage should be positive as the trail in this section is on the high side and drains well today. Timeline involves building the clinic building first, mostly next spring and summer. They will then be working with partners to develop the housing. Committee in general was very supportive of the plan and appreciated the attention to the trail interface.

Denise Pearce shared plans for the parking expansion associated with the Lincoln Children's Zoo in Antelope Park. The Zoo underwent a major expansion starting in 2016 north of A Street and also purchased property south of A Street for parking. Zoo attendance has increased greatly and they would like to expand parking south of A Street. The area identified is in Antelope Park east of the trail between the apartments and the Public Gardens yard. This was in 2019 right before COVID hit

– this stopped plans until recently when the Zoo approached the City again. Yost walked the group through the plan drawings. 160 parking stalls, some of which will serve the Public Gardens staff. Access to that yard would be taken through the parking lot rather than the current steep, rock drive. This parking lot would also provide additional parking for Antelope Park. The Zoo will build an 8 foot wide sidewalk parallel to the trail and separated with a green buffer. There is a space for an assembly area where the sidewalk meets the parking lot. There would also be a connecting walk through the parking lot, a traffic calmed crossing of Memorial Drive and then sidewalk connection to the active areas of Antelope Park. The intersection of Veterans’ Drive and Memorial Drive would also be reconfigured to slow traffic cutting through from the neighborhood to A Street. The intersection improvements would be a shared cost while the parking and sidewalk costs would be the Zoo’s expense. This area used to be the location of a reservoir that was removed four or five years ago. Brian Behrens, representing the apartments, asked some questions about traffic. The Waterworks apartments experienced a lot of trespass issues during the recent Boo at the Zoo event. Would like to see fencing to keep Zoo visitors out of the apartment parking lot. Tunakan suggested that some sort of barrier, landscaping would work, to stop cross traffic would be helpful. There would still be room for widening the trail to 10 or even 12 feet. There has not been any public meeting associated with this. Will check with the Zoo to see if one is planned.

Hirschman asked for volunteers for a nominating committee to identify chair and vice chair nominees for election next month. Larson Rodenburg, Messerer and Fraser volunteered. Appointments are for one year although a second year is allowed and has been the practice.

Messerer reminded that we should keep the access to Highway 2 (Nebraska Parkway) for bicycles on the list of topics. Also should find out more about the extension of 16th Street bikeways to the Big X. Messerer also announced the No Man’s Land film festival on Friday (11/11) at the Ross Theater. Larson Rodenburg asked about the Old Cheney undercrossing of Rock Island. Carpenter responded that the consultant is still gathering information to make a decision. Previous letter to Mayor has provided the support needed and Parks and LTU directors have been in conversation. There was some conversation about what might be done to recognize Elaine Hammer.

Adjourn: Hirschman adjourned the meeting at 8:23 a.m.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

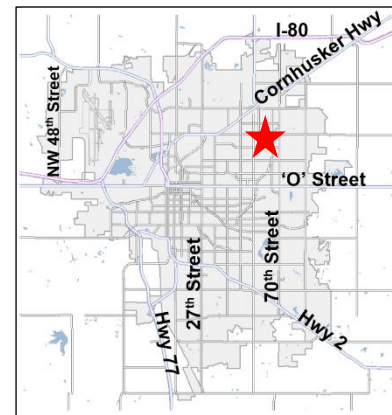
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Pre-Existing Special Permit #23J	FINAL ACTION? Yes	DEVELOPER/OWNER Nebraska Wesleyan University
PLANNING COMMISSION HEARING DATE Dec. 21, 2022	RELATED APPLICATIONS FPPL22116, FPPL22117, FPPL22118	PROPERTY ADDRESS/LOCATION Generally 5410 Huntington Avenue, Lincoln, NE 68504

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to expand the area of the special permit to accommodate additional off-street parking for Nebraska Wesleyan University (NWU). The university is zoned R-2 and R-6 and is allowed by a special permit under Section 27.63.075 for “Academies, Private Schools, Community Colleges, Colleges or Other Post Secondary Education Facilities. The parking lots being added are generally located at 5033 Huntington Avenue, 5435 Huntington Avenue, and 2427 North 56th Street.



JUSTIFICATION FOR RECOMMENDATION

The planned additional parking will help relieve the pressure for on-street parking and should serve to benefit the neighborhood. The parking lots do unfortunately result in the demolition of several existing buildings. Each parking lot will have to meet the screening requirements for parking lots next to residential uses.

APPLICATION CONTACT

Dan Rosenthal, (402) 484-7342 or dan@regaeng.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed expansion for parking is in conformance with the Future Land Use Plan in the 2050 Comprehensive Plan and the North 48th Street/University Place Plan. The Future Land Use Plan shows the subject properties as Public and Semi-Public uses. Parking lots for students, staff, faculty, and visitors to the University will provide such a use. The North 48th Street/University Place Plan notes that “An urban university campus adds to these parking problems. NWU, like many colleges, does not meet its parking demand on campus... Universities have difficulty buying the land necessary for surface parking... but have equal difficulty raising funds to build very expensive parking structures. As a result, a good deal of parking demand is met by the neighborhood’s already crowded streets” (p. 61). The University Place Plan acknowledges the need for off-street parking near residential areas to reduce over-crowding on-street parking for residents and customers in the surrounding business district.

April 13, 1994	PESP #23A for additional off-street parking and for a new health and fitness center was approved by the Planning Commission.
Sept. 8, 1997	PESP #23B to expand an existing parking lot at N. 53 rd St. and Huntington Ave. was approved by the City Council.
Sept. 10, 1997	PESP #23C to expand the boundary of the campus at N 53 rd Street and Huntington Avenue was approved by the Planning Commission.
August 1998	PESP #23D to expand the boundary of the campus at the northwest corner to include two houses to provide room and board for up to ten students was approved by the Planning Commission.
May 6, 2002	PESP #23E to allow the addition of student housing to accommodate 350 students was approved by the City Council.
August 31, 2005	PESP #23F to expand the boundary of the special permit to accommodate additional off-street parking was approved by the Planning Commission.
February 8, 2012	PESP #23G to expand the boundary of the special permit to accommodate additional off-street parking was approved by the Planning Commission
June 13, 2016	PESP #23H to expand the area of the special permit to add a new science building was approved by the Planning Commission.
Feb. 19, 2020	PESP #23I to expand the boundary of the special permit to accommodate additional off-street parking was approved by the Planning Commission.

APPROXIMATE LAND AREA: The area of the existing special permit is approximately 51.38 acres. The area of expansion is approximately 0.41 acres.

LEGAL DESCRIPTION: See attached

Prepared by

Emma Martin, Planner

Date: December 8, 2022

Applicant: REGA Engineering Group, Inc.
601 Old Cheney Road, Suite A
Lincoln, NE 68512
dan@regaeng.com

Contact: REGA Engineering Group, Inc.
601 Old Cheney Road, Suite A
Lincoln, NE 68512
dan@regaeng.com

Owner: Nebraska Wesleyan University
5000 Saint Paul Avenue
Lincoln, NE 68504
402-465-2114

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/PESP23J Nebraska Wesleyan University.edm.docx>

CONDITIONS OF APPROVAL - SPECIAL PERMIT #23J

Per Section 27.63.075 this approval permits the expansion of Nebraska Wesleyan University pre-existing special permit to accommodate three additional parking lots.

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 Identify the boundary of the special permit
 - 1.2 Revise the legal description to the satisfaction of the Register of Deeds and Planning Department.

Standard Conditions:

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

LEGAL DESCRIPTION FOR PRE-EXISTING SPECIAL PERMIT #23‘J’

Lots 10-12, Block 52, University Place

The south 92' of Lots 7 and 8, and all of Lots 9, 10, 11, and 12, Block 53, University Place

Lots 9-14, Block 55, University Place

Lots 7 and 8, Block 77, University Place

Lots 4-6, Block 85, University Place

All of Lots 1, 2, and 6 and Lot 5 except the east 12', Block 97, University Place

Lots 1-5, Block 99, University Place

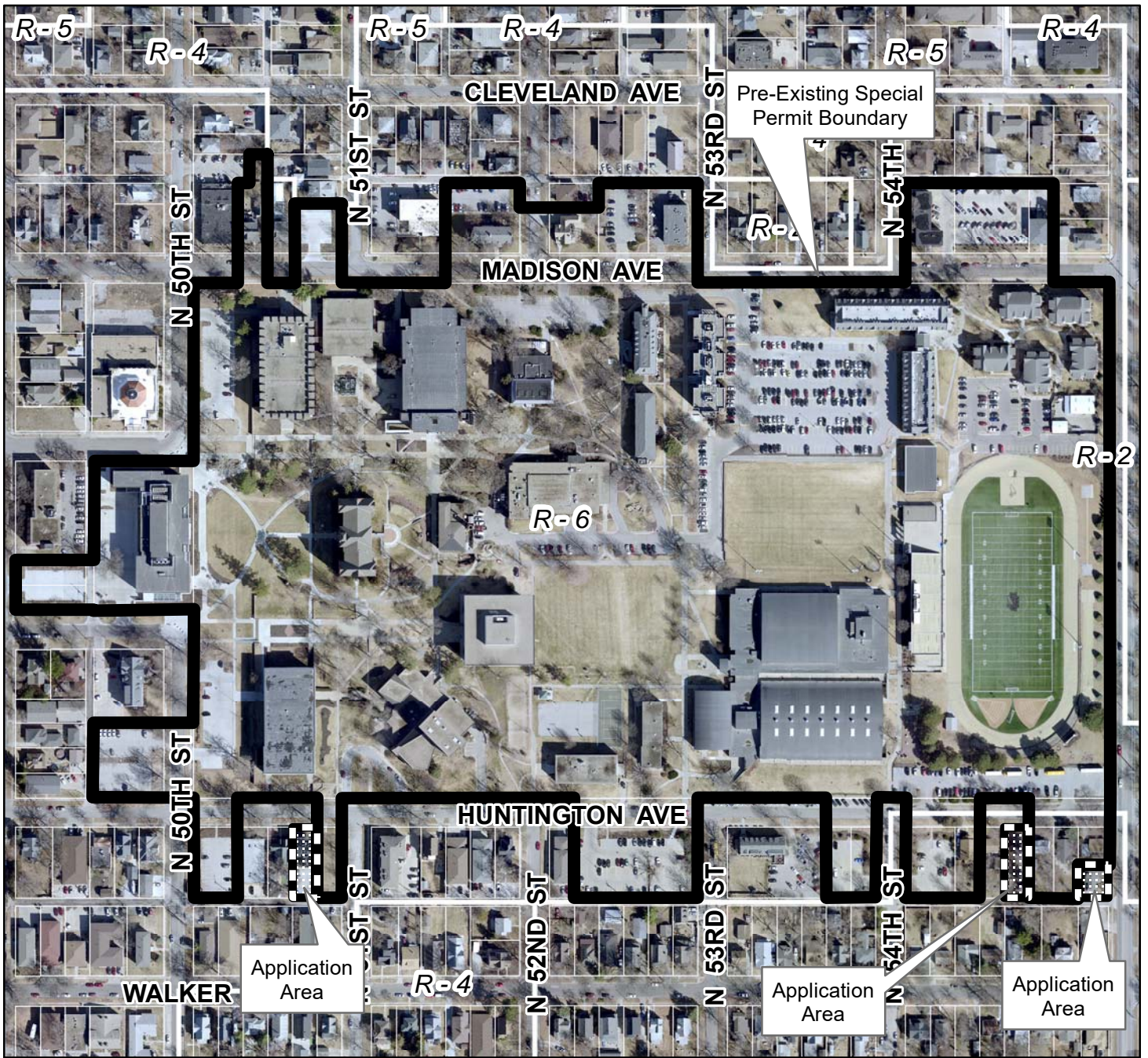
Lots 1 and 2, Block 100, University Place

Lots 1-8, Block 101, University Place

Lot 1, Nebraska Wesleyan University Addition (4950 Baldwin)

Lot 22 I.T. and Lot 24 I.T., located in the Northeast Quarter of Section 17, Township 10 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska

An Irregular Tract between 50th and 56th Street and Madison Avenue and Huntington Avenue; all located in University Place Addition; located in the Northeast Quarter of Section 17, Township 10 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska

