

# **Lincoln City - Lancaster County**

## **PLANNING COMMISSION AGENDA**

### **PLANNING COMMISSION**

Tracy Edgerton: Chair  
Cindy Ryman Yost: Vice Chair  
Lorenzo Ball  
Dick Campbell  
Tracy Corr  
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Gloria Eddins  
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### **PLANNING STAFF**

David R. Cary: Director  
Shelli Reid: Administrative Officer  
Jennifer McDonald: Administrative Aide  
Alexis Longstreet: Office Specialist

## **May 03, 2023**

**NOTICE:** The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, May 03, 2023, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10<sup>th</sup> 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.

## AGENDA

WEDNESDAY, May 03, 2023

Approval of minutes of the regular meeting held April 19, 2023.

1. **CONSENT AGENDA**  
**(Public Hearing and Administrative Action)**

**COMPREHENSIVE PLAN CONFORMANCE:**

- 1.1 COMPREHENSIVE PLAN CONFORMANCE 23005, to review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan, an update to the "Other Waste Management Programs" project in the Capital Improvement Program (CIP) to expand the HazToGo Hazardous Waste Center with a material reuse facility.  
*Page 1* **Staff recommendation: In General Conformance with the Comprehensive Plan**  
**Staff Planner: Andrew Thierolf, 402-441-6371, [athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov)**

**TEXT AMENDMENT:**

- 1.2 TEXT AMENDMENT 23004, to amend Chapter 27.63 of the Lincoln Municipal Code, to amend the Historic Preservation special permit to allow greater flexibility for signs and remove language made irrelevant under Chapter 27.69 Signs.  
*Page 7* **Staff recommendation: Approval**  
**Staff Planner: Stephanie Rouse, 402-441-6361, [srouse@lincoln.ne.gov](mailto:srouse@lincoln.ne.gov)**
- 1.3 TEXT AMENDMENT 23007, amending the Lincoln Municipal Code Section 27.62.120 Commercial Recreation and Entertainment Facilities Use Group to remove the required 100-foot setback for a social hall when it is located next to a golf course or hiker biker trail in a residential district.  
*Page 15* **Staff recommendation: Approval**  
**Staff Planner: Benjamin Callahan, 402-441-6360, [bcallahan@lincoln.ne.gov](mailto:bcallahan@lincoln.ne.gov)**

### **CHANGE OF ZONE:**

- 1.4 CHANGE OF ZONE 08041E, Pine Woods Planned Unit Development (PUD), to amend the sign and use regulations on property generally located at South 70th Street and Pine Lake Road.  
*Page 21*  
**Staff recommendation: Conditional Approval**  
**Staff Planner: Brian Will, 402-441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)**

### **CHANGE OF ZONE AND RELATED ITEMS:**

- 1.5a CHANGE OF ZONE 23022, for a Local Landmark Designation, for the First Evangelical Church, on property generally located at 1333 N. 33rd Street.  
*Page 33*  
**Staff recommendation: Conditional Approval Subject to Preservation Guidelines**  
**Staff Planner: Stephanie Rouse, 402-441-6361, [srouse@lincoln.ne.gov](mailto:srouse@lincoln.ne.gov)**

- 1.5b SPECIAL PERMIT 23018, to allow for additional uses in the First Evangelical Church, on property generally located at 1333 N. 33rd Street. The Planning Commission action is final, unless appealed to the Lincoln City Council. \*\*\* **FINAL ACTION** \*\*\*  
*Page 59*  
**Staff recommendation: Conditional Approval**  
**Staff Planner: Stephanie Rouse, 402-441-6361, [srouse@lincoln.ne.gov](mailto:srouse@lincoln.ne.gov)**

### **SPECIAL PERMIT:**

- 1.6 SPECIAL PERMIT 17030C, Historic Preservation Special Permit to allow increase in signs allowed in residential district, on property generally located at 2202 South 11th Street.  
*Page 67*  
**Staff recommendation: Conditional Approval**  
**Staff Planner: Stephanie Rouse, 402-441-6361, [srouse@lincoln.ne.gov](mailto:srouse@lincoln.ne.gov)**

- 1.7 SPECIAL PERMIT 23003, to allow for a new garage in the Mount Emerald Historic District with waivers, on property generally located at 2044 C Street. The Planning Commission action is final, unless appealed to the Lincoln City Council. \*\*\* **FINAL ACTION** \*\*\*  
*Page 87*  
**Staff recommendation: Approval with Conditions**  
**Staff Planner: Stephanie Rouse, 402-441-6361, [srouse@lincoln.ne.gov](mailto:srouse@lincoln.ne.gov)**

### **STREET AND ALLEY VACATION:**

- 1.8 STREET & ALLEY VACATION 23002, to vacate the street right-of-way for Watermark Road from the west line of North 70th Street then west approximately 815.22', lying adjacent to property generally located approximately 0.75 miles north of the intersection of North 70th Street and Fletcher Avenue.  
*Page 103*  
**Staff recommendation: Conforms to the Comprehensive Plan**  
**Staff Planner: Brian Will, 402-441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)**

## **2. REQUESTS FOR DEFERRAL**

## **3. ITEMS REMOVED FROM CONSENT AGENDA**

4. **PUBLIC HEARING AND ADMINISTRATIVE ACTION**

**COMPREHENSIVE PLAN AMENDMENT AND RELATED ITEMS:**

4.1a *Page 121* COMPREHENSIVE PLAN AMENDMENT 23006, to amend the Lincoln-Lancaster County 2050 Comprehensive Plan to revise the Future Land Use Map from Green Space to Residential and Commercial, on property generally located at SW 40th and West A Streets.

**Staff recommendation: Approval**  
**Staff Planner: Tom Cajka, 402-441-5662, [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)**

4.1b *Page 129* ANNEXATION 23006, to annex approximately 17 acres, more or less, on property generally located at SW 40th and West A Streets.

**Staff recommendation: Conditional Approval**  
**Staff Planner: Tom Cajka, 402-441-5662, [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)**

4.1c *Page 129* CHANGE OF ZONE 23021, from AG (Agricultural District) to R-3 (Residential) PUD (Planned Unit Development), for 55 dwelling units, on property generally located at SW 40th and West A Streets.

**Staff recommendation: Conditional Approval**  
**Staff Planner: Tom Cajka, 402-441-5662, [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)**

**MISCELLANEOUS:**

4.2 *Page 151* MISCELLANEOUS 23003, for review of the draft FY2024 to FY2027 Transportation Improvement Program (TIP) for conformance with the current Lincoln Metropolitan Planning Organization (MPO) Long Range Transportation Plan.

**Staff recommendation: In Conformance with the Long-Range Transportation Plan**  
**Staff Planner: Rachel Christopher, 402-441-7603, [rchristopher@lincoln.ne.gov](mailto:rchristopher@lincoln.ne.gov)**

5. **CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION**

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

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**Adjournment**

**PENDING LIST: No items.**

**Planning Department Staff Contacts:**

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

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

*ACCOMMODATION NOTICE: The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the City of Lincoln, please contact the Lincoln Commission on Human Rights at 402-441-7624, or the City Ombudsman at 402-441-7511, as soon as possible before the scheduled meeting date in order to make your request.*



### LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Comprehensive Plan Conformance 23005 <i>CIP Amendment - HazToGo</i>	FINAL ACTION? No	OWNER City of Lincoln
PLANNING COMMISSION HEARING DATE May 3, 2023	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 5101 N 48 <sup>th</sup> Street

**RECOMMENDATION: IN GENERAL CONFORMANCE WITH THE COMPREHENSIVE PLAN**

#### BRIEF SUMMARY OF REQUEST

This is a request to update the “Other Waste Management Programs” project in the 2022/23 - 2027/28 Capital Improvement Program (CIP). The updated project includes an expansion of HazToGo - Lincoln’s Hazardous Waste Center to include a material reuse facility. The Planning Commission must review each project added to the CIP to determine its level of conformity to the Comprehensive Plan.

#### JUSTIFICATION FOR RECOMMENDATION

This CIP amendment is consistent with the Comprehensive Plan as it will help achieve the goal of Environmental Stewardship and Sustainability (Goal 7) and aligns with the concept of sustainable materials management (Element 8). The project is specifically mentioned in the Solid Waste Management Plan.

#### APPLICATION CONTACT

Brock Hanisch, (402) 441-8020 or [bhanisch@lincoln.ne.gov](mailto:bhanisch@lincoln.ne.gov)

#### STAFF CONTACT

Andrew Thierolf, AICP, Planner  
(402) 441-6371; [athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov)

#### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The project in this proposed amendment “generally conforms” with the Comprehensive Plan. It is not specifically mentioned in the Comprehensive Plan but it aligns with the overall concepts of sustainability found throughout the Plan. The Comprehensive Plan also supports implementation of the Solid Waste Management Plan, and this project was included in the Solid Waste Management Plan update.

## COMPREHENSIVE PLAN SPECIFICATIONS:

### Goals Section

G7: Environmental Stewardship and Sustainability - PlanForward commits Lincoln and Lancaster County to a sustainable growth framework that will conserve and efficiently utilize our economic, social, and environmental resources so that the welfare of future generations is not compromised.

### Elements Section

E8: Energy and Utilities

#### **Solid Waste (Sustainable Materials Management)**

##### *Strategies for Solid Waste Management*

The management of solid waste is beginning yet another paradigm shift; one that recognizes the resource value of the materials currently being put into landfills. The decades long concept of the linear economy (often referred to as “take, make, waste (or dispose)”) is shifting to the circular economy, which employs strategies that use the Earth’s finite natural resources and thru improved product design and manufacturing processes consciously minimize the environmental impacts from production and consumption. The concept of a circular economy is much more than recycling; much more than zero waste concepts. It is considered and promoted as a viable solution to challenges like climate change. In contrast to the linear economy, the circular economy concludes nothing is waste and promotes thinking and behavior to that end; but, it will take decades to transition.

### Policies Section

P56: Waste Management System -Ensure adequate system capacity is available to serve city and county residents.

#### Action Steps

5. Implement the recommendations of the 2040 Solid Waste Management Plan and the 2021 Solid Waste Management Plan Update, particularly those actions that additionally support the recommendations of the Climate Action Plan.

P58: Waste Reduction and Diversion - Reduce per capita per year waste disposal per goals established in the Solid Waste Management Plan.

#### Action Steps

8. Monitor the EPA-released National Framework for Advancing the U.S. Recycling System (2019) and forthcoming legislation and grant opportunities, to address critical areas for action identified as: promoting education and outreach, enhancing materials management infrastructure, strengthening secondary materials markets, and enhancing measurement.

## ANALYSIS

1. This is a request to update the “Other Waste Management Programs” project in the 2022/23 - 2027/28 Capital Improvement Program (CIP). The updated project includes an expansion of HazToGo - Lincon’s Hazardous Waste Center to include a material reuse facility. The Planning Commission must review each project added to the CIP to determine its level of conformity to the Comprehensive Plan.
2. The Lincoln-Lancaster County Health Department has received a three-year grant from the Nebraska Environmental Trust (NET) to expand the Hazardous Waste Center operations by constructing a material reuse facility (approximately 3,500 sq ft) and enhance education programs relating to toxics reduction.

3. The project is specifically mentioned in the [Solid Waste Management Plan](#). The facility is described in the excerpt below, found on page 11 of the plan (pdf page 32):

*An additional opportunity to reduce toxics would be to establish a facility where collected materials could be offered to residents and businesses for reuse. Communities often refer to these facilities as “re-stores.” Re-stores can reduce the amount of toxic materials residents and businesses purchase resulting in overall source reduction. Re-stores typically do not charge for items because “giving them away” reduces the costs to manage HHW, which can often be several hundred dollars a ton. It is understood that the LLCHD did apply to the Nebraska Environmental Trust for grant funding in 2021 to complete a planning study for a re-store at the LHWC and implementation of a program such as this would be based on available grant funding.*

4. The project will be funded by a NET grant of \$1,345,000. The City has no financial match in terms of capital costs - the match is in the form of staff time costs to manage funds and projects.
5. Also included with this update to the “Other Waste Management Programs” project is the addition of “Hazardous /Toxic Waste Management & Emergency Response Facilities” as a line item. This is being added for clarity as an additional solid waste program and does not change funding allocations for the overall project.
6. The City Charter states that capital projects must have a probable life of at least 15 years. Improvements associated with this project will have a life in excess of 15 years so it is considered a capital project.
7. The project will require a budget amendment with City Council following Planning Commission review of Comprehensive Plan conformance.
8. This project would increase the LTU-Solid Waste 6-year CIP program from \$63,880,000 to \$65,225,000 (an increase of \$1,345,000, funded by the NET grant).

Prepared by

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

April 12, 2023

Applicant: Lincoln-Lancaster County Health Department  
3131 O Street  
Lincoln, NE 68510

Contact: Brock Hanisch  
(402) 441-8020 or [bhanisch@lincoln.ne.gov](mailto:bhanisch@lincoln.ne.gov)

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CPC/23000/CPC23005 CIP Amendment HazToGo.adt.docx>

Proposed updates in red.

Project:	Other Waste Management Programs							
<b>Description:</b>								
<p>The requested appropriations support the various permitting, regulatory compliance and consulting support and infrastructure additions, improvements and enhancements needed to manage the facilities and programs other than the solid waste landfill. The facilities and programs supported by this project include:                  North 48th Street Landfill (closed)                  Transfer Station                  Construction &amp; Demolition Waste Landfill                  Organic Waste Processing Facility                  Waste Diversion/Recyclables Collection                  Solid Waste Management Plan/Implementation                  Acquire/Recondition Equipment  <u>Hazardous/Toxic Waste Management &amp; Emergency Response Facilities</u></p> <p>The project includes the following planned efforts:                  Permitting of Construction &amp; Demolition Landfill; anticipated FY 26-27; \$85K                  Air Emissions Testing; anticipated and FY 25-26; \$60K                  Engineering Support; anticipated every year: \$15K each                  Storage Garage for Hazardous Materials Emergency Response Program; anticipated FY 22-23; \$400K, funded via an ARPA grant <del>through Lincoln-Lancaster County Health Department</del>; and Material Reuse Facility associated with existing HazToGo facility; anticipated during 3-year period beginning FY 23-24, \$1.345M funded via a NET grant; both grants awarded to Lincoln-Lancaster County Health Department.</p> <p>The Nebraska Department of Environment and Energy (NDEE) requires permitting of disposal facilities every 5 years, and waste processing facilities every 10 years. Testing of the air emissions must occur every 5 years by Clean Air Act regulations and locally issued air permit. Plans related to stormwater management require annual review and certification by a professional engineer.</p> <p>The <u>non-grant funded activities associated with this</u> project <del>is</del> <u>are</u> primarily funded by system revenues, which may include revenue bond proceeds.</p>	Budget Outcome:	Safe and Healthy City						
	Date Anticipated:							
	Rating:	B						
	Status:	New						
	Comp Plan Conformity:	Generally Conforms with Plan						
Prior Appropriations:	X							
<b>6 yr appropriations</b>								
Funding Source	<u>2022/2023</u>	<u>2023/2024</u>	<u>2024/2025</u>	<u>2025/2026</u>	<u>2026/2027</u>	<u>2027/2028</u>	<u>6 yr Total</u>	
Other Financing	\$ 400,000	<u>\$175,000</u>	<u>\$1,110,000</u>	<u>\$60,000</u>			<u>\$-400,000</u> <u>\$1,745,000</u>	
CIP-User Fee/Occ Tax	\$ 100,000	\$ 15,000	\$ 15,000	\$ 75,000	\$ 100,000	\$ 15,000	\$ 320,000	
<b>6 yr estimated cost by activity</b>								
Activity type	<u>2022/2023</u>	<u>2023/2024</u>	<u>2024/2025</u>	<u>2025/2026</u>	<u>2026/2027</u>	<u>2027/2028</u>		
Capital Improvements	x	x	x	x	x	x		



LINCOLN-LANCASTER COUNTY  
HEALTH DEPARTMENT  
3131 "O" Street Lincoln, NE 68510-1514  
402-441-8000 fax: 402-441-6229



**To:** David Cary, Director, Lincoln-Lancaster County Planning Department

**From:** Patricia D. Lopez, RN, MSN, Health Director *PL*

**Date:** March 27, 2023

**Re:** Proposed Amendment to Capital Improvement Program: Maximizing HazToGo – Lincoln’s Hazardous Waste Center Through Reuse

The Lincoln-Lancaster County Health Department (LLCHD) is requesting an amendment to the Capital Improvement Program adopted by and attached to the FY 2024/2025 and FY 2025/2026 biennial budget.

The amendment is to add a project - Maximizing HazToGo – Lincoln’s Hazardous Waste Center Through Reuse. LLCHD has received a three-year grant from the Nebraska Environmental Trust to expand HazToGo – Lincoln’s Hazardous Waste Center (LHWC) operations by constructing a material reuse facility (approximately 3,500 sq ft.) and enhancing education on toxics reduction. This expansion of services was identified as a goal in the Solid Waste Management Plan. Total award is for \$1,345,000. City match is in the form of FTE to manage the funds and projects and will not have any fiscal obligation when grant period ends.

Please feel free to contact Brock Hanisch at 402-441-8020 or [bhanisch@lincoln.ne.gov](mailto:bhanisch@lincoln.ne.gov) if you have any questions.





Printed: 7/21/2022

Map Scale  
1: 564



DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email [assessor@lanaster.ne.gov](mailto:assessor@lanaster.ne.gov) and you will be directed to the appropriate department.

**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

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

APPLICATION NUMBER Text Amendment #23004	FINAL ACTION? No
PLANNING COMMISSION HEARING DATE May 3, 2023	RELATED APPLICATIONS None

**RECOMMENDATION: APPROVAL**

**BRIEF SUMMARY OF REQUEST**

The proposed application is to amend Chapter 27.63.400 Historic Preservation Special Permits and Chapter 27.69.160 to allow greater flexibility for signage. Currently the Planning Commission’s authority to adjust sign requirements is limited to varying yard requirements and the permitted number of signs. In residential districts this limits all historic buildings, regardless of the use, scale, or location, to no more than one 20 square foot sign unless the HPC allows additional signs. Of Lincoln’s 101 individual local landmark properties, 70 are zoned residential, of which 17 were built as commercial buildings which would have originally had larger signs.

**JUSTIFICATION FOR RECOMMENDATION**

Many historic buildings, once serving commercial functions within residential areas, are now zoned residentially limiting their ability to add signage to the building in scale with the structure. The proposed amendment would allow greater flexibility for these types of buildings, while protecting the character of residential districts.

**APPLICATION CONTACT**

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[thuston@clinewilliams.com](mailto:thuston@clinewilliams.com)

**STAFF CONTACT**

Stephanie Rouse, (402) 441-6361  
[srouse@lincoln.ne.gov](mailto:srouse@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

Under Policy 37: Historic Preservation, one action item is to “continuously monitor and improve local programs and regulations, especially working to balance conflicting regulations that may offer alternatives to achieve life-safety goals while protecting threatened historic resources.” The proposed change would improve regulations that balance the goals of historic preservation while providing tenants of the buildings the opportunity to identify their businesses.

**KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN**

**Policies Section**

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

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

Action Steps

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

**ANALYSIS**

1. The Historic Preservation Special Permit (27.63.400) is a tool owners of historic properties can use to aid in the

preservation and maintenance of Lincoln’s historic resources, understanding that many buildings were constructed of a different time and need certain allowances for their continued use today. The special permit allows the City Council to adjust height and area regulations. The Planning Commission, at the recommendation of the Historic Preservation Commission (HPC) can adjust or waive the parking requirements, allow any use, and limited alterations to the sign requirements.

2. Currently the Planning Commission’s authority to adjust sign requirements is limited to varying yard requirements and the permitted number of signs as described in Section 27.69.160. In residential districts this limits all historic buildings, regardless of the use, scale, or location, to no more than one 20 square foot sign unless the Planning Commission grants additional signs. In contrast, the Commission’s authority allows them to recommend adjustments to parking requirements and land uses based on the significance of the building, impact on surrounding area, compatibility, public benefit, etc.
3. The proposed text amendment maintains the current maximum signage of 20 square feet for landmarks built originally as single or two-family dwellings but adds more flexibility for all other buildings in residential zoning districts. The added allowances for buildings not constructed as single and two-family dwellings include the following restrictions to mitigate any potential negative impacts:
  - a. Individual wall signs shall be limited to 32 square feet in area. The total square footage of all wall signs shall not exceed 20% of the facade. The City Council may approve larger wall signs with consideration given to both the proposed use and the adjacent environment, provided that the total sign area of such wall signs shall not exceed 20% per architectural elevation and no wall sign shall exceed 50 square feet.
  - b. Off-premise, electronic changeable copy and internally illuminated signs are prohibited.
  - c. Freestanding signs are capped at 8 feet in height and 32 square feet in area.
  - d. Illuminated signs require a greater setback than the district requires when adjacent to residential uses.
4. The above restrictions are based on the signage allowances in the R-T Residential Transitional and the O-1 Office District regulations. The R-T District is intended to provide a transitional area consisting primarily of office and other types of small-scale commercial uses near residential uses. This district is similar to the historic commercial buildings that are zoned residential and therefore a basis for the proposed language. Similarly, the O-1 District provides for office buildings, dwellings, public uses, and certain religious, educational, and philanthropic institutions.
5. The change will not impact historically designated single and two-family homes which make up 61% of the current designations. An additional 16% of the designations are Greek houses on the University of Nebraska campus. This protects the largely residential neighborhoods from larger signs on landmark properties.
6. The Historic Preservation Commission reviewed the proposed changes at their April 20, 2023 meeting and voted unanimously to recommend approval of the text amendment with no changes.

Prepared by Stephanie Rouse, Planner  
(402) 441-6373 or [srouse@lincoln.ne.gov](mailto:srouse@lincoln.ne.gov)

Date: April 12, 2023

Applicant: CenterPointe  
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<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/TX/23000/TX23004 HP Signs.slr.docx>

# LINCOLN MUNICIPAL CODE

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## TITLE 27 ZONING

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### Chapter 27.63 SPECIAL PERMITS

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#### 27.63.400 Historic Preservation.

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In any zoning district a special permit may be granted to allow the preservation of a historic structure or site and the reuse thereof. This permit shall be limited to structures or sites designated as landmarks under Chapter 27.57.040.

- a. The Planning Commission may approve, by special permit, any use of a historic structure or site in any zoning district after review and consideration of the following:
  1. The significance of the historic structure or site and the degree of variation sought from the permitted uses of the district;
  2. The extent to which economic factors necessitate the change in use;
  3. The extent of proposed exterior change to the structure or site;
  4. The impact on the surrounding area;
  5. The compatibility of the proposed use to the structure or site and the surrounding area; and
  6. The manner in which the public will be benefitted by such proposed use.
- b. The applicant shall submit with the application for a special permit the following:
  1. A plan of the existing and proposed grounds surrounding the structure or site, including outdoor furniture and plant material;
  2. A parking layout;
  3. Details regarding all proposed exterior modifications of the structure or site;
  4. Details of how the preservation of the structure or site is to be accomplished;
  5. Signs proposed for the structure or site; and
  6. Information concerning the economic use of the property.
- c. The City Council may modify the height and lot regulations with consideration given to both the proposed use and the adjacent environment.
- d. The Historic Preservation Commission shall review the proposal for reuse for the structure and/or for adjustments to the applicable height and lot regulations, including information regarding the above criteria, modifications to the sign requirements pursuant to 27.63.400(f) below, and for compliance with the guidelines developed for that landmark. The Preservation Commission shall make its recommendation to the Planning Commission prior to the public hearing required under Section 27.63.020. Upon approval of the special permit by the Planning Commission, a certificate of appropriateness shall be deemed to have been granted for any changes needing a certificate under Chapter 27.57 and shown in the application for special permit.

- e. The parking requirements of Chapter 27.67 may be modified for a structure designated as a landmark under Chapter 27.57, where modifications to the requirements of Chapter 27.67 are necessary to ensure preservation of the landmark.
- f. Sign requirement modifications in residential zoning districts are restricted as follows:
  - 1. Buildings originally constructed as single and two-family dwellings shall follow the regulations in 27.69.160. Signs may be located in front yards.
  - 2. All other buildings may be granted approval for modified signage subject the following conditions and requirements:
    - a. Off premise signs, electronic changeable copy signs, and internally illuminated cabinets are prohibited.
    - b. Free-standing signs shall be no more than eight feet in height and 32 square feet in area.
    - c. Individual wall signs shall be limited to 32 square feet in area. The total square footage of all wall signs shall not exceed 20% of the facade. The City Council may approve larger wall signs with consideration given to both the proposed use and the adjacent environment, provided that the total sign area of such wall signs shall not exceed 20% per architectural elevation and no wall sign shall exceed 50 square feet.
    - d. Illuminated signs shall provide a greater setback than the underlying district when adjacent to residential uses to minimize any impact.

### 27.69.160 Special Permitted Uses.

In all residential zoning districts, special permitted uses may have the greater of the district signs or a sign identifying or describing the name of the building and the business or services offered on the premises. One sign only per special use shall be permitted if it meets the following conditions and requirements:

- a. The sign shall not be more than twenty square feet in sign area;
- b. The sign shall not be located in any required yard;
- c. The sign shall not be more than eight feet in height if it is not a wall sign;
- d. The sign shall be in keeping with the character of the area in which it is located.

~~Notwithstanding the above, for specially permitted commercial uses of historic structures or sites approved under the provisions of Section 27.63.400 of this title, two signs per entrance may be permitted, one of which, limited to five feet in height, may be located in a required front yard, provided that the Historic Preservation Commission has deemed those signs appropriate.~~

**MEETING MINUTES**

*Advanced public notice of the Historic Preservation Commission meeting was posted on the County-City bulletin board and the Planning Department’s website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Wednesday, April 12, 2023.*

**NAME OF GROUP:** HISTORIC PRESERVATION COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Thursday, April 20, 2023, 1:30 p.m., County-City Building, City Council Chambers, 555 S. 10<sup>th</sup> Street, Lincoln, NE.

**MEMBERS IN ATTENDANCE:** Nancy Hove-Graul, Dan Worth, Greg McCown, Jim McKee, Jim Johnson, and Greg Newport (Melissa Gengler absent).

**OTHERS IN ATTENDANCE:** Paul Barnes, Stephanie Rouse, Arvind Gopalakrishnan of Alexis Longstreet of the Planning Department; and other interested parties.

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

McCown called for a motion approving the minutes of the regular meeting held March 16, 2023.

Motion for approval by Newport, seconded by Johnson. Carried 6-0: Johnson, McKee, Worth, Newport, Hove-Graul, McCown and Newport voting ‘yes’; Gengler absent.

**TEXT AMENDMENT TO SPECIAL PERMIT**

**PUBLIC HEARING:**

**April 20, 2023**

Members present: Johnson, McKee, Worth, Hove-Graul, McCown and Newport; Gengler absent.

**Stephanie Rouse** stated the text amendment is related to Special Permit 17030C. The text amendment is related to the sign allowance. Current ordinance allows historic properties in Residential districts up to 20 square feet of signage as a recommendation that gets approved by Planning Commission. Challenging for larger buildings. The amendment is strictly related to residential zoned properties originally built for uses other than single and two-family dwellings. Flexibility outlined in staff report. 32 square feet for wall signs, do not exceed 20% of the façade, City Council could approve up 50 square feet for wall signs, no off-premise, electronic changeable copy or internally illuminated signs allowed. Freestanding signs up to 8 feet in height and 32 square feet in area. Illuminated signs will have greater setbacks when adjacent to residential uses. Intent is to provide flexibility for commercial properties in Residential zoning. Recommendation of staff is to approve text amendment for the historic preservation special permit.

**ACTION:**

McKee moved approval of text amendment, seconded by Hove-Graul. Motion carried 6-0: Johnson, McKee, Worth, Newport, Hove-Graul, McCown and Newport voting ‘yes’; Gengler absent.

**SPECIAL PERMIT AT TRABERT HALL**

**PUBLIC HEARING:**

**April 20, 2023**

Members present: Johnson, McKee, Worth, Newport, Hove-Graul, McCown and Newport; Gengler absent.

Rouse stated the proposal is for three (3) wall signs and one free standing sign built into landscape wall. All signs will be either no lighting or backlit halo lighting. All comply under the new text amendment with the special permit going to the City Council for final approval of one of the wall signs being 40 square feet. Two wall signs are located on the canopy of the building. None of the wall signs are placed on the historic areas of the building, all placed on the new areas of the building.

Newport asked if any new signage would face residential areas to the south or west.

Rouse answered the signs would face north and east.

**ACTION:**

Newport moved approval of signs as illustrated in Attachment B, seconded by Johnson.

Worth asked for clarification that the largest sign has no verbiage, just a logo.

Rouse stated Building and Safety consider business logos as signage.

McCown asked if there were any interior components for the sign.

William Pokojski stated that the sign would be as shown.

Worth asking for clarification if there would be any changes of signage, it would need to appear before the commission again.

Rouse answered yes.

Motion Carried 6-0: Johnson, McKee, Worth, Newport, Hove-Graul, McCown and Newport voting 'yes'; Gengler absent.

Newport expressed his appreciation for the sign's appropriateness and design.

McCown asked if there was a grand opening.

Pokojski stated the ribbon cutting is on May 18<sup>th</sup>.





## LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Text Amendment #23007	FINAL ACTION? No
PLANNING COMMISSION HEARING DATE May 3, 2023	RELATED APPLICATIONS None

**RECOMMENDATION: APPROVAL**

### BRIEF SUMMARY OF REQUEST

The proposed application is to amend Lincoln Municipal Code Chapter 27.62.120 for Conditional Uses regarding Commercial Recreation and Entertainment Facilities Use Group. This amendment will modify and eliminate the required 100-foot setback for Social Halls when they abut a private golf course that is located within a residential zoning district. Currently, a Social Hall is required to maintain a 100-foot setback if the abutting property is zoned residential with no exception to the type of use. This update would recognize situations in which a golf course may be located on residentially zoned property and no longer require the 100-foot setback.

### JUSTIFICATION FOR RECOMMENDATION

This proposed text amendment will modify the existing setback requirement for Social Halls in relation to the neighboring property and uses. Currently, there is no required setback for a Social Hall when the abutting property is a park and operated as a golf course. This proposed change is appropriate as it will add to this provision to also include situations where golf courses are located on abutting residentially zoned property.

### APPLICATION CONTACT

Tim Gergen, (402) 477-9291 or [tim.gergen@clarkenersen.com](mailto:tim.gergen@clarkenersen.com)

### STAFF CONTACT

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

### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This proposed text is in conformance with the Comprehensive Plan by allowing flexibility with a reduced setback when the abutting property is zoned residential, but not serving as a residential use with dwellings. This proposed change will not change or reduce the required setback from a nonresidential use to residential dwellings.

### KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

#### Policies Section

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

#### Action Steps

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

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

#### Action Steps

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

## ANALYSIS

1. This text amendment is to amend LLC 27.62.120 to modify the existing setback requirements for Social Halls. Currently the provision requires Social Halls to have a 100-foot minimum setback when the property is abutting residential zoning. There is also a similar provision for when a Social Hall abuts a park, but the setback is not required when the park is used as a golf course or trail. This modification would add to this exception for residential zoning by not requiring a 100-foot setback if the abutting residential property is used for a golf course. This would not eliminate the setback in situations where the abutting residential zoning is occupied or planned for residential dwellings. Currently, there are multiple privately operated golf courses within Lincoln that have an underlying R-1 or R-2, Residential zoning.
2. The review of this text amendment began with an existing property at the southeast corner of South 14<sup>th</sup> Street and Yankee Hill Road, currently zoned B-2, Commercial with an existing Use Permit. The applicant is proposing a future Social Hall at this location. The property abuts the Wilderness Ridge Golf Course along the southern property line which is zoned R-3, Residential. Following the current requirements of LMC Chapter 27.63.120, a 100-foot setback would be required for the placement of the Social Hall within B-2 area due to the abutting R-3 zoning. This began the initial discussion on the modification of the required setback as there are situations where the abutting zoning could be residential, but not used for residential dwellings. In this specific situation, if the proposed amendment is approved, the setbacks would then follow the B-2 setbacks as approved with the Use Permit as a 20-foot side yard setback. For reference, a restaurant or retail location could currently operate by right within the Use Permit following the 20-foot side yard setback.
3. This proposed modification to LLC 27.62.120 is appropriate as the existing text already allows for flexibility to eliminate the 100-foot setback for a Social Hall if the abutting property is a public park and used as a golf course. In this situation the amendment is justified as it reduces the required setback between two nonresidential uses. This proposed change would add this provision only when the abutting residential zoning district is used as a golf course, whether it is public or private. This amendment will not change or eliminate the 100-foot setback for residential zoning that is not used as a golf course. The 100-foot setback was put in place as an effort to reduce the adverse impact of noise a Social Hall may create during events when in close proximity to residential dwelling units. This proposed amendment is supported as a Social Hall is not expected to have an adverse on a golf course whether it is zoned as a public park or a private golf course zoned residential, as a golf course is operating as an outdoor athletic facility and often serves alcohol on site.
4. The proposed text amendment aligns with the Comprehensive Plan by modifying an existing provision that will allow additional flexibility with development while continuing to maintain a required setback from a Social Hall use to residential dwellings.

Prepared by Ben Callahan, Planner  
(402) 441-6360 or [bcallahan@lincoln.ne.gov](mailto:bcallahan@lincoln.ne.gov)

Date: April 20, 2023

Applicant/  
Contact Clark & Enersen  
Tim Gergen  
1010 Lincoln Mall, Ste 200  
Lincoln, NE 68508  
[tim.gergen@clarkenersen.com](mailto:tim.gergen@clarkenersen.com)

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/TX/23000/TX23007 Social Hall Setback.bmc.docx>

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE amending Lincoln Municipal Code Section 27.62.120 Commercial  
2 Recreation and Entertainment Facilities Use Group to remove the required setback for a social hall  
3 when it is located next to a golf course or hiker biker trail in a residential district; and repealing  
4 Section 27.62.120 as hitherto existing.

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

6 Section 1. That Section 27.62.120 of the Lincoln Municipal Code be amended to read  
7 as follows:

8 **27.62.120 Commercial Recreation and Entertainment Facilities Use Group.**

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

12 a. Social halls are allowed in the B-1, B-2, B-3, B-5, H-2, H-3, and H-4 under the following  
13 conditions:

14 1. There shall be no amplified sound or noise source of any kind outside of the social hall;  
15 2. Except as provided in (ii) and (iii) below, any exterior door opening must meet the  
16 following conditions:

17 i. Either be located at least 100 feet (as measured by the shortest, most direct  
18 distance) from a day care facility, place of religious assembly, state mental health  
19 institution, park, and residential district (excluding golf courses and hiker/biker  
20 trails), ~~or a residential district~~; provided that, if there is an intervening exterior wall  
21 of the building containing the social hall between the exterior door opening and

1 such day care facility, place of religious assembly, state mental health institution,  
2 park, and residential district (excluding golf courses and hiker/biker trails), then  
3 the 100 feet shall be measured from the exterior door opening, along the exterior  
4 base of the building wall(s) to the point where there is no intervening exterior  
5 building wall, and from that point the shortest, most direct distance to the day care  
6 facility, place of religious assembly, state mental health institution, park, and  
7 residential district (excluding golf courses and hiker/biker trails), ~~or residential~~  
8 ~~district.~~

9 ii. If the exterior door opening is less than 100 feet from a residential district  
10 (excluding golf courses and hiker/biker trails), it must face the opposite direction  
11 from that district.

12 iii. If the exterior door opening faces a residential district (excluding golf courses and  
13 hiker/biker trails), then such opening shall be at least 150 feet from the residential  
14 district as measured by the shortest, most direct perpendicular distance. The  
15 exterior door shall not be kept or propped open during the hours of operation.

16 For purposes of this section, “exterior door opening” shall mean (a) that portion of the  
17 exterior wall face of the building containing the social hall that contains a break to  
18 accommodate the exterior building door, door frame, door vestibule, or door entryway  
19 area; and (b) provides access to the social hall. “Exterior door opening” shall not apply  
20 to openings for emergency exit doors required by building or safety codes or loading  
21 doors or unloading doors that are not available for access in the ordinary course of  
22 business.

1 b. Any use which has received an Amusement License from the Lancaster County Board. Said  
2 conditional use is permitted on a premises for no more than one event per calendar year,  
3 except for a place of religious assembly.

4 Section 2. That Section 27.62.120 of the Lincoln Municipal Code as hitherto existing  
5 be and the same is hereby repealed.

6 Section 3. This ordinance shall be published, within fifteen days after the passage  
7 hereof, in one issue of a daily or weekly newspaper of general circulation in the City, or posted on  
8 the official bulletin board of the City, located on the wall across from the City Clerk's office at  
9 555 S. 10<sup>th</sup> Street, in lieu and in place of the foregoing newspaper publication with notice of  
10 passage and such posting to be given by publication one time in the official newspaper by the City  
11 Clerk. This ordinance shall take effect and be in force from and after its passage and publication  
12 or after its posting and notice of such posting given by publication as herein and in the City Charter  
13 provided.

Introduced by:  
  
\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this ___ day of _____, 2023:  _____ Mayor
---

April 5, 2023

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

RE: City of Lincoln Text Amendment, Zoning Ordinance  
Chapter 27.62.120 Commercial Recreation and Entertainment Facilities Use Group,  
Social Halls

Dear Mr. Cary:

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

1. Application
2. Application fee \$440
3. Text Amendment requested revisions

Please find a formal request to amend the City of Lincoln Zoning Ordinance, Chapter 27.62.120(a) Commercial Recreation and Entertainment Facilities Use Group; Social Halls to modify the zoning ordinance text to remove the setback distance for a social hall from a golf course and/or hiker/biker trail use.

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

Sincerely,



Tim Gergen

**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

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

APPLICATION NUMBER Change of Zone #08041E Pine Woods Planned Unit Development	FINAL ACTION? No	DEVELOPER/OWNER Mike Marsh
PLANNING COMMISSION HEARING DATE May 3, 2023	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 7111 South 70 <sup>th</sup> Street

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for an amendment to the existing Pine Woods Planned Unit Development (PUD) to revise the use and sign regulations. The changes only affect the two commercial lots east of South 69<sup>th</sup> Street and north of Weigel Drive.

The first part amends the allowed uses to include Personal Services. The second part amends the sign regulations to allow signs per the B-2 zoning district. Because this request allows uses and signs not currently permitted in the underlying zoning and PUD, it cannot be approved administratively and requires the consideration of the Planning Commission and City Council.

**JUSTIFICATION FOR RECOMMENDATION**

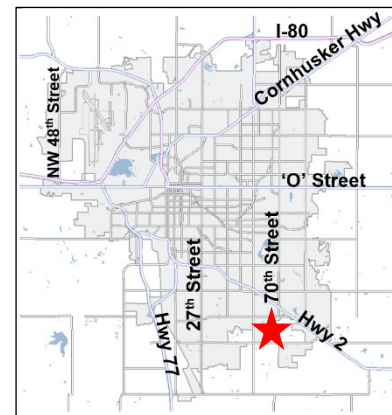
The use restrictions applied to this PUD were the result of access limitations to the site. However, the proposed changes do little to increase the intensity of development in this small commercial area.

The net effect of the sign amendment is to allow additional signs, but consistent with those typically found in similar commercial areas. Amending the allowed uses to include Personal Services will not significantly increase traffic generation compared to the other allowed uses.

These changes do not significantly alter the original concept of this PUD.

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The proposed changes allow development to occur more consistent with similar commercial centers without significantly increasing the traffic to the development. Subject to the recommended conditions of approval, this request is consistent with the goals of the Comprehensive Plan.



**APPLICATION CONTACT**

Tim Gergen, 402-477-9291 or  
tim.gergen@clarkenersen.com

**STAFF CONTACT**

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

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - The portion of the site subject to the proposed amendments site is designated for commercial land uses on the 2040 Lincoln Area Future Land Use Plan.

P. 1.2 - Quality of Life Assets:

- The community continues its commitment to strong, diverse neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies.
- An important relationship exists between the urban, rural, and natural landscapes. Urban and rural development maximize the use of land in order to preserve agriculture and natural resources.
- LPlan 2040 is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's new and established neighborhoods.

P. 2.8 - Guiding Principles for Community Form: The Urban Environment

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

P. 7.9 - Strategies for Redevelopment in Existing Neighborhoods

- Promote the preservation, maintenance and renovation of existing housing and neighborhoods throughout the city, with special emphasis on low and moderate income neighborhoods.
- Maintain and enhance infrastructure and services in existing neighborhoods.
- 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.

## ANALYSIS

1. This is a request to modify the use and sign regulations for a portion of the Pine Woods PUD. It affects the two lots nearest the intersection of Pine Lake Road and South 70<sup>th</sup> Street. It does not change the sign or use regulations for any other lots within the PUD.
2. Lot 1 and 2, Block 1 are allowed 29,780 sq. ft. of commercial floor area limited to office, medical office, retail and a small drive-through coffee shop. Uses specifically prohibited are convenience store/gas station, fast-food restaurant with a drive-through facility, and bank with a drive-through facility.
3. The use restrictions stem from the limited access to the development. When the PUD was originally approved Pine Lake Road was a two-lane paved street and had not yet been improved. South 70<sup>th</sup> Street was as it is today. After improvement, there is still no median beak in Pine Lake and this site only has right-in, right-out access.

Access to South 70<sup>th</sup> Street is via a temporary driveway that is scheduled to be removed when adjacent properties redevelop and the permanent intersection can be built in line with Revere Lane. In the interim, temporary turn lanes must be constructed in South 70<sup>th</sup> Street to support this development. Even then there is concern about turning movements into this site from an unimproved arterial street given the grade in South 70<sup>th</sup> Street at the location of temporary access point.

For this reason the intensity of the development with respect to traffic generation was intentionally limited until such time as the adjacent street network has been fully improved.

4. This request seeks to allow personal services among those uses allowed on Lots 1 and 2, Block 1. According to Title 27 Zoning Ordinance, Personal Services includes: 'Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. Such services may include but are not limited to: beauty shops, barbershops, shoe repair, funeral services, nail salons, health clubs, domestic services, dry cleaning drop off stations including cleaning and pressing and diaper services.'

5. None of the allowed uses under Personal Services are currently prohibited by the PUD, and none are considered to be significant traffic generators. Including Personal Services as allowed uses on Lots 1 and 2, Block 1 should have no significant negative impact upon the traffic generated by this commercial area.
6. The second part of this request is to increase the amount/number of signs allowed with this commercial area. The current limitations on signs are more a function of the use limitations imposed with the initial PUD approval. Current allowed uses were those more consistent with the R-T and O-3 zoning districts, and it follows that the signs allowed are too.

Currently, the PUD limits wall signs to 50 sq. ft. in area, as opposed to the B-2 which allows up to 500 sq. ft. provided that the area does not exceed 30% of the architectural elevation. Several surrounding commercial properties have developed, and this small center has the characteristics to offer uses not offered in the area and to function more like a B-2-zoned center. It is appropriate that the sign regulations keep pace and that the PUD be amended to allow signs as per the B-2 district for Lots 1 and 2, Block 1.

7. These changes do not significantly alter the character of the development but enhance the flexibility for providing services to the area, all without negatively impacting surrounding properties or the traffic network. These changes are consistent with the intent of the original PUD and maintain compatibility with surrounding land uses. Subject to the recommended conditions of approval, this request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Commercial                      R-3 PUD

**SURROUNDING LAND USE & ZONING**

North: Residential, Commercial	H-4, R-1
South: Residential	AGR
East: Residential	AGR
West: Club (Campus Life)	AGR

**APPLICATION HISTORY**

- Jul 2005** - CZ#08041 for the Pine Woods Planned Unit Development was approved for up to 53,000 square feet of commercial floor area and up to 11 dwelling units was approved.
- Oct 2018** - CZ#08041A for the Pine Woods Planned Unit Development was expanded by 3 acres to allow an additional 5,500 square feet of commercial floor area.
- Jan 2019** - CZ#08041B for the Pine Woods Planned Unit Development was expanded by 16.63 acres to include an additional dwelling, the LFR/LPD joint Fire/Police Station, and 12,500 square feet of commercial floor area.
- Jul 2021** - CZ#08041C for the Pine Woods Planned Unit Development was amended increasing the number of dwelling units to 19 and decreasing the commercial floor area by 21,335 square feet.
- Pending** - CZ#08041D for the Pine Woods Planned Unit Development is a request to expand the PUD to include the Campus Life club site. The applicant is still working with City staff to get the application ready for Planning Commission consideration but it has not been forwarded yet.

**LEGAL DESCRIPTION:** See attached legal description.

Prepared by:

Brian Will  
402-441-6362  
bwill@lincoln.ne.gov  
April 20, 2023

Applicant/  
Contact:

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

Owner:

Mike Marsh  
Realty Trust  
2300 South 48<sup>th</sup> Street, Suite 1  
Lincoln, NE 68506  
Mike.realtytrustgroup@gmail.com

## CONDITIONS OF APPROVAL - CHANGE OF ZONE #08041E

This approval revises the Pine Garden PUD and allows signs as per the B-2 zoning district and Personal Services for Lot 1, Block 1, Pine Woods Addition, and Lot 1, Pine Woods 1<sup>st</sup> Addition.

### Site Specific Conditions:

1. Before commencing any commercial use the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council.
  - 1.1 Re-title the 'Pine Woods Planned Unit Development Plan General Notes' document to 'Pine Woods PUD Development Plan'.
  - 1.2 Combine notes 4 and 5 of the Development Plan to read as follows: A maximum of 49,655 square feet of commercial floor area is allowed broken down as follows: 29,780 s.f. of office/medical/commercial/personal services/retail/coffee shop (Lots 1 and 2, Block 1); 5,500 s.f. of motorized vehicle service/repair (Lot 10, Block 2); 14,375 s.f. of contractor services Lot 13, Block 2). PUD also includes a LFR/LPD substation, 16 s/f attached dwelling units, and 3 s/f detached dwelling units. Breakout of uses for all lots is shown on the Land Use Table on the site plan Sheet 1 of 7. Except as allowed by the PUD, convenience store/gas station, fast-food restaurant with a drive-through facility and bank with a drive-through facility are not allowed.
  - 1.3 Delete Waiver Note 1 from the waiver table on the site plan Sheet 1 of 7, then move waiver notes 2-4 and to the Development Plan, and then add a note to the Waiver Table which states: See associated PUD Development Plan.
  - 1.4 Move General Notes 16 and 18 from the site plan and add as notes to the Development Plan.
  - 1.5 Combine Note 8 from the Development Plan and Note 18 from the site plan to read as follows and add to the Development Plan: Signs shall comply with Chapter 27.69 of Lincoln Municipal Code except as otherwise adjusted by this PUD. Signs and locations are not required to be shown on the plan. The signs for Lots 1 and 2, Block 2 shall be those allowed for the B-2 zoning district per LMC 27.69.
  - 1.6 Revise and update the legal description on the site plan.

### Standard Conditions:

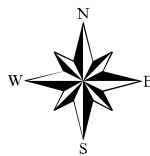
2. The following conditions are applicable to all requests:
  - 2.1 Before building permits all development and construction shall substantially comply with the approved plans.
  - 2.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established owners 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.



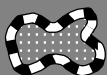


**Change of Zone #: CZ08041E**  
**Pine Woods PUD**  
**S 70th St & Pine Lake Rd**

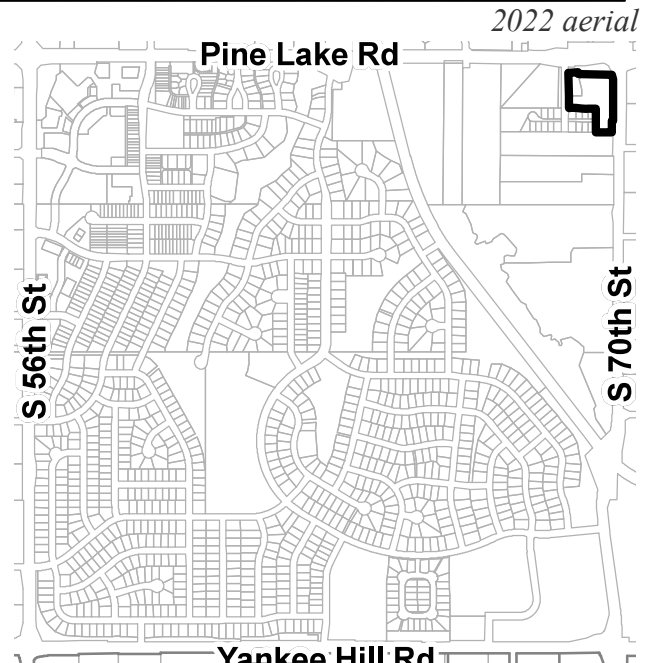


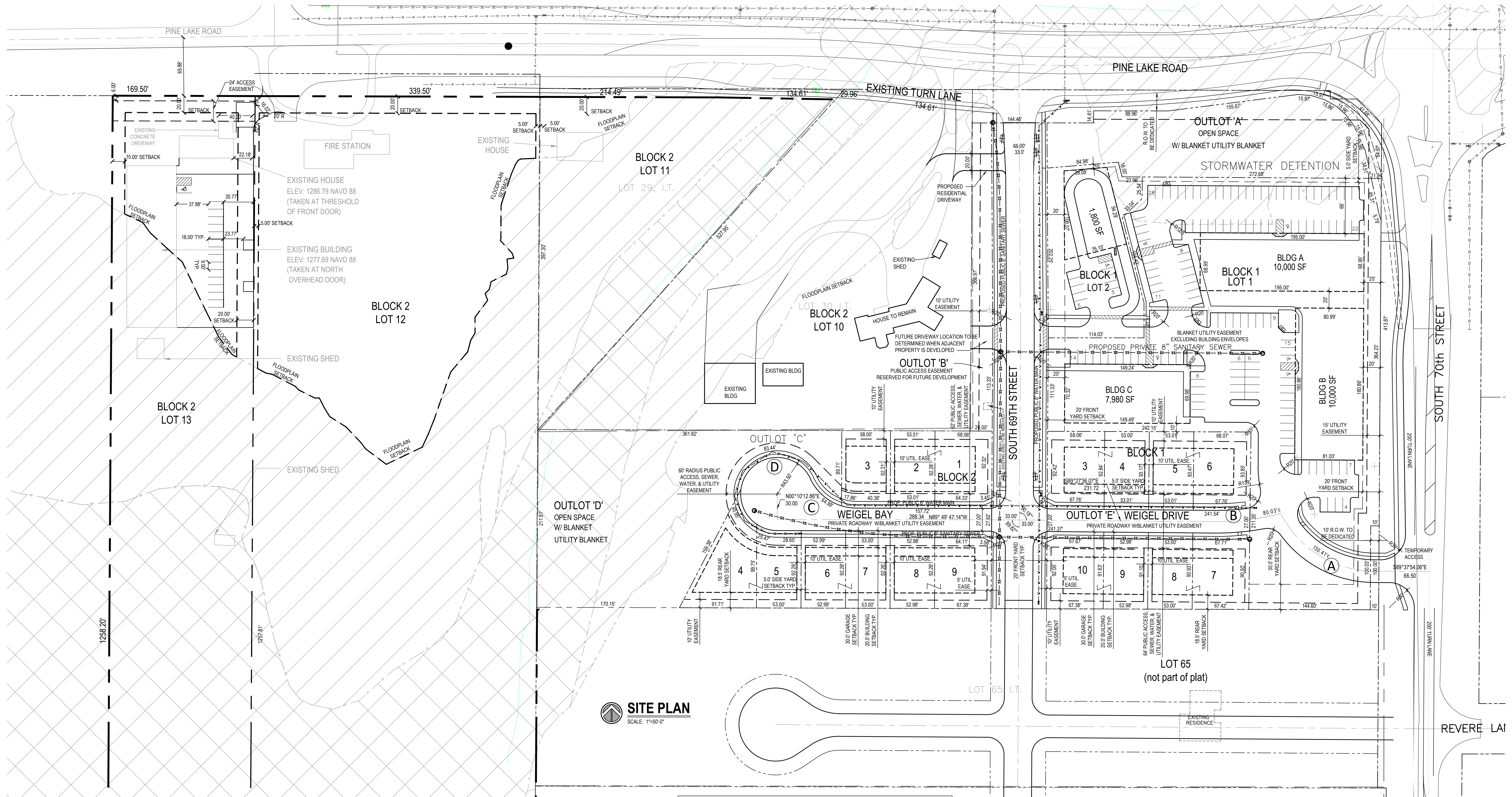
**One Square Mile:**  
**Sec.21 T09N R07E**

**Zoning:**

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

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction
27	





### SITE PLAN

SCALE: 1"=50'-0"

### LEGEND

- EXISTING PROPERTY LINE
- PROPOSED PROPERTY LINE
- FLOODWAY
- FLOODPLAIN

### SHEET LEGEND

1. SITE PLAN
2. LANDSCAPE PLAN
3. UTILITY PLAN
4. PRELIMINARY GRADING/DRAINAGE
5. FUTURE GRADING/DRAINAGE
6. STREET PROFILES
7. STREET PROFILES

### LEGAL DESCRIPTION

A SURVEY OF LOTS 18, 19, 66, 108, 109 AND 110 IRREGULAR TRACTS, LOCATED IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LANCASTER COUNTY, NEBRASKA, CONTAINING A CALCULATED AREA OF 28.76 ACRES

### WAIVERS

1. ALLOW A 50 SF WALL SIGN, LINCOLN MUNICIPAL CODE 27.69.34(6)
2. LOT AREA PER FAMILY FOR TWO-FAMILY DWELLING FROM 5,000 SQUARE FEET TO 4,300 SQUARE FEET
3. SANITARY SEWER RUNNING OPPOSITE STREET GRADE IN WEIGEL BAY
4. STORMWATER DETENTION FOR LOT 13, BLOCK 2 DUE TO PROXIMITY OF FLOODPLAIN

**OWNER/DEVELOPER**  
 REALTY TRUST GROUP, INC.  
 2300 SOUTH 48TH STREET  
 LINCOLN, NE 68506  
 (402) 484-8484

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

LAND AREA TABLE - COMMERCIAL					
STRUCTURE	FLOOR AREA	USE	PARKING FORMULA	REQUIRED PARKING	HEIGHT
BLDG A	10,000	OFFICE/RETAIL/PERSONAL SERVICES	1 STALL/300 SF	34	35 FT.
BLDG B	10,000	OFFICE/MEDICAL/PERSONAL SERVICES	1 STALL/300 SF	34	35 FT.
BLDG C	7,980	OFFICE/MEDICAL/PERSONAL SERVICES	1 STALL/300 SF	27	35 FT.
-	5,500	AUTO REPAIR WITH EXISTING RESIDENCE	N/A	10	35 FT.
-	14,375 SF	CONTRACTOR SERVICES W/ EXISTING RESIDENCE	1 STALL/1,000 SF	15	35 FT.
-	1,800	DRIVE-THRU RESTAURANT	1 STALL/100 SF	18	35 FT.

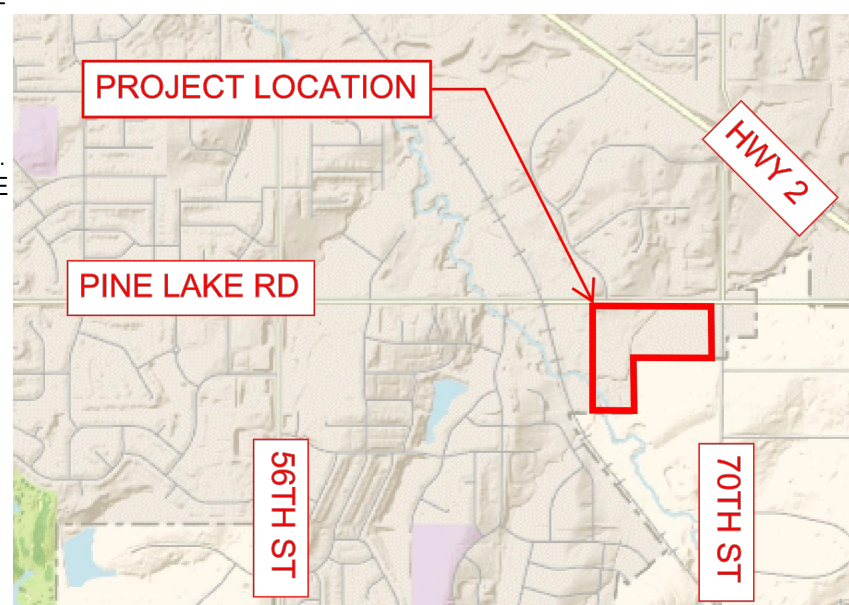
LAND USE TABLE - RESIDENTIAL				
# OF UNITS	USE	REQUIRED PARKING	PROVIDED PARKING	HEIGHT
16	SINGLE FAMILY ATTACHED	32	32	35 FT.
3	SINGLE FAMILY	6	6	35 FT.

LOT AREA TABLE		
BLOCK	LOT	AREA (S.F.)
1	1	134,788.84
2	2	20,502.79
3	3	6,290.90
4	4	4,919.97
5	5	4,937.98
6	6	6,360.81
7	7	6,126.24
8	8	4,824.96
9	9	4,841.87
10	10	6,222.98

LOT AREA TABLE		
BLOCK	LOT	AREA (S.F.)
2	1	6,265.39
2	2	4,891.43
3	3	5,340.50
4	4	7,227.65
5	5	4,946.99
6	6	4,887.05
7	7	4,886.80
8	8	4,885.74
9	9	6,229.97
10	10	131,986.80
11	11	70,045.00
12	12	436,033.00
13	13	217,741.00
OUTLOT A		32,892.39
OUTLOT B		6,122.74
OUTLOT C		12,492.85
OUTLOT D		52,452.02
OUTLOT E		6,619.27

### CURVE DATA

- A** R = 125.00'  
 T = 76.42'  
 Δ = 62°53'00"  
 L = 137.19'  
 CH = 130.41'  
 CH BRG. = S 58°11'23"E
- B** R = 300.00'  
 T = 40.38'  
 Δ = 6°19'51"  
 L = 80.27'  
 CH = 80.03'  
 CH BRG. = S 82°52'28"W
- C** R = 60.50'  
 T = 38.52'  
 Δ = 64°37'50"  
 L = 68.67'  
 CH = 64.89'  
 CH BRG. = S 57°41'05"W
- D** R = 43.50'  
 T = 38.52'  
 Δ = 244°58'16"  
 L = 189.99'  
 CH = 73.39'  
 CH BRG. = N 32°18'55"W



### VICINITY MAP

NOT TO SCALE

### GENERAL NOTES

1. COMMON AND PUBLIC ACCESS EASEMENTS ARE HEREBY GRANTED OVER ALL PRIVATE DRIVES, DRIVING AISLES, PARKING STALLS AND SIDEWALKS SHOWN.
2. ALL EXTERIOR LIGHTING SHALL COMPLY TO THE DESIGN STANDARDS AS ADOPTED BY THE CITY OF LINCOLN. PRIVATE ROADWAYS SHALL BE SURFACED WITH 6 INCHES OF PORTLAND CEMENT OR 5 INCHES OF PORTLAND CEMENT AND 2-1/2 INCHES OF ASPHALTIC CONCRETE SURFACE OR 6 INCHES OF ASPHALTIC CONCRETE. ALL PRIVATE ROADWAYS SHALL HAVE A 5 INCH CROWN AND A 3 INCH ROLL-OVER CURB. ALL PRIVATE ROADWAYS/DRIVEWAYS SHALL BE 27 FEET WIDE UNLESS OTHERWISE NOTED.
3. SIDEWALKS ALONG PRIVATE ROADWAYS SHALL BE A MINIMUM OF 4 FEET IN WIDTH AND LOCATED A MINIMUM OF 4 FEET FROM THE BACK SIDE IF THE CURB. SIDEWALKS SHALL BE A MINIMUM OF 4 INCH THICK AT DRIVEWAY CROSSINGS. SIDEWALKS IN THE COMMERCIAL AREA TO OTHERWISE BE PROVIDED IN COMPLIANCE WITH CHAPTER 3.105 OF THE DESIGN STANDARDS.
4. ALL PARKING AREAS SHALL BE SURFACED WITH A MINIMUM OF 5 INCHES OF CLASS 'A' PORTLAND CEMENT OR 6 INCHES OF ASPHALTIC CONCRETE. A 6 INCH RAISED CURB BARRIER SHALL BE PROVIDED AT THE PERIMETER.
5. THIS PLANNED UNIT DEVELOPMENT CONTAINS 16 SINGLE-FAMILY ATTACHED LOTS, 3 SINGLE FAMILY LOTS, 1 PUBLIC LOT AND 3 COMMERCIAL LOTS. THE TOTAL NUMBER OF LOTS ARE 23 AND 5 OUTLOTS.
6. ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
7. PRIVATE ROADWAYS/DRIVEWAYS, IMPROVEMENTS AND MEDIANS SHALL BE MAINTAINED BY THE OWNERS ASSOCIATION.
8. OUTLOTS 'A' AND 'B' SHALL BE OWNED AND MAINTAINED COLLECTIVELY BY THE OWNER/OWNERS OF LOT 1, BLOCK 1. OUTLOTS 'C', 'D', AND 'E' SHALL BE MAINTAINED BY THE OWNER/OWNERS OF LOTS 3 THROUGH 10, BLOCK 1 AND LOTS 1 THROUGH 9, BLOCK 2.
9. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION AND TO SUBMIT A SEEDING AND MAINTENANCE SCHEDULE BEFORE SITE GRADING IS DONE. THE DEVELOPER WILL BE RESPONSIBLE FOR CONTROLLING OFF-SITE DUST EMISSIONS IN ACCORDANCE WITH LINCOLN-LANCASTER COUNTY AIR POLLUTION REGULATIONS AND STANDARDS ARTICLE 2, SECTION 3-2.
10. STREET TREE PLAN SHALL BE SUBMITTED AT THE TIME OF FINAL PLAN, AND INDIVIDUAL LANDSCAPE PLANS TO BE SUBMITTED AT THE TIME OF BUILDING PERMIT. ALL IN COMPLIANCE WITH LINCOLN MUNICIPAL CODE AND DESIGN STANDARDS. LANDSCAPING AND SCREENING IN THE COMMERCIAL AREA TO BE PROVIDED CONSISTENT WITH THE REQUIREMENTS FOR THE B-2 ZONING DISTRICT. LOT 13, BLOCK 2 REQUIRED LANDSCAPING AND SCREENING IS DETAILED ON NOTE 14.
11. STRUCTURES LOCATED ON LOTS 4 AND 5, BLOCK 2 SHALL HAVE NO BASEMENTS OR SHALL HAVE BASEMENTS WITH PUMP EJECTORS FOR THE SANITARY SEWER SERVICE.
12. STORMWATER QUALITY REQUIREMENTS SHALL BE MET FOR ALL LAND DISTURBANCES OVER ONE ACRE.
13. THE PARKING LOT FOR BLOCK 2, LOT 13 SHALL BE SCREENED ALONG THE EAST EDGE PER SECTION 7.1 OF CHAPTER 3.50 OF THE DESIGN STANDARDS WITH TWO SHADE TREES ALONG THE EAST PERIMETER OF THE PARKING LOT. THE WEST PROPERTY LINE OF BLOCK 2, LOT 13 SHALL HAVE THE NORTH 300' OF THE PROPERTY PLANTED WITH 10 NEW EVERGREEN OR ORNAMENTAL TREES. AT LEAST 5 AND NO MORE THAN 7 OF THE NEW TREES SHALL BE EVERGREEN.
14. CROSS-PARKING IS ALLOWED OVER LOTS 1 AND 2, BLOCK 1.
15. THE OWNER/ DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES SHOWN ON THIS PLANNED UNIT DEVELOPMENT.
16. BUILDING HEIGHT SHALL NOT EXCEED 35 FEET (R-3).
17. SEE ASSOCIATED TEXT IN THE DEVELOPMENT PLAN FOR ADDITIONAL ZONING ADJUSTMENTS AND REGULATIONS.
18. SIGNAGE SHALL FOLLOW THE B-2 ZONING DISTRICT FOR BLOCK 1, LOTS 1 AND 2.

**Pine Woods PUD Amendment**  
 S. 70th St & Pine Lake Rd  
 Lincoln, Nebraska

CE No.: 261-004-21

March 20, 2023



Site Plan

## PINE WOODS PLANNED UNIT DEVELOPMENT GENERAL NOTES

April 5, 2023

1. Any building outline shown on the PUD Site Plan is illustrative only. Fences, trash enclosures, decorative structures and accessory buildings are not shown. Buildings may be located anywhere on the lot subject to setback limitations.
2. Block 2, Lot 10 is allowed to be an auto repair facility up to 5,500 sf contained in two buildings with up to 3 employees and with an existing residence. The signage for Block 2, Lot 10 will be a single ground sign up to 20 square feet in size and a building signage of 50 square feet on one single building.
3. Block 2, Lot 13 is allowed to be a contractor services use up to 14,375 sf contained in two buildings with an existing residence. The signage for Block 2, Lot 13 will be a single ground sign up to 20 square feet in size and a building signage of 50 square feet on one single building. Parking requirement is adjusted from one space per 300 square feet of floor to one space per 1,000 square feet of floor area for contractor services.
4. This Planned Unit Development allows 27,980 S.F. of office/medical/commercial/retail/**personal services** space, 5,500 S.F. of automotive repair space, 14,375 S.F. of contractor services use, 1,800 S.F. drive-thru coffee shop, fire station, 16 single family attached units, and 3 single family lots.
5. Maximum of 49,655 square feet of commercial floor area allowed. Convenience store/gas station, fast food restaurant with drive-through facility, and bank with drive-through facility are prohibited. Commercial land uses are limited to a maximum of 10,000 square feet of retail and/or medical office and/or office; 10,000 square feet of medical office and/or office; 7,980 square feet of medical office and/or office; 5,500 square feet of automotive repair space; 14,375 square feet of contractor services; and 1,800 square feet of drive-thru coffee shop.
6. Building height shall not exceed 35 feet (R-3).
7. Direct vehicular access to South 70<sup>th</sup> Street is hereby relinquished except as shown. The temporary driveway onto South 70<sup>th</sup> Street shall be a right-in/right-out access at such time as South 70<sup>th</sup> Street is improved and the extension of South 69<sup>th</sup> Street to Revere Lane has not been completed. The temporary driveway onto South 70<sup>th</sup> Street to be removed at such time as South 69<sup>th</sup> Street is extended to the south of this property and the intersection of South 70<sup>th</sup> Street and Revere Lane is constructed. Direct vehicular access to Pine Lake Road is hereby relinquished except as shown. At such time as the access is combined, Lot 10, Block 2 will be re-addressed.
8. All Signage shall comply with Chapter **27.69.340** of the Lincoln Municipal Code and this Planned Unit Development. **Signage shall follow the B-2 zoning district for Block 1, Lots 1 and 2.** Signs and sign locations are not required to be shown on this plan.
9. Lots 3 through 10, block 1 and lots 1 through 9, block 2 shall have a setback of 30' from the front property line to the front of the garages (not to be less than 22' from the sidewalk to the front of the garage) and a 20' setback from the front property line to the building.

10. Buildings B & C located on Block 1, Lot 1 shall comply with R-T District height and 'R-T' residential transition building requirements regarding pitched roof, nonreflective exterior siding and roof materials and prohibition on air conditioners on the roof.
11. The residential driveway onto Pine Lake Road located on Lot 10, Block 2 must be eliminated when South 69<sup>th</sup> Street is built.
12. Contractor services and motorized vehicle service and repair permitted on Lot 10, Block 2.
13. No outdoor storage allowed, except for cars waiting for customer servicing on Lot 10, Block 2.
14. No future development within the floodway or floodplain on Lots 10, 11, and 13, Block 2.
15. One 50 S.F. in area wall sign is allowed on Lot 10 and Lot 13, Block 2. The allowed freestanding sign may be located up to halfway into the front yard setback.
16. The owners of Lot 10, Block 2 agrees to install the sidewalk and street trees along the west side of South 69<sup>th</sup> Street where the street is adjacent to Lot 10. Owner further agrees to install the remaining trees and sidewalks along the west side of South 69<sup>th</sup> Street adjacent to Outlot B if Owner purchases Outlot B.
17. Owner of Lot 10, Block 2 agrees to relocate the driveway to South 69<sup>th</sup> Street after its construction and remove the old driveway access to Pine Lake Road.
18. Owners of Lots 10 and 13 agree to plant street trees along Pine Lake Road per design standards.
19. Access easement on Lot 13, Block 2 shall be effective only upon the earlier of the following to occur:
  - a. Owner of Lot 13, Block 2 changes the use of the house or removes the house to convert that portion of the property to commercial use and the owner of the lot west of Lot 13, Block 2 paves a driveway within the access easement and assumes all maintenance responsibility for the driveway in perpetuity; or
  - b. The lot adjacent to the west of Lot 13, Block 2 is included in the PUD and converted to a commercial use, and the owner agrees to pave the access easement and be responsible for its maintenance in perpetuity.
20. The adjacent lot to the west is allowed to build a 24' wide driveway in access easement on Lot 13, Block 2 for the purpose of shared access and use of the median opening in Pine Lake Road.

March 20, 2023

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

RE: Pine Woods PUD Amendment, CZ #08041C

Dear Mr. Cary:

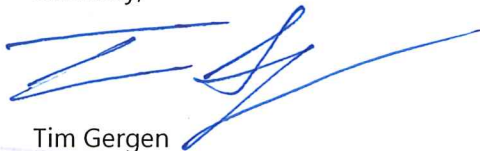
Enclosed please find the following for the above-mentioned project:

1. Application
2. Application fee \$1056
3. Site plan (sheet 1 of 7)
4. PUD Notes

On behalf of the Owner/Developer, Mike Marsh of Realty Trust Group, 2300 South 48<sup>th</sup> Street, suite 1, Lincoln, NE 68506, we are submitting an application for an amendment to the Pine Woods Planned Unit Development CZ #08041C located at the southwest corner of the intersection of S. 70<sup>th</sup> Street and Pine Lake Road. We are seeking to amend the sign regulations to allow signs in the commercial area to be consistent with the B-2 zoning district. In addition, the amendment is to allow Personal Services as an allowed Use for Buildings A, B and C and to remove the restriction of a drive-thru bank facility for Buildings A, B and C. The banking system has changed over the last few years with electronic banking. The vehicular traffic generated by banks is not what it used to be when the PUD was originally created. Thus the reason to seek the removal of the prohibition of drive thru banks as an allowed Use in the PUD.

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

Sincerely,



Tim Gergen

**PUD LEGAL DESCRIPTION**

LOTS 1 THRU 9, BLOCK 1; LOTS 1 THRU 9, BLOCK 2; OUTLOTS A, B, C, D, E PINE WOODS ADDITION AND LOT 1 PINE WOODS 1<sup>ST</sup> ADDITION TOGETHER WITH LOTS 18, 108, 109 AND 113 IRREGULAR TRACTS, ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 9 NORTH, RANGE 7 EAST, OF THE SIXTH PRINCIPAL MERIDIAN, LANCASTER COUNTY, NEBRASKA CONTAINING A CALCULATED AREA OF 28.76 ACRES

**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

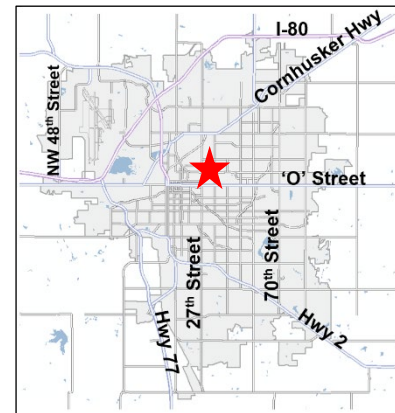
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Change of Zone #23022	FINAL ACTION? No	DEVELOPER/OWNER Christ United Methodist Church
PLANNING COMMISSION HEARING DATE May 3, 2022	RELATED APPLICATIONS SP23018	PROPERTY ADDRESS/LOCATION 1333 N. 33 <sup>rd</sup> Street

**RECOMMENDATION: CONDITIONAL APPROVAL SUBJECT TO PRESERVATION GUIDELINES**

**BRIEF SUMMARY OF REQUEST**

This is a request for a change of zone from R-6 Residential to R-6 Residential with landmark overlay. Landmark designation provides oversight to changes to historic properties. The First Evangelical Church is significant for its association with the evolution and growth of religious institutions in Lincoln. It was built in 1936 following the merger of two evangelical congregations, absorbed another congregation early on, and continued to evolve and expand into the 1970s with its final congregation merger. The building is also a significant representation of the church architecture by prominent Lincoln architect J.R. Smith.



**JUSTIFICATION FOR RECOMMENDATION**

Landmark designation provides additional protection and supports continued maintenance of the property, consistent with LMC27.57 (Historic Preservation District). In addition, the designation would enable the use of the Historic Preservation Special Permit to allow flexibility in the reuse of this unique structure.