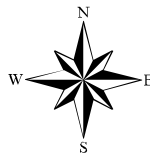


2022 aerial

Special Permit #: PESP23J
Nebraska Wesleyan University
N 56th St & Huntington Av

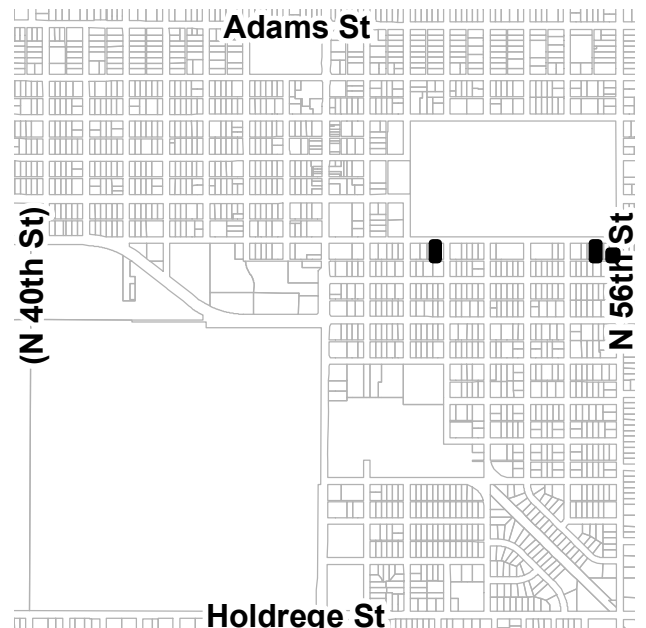
Zoning:

- 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



One Square Mile:
 Sec.17 T10N R07E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction
37	



LEGAL DESCRIPTION

Parcel 17-17-218-001-000 (5410 Huntington Ave)
 Irregular tract between 50th and 56th Streets and Madison and Huntington Avenues, Section 17, Township 10 N, Range 7 E, of the 6th PM

Parcel 17-17-235-001-000 (4950 Baldwin Ave)
 Lot 1, Nebraska Wesleyan University Addition

Parcel 17-17-220-010-000 (2517 North 50th St) (Area 'F')
 Lots 4, 5 and 6, Block 85, University Place

Parcels 17-17-217-007-000, 17-17-211-011-000 and 17-17-211-010-000 (5204 & 5240 Madison Ave) (Area 'E')
 Lots 7 through 12, Block 53, University Place Addition

Parcel 17-17-223-05-000 (5207 Huntington Ave) (Area 'J')
 Lots 5 and 6 except the east 12 feet, Block Ninety 9, University Place

Parcels 17-17-227-004-000, 17-17-227-003-000 & 17-17-227-002-000 (5445, 5451 & 5457 Huntington Ave) (Area 'K')
 North 75 feet of Lot 1 and all of Lots 2 and 3, Block 101, University Place

Parcel 17-17-227-017-000 (No site address) (Area 'L')
 Lots 7 and 8, Block 101, University Place

Parcels 17-17-226-002-000 and 17-17-226-001-000 (5335 & 5343 Huntington Ave) (Area 'M')
 Lots 1 and 2, Block 100, University Place

Parcel 17-17-225-012-000 (5219 Huntington Ave) (Area 'N')
 Lots 1 through 5, Block 99, University Place

Parcels 17-17-213-009-000, 17-17-213-018-000 and 17-17-211-014-000 (5400 to 5440 Madison Ave) (Area 'O')
 Lots 9 through 14, Block 55, University Place Addition

Parcel 17-17-210-012-000 (5152 Madison Ave) (Area 'P')
 Lots 10, 11 and 12, Block 52, University Place

Parcel 17-17-209-006-000 (5034 Madison Ave) (Area 'Q')
 Lot 24 I.T., NE Quarter of Section 17, Township 10 N, Range 7 E, 6th PM

Parcel 17-17-223-002-000 (5043 Huntington Ave) (Area 'W')
 Lot 1, Block 97, University Place

Parcel 17-17-217-002-000 (2512 North 49th St)
 Lot 8, Block 77, University Place

Parcel 17-17-217-003-000 (2502 North 49th St)
 Lot 7, Block 77, University Place

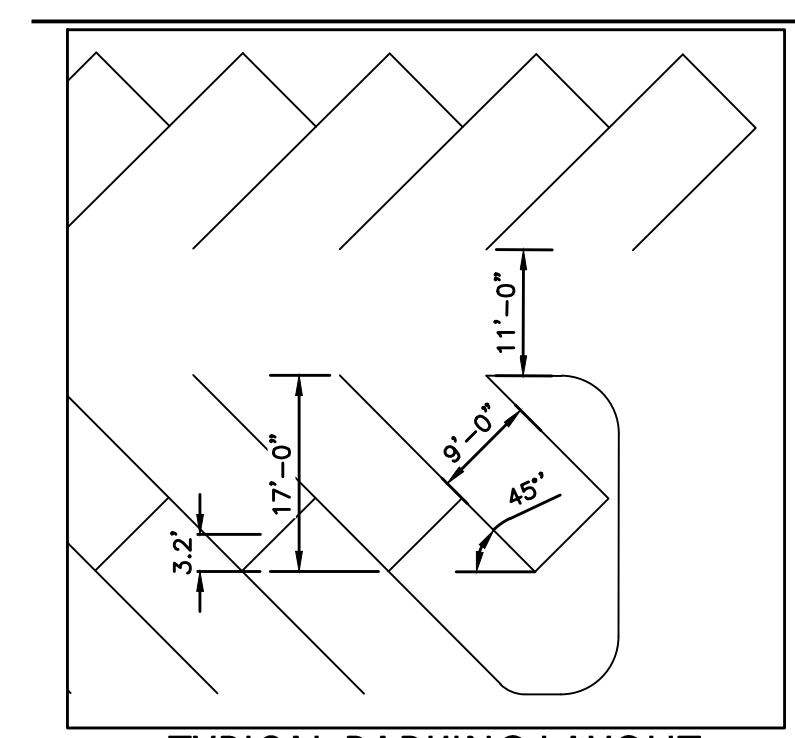
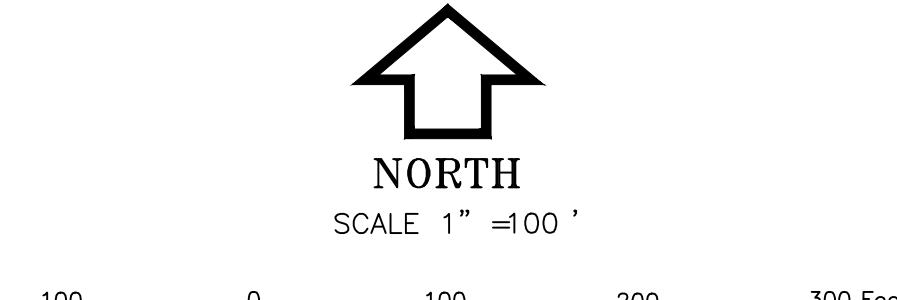
Parcel 17-17-227-003-000 (4377 N. 56th St) (Area 'X')
 Lot 1, Block 101, University Place

PROJECT
221020

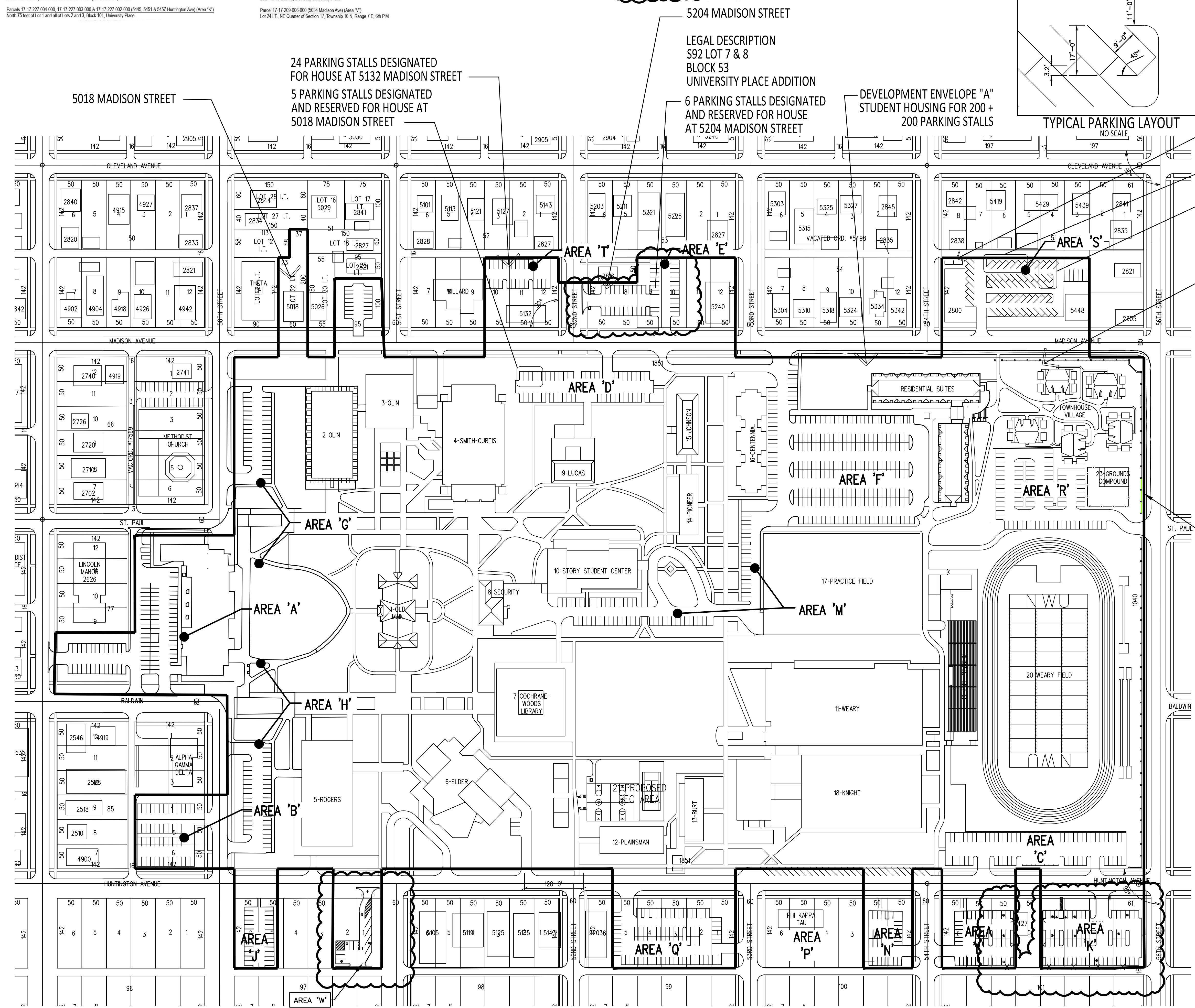
REGA
 ENGINEERING GROUP, INC.

601 OLD CHENEY RD., SUITE A
 LINCOLN, NEBRASKA 68512
 (402) 484.7342
 ● ENGINEERING
 ● PLANNING
 ● LANDSCAPE ARCHITECTURE
 ● LAND SURVEYING
 ● IRRIGATION

ISSUED FOR DATE
 CITY LINCOLN 11/23/22



TYPICAL PARKING LAYOUT



2' PUBLIC ACCESS EASEMENT
 6 PARKING STALLS DESIGNATED AND RESERVED FOR STUDENT HOUSING PARKING AT 2800 MADISON AVE
 TYPICAL PARKING LAYOUT

DEVELOPMENT ENVELOPE "B" STUDENT HOUSING FOR 152 + 87 PARKING STALLS

BUILDING INDEX:

1. OLD MAN
2. OLIN LECTURE HALLS AND PLANETARIUM
3. SMITH-CURTIS CLASSROOM AND ADMINISTRATION BUILDING
4. VANCE D. RODGERS CENTER FOR FINE ARTS
5. ELDER MEMORIAL SPEECH AND THEATER CENTER
6. COCHRANE-WOODS LIBRARY
7. HEATING PLANT
8. RACHEL ANN LUCAS HALL
9. ROY G. STORY STUDENT CENTER
10. MARION M. & ARIAN O. WEARY HEALTH AND FITNESS CENTER
11. PLANSMAN HALL
12. BURT HALL
13. PIONEER HALL
14. JOHNSON HALL
15. CENTENNIAL HALL
16. NICKERSON FIELD
17. GEORGE A. KNIGHT FIELD HOUSE
18. ABEL STADIUM
19. WOODY GREENO TRACK AND FIELD FACILITY
20. OUTDOOR SPORTS RECREATION AREA
21. COLLEGE HOME
22. GROUNDS COMPOUND
23. SCIENCE BUILDING (PROPOSED)
24. WHITE HALL SUITES
25. HEIM HALL SUITES
26. TOWNHOUSE VILLAGE
27. WRESTLING FACILITY

SPECIAL PERMIT BOUNDARY

OFF STREET PARKING SUMMARY:

A	AREA A - 62 STALLS	EXISTING
B	AREA B - 48 STALLS	EXISTING
C	AREA C - 83 STALLS	EXISTING
D	AREA D - 45 STALLS	EXISTING
E	AREA E - 41 STALLS	EXISTING AND NEW
F	AREA F - 280 STALLS	PHASE ONE COMPLETED 1993
G	AREA G - 36 STALLS	EXISTING
H	AREA H - 39 STALLS	EXISTING
I	AREA I - 26 STALLS	EXISTING
J	AREA J - 80 STALLS	FUTURE LAND ACQUISITION
K	AREA K - 41 STALLS	EXISTING AND NEW
L	AREA L - 94 STALLS	EXISTING - TEMPORARY
M	AREA M - 25 STALLS	EXISTING
N	AREA N - 72 STALLS	EXISTING
O	AREA O - 80 STALLS	EXISTING
P	AREA P - 63 STALLS	EXISTING
Q	AREA Q - 24 STALLS	EXISTING
R	AREA R - 26 STALLS	EXISTING
S	AREA S - 18 STALLS	EXISTING
T	AREA T - 11 STALLS	PROPOSED
U	AREA U - 196 SPACES	
W	AREA W - 11 STALLS	PROPOSED

STREET PARKING SUMMARY:

MADISON AVENUE	PARALLEL PRKG. - 50 SPACES	EXISTING
50TH STREET	PARALLEL PRKG. - 14 SPACES	PROPOSED
HUNTINGTON AVENUE	PARALLEL PRKG. - 23 SPACES	EXISTING
HUNTINGTON AVENUE	ANGLED PRKG. - 28 STALLS	EXISTING
SUBTL.		115 SPACES

PROPOSED PARKING SUMMARY:

198 STALLS	TOTAL OFF STREET PARKING
115 SPACES	STREET PARKING
GRAND TOTAL	1311 SPACES

AMENDMENT TO SPECIAL PERMIT #231
 NEBRASKA WESLEYAN UNIVERSITY
 5000 ST. PAUL AVE.
 LINCOLN, NEBRASKA

SHEET NO.
1 of 1

REGA

ENGINEERING
GROUP, INC.