**APPLICATION CONTACT**

Karen Lamb, 402-540-8532 or [lulusonnst@gmail.com](mailto:lulusonnst@gmail.com)

**STAFF CONTACT**

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

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The Comprehensive Plan recommends designation of a wide range of the community's historic places and utilization of incentives to encourage their preservation.

**WAIVERS**

None.

## 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.

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

### **Fundamentals of Growth in Lancaster County: The Urban Environment**

Historic preservation. Preservation and renewal of historic buildings, districts, and landscapes is encouraged. Development and redevelopment should respect historical patterns, precedents, and boundaries in towns, cities and existing neighborhoods.

### 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.

G3: High-Quality Workforce. Lincoln and Lancaster County will strive to remove barriers to economic stability and mobility in the community by supporting a skilled and educated workforce that is able to adapt to economic, technological, and cultural changes. A high-quality workforce benefits the entire community because it attracts quality employers and entrepreneurs, which helps to grow our population and tax base and facilitates quality of life investments across a variety of sectors, and it ensures that Lincoln and Lancaster County are well-positioned to compete in tomorrow's economy.

G12: History and Culture. The community's history and culture is discussed more in the Introduction section, and is reflected through historic buildings and sites throughout the county. These resources add to the desirable quality of life for current residents and should be protected for future generations. PlanForward encourages the continued use and maintenance of historic and cultural resources, including properties not formally designated as landmarks.

### 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:
11. Encourage historic preservation and the rehabilitation and maintenance of buildings.

### 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.
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.
9. Implement elements of Complete Neighborhoods for existing neighborhoods.
11. Encourage public and private investment in neighborhood infrastructure and services to support economic diversity that improves the quality of life for all residents.

P37: Historic Preservation - The community's distinctive character and desirable quality of life should be supported by exercising stewardship of historic resources throughout the County.

#### Action Steps

2. Lincoln and Lancaster County should work in partnership with state and federal historic preservation programs, but local landmark protections are usually the most effective and appropriate.
4. City and county governmental policies should provide for the protection and enhancement of historic resources.
6. Designate landmarks and districts through the local preservation ordinance and the National Register of Historic Places.
7. Seek incentives and regulatory support to maintain, rehabilitate, and minimize energy utilization of existing buildings in order to make it more feasible to rehabilitate and continue to use older buildings. Implement a public policy of the careful stewardship of significant, publicly owned historic resources, including a full and open examination of alternatives when major alterations or demolition are considered.
14. Encourage the continued use and maintenance of historic resources, including properties not formally designated as landmarks.

#### ANALYSIS

1. This is a request for designation as a Lincoln landmark of the First Evangelical Church at 1333 N. 33rd Street.
2. The First Evangelical Church is a two and a half story L-shaped brick structure located at the southwest corner of North 33rd and Starr Streets. The unique style is reminiscent of the Tudor style with the board and batten siding in all the eaves and steep pitched rooflines. Roofing is a diamond pattern rolled asphalt material with modern painted gutters throughout. The site has mature trees and landscaping, with a grass lawn on the north side of the building sloping away to the sidewalk.
3. The original church is the rectangular portion along Starr Street. The north-south wing was added in the 1950s along the west end of the structure. To the west of the building is a surface parking lot for the church. The full building description and history is available in the attached Landmark Application form.
4. The useful life as a church property has come to an end, with the non-profit Connection Point operating within the building providing much needed neighborhood support services to the surrounding neighborhoods.
5. The proposed preservation guidelines are based on the Secretary of the Interior's Standards and Guidelines for Historic Rehabilitation and are typical of the guidelines for other Lincoln churches.
6. The Historic Preservation Commission unanimously recommended approval of this application for landmark designation on April 20, 2023 (excerpt from meeting record attached).

**CONDITIONS OF APPROVAL:** NA

**EXISTING LAND USE & ZONING:** Neighborhood Support Services/R-6 Residential

**SURROUNDING LAND USE & ZONING**

North: Duplex (R-6 Residential)  
South: Single Family (R-4 Residential)  
East: Duplexes (Public)  
West: Single Family (R-6 Residential)

**APPROXIMATE LAND AREA:** 0.74 acres

**LEGAL DESCRIPTION:** BLYSTONES 3RD ADDITION, BLOCK 2, Lot 1 - 3, & E1/2 LOT 4 EX W10' S12' & N50' LOTS 10 - 12

Prepared by Stephanie Rouse, Planner  
(402) 441-6373 or [srouse@lincoln.ne.gov](mailto:srouse@lincoln.ne.gov)

Date: April 12, 2023

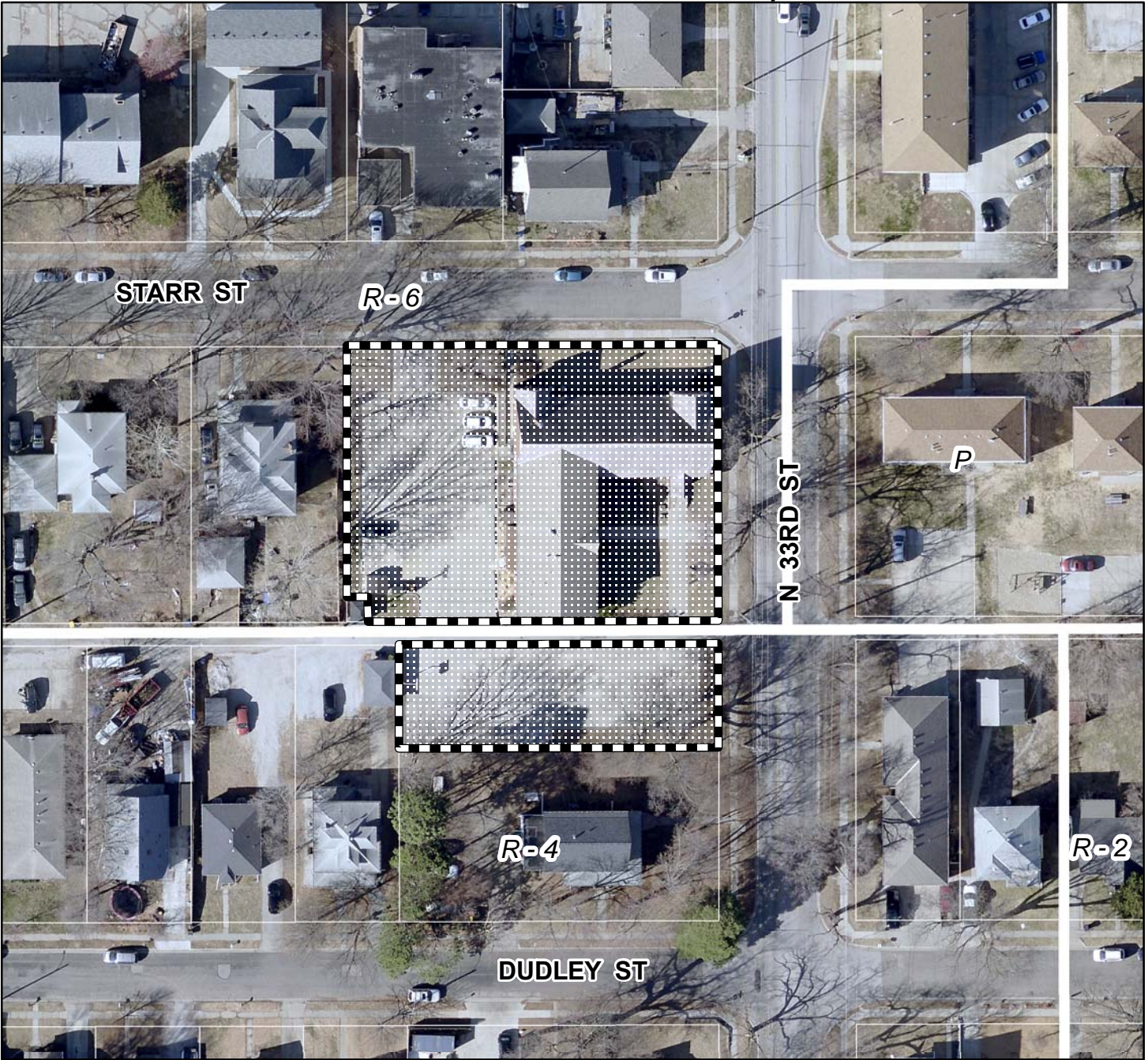
Applicant: Karen Lamb  
402-540-8532  
[lulusonnst@gmail.com](mailto:lulusonnst@gmail.com)

Contact: Same

Owner: Christ United Methodist Church  
402-489-9618

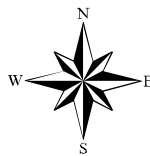
<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CZ/23000/CZ23022 1st Evangelical Historic.slr.docx>

# Attachment A: Location Map



2022 aerial

**Special Permit #: SP23018 &  
Change of Zone #: CZ23022  
N 33rd St & Starr St**



**One Square Mile:  
Sec.19 T10N R07E**

## Zoning:

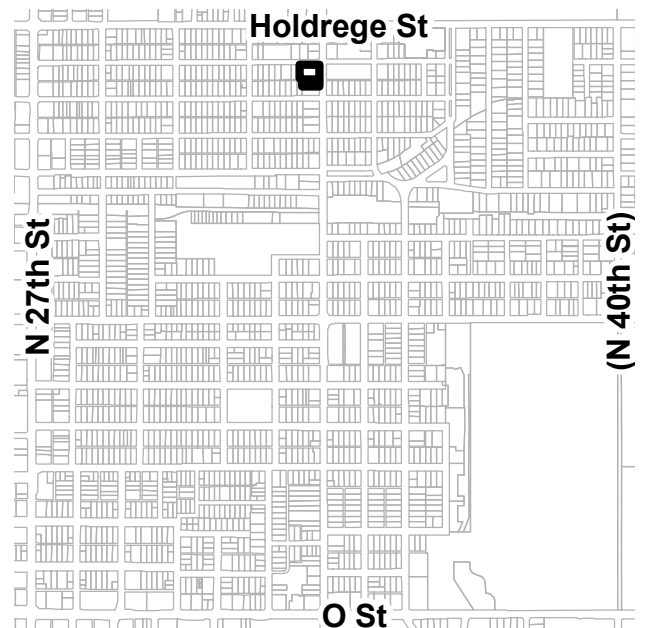
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- P Public Use District

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction

37



# ATTACHMENT B: LANDMARK APPLICATION

## LANDMARK OR LANDMARK DISTRICT NOMINATION

### 1. NAME

Historic: First Evangelical Church  
(and/or) Common: Connection Pointe  
NeHBS Site: LC13:E10-0176

### 2. LOCATION

Address: 1333 North 33<sup>rd</sup> Street

### 3. CLASSIFICATION

<u>Proposed Designation</u>	<u>Category</u>	<u>Present Use</u>		
<input type="checkbox"/> Landmark District	<input type="checkbox"/> District	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Industrial	<input checked="" type="checkbox"/> Religious
<input checked="" type="checkbox"/> Landmark	<input checked="" type="checkbox"/> Building(s)	<input type="checkbox"/> Commercial	<input type="checkbox"/> Military	<input type="checkbox"/> Scientific
	<input type="checkbox"/> Structure	<input type="checkbox"/> Educational	<input type="checkbox"/> Museum	<input type="checkbox"/> Transportation
	<input type="checkbox"/> Site	<input type="checkbox"/> Entertainment	<input type="checkbox"/> Park	<input type="checkbox"/> Other (vacant)
	<input type="checkbox"/> Object	<input type="checkbox"/> Government	<input type="checkbox"/> Private Residence	

### 4. OWNER OF PROPERTY

Name: Christ United Methodist Church  
Address: 4530 A Street, Lincoln, NE 68510

### 5. GEOGRAPHICAL DATA

Legal Description: BLYSTONES 3RD ADDITION, BLOCK 2, Lot 1 - 3, & E1/2 LOT 4 EX W10' S12'  
Property ID Number: 1719107011000  
Number of Acres or Square Feet: 0.54 acres (more or less)

### 6. REPRESENTATION IN EXISTING SURVEYS

Title: **Historic & Architectural Survey of Lincoln, NE**  
Date: **on-going**  State  County  Local  
Depository for Survey Records: **Lincoln/Lancaster County Planning Dept.**  
City: **Lincoln**  
State: **Nebraska**

Is the proposed Landmark or Landmark District listed in the National Register?

Yes, Date Listed:  
 No

### 7. DESCRIPTION AND HISTORY

Condition  
 Excellent  Deteriorated  Unaltered  Original Site  
 Good  Ruins  Altered  Moved, Date:  
 Fair  Unexposed

## 7. DESCRIPTION AND HISTORY, CONT.

### DESCRIPTION:

#### Exterior

The First Evangelical Church is a two and a half story L-shaped brick structure located at the southwest corner of North 33<sup>rd</sup> and Starr Streets. The unique style is reminiscent of the Tudor style with the board and batten siding in all the eaves and steep pitched rooflines. Roofing is a diamond pattern rolled asphalt material with modern painted gutters throughout. The site has mature trees and landscaping, with a grass lawn on the north side of the building sloping away to the sidewalk. The original church is the rectangular portion along Starr Street. The north-south wing was added in the 1950s along the west end of the structure. To the west of the building is a surface parking lot for the church.

#### North Façade

The north façade is symmetrical with five bays and running bond brick pattern. A brick soldier course defines the base of the façade as well as the lentils above the garden level windows which are older style security glass with storm windows. The end bays project several feet and have steep gable roofs projecting north from the east-west main roof. The gable ends feature wood returns and board and batten siding with wood frieze below that continues through the middle three bays under the roofline. The east bay eave has a double hung stained glass wood window. At the garden level of the west bay the window has been enclosed with wood for utility purposes. Both east and west bays have stained glass double hung wood windows at the first floor.

The middle three bays are identical with two security glass double hung wood windows at garden level. On the first floor are three tall rectangular stained-glass windows. The middle is fixed, while the outer windows are double hung. These windows are covered with storm windows. Each bay is separated by brick pilasters, terminating at the wood frieze at an angle. Gutters run the length of the central bay with downspouts coming down at the outer ends of the three middle bays. The only asymmetrical feature of this façade is a brick chimney in the western most bay projecting above the projecting gable roof.



### East Façade

The east façade carries through many of the north façade features including the board and batten siding in the gable end and wood gable returns. Symmetry is strong on this façade with the outer bays comprised of a garden level window matching the north façade, a stained glass double hung wood window on the first floor, and a shorter stained glass double hung wood window on the second floor. The windows on this facade also feature a soldier course lentil with the addition of protruding brick sills. The center bay is outlined with a column of stretcher brick on either side of the windows, arching at the top to form a peak. Within the peak on the second floor is a set of stained glass windows. Wood panels separate the second floor stained glass windows from the first floor stained glass windows which have a similar pattern of two narrow windows flanking a larger central window. There are two garden level window matching the outer bays. At the southern end of the façade are two stone cornerstones on reading “First Evangelical Church 1936” and the other “Salem Evangelical Church 1913.”

The east façade of the addition, also symmetrical, has commercial style windows with two small hopper windows below two large, fixed windows on all three levels with brick sills and no header. Windows on the second floor have a unique mesh screen covering. A central entrance protrudes only the width of a row of bricks and terminates at the middle of the first floor in a peak capped with limestone. Centered above the entrance is a stone cross below a small gable roof projecting above the main roofline with board and batten siding to match the original building features. The gable roof has gutters running the length of the façade above tan trim board with downspouts on either end. While the brick color matches the original building, the pattern is a common bond with grids of header brick between the windows on each level.



### South Façade

The east end of the south façade (the original building) features the original primary entrance which projects several feet with four concrete steps and modern railings. A gable roof with board and batten siding projects over the stoop and is supported by detailed wood brackets on either side of the doors. Hanging from the brackets are lights similar to the original lanterns that were on the building. Stained glass double hung windows are on the east and west sides of the entrance bay with a stained glass transom above the door that once held the church name. Below are the original wood doors with stained glass windows. To the west of the entrance are two bays, each with three stained glass windows on the first floor (mirroring the design of the north façade) and two garden level windows below. The bays are separated by a brick pilaster tapering at the top.

The south façade of the addition is void of any fenestration and has the common bond brick pattern. The gable end has board and batten siding with vents in the eave and gable returns. A modern door with window is centered on the façade with a small gable roof projecting from the façade supported with brackets designed to match the original building entrance.



### West Façade

The west façade of the addition is more varied than the east. The garden level is obscured due to the grade change and therefore void of windows. The ramped entrance enclosed with a fabric vestibule obscures a portion of the first floor facade. The windows vary in placement, size, and configuration with the four lite windows from the east façade on the second floor, in addition to narrow two lite and wider two lite windows on both the first and second floors. The gutter downspouts come down in four locations from the gable roofline. The brick is a common bond pattern with a clear termination where the old and new buildings come together.

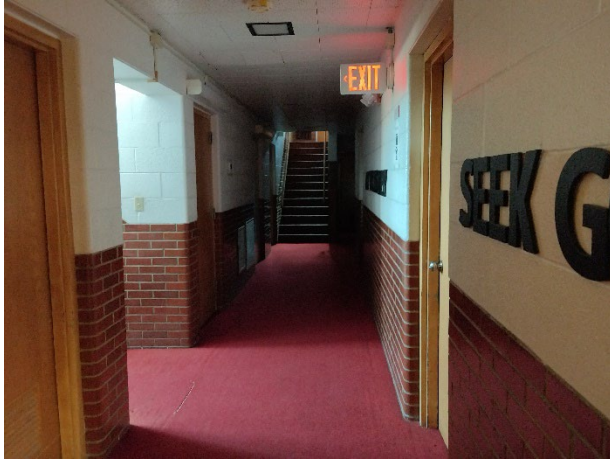
There is a clear set of infill bricks on the old portion of the building continuing the running bond pattern that indicate the former location of the original wing that extended to the south. Additionally, there are two vinyl double hung windows at this location on the first floor. Steps lead down to the garden level of the original building where a modern metal door leads to the basement, along with what was likely an old coal chute and a wood double hung security glass window. One wood double hung window is on the north end of the first floor, with a square window falling between the two levels. A final double hung wood window is located at the south end of the first floor. All windows on the old portion of the building have a soldier course lintel.



## Interior

### Basement

The basement in the original portion of the building has original wood floors, wood paneled doors, and glazed tile walls. The space is well lit by the double hung wood windows with security glass. A kitchen was added to area where the addition was added. The rest of the addition has brick walls halfway up with concrete block above. The rest of the space is divided into smaller classrooms.



### First and Second Floor

The main feature of the first floor is the nearly intact sanctuary room. The only modifications to the space are the removal of the wood pews (several of which are in the basement), the removal of two doors on either side of the stage area, and replacement of original ceiling lights. The wood ceiling, wood stained glass windows, and wood doors are original. The open volume along with the balcony seating in back is well preserved. Each window has a metal plate inscribed with the donor's name on the sill.



The first and second floors in the addition is broken into several classroom spaces with concrete block walls, acoustical tile ceilings, and asbestos tile flooring. One classroom has unique tongue and groove wood ceilings.



## HISTORY:

The Evangelical Church in Lincoln was started in Lincoln in 1896 by Reverend S.W. McKesson, first held in a building at 29th and Potter Streets, moving quickly to a building at 1601 N 28th Street where they remained for 17 years. In 1901 the United Evangelical Church started working at 10th and E while in 1913 the Salem Evangelical church was constructed at 29th and Holdrege moving from the original Potter Street location. The East Lincoln Evangelical Church was built at 33rd and W, moving from the 10th and E Street location. The two churches that grew from the Evangelical movement combined in 1930 when one pastor, William G. Rembolt, was appointed to serve both congregations.

Reverend Rembolt moved quickly, purchasing Lots 1 and 2 from local attorney Clark Jeary for \$4,311.55. He then turned around selling it for \$1 to the First Evangelical Church with the restriction that "In trust, that said property shall be used, kept, maintained, encumbered, and disposed of, as a place of residence for the use and occupancy of the preachers of the Evangelical Church..." and that the church assume the mortgage that he took out for the property.

Building Permit 24783 was issued on June 6, 1936 for an estimated \$12,000 church measuring 36 by 90 feet "plus 30x35 projection". The architect was J.R. Smith and Son and the owner First Evangelical Church.



J.R. Smith was born in 1870, went to Lincoln High School, and started his career as a draftsman for J.H. Craddock in 1905. He began his solo career in 1909, designing residential buildings throughout Lincoln. He was responsible for the University Place City Hall and Carnegie Library in 1914. His first known Lincoln church was the East Lincoln Christian Church, since demolished.

Smith was a prolific church architect and published a brochure which outlines "one hundred churches for which we have furnished architectural services." The brochure is undated but must have been printed prior to 1936 as the First Evangelical Church is not listed. Lincoln-area churches include a Methodist Church in University Place (probably Warren), United Presbyterian (Lincoln), Calvary Lutheran (1928, Lincoln), Zion Congregational (1927, Lincoln), College View "Union Church," "East Side" Christian (Lincoln). Methodist churches make up over half of the churches listed with most in Nebraska and a few in Kansas, Colorado, Missouri, and Iowa. The brochure also contains a statement on "Employing an Architect," explaining "This is truly an age of the specialist, and in no line is special training and large experience of more value than in designing churches."

On August 2, 1936, the cornerstone was laid for the new church at 33rd and Starr to become the First Evangelical church. The church had received approval from the Nebraska conference of the Evangelical church in May of that year. It dedicated November 8th that same year showing a rapid construction.



Figure 1: 1947- Main Entrance by MacDonald (above); 2023-Entrance orientation changed landscaping removed (below)





Figure 2: 1947-Sanctuary Photo by MacDonald (above); 2023 minor alterations below with loss of two doors and pews (below)

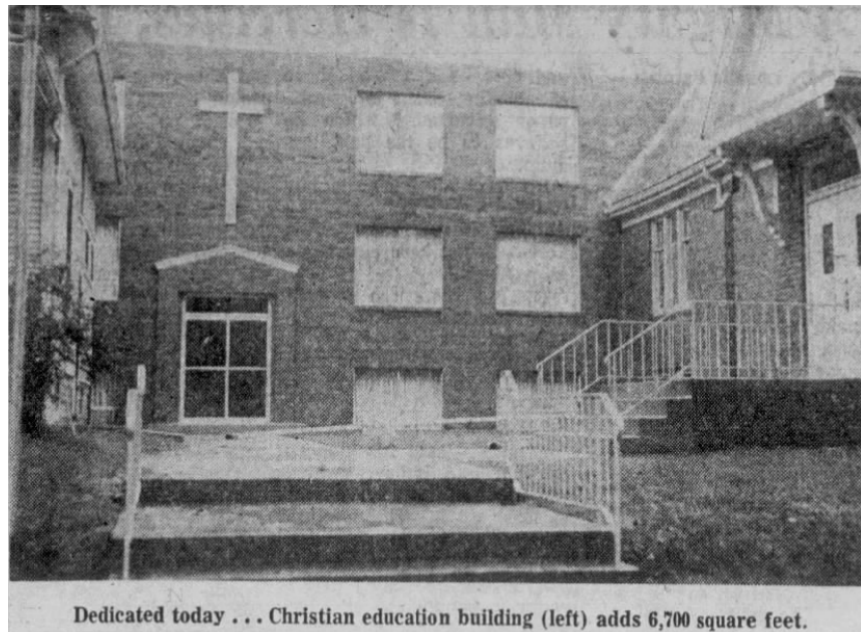




Figure 3: 1947 Image of a Basement Classroom Space(left) and space today (right)

In 1946 a merger of the Evangelical and the United Brethren in Christ denominations took place in Johnstown, PA, leading to the change of the church congregation to the First Evangelical United Brethren Church of Lincoln. By 1956 the congregation had doubled in size to 400 people with increases in giving to \$3,400 annually.

In June 1957 the Evangelical United Brethren Church approved \$65,000 for the First EUB to construct an education wing for the church.<sup>1</sup> The congregation also took out a \$25,000 mortgage in 1958 and according to a June 27, 1957 article, the work would begin in the summer of 1958. A September 20, 1959 article in the Lincoln Journal Star announced the building dedication ceremony.<sup>2</sup>



After several years of discussion, the United Methodist and Evangelical United Brethren churches came to agreement on a plan to merge and become the United Methodist Church. A 1968 article mentioned leniency on all local churches completing the merge by 1972. A 1972 article in the Journal Star announced that First EUB renamed itself the Faith United Methodist Church to align with the new merger. The congregation continued at this location and in 1976 merged with the Epworth Church congregation at 29<sup>th</sup> and Holdrege Street. The Epworth Church congregation sold their building and came over to the 33<sup>rd</sup> and

<sup>1</sup> "Church Building Boom Near '57 Pace," Lincoln Journal Star, August 10, 1958, Page 17.

<sup>2</sup> "First EUB's Education Building Dedicated Today," Lincoln Journal Star, September 20, 1959, Page 26.

Starr Street location. They did not come empty handed though and brought the stained-glass transom window that was above the main entrance that read Epworth Methodist Church which can be found in the basement at 33<sup>rd</sup> and Starr Street today.

8. SIGNIFICANCE

<u>Period</u>	<u>Areas of Significance</u> (check and justify)	
<input type="checkbox"/> Prehistoric	<input type="checkbox"/> Archeology (Prehistoric)	<input type="checkbox"/> Landscape Architecture
<input type="checkbox"/> 1400-1499	<input type="checkbox"/> Archeology (Historic)	<input type="checkbox"/> Law
<input type="checkbox"/> 1500-1599	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Literature
<input type="checkbox"/> 1600-1699	<input checked="" type="checkbox"/> Architecture	<input type="checkbox"/> Military
<input type="checkbox"/> 1700-1799	<input type="checkbox"/> Art	<input type="checkbox"/> Music
<input type="checkbox"/> 1800-1899	<input type="checkbox"/> Commerce	<input type="checkbox"/> Philosophy
<input checked="" type="checkbox"/> 1900-	<input type="checkbox"/> Communications	<input type="checkbox"/> Politics/Government
	<input type="checkbox"/> Community Planning	<input checked="" type="checkbox"/> Religion
	<input type="checkbox"/> Conservation	<input type="checkbox"/> Science
	<input type="checkbox"/> Economics	<input type="checkbox"/> Sculpture
	<input type="checkbox"/> Education	<input type="checkbox"/> Social/Humanitarian
	<input type="checkbox"/> Engineering	<input type="checkbox"/> Theater
	<input type="checkbox"/> Exploration/Settlement	<input type="checkbox"/> Transportation
	<input type="checkbox"/> Industry	<input type="checkbox"/> Other (specify)
	<input type="checkbox"/> Invention	

**Specific dates:** 1936

**Builder/Architect:** J.R. Smith and Sons

**Statement of Significance:** The First Evangelical Church is significant for its association with the evolution and growth of religious institutions in Lincoln. It was built following the merger of two evangelical congregations, absorbed another congregation early on, and continued to evolve and expand into the 1970s with its final congregation merger. The building is also a significant representation of the church architecture by prominent Lincoln architect J.R. Smith.

9. STANDARDS FOR DESIGNATION (check one(s) that apply)

- Associated with events, person, or persons who have made a significant contribution to the history, heritage, or culture of the City of Lincoln, the County of Lancaster, the State of Nebraska, or the United States;
- Represents a distinctive architectural style or innovation, or is the work of a craftsman whose individual work is significant in the development of the City of Lincoln, the County of Lancaster, the State of Nebraska, or the United States; or
- Represents archeological values in that it yields or may be likely to yield information pertaining to pre-history or history.

10. MAJOR BIBLIOGRAPHICAL REFERENCES

“Faith Methodist to Reincorporate,” Lincoln Journal Star, Nov 29, 1972, Page 19.  
 “Church Building Boom Near ’57 Pace,” Lincoln Journal Star, August 10, 1958, Page 17.  
 “First EUB’s Education Building Dedicated Today,” Lincoln Journal Star, Sept. 20, 1959, Page 26.

11. FORM PREPARED BY:

Name/Title: **Stephanie Rouse/Planner**

Organization: **Lincoln-Lancaster County Planning Dept**

Street & Number: **555 S. 10<sup>th</sup> Street**

City or Town: **Lincoln**

Date Submitted:

Telephone: **402-441-6373**

State: **Nebraska**

FOR HISTORIC PRESERVATION COMMISSION USE ONLY

DATE LANDMARK/LANDMARK DISTRICT DESIGNATED: [Click here to enter text.](#)

LANDMARK/LANDMARK DISTRICT NUMBER: [Click here to enter text.](#)

[https://linclanc.sharepoint.com/sites/PlanningDept-LongRange/Shared Documents/LongRange/Historic/2\\_NewHistoric/Site Surveys/E10-176\(1333 N 33rd St\)/Local Landmark Nomination Form\\_1333 N 33rd St.docx](https://linclanc.sharepoint.com/sites/PlanningDept-LongRange/Shared Documents/LongRange/Historic/2_NewHistoric/Site Surveys/E10-176(1333 N 33rd St)/Local Landmark Nomination Form_1333 N 33rd St.docx)

## ATTACHMENT D: DESIGN GUIDELINES

*Approved:*

City Council \_\_\_\_\_  
(date)

### **PRESERVATION GUIDELINES FOR First Evangelical Church 1333 N. 33<sup>rd</sup> Street, Lincoln, NE**

1. **Architectural Review of Landmark:**
  - a. Important architectural features:
    - i. **Exterior:** brick walls, wood trim/frieze board, wood brackets, stained glass windows
  - b. Important landscape features: none
  - c. Architectural style and date: Tudor Style, by J.R. Smith and Sons, 1936/1958
  - d. Additions and modifications: Two modern windows on north façade; infill window on east facade
2. **Work Needing a Certificate:**
  - a. Demolition of a structure or portion of a structure as defined in the Lincoln Building Code;
  - b. Replacement of exterior material and trim;
  - c. Cleaning and maintenance of exterior masonry;
  - d. Replacement of doors, storm doors, door frames, windows, storm windows, and screens (excluding seasonal) on facades visible from west or south;
  - e. Addition of awnings;
  - f. Placement of mechanical systems, such as but not limited to, window air conditioners, solar collectors, etc.;
  - g. The addition or replacement of signs;
  - h. Moving structures on or off the site;
  - i. Installation of electrical, utility, and communications services on principal (west or south) facades;
  - j. Placement of high intensity overhead lighting, antennae, and utility poles within the areas of the west or south facades.
3. **Work Not Requiring a Certificate**
  - a. Changes involving routine maintenance and repair for the general cleaning and upkeep of the building but which include no direct physical change in design or material;
  - b. Changes involving color and landscaping, except as previously noted;
  - c. Interior changes involving no exterior alteration.

**GUIDELINES FOR APPLYING  
THE SECRETARY OF INTERIOR'S STANDARDS FOR REHABILITATION**

**THE ENVIRONMENT**

*Recommended*

Retaining distinctive features such as the size, scale, mass, color, and materials of buildings, including roofs, porches, and stairways that give a neighborhood its distinguishing character.

Retaining landscape features such as parks, gardens, street lights, signs, benches, walkways, streets, alleys and building set-backs that have traditionally linked buildings to their environment.

Using new plant materials, fencing, walkways, street lights, signs and benches that are compatible with the character of the neighborhood in size, scale, material and color.

*Not Recommended*

Introducing new construction into neighborhoods that is incompatible with the character of the district because of size, scale, color, and materials.

Destroying the relationship of buildings and their environment by widening existing streets, changing paving material, or by introducing inappropriately located new streets and parking lots that are incompatible with the character of the neighborhood.

Introducing signs, street lighting, benches, new plant materials, fencing, walkways and paving materials that are out of scale or inappropriate to the neighborhood.

**BUILDING SITE**

*Recommended*

Identifying plants, trees, fencing, walkways, outbuildings, and other elements that might be an important part of the property's history and development.

Retaining plants, trees, fencing, walkways, street lights, signs, and benches that reflect the property's history and development.

Basing decisions for new site work on actual knowledge of the past appearance of the property found in photographs, drawings, newspapers, and tax records. If changes are made, they should be carefully evaluated in light of the past appearance of the site.

Providing proper site and roof drainage to assure that water does not splash against building or foundation walls, nor drain toward the building.

*Not Recommended*

Making changes to the appearance of the site by removing old plants, trees, fencing, walkways, outbuildings, and other elements before evaluating their importance in the property's history and development.

Leaving plant materials and trees in close proximity to the building that may be causing deterioration of the historic fabric.

BUILDING: STRUCTURAL SYSTEMS

<i>Recommended</i>	<i>Not Recommended</i>
Recognizing the special problems inherent in the structural systems of historic buildings, especially where there are visible signs of cracking, deflection, or failure.	Disturbing existing foundations with new excavations that undermine the structural stability of the building.
Undertaking stabilization and repair of weakened structural members and systems.	Leaving known structural problems untreated that will cause continuing deterioration and will shorten the life of the structure.
Replacing historically important structural members only when necessary. Supplementing existing structural systems when damaged or inadequate.	

BUILDING: EXTERIOR FEATURES

MASONRY: Adobe, Brick, Stone, Terra Cotta, Concrete, Stucco and Mortar\*

<i>Recommended</i>	<i>Not Recommended</i>
Retaining original masonry and mortar, whenever possible, without the application of any surface treatment.	Applying waterproof or water repellent coatings or surface consolidation treatments unless required to solve a specific technical problem that has been studied and identified. Coatings are frequently unnecessary, expensive, and can accelerate deterioration of the masonry.
Repointing only those mortar joints where there is evidence of moisture problems or when sufficient mortar is missing to allow water to stand in the mortar joint.	Repointing mortar joints that do not need repointing. Using electric saws and hammers to remove mortar can seriously damage the adjacent brick.
Duplicating old mortar in composition, color and texture.	Repointing with mortar of high Portland cement content can often create a bond that is stronger than the building material. This can cause deterioration as a result of the differing coefficient of expansion and the differing porosity of the material and the mortar.
Duplicating old mortar in joint size, method of application, and joint profile.	Repointing with mortar joints of a differing size or joint profile, texture or color.
Repairing stucco with a stucco mixture that duplicates the original as closely as possible in appearance and texture.	

Cleaning masonry only when necessary to halt deterioration or to remove graffiti and stains and always with the gentlest method possible, such as low pressure water and soft natural bristle brushes.

Sandblasting, including dry and wet grit and other abrasives, brick or stone surfaces; this method of cleaning erodes the surface of the material and accelerates deterioration. Using chemical cleaning products that would have an adverse chemical reaction with the masonry materials, i.e., acid on limestone or marble.

Repairing or replacing, where necessary, deteriorated material with new material that duplicates the old as closely as possible.

Applying new material which is inappropriate or was unavailable when the building was constructed, such as artificial brick siding, artificial cast stone or brick veneer.

Replacing missing significant architectural features, such as cornices, brackets, railings, and shutters.

Removing architectural features such as cornices, brackets, railings, shutters, window architraves and doorway pediments.

Retaining the original or early color and texture of masonry surfaces, including early signage wherever possible. Brick or stone surfaces may have been painted or whitewashed for practical and aesthetic reasons.

Removing paint from masonry surfaces indiscriminately. This may subject the building to damage and change its appearance.

\* For more information consult Preservation Briefs: 1: "The Cleaning and Waterproof Coating of Masonry Buildings" and Preservation Briefs: 2: "Repointing Mortar Joints in Historic Brick Buildings." Both are available from Technical Preservation Services Division, Heritage Conservation & Recreation Service, U. S. Department of the Interior, Washington, D.C. 20240

### WOOD: Clapboard, Weatherboard, Shingles and Other Wooden Siding

#### *Recommended*

Retaining and preserving significant architectural features, whenever possible.

Repairing or replacing, where necessary, deteriorated material that duplicates in size, shape and texture the old as closely as possible.

#### *Not Recommended*

Removing architectural features such as siding, cornices, brackets, window architraves, and doorway pediments. These are, in most cases, an essential part of a building's character and appearance that illustrates the continuity of growth and change.

Resurfacing frame buildings with new material that is inappropriate or was unavailable when the building was constructed such as artificial stone, brick veneer, asbestos or asphalt shingles, and plastic or aluminum siding. Such material can also contribute to the deterioration of the structure from moisture and insects.

### ARCHITECTURAL METALS: Cast Iron, Steel, Pressed Tin, Aluminum, Zinc

*Recommended*

Retaining original material, whenever possible.

Cleaning when necessary with the appropriate method. Metals should be cleaned by methods that do not abrade the surface.

*Not Recommended*

Removing architectural features that are an essential part of a building's character and appearance, illustrating the continuity of growth and change.

Exposing metals which were intended to be protected from the environment. Do not use cleaning methods which alter the color, texture, and tone of the metal.

Roofs and Roofing

*Recommended*

Preserving the original roof shape.

Retaining the original roofing material, whenever possible.

Providing adequate roof drainage and insuring that the roofing materials provide a weather-tight covering for the structure.

Replacing deteriorated roof coverings with new material that matches the old in composition, size, shape, color, and texture.

Preserving or replacing, where necessary, all architectural features that give the roof its essential character, such as dormer windows, cupolas, cornices, brackets, chimneys, cresting, and weather vanes.

*Not Recommended*

Changing the essential character of the roof by adding inappropriate features such as dormer windows, vents, or skylights.

Applying new roofing material that is inappropriate to the style and period of the building and neighborhood.

Replacing deteriorated roof coverings with new materials that differ to such an extent from the old in composition, size, shape, color, and texture that the appearance of the building is altered.

Stripping the roof of architectural features important to its character.

Windows and Doors

*Recommended*

Retaining and repairing existing window and door openings including window sash, glass, lintels, sills, architraves, shutters, doors, pediments, hoods, steps, and all hardware.

*Not Recommended*

Introducing new window and door openings into the principal elevations, or enlarging or reducing window or door openings to fit new stock window sash or new stock door sizes.

Duplicating the material, design, and the hardware of the older window sash and doors if new sash and doors are used.	Altering the size of window panes or sash. Such changes destroy the scale and proportion of the building.
Installing visually unobtrusive storm windows and doors, where needed, that do not damage existing frames and that can be removed in the future.	Installing inappropriate new window or door features such as aluminum storm and screen window insulating glass combinations that require the removal of original windows and doors.
Using original doors and door hardware when they can be repaired and reused in place.	Installing plastic, canvas, or metal strip awnings or fake shutters that detract from the character and appearance of the building.
	Discarding original doors and door hardware when they can be repaired and reused in place.

Entrances, Porches, and Steps

*Recommended*

Retaining porches and steps that are appropriate to the building and its development. Porches or additions reflecting later architectural styles are often important to the building's historical integrity and, wherever possible, should be retained.

Repairing or replacing, where necessary, deteriorated architectural features of wood, iron, cast iron, terra cotta, tile, and brick.

*Not Recommended*

Removing or altering porches and steps that are appropriate to the building's development and style.

Stripping porches and steps of original material and architectural features, such as handrails, balusters, columns, brackets, and roof decoration of wood, iron, cast iron, terra cotta, tile and brick.

Enclosing porches and steps in a manner that destroys their intended appearance.

Exterior Finishes

*Recommended*

Discovering the historic paint colors and finishes of the structure and repainting with those colors to illustrate the distinctive character of the property.

*Not Recommended*

Removing paint and finishes down to the bare surface; strong paint strippers whether chemical or mechanical can permanently damage the surface. Also, stripping obliterates evidence of the historical paint finishes.

Repainting with colors that cannot be documented through research and investigation to be appropriate to the building and neighborhood.

NEW CONSTRUCTION

*Recommended*

Keeping new additions and adjacent new construction to a minimum, making them compatible in scale, building materials, and texture.

Designing new work to be compatible in materials, size, scale, color, and texture with the earlier building and the neighborhood.

Using contemporary designs compatible with the character and mood of the building or the neighborhood.

Protecting architectural details and features that contribute to the character of the building.

*Not Recommended*

Designing new work which is incompatible with the earlier building and the neighborhood in materials, size, scale, and texture.

Imitating an earlier style or period of architecture in new additions, except in rare cases where a contemporary design would detract from the architectural unity of an ensemble or group. Especially avoid imitating an earlier style of architecture in new additions that have a completely contemporary function such as a drive-in bank or garage.

Adding new height to the building that changes the scale and character of the building. Additions in height should not be visible when viewing the principal facades.

Adding new floors or removing existing floors that destroy important architectural details, features and spaces of the building.

MECHANICAL SYSTEMS: Heating and Air Conditioning, Electrical, Plumbing, Fire Protection

*Recommended*

Installing necessary mechanical systems in areas and spaces that will require the least possible alteration to the structural integrity and physical appearance of the building.

Utilizing early mechanical systems, including plumbing and early lighting fixtures, where possible.

Installing the vertical runs of ducts, pipes, and cables in closets, service rooms, and wall cavities.

*Not Recommended*

Causing unnecessary damage to the plan, materials, and appearance of the building when installing mechanical system.

Attaching exterior electrical and telephone cables to the principal elevations of the building.

Installing the vertical runs of ducts, pipes, and cables in places where they will be a visual intrusion.

PRESERVATION GUIDELINES FOR  
First Evangelical Church, 1333 N. 33<sup>rd</sup> Street, Lincoln, NE  
P. 8

Insuring adequate ventilation of attics, crawlspaces, and cellars to prevent moisture problems.

Installing thermal insulation in attics and in unheated cellars and crawlspaces to conserve energy.

Placing television antennas and mechanical equipment, such as air conditioners, in an inconspicuous location.

Concealing or “making invisible” mechanical equipment in historic walls or ceilings. Frequently this concealment requires the removal of historic fabric.

Installing “dropped” acoustical ceilings to hide mechanical equipment. This destroys the proportions and character of the rooms.

Installing foam, glass fiber, or cellulose insulation into wall cavities of either wooden or masonry construction. This has been found to cause moisture problems when there is no adequate moisture barrier.

Placing television antennas and mechanical equipment, such as air conditioners where they can be seen from the street.

[https://linclanc.sharepoint.com/sites/PlanningDept-LongRange/Shared Documents/LongRange/Historic/2\\_NewHistoric/Site Surveys/E10-176\(1333 N 33rd St\)/Local Landmark Guidelines\\_First Evangelical.docx](https://linclanc.sharepoint.com/sites/PlanningDept-LongRange/Shared Documents/LongRange/Historic/2_NewHistoric/Site Surveys/E10-176(1333 N 33rd St)/Local Landmark Guidelines_First Evangelical.docx)

**SPECIAL PERMIT AND CHANGE OF ZONE AT 1333 NORTH 33<sup>RD</sup> STREET**

**PUBLIC HEARING:**

**April 20, 2023**

Members present: Johnson, McKee, Worth, Newport, Hove-Graul, McCown and Newport; Gengler absent.

Rouse stated the landmark designation is the former First Evangelical Church. Has a tie to the Epworth church that came before the commission last year. The two congregations merged, and Epworth came to the First Evangelical Church. Application is currently zoned R-6. The overlay designation would allow for proposed mix of uses for ConnectioN Point. The church no longer operates there. ConnectioN Pint currently operates their food pantry and other office related uses but wants to expand for use of a commercial kitchen. Added flexibility of other uses and allowed for support uses. It is an architectural designation. Significance of architecture. The church was built by JR Smith who built a number of churches throughout the state. The special permit would allow for the flexibility of uses in the residential zoning district. Parking on site is located south and west of the building. 36 stalls are fine for continued use. Staff recommending approval as it a great use of church. Beneficial to the neighborhood and does not negatively affect the area.

McCown asked if there was a change of ownership or additional ownership interest.

Rouse stated the Christ Methodist Church currently owns it.

Newport asked for clarification that no specific uses have been identified.

Rouse stated the only specific use is for the commercial kitchen for different small businesses to use the space.

McCown asked what would happen if this space began to produce more traffic and operate in a commercial use capacity.

Karen Lamb stated property is not intended to go in that direction. The space is intended for people outgrowing the small prep areas and need a commercial kitchen. Also, for those that cannot afford to utilize home or rent spaces.

Newport stated it takes more than the kitchen for zoning of the use group.

Lamb stated that the food pantry is on the upper level of the church and groups meet there regularly.

Rouse stated that it is just a special permit and designation, there is = no certificate because there are no alterations or exterior changes to the building.

Hove-Graul expressed appreciation for their services and outreach.

Lamb stated she runs a non-profit and is looking to merging their mission.

**ACTION:**

Hove-Graul moved approval of change of zone for landmark designation, seconded by Johnson. Carried 6-0: Johnson, McKee, Worth, Newport, Hove-Graul, McCown and Newport voting 'yes'; Gengler absent.

**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

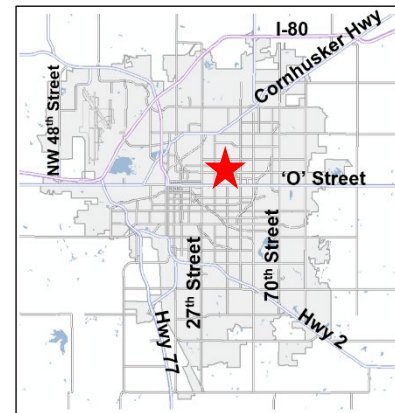
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #23018	FINAL ACTION? Yes	DEVELOPER/OWNER Christ United Methodist Church
PLANNING COMMISSION HEARING DATE May 3, 2023	RELATED APPLICATIONS CZ23022	PROPERTY ADDRESS/LOCATION 1333 N. 33 <sup>rd</sup> Street

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for a historic preservation special permit to reuse the First Evangelical Church for a commercial kitchen to support start up businesses, and a range of neighborhood support services with associated office space. The associated change of zone would designate the church as a local landmark, making it eligible for the special permit. Given the constraints of the existing site, the applicant is also requesting a waiver to reduce the parking requirement.



**JUSTIFICATION FOR RECOMMENDATION**

Adding the protection of Lincoln landmark designation supports the retention of a significant historic structure in Lincoln. Landmark designation is a requirement to seeking a Special Permit for Historic Preservation, which provides incentives for the continued productive use of investment in neighborhood infrastructure and the building, as is strongly encouraged by the Lincoln/Lancaster County 2050 Comprehensive Plan. The requested waivers to reduce the parking requirement is necessary to reuse the building for a range of neighborhood supportive services.

**APPLICATION CONTACT**

Karen Lamb, 402-540-8532 or [lulusonnst@gmail.com](mailto:lulusonnst@gmail.com)

**STAFF CONTACT**

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

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The Comprehensive Plan recommends designation of a wide range of the community's historic places and utilization of incentives to encourage their preservation.

**WAIVERS**

1. Allow places of religious assembly, commercial kitchens, office, neighborhood support services, retail, and the small-scale production of art, clothing and household items including display and sales area, in the R-6 District. (Recommend Approval)
2. Reduce the required parking to 36 stalls for all uses in the building. (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.

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

#### **Fundamentals of Growth in Lancaster County: The Urban Environment**

Historic preservation. Preservation and renewal of historic buildings, districts, and landscapes is encouraged. Development and redevelopment should respect historical patterns, precedents, and boundaries in towns, cities and existing neighborhoods.

### Goals Section

G12: History and Culture. The community's history and culture is discussed more in the Introduction section, and is reflected through historic buildings and sites throughout the county. These resources add to the desirable quality of life for current residents and should be protected for future generations. PlanForward encourages the continued use and maintenance of historic and cultural resources, including properties not formally designated as landmarks.

G13: Community Appearance. Lincoln and Lancaster County will have a high-quality physical environment that creates a strong sense of place and community pride. The urban and the rural landscapes of Lancaster County produce a distinctive place, offering a sense of identity to visitors and especially to residents. It is worthwhile to plan for, protect, and strengthen this character as the community grows and matures.

### Elements Section

#### E2: Infill and Redevelopment

Mixed Use Redevelopment Nodes and Corridors

Design Strategies for Mixed Use Nodes and Corridors

9. Maintain or adaptively reuse existing structures (especially historic structures) where possible.

The adaptive reuse of historic or other existing structures into mixed uses is encouraged.

#### E3: Business, Economy and Workforce

Commercial Infill

7. Maintain or adaptively reuse existing structures (especially historical structures) where possible.

#### E6: Placemaking

This element describes principles and strategies intended to preserve and enhance the community's unique character – its sense of place – through preservation of cultural and historic resources and focused attention to the quality of public and private development.

All parts of PlanForward contribute to the attainment of this vision, but urban design and one of its components, historic preservation, relate most directly to guarding and enhancing the community's physical image.

The Historic Preservation Commission (HPC) works with neighborhood groups, preservation advocates, property owners, and the History Nebraska to discover, protect, and share the community's heritage. The zoning code provides protection for designated historic property and incentives for creative uses that maintain the vitality of historic places. The Commission has a key role in providing on-going guidance in the revitalization of areas

such as Haymarket, residential historic districts, and Havelock Avenue.

### Figure E6.c: Historic & Capitol Environs Districts

#### Policies Section

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

##### Action Steps

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

P24: Environmental Resource Protection - Environmental resources provide the framework for a healthy, active, and economically vibrant community.

##### Action Steps

13. Document or promote historic, cultural and archeological sites throughout the City and County.

P37: Historic Preservation - The community's distinctive character and desirable quality of life should be supported by exercising stewardship of historic resources throughout the County.

##### Action Steps

2. Lincoln and Lancaster County should work in partnership with state and federal historic preservation programs, but local landmark protections are usually the most effective and appropriate.
3. Continuously monitor and improve local programs and regulations, especially working to balance conflicting regulations that may offer alternatives to achieve life-safety goals while protecting threatened historic resources.
4. City and county governmental policies should provide for the protection and enhancement of historic resources.
6. Designate landmarks and districts through the local preservation ordinance and the National Register of Historic Places.
14. Encourage the continued use and maintenance of historic resources, including properties not formally designated as landmarks.

#### ANALYSIS

1. The Planning Commission may approve, by special permit, any use of a historic structure or site in any zoning district after review and consideration of the following:
  - a. **The significance of the historic structure or site and the degree of variation sought from the permitted uses of the district:** The associated landmark designation illustrates the significance of this church, and the applicant has indicated no major changes are proposed to the building. The variation sought is in uses; while not residential in nature as the district permits, the uses are neighborhood supportive uses and minimal in their intensity.
  - b. **The extent to which economic factors necessitate the change in use:** The use of the building solely as a church is no longer viable for the current owner. The proposed reuse with additional neighborhood supporting services would allow for the preservation and continued use of the historic site.
  - c. **The extent of proposed exterior change to the structure or site:** No major exterior changes are proposed.
  - d. **The impact on the surrounding area:** The impact on the neighborhood would be minimal. The church is located on an arterial street with two access points to the site. The former church use saw higher volumes of traffic on days when services were taking place than the proposed mix of uses which will have lower traffic volumes throughout the week. Additionally, the existing and proposed uses are intended to serve the neighborhood which will encourage more walking and biking to the site. In addition, there are 37 parking stalls on site today.

- e. **The compatibility of the proposed use to the structure or site and the surrounding area:** The proposed uses would require no major changes to the building and site and would be compatible.
  - f. **The manner in which the public will be benefitted by such proposed use:** The reuse of the existing building will provide ongoing maintenance and keep the building from falling into disrepair. Additionally, the uses are all intended to provide support to the neighborhood.
2. The church is currently zoned R-6 Residential which allows single and two-family dwellings by right and neighborhood support services as a permitted conditional use if it meets the criteria of Section 27.63.160. The near-term plans for Connection Point are to reuse the basement kitchen space as a commercial kitchen to support small businesses start up and expansion. Additional uses proposed under this special permit that would be a good fit for this site include office, neighborhood support services, small scale retail and the small-scale production of art, clothing and household items including display and sales area, in addition to those permitted under the current zoning district. None of these proposed uses would be allowed by right under the R-6 district but could be sympathetic uses for the reuse of the church building as they would not require extensive changes to the interior or exterior of the building.
  3. The parking lot currently accommodates 37 stalls, however there is potential to use one parking stall for bike parking that is needed for many clients of the current non-profit operations. The applicant is proposing to reduce the parking requirements to the current number of stalls on site today, which pending installation of bike racks would be 36.
  4. The Historic Preservation Commission reviewed the request at their April 20, 2023 meeting and recommended unanimous approval of the requests. The minutes from that meeting are attached.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Neighborhood Support Services/R-6 Residential

**SURROUNDING LAND USE & ZONING**

North: Duplex (R-6 Residential)  
 South: Single Family (R-4 Residential)  
 East: Duplexes (Public)  
 West: Single Family (R-6 Residential)

**APPROXIMATE LAND AREA:** 0.74 acres

**LEGAL DESCRIPTION:** BLYSTONES 3RD ADDITION, BLOCK 2, Lot 1 - 3, & E1/2 LOT 4 EX W10' S12' & N50' LOTS 10 - 12

Prepared by Stephanie Rouse, Planner  
 (402) 441-6373 or [srouse@lincoln.ne.gov](mailto:srouse@lincoln.ne.gov)

Date: April 12, 2023

Applicant: Karen Lamb  
 402-540-8532  
[lulusonnst@gmail.com](mailto:lulusonnst@gmail.com)

Contact: Same

Owner: Christ United Methodist Church  
 402-489-9618

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/23000/SP23018 Connection Point.slr.docx>

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #23018

Per Section 27.63.400 this approval permits the historic preservation of the First Evangelical Church for a variety of uses including places of religious assembly, commercial kitchens, office, neighborhood support services, retail, and the small-scale production of art, clothing and household items including display and sales area is permitted, in addition to those permitted under the current zoning district. This also permits existing space to be used as accessory or supportive of the other uses, such as but not limited to bathrooms, storage rooms, meeting rooms and exhibition space. For the purposes of this special permit, commercial kitchens are defined as a kitchen where the space is rented out or provided for shared or temporary usage. Commercial kitchen typically involves baking, cooking and/or preparing food, but no on-site sales of products. Commercial kitchens may include, but are not limited to, bakeries, baking/cooking academies, and catering. Additionally, a waiver to the parking requirements to reduce the required parking to 36 stalls regardless of use is granted.

### Site Specific Conditions:

1. The City Council approves associated request:
  - 1.1 Change of Zone #23022
2. 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.
3. The shed at the southwest corner of the property was added without a building permit. The shed needs to be removed or a building permit applied for prior to receiving a change in occupancy permit.

### Standard Conditions:

4. The following conditions are applicable to all requests:
  - 4.1 Before starting the operation, all development and construction shall substantially comply with the approved plans.
  - 4.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
  - 4.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
  - 4.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.



# Christ United Methodist Church

4530 A Street, Lincoln, NE 68510  
402-489-9618 (office)  
christumclinc.org (website)

March 30, 2023

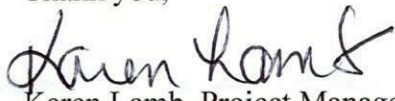
City of Lincoln Planning Department  
555 S. 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508

To Whom It May Concern:

Please accept the attached applications for Historic Designation and Change of Zone for the property located at 1333 N 33<sup>rd</sup> Street known as Connection Point. Connection Point is a campus of Christ United Methodist Church and has been serving the Clinton Neighborhood for several years, most notably with its Open Shelf Food Pantry, The building also hosts many community groups and educational groups which work to improve life circumstances for those in the neighborhood and surrounding community. The original structure was built in 1913 for use as a place of worship. An educational addition was added in 1960 in the same style as the original structure. The building continued to be used as a church until approximately 2016. In 2018, the building was purchased by Christ United Methodist Church for the purpose of serving the neighborhood as Connection Point.

We are asking for these changes in order to develop a commercial kitchen in the building which will be rented to those in the community who are desiring to start or expand a business. The plan is to offer the space at a reduced cost in order to help get businesses up and running. We feel this is in line with the overall mission of Connection Point and would be a good addition to the services currently offered.

Thank you,

  
Karen Lamb, Project Manager

Rev. Richard O. Randolph, Ph.D.  
cell phone: 402-617-0355      richard.randolph@christumclinc.org

# 1333 N. 33rd Street Site Plan



Zoning: R-6

Parking Provided: 37 Stalls

Square Feet of Use: Approx. 12,000 SF



**SPECIAL PERMIT AND CHANGE OF ZONE AT 1333 NORTH 33<sup>RD</sup> STREET**

**PUBLIC HEARING:**

**April 20, 2023**

Members present: Johnson, McKee, Worth, Newport, Hove-Graul, McCown and Newport; Gengler absent.

Rouse stated the landmark designation is the former First Evangelical Church. Has a tie to the Epworth church that came before the commission last year. The two congregations merged, and Epworth came to the First Evangelical Church. Application is currently zoned R-6. The overlay designation would allow for proposed mix of uses for ConnectioN Point. The church no longer operates there. ConnectioN Pint currently operates their food pantry and other office related uses but wants to expand for use of a commercial kitchen. Added flexibility of other uses and allowed for support uses. It is an architectural designation. Significance of architecture. The church was built by JR Smith who built a number of churches throughout the state. The special permit would allow for the flexibility of uses in the residential zoning district. Parking on site is located south and west of the building. 36 stalls are fine for continued use. Staff recommending approval as it a great use of church. Beneficial to the neighborhood and does not negatively affect the area.

McCown asked if there was a change of ownership or additional ownership interest.

Rouse stated the Christ Methodist Church currently owns it.

Newport asked for clarification that no specific uses have been identified.

Rouse stated the only specific use is for the commercial kitchen for different small businesses to use the space.

McCown asked what would happen if this space began to produce more traffic and operate in a commercial use capacity.

Karen Lamb stated property is not intended to go in that direction. The space is intended for people outgrowing the small prep areas and need a commercial kitchen. Also, for those that cannot afford to utilize home or rent spaces.

Newport stated it takes more than the kitchen for zoning of the use group.

Lamb stated that the food pantry is on the upper level of the church and groups meet there regularly.

Rouse stated that it is just a special permit and designation, there is = no certificate because there are no alterations or exterior changes to the building.

Hove-Graul expressed appreciation for their services and outreach.

Lamb stated she runs a non-profit and is looking to merging their mission.

**ACTION:**

Hove-Graul moved approval of change of zone for landmark designation, seconded by Johnson. Carried 6-0: Johnson, McKee, Worth, Newport, Hove-Graul, McCown and Newport voting 'yes'; Gengler absent.

**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

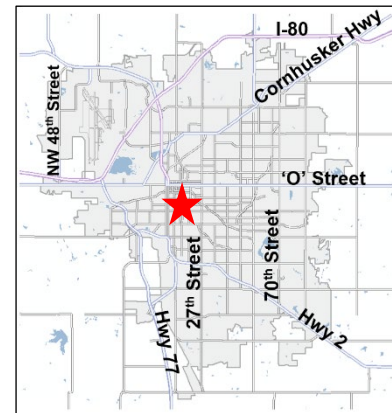
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #17030C	FINAL ACTION? No	DEVELOPER/OWNER Centerpointe
PLANNING COMMISSION HEARING DATE May 3, 2022	RELATED APPLICATIONS TX23004	PROPERTY ADDRESS/LOCATION 2202 South 11 <sup>th</sup> Street

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

CenterPointe is currently renovating Trabert Hall for offices and housing, as well as medical/clinic space. As part of the renovation, they are proposing a sign package that includes three wall signs and one freestanding sign. An amendment to the existing special permit is necessary to allow larger signs for the building than permitted in the residential district. The associated text amendment TX23004 is necessary to allow one of the proposed signs.



**JUSTIFICATION FOR RECOMMENDATION**

The Historic Preservation Special Permit (27.63.400) is a tool owners of historic properties can use to aid in the preservation and maintenance of Lincoln's historic resources, understanding that many buildings were constructed of a different time and need certain allowances for their continued use today. Despite being zoned residential, the former five-story nursing dormitory building requires larger signs in keeping with the scale of the building.

**APPLICATION CONTACT**

Tom Huston  
(402)474-6900  
[thuston@clinewilliams.com](mailto:thuston@clinewilliams.com)

**STAFF CONTACT**

Stephanie Rouse, (402) 441-6361  
[srouse@lincoln.ne.gov](mailto:srouse@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The Comprehensive Plan recommends designation of a wide range of the community's historic places and utilization of incentives to encourage their preservation.

**WAIVERS**

None.

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

### Introduction Section: Growth Framework

[Figure GF.b: 2050](#) - This site is shown as future public & semi-public on the 2050 Future Land Use Plan.

[Land Use Plan](#) - Areas of public or semi-public land use and/or structures that serve the general public. Only the largest facilities are shown on the land use plan.

### **Fundamentals of Growth in Lancaster County: The Urban Environment**

Historic preservation. Preservation and renewal of historic buildings, districts, and landscapes is encouraged. Development and redevelopment should respect historical patterns, precedents, and boundaries in towns, cities and existing neighborhoods.

### Goals Section

G12: History and Culture. The community's history and culture is discussed more in the Introduction section, and is reflected through historic buildings and sites throughout the county. These resources add to the desirable quality of life for current residents and should be protected for future generations. PlanForward encourages the continued use and maintenance of historic and cultural resources, including properties not formally designated as landmarks.

G13: Community Appearance. Lincoln and Lancaster County will have a high-quality physical environment that creates a strong sense of place and community pride. The urban and the rural landscapes of Lancaster County produce a distinctive place, offering a sense of identity to visitors and especially to residents. It is worthwhile to plan for, protect, and strengthen this character as the community grows and matures.

### Elements Section

#### E2: Infill and Redevelopment

##### Mixed Use Redevelopment Nodes and Corridors

##### Design Strategies for Mixed Use Nodes and Corridors

9. Maintain or adaptively reuse existing structures (especially historic structures) where possible.

The adaptive reuse of historic or other existing structures into mixed uses is encouraged.

#### E3: Business, Economy and Workforce

##### Commercial Infill

7. Maintain or adaptively reuse existing structures (especially historical structures) where possible.

#### E6: Placemaking

This element describes principles and strategies intended to preserve and enhance the community's unique character – its sense of place – through preservation of cultural and historic resources and focused attention to the quality of public and private development.

All parts of PlanForward contribute to the attainment of this vision, but urban design and one of its components, historic preservation, relate most directly to guarding and enhancing the community's physical image.

The Historic Preservation Commission (HPC) works with neighborhood groups, preservation advocates, property owners, and the History Nebraska to discover, protect, and share the community's heritage. The zoning code provides protection for designated historic property and incentives for creative uses that maintain the vitality of historic places. The Commission has a key role in providing on-going guidance in the revitalization of areas such as Haymarket, residential historic districts, and Havelock Avenue.

## Figure E6.c: Historic & Capitol Environs Districts

### Policies Section

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

#### Action Steps

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

P37: Historic Preservation - The community's distinctive character and desirable quality of life should be supported by exercising stewardship of historic resources throughout the County.

#### Action Steps

2. Lincoln and Lancaster County should work in partnership with state and federal historic preservation programs, but local landmark protections are usually the most effective and appropriate.
4. City and county governmental policies should provide for the protection and enhancement of historic resources.
13. Most historic property is and should be privately owned and maintained. Public property, especially publicly owned historic property, is a community trust and should be maintained, preserved, and utilized in an exemplary fashion.
14. Encourage the continued use and maintenance of historic resources, including properties not formally designated as landmarks.

### ANALYSIS

1. This is a request to amend the special permit for historic preservation which allowed use of Trabert Hall for up to 57,735 square feet of office space, or for medical/clinic space, or for up to 60 dwelling units, or for a combination thereof approved. This amendment would allow three wall signs measuring 27 square feet, 31 square feet, and 40 square feet and one freestanding sign measuring 20 square feet. Currently the Planning Commission's authority to adjust sign requirements is limited to varying yard requirements and the permitted number of signs as described in Section 27.69.160. In residential districts this limits all historic buildings, regardless of the use, scale, or location, to no more than one 20 square foot sign unless the Planning Commission approves additional signs.
2. An associated text amendment (TX23004) was also submitted that would allow the Planning Commission to approve wall signs up to 32 square feet in area up to a maximum of 20% of the façade. The City Council could approve larger wall signs with consideration given to both the proposed use and the adjacent environment, provided that the total sign area of such wall signs shall not exceed 20% per architectural elevation and no wall sign shall exceed 50 square feet. In addition, off-premise, electronic changeable copy and internally illuminated signs are prohibited, freestanding signs are capped at 8 feet in height and 32 square feet in area, and illuminated signs require a greater setback than the district requires when adjacent to residential uses. The special permit request meets all these proposed requirements and is predicated on approval of this text amendment.
3. A Special Permit for Historic Preservation under LMC §27.63.400 is to be evaluated under the following six criteria:
  - 3.1. **The significance of the historic structure or site and the degree of variation sought from the permitted uses of the district:**

The significance of the structure is presented in the landmark designation, which states: *The former Nurses Home of Saint Elizabeth Hospital is indicative the scale of the original Saint Elizabeth Hospital complex and is the only original, freestanding structure of the complex still extant. (St. Francis Church was built as a chapel wing.) D. X. Murphy & Brother, architects of the building, were nationally significant practitioners and the Nurses Home is well-designed, of fine materials, and is the only identified example of their work in Nebraska.*

The Special Permit currently allows office use, residential, and medial/clinic space in the building. These types of uses necessitate signage larger than the current 20 square feet allowed under the residential zoning. The scale of the building is such that slightly larger signs would not look out of character for the historic structure.

**3.2. The extent to which economic factors necessitate the change in use:**

A change in use is not proposed with this amendment to the special permit, rather the allowance of additional and larger signs than currently permitted in the district. Therefore, there are no economic factors necessitating the change in use.

**3.3. The extent of proposed exterior change to the structure or site:**

The previously approved special permit allowed for an addition to the existing Trabert Hall building. All three wall signs would be located on the new addition and not impact the historic structure. Additionally, the Historic Preservation Commission reviewed the request at their April 20<sup>th</sup>, 2023, meeting, and unanimously recommended approval with no modifications.

**3.4. The impact on the surrounding area:**

The site is located within an area zoned R-4 (Residential), with Saratoga Elementary School adjacent to the southeast, St. Francis Church to the northeast, and Lancaster Rehabilitation Center to the northwest. The request would allow additional signage for the building which does not have frontage on South Street. They are proposing a larger green circle (their business logo) at the top of the addition to better advertise the location to visitors to the site in lieu of a freestanding sign along South Street. The signs, proposed to have a backlit halo lighting, would not have a detrimental impact on the surrounding area as they face the business corridor of South Street and not the adjacent residential neighborhood.

**3.5. The compatibility of the proposed use to the structure or site and the surrounding area:**

The signs as proposed are compatible with the structure and surrounding area. They would be on the new addition and not the historic portion of the building and face the business corridor of South Street rather than the residential neighborhood.

**3.6. The manner in which the public will be benefitted by such proposed use:**

Reusing the building appropriately preserves a historic structure and makes uses of resources already expended in the construction of the building and surrounding public infrastructure. The proposed signage is necessary to direct the public to the building in an efficient manner.

**EXISTING LAND USE & ZONING:** vacant; R-4 Residential with historic overlay

**SURROUNDING LAND USE & ZONING**

North: Parking	R-4 Residential District
South: Residences	R-4 Residential District
East: Saratoga Elem. School	P-Public Use District
West: Residences,	R-4 Residential District
Lancaster Rehab. Center,	
CenterPointe residential treatment program	

**APPROXIMATE LAND AREA:** 2.47 acres more or less

**LEGAL DESCRIPTION:** Saint Francis 1<sup>st</sup> Addition, Lot 3, in SE ¼ of Section 35 T10N R06E, Lincoln, Lancaster County, Nebraska.

Prepared by Stephanie Rouse, Planner  
(402) 441-6373 or [srouse@lincoln.ne.gov](mailto:srouse@lincoln.ne.gov)

Date: April 12, 2023

Applicant: CenterPointe  
2633 P Street  
Lincoln, NE 68503

Contact: Tom Huston  
233 S. 13<sup>th</sup> Street  
Lincoln, NE 68508  
(402)474-6900  
[thuston@clinetwilliams.com](mailto:thuston@clinetwilliams.com)

Owner: CenterPointe  
2633 P Street  
Lincoln, NE 68503  
(402)429-2278  
[thansen@centerpointe.org](mailto:thansen@centerpointe.org)

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #17030C

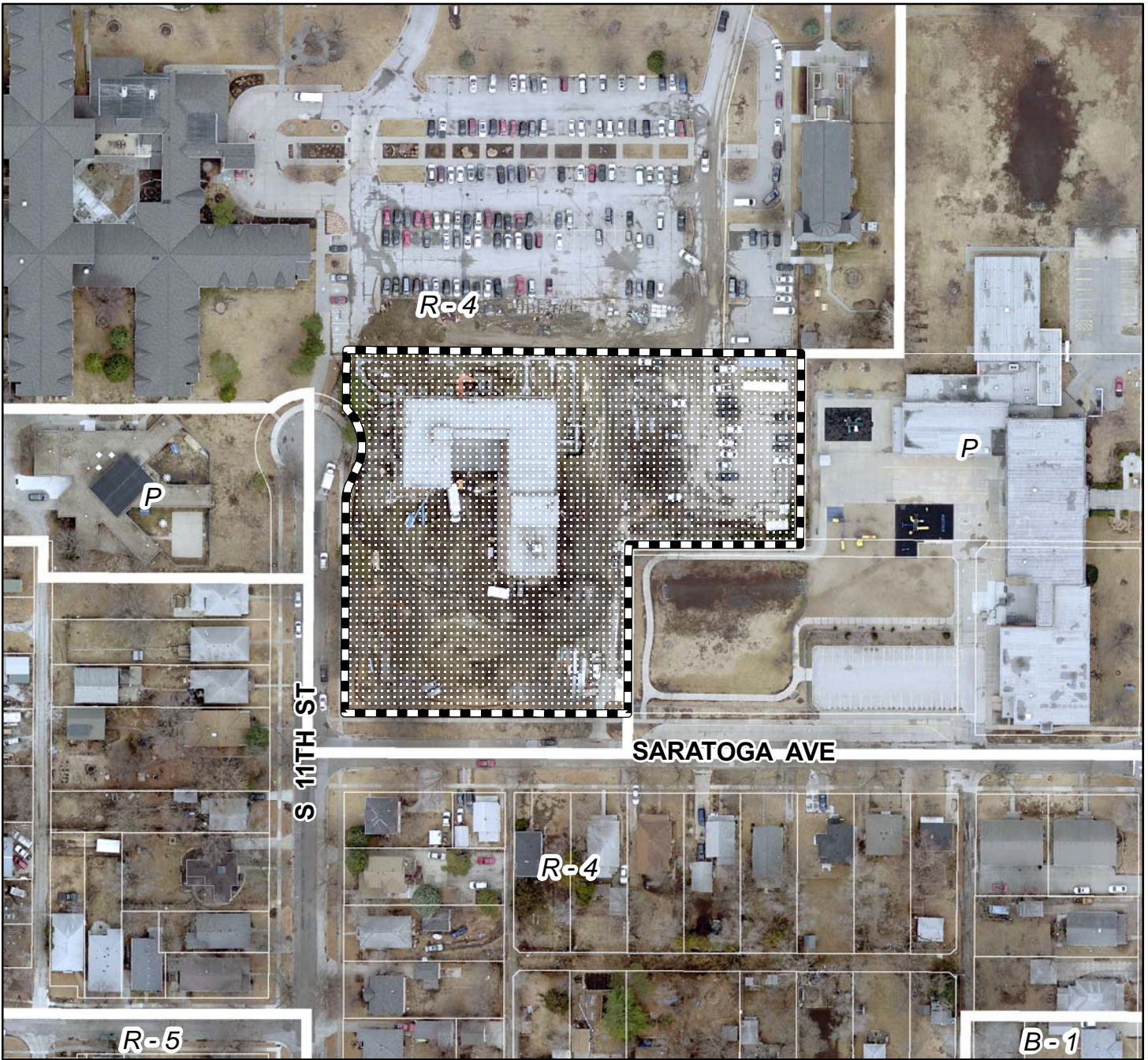
Per Section 27.63.400 this approval permits three wall signs measuring 27 square feet, 31 square feet, and 40 square feet and one freestanding sign measuring 20 square feet in area as shown on the associated plans.

### 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 Remove all text following callout titled "New freestanding sign on wall" on the site plan.
2. Any signs for the property must receive a Certificate of Appropriateness from the Historic Preservation Commission prior to receiving a City of Lincoln sign permit.
3. Before receiving building permits 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.