November 21, 2022

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



RE: Nebraska Wesleyan University – Special Permit No. 23
REGA Project Number 221020

Dear David,

On behalf of Nebraska Wesleyan University, we are submitting an application to amend the Special Use Permit No. 23 generally located at 50th Street and Madison Ave.

Application is to change the boundaries of the Special Use Permit, remove existing buildings and construct additional parking. We are currently in the process of replatting the lots to accommodate the parking lots.

Please contact us if you have any questions or concerns.

Sincerely,



Dan Rosenthal, PE

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

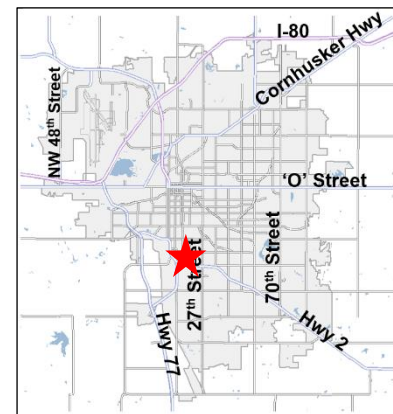
APPLICATION NUMBER Change of Zone #22035	FINAL ACTION? No	DEVELOPER/OWNER Southhills, LLC
PLANNING COMMISSION HEARING DATE December 21, 2022	RELATED APPLICATIONS Use Permit #22013 Special Permit #22038	PROPERTY ADDRESS/LOCATION Generally located at the southeast corner of Old Cheney Road and Norman Road.

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from both R-1, Residential and B-1, Commercial, to B-2, Planned Neighborhood Business District, and from B-1, Commercial to R-1, Residential. This request is associated with applications for Use Permit #22013 for the Knolls Plaza and Special Permit #22038 for the Knolls Community Unit Plan (CUP). The change of zone area totals approximately 7.21 acres, with 6.39 acres associated with the Use Permit for Knolls Plaza, and .82 acres associated with the Knolls CUP. The current zoning for this area today is a remnant of the previous Knolls Country Club golf course and restaurant consisting of R-1 and B-1 zoning.

The change of zone from both B-1 and R-1 to B-2, Commercial will allow for an associated 6.4 acre Use Permit for the Knolls Plaza along Old Cheney Road. The proposed Use Permit will allow for up to 75,000 square feet of floor area with restrictions on more intensive uses. The remaining portion of the request from B-1 to R-1 will support the associated Special Permit request for the Knolls CUP proposing up to 36 single family detached dwellings.



JUSTIFICATION FOR RECOMMENDATION

This change of zone request is appropriate as it will allow for the proper zoning for both the associated Knolls Plaza Use Permit and Knolls CUP and consistent with the surrounding area and property along a major arterial roadway. Once operated as the Knolls Country Club, the property has sat vacant for a number of years with a majority of the subject area zoned R-1, Residential. A Traffic Impact Study has been submitted for review of the future access locations for the site.

APPLICATION CONTACT
Brad Marshall, (402) 458-5672 or
bmarshall@olsson.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This request is compatible with the Comprehensive Plan as the area is shown to continue as both future urban residential and commercial uses. The Comprehensive Plan defines Commercial as areas of retail, office, service and residential mixed uses that can vary in intensity and use. Urban Residential is defined as areas with varying residential densities ranging from more than fifteen dwelling units per acres to less than one dwelling unit per acre. Undeveloped areas shown as Urban Residential may also include neighborhood-scale commercial and other compatible uses that will be added to the Comprehensive Plan Land Use map after approval of development plans.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is shown as future Commercial and 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.

The population age 65 and above is projected to increase from 45,600 (14.2 percent of total) in 2020 to 74,900 (17 percent of total) in 2050.

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.

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.

Existing Neighborhoods

The diversity of architecture, housing types and sizes are central to what make existing neighborhoods great places to live. New construction should continue the architectural variety, but in a manner that is sensitive to the existing neighborhoods. Infill and redevelopment is supported and must respect the street pattern, block sizes, and development standards of the area, such as parking at the rear and porches, windows, and doors on the front street side. The City's primary strategy for residential infill and redevelopment outside of the Greater Downtown is to encourage the redevelopment and reuse of sites and buildings in commercial areas in order to create new mixed use centers that are compatible and complementary to adjacent neighborhoods. Modest opportunities for redevelopment may also be appropriate along "neighborhood edges." Neighborhood edges include arterial streets and transition zones between lower density residential and commercial areas.

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.

E3: Business, Economy, and Workforce

Commercial and Industrial Development

Commercial and Industrial Centers in Lancaster County should be located:

- Within the City of Lincoln or incorporated villages.
- Outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning).
- Where urban services and infrastructure are available or planned for in the near term. In sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan.
- In areas compatible with existing or planned residential uses.
- In existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and to more efficiently utilize existing infrastructure.
- In areas accessible by various modes of transportation (i.e. automobile, bicycle, transit, and pedestrian).
- So that they enhance entryways or public way corridors, when developing adjacent to these corridors.
- In a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan.

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.

Commercial Infill

Figure E3.f: Commercial Infill Design Strategies

1. Encourage additional vehicular access to an arterial street.
2. Encourage a Floor Area Ratio that exceeds to existing/previous commercial uses on the site.
3. Face existing residential uses with new residential uses rather than the backs of commercial buildings unless existing residential faces the opposite direction such as along an alley.
4. Discourage commercial driveways that interrupt the blockface of a residential street, especially when residences face the street.
5. Encourage shared driveways and interconnected parking lots where possible.
6. Orient buildings to the street, especially corners.
7. Maintain or adaptively reuse existing structures (especially historical structures) where possible.
8. Encourage a vertical mix of residential and commercial use types.
9. Encourage shared parking between land uses with different peak demand periods.
10. Maintain or enhance on-street parking resources, especially in established/historic commercial districts

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.

P14: Commercial Infill - Develop infill commercial areas to be compatible with the character of the area.

Action Steps

1. Implement commercial infill redevelopment principles as discussed in the Business & Economy element.
2. Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.
3. Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses, and take steps to ensure expansions are in scale with the adjacent neighborhood, use appropriate screening, fulfill a demonstrated need, and do not hinder health and safety.
4. Prioritize retaining areas for continued residential development in older sections of the community by maintaining existing housing and supporting infill housing. Prior to approving the removal of housing to provide additional parking for existing centers, alternatives such as reduced parking requirements, shared parking, additional on-street parking, and/or the removal of other commercial structures should be explored. Maintain and encourage ethnically diverse commercial establishments that are beneficial to existing neighborhoods.

ANALYSIS

1. This request for a change of zone to both B-2, Planned Neighborhood Business District and R-1, Residential is appropriate with associated and proposed Use Permit #22013 and Special Permit #22038. This change will allow for the Knolls Plaza Use Permit following limited B-2, Commercial uses within the northern portion of the subject site along Old Cheney Road totaling 6.4 acres. The second request is for a remaining .8 acres from B-1, Commercial to R-1, Residential which will be part of a larger 13.25 acre proposed Knolls CUP allowing up to 36 single family dwellings. The CUP proposes additional setbacks as a buffer between the new residential development and existing neighborhood.
2. Historically when operated as the Knolls County Club a large portion of the golf course was zoned R-1, Residential that is still existing today. The area of B-1, Commercial was the location of the Knolls County Club and Restaurant that has since been demolished. A portion of the golf course has been redeveloped on the west side of Norman Road with the construction of the Knolls Assisted Living in 2019.
3. The requested zoning is compatible with the surrounding neighborhood as R-1, Residential exists to the north across Old Cheney Road, to the south, and to the east of this subject site. To the west is the Knolls Assisted Living and zoned R-2, Residential. The proposed B-2, Commercial zoning to allow the Knolls Plaza Use Permit would locate the nonresidential uses along Old Cheney Road, a major arterial roadway, while the Knolls CUP would locate the residential uses to the south of the Knolls Plaza and abut similar and existing residential uses.
4. With the change of zone request, the north area abutting Old Cheney Road will be changing from R-1 to B-2, including an existing R-1 lot on the northeast corner that was previously used for the Knolls Country Club maintenance building which will be removed with future development. This northeast portion of the site will then change to B-2 and abut the rear property line of two existing R-1 single family homes at 5707 and 5727 The Knolls. Although both lots currently neighbor R-1 zoning today, the change to B-2 will be minimized as the associated Use Permit will include measures to reduce adverse impacts by providing a 50-foot setback buffer and limiting the Use Permit to less intensive B-2 uses in nature. Currently the maintenance building sits approximately 5 feet from the

neighboring properties rear property line.

- 5. The change of zone is consistent with the Comprehensive Plan and future land use map as the site designates this area for urban density residential and commercial. The future land use map shows these designations as a relative boundary on the map and are not exact locations like zoning. In addition, an amendment to the Comprehensive Plan is not required when 5-acres or less is being designated for commercial. Although the area requested as B-2 totals 6.4 acres, approximately 1.7 acres of the site will be dedicated as an outlot for the detention pond, increased setback buffer and green space, making the commercial area smaller than 5 acres. Generally, smaller commercial areas less than 5 acres are not required to be identified specifically on the Future Land Use map. The Comprehensive Plan highlights goals for infill development as the change of zone would allow for proposed commercial and additional residential dwelling units within an existing neighborhood.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Vacant, Previous Knolls Golf County Club B-1, Commercial & R-1, Residential

SURROUNDING LAND USE & ZONING

North: Old Cheney Road & Single Family Residential	R-1, Residential
South: Single Family Residential	R-1, Residential
East: Single Family Residential	R-1, Residential
West: Knolls Assisted Living	R-2, Residential

APPROXIMATE LAND AREA: 7.21 acres, more or less

LEGAL DESCRIPTION: See attached.