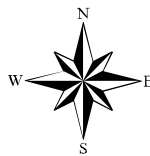
### Standard Conditions:

4. The following conditions are applicable to all requests:
  - 4.1 Before occupying the building, all development and construction shall substantially comply with the approved plans.
  - 4.2 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
  - 4.3 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 #: SP17030C**  
**S 11th St & South St**



**One Square Mile:**  
**Sec.35 T10N R06E**

**Zoning:**

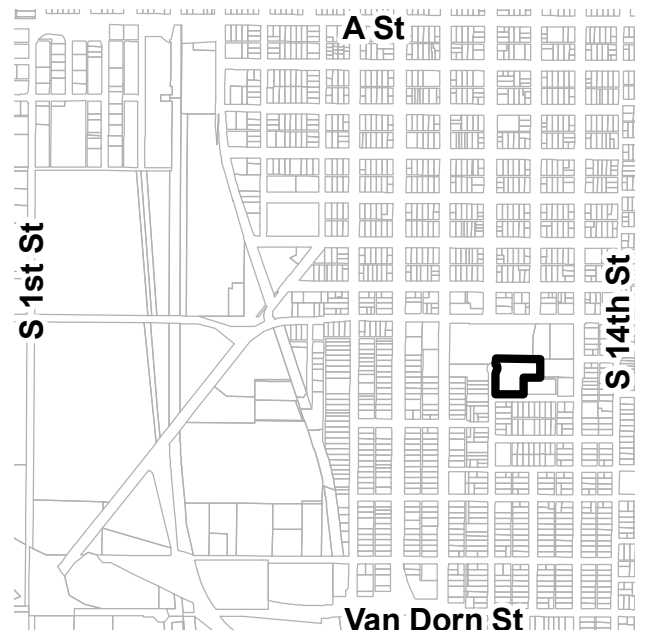
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction

73



**CenterPointe South Street Project  
Exterior Signage Exhibit**

2202 S 11<sup>TH</sup> ST. LINCOLN, NE 68502

Owner: CenterPointe

Design Team: Clark & Enersen | Olsson

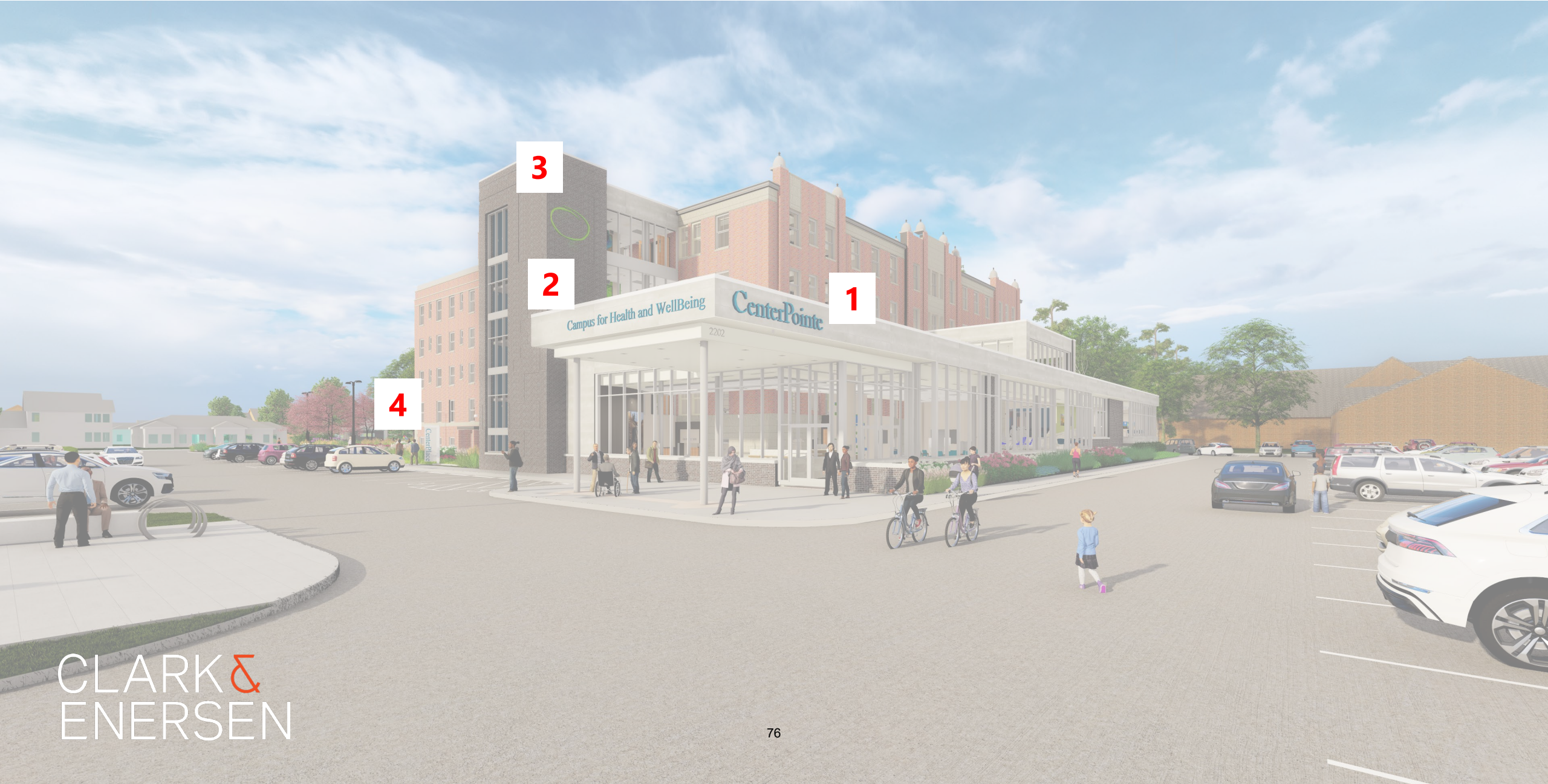
2023



# CenterPointe South Street Project: Signage – Front Entry



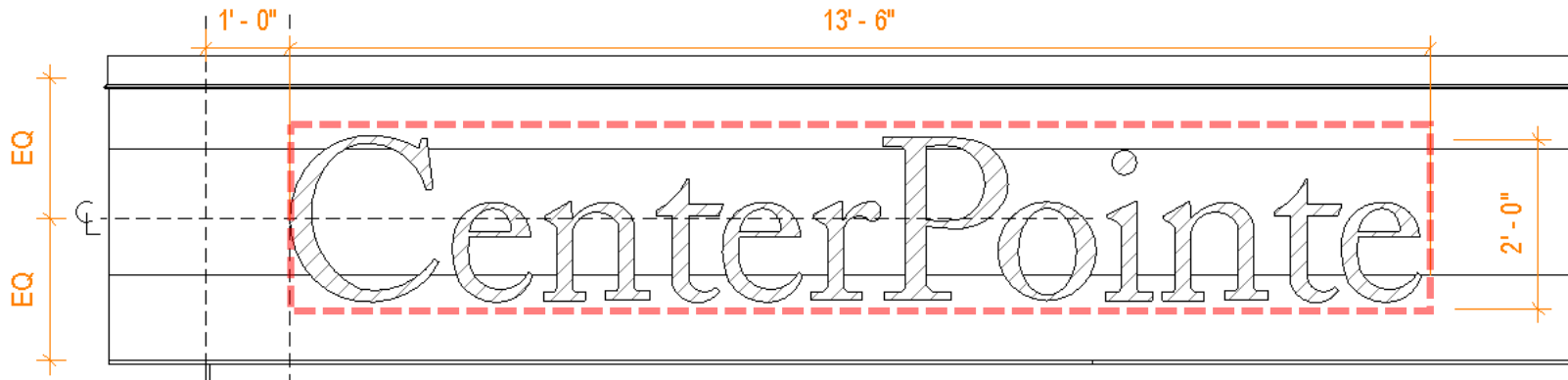
# CenterPointe South Street Project: Signage – Sign Locations



## Exterior Signage: 1 of 4

### Wall Sign

- Purpose: Indicate the purpose and name of the business occupying the site
- Location: North façade – North facing, on wall over the main building entry
- Sign #: 1 of 4 exterior signs on site (3 inch depth)
- Sign Area: 27 sq. ft. (0.28% of overall adjacent façade area)
- Integral Lighting: Backlit – Halo
- Sign Content: Text – “CenterPointe”
- Material: Painted Aluminum



Text Color

\*Reference elevation  
 Sign Area

## \ Exterior Signage: 2 of 4

### ▶ Wall Sign

- Purpose: Indicate the purpose and name of the business occupying the site
- Location: East façade – East facing, on wall over the main building entry
- Sign #: 2 of 4 exterior signs on site (1 inch depth)
- Sign Area: 31 sq. ft. (0.34% of overall façade area)
- Integral Lighting: None
- Sign Content: Text – “Campus for Health and WellBeing”
- Material: Painted Aluminum



\*Reference elevation  
 Sign Area

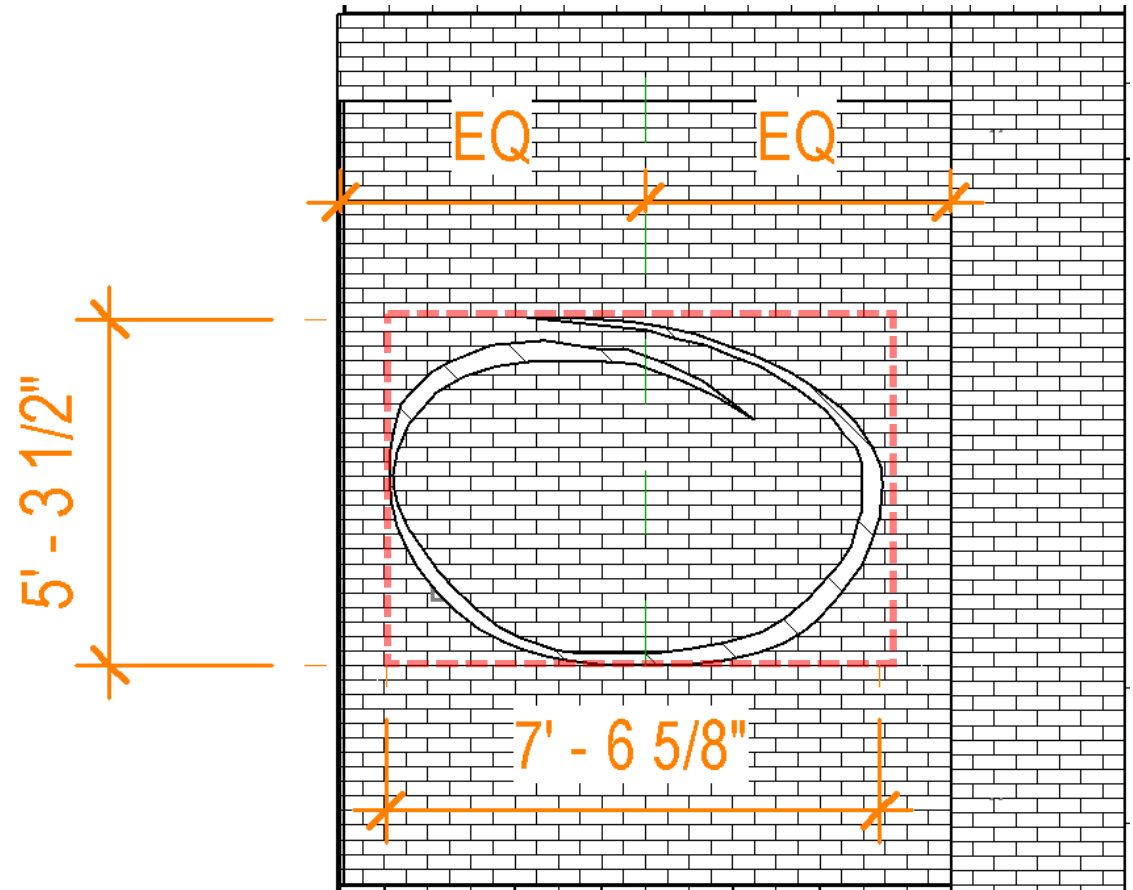
## \ Exterior Signage: 3 of 4

### ▶ Wall Sign

- Purpose: Indicate business occupying the site
- Location: North façade – North facing, on a wall of the east stair tower of the building
- Sign #: 3 of 4 exterior signs on site (3 inch depth)
- Sign Area: 40 sq. ft. (0.42% of overall façade area)
- Integral Lighting: Backlit - Halo
- Sign Content: Logo
- Material: Painted Aluminum



Logo Color



\*Reference elevation  
Sign Area

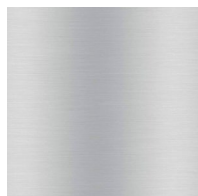
## Exterior Signage: 4 of 4

### ► Freestanding Sign on Wall

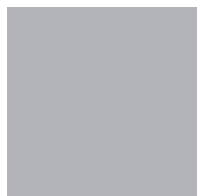
- Purpose: Indicate the entrance to the apartments on the site
- Location: East Façade – Facing northeast, on a retaining wall connected to the building stair tower
- Sign #: 4 of 4 exterior signs on site (2 inch depth)
- Sign Area: 20 sq. ft. (0.22% of overall adjacent façade area)
- Integral Lighting: Light Wash - Side
- Sign Content: Text – “CenterPlace”
- Materials: Painted Aluminum and Painted Galvanized Steel



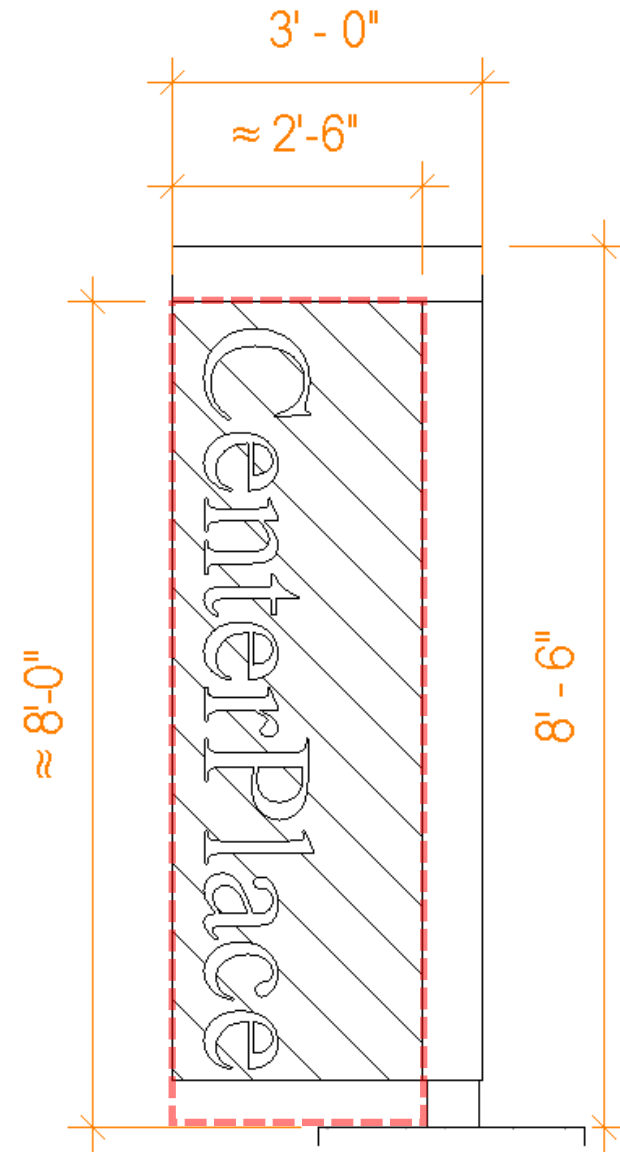
Text Color



Panel Color



Steel Frame Color



\*Reference elevation  
Sign Area

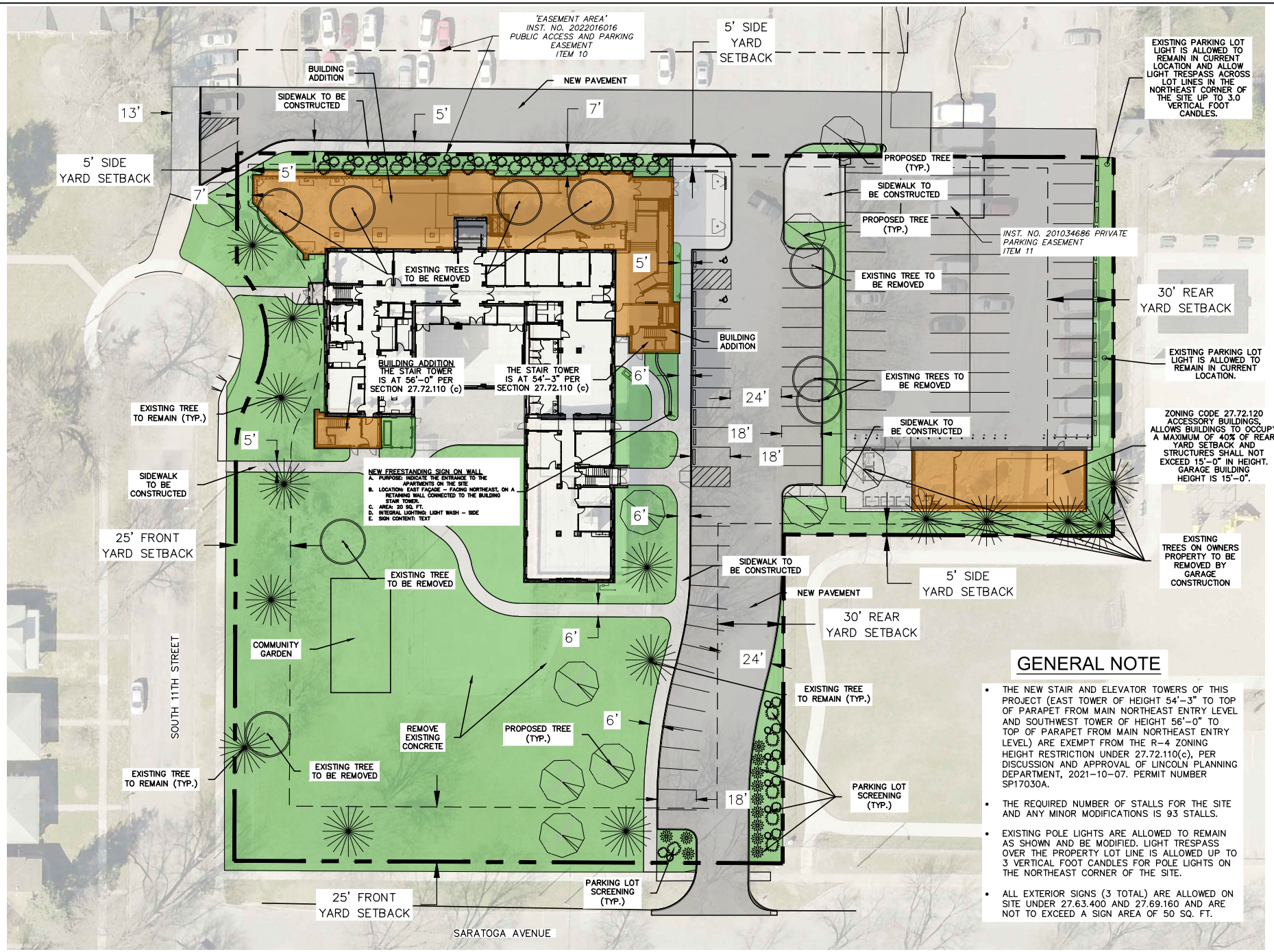
CenterPointe South Street Project: Signage – Residence Sign



# CenterPointe South Street Project: Signage – Front Entry



DWG: F:\2019\1001-1500\019-1314\40-Design\Exhibits\2022.04.04\_GNCV\_Easement\_Agreement\_Exhibit.dwg  
 USER: jfasonch  
 DATE: Mar 22, 2023 10:49am  
 XREFS: C\_XTOPO 2\_0191314 263001-CP-SSP-Floor Plan\_0A C\_ALTA\_0191314 C\_PBASE\_0191314  
 OA\_263001-CP-SSP-GARAGE-A21 - Floor Plan - FIRST FLOOR



**NEW FREESTANDING SIGN ON WALL**  
 A. PURPOSE: INDICATE THE ENTRANCE TO THE APARTMENTS ON THE SITE.  
 B. LOCATION: EAST FACADE - FACING NORTHEAST, ON A RETAINING WALL CONNECTED TO THE BUILDING STAIR TOWER.  
 C. AREA: 20 SQ. FT.  
 D. INTERNAL LIGHTING LIGHT WASH - SIDE SIGN CONTENTS TEXT

- GENERAL NOTE**
- THE NEW STAIR AND ELEVATOR TOWERS OF THIS PROJECT (EAST TOWER OF HEIGHT 54'-3" TO TOP OF PARAPET FROM MAIN NORTHEAST ENTRY LEVEL AND SOUTHWEST TOWER OF HEIGHT 56'-0" TO TOP OF PARAPET FROM MAIN NORTHEAST ENTRY LEVEL) ARE EXEMPT FROM THE R-4 ZONING HEIGHT RESTRICTION UNDER 27.72.110(c), PER DISCUSSION AND APPROVAL OF LINCOLN PLANNING DEPARTMENT, 2021-10-07. PERMIT NUMBER SP17030A.
  - THE REQUIRED NUMBER OF STALLS FOR THE SITE AND ANY MINOR MODIFICATIONS IS 93 STALLS.
  - EXISTING POLE LIGHTS ARE ALLOWED TO REMAIN AS SHOWN AND BE MODIFIED. LIGHT TRESPASS OVER THE PROPERTY LOT LINE IS ALLOWED UP TO 3 VERTICAL FOOT CANDLES FOR POLE LIGHTS ON THE NORTHEAST CORNER OF THE SITE.
  - ALL EXTERIOR SIGNS (3 TOTAL) ARE ALLOWED ON SITE UNDER 27.63.400 AND 27.69.160 AND ARE NOT TO EXCEED A SIGN AREA OF 50 SQ. FT.

PROJECT NO:	019-1314
DRAWN BY:	JEF
DATE:	05/09/2022

**CENTERPOINTE SITE EXHIBIT**  
 83

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

**MEETING MINUTES**

*Advanced public notice of the Historic Preservation Commission meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Wednesday, April 12, 2023.*

**NAME OF GROUP:** HISTORIC PRESERVATION COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Thursday, April 20, 2023, 1:30 p.m., County-City Building, City Council Chambers, 555 S. 10<sup>th</sup> Street, Lincoln, NE.

**MEMBERS IN ATTENDANCE:** Nancy Hove-Graul, Dan Worth, Greg McCown, Jim McKee, Jim Johnson, and Greg Newport (Melissa Gengler absent).

**OTHERS IN ATTENDANCE:** Paul Barnes, Stephanie Rouse, Arvind Gopalakrishnan of Alexis Longstreet of the Planning Department; and other interested parties.

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

McCown called for a motion approving the minutes of the regular meeting held March 16, 2023.

Motion for approval by Newport, seconded by Johnson. Carried 6-0: Johnson, McKee, Worth, Newport, Hove-Graul, McCown and Newport voting 'yes'; Gengler absent.

**TEXT AMENDMENT TO SPECIAL PERMIT****PUBLIC HEARING:****April 20, 2023**

Members present: Johnson, McKee, Worth, Hove-Graul, McCown and Newport; Gengler absent.

**Stephanie Rouse** stated the text amendment is related to Special Permit 17030C. The text amendment is related to the sign allowance. Current ordinance allows historic properties in Residential districts up to 20 square feet of signage as a recommendation that gets approved by Planning Commission. Challenging for larger buildings. The amendment is strictly related to residential zoned properties originally built for uses other than single and two-family dwellings. Flexibility outlined in staff report. 32 square feet for wall signs, do not exceed 20% of the façade, City Council could approve up to 50 square feet for wall signs, no off-premise, electronic changeable copy or internally illuminated signs allowed. Freestanding signs up to 8 feet in height and 32 square feet in area. Illuminated signs will have greater setbacks when adjacent to residential uses. Intent is to provide flexibility for commercial properties in Residential zoning. Recommendation of staff is to approve text amendment for the historic preservation special permit.

**ACTION:**

McKee moved approval of text amendment, seconded by Hove-Graul. Motion carried 6-0: Johnson, McKee, Worth, Newport, Hove-Graul, McCown and Newport voting 'yes'; Gengler absent.

**SPECIAL PERMIT AT TRABERT HALL**

**PUBLIC HEARING:**

**April 20, 2023**

Members present: Johnson, McKee, Worth, Newport, Hove-Graul, McCown and Newport; Gengler absent.

Rouse stated the proposal is for three (3) wall signs and one free standing sign built into landscape wall. All signs will be either no lighting or backlit halo lighting. All comply under the new text amendment with the special permit going to the City Council for final approval of one of the wall signs being 40 square feet. Two wall signs are located on the canopy of the building. None of the wall signs are placed on the historic areas of the building, all placed on the new areas of the building.

Newport asked if any new signage would face residential areas to the south or west.

Rouse answered the signs would face north and east.

**ACTION:**

Newport moved approval of signs as illustrated in Attachment B, seconded by Johnson.

Worth asked for clarification that the largest sign has no verbiage, just a logo.

Rouse stated Building and Safety consider business logos as signage.

McCown asked if there were any interior components for the sign.

William Pokojski stated that the sign would be as shown.

Worth asking for clarification if there would be any changes of signage, it would need to appear before the commission again.

Rouse answered yes.

Motion Carried 6-0: Johnson, McKee, Worth, Newport, Hove-Graul, McCown and Newport voting 'yes'; Gengler absent.

Newport expressed his appreciation for the sign's appropriateness and design.

McCown asked if there was a grand opening.

Pokojski stated the ribbon cutting is on May 18<sup>th</sup>.



**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

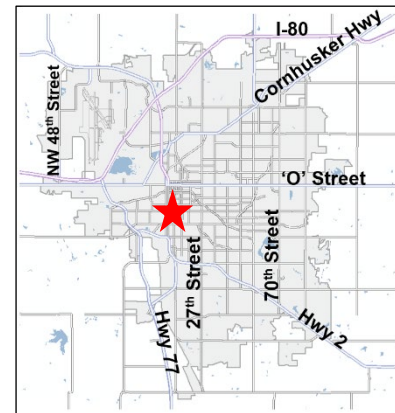
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #23003	FINAL ACTION? Yes	DEVELOPER/OWNER Karen Braaten
PLANNING COMMISSION HEARING DATE May 3, 2023	RELATED APPLICATIONS NA	PROPERTY ADDRESS/LOCATION 2044 C Street

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

**BRIEF SUMMARY OF REQUEST**

This is a request for an Expansion of Nonconforming or Nonstandard Use to construct a new 28 foot by 28 foot garage with attic storage space in the Mount Emerald Historic District. The garage would be located five feet from the side and rear property lines and have a square footage of just under the 1,500 square foot expanded maximum allowed in the R-2 Residential District. The proposed waiver is to reduce the rear yard setback from 20 feet to 5 feet.



**JUSTIFICATION FOR RECOMMENDATION**

The request to reduce the rear yard setback to 5 feet under the special permit would allow the applicant to construct a garage more in keeping with the Mount Emerald Historic District in which it's located.

**APPLICATION CONTACT**

Karen Braaten, (402) 310-8318 or knormb@gmail.com

**STAFF CONTACT**

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

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The Comprehensive Plan supports the preservation of the community's distinctive character and stewardship of historic resources. The special permit would allow the construction of the garage in a manner that fits the character of the Mount Emerald Historic District.

**WAIVERS**

1. Reduce the rear yard setback from 20 feet to 5 feet. (Recommend Approval)

## KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

### Introduction Section: Growth Framework

[Figure GF.b: 2050](#) - This site is shown as future Residential - Urban Density on the 2050 Future Land Use Plan.

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

### **Fundamentals of Growth in Lancaster County: The Urban Environment**

Historic preservation. Preservation and renewal of historic buildings, districts, and landscapes is encouraged. Development and redevelopment should respect historical patterns, precedents, and boundaries in towns, cities and existing neighborhoods.

### Goals Section

G13: Community Appearance. Lincoln and Lancaster County will have a high-quality physical environment that creates a strong sense of place and community pride. The urban and the rural landscapes of Lancaster County produce a distinctive place, offering a sense of identity to visitors and especially to residents. It is worthwhile to plan for, protect, and strengthen this character as the community grows and matures.

### Elements Section

#### E6: Placemaking

This element describes principles and strategies intended to preserve and enhance the community's unique character – its sense of place – through preservation of cultural and historic resources and focused attention to the quality of public and private development.

All parts of PlanForward contribute to the attainment of this vision, but urban design and one of its components, historic preservation, relate most directly to guarding and enhancing the community's physical image.

### Policies Section

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

#### Action Steps

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

### ANALYSIS

1. The owner of 2044 C Street is requesting approval to construct a new garage at the rear of the lot facing South 21st Street. The original garage on the lot was located just a few feet from the alley and was demolished several years back, leaving only a concrete parking pad adjacent to the alley. The attached site plan shows the house located 3.2 feet from the west property line, making this lot nonstandard. Therefore, the application is for a special permit for expansion of a non-standard use to allow the garage to be located five feet from the rear property line.
2. The proposed 28 by 28 foot garage at a height of 15 feet would have attic storage space accessed from a permanent stair on the inside of the structure. The design of the garage has a height and proportion in keeping with the neighborhood. The attached plans include an elevation showing the garage in relation to the existing home and neighboring home just north of the alley.
3. Section 27.63.280 Expansion of Nonconforming and Nonstandard Uses allows for the reduction in zoning requirements, but not an increase. The design of the attic space would keep the square footage below the 1,500 square foot expanded maximum, requiring only the reduction in the rear yard setback. Without the

reduced rear yard to five feet, the accessory building would occupy more than the allowable 40% of the rear yard and would be greater than 15 feet in height. With a reduction of the setback from 20 feet to five feet however, the rear yard would be reduced, and the garage would no longer be out of compliance with these two regulations in Section 17.72.120 (c) ii and iii.

4. The minimum regulations of the district in which the permitted special use is located may be decreased provided the Planning Commission finds that such adjustment would not adversely effect the surrounding area and the adjustment is necessary in order for a building located upon a premises the use of which constitutes a non-conforming use or non-standard use to be enlarged, extended, converted, reconstructed or structurally altered. Approval of the requested reduction of the rear yard to five feet would not adversely effect the neighborhood and would actually be more in line with the historic district character preserving more of the year yard space and constructing closer to the rear property line which is commonly seen throughout the district.
5. In consideration of applications for the above special permit, the following criteria shall be given specific consideration:
  - a. Effects on adjacent property, traffic, city utility service needs;
  - b. Density of land use zoning for the subject property and adjacent property;
  - c. The degree of hardship upon the applicant which would be caused by failure to grant such a permit.
1. The special permit would have minimal impact on adjacent property and no impact on traffic or city utility service needs. The Applicant will need to work with LES on relocation of overhead service wire as code clearances will not be met between overhead service wire and the proposed garage. The garage would not increase density but instead provide a protected area for the owner's vehicle. Without the permanent stair to access the second story storage space the square footage of the second story would not be included in the calculations and therefore the garage could be located up to two feet from the rear property line.
6. The Historic Preservation Commission reviewed a Certificate of Appropriateness for the garage which is located within the Mount Emerald Historic District at their April 20<sup>th</sup> meeting. They recommended approval 6-0 of the garage as proposed with strong support of the design which reflected earlier feedback they provided.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** R-2/Single Family Dwelling

**SURROUNDING LAND USE & ZONING**

North: R-2/Single Family Dwelling  
South: R-2/Single Family Dwelling  
East: R-2/Single Family Dwelling  
West: R-2/Single Family Dwelling

**APPROXIMATE LAND AREA:** 6,480 square feet

**LEGAL DESCRIPTION:** Lots 11 and 12, Block 4, Hillsdale

Prepared by Stephanie Rouse, Planner  
(402) 441-6373 or [srouse@lincoln.ne.gov](mailto:srouse@lincoln.ne.gov)

Date: April 20, 2023

Applicant/Owner: Karen Braaten  
[knormb@gmail.com](mailto:knormb@gmail.com)  
402-310-8318

Contact: Same

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/23000/SP23003 2044 C Street Garage.slr.docx>

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #23003

Per Section 27.63.280 this approval permits an expansion of a nonstandard use for a garage with a waiver to reduce the rear yard setback to five feet.

### Site Specific Conditions:

2. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies.

### Standard Conditions:

3. The following conditions are applicable to all requests:
  - 3.1 Before occupying building all development and construction shall substantially comply with the approved plans.
  - 3.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
  - 3.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
  - 3.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

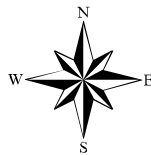


2022 aerial

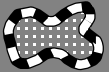


**Special Permit #: UDR23011**  
**S 21st St & C St**

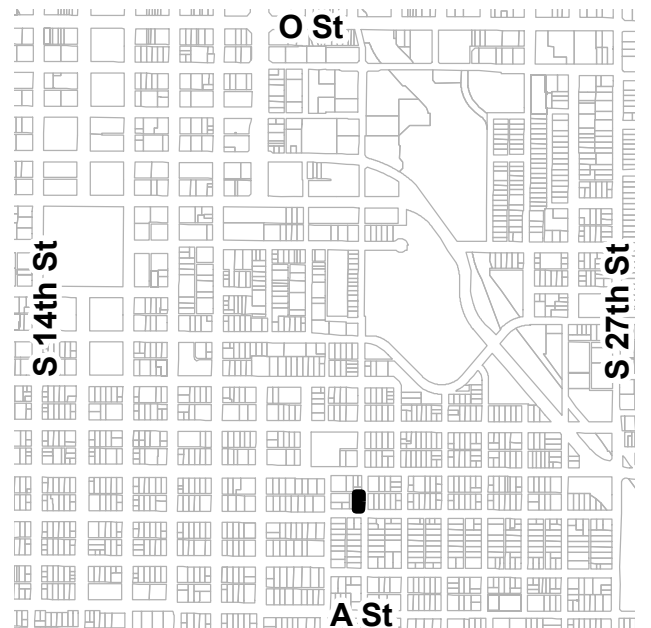
**Zoning:**

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



**One Square Mile:**  
**Sec.25 T10N R06E**

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction
91	



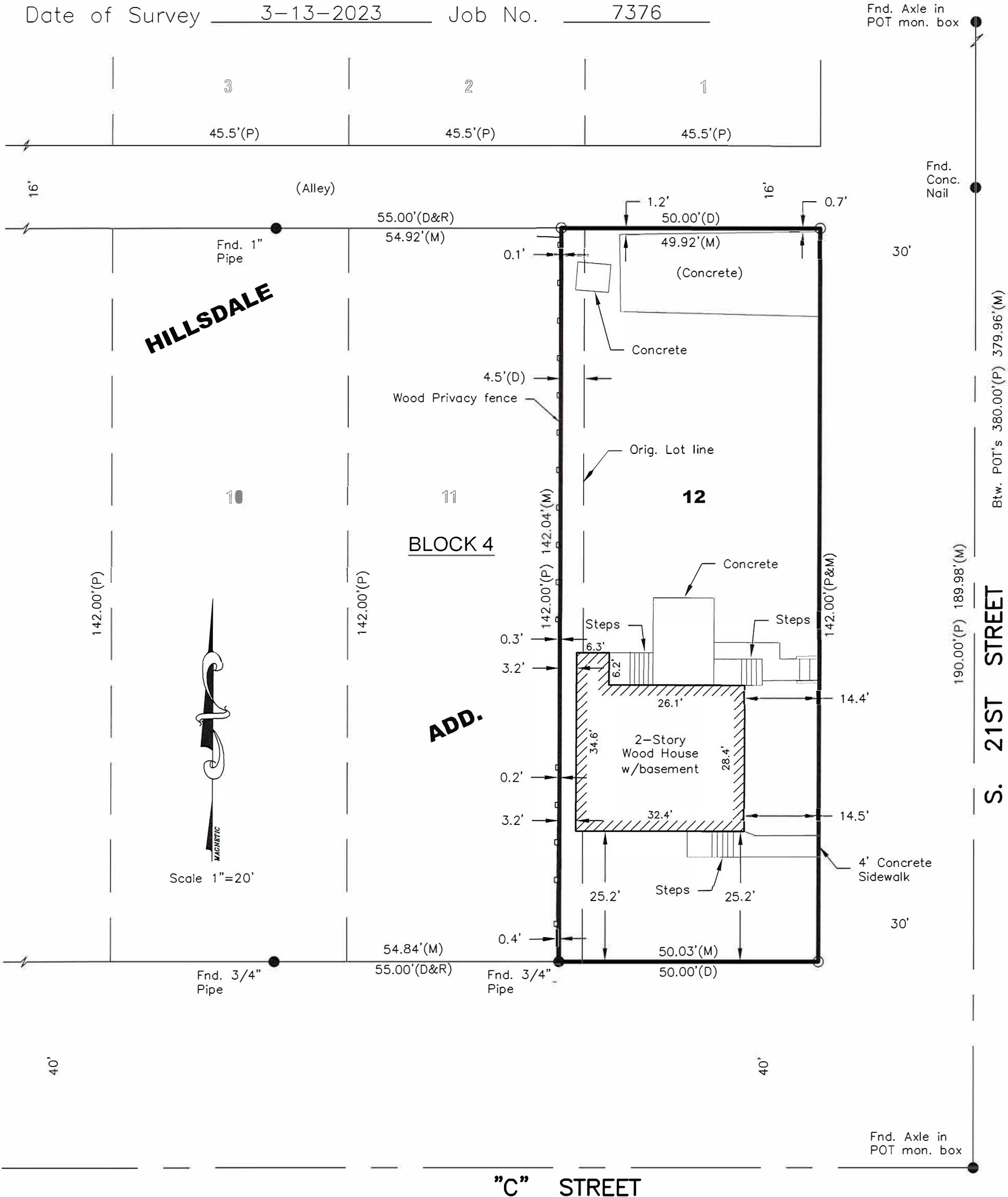


4535 Normal Blvd. Ste. #101  
Lincoln, NE 68506  
(402)423-5202  
(402)423-5211  
www.huskersurveying.com

# SURVEY RECORD

Survey for: Karen Braaten  
2044 "C" Street  
Lincoln, NE 68502

Survey of E. 4.5 ft. of Lot 11 & Lot 12, Block 4, Hillsdale Addition, City of Lincoln.  
SE 1/4, Section 25 T. 10 N. R. 6 E. of the 6th P.M.  
Lancaster County, Nebraska  
Date of Survey 3-13-2023 Job No. 7376



## "C" STREET

### Surveyor's Certificate

- = Cor. Found
  - = Cor. Set #5 Rebar w/Red Plastic Cap Husker 440
  - (M) = Meas. Dist.
  - (P) = Plat Dist.
  - (D) = Deed Dist.
  - (R) = Record Dist.
- AA-18530

I, Jayme M. Malone, a Professional Registered Land Surveyor under the laws of the State of Nebraska, certify the above survey was executed by me, or under my direct supervision and complies with the current Nebraska Minimum Standards, on the date shown. Permanent monument corners as described on the survey drawing were placed at all missing or re-monumented corners. Distances shown are measured in feet and decimals of a foot.

Signed this 29<sup>th</sup> March, 2023  
  
 Jayme M. Malone





2044 C Street



New Garage



1125 South 21st Street

# BLOCK FACE 10-12

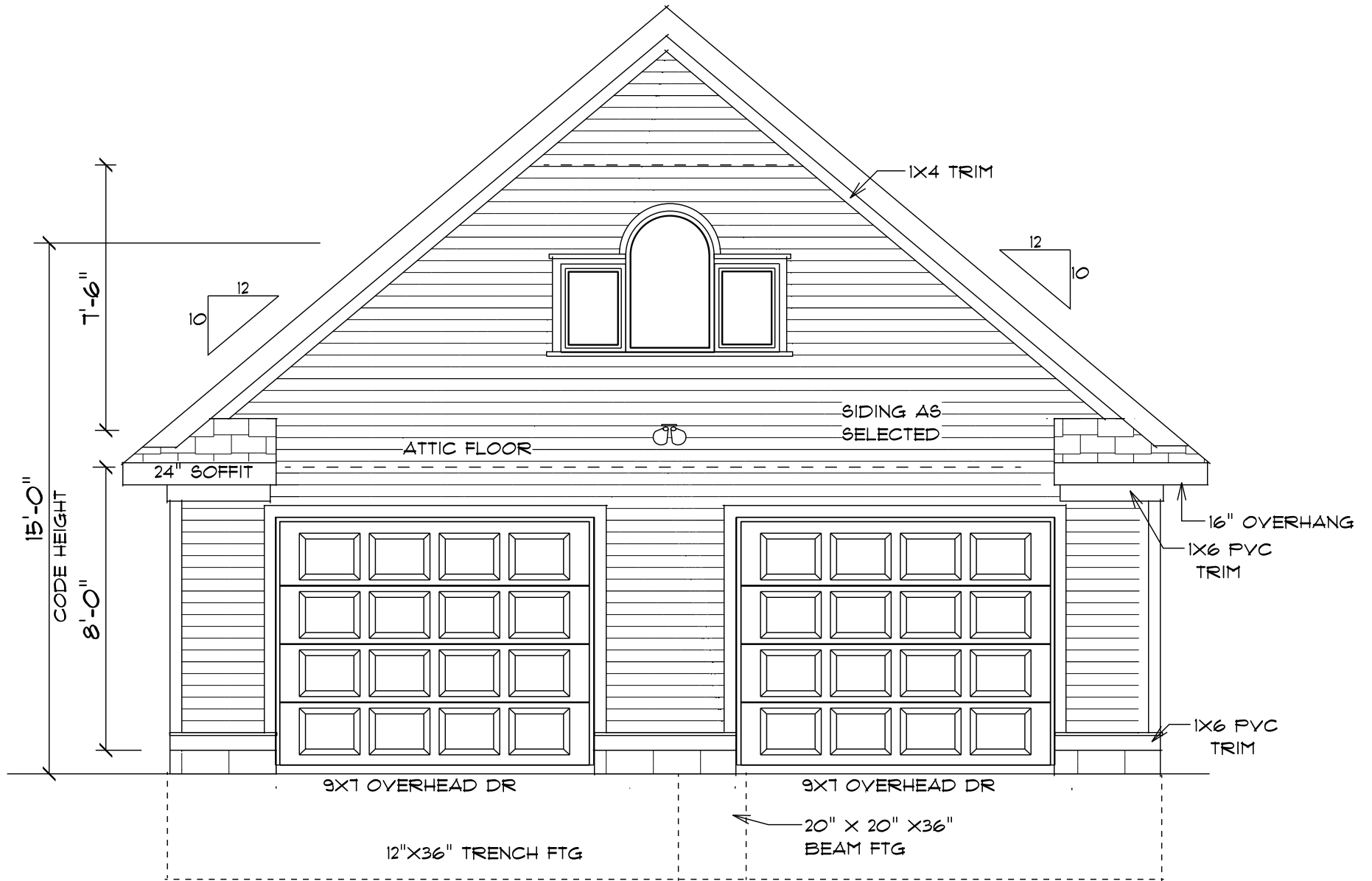
SCALE: 1" = 10'-0"

<i>LaLong Restoration</i> Lincoln, Nebraska 402-470-7134	
Project Address	2044 C Street Lincoln, Nebraska Garage
APPROVED BY	



By Paul Sayer - 402-393-5076  
 I, THE UNDERSIGNED, AS ARCHITECT OR ENGINEER OR DESIGNER OR SURVEYOR, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL ENGINEER OR ARCHITECT OR DESIGNER OR SURVEYOR IN THE STATE OF NEBRASKA AND I AM NOT PROVIDING PROFESSIONAL SERVICES TO ANY OTHER PROJECTS PRIOR TO THE COMMENCEMENT OF THIS PROJECT. I AM NOT PROVIDING PROFESSIONAL SERVICES TO ANY OTHER PROJECTS PRIOR TO THE COMMENCEMENT OF THIS PROJECT. I AM NOT PROVIDING PROFESSIONAL SERVICES TO ANY OTHER PROJECTS PRIOR TO THE COMMENCEMENT OF THIS PROJECT.

Block Face 10-12	
DRAWN BY:	PAGE:
SCALE: As Noted	8 / 8
DATE: Friday, March 24, 2023	



# FRONT 10-12

SCALE: 1/4" = 1'-0"

FRONT

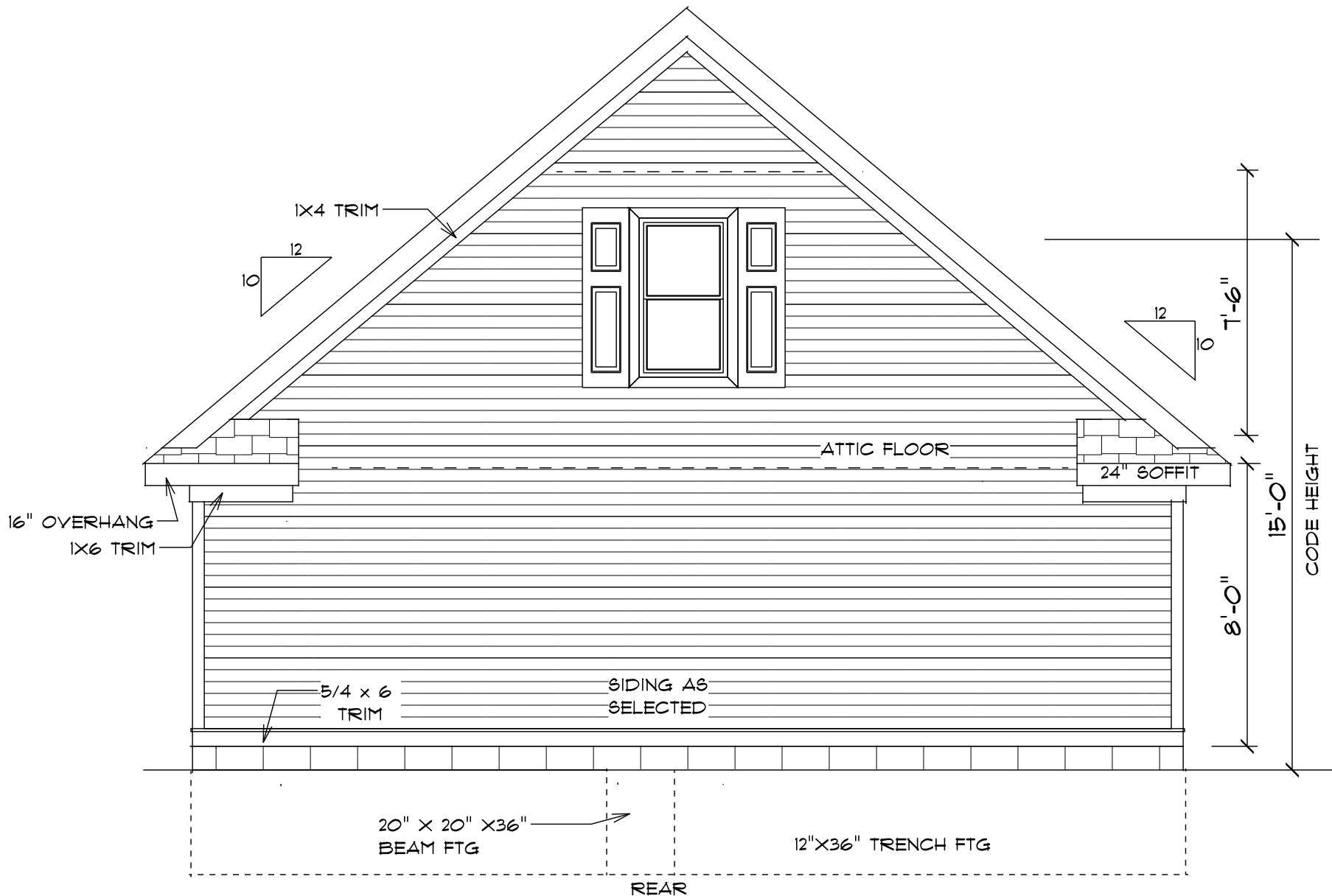
<b>LinLong Restoration</b> Lincoln, Nebraska 402-470-7134	
Project Address	2044 C Street Lincoln, Nebraska
Garage	
APPROVED BY	

SAYER  
 DRAFTING  
 AND  
 DESIGN

BY FILED STATE #0238330125  
 OF THE UNLICENSED ABOVE  
 AND SPECIFICATIONS PRIOR TO  
 POWER RESUMES ALL LIMITATIONS OF  
 LIABILITY SHALL REMAIN IN FULL FORCE  
 AND EFFECT. THIS CONTRACT IS SUBJECT  
 TO BE SURE CONSTRUCTION  
 CONDITIONS TO ALL BUILDING CODES.

Front 10-12

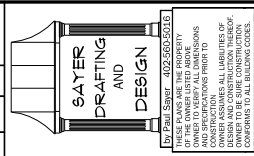
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SCALE: As Noted	2 / 8
DATE: Friday, March 24, 2023	



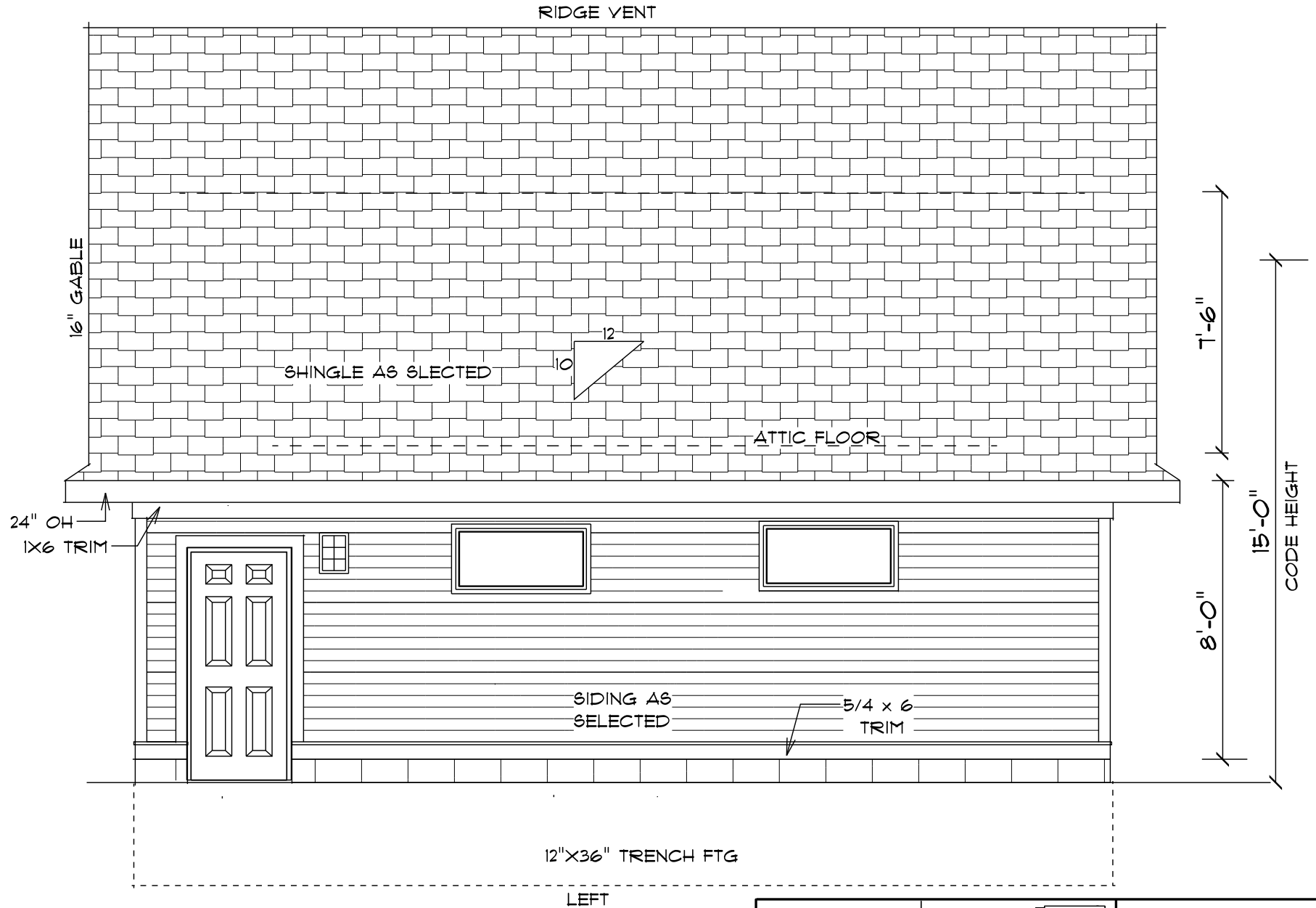
# REAR 10-12

SCALE: 1/4" = 1'-0"

<i>LinLong Restoration</i> Lincoln, Nebraska 402-470-7134	
Project Address	2044 C Street Lincoln, Nebraska
Garage	
APPROVED BY	



Rear 10-12	
DRAWN BY:	PAGE: 3 / 8
SCALE: As Noted	
DATE: Friday, March 24, 2023	



**LEFT 10-12**  
SCALE: 1/4" = 1'-0"

<i>LinLong Restoration</i> Lincoln, Nebraska 402-470-7134	
Project Address	2044 C Street Lincoln, Nebraska
Garage	
APPROVED BY	

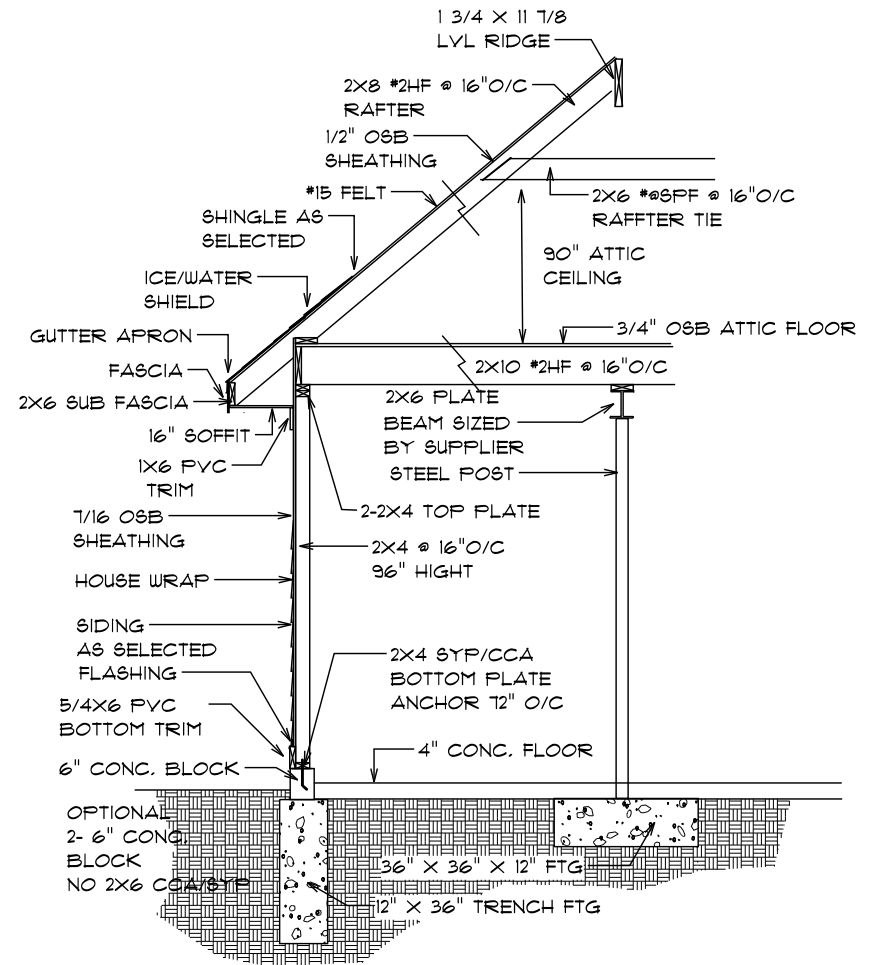
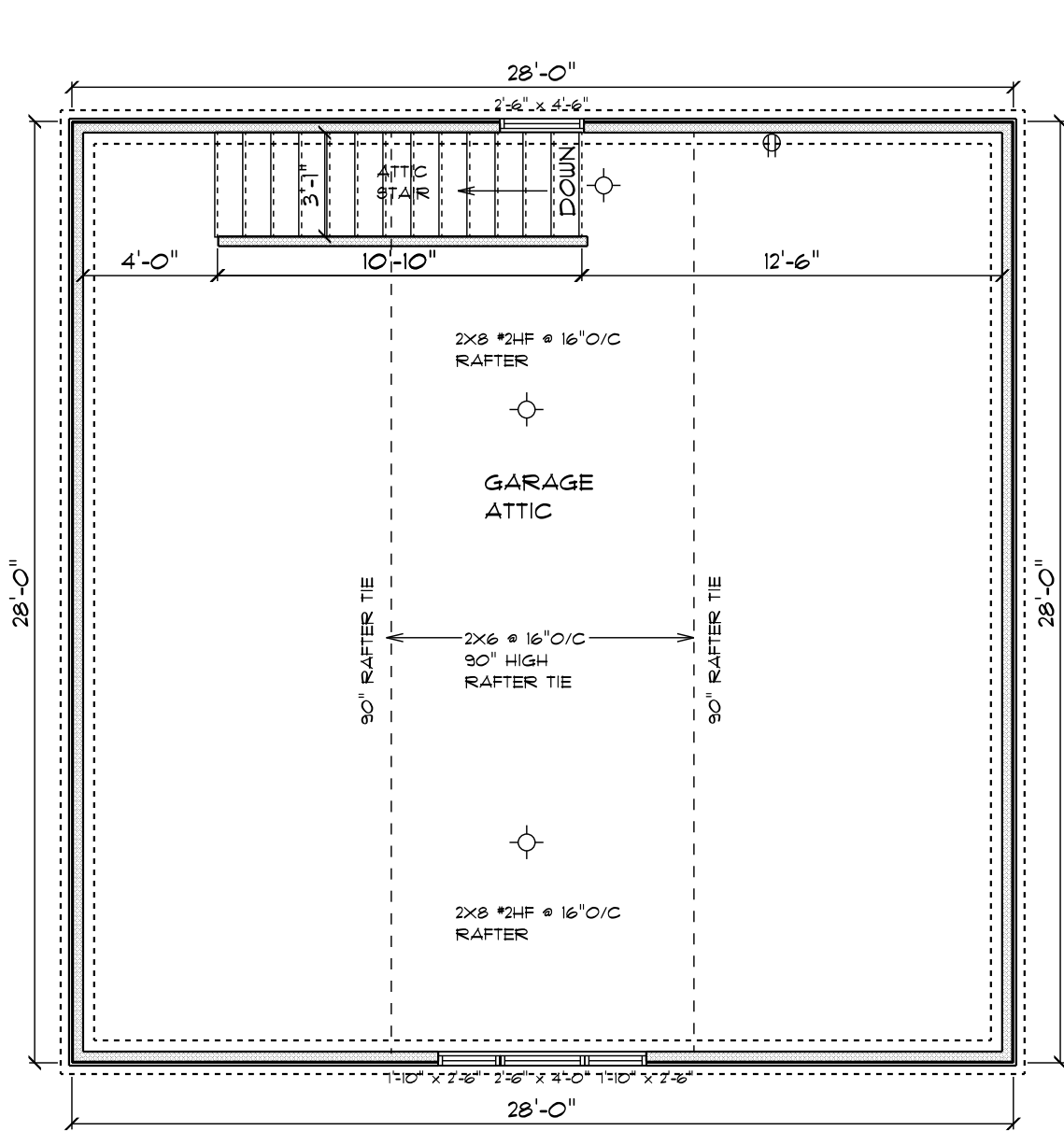
**SAYER DRAFTING AND DESIGN**

By Paul Sayer 402-560-5015  
I am the owner of the above noted property and I hereby authorize the above named contractor to construct, alter, repair, maintain, demolish, or remove any structure, building, or improvement on the above noted property. I understand that the contractor is not responsible for obtaining all necessary permits and for complying with all applicable codes and regulations. I understand that the contractor is not responsible for obtaining all necessary permits and for complying with all applicable codes and regulations.

Left 10-12	
DRAWN BY:	PAGE:
SCALE: As Noted	5 / 8
DATE: Friday, March 24, 2023	







## WALL SECTION 10-12

# SECOND FL ATTIC 10-12

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

<b>LinLong Restoration</b> Lincoln, Nebraska 402.470.7134			Attic 10-12	
Project Address 2044 C Street Lincoln, Nebraska	Garage		DRAWN BY:	PAGE:
APPROVED BY:	DATE: Friday, March 24, 2023		SCALE: As Noted	7 / 8

**CERTIFICATE OF APPROPRIATENESS AT 2044 C STREET**

**PUBLIC HEARING:**

**April 20, 2023**

Members present: Johnson, McKee, Worth, Newport, Hove-Graul, McCown and Newport; Gengler absent.

Rouse stated the board provided an advisory review at a previous meeting. The roof pitch was changed to match the home. Other changes included adding a second window on the south side of the garage. Altered east facing window to have similar style at peak of dwelling. Siding is the same as matching home. Staff recommending approval of a 28 foot by 28-foot garage with attic storage space as it meets design guidelines and materials are compatible with district. Application is also going to PC for approval separately as non-conforming use to allow garage to be five feet from alley.

McCown stated the changes look good.

The contractor had a question about using aluminum soffit and fascia. The home will still have beaded cedar.

McCown asked what the soffit depth is.

The contractor stated the depth is about 16 inches. He stated that the only difference from the home is that there isn't a beveled edge.

The contractor stated to match the home, one row of block above grade is only 6 inches, they would have to do a frieze board. He believes that he could put in two rows of block, he can still add the board and the cedar which will make it decorative block. It wouldn't be antique block material, but it would be a close material.

The commission expressed their appreciation for the owner and contractor taking into consideration the recommendations.

The contract stated that he appreciated the push. The homeowner's plans are to start transforming home back to a one-unit home.

Newport asked why the application was going to the Planning Commission.

Rouse stated because of the additional attic space it increases the size and the setbacks need to be adjusted.

Rouse stated to note in motion to add the extra row of block and aluminum fascia as an amendment.

**ACTION:**

Hove-Graul moved approval of presentation with addition to Aluminum soffit and fascia and extra block at foundation, seconded by Johnson. Carried 6-0: Johnson, McKee, Worth, Newport, Hove-Graul, McCown and Newport voting 'yes'; Gengler absent.



**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

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

APPLICATION NUMBER Street and Alley Vacation #23002 Watermark Road	FINAL ACTION? No	DEVELOPER/OWNER Nebco, Inc.
PLANNING COMMISSION HEARING DATE May 3, 2023	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 0.75 miles north of the intersection of Fletcher Avenue and North 70 <sup>th</sup> Street

**RECOMMENDATION: CONFORMS TO THE COMPREHENSIVE PLAN**

**BRIEF SUMMARY OF REQUEST**

This is a request to vacate Watermark Road located approximately 0.75 miles north of the intersection of Fletcher Avenue and North 70<sup>th</sup> Street.

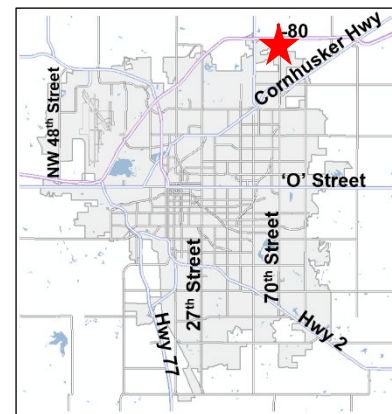
The right-of-way to be vacated was dedicated by deed and not the result of platting. This was in anticipation of the owner of Lot 41 (see attached vacation exhibit) on the north dedicating the other half as shown in the preliminary plat over that property for Watts Addition. The street was to be used to access both adjoining properties, which at the time were owned by different parties.

Since then, the applicant has come under ownership of both lots adjacent to Watermark Road. The applicant intends to construct a concrete plant on Lot 41 and a street is not required given the consolidated ownership. A driveway and parking lot to serve the plant will be built instead.

There is an administrative amendment (AA#23012) under review to amend the Watts Addition preliminary plat, along with an administrative special permit (ASP#23001) to locate a concrete plant on Lot 41. The revised preliminary plat deletes Watermark Road and shows a driveway providing access to the adjacent lots from North 70<sup>th</sup> Street.

**JUSTIFICATION FOR RECOMMENDATION**

The applicant has consolidated ownership of the lots adjacent to the right-of-way proposed for vacation. Access to the owner’s lots will be provided by a single driveway and a street is not required. As a result, the right-of-way is excess and no longer needed.



**APPLICATION CONTACT**  
Scott Osterhaus, 402-458-5630 or  
[sosterhaus@olsson.com](mailto:sosterhaus@olsson.com)

**STAFF CONTACT**  
Brian Will, 402-441-6360 or  
[bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

Vacation of this portion of public right-of-way will not negatively impact the transportation system. A public street is not required at this location given the consolidation of ownership by the applicant and the proposed revised Watts Addition preliminary plat. The right-of-way is excess and not needed and vacating it will allow it to be put to other use. Subject to the conditions of approval, this request is in conformance with the Comprehensive Plan.

## KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

### Elements Section

#### Transportation Element

The street is shown as a local street in [Figure 4.23](#) of the Long Range Transportation Plan.

Local Streets: These streets serve as conduits between abutting properties and streets of higher functional classification. Local streets provide the lowest level of mobility and are generally designed to carry low levels of traffic at the lowest posted speeds.

### Policies Section

P25: Open Space with Development - The community should continue to acquire parkland and conserve open space areas commensurate with expanding development, population growth, and community needs.

#### Action Steps

4. Designate areas for future urban development outside of the floodplain and floodway in order to mitigate the impacts of flooding and preserve natural flood storage. Floodplain in public ownership should remain in public ownership. However, where it is determined that there is public benefit to releasing floodplain property to private ownership, flood storage capacity should be maintained through easements, deed restrictions, or other tools.

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

## ANALYSIS

1. This is a request to vacate the dedicated right-of-way for Watermark Road approximately 0.75 miles north of the intersection of Fletcher Avenue and North 70<sup>th</sup> Street. Both adjacent lots, Lots 41 and 43 I.T. are owned by the petitioner, Nebco.
2. At the time the right-of-way for Watermark Road was dedicated in 2008, Lot 41 was owned by Watermark, LLC and Lot 43 was owned by Nebco. The owner of Lot 41 intended to subdivide for commercial development and made an application to the City for a preliminary plat. PP#07002 for Watts Addition was approved and to provide access to North 70<sup>th</sup> Street Watermark Road was shown on the plat. The proposed street split the property line between the two properties with one-half on the Watermark tract and one-half on Nebco's lot. It was intended to provide joint public access. Nebco dedicated their one-half of the right-of-way in anticipation of Watermark, LLC subdividing and dedicating their one-half with a final plat but that never occurred.
3. Nebco has since come under ownership of both lots and has applied to the City for an amendment to the preliminary plat to delete Watermark Road. Also now under review is an administrative special permit for a concrete plant to be sited on Lot 41. Lot 41 is zoned I-1, where a concrete plant is allowed by administrative special permit approved by the Planning Director. Lot 43 is still zoned AG and is not being developed at this time.
4. Driveways for a single user/owner from an arterial street is discouraged by the Access Management Policy which would say that Watermark Road should remain as a public street or private roadway. However, in this case due to the floodway over much of the adjacent property a street isn't viewed as being needed or practical to extend through this area. As a result LTU has accepted the single driveway instead. The floodway is the primary reason staff supported getting rid of the street and allowing a single user driveway.
5. The LTU/Wastewater Division notes there is a 36" sanitary sewer trunk line extending along the west side of North 70<sup>th</sup> Street. To accommodate that trunk sewer a 30' sanitary sewer easement should be retained adjacent to the North 70<sup>th</sup> Street right-of-way for access and maintenance. No other utilities are noted in the area to be vacated.
6. The LTU/Watershed Management Division notes the area of Watermark Road is in the Floodway for Salt Creek, located approximately one-half mile to the north. As is typical of vacated right-of-way located in the floodway, a condition of approval is included that a conservation easement be retained over the vacated right-of-way.

7. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council.
8. The right-of-way vacation will not affect the overall transportation system, and the street is no longer shown on the revised Watts Addition preliminary plat now under review by the City. The request is consistent with the Comprehensive Plan by vacating excess and unneeded right-of-way and making it available for development within the existing city limits.

**CONDITIONS OF APPROVAL:** See attached.

**RELEVANT HISTORY:**

**Apr 2023** - AA#23012 was submitted to amend the preliminary plat of Watts Addition, now under review by the City.

**Apr 2023** - ASP#23001 was submitted for a concrete plan in the I-1 zoning district, now under review by the City.

**May 2007** - PP#22007 for the preliminary plat of Watts Addition was approved for Lot 41.

**EXISTING LAND USE & ZONING:** Unimproved street right-of way.

**SURROUNDING LAND USE & ZONING**

North: Vacant	I-1 Industrial
South: Vacant	AG Agriculture
East: Vacant	AG Agriculture
West: Vacant	AG Agriculture

**APPROXIMATE LAND AREA:** Approximately 29,563.85 square feet.

**LEGAL DESCRIPTION:** That portion of Watermark Road starting 70' west of the centerline of North 70th Street to the end of the cul-de-sac, approximately 885.23' west of the center line of North 70th Street, located in the NE 1/4 of Section 33-11-7, Lincoln, Lancaster County, Nebraska,

Prepared by

Brian Will  
April 17, 2023

Applicant/  
Owner:

Nebco, Inc., DBA Ready Mix Concrete  
c/o Scott Delgago  
1815 Y Street  
Lincoln, NE 68501  
402-434-2153  
[scottd@nebcoinc.com](mailto:scottd@nebcoinc.com)

Contact:

Scott Osterhaus  
Olsson  
601 P Street  
Lincoln, NE 68508  
402-458-5630  
[sosterhaus@olsson.com](mailto:sosterhaus@olsson.com)

## CONDITIONS OF APPROVAL - STREET AND ALLEY VACATION #23002

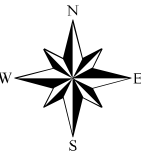
**BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA THE FOLLOWING MUST BE COMPLETED:**

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.
- 1.2 Include retention of a 30'-wide sanitary sewer easement adjacent to the west line of North 70<sup>th</sup> Street by the City with deed transfer.
- 1.3 Retain a conservation easement over the entire area of vacated right-of-way.



2022 aerial

**Street and Alley Vacation #: SAV23002**  
**N 70th St & Watermark Rd**



**Zoning:**

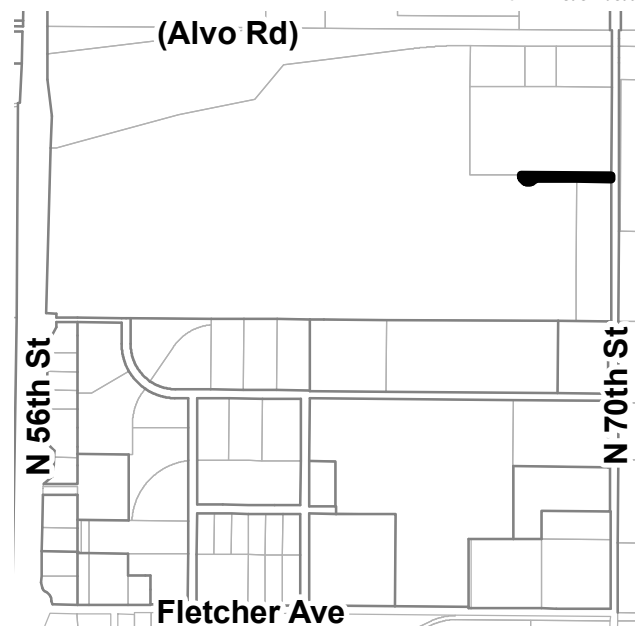
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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.33 T11N R07E

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction





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

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

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

*Watermark Road starting 70' west of the centerline of North 70th Street to the end of the cul-de-sac, approximately 885.23' (feet) west of the centerline of North 70th Street.*

---

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

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

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

*Lot 41, Section 33, T11, R7*

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DATED this 3<sup>rd</sup> day of April, 2023

\_\_\_\_\_  
[Name of Titleholder]

By: [Signature]  
President

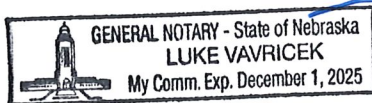
**(ALL TITLEHOLDERS OF THE REAL ESTATE DESCRIBED ON THE PRECEDING PAGE  
MUST SIGN THIS PETITION BEFORE A NOTARY PUBLIC)**

STATE OF Nebraska )  
Lancaster COUNTY ) ss.

The foregoing instrument was acknowledged before me on this 3<sup>rd</sup> day of April,  
2023, by Jack Abel, president of NEBCO, Inc.,  
on behalf of the corporation.