Prepared by

Ben Callahan, Planner

Date: December 8, 2022

Applicant: Brad Marshall
601 P Street, Ste 200
Lincoln, NE 68508
(402) 458-5672
Bmarshall@olsson.com

Contact: Brian Lang
601 P Street, Ste 200
Lincoln, NE 68508
(402) 458-5691
blang@olsson.com

Owner: Southhills, LLC
1717 Trelawney Drive
(402) 432-5822
Transitioneast9@gmail.com

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CZ/22000/CZ22035 Knolls.bmc.docx>

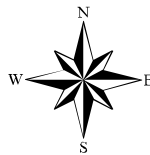


2022 aerial




**Change of Zone #: CZ22035
Norman Rd & Old Cheney Rd**

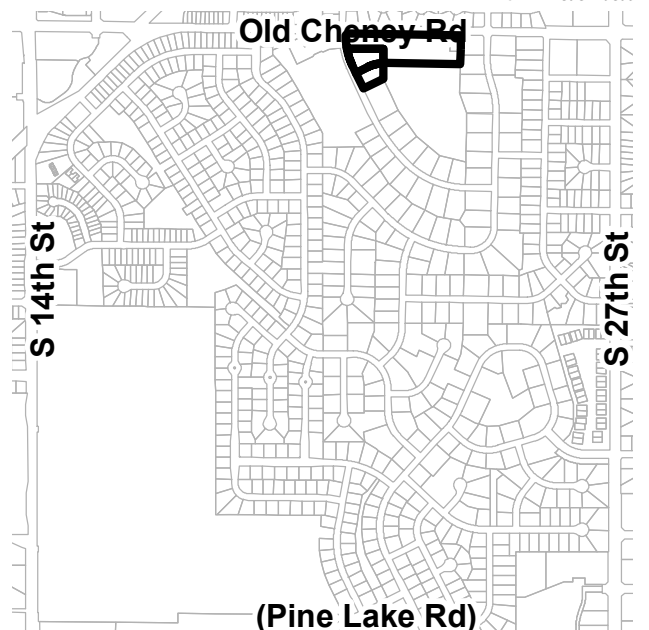
Zoning:

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



One Square Mile:
Sec.13 T09N R06E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction
46	



LEGAL DESCRIPTION

B-1 TO B-2

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 1, THE KNOLLS COUNTRY CLUB ADDITION, LOCATED IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 09 NORTH, RANGE 06 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 2, THE KNOLLS COUNTRY CLUB ADDITION, SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF OLD CHENEY ROAD, THENCE, SOUTH, ON THE EAST LINE OF SAID LOT 2, AND AN EAST LINE OF SAID LOT 1, ON AN ASSUMED BEARING OF $S00^{\circ}47'05''W$, A DISTANCE OF 260.84' TO A POINT; THENCE $N89^{\circ}15'02''W$, DISTANCE OF 666.26' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF $04^{\circ}24'55''$, A RADIUS OF 395.00', AN ARC LENGTH OF 30.44', A CHORD LENGTH OF 30.43', A TANGENT LENGTH OF 15.23', AND A CHORD BEARING OF $S88^{\circ}32'30''W$, TO THE TRUE POINT OF BEGINNING; THENCE, CONTINUING, COUNTER CLOCKWISE ON SAID CURVE HAVING A CENTRAL ANGLE OF $22^{\circ}14'55''$, A RADIUS OF 395.00', AN ARC LENGTH OF 153.38', A CHORD LENGTH OF 152.42', A TANGENT LENGTH OF 77.67', AND A CHORD BEARING OF $S75^{\circ}12'35''W$ TO A POINT; THENCE $S64^{\circ}05'08''W$, A DISTANCE OF 113.15' TO A POINT; THENCE $N25^{\circ}20'12''W$, ON A WEST LINE OF SAID LOT 1, SAID LINE BEING AN EAST RIGHT OF WAY LINE OF NORMAN ROAD, A DISTANCE OF 68.41' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF $14^{\circ}17'50''$, A RADIUS OF 664.63', AN ARC LENGTH OF 165.85', ON A WEST LINE OF SAID LOT 1, SAID LINE BEING AN EAST LINE OF SAID RIGHT OF WAY, A CHORD LENGTH OF 165.42', A TANGENT LENGTH OF 83.36', AND A CHORD BEARING OF $N18^{\circ}10'27''W$ TO A POINT; THENCE $S89^{\circ}15'02''E$, A DISTANCE OF 331.70' TO A POINT; THENCE $S00^{\circ}44'58''W$, A DISTANCE OF 126.31' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 50,658.24 SQUARE FEET OR 1.16 ACRES, MORE OR LESS.

November 1, 2022

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LEGAL DESCRIPTION

B-1 TO R-1

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 1, THE KNOLLS COUNTRY CLUB ADDITION, LOCATED IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 09 NORTH, RANGE 06 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 2, THE KNOLLS COUNTRY CLUB ADDITION, SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF OLD CHENEY ROAD, THENCE, SOUTH, ON THE EAST LINE OF SAID LOT 2, AND AN EAST LINE OF SAID LOT 1, ON AN ASSUMED BEARING OF $S00^{\circ}47'05''W$, A DISTANCE OF 260.84' TO A POINT; THENCE $N89^{\circ}15'02''W$, DISTANCE OF 666.26' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF $04^{\circ}24'55''$, A RADIUS OF 395.00', AN ARC LENGTH OF 30.44', A CHORD LENGTH OF 30.43', A TANGENT LENGTH OF 15.23', AND A CHORD BEARING OF $S88^{\circ}32'30''W$, TO THE TRUE POINT OF BEGINNING; THENCE $S00^{\circ}44'58''W$, A DISTANCE OF 143.26' TO THE NORTH EAST CORNER OF LOT 46, CHEZ AMI KNOLLS FIRST ADDITION, SAID CORNER BEING A WEST CORNER OF SAID LOT 1; THENCE $S64^{\circ}39'48''W$, ON A SOUTHEAST LINE OF SAID LOT 1, SAID LINE BEING A NORTH WEST LINE OF SAID LOT 46, A DISTANCE OF 200.00' TO A NORTHWEST CORNER OF SAID LOT 46, SAID CORNER BEING A SOUTHWEST CORNER OF SAID LOT 1; THENCE $N25^{\circ}20'12''W$, ON A SOUTHWEST LINE OF SAID LOT 1, SAID LINE BEING A NORTH EAST LINE OF NORMAN ROAD RIGHT OF WAY, A DISTANCE OF 155.42' TO A POINT; THENCE $N64^{\circ}05'08''E$, A DISTANCE OF 113.15' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF $22^{\circ}14'55''$, A RADIUS OF 395.00', AN ARC LENGTH OF 153.38', A CHORD LENGTH OF 152.42', A TANGENT LENGTH OF 77.67', AND A CHORD BEARING OF $N75^{\circ}12'35''E$ TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 35,723.82 SQUARE FEET OR 0.82 ACRES, MORE OR LESS.

November 1, 2022

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LEGAL DESCRIPTION

R-1 TO B-2

A TRACT OF LAND COMPOSED OF LOT 2, AND A PORTION OF LOT 1, THE KNOLLS COUNTRY CLUB ADDITION, LOCATED IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 09 NORTH, RANGE 06 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2, SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF OLD CHENEY ROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE, SOUTH, ON THE EAST LINE OF SAID LOT 2, AND AN EAST LINE OF SAID LOT 1, ON AN ASSUMED BEARING OF S00°47'05"W, A DISTANCE OF 260.84' TO A POINT; THENCE N89°15'02"W, DISTANCE OF 666.26' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 04°24'55", A RADIUS OF 395.00', AN ARC LENGTH OF 30.44', A CHORD LENGTH OF 30.43', A TANGENT LENGTH OF 15.23', AND A CHORD BEARING OF S88°32'30"W TO A POINT; THENCE N00°44'58"E, A DISTANCE OF 126.31' TO A POINT; THENCE N89°15'02"W, A DISTANCE OF 331.70' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 10°29'16", A RADIUS OF 664.63', AN ARC LENGTH OF 121.66', ON A WEST LINE OF SAID LOT 1, SAID LINE BEING AN EAST LINE OF NORMAN ROAD RIGHT OF WAY, A CHORD LENGTH OF 121.49', A TANGENT LENGTH OF 61.00', AND A CHORD BEARING OF N05°46'54"W TO A POINT; THENCE N45°25'45"E, ON A NORTHWEST LINE OF SAID LOT 1, A DISTANCE OF 21.09' TO A POINT; THENCE S89°15'02"E, ON A NORTH LINE OF SAID LOT 1 AND THE NORTH LINE OF SAID LOT 2, SAID LINE BEING THE SOUTH RIGHT OF WAY LINE OF SAID OLD CHENEY ROAD, A DISTANCE OF 1,027.51' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 227,915.11 SQUARE FEET OR 5.23 ACRES, MORE OR LESS

Tuesday, November 1, 2022

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November 3, 2022

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

Re: Knolls Plaza
Change of Zone and Use Permit
Olsson Project No. 020-0895

Dear Mr. Cary,

On behalf of Southhills, LLC (“Southhills”), the owner of the real property legally described as Lots 1 & 2 The Knolls Country Club Addition and Lots 45-56 Chez Ami Knolls First Addition, all located in the Northeast quarter of Section 13, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska (“the Property”) is proposing a Use Permit and change of zone for a B-2 Neighborhood Commercial Center on the Property containing 6.40 acres. The Use Permit proposes up to 75,000 sq. ft. of allowable floor area for commercial uses.

The Property proposes two driveways for access, one from Norman Road and another from Old Cheney Road between Norman Road and The Knolls (Street). The proposed access from Old Cheney exceeds the spacing requirements per Access Management Policy for access points on Old Cheney Road, classified as a minor arterial street. A traffic study is being submitted with the application documents to support the new access location. The new access will help reduce the overall traffic impact to the intersection of Norman Road and Old Cheney and provide a primary point of entrance and exit of the commercial center.

Southhills is proposing to restrict several permitted and conditional uses in the proposed B-2 zone as part of the application. The restricted uses will eliminate several intensive traffic generating uses to reduce traffic impacts and potential undesirable uses to the existing residences adjacent to the project. The following uses are proposed to be restricted, including apartment hotels, multiple family dwellings, hotels and motels, motorized vehicle fuel sales facility, motorized vehicle repair/service, fast food or drive-thru eating facilities, kennels, motorized vehicle wash facilities and veterinary facilities. The commercial uses provide an opportunity to enhance and provide local supportive services to the surrounding neighborhood.

A 50-foot buffer will be provided to all existing and proposed R-1 residential properties. The buffer areas will include a detention area, berming, landscaping and walkways. Sidewalks will increase pedestrian circulation and provide connections to the proposed The Knolls Community Unit Plan (“CUP”) and Old Cheney Road sidewalks that lead to other walkable areas and trails. The berming and landscape screening will help reduce impacts from the proposed commercial area buildings, parking, lighting, and sounds.

Detention and water quality will be located within the boundary of the Use Permit and will also be shared with The Knolls Community Unit Plan. A drainage and water quality study is being submitted with the application documents to provide the details of the proposed drainage between the two applications.

The applicant will hold a neighborhood informational meeting the week of November 21st, where neighbors will be invited to attend and find out more information about the proposed Use Permit and ask questions.

The development team has met with City Staff in a preapplication meeting discuss the proposed applications and will continue to work with Staff as the plans are reviewed.

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

1. City of Lincoln Application, including:
 - a. Use Permit
 - b. Change of Zone from B-1 to B-2 and R-1 to B-2.
2. Use Permit Site Plan
3. Application fees in the amount of \$3,244.80

Plans and other supporting documents will be submitted to ProjectDox upon notification from the Planning Staff. We appreciate your consideration of the above request and look forward to working with the City staff on this proposed Use Permit and change of zone. If you require further information or have any questions, please do not hesitate to contact me at bmarshall@olsson.com or (402) 458-5672.

Sincerely,



Brad J Marshall, P.E.

Enclosures.



November 3, 2022

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

Re: The Knolls
Change of Zone and Use Permit
Olsson Project No. 020-0895

Dear Mr. Cary,

On behalf of Southhills, LLC ("Southhills"), the owner of the real property legally described as Lots 1 & 2 The Knolls Country Club Addition and Lots 45-56 Chez Ami Knolls First Addition, all located in the Northeast quarter of Section 13, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska ("the Property") is proposing a R-1 Community Unit Plan ("CUP") and change of zone. The property contains approximately 13.25 acres.

The application for the Community Unit Plan proposes a plan to create a community of single family detached dwellings that will be marketed as luxury "villa" lots. The villa style homes will be a community of similar-style homes that will offer high-end housing and lower maintenance lifestyles. The expected values of the homes will be consistent or higher than many of the surrounding property valuations.

The allowable density of the R-1 zone would allow up to 51 dwellings; however, the CUP proposes a total of 36 dwellings that have been carefully sized to balance the proposed vision of the new villa community and surrounding larger residential lots. Many of the adjacent lots to existing homes have been designed to provide buffers for grading and additional depth to exceed the minimum setbacks.

Several communities in Lincoln that offer larger and more luxurious lots also share adjacent alternative housing styles while maintaining comfortable and convenient living. Firethorn, the Ridge and Wilderness Ridge are all communities that have areas of high-end single family lots and share communities of attached single family (duplex) and villa communities. The communities include Eagle View and the Fairways at Firethorn, Lone Tree Townhouses at The Ridge, Wilderness Ridge Townhomes at Wilderness Ridge. In comparison to this application, Eagle View at Firethorn was developed around established and large homes very similar to the existing Knolls residences surrounding this Property.

The proposed layout has several common areas (outlots) to provide additional buffering space, which will include berming and landscaping. The purpose of these areas is to provide additional space and screening around proposed and existing lots to streets to reduce impacts of vehicles and sounds.

The applicant will hold a neighborhood informational meeting the week of November 21st, where neighbors will be invited to attend and find out more information about the proposed community and ask questions.