(Seal)

[Signature]  
Notary Public



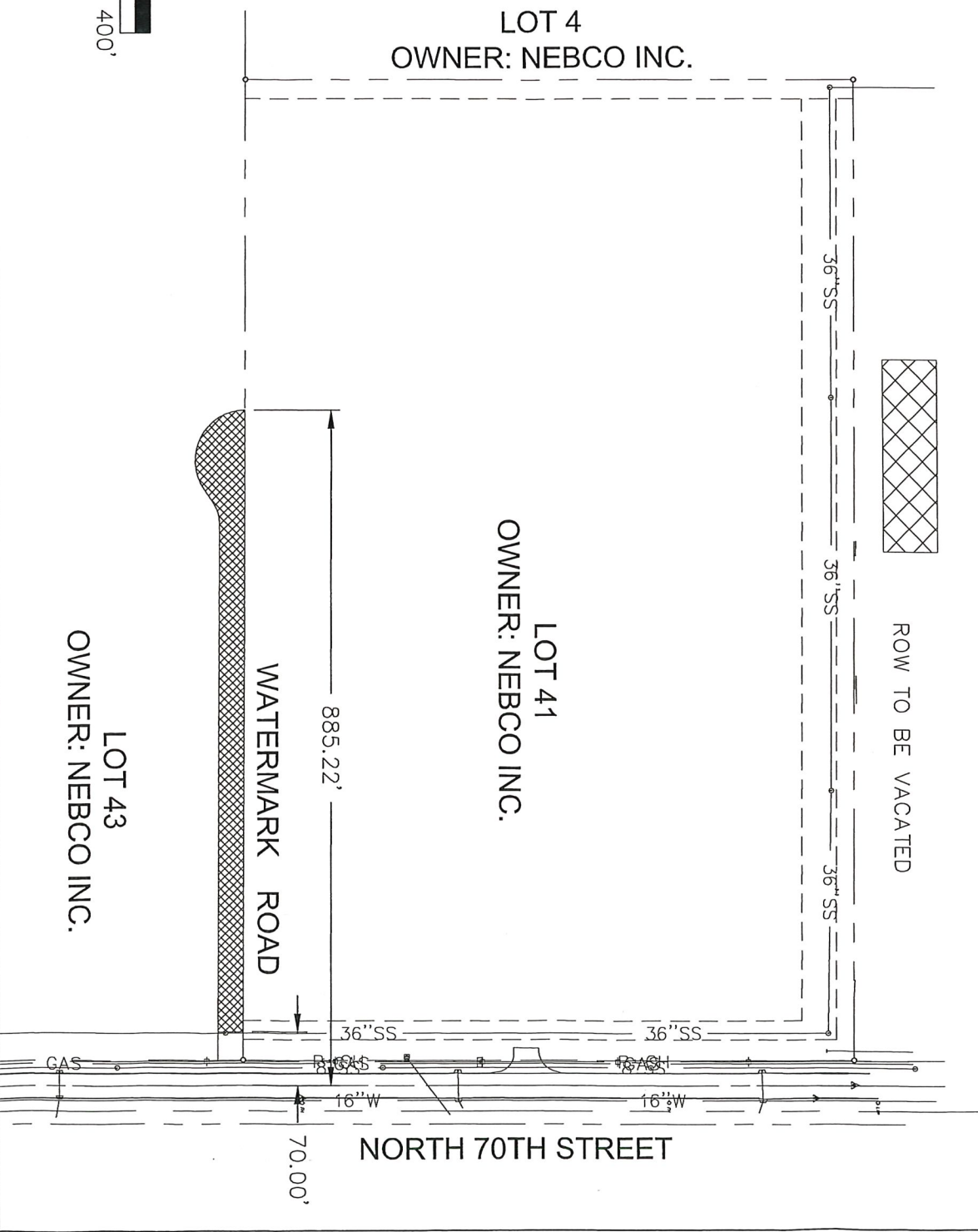
**SIGNATURE PAGE FOR CORPORATION**

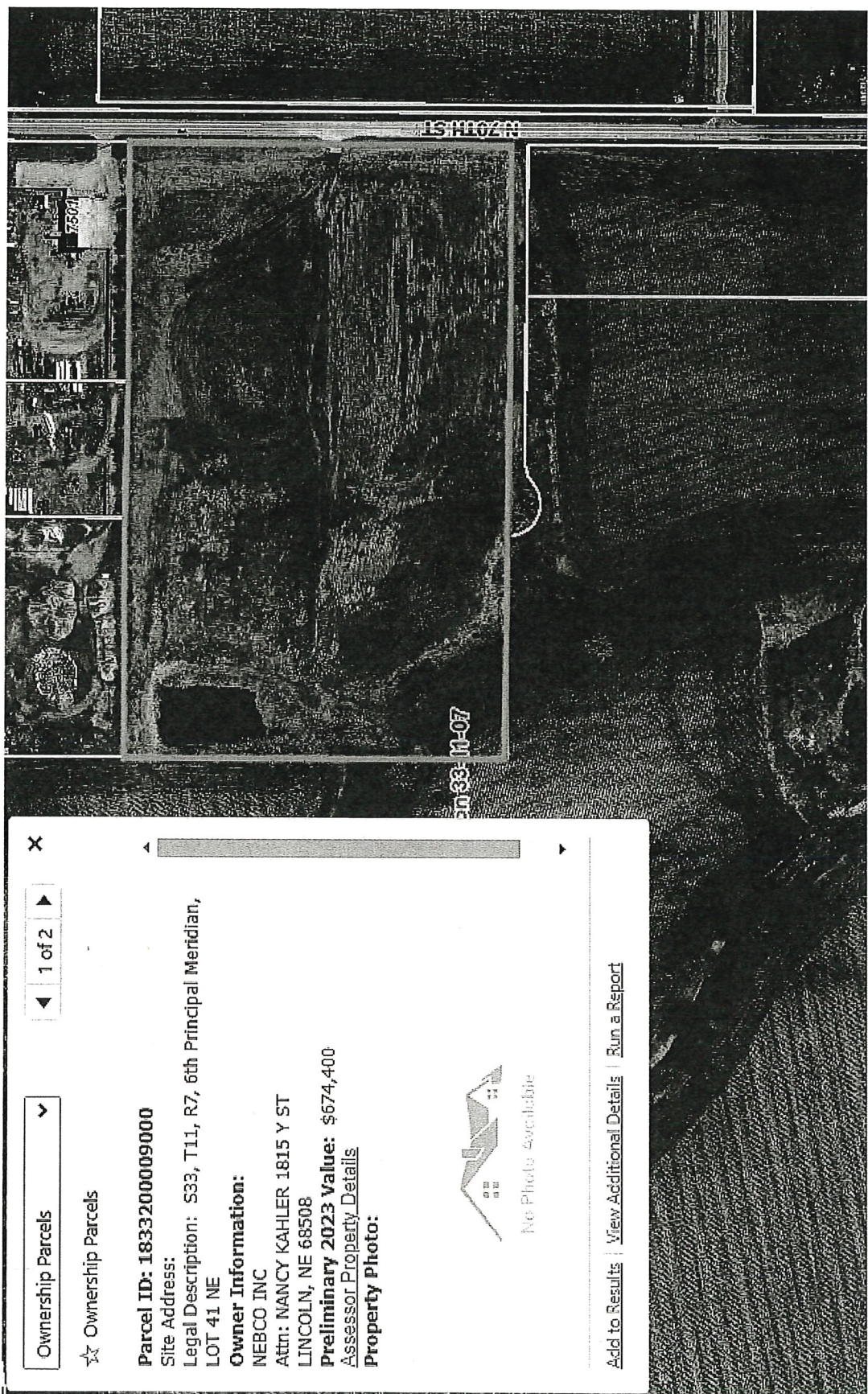
PROJECT NO: 022-00272  
 DRAWN BY: SO  
 DATE: 03-31-23

READY MIX/NEBCO NORTH 70TH STREET  
 ROW VACATION EXHIBIT

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


EXHIBIT  
 1



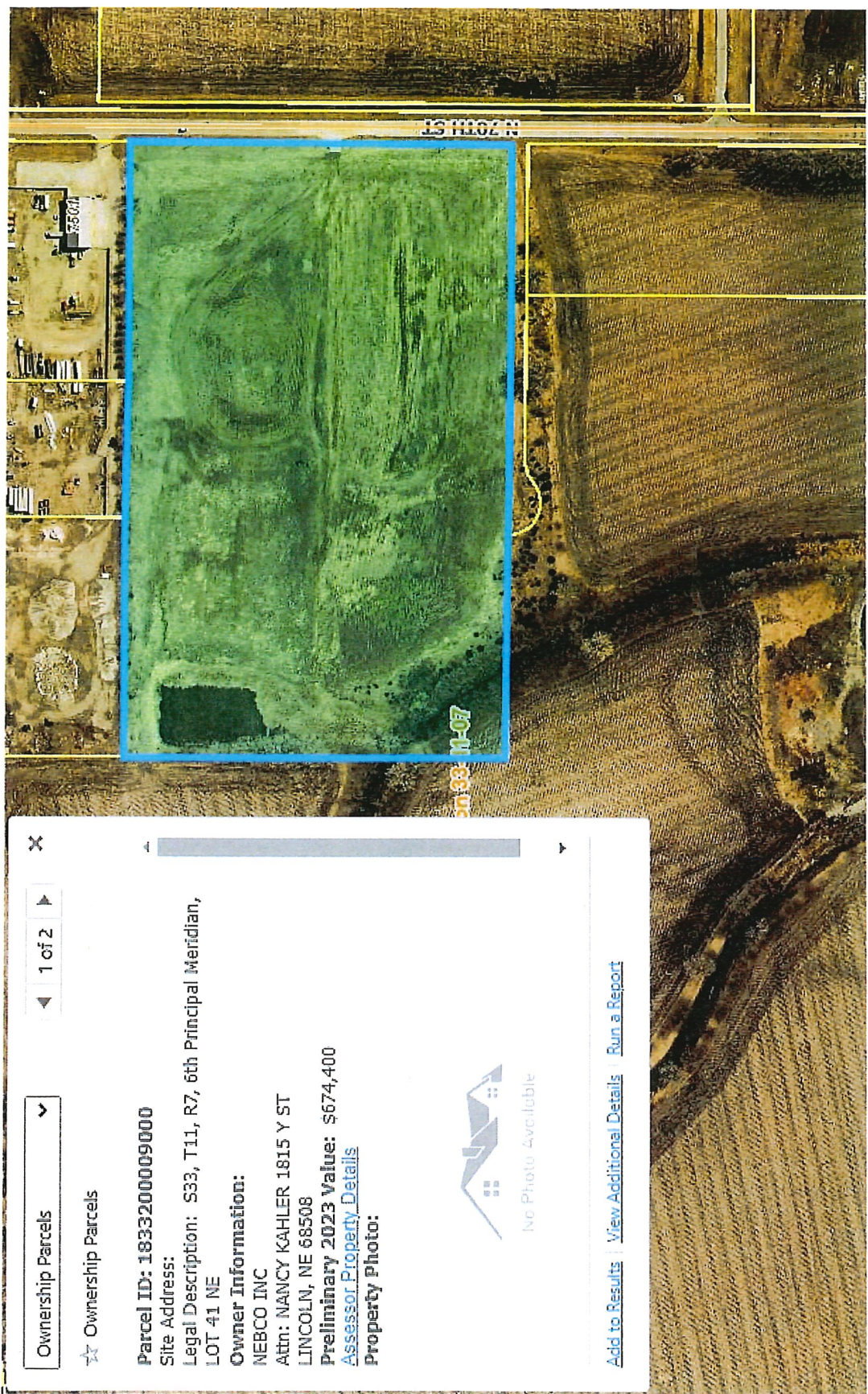


☆ Ownership Parcels
1 of 2

**Parcel ID: 183320000090000**  
 Site Address:  
 Legal Description: S33, T11, R7, 6th Principal Meridian,  
 LOT 41 NE  
**Owner Information:**  
 NEBCO INC  
 Attn: NANCY KAHLER 1815 Y ST  
 LINCOLN, NE 68508  
**Preliminary 2023 Value: \$674,400**  
[Assessor Property Details](#)  
**Property Photo:**

 No Photo Available

[Add to Results](#) | [View Additional Details](#) | [Run a Report](#)



✕

Ownership Parcels

☆ Ownership Parcels

1 of 2

**Parcel ID:** 18332000090000


**Site Address:**  
 Legal Description: S33, T11, R7, 6th Principal Meridian,  
 LOT 41 NE

**Owner Information:**  
 NEBCO INC  
 Attn: NANCY KAHLER 1815 Y ST  
 LINCOLN, NE 68508

**Preliminary 2023 Value:** \$674,400

[Assessor Property Details](#)

**Property Photo:**

 No Photo Available

[Add to Results](#) | [View Additional Details](#) | [Run a Report](#)

**INFORMATION SHEET**

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

1. Name of Petitioner (Current Titleholder/s): Nebco Inc.

If more than one individual, indicate if you are:

\_\_\_\_\_ joint tenants with right of survivorship, OR \_\_\_\_\_ tenants in common

2. Petitioner's Address: 1815 Y Street Lincoln Ne. 68508

3. Petitioner's Telephone Number: ( 402 ) 434-1212

4. Name of street, alley, or other public way sought to be vacated: Watermark Road

5. Legal description of Petitioner's property which abuts the public way sought to be vacated: Lot 43, Section 33, T11, R7

6. Why are you seeking to have this street, alley, or other public way vacated?  
*Currently no street or public utilities occupy the existing right-of-way. Additionally only half the right-of-way required for a public street is in place. Since there has never been a street built in this location, the owner would like to vacate the right-of-way and utilize the space for the proposed plant operation and parking lot.*

7. What use or uses do you propose to make of the public way should it be vacated?  
*In conjunction with the construction of a new concrete plant, a portion of the vacated right-of-way will be used for public access and a private roadway for joint access for lot 41 and for lot 43, both of which are owned by Nebco, Inc. The remaining portion of the vacated right of way will become part of the site development for the concrete plant.*

8. Do you intend to purchase that portion of the vacated public way which abuts your property as described in the **Petition to Vacate Public Way** and/or other portions of the vacated public way?

*Note: petitioner is the owner of both parcels adjacent to the right-of-way*

YES  NO

9. Name and address of person to whom tax statement should be sent:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

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

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

*Watermark Road starting 70' west of the centerline of North 70th Street to the end of the cul-de-sac, approximately 885.23' (feet) west of the centerline of North 70th Street.*

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

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

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

*Lot 43, Section 33, T11, R7*

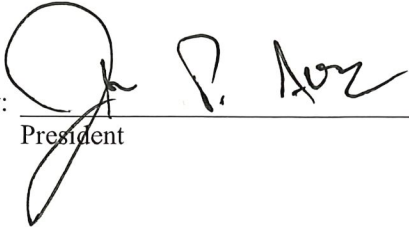
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DATED this 3<sup>rd</sup> day of April, 2023

\_\_\_\_\_  
[Name of Titleholder]

By:   
President

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

STATE OF Nebraska )  
 ) ss.  
Lancaster COUNTY )

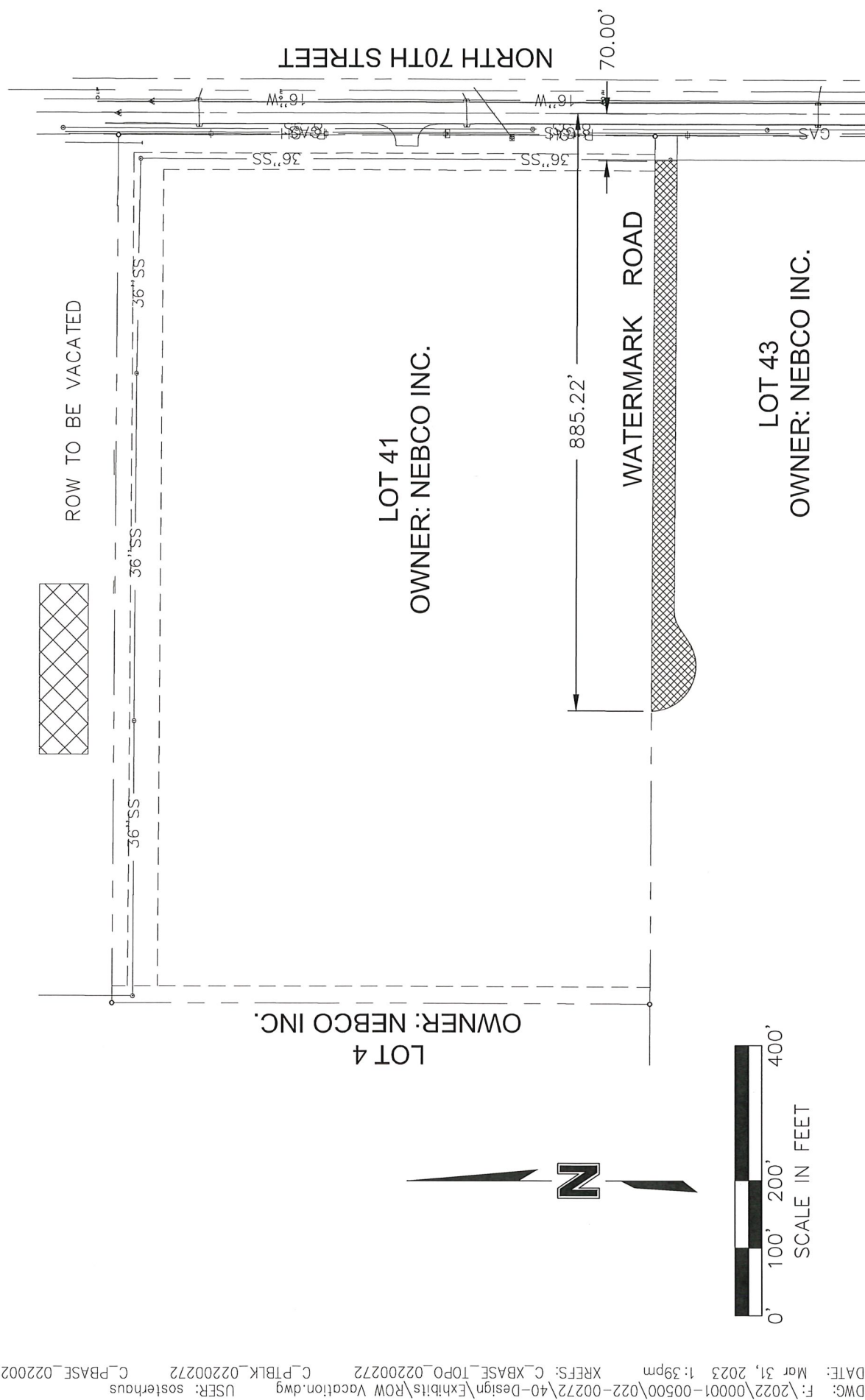
The foregoing instrument was acknowledged before me on this 3<sup>rd</sup> day of April,  
2023, by Jack Abel, president of NEBCO, Inc.,  
on behalf of the corporation.

(Seal)



  
Notary Public

**SIGNATURE PAGE FOR CORPORATION**



PROJECT NO: 022-00272 DRAWN BY: SO DATE: 03-31-23		READY MIX/NEBCO NORTH 70TH STREET ROW VACATION EXHIBIT		601 P Street, Suite 200 P.O. Box 84608 Lincoln, NE 68508 TEL 402.474.6311		EXHIBIT 1	
---	--	---	--	--	--	--------------	--



LOT 41  
OWNER: NEBCO INC.

LOT 43  
OWNER: NEBCO INC.

LOT 4  
OWNER: NEBCO INC.

ROW TO BE VACATED

NORTH 70TH STREET

WATERMARK ROAD

885.22'

70.00'

36'' SS

36'' SS

36'' SS

36'' SS

36'' SS

36'' SS

36'' SS

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16'' W

Ownership Parcels

1 of 2

☆ Ownership Parcels

**Parcel ID: 1833200004000**

Site Address:

Legal Description: S33, T11, R7, 6th Principal Meridian,  
LOT 43 E350' NE

**Owner Information:**

NEBCO INC  
1815 Y ST

LINCOLN, NE 68508

**Preliminary 2023 Value: \$71,800**

[Assessor Property Details](#)

[Property Photo:](#)

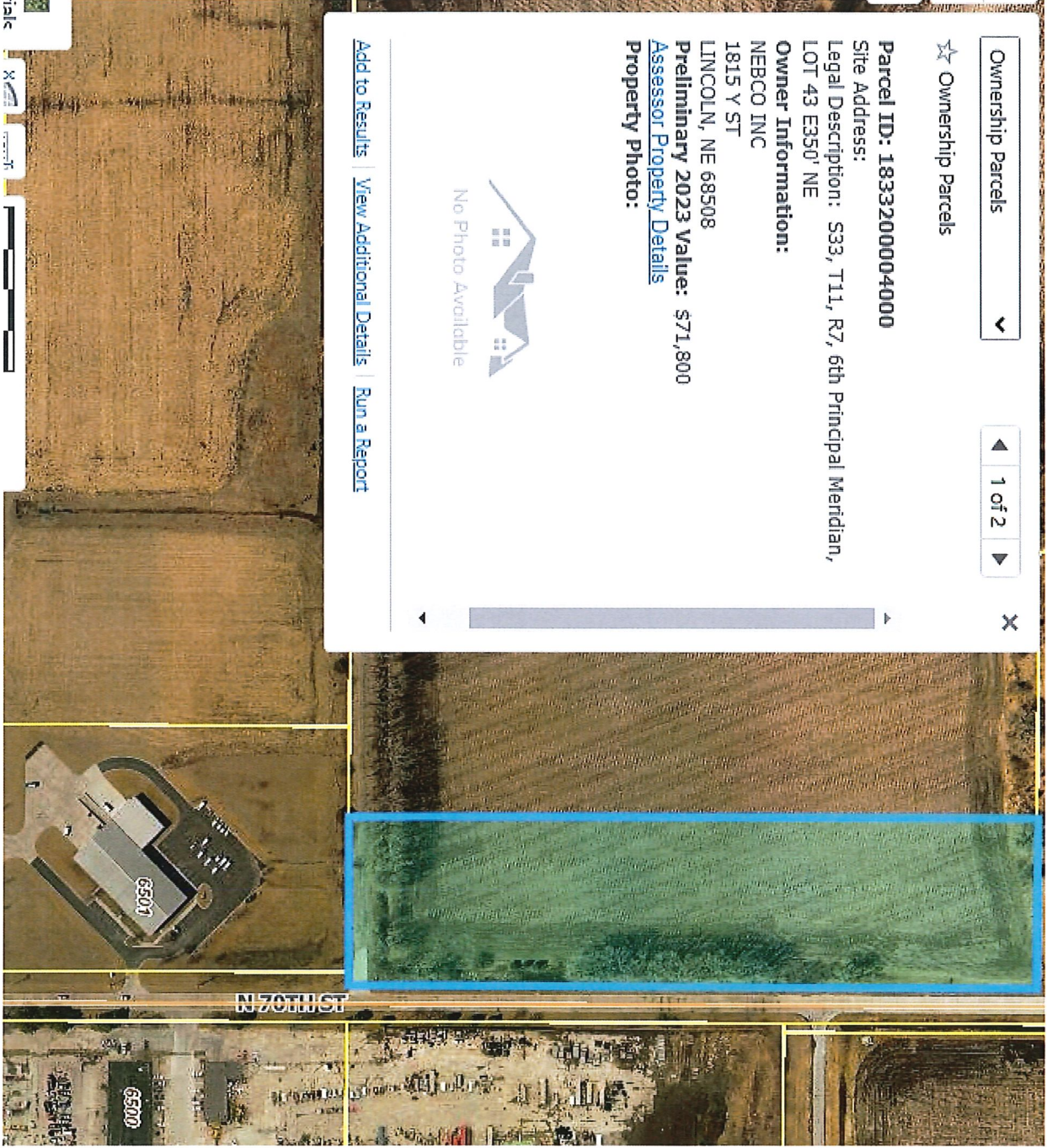


No Photo Available

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[View Additional Details](#)

[Run a Report](#)



Ownership Parcels 1 of 2

☆ Ownership Parcels

Parcel ID: 1833100004000

Site Address:  
Legal Description: S33, T11, R7, 6th Principal Meridian,  
LOT 30 NW & LOTS 4 & 43 NE EX E350

Owner Information:  
NEBCO INC  
1815 Y ST  
LINCOLN, NE 68508

Preliminary 2023 Value: \$5,062,900  
Assessor Property Details  
Property photo:

No Photo Available

Add to Results | View Additional Details | Run a Report



**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

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

APPLICATION NUMBER  
Comprehensive Plan Amendment 23006

FINAL ACTION?  
No

DEVELOPER/OWNER  
PAR 72, LLC

PLANNING COMMISSION HEARING DATE  
May 3, 2023

RELATED APPLICATIONS  
AN23006, CZ23021

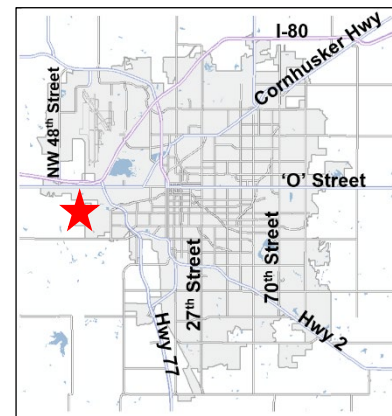
PROPERTY ADDRESS/LOCATION  
NE corner of SW 40<sup>th</sup> St. and West A St.

**RECOMMENDATION: APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request to revise the Future Land Use (FLU) map of the 2050 Comprehensive Plan northeast of SW 40<sup>th</sup> Street and West A Street to reflect the current development proposal.

The proposed amendment includes changing the designation of a portion of the property from green space to commercial on approximately 6.35 acres and green space to urban residential on approximately 19.33 acres. It also changes an area from industrial to green space on floodplain land owned by the City of Lincoln.



**JUSTIFICATION FOR RECOMMENDATION**

This area can be served by utilities, and part of the property will be annexed as part of the first phase of the development. The protection of the remainder of the green space through a conservation easement will ensure that land is not developed. The Future Land Use map update is appropriate and aligns with proposed development plans for the area.

**APPLICATION CONTACT**

Mark Palmer, (402) 474-6311 or  
[mpalmer@olsson.com](mailto:mpalmer@olsson.com)

**STAFF CONTACT**

Tom Cajka, (402) 441-5662 or  
[tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

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

## COMPREHENSIVE PLAN SPECIFICATIONS:

### Introduction Section: Growth Framework

#### Land Use Plan

The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use to another is often gradual. The Comprehensive Plan also encourages the integration of compatible land uses, rather than a strict segregation of different land uses.

Individual proposals for land use changes should be evaluated using best available information. Issues such as the presence of floodplains, effect on neighboring land uses, and preservation and protection of natural resources are among the considerations that should be reviewed in making specific land use decisions.

#### Figure GF.b: 2050 Future Land Use

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

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

**Green Space.** Many green space areas also serve functions such as buffers between incompatible uses and as stormwater management areas. In some cases, privately-owned Green Space such as golf courses may also be appropriate for future Urban residential development.

#### Future Growth Tier

##### Priority B of Tier 1

Areas designated for development in the first half of the planning period (to 2036) are generally contiguous to existing development and should be provided with basic infrastructure as they develop. Some of the infrastructure required for development may already be in place. Some infrastructure improvements may be made in the near term while others, such as road improvements that are generally more costly, may take longer to complete. In certain cases, areas in Priority B have special agreements that include some level of commitment to build future infrastructure. These areas move into Priority A upon approval of development plans.

### Goals Section

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

**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.

## Elements Section

E1: Complete Neighborhoods and Housing. One of the essential elements of the community and PlanForward 2050 is housing and neighborhoods. Ensuring safe, adequate, and affordable housing is an important function in maintaining the vitality of neighborhoods and the city as a whole.

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

E3: Business, Economy, and Workforce. 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.

E8: Energy and Utilities. Floodplain Management. The overriding policy for the floodplain is a “No Adverse Impact” policy for the City and County, which means that the community has a goal of insuring that the action of one property owner does not adversely impact the flooding risk for other properties.

## Policies Section

P21: Floodplain and Riparian Areas. Protect and preserve floodplains and other riparian areas for flood storage, conveyance and other natural resource benefits.

### Action Steps

1. Designate areas for future urban development outside of the floodplain and floodway to reduce flood risks and to preserve or create floodplain areas.
7. Consider maintaining no net fill conditions for properties in the floodplain being developed or redeveloped. Maintain no net fill conditions for those properties seeking Special Permits through Planning, Tax Increment Financing, or on former City property.

## ANALYSIS

1. This application is for a Future Land Use (FLU) map amendment northeast of SW 40<sup>th</sup> Street and West “A” Street. The proposed amendment includes changing the designation of the property from green space to urban residential and commercial, with commercial use designation along SW 40<sup>th</sup> St and west “F” St. Approximately 6.35 acres is proposed for commercial and approximately 19.33 acres for urban residential. The proposed urban residential and commercial would be adjacent to urban residential in the current 2050 Land Use Plan.
2. In addition to the applicant’s request the Planning Department is recommending that two parcels that are directly north and northwest of the site be changed from Industrial to Green Space. Both parcels are owned by the City of Lincoln. They are below the SW 40<sup>th</sup> St. overpass and are basically inaccessible. The parcels are in the floodplain and should be shown as green space. The City purchased these parcels as part of the bridge project.
3. The FLU and Growth Tier maps are meant to guide growth and development over the 30-year planning period. In some cases, it is appropriate to update and refine the maps to reflect new information and be responsive to development interest. The update included as part of this amendment still aligns with the overall growth framework of the Comprehensive Plan. It is likely that the commercial area will primarily serve the surrounding area as a neighborhood center.
4. The area for commercial use and a portion of the urban residential is within the 100-year floodplain. The

development in the flood plain requires no-net rise. Of the 19.33 acres proposed for urban residential, approximately 12 acres are outside of the flood plain.

- 5. The West View site plan shows apartments where the existing green space designation is in the northeast part of the site. Although shown as green space on the 2050 Land Use Plan, the area is not within the 100-year flood plain or flood way. The site plan also shows commercial in the northwest part of the site along SW 40<sup>th</sup> St. which is currently show as green space and is within the 100-year flood plain. The commercial area is approximately 6.3 acres.
- 6. The impact of approximately 13.5 acres in the 100-year flood plain and green space is reduced by placing a conservation easement over the remainder of the green space, planting the remaining area to native prairie grass, and providing additional flood storage volume.

**EXISTING LAND USE & ZONING:** Farm ground and dwellings. AG-Agriculture and AGR-Agriculture Residential

**SURROUNDING LAND USE & ZONING**

North: Undeveloped, railroad corridor, and Middle Creek;	I-Industrial
South: Single Family Residential;	AGR-Agriculture Residential and R-3-Residential
East: Undeveloped;	AGR-Agriculture Residential
West: Acreage lots;	AGR-Agriculture Residential

**PROPOSED AMENDMENT**

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

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

Prepared by Tom Cajka, Planner  
(402) 441-5662 or [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)

Date: April 19, 2023

Owner: Par 72, LLC  
1640 Normandy Court, Suite A  
Lincoln, NE 68512  
bob@aspbuildersinc.com

Applicant: Same as owner

Contact: Mark Palmer, Olsson  
601 P Street  
Lincoln, NE 68508  
(402)-474-6311 or [mpalmer@olsson.com](mailto:mpalmer@olsson.com)

CPA # 23006  
SW 40th St & W A St

## Proposed Future Land Use Changes

### Legend

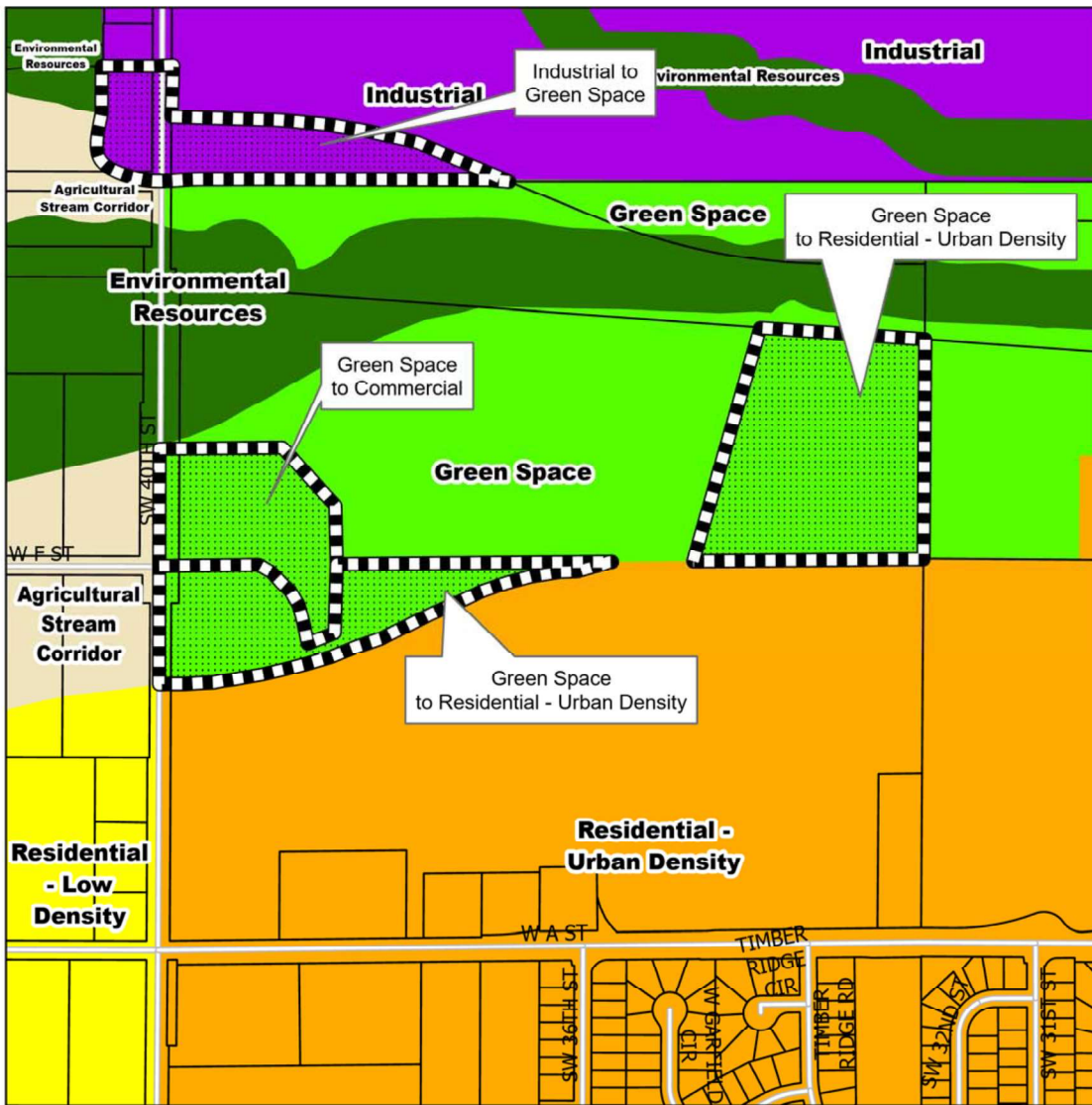
-  Application Area(s)
-  Tax Parcel
-  Agricultural
-  Agricultural Stream Corridor
-  Commercial
-  Environmental Resources
-  Green Space
-  Industrial
-  Light Industrial
-  Public/Semi-Public
-  Residential - Low Density
-  Residential - Urban Density
-  Lakes & Streams



LINCOLN-LANCASTER COUNTY  
PLANNING DEPARTMENT  
**ITS**  
Information Technology Services  
555 South 10th Street  
Lincoln, Nebraska 68508  
PH: 402.441.7400 FAX: 402.441.6377



\_GIS\Projects\DevReview \CompPlanAmendment.aprx





SEACREST & KALKOWSKI, PC, LLO

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

April 12, 2023

**HAND DELIVERY**

David Cary, Director  
Planning Department  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: West View R-3 Planned Unit Development

Dear David:

Our office represents Par 72, LLC (“Developer”), owner of Lots 118 and 125, Irregular Tracts in the Southwest Quarter of Section 29, Township 10 North, Range 6 East of the 6<sup>th</sup> P.M., and Lot 1, Newell Subdivision, all located in Lancaster County, Nebraska, consisting of approximately 119 acres (the “Property”). The Property is located at the northeast corner of SW 40<sup>th</sup> and West A Streets. The Property is currently zoned AGR.

Developers are requesting an amendment to the 2050 Comprehensive Plan to amend Figure GF.b: 2050 Future Land Use Plan to change the designation of portions of the Property from Green Space to Residential – Urban Density as identified on the enclosed exhibit.

Developer has provided a conceptual site plan for a Planned Unit Development (“PUD”) on the entire Property, along with a grading and drainage plan for the entire Property, but is only requesting to change the zone and annex the first phase consisting of 14.71 acres at this time. Developer anticipates zoning and annexing the remaining Property in multiple phases.

Developer is requesting the following waivers as part of the PUD:

- a. Sanitary sewer running opposite street grade.
- b. Sanitary sewer manholes exceeding 15’ in depth.
- c. Lots 2-5, Block 1, and Lots 20, 25 and 26, Block 4 to exceed the 3:1 depth to width ratio.
- d. On-site detention due to the proximity of the development to Middle Creek.

Developer is requesting an Annexation Agreement for the entire Property that masterplans development of the Property but allows it to occur in phases.

Developer is proposing to grant a conservation easement to the City as shown on the PUD grading and drainage plan as an alternative to water quality. The conservation easement area will be planted into native vegetation. This development will require a floodplain permit to allow grading within the floodplain. Developer's proposed grading within the PUD will increase the floodplain storage volume from 55.5 ac-ft to 356 ac-ft.

Enclosed please find the following:

- a. City of Lincoln Zoning Applications for Annexation and Change of Zone;
- b. PUD site plan for illustration purposes;
- c. Exhibit for Comp Plan Amendment; and
- d. Application fee of \$4,857 (\$3,801 max fee + \$1,056 base fee).

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

Very truly yours,



DANAY KALKOWSKI

For the Firm

Enclosures



**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

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

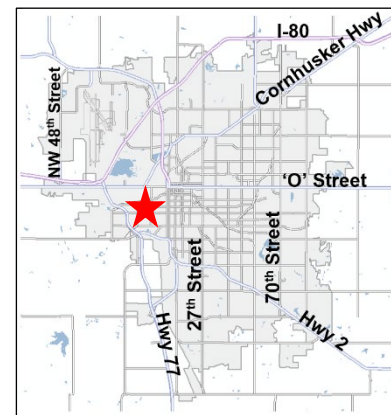
APPLICATION NUMBER Annexation #23006 Change of Zone #23021	FINAL ACTION? No (both applications)	DEVELOPER/OWNER Par 72, LLC
PLANNING COMMISSION HEARING DATE April 19, 2023	RELATED APPLICATIONS CPA23006 - Comprehensive Plan Amendment	PROPERTY ADDRESS/LOCATION Northeast corner of SW 40 <sup>th</sup> St. & W "A" St.

**RECOMMENDATION: ANNEXATION #23006  
CHANGE OF ZONE #23021**

**CONDITIONAL APPROVAL  
CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a combined staff report for Annexation #23006 and Change of Zone #23021 for West View Planned Unit Development (PUD), located northeast of the intersection of Southwest 40<sup>th</sup> Street and West "A" Street. The annexation is for a total of 19.05 acres. The change of zone from AGR, Agriculture Residential to R-3 (PUD) Planned Unit Development is approximately 16.77 acres. The annexation area is larger than the change of zone, as the City is proposing to also annex an additional property to the east. The additional annexation includes the VFW Hall to the east of the PUD.



The PUD is proposed to be developed in phases. The first phase is for 55 dwelling units. There is no commercial or multi-family in the first phase. The site plan shows 170 single-family dwellings, 480 multi-family units and 53,000 square feet of commercial at full buildout, but only 55 dwelling units are within the boundary of this annexation and change of zone.

Related to this application is Comprehensive Plan Amendment 23006 to change the land use designation from green space to commercial and urban residential on the Future Land Use Plan.

**JUSTIFICATION FOR RECOMMENDATION**

The subject property abuts the current city limit along West A Street. A change of zone to R-3 (PUD) is consistent with the Future Land Use Map and compatible with the development in the area. Both requests comply with the Zoning Ordinance and are consistent with the Comprehensive Plan.

**APPLICATION CONTACT**  
PAR 72, LLC 402-423-6811  
bob@aspenbuildersinc.com

**STAFF CONTACT**  
Tom Cajka 402-441-5662  
tcajka@lincoln.ne.gov

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The subject property is designated for future urban residential land uses and Green Space on the Future Land Use Map. This designation allows for residential uses with varying densities, and it is appropriate to have more than fifteen dwellings per acre. The accompanying Comprehensive Plan Amendment will be changing a small area of the PUD from green space to commercial and urban residential.

**WAIVERS**

1. Subdivision Ordinance, Section 26.11.040 to waive storm water detention. (Recommend Denial)
2. Subdivision Ordinance, Section 26.23.140 to waive the requirement that lots shall have a maximum dept of

three times its width for Lots 2-5, Block 1 and Lots 20,25 and 26, Block 4. (Recommend Approval)

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

## KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

### Introduction Section: Growth Framework

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

Figure GF.c 2050 Priority Growth Area - This site is shown in Tier 1, Priority B on the 2050 Priority Growth Area Map.

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

Green Space. Many green space areas also serve functions such as buffers between incompatible uses and as stormwater management areas. In some cases, privately-owned Green Space such as golf courses may also be appropriate for future Urban residential development.

### Priority B of Tier 1

Areas designated for development in the first half of the planning period (to 2036) are generally contiguous to existing development and should be provided with basic infrastructure as they develop. Some of the infrastructure required for development may already be in place. Some infrastructure improvements may be made in the near term while others, such as road improvements that are generally more costly, may take longer to complete. In certain cases, areas in Priority B have special agreements that include some level of commitment to build future infrastructure. These areas move into Priority A upon approval of development plans.

## Fundamentals of Growth in Lancaster County

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

New commercial and industrial development should be located in Lincoln and other incorporated communities. Lincoln has ample land area and infrastructure availability for commercial and industrial development. The situation is similar in most incorporated communities in the county. Rural areas of the county do not have access to urban infrastructure, and commercial or industrial development can add significant traffic and maintenance responsibilities to county roads.

Natural and environmentally sensitive areas should be preserved within and between neighborhoods. Conservation areas and open lands should be used to define and connect different neighborhoods. The natural

topography and features of the land should be preserved by new development to maintain the natural drainageways and minimize land disturbance.

Multi-directional contiguous growth. Lincoln's future urban growth should generally occur in multiple directions around the existing city. Lincoln will continue to have managed and contiguous growth, including strengthening our Downtown core. Lincoln's sense of community has been based on incremental, compact growth built on the foundations of established neighborhoods. Future growth will continue this traditional pattern and be linked to both the level of demand in the market and to the orderly extension of public improvements and services. Gravity flow wastewater. The City of Lincoln's wastewater collection system, in general, will continue to be a gravity flow system that is designed to use gravity as the main energy source to convey wastewater from the community to the water resource recovery facilities. This means that drainage basin boundaries are a primary guiding factor when determining availability of urban wastewater services and other infrastructure. This provides for contiguous growth, efficient long range planning, and cost-effective construction and management of the system.

Urban infrastructure availability. The City of Lincoln will provide water and wastewater service only to properties located within the corporate limits of the city.

Natural resource preservation. Natural and environmentally sensitive areas should be preserved within and between neighborhoods. Conservation areas and open lands should be used to define and connect different neighborhoods. The natural topography and features of the land should be preserved by new development to maintain the natural drainageways and minimize land disturbance.

One public school district. Lincoln Public Schools is the only public school district within the City of Lincoln, and the Lincoln Public School boundary will continue to expand as the city limits of Lincoln expand.

## **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.

## **Goals Section**

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

G2: Complete Neighborhoods. Lincoln and Lancaster County will support complete neighborhoods within both developing and redeveloping areas of Lincoln. A complete neighborhood is one where residents are able to get the goods and services to meet daily needs within 15 minutes of their residence including a variety of housing

options, grocery stores and other commercial services, quality public schools, public open spaces and recreational facilities, affordable active transportation options, and civic amenities. Housing variety should include townhomes, senior living facilities, low/no maintenance condominiums, accessory dwelling units, multi-family development, and even small lot single-family.

### **Policies Section**

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

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

#### **Action Steps**

1. Regularly evaluate for potential annexation all property along the city's edge for which basic infrastructure is generally available or planned for in the near term. The City should annex land in Tier 1 Priorities A and B that is contiguous to city limits and generally urban in character. All land that is engulfed by the City should be annexed.
2. Provide advance notice to properties that may be subject to city-initiated annexation.
3. Properties within the Tier 1 Priority A growth area should be annexed upon approval of final plat.
4. Coordinate the provision of services for areas considered for annexation with the Capital Improvement Program.

### **Policies Section**

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

#### **Action Steps**

1. Provide for an adequate supply of land and timely infrastructure improvements that meet the demands of growth.
2. Structure incentives to encourage higher densities to make greater use of the community's infrastructure.
3. Encourage new development to achieve densities greater than five dwelling units per gross acre by zoning at least 20% of residentially zoned land in developing areas to allow greater than five dwelling units per acre by right.
4. Develop new design standards or zoning tools that encourage density, optimize infrastructure costs, and help lower the overall cost of property development.
5. Implement elements of Complete Neighborhoods for Developing Areas.
6. 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.
7. Encourage public and private investment in neighborhood infrastructure and services to support economic diversity that improves the quality of life for all residents.
8. Include housing for a variety of incomes and households throughout the community that is integrated into neighborhoods and provides appropriate transitions, scale, and context.
9. Promote mixed-income neighborhoods.
10. Preserve areas designated for multi-family, and group living housing in approved plans to support a distributed choice in affordable housing.
11. Support addition of higher density development in existing multi-family development.
14. Promote neighborhood and community design that supports healthy and active lifestyles, such as the

- benefits of street trees.
16. Encourage a variety of housing types including townhomes, senior living facilities, low/no maintenance condominiums, accessory dwelling units, multi-family development, and small lot single-family units.

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

#### Action Steps

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

#### UTILITIES & SERVICES:

- A. Sanitary Sewer: Public sanitary sewer is on the south side of West "A" Street.
- B. Water: There is an existing 16" water main in West "A" Street and SW 40<sup>th</sup> Street.
- C. Roads: West "A" Street is scheduled to start construction in June 2023 and be completed by December 2024.
- E. Parks and Trails: There is a future trail along the east side of SW 40<sup>th</sup> Street.
- D. Fire/Police Protection: After annexation, fire protection will be provided by Lincoln Fire Rescue (LFR) and police protection by the Lincoln Police Department.

#### ANALYSIS

1. These are two associated requests for an annexation and change of zone. The request for annexation is approximately 19.05 acres and change of zone includes approximately 16.77 acres. The area of annexation is larger as Planning is requesting that the property to the east of the PUD be included in the annexation. The additional property and right of way being annexed is the Miller Long VFW Hall. The requested change of zone for 16.77 acres is from AGR, Agriculture Residential to R-3 Residential PUD to allow for up to 55 dwelling units.
2. The overall PUD is for 53,000 sq. ft. of commercial use, 480 multi-family units and 170 single-family dwellings. The PUD is to be developed in phases with the first phase for 55 single-family dwellings. The first phase is in the southeast portion of the development. Access will be from West "A" St at SW 36<sup>th</sup> St. The City is constructing a roundabout at this location.
3. The applicant has requested a waiver to allow sanitary sewer mains to run opposite the street grades and to allow sanitary sewer manholes to exceed 15' in depth. There are 3 manholes that exceed 15' in depth. Due to the needed grades for the streets and the depth of the sanitary sewer on West "A" St. the manholes need to exceed 15 feet in depth. Sanitary sewer mains running opposite street grades is not an uncommon waiver and is needed due to street grades. Lincoln Transportation and Utilities Wastewater section does not object to this waiver.
4. The applicant is requesting a waiver to stormwater detention. LTU watershed Management does not support a blanket waiver to detention. The drainage plan shows a significant increase in runoff to the east. Stormwater detention is needed to ensure that the runoff is not increased onto adjacent property.
5. The applicant is requesting a waiver to the requirement that lots shall have a maximum dept of three times its width for Lots 2-5, Block 1 and Lots 20,25 and 26, Block 4. It is not uncommon to have a few lots within a large development to exceed the width to depth ratio when the lots are on a cul-de-sac.
6. The annexation area is contiguous to the City limits along West "A" Street. The subject area is currently shown as Tier I, Priority B on the 2050 Growth Tier Map. Tier I, Priority B reflects undeveloped land generally contiguous to existing development and should be provided with basic infrastructure. These areas move into Priority A upon approval of development plans. The development can be served by the full range of city services.
7. The subject property is located within the Southwest Rural Fire District. Under State law, the District can petition

for compensation from the annexing municipality for lost revenue based upon the amount of service area annexed. For voluntary annexations such as this one, any costs due to the district are to be borne by the developer. In this case, staff has conducted the financial analysis and there should be no funds due to the District.

- 8. An annexation agreement will accompany the annexation request to City Council for their consideration. The terms will place liability on the developer for any cost that may be due to the Southwest Rural Fire District #1. The agreement will also require the developer to improve the intersection on SW 40<sup>th</sup> Street with a later phase. The agreement will also provide for repayment of the improvement through impact fees paid by this development.
- 9. The proposed R-3 zoning for future residential lots is compatible with adjacent land uses. To the south across W "A" St. are existing single-family homes zoned R-3.
- 10. The site has extensive floodplain and some floodway in the northwest portion of the site. A conservation easement is proposed over the majority of the floodplain and all of the floodway.
- 11. The development proposes to bring new housing options to the southwest area of the City through a mix of residential unit options and a small commercial area. The site is within the Future Service Limit and all municipal services will be available in the near future. Higher density residential uses that help provide a range of housing types are encouraged where appropriate. This request complies with the requirements of the Zoning Ordinance and additionally follows the goals set within the Comprehensive Plan for future residential development that provides new housing options and future growth. The Comprehensive Plan encourages housing options such as these being proposed to be available and distributed across the community, including currently developing areas.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Agriculture and single-family dwellings. AG-Agriculture and AGR- Agriculture Residential

**SURROUNDING LAND USE & ZONING**

North: I-1 Industrial	Railroad corridor
South: AGR Agriculture Residential & R-3 Residential	Single-family dwellings
East: AGR Agriculture Residential	VFW Hall and farm ground
West: AG Agriculture & AGR Agriculture Residential	Acreage lots

**APPROXIMATE LAND AREA:** Annexation - 19.05 acres, more or less  
Change of Zone - 16.77 acres, more or less

**PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT:** District 3

**LEGAL DESCRIPTION:** See attached legal description.

Prepared by Tom Cajka, Planner  
(402) 441-5662 or [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)

Date: April 20, 2023

Applicant: PAR 72 LLC  
1640 Normandy Court, Suite A  
Lincoln, NE 68512  
402-423-6811  
bob@aspbuildersinc.com

Contact: Mark Palmer  
Olsson  
601 "P" Street, Suite 200  
Lincoln, NE 68508  
402-474-6311  
mpalmer@olsson.com

Owner: Same as applicant

## CONDITIONS OF APPROVAL - ANNEXATION #23006

Before the City Council approves the annexation:

1. The applicant signs an annexation agreement.

## CONDITIONS OF APPROVAL - CHANGE OF ZONE #23021

Per LMC Chapter 27.60 this approval permits a Planned Unit Development for up to 55 residential dwelling units with waivers to the requirement that lots shall have a maximum depth of three times its width for Lots 2-5, Block 1 and Lots 20, 25 and 26, Block 4, sanitary sewer running opposite street grade, and sewer manhole in excess of 15 feet in depth.

### Site Specific Conditions:

1. The City Council approves associated request:
  - 1.1 Annexation #23006
2. 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.
  - 2.1 Delete waiver #4 on the cover sheet. Waiver #3 for block length is not needed. Add a waiver for lots exceeding the width to depth ratio. Identify the lots.
  - 2.2 In the legend and land use table change R-2 to R-3.
  - 2.3 Remove the note at the bottom of the Land Use Table.
  - 2.4 Add to the Land Use Table 50 dwelling units unassigned and show a total of 700 dwelling units. (These units will require future amendments to the PUD to be utilized.)
  - 2.5 Add "pedestrian easement" to the use of Outlot A and D.
  - 2.6 Delete Note 22.
  - 2.7 Change the water main to 8" adjacent Lot 28, Block 7.
  - 2.8 Remove owners names from the lots outside of the PUD.
  - 2.9 Show a public access and utility easement of 60 feet wide for the private street layout and the cross section. Show sidewalks in the private cross section in the standard location.
  - 2.10 Correct the 27' Residential Street cross section to a standard 60' ROW Cross Section. Show sidewalk in the residential street cross section.
  - 2.11 Show additional 6 feet ROW dedication along SW 40<sup>th</sup> St for future trail.
  - 2.12 Correct the overlapping text on Sheets 7 and 9.
  - 2.13 Provide slope for street profiles on Sheets 7-10.
  - 2.14 Provide information to curve on Sheet 9.
  - 2.15 Provide line work on Sheet 10.

- 2.16 Revise Note 6 in General Notes to read, "Sidewalks shall be 4' wide except along arterials where they are to be 6' wide."
  - 2.17 Add a note that access to SW 40<sup>th</sup> St and West "A" will be relinquished except as shown.
  - 2.18 Add dimensions for the lot width along West A St. for Lots 21-25, Block 4.
  - 2.19 Move the pedestrian easement note on Lot 25, Block 4 so that it does not obstruct the lot line.
  - 2.20 Revise the boundary of the PUD so that it extends to the east lot line of Lot 125. Revise the legal accordingly.
  - 2.21 Revise the Grading and Drainage Plan to the satisfaction of Lincoln Transportation & Utilities Watershed Management.
  - 2.22 Revise Note #12 under Planned Unit development Notes to read, "A conservation easement will be dedicated over a portion of Outlot D."
  - 2.23 Show what the areas and mitigation ratios are for removing open space and creating a conservation easement.
  - 2.24 Revise Detail A on Sheet 4 to the satisfaction of LTU Watershed Management.
  - 2.24 Add a note that a Water Quality Maintenance Agreement is required with the first final plat.
  - 2.25 Show a Minimum Flood Corridor over Middle Creek that is within this development.
  - 2.26 Check and address Time of Concentrations that appear overly small.
  - 2.27 Drainage Report in Table 2 has results for Outfall A which do not match the hydrocad appendices.
  - 2.28 Provide detention to mitigate effects from Onsite 1.
  - 2.29 Correct the rainfall depths run in Hydrocad.
3. Before issuance of building permits, final plat(s) shall be approved by the City.

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

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

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

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

to complete the installation of sidewalks along both sides of all *streets and along* the as 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 in at the same time as the adjacent street is paved and to agree that no building permit shall be issued for construction on adjacent Lots on both sides of easement 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 along *streets* within this plat within six (6) years following the approval of the final plat.

to complete the planting of street trees along improved major streets as shown on the final plat within two (2) years following the approval of this final plat.

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

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

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

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

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

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

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

to maintain the outlots on a permanent and continuous basis.

to maintain the private 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 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.

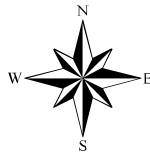
to relinquish the right of direct vehicular access to West "A" Street except as shown

**Standard Conditions:**

4. The following conditions are applicable to all requests:
  - 4.1 Before occupying the dwelling units/commercial buildings all development and construction shall substantially comply with the approved plans.
  - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
  - 4.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
  - 4.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.
  - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.



**Annexation #: AN23006**  
**West View**  
**SW 40th St & W A St**



One Square Mile:  
 Sec.29 T10N R06E

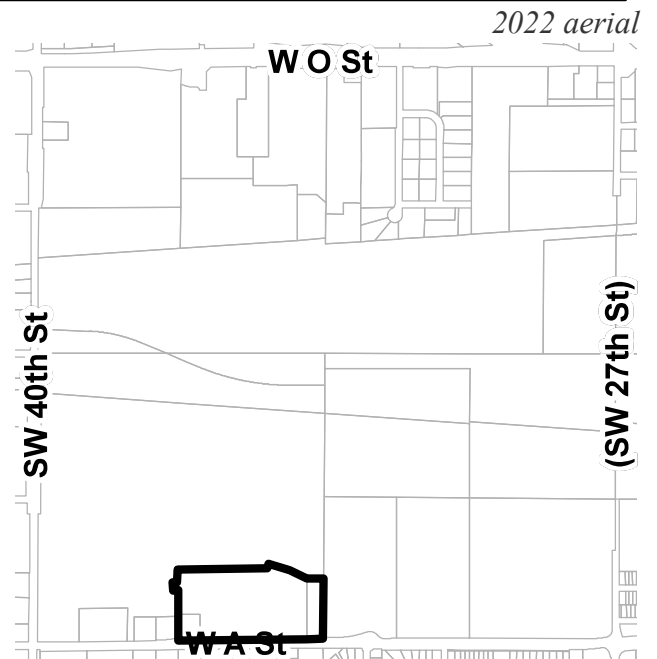
**Zoning:**

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

Area of Application

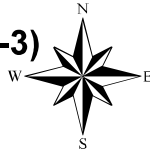
Zoning Jurisdiction Lines

Existing Lincoln City Limits





**Change of Zone #: CZ23021 (AGR to R-3)**  
**West View**  
**SW 40th St & W A St**

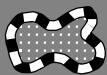




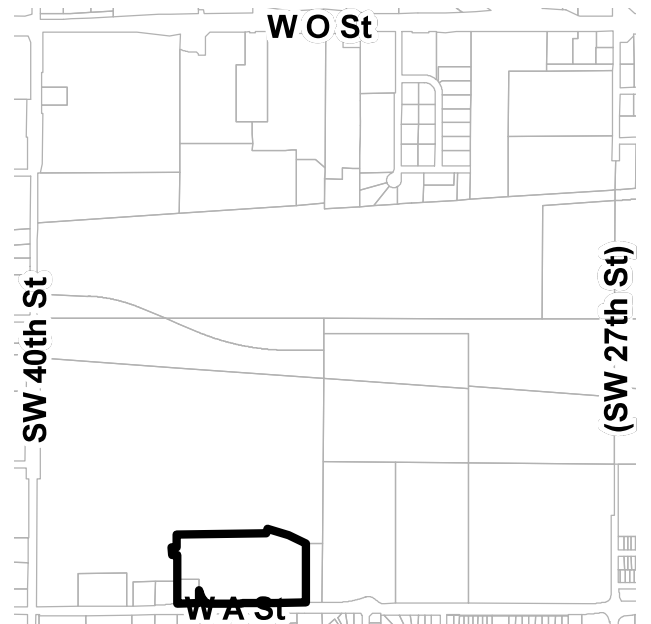
2022 aerial

**Zoning:**

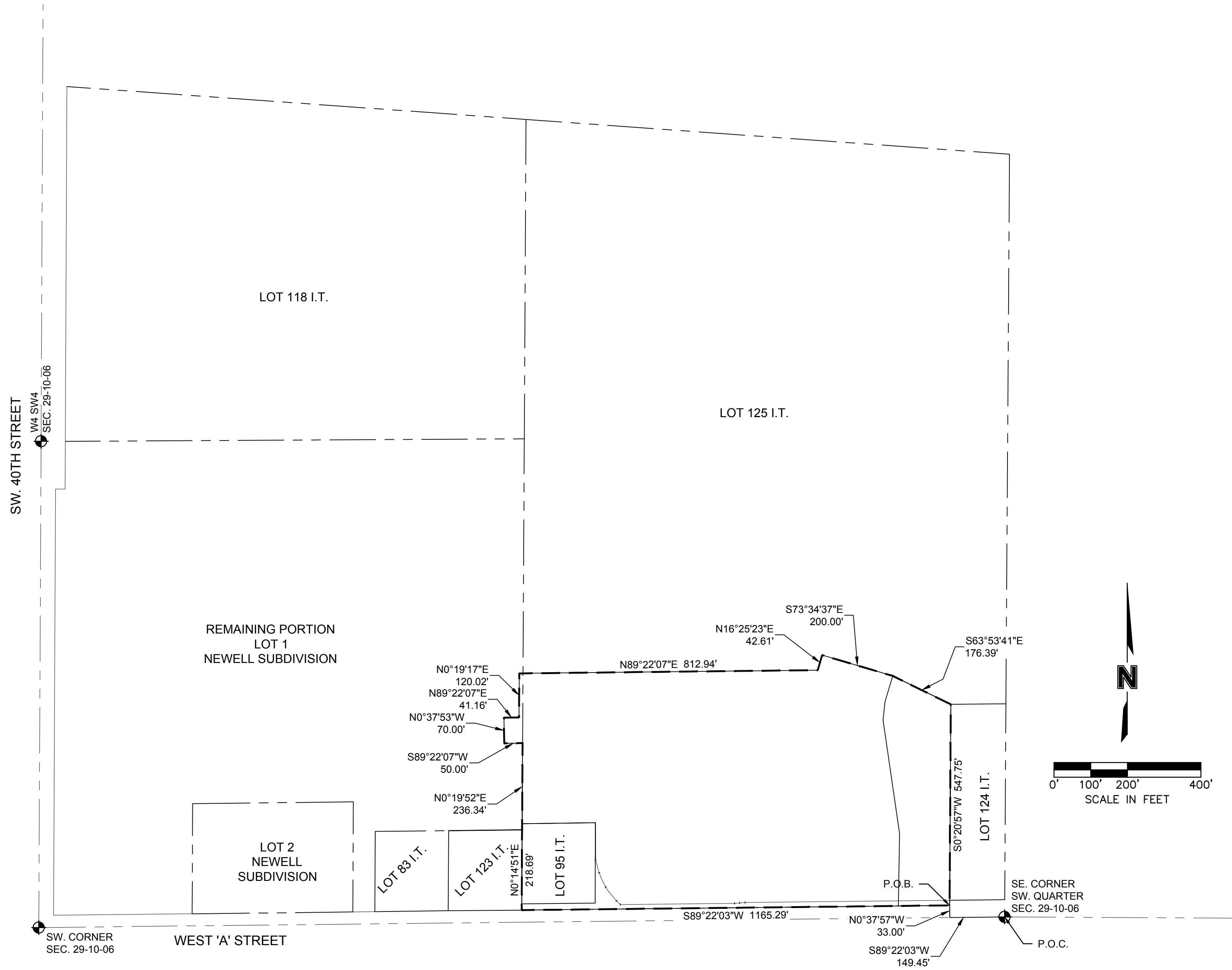
- R-1 to R-8 Residential District
- AG Agricultural District
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- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile:  
 Sec.29 T10N R06E

	Area of Application
	Zoning Jurisdiction Lines
	Current Lincoln City Limits



DWG: F:\2022\01001-01500\022-01053\40-Design\Survey\SRVY\Final\Plat\Drawings\PREM PLAT-CUPBOUND 02201053.dwg  
 DATE: Apr 04, 2023 7:57am XREFS: V\_XBNDY\_02201053 C\_PBASE\_02201053 USER: abroeker



PROJECT NO: 022-01053  
 DRAWN BY: ALB  
 DATE: 12/05/2022

WEST VIEW ANNEXATION

**olsson**

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

EXHIBIT

1

## LEGAL DESCRIPTION

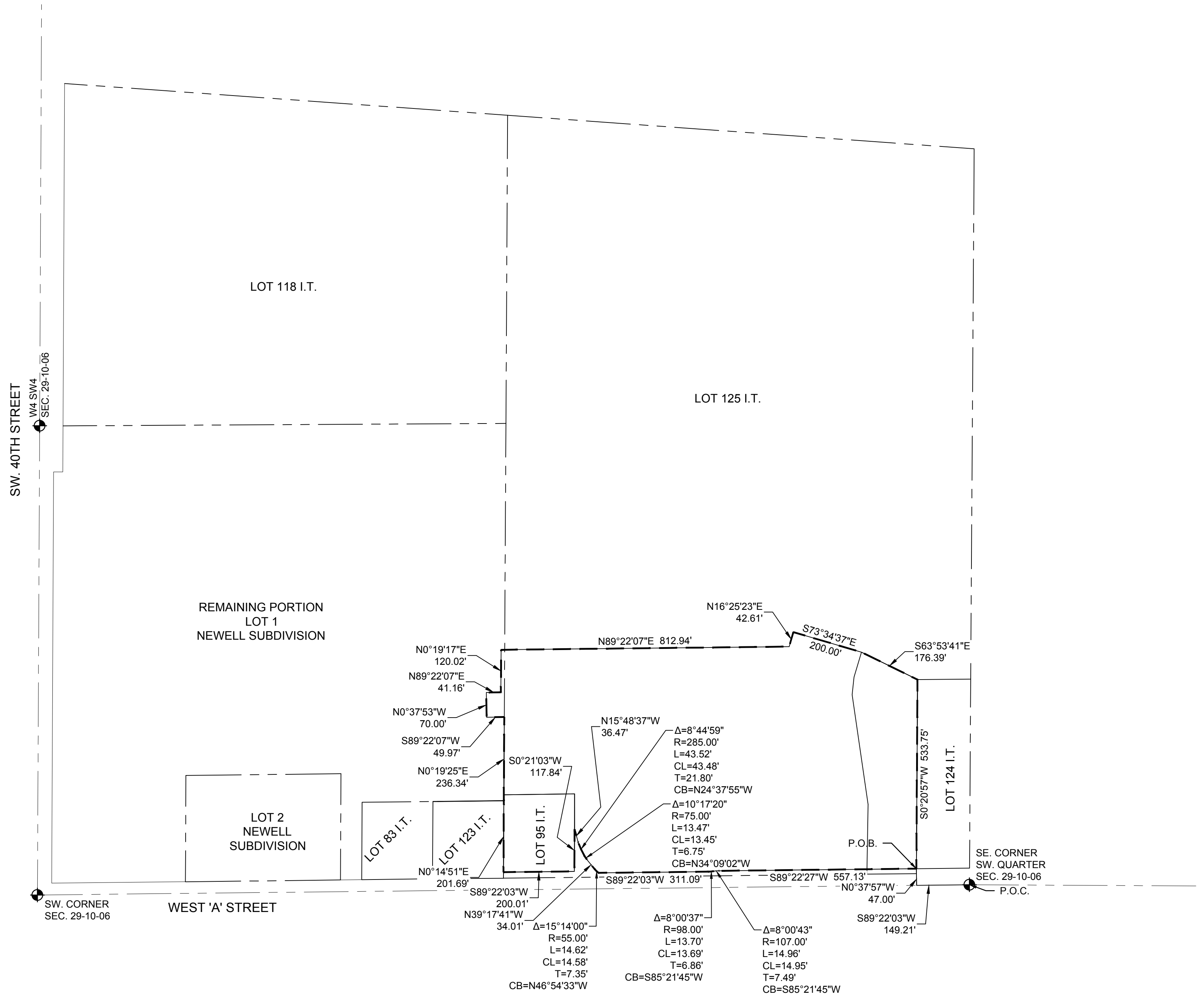
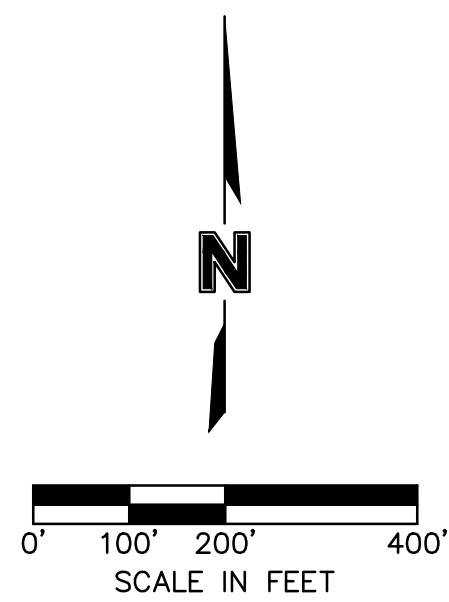
A TRACT OF LAND COMPOSED OF LOT 95 I.T., A PORTION OF LOT 125 I.T., A PORTION OF THE REMAINING PORTION OF LOT 1, NEWELL SUBDIVISION AND A PORTION OF WEST 'A' STREET RIGHT OF WAY ALL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE, WESTERLY, ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER ON AN ASSUMED BEARING OF S89°22'03"W, A DISTANCE OF 149.45' TO A POINT; THENCE N00°37'57"W, A DISTANCE OF 33.00' TO THE TRUE POINT OF BEGINNING; THENCE S89°22'03"W, ON A LINE 33.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1,165.29' TO A POINT; THENCE N00°14'51"E, ALONG THE EXTENSION OF THE WEST LINE OF SAID LOT 95 I.T., AND ON THE WEST LINE OF SAID LOT 95 I.T., A DISTANCE OF 218.69' TO A POINT; THENCE N00°19'52"E, A DISTANCE OF 236.34' TO A POINT; THENCE S89°22'07"W, A DISTANCE OF 50.00' TO A POINT; THENCE N00°37'53"W, A DISTANCE OF 70.00' TO A POINT; THENCE N89°22'07"E, A DISTANCE OF 41.16' TO A POINT; THENCE N00°19'17"E, A DISTANCE OF 120.02' TO A POINT; THENCE N89°22'07"E, A DISTANCE OF 812.94' TO A POINT; THENCE N16°25'23"E, A DISTANCE OF 42.61' TO A POINT; THENCE S73°34'37"E, A DISTANCE OF 200.00' TO A POINT; THENCE S63°53'41"E, A DISTANCE OF 176.39' TO A SOUTHEAST CORNER OF SAID LOT 125 I.T., SAID POINT BEING THE NORTHEAST CORNER OF LOT 124 I.T.; THENCE S00°20'57"W, ON AN EAST LINE OF SAID LOT 125 I.T. AND IT EXTENSION, A DISTANCE OF 547.75' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 749,822.06 SQUARE FEET OR 17.21 ACRES, MORE OR LESS.

4/4/23

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PROJECT NO: 022-01053  
 DRAWN BY: ALB  
 DATE: 12/05/2022

WEST VIEW PRELIMINARY PLAT BOUNDARY

**olsson**

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

EXHIBIT

1

## LEGAL DESCRIPTION

A TRACT OF LAND COMPOSED OF LOT 95 I.T., A PORTION OF LOT 125 I.T., AND A PORTION OF THE REMAINING PORTION OF LOT 1, NEWELL SUBDIVISION, ALL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE, WESTERLY, ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER ON AN ASSUMED BEARING OF S89°22'03"W, A DISTANCE OF 149.21' TO A POINT; THENCE N00°37'57"W, A DISTANCE OF 47.00' TO A SOUTHEAST CORNER OF LOT 125 I.T., SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE S89°22'27"W, ON A SOUTH LINE OF SAID LOT 125 I.T., SAID LINE BEING A NORTH RIGHT OF WAY LINE OF WEST 'A' STREET, A DISTANCE OF 557.13', TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 08°00'43", A RADIUS OF 107.00', AN ARC LENGTH OF 14.96', ON A SOUTH LINE OF SAID LOT 125 I.T., SAID LINE BEING A NORTH LINE OF SAID WEST 'A' STREET RIGHT OF WAY, A CHORD LENGTH OF 14.95', A TANGENT LENGTH OF 7.49', AND A CHORD BEARING OF S85°21'45"W TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 08°00'37", A RADIUS OF 98.00', AN ARC LENGTH OF 13.70', ON A SOUTH LINE OF SAID LOT 125 I.T., SAID LINE BEING A NORTH LINE OF SAID WEST 'A' STREET RIGHT OF WAY, A CHORD LENGTH OF 13.69', A TANGENT LENGTH OF 6.86', AND A CHORD BEARING OF S85°21'45"W TO A POINT; THENCE S89°22'03"W, ON A SOUTH LINE OF SAID LOT 125 I.T., SAID LINE BEING A NORTH LINE OF SAID WEST 'A' STREET RIGHT OF WAY, A DISTANCE OF 311.09' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 15°14'00", A RADIUS OF 55.00', AN ARC LENGTH OF 14.62', ON A SOUTH LINE OF SAID LOT 125 I.T., SAID LINE BEING A NORTH LINE OF SAID WEST 'A' STREET RIGHT OF WAY, A CHORD LENGTH OF 14.58', A TANGENT LENGTH OF 7.35', AND A CHORD BEARING OF N46°54'33"W TO A POINT; THENCE N39°17'41"W, ON A SOUTHWEST LINE OF SAID LOT 125 I.T., SAID LINE BEING A NORTHEAST LINE OF SAID WEST 'A' STREET RIGHT OF WAY, A DISTANCE OF 34.01' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 10°17'20", A RADIUS OF 75.00', AN ARC LENGTH OF 13.47', ON A SOUTHWEST LINE OF SAID LOT 125 I.T., SAID LINE BEING A NORTHEAST LINE OF SAID WEST 'A' STREET RIGHT OF WAY, A CHORD LENGTH OF 13.45', A TANGENT LENGTH OF 6.75', AND A CHORD BEARING OF