The CUP is being requested, in lieu of a Preliminary Plat, to include the following waivers that will provide some additional flexibility around the existing residences and accommodate the layout that is challenged with a property that is uniquely shaped for new residential lots:

1. Table 27.72.020(a) to reduce Front Yard setback from 30 feet to 20 feet for all lots.

Justification: The dwelling footprints may move closer to the streets and therefore move the footprint 10 feet further away from the rear property line and away from existing residential properties.

2. Table 27.72.020(a) to reduce Side Yard setback from 10 feet to 7.5 feet for all lots except 13, 14, 24, and 25 that are adjacent to existing residential properties.

Justification: The dwelling footprints for a villa lot is intended to cover more of the lot for living areas and less maintenance areas outside. The closer footprint will allow the homes to be closer to provide larger footprints and still allow a minimum of 15 feet between dwelling walls.

3. Table 26.23.140(c) to allow side lot lines not to be at right angles to the street.

Justification: In several areas near or around cul-de-sacs, the lot lines are not at right angles, but due to the size of the cul-de-sacs and curves, provides a better lot layout. Side loaded garages are being planned for each dwelling and the lot lines have been adjusted for the size of proposed dwellings and driveway locations.

4. Table 26.23.125 to waive a pedestrian way when the block exceeds 1,000 feet in length at the end of Spring Court and Summertime Court.

Justification Summertime Court: The City may desire a pedestrian connection between lots 7 and 9 of Chez Ami Knolls because the City owns a 10 feet wide strip between lots 7 and 9. The proposed grades at the rear of lots 14 and 24 are 7 feet below the existing grades of lots 7 and 9. The drop in grade from the front of lot 7 and 9 to the rear is around 15 feet according to City GIS, for a total of 22 feet of vertical change. The overall change of grade would equate to a slope of 8% - 9%, which would exceed ADA slopes for ramps with handrails. Lastly, in order to install a sidewalk between lots 7 and 9, several large trees and landscaping would need to be removed. In all, the applicant would be sensitive to the impacts of the adjacent property owners and ask that this waiver be granted.

Justification Spring Court: there is a slope of approximately 8 feet on the east side of Lot 25. Due to the grades and the proposed berming to the north of lot 25 to provide screening between the residential and commercial, the pedestrian connection has been moved between lots 33 and 34 that will be shared with storm sewer and allow a flatter grade through the buffer area.

The development team has met with City Staff in a preapplication meeting discuss the proposed applications and will continue to work with Staff as the plans are reviewed.

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

1. City of Lincoln Application, including:
 - a. Community Unit Plan
 - b. Change of Zone from B-1 to R-1
2. Use Community Unit Plan – Site Plan
3. Application fee in the amount of \$3,401.25 (Change of Zone paid with Use Permit Application)

Plans and other supporting documents will be submitted to ProjectDox upon notification from the Planning Staff. We appreciate your consideration of the above request and look forward to working with the City staff on this proposed Use Permit and change of zone. If you require further information or have any questions, please do not hesitate to contact me at bmarshall@olsson.com or (402) 458-5672.

Sincerely,

A handwritten signature in blue ink that reads "Brad J. Marshall". The signature is written in a cursive style with a blue ink stamp or highlight behind it.

Brad J Marshall, P.E.

Enclosures.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

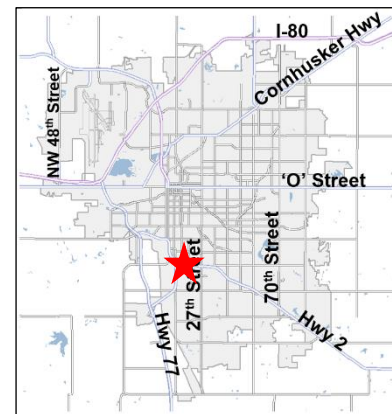
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Use Permit #22013	FINAL ACTION? Yes	DEVELOPER/OWNER Southhills, LLC
PLANNING COMMISSION HEARING DATE December 21, 2022	RELATED APPLICATIONS Change of Zone #22035 Special Permit #22038	PROPERTY ADDRESS/LOCATION Generally located at the southeast corner of Old Cheney Road and Norman Road.

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a Use Permit with the associated Change of Zone #22035 from B-1, Commercial and R-1, Residential to B-2, Planned Neighborhood Business District. The proposed Use Permit for Knolls Plaza totaling 6.4 acres would allow up to 75,000 square feet of limited B-2, commercial uses along Old Cheney Road. Currently the subject site is vacant as it was the location of the prior Knolls Country Club. The associated change of zone is required as the property has a mix of underlying commercial and residential zoning that served the golf course when in operation.



JUSTIFICATION FOR RECOMMENDATION

The proposed Use Permit is appropriate within this location as it will provide limited and less intensive B-2 uses based on the close proximity to existing and proposed residential. These commercial uses will be located along an existing arterial roadway and allow for the redevelopment and infill within a vacant site. The site plan is requesting two access points into the site with a provided buffer to help separate the commercial area from the proposed Knolls CUP to the south. The applicant has submitted a Traffic Impact Study and no waivers are being requested with the application.

APPLICATION CONTACT
Brad Marshall, (402) 458-5672 or bmarshall@olsson.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This request is compatible with the Comprehensive Plan as the area is shown to continue as both future urban residential and commercial uses. The Comprehensive Plan defines Commercial as areas of retail, office, service and residential mixed uses that can vary in intensity and use. Urban Residential is defined as areas with varying residential densities ranging from more than fifteen dwelling units per acres to less than one dwelling unit per acre. Undeveloped areas shown as Urban Residential may also include neighborhood-scale commercial and other compatible uses that will be added to the amp after approval of development plans.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is shown as future Commercial and 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.

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.

G4: Economic Opportunity. Lincoln and Lancaster County will have high-quality jobs in an economic environment that supports business creation, innovation, and expansion. Quality-of-life attributes, such as diverse and accessible housing, good shopping, restaurants and entertainment, quality schools and healthcare, a sense of safety, and amenities such as parks and trails are important to ensuring that skilled individuals want to remain or relocate to our community.

Elements Section

E3: Business, Economy, and Workforce

Commercial and Industrial Development

Commercial and Industrial Centers in Lancaster County should be located:

- Within the City of Lincoln or incorporated villages.
- Outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning).
- Where urban services and infrastructure are available or planned for in the near term. In sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan.
- In areas compatible with existing or planned residential uses.
- In existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and to more efficiently utilize existing infrastructure.
- In areas accessible by various modes of transportation (i.e. automobile, bicycle, transit, and pedestrian).
- So that they enhance entryways or public way corridors, when developing adjacent to these corridors.
- In a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan.

Commercial Infill

Figure E3.f: Commercial Infill Design Strategies

1. Encourage additional vehicular access to an arterial street.
2. Encourage a Floor Area Ratio that exceeds to existing/previous commercial uses on the site.
3. Face existing residential uses with new residential uses rather than the backs of commercial buildings unless existing residential faces the opposite direction such as along an alley.
4. Discourage commercial driveways that interrupt the blockface of a residential street, especially when residences face the street.
5. Encourage shared driveways and interconnected parking lots where possible.
6. Orient buildings to the street, especially corners.
7. Maintain or adaptively reuse existing structures (especially historical structures) where possible.
8. Encourage a vertical mix of residential and commercial use types.
9. Encourage shared parking between land uses with different peak demand periods.
10. Maintain or enhance on-street parking resources, especially in established/historic commercial districts

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.

P14: Commercial Infill - Develop infill commercial areas to be compatible with the character of the area.

Action Steps

1. Implement commercial infill redevelopment principles as discussed in the Business & Economy element.
2. Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.
3. Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses, and take steps to ensure expansions are in scale with the adjacent neighborhood, use appropriate screening, fulfill a demonstrated need, and do not hinder health and safety.
4. Prioritize retaining areas for continued residential development in older sections of the community by maintaining existing housing and supporting infill housing. Prior to approving the removal of housing to provide additional parking for existing centers, alternatives such as reduced parking requirements, shared parking, additional on-street parking, and/or the removal of other commercial structures should be explored. Maintain and encourage ethnically diverse commercial establishments that are beneficial to existing neighborhoods.

ANALYSIS

1. The proposed Use Permit #22013 will allow for the redevelopment of the currently vacant and previous location of the Knolls County Club along Old Cheney Road. Shown on the site plan, the Knolls Plaza would allow up to 75,000 square feet of commercial space between three separate buildings. The buildings vary in size, including 15,000 SF, 20,000 SF or 10,000 SF if a restaurant, and 40,000 SF. The Lincoln Municipal Code states that the B-2, Planned Neighborhood Business District is intended to provide neighborhood retail uses. It must also have an associated Use Permit that can be utilized to limit more intensive uses that may not be appropriate for surrounding residential neighborhoods. With the associated Change of Zone #22035 to B-2, the Use Permit is proposing to prohibit more intensive and auto-oriented uses in respect to the existing and surrounding R-1 and R-2, Residential. This would include prohibiting , multiple family dwellings, hotels and motels, motorized vehicle fuel sales and repair/services, drive-thru restaurants, kennels, motorized vehicle wash facilities and veterinary facilities.
2. This Use Permit totals approximately 6.4 acres within a larger 19.65 acres of vacant property along Old Cheney Road. Currently an application for a Special Permit #22038 for the Knolls Community Unit Plan (CUP) is proposed within a 13.25-acre area south of this Use Permit boundary. The Knolls Plaza site plan provides additional separation measures including a 50-foot-wide buffer along the east and south boundaries. This will provide additional spacing between the Use Permit boundary and the proposed Knolls CUP and include required drainage and detention, landscaping, and a pedestrian sidewalk connection.
3. The commercial site will be separated in to three lots with one building per lot and provide associated parking. The Lincoln Municipal Code requires 1 parking space per 300 square feet of building area with B-2. The site proposes 260 parking spaces to meet the required 250 parking spaces for 75,000 square feet of commercial area. The land use table does specify that Lot 2 can develop as either 20,000 square feet of commercial uses or 10,000 square feet under a restaurant use. Currently the LMC requires 1 per 300 square feet for restaurant uses within B-2, so the parking requirement would still be met with either use.
4. With the proposed zoning change to B-2, Commercial and the Use Permit limiting more intensive uses, the site will be more compatible with the surrounding residential area as it is located along a major arterial roadway with additional buffering provided between the residential uses. Similar and existing B-2, Commercial areas with use permits exist along Old Cheney to the east on 27th Street and to the west at 14th Street. Since this site is an infill development, much of the surrounding area is currently developed and has been existing for numerous years including R-1, Residential to the north across Old Cheney Road. To the west across Norman Road is the Knolls Assisted Living Center constructed in 2019 and zoned R-2, Residential. South of this site is the 13.25 acre vacant and proposed Knolls CUP site and additional R-1, Residential dwellings continuing south. Currently there is existing R-1, Residential to the east, including two properties at 5707 and 5727 The Knolls that will abut the Use Permit boundary along the residence rear yard property line, which today is occupied by a maintenance building previously used by the Knolls County Club. With the proposed site plan, the Use Permit will be providing a 50-foot setback buffer to help limit any adverse impacts upon the existing residential neighborhood. The proposed limited uses will also contribute to mitigating and prohibiting more intense uses within B-2 with respect to the surrounding single family residential.
5. There are no waivers being requested within the Use Permit and all development will be meeting the B-2 zoning standards, along with requirements for storm water detention on the site. A traffic impact analysis study was submitted for review by Lincoln Transportation and Utilities Traffic Division. The site is proposing two access points, one from Old Cheney Road and one from the existing Norman Drive. If access is desired into the Knolls Plaza site from Old Cheney Road, a right turn lane will be required along with a median on Old Cheney Road. Alternatively, if this access point is not desired, a right turn lane will be required for the intersection at Norman Road and all vehicular access will be relinquished from Old Cheney Road into the commercial lots.
6. The requested Use Permit with associated Change of Zone to B-2, Commercial is consistent with the Comprehensive Plan and future land use map as the site designates this area for urban density residential and commercial. The future land use map shows these designations as relative boundaries on the map and are not exact locations like zoning. The commercial designation area shown today is where the previous Knolls Country Club and restaurant were located and that have since been demolished. This request would bring the limited commercial uses along a major arterial roadway and serve the surrounding residential with less intensive retail uses.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Vacant, Previous Knolls Golf Course

B-1, Commercial & R-1, Residential

SURROUNDING LAND USE & ZONING

North: Old Cheney Road & Single Family Residential	R-1, Residential
South: Single Family Residential	R-1, Residential
East: Single Family Residential	R-1, Residential
West: Knolls Assisted Living	R-2, Residential

APPROXIMATE LAND AREA: 6.4 acres

LEGAL DESCRIPTION: See attached.

Prepared by

Ben Callahan, Planner

Date: December 8, 2022

Applicant: Brad Marshall
601 P Street, Ste 200
Lincoln, NE 68508
(402) 458-5672
Bmarshall@olsson.com

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Lincoln, NE 68508
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blang@olsson.com

Owner: Southhills, LLC
1717 Trelawney Drive
(402) 432-5822
Transitioneast9@gmail.com

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/UP/22000/UP22013 Knolls Plaza.bmc.docx>

CONDITIONS OF APPROVAL - USE PERMIT #22013

This approval permits 75,000 square feet of commercial space following the B-2, Planned Neighborhood Business District with the following uses prohibited:

- a. Multiple Family Dwellings
- b. Hotels and Motels
- c. Motorized Vehicle Fuel Sales
- d. Motorized Vehicle Repair/Services
- e. Motorized Vehicle Wash Facilities
- f. Restaurants with drive-thru facilities
- g. Kennels
- h. Veterinary Facilities

Site Specific Conditions:

1. The City Council approves associated request:
 - 1.1 Change of Zone #22035
2. The permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plat plan including 2 copies with all required revisions and documents as listed below upon approval before a final plat is approved:
 - 2.1 Provide a common access easement on Lot 1 as well as access to Lot 2 and 3.
 - 2.2 Provide a wastewater water easement shown running north and south through Outlot A.
 - 2.3 Show both Sanitary Sewer and Water in their own easements at 30' in width.
 - 2.4 Show the driveway entrance from Norman Road is at a 90 degree angle.
 - 2.5 Include additional area south along Norman Road in drainage report.
 - 2.6 Include all buildings in the Knolls Plaza in the minimum opening table as the outlet is directed through the lot.
 - 2.7 Update drainage plan to show a perforate stack instead of a perforate plat.
 - 2.8 Revise the Traffic Impact Study to the satisfaction of Lincoln Transportation and Utilities Traffic Division.
 - 2.9 Add a note stating: "A right turn lane must be provided if a driveway to the commercial lots is desired for the Knolls Plaza from Old Cheney Road and will need to be constructed at the time of the final plat. A median will be required to be added in Old Cheney Road at this location to the satisfaction of Lincoln Transportation & Utilities Traffic Division. Alternatively, if a driveway entrance is not desired, a right turn lane will be required to be constructed at Norman Road at the time of the final plat."
 - 2.10 Revise Note 16 to state: The following permitted and conditional uses are prohibited in the B-2 area: multiple family dwellings, hotels and motels, motorized vehicle fuel sales, motorized vehicle repair/service, motorized vehicle wash facilities, restaurants with drive-thru facilities, kennels, and veterinary facilities.
3. Final plat(s) is/are approved by the City.

If any final plat on all or a portion of the approved use permit is submitted five (5) years or more after the approval of the use permit, the city may require that a new use permit be submitted, pursuant to all the provisions of section 26.31.015. A new use permit 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 use permit 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.

Permittee agrees:

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

to complete the installation of sidewalks shown on the final plat within four (4) years following the approval of the final plat.

to construct the sidewalk in the pedestrian way easements and to agree that no building permit shall be issued for construction on 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 the final plat.

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

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

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

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

to complete the installation of street trees along Old Cheney Road as shown on the final plat within two (2) years following the approval of this final plat.

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

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

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

to submit to the Director of Lincoln Transportation and Utilities 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 Use Permit.

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 plants in the medians and islands on a permanent and continuous basis.

to maintain the sidewalks in the pedestrian way easements 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 owner.

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

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

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

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

to relinquish the right of direct vehicular access to Old Cheney Road in the event driveway access is not desired at the time of final plat.

Standard Conditions:

4. The following conditions are applicable to all requests:

- 4.1 Before occupying the dwelling units / buildings all development and construction is to substantially comply with the approved plans.
- 4.2 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the Permittee or an appropriately established property association approved by the City.
- 4.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
- 4.4 This resolution's terms, conditions, and requirements bind and obligate 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 therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
- 4.6 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions/ordinances approving previous permits remain in force unless specifically amended by this resolution.

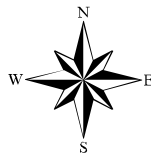


2022 aerial

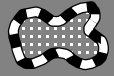


Use Permit #: UP22013
Knolls Plaza
Norman Rd & Old Cheney Rd

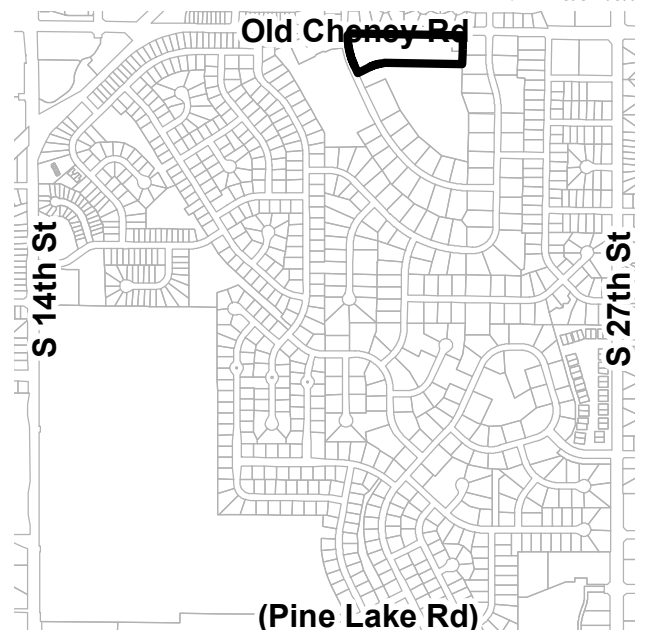
Zoning:

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



One Square Mile:
Sec.13 T09N R06E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



LEGAL DESCRIPTION
USE PERMIT

A TRACT OF LAND COMPOSED OF LOT 2, AND A PORTION OF LOT 1, THE KNOLLS COUNTRY CLUB ADDITION, LOCATED IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 09 NORTH, RANGE 06 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2, SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF OLD CHENEY ROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE, SOUTH, ON THE EAST LINE OF SAID LOT 2, AND AN EAST LINE OF SAID LOT 1, ON AN ASSUMED BEARING OF $S00^{\circ}47'05''W$, A DISTANCE OF 260.84' TO A POINT; THENCE $N89^{\circ}15'02''W$, DISTANCE OF 666.26' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF $26^{\circ}39'50''$, A RADIUS OF 395.00', AN ARC LENGTH OF 183.82', A CHORD LENGTH OF 182.17', A TANGENT LENGTH OF 93.61', AND A CHORD BEARING OF $S77^{\circ}25'03''W$ TO A POINT; THENCE $S64^{\circ}05'08''W$, A DISTANCE OF 113.15' TO A POINT ON A WEST LINE OF SAID LOT 1, SAID LINE BEING AN EAST RIGHT OF WAY LINE OF NORMAN ROAD; THENCE $N25^{\circ}20'12''W$, ON A WEST LINE OF SAID LOT 1, SAID LINE BEING AN EAST RIGHT OF WAY LINE OF SAID NORMAN ROAD, A DISTANCE OF 68.41' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF $24^{\circ}47'06''$, A RADIUS OF 664.63', AN ARC LENGTH OF 287.51' ON A WEST LINE OF SAID LOT 1, SAID LINE BEING AN EAST RIGHT OF WAY LINE OF SAID NORMAN ROAD, A CHORD LENGTH OF 285.27', A TANGENT LENGTH OF 146.04', AND A CHORD BEARING OF $N12^{\circ}55'49''W$ TO A POINT; THENCE $N45^{\circ}25'45''E$, ON A NORTHWEST LINE OF SAID LOT 1, A DISTANCE OF 21.09' TO A POINT; THENCE $S89^{\circ}15'02''E$, ON A NORTH LINE OF SAID LOT 1 AND A NORTH LINE OF SAID LOT 2, SAID LINE BEING THE SOUTH RIGHT OF WAY LINE OF SAID OLD CHENEY ROAD, A DISTANCE OF 1,027.51' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 278,573.36 SQUARE FEET OR 6.40 ACRES, MORE OR LESS.

Tuesday, November 1, 2022

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November 3, 2022

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

Re: Knolls Plaza
Change of Zone and Use Permit
Olsson Project No. 020-0895

Dear Mr. Cary,

On behalf of Southhills, LLC (“Southhills”), the owner of the real property legally described as Lots 1 & 2 The Knolls Country Club Addition and Lots 45-56 Chez Ami Knolls First Addition, all located in the Northeast quarter of Section 13, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska (“the Property”) is proposing a Use Permit and change of zone for a B-2 Neighborhood Commercial Center on the Property containing 6.40 acres. The Use Permit proposes up to 75,000 sq. ft. of allowable floor area for commercial uses.

The Property proposes two driveways for access, one from Norman Road and another from Old Cheney Road between Norman Road and The Knolls (Street). The proposed access from Old Cheney exceeds the spacing requirements per Access Management Policy for access points on Old Cheney Road, classified as a minor arterial street. A traffic study is being submitted with the application documents to support the new access location. The new access will help reduce the overall traffic impact to the intersection of Norman Road and Old Cheney and provide a primary point of entrance and exit of the commercial center.

Southhills is proposing to restrict several permitted and conditional uses in the proposed B-2 zone as part of the application. The restricted uses will eliminate several intensive traffic generating uses to reduce traffic impacts and potential undesirable uses to the existing residences adjacent to the project. The following uses are proposed to be restricted, including apartment hotels, multiple family dwellings, hotels and motels, motorized vehicle fuel sales facility, motorized vehicle repair/service, fast food or drive-thru eating facilities, kennels, motorized vehicle wash facilities and veterinary facilities. The commercial uses provide an opportunity to enhance and provide local supportive services to the surrounding neighborhood.

A 50-foot buffer will be provided to all existing and proposed R-1 residential properties. The buffer areas will include a detention area, berming, landscaping and walkways. Sidewalks will increase pedestrian circulation and provide connections to the proposed The Knolls Community Unit Plan (“CUP”) and Old Cheney Road sidewalks that lead to other walkable areas and trails. The berming and landscape screening will help reduce impacts from the proposed commercial area buildings, parking, lighting, and sounds.

Detention and water quality will be located within the boundary of the Use Permit and will also be shared with The Knolls Community Unit Plan. A drainage and water quality study is being submitted with the application documents to provide the details of the proposed drainage between the two applications.

The applicant will hold a neighborhood informational meeting the week of November 21st, where neighbors will be invited to attend and find out more information about the proposed Use Permit and ask questions.

The development team has met with City Staff in a preapplication meeting discuss the proposed applications and will continue to work with Staff as the plans are reviewed.

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

1. City of Lincoln Application, including:
 - a. Use Permit
 - b. Change of Zone from B-1 to B-2 and R-1 to B-2.
2. Use Permit Site Plan
3. Application fees in the amount of \$3,244.80

Plans and other supporting documents will be submitted to ProjectDox upon notification from the Planning Staff. We appreciate your consideration of the above request and look forward to working with the City staff on this proposed Use Permit and change of zone. If you require further information or have any questions, please do not hesitate to contact me at bmarshall@olsson.com or (402) 458-5672.

Sincerely,



Brad J Marshall, P.E.

Enclosures.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

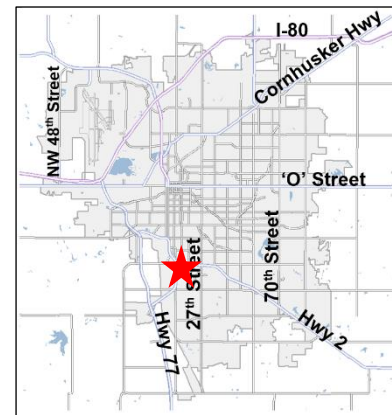
APPLICATION NUMBER Special Permit #22038	FINAL ACTION? Yes	DEVELOPER/OWNER Southhills, LLC
PLANNING COMMISSION HEARING DATE December 21, 2022	RELATED APPLICATIONS Use Permit #22013 Change of Zone #22035	PROPERTY ADDRESS/LOCATION Generally located at the southeast corner of Old Cheney Road and Norman Road.

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a special permit for the Knolls Community Unit Plan (CUP). The CUP is approximately 13.25 acres and would allow up to 36 dwelling units following the R-1, Residential zoning district. This request is associated with the application for Change of Zone #22035 as a small portion of existing B-1, Commercial zoning is proposed as R-1, Residential to match the CUP.

This CUP will be within a 19.5-acre area that currently sits as vacant land today and was once a part of the Knolls Country Club. An associated 6.39 acre Use Permit #22013 is also being proposed to the north of this CUP boundary along Old Cheney Road under a requested B-2, Commercial zoning. While this request for the CUP may be approved by the Planning Commission, the associated requests for the Change of Zone requires City Council approval. As a result, approval is conditional upon the City Council’s action on the associated requests.



JUSTIFICATION FOR RECOMMENDATION

The proposed Community Unit Plan (CUP) is appropriate for residential infill within this neighborhood and compatible with the surrounding residential uses that exist today. The proposal conforms with the future land use designation and density for R-1, Residential. The site plan includes additional waiver requests that will provide a greater distance from new dwelling units to the existing and surrounding neighborhood, along with reduced side yard setbacks within the CUP

APPLICATION CONTACT

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STAFF CONTACT

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COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan designates this location as Future Urban Residential. This designation is intended to provide more than 15 dwelling units per acre and appropriate for multiple types of housing including single family dwellings to higher density multi-family. The Comprehensive Plan also details goals for achieving additional residential dwellings as infill within the existing city limits.

WAIVERS

1. Allow lot lines to be radial and perpendicular to street right-of-way. (Recommend Approval)
2. Reduce the front yard setback from 30 feet to 20 feet. (Recommend Approval)
3. Reduce the side yard setback from 10 feet to 7.5 feet, except for Lots 13-14 and 24-25. (Recommend Approval)
4. Allow for the pedestrian way block length to exceed 1,000 feet. (Recommend Approval)

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.

New growth areas will have an average gross residential density of 4.0 du/acre.

The population age 65 and above is projected to increase from 45,600 (14.2 percent of total) in 2020 to 74,900 (17 percent of total) in 2050.

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.

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.b: Strategies for Design, Sustainability and Complete Neighborhoods in Existing 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 mixed-use 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.
 - e. Support existing Commercial Centers and encourage inclusion of essential goods and services.
 - f. Infill and redevelopment projects should meet or exceed Neighborhood or Commercial Design Standards.
2. Require sidewalks on both sides of all streets or in alternative locations as allowed through design standards or review process.
 3. Strive for residences to be located within 1 mile to an existing or planned multi-use trail.
 4. Strive for residences to be located within 1/2 mile to an existing or planned neighborhood park.
 5. Integrate transit stops into developing neighborhoods and within a ½ mile distance from residences.
 6. Develop shorter block lengths to provide multiple connections across residential and commercial areas.
 7. Encourage locations within neighborhoods to grow local food.
 8. Infill development should balance expanding housing options and neighborhood character by complementing the character of the existing neighborhood and providing appropriate transitions, scale and context. Encourage pedestrian orientation with parking at rear of residential and neighborhood commercial uses.
 9. Allow non-standard lots to be buildable.
 10. Retain and encourage a mix of housing in order to provide a mix of housing types at a variety of price points.
 11. Encourage historic preservation and the rehabilitation and maintenance of buildings.
 12. Support retention of public and semi-public uses (elementary schools, churches) as centers of neighborhoods.
 13. Maintain existing pattern of streets for connectivity.
 14. Maintain arterial streets that are compatible with the existing neighborhood character with two through lanes and a center turn lane where applicable.
 15. Utilize streets for commercial and residential parking.
 16. Encourage shared parking whenever possible: permit minor incursions of accessory parking for public/ semi-public uses into neighborhoods if properly screened.
 17. Maintain alley access and encourage shared driveways to parking areas in order to reduce interruptions to pedestrian traffic, to preserve on-street parking capacity, and to reduce automobile conflict points.
 18. Support the preservation and restoration of natural resources, and limit stream or drainageway crossings.
 19. Encourage additional density of a variety of housing types and price points on open and available land areas.
 20. Encourage middle housing in Neighborhood Edges.

Existing Neighborhoods

The diversity of architecture, housing types and sizes are central to what make existing neighborhoods great places to live. New construction should continue the architectural variety, but in a manner that is sensitive to the existing neighborhoods.

Infill and redevelopment is supported and must respect the street pattern, block sizes, and development standards of the area, such as parking at the rear and porches, windows, and doors on the front street side.

The City’s primary strategy for residential infill and redevelopment outside of the Greater Downtown is to encourage the redevelopment and reuse of sites and buildings in commercial areas in order to create new mixed use centers that are compatible and complementary to adjacent neighborhoods.

Modest opportunities for redevelopment may also be appropriate along “neighborhood edges.” Neighborhood edges include arterial streets and transition zones between lower density residential and commercial areas.

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.

Location Criteria

Mixed Use Redevelopment Nodes and Corridors should be located based on the following criteria:

- In areas where there is a predominance of commercial or industrial zoning and/or development, focusing on non-residential areas.
- In proximity to planned or existing neighborhoods and community services, to facilitate access to existing community services or to address a deficiency by providing services such as grocery stores, childcare centers, and restaurants.
- Where there is existing or potential for good access to transit, to enhance the public transit system by making it accessible to residents and to facilitate the development of neighborhood multimodal hubs where residents can drive, bike, or walk to a transit stop, go to work, and then shop for their daily needs before they return home.
- On at least one arterial street to help provide for traffic and utility capacity and access to transit.
- Outside of areas with existing or potential industrial use to avoid conflicts with health and safety.
- In areas that minimize floodplain and other environmental impacts. Areas within the floodplain that already have buildings and fill are appropriate for redevelopment; projects that receive public assistance should meet a higher standard to preserve flood storage. This criterion encourages redevelopment while protecting sensitive environmental areas. Preservation or restoration of natural resources within or adjacent to mixed use redevelopment areas should be encouraged.

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

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

Action Steps

1. Promote the preservation, maintenance, and renovation of existing housing and supporting neighborhood uses throughout the City, with special emphasis on low and moderate income neighborhoods.
2. Maintain and enhance infrastructure and services, commensurate with needs, in existing neighborhoods.
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.
4. Recognize that broad economic diversity within existing neighborhoods encourages reinvestment and improves quality of life for all residents while acknowledging the need for affordable housing.
5. Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.
6. Promote the continued use of residential dwellings and all types of buildings, to maintain the character of neighborhoods and to preserve portions of our past. Building code requirements for the rehabilitation of existing buildings should protect the safety of building occupants, while recognizing the need for flexibility that comes with rehabilitating existing buildings.
7. Implement the housing and neighborhood strategies as embodied in the Affordable Housing Coordinated Action Plan, City of Lincoln Consolidated, Annual Action Plans, and subsequent housing and neighborhood plans. These plans provide the core for affordable housing and neighborhood preservation actions for public and private agencies.

8. Retain and encourage a mix of housing in existing and new neighborhoods in order to provide a mix of housing types at a variety of price points.
9. Implement elements of Complete Neighborhoods for existing neighborhoods.
10. Develop and utilize a measurement tool to evaluate neighborhoods in terms of how well they achieve PlanForward's goals for design, sustainability, and Complete Neighborhoods goals.
11. Encourage public and private investment in neighborhood infrastructure and services to support economic diversity that improves the quality of life for all residents.
12. Balance expanding housing options and neighborhood character. Infill development 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.
13. Preserve areas designated for multi-family and group living housing in approved plans to support a distributed choice in affordable housing.
15. Develop and propose zoning text amendments that will allow platted, nonconforming lots to be buildable.
17. Promote neighborhood and community design that supports healthy and active lifestyles.
20. Examine current residential zoning districts and propose modifications to encourage 'missing middle' units (single-family attached, cottage courts, townhomes, live-work, and a variety of three- and four-plex configurations), including affordable units, to people with a range of incomes. Neighborhood edges in particular present an opportunity for missing middle housing.
21. 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.

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 for a Special Permit for a Community Unit Plan (CUP) totaling 13.25 acres to allow up to 36 dwelling units. The proposed site is presented as an infill project using vacant land that was once served as the Knolls Country Club, including a golf course, clubhouse and restaurant on both R-1 and B-1 zoning. After the closure of the golf course, the restaurant and club house were removed, and the land has sat vacant. Currently 12.43 acres of the proposed 13.25-acre CUP site is zoned R-1, Residential. The associated Change of Zone #22035 includes a small .82-acre area changing from B-1, Commercial to R-1, Residential to allow all of the CUP area to follow R-1 zoning. This site was first proposed for park in 1955 as part of the CUP. It was later approved for a golf course in 1963 and the to a private country club in 1967. With the closure of the Knolls Country Club, the property is being not only proposed for redevelopment, but for a residential density lower than what is allowed by right under the existing R-1 zoning.
2. For the R-1 zoning district the Design Standards allow a maximum of 3.87 dwelling units per acre within a CUP. For

this site a maximum of 51 units would be allowed following this standard. The applicant is proposing a reduced density with a maximum of 36 single family detached dwelling units on separate lots shown on the site plan. All roads within the CUP are shown as public streets with one access point from Norman Road into the neighborhood. The CUP will abut existing R-1, Residential dwelling lots along the south and east sides. To the west across Norman Road is the recently constructed Knolls Assisted Living zoned R-2. The CUP would abut the proposed Knolls Plaza along the north boundary line which is associated under Use Permit #22013. This proposed Use Permit would allow 75,000 square feet of commercial and office space following limited allowed uses within B-2 zoning. Along the north boundary, a 50-foot buffer between the CUP and Use Permit is being proposed to serve as a landscaping buffer and storm water detention. The detention being required for this CUP is being proposed within this buffer and will be located on the adjacent Knolls Plaza Use Permit property.

3. Beyond the 36 residential lots, five outlots are included within the plan that will serve as open space, along with required drainage and utility easements. Outlots A, B, D & E will provide both open space and serve as additional buffer space in specific areas around the CUP boundary. These outlots will increase the setback from Norman Road along with increased distance and landscaping at the end of all three cul-de-sacs. The 36 single family lots will follow the R-1 zoning height and lot requirements with the exception of two requested waivers which will reduce the front yard setback, along with a reduced side yard setback for lots abutting the existing neighborhood to the east and south. These waivers are being proposed with the intent of increasing the distance between the new residential dwellings and surrounding neighborhood. Since over 12 acres of the site is already zoned R-1, a CUP is not required as the development could follow the general R-1 zoning standards without a CUP approval, which would not allow the requested waivers reducing the setbacks to the abutting neighborhood and would allow a greater density than the 36 total dwelling units proposed.

4. The applicant has requested five waivers to the Lincoln Municipal Code:

- a. Subdivision Ordinance, Table 36.23.140(c) to allow lot lines to be radial and perpendicular to street right-of-way.

This request is appropriate due to the nature of the site layout related to the three proposed cul-de-sacs causing the adjacent lot lines to not be at a right angle. The associated lots will still be required to meet the stated setback and lot requirements within the CUP.

- b. Zoning Ordinance, Table 27.72.020(a) to reduce the front yard setback from 30 feet to 20 feet.

This request for a reduced front yard setback will be beneficial by allowing future dwellings within the CUP to be located closer to the street and farther from the existing and abutting residential lots to the south and east by reducing the front yard setback to 20 feet and ultimately providing an additional 10 feet of separation within the rear yard.

- c. Zoning Ordinance, Table 27.72.020(a) to reduce the side yard setback from 10 feet to 7.5 feet, except for Lots 13-14 and 24-25.

This request is appropriate as the intended layout for the CUP include larger villa style homes that will cover more lot area and reduce the amount of uncovered side yard area. The request will only pertain to lots with side yards not abutting the CUP perimeter boundary, as it does not include Lots 13-14 and 24-25 which abutting the existing neighborhood along the eastern edge of the CUP.

- d. Subdivision Ordinance, to waive the requirement for a pedestrian way when the block length exceeds 1,000 feet in length.

This waiver is being requested as it is not feasible to connect a pedestrian walkway to the existing 10' east-west pedestrian easement that exists within The Knolls due to a steep grade change of approximately 16 feet from The Knolls street to the CUP boundary. The existing pedestrian connection was planned and approved between 5901 and 5921 The Knolls but was never constructed as it led to the private golf course. The easement was approved in 1955, with the golf course opening in 1963 and later changing to a private course in 1967, reducing the need for a public walkway to the golf course property line. Today the grade change along with the current vegetation within The Knolls pedestrian easement would create issues with connecting a new pedestrian way that was accessible.

5. This request is in conformance with the Comprehensive Plan as the site is designated as Future Urban Residential. This proposed number of dwelling units within the CUP and lot layout is significantly less intensive than that of the

future land use designation which supports up to 15 dwelling units per acre of both single and multifamily uses. As this is an infill development location, the site will also be compatible with the surrounding area as it will consist of only low density, single family dwelling lots, surrounded by an existing single family dwelling neighborhood along a majority of the CUP boundary.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Previous Knolls Golf Course B-1, Commercial & R-1, Residential

SURROUNDING LAND USE & ZONING

North: Old Cheney Road & Single Family Residential	R-1, Residential
South: Single Family Residential	R-1, Residential
East: Single Family Residential	R-1, Residential
West: Knolls Assisted Living	R-2, Residential

APPROXIMATE LAND AREA: 13.25 acres, more or less

LEGAL DESCRIPTION: See attached.

Prepared by

Ben Callahan, Planner

Date: December 8, 2022

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Transitioneast9@gmail.com

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/22000/SP22038 The Knolls CUP.bmc.docx>

CONDITIONS OF APPROVAL - SPECIAL PERMIT #22038

Per Section 27.63.320 this approval permits a Community Unit Plan for up to 36 dwelling units and voids Special Permit 524 for a parking lot for the Knolls Country Club with the following waivers:

1. Allow lot lines to be radial and perpendicular to street right-of-way.
2. Reduce the front yard setback from 30 feet to 20 feet.
3. Reduce the side yard setback from 10 feet to 7.5 feet, except for Lots 13-14 and 24-25.
4. Allow for the pedestrian way block length to exceed 1,000 feet.

Site Specific Conditions:

1. The City Council approves associated request:
 - 1.1 Change of Zone #22035
2. Before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
 - 2.1 Provide the radius for each cul-de-sac shown on the plan.
 - 2.2 Update Outlot C notes to include "Pedestrian Walkway" as a use.
 - 2.3 Provide all dimensions for both Outlot A and B.
 - 2.4 Change name of "Spring Court" due to "Spring" being used in multiple existing street names.
 - 2.5 Update Community Unit Plant Notes numbering as #7 is missing.
 - 2.6 Address comments with associated drainage report for Use Permit #22035 as approval for this application is dependent on resolving the required corrections.
3. Before receiving building permits or before a final plat is approved provide the following documents to the Planning Department:
 - 3.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
4. 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.

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

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

to complete the installation of sidewalks within four (4) years following the approval of the final plat.

to construct the sidewalk in the pedestrian way easements at the same time as the adjacent street is paved and to agree that no building permit shall be issued for the abutting 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 the final plat.

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

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

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

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

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

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

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

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

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

to submit to the Director of Lincoln Transportation and Utilities 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 plants in the medians and islands, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

to maintain the sidewalks in the pedestrian way easements in good order and condition, including repair and replacement as reasonably necessary, 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

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

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

Standard Conditions:

5. The following conditions are applicable to all requests:

- 5.1 Before occupying the dwelling units / buildings or starting the operation 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.

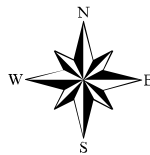


2022 aerial

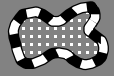


Special Permit #: SP22038
The Knolls CUP
Norman Rd & Old Cheney Rd

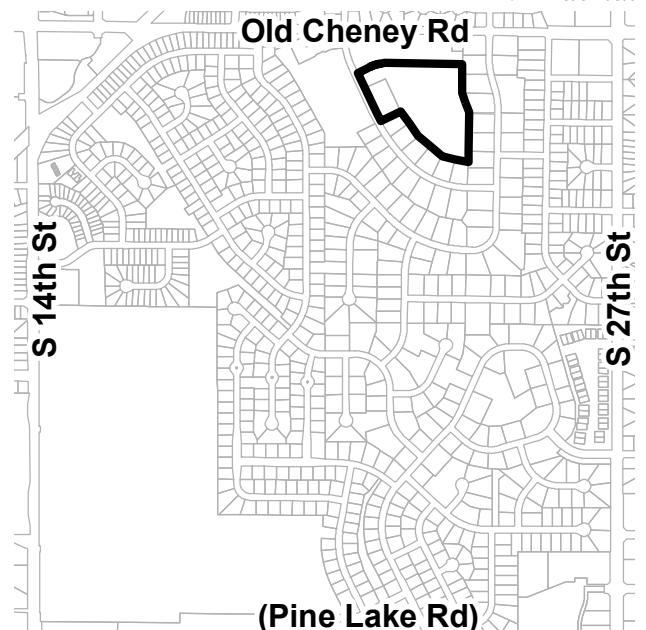
Zoning:

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



One Square Mile:
 Sec.13 T09N R06E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction
80	



LEGAL DESCRIPTION
CUP

A TRACT OF LAND COMPOSED OF LOTS 45 AND 46, CHEZ AMI KNOLLS FIRST ADDITION AND A PORTION OF LOT 1, THE KNOLLS COUNTRY CLUB ADDITION, ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 09 NORTH, RANGE 06 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 2, THE KNOLLS COUNTRY CLUB ADDITION, SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF OLD CHENEY ROAD; THENCE, SOUTH, ON THE EAST LINE OF SAID LOT 2, AND AN EAST LINE OF SAID LOT 1, ON AN ASSUMED BEARING OF S00°47'05"W, A DISTANCE OF 260.84' TO THE TRUE POINT OF BEGINNING; THENCE, CONTINUING, S00°47'05"W ON AN EAST LINE OF SAID LOT 1, A DISTANCE OF 263.29' TO A POINT; THENCE S19°37'23"E, ON A NORTHEAST LINE OF SAID LOT 1, A DISTANCE OF 186.79' TO A POINT; THENCE S00°46'22"W, ON AN EAST LINE OF SAID LOT 1, A DISTANCE OF 349.70' TO A POINT; THENCE S00°50'56"W, ON AN EAST LINE OF SAID LOT 1, A DISTANCE OF 100.92' TO A POINT; THENCE N76°36'33"W, ON A SOUTH LINE OF SAID LOT 1, A DISTANCE OF 119.80' TO A POINT; THENCE N76°43'44"W, ON A SOUTH LINE OF SAID LOT 1, A DISTANCE OF 121.14' TO A POINT; THENCE N50°36'33"W, ON A SOUTHWEST LINE OF SAID LOT 1, A DISTANCE OF 149.95' TO A POINT; THENCE N50°00'08"W, ON A SOUTHWEST LINE OF SAID LOT 1, A DISTANCE OF 135.37' TO A POINT; THENCE N34°52'54"W, ON A SOUTHWEST LINE OF SAID LOT 1, A DISTANCE OF 134.92' TO A POINT; THENCE N34°57'54"W, ON A SOUTHWEST LINE OF SAID LOT 1, A DISTANCE OF 134.57' TO A NORTHEAST CORNER OF LOT 44, CHEZ AMI KNOLLS FIRST ADDITION, SAID POINT BEING A SOUTHEAST CORNER OF LOT 45, CHEZ AMI KNOLLS FIRST ADDITION; THENCE S64°05'08"W, ON A SOUTHEAST LINE OF SAID LOT 45, A DISTANCE OF 200.06' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 03°39'44", A RADIUS OF 1,637.02', AN ARC LENGTH OF 104.63' ON A SOUTHWEST LINE OF SAID LOT 45, SAID LINE BEING A NORTHEAST RIGHT OF WAY LINE OF NORMAN ROAD, A CHORD LENGTH OF 104.62', A TANGENT LENGTH OF 52.33', AND A CHORD BEARING OF N26°48'57"W TO A POINT; THENCE N25°20'12"W, ON A SOUTHWEST LINE OF SAID LOT 45, A SOUTHWEST LINE OF LOT 46, CHEZ AMI FIRST ADDITION, AND A SOUTHWEST LINE OF SAID LOT 1, SAID LINE BEING A NORTHEAST LINE OF SAID NORMAN ROAD RIGHT OF WAY, A DISTANCE OF 381.43' TO A POINT; THENCE N64°05'08"E, A DISTANCE OF 113.15' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 26°39'50", A RADIUS OF 395.00', AN ARC LENGTH OF 183.82', A CHORD LENGTH OF 182.17', A TANGENT LENGTH OF 93.61', AND A CHORD BEARING OF N77°25'03"E, TO A POINT; THENCE S89°15'02"E, A DISTANCE OF 666.26' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 577,094.13 SQUARE FEET OR 13.25 ACRES, MORE OR LESS.

November 1, 2022



November 3, 2022

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

Re: The Knolls
Change of Zone and Use Permit
Olsson Project No. 020-0895

Dear Mr. Cary,

On behalf of Southhills, LLC ("Southhills"), the owner of the real property legally described as Lots 1 & 2 The Knolls Country Club Addition and Lots 45-56 Chez Ami Knolls First Addition, all located in the Northeast quarter of Section 13, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska ("the Property") is proposing a R-1 Community Unit Plan ("CUP") and change of zone. The property contains approximately 13.25 acres.

The application for the Community Unit Plan proposes a plan to create a community of single family detached dwellings that will be marketed as luxury "villa" lots. The villa style homes will be a community of similar-style homes that will offer high-end housing and lower maintenance lifestyles. The expected values of the homes will be consistent or higher than many of the surrounding property valuations.

The allowable density of the R-1 zone would allow up to 51 dwellings; however, the CUP proposes a total of 36 dwellings that have been carefully sized to balance the proposed vision of the new villa community and surrounding larger residential lots. Many of the adjacent lots to existing homes have been designed to provide buffers for grading and additional depth to exceed the minimum setbacks.

Several communities in Lincoln that offer larger and more luxurious lots also share adjacent alternative housing styles while maintaining comfortable and convenient living. Firethorn, the Ridge and Wilderness Ridge are all communities that have areas of high-end single family lots and share communities of attached single family (duplex) and villa communities. The communities include Eagle View and the Fairways at Firethorn, Lone Tree Townhouses at The Ridge, Wilderness Ridge Townhomes at Wilderness Ridge. In comparison to this application, Eagle View at Firethorn was developed around established and large homes very similar to the existing Knolls residences surrounding this Property.

The proposed layout has several common areas (outlots) to provide additional buffering space, which will include berming and landscaping. The purpose of these areas is to provide additional space and screening around proposed and existing lots to streets to reduce impacts of vehicles and sounds.

The applicant will hold a neighborhood informational meeting the week of November 21st, where neighbors will be invited to attend and find out more information about the proposed community and ask questions.

The CUP is being requested, in lieu of a Preliminary Plat, to include the following waivers that will provide some additional flexibility around the existing residences and accommodate the layout that is challenged with a property that is uniquely shaped for new residential lots:

1. Table 27.72.020(a) to reduce Front Yard setback from 30 feet to 20 feet for all lots.

Justification: The dwelling footprints may move closer to the streets and therefore move the footprint 10 feet further away from the rear property line and away from existing residential properties.

2. Table 27.72.020(a) to reduce Side Yard setback from 10 feet to 7.5 feet for all lots except 13, 14, 24, and 25 that are adjacent to existing residential properties.

Justification: The dwelling footprints for a villa lot is intended to cover more of the lot for living areas and less maintenance areas outside. The closer footprint will allow the homes to be closer to provide larger footprints and still allow a minimum of 15 feet between dwelling walls.

3. Table 26.23.140(c) to allow side lot lines not to be at right angles to the street.

Justification: In several areas near or around cul-de-sacs, the lot lines are not at right angles, but due to the size of the cul-de-sacs and curves, provides a better lot layout. Side loaded garages are being planned for each dwelling and the lot lines have been adjusted for the size of proposed dwellings and driveway locations.

4. Table 26.23.125 to waive a pedestrian way when the block exceeds 1,000 feet in length at the end of Spring Court and Summertime Court.

Justification Summertime Court: The City may desire a pedestrian connection between lots 7 and 9 of Chez Ami Knolls because the City owns a 10 feet wide strip between lots 7 and 9. The proposed grades at the rear of lots 14 and 24 are 7 feet below the existing grades of lots 7 and 9. The drop in grade from the front of lot 7 and 9 to the rear is around 15 feet according to City GIS, for a total of 22 feet of vertical change. The overall change of grade would equate to a slope of 8% - 9%, which would exceed ADA slopes for ramps with handrails. Lastly, in order to install a sidewalk between lots 7 and 9, several large trees and landscaping would need to be removed. In all, the applicant would be sensitive to the impacts of the adjacent property owners and ask that this waiver be granted.

Justification Spring Court: there is a slope of approximately 8 feet on the east side of Lot 25. Due to the grades and the proposed berming to the north of lot 25 to provide screening between the residential and commercial, the pedestrian connection has been moved between lots 33 and 34 that will be shared with storm sewer and allow a flatter grade through the buffer area.

The development team has met with City Staff in a preapplication meeting discuss the proposed applications and will continue to work with Staff as the plans are reviewed.

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

1. City of Lincoln Application, including:
 - a. Community Unit Plan
 - b. Change of Zone from B-1 to R-1
2. Use Community Unit Plan – Site Plan
3. Application fee in the amount of \$3,401.25 (Change of Zone paid with Use Permit Application)

Plans and other supporting documents will be submitted to ProjectDox upon notification from the Planning Staff. We appreciate your consideration of the above request and look forward to working with the City staff on this proposed Use Permit and change of zone. If you require further information or have any questions, please do not hesitate to contact me at bmarshall@olsson.com or (402) 458-5672.

Sincerely,

A handwritten signature in blue ink that reads "Brad J. Marshall". The signature is written in a cursive style with a large, stylized "M".

Brad J Marshall, P.E.

Enclosures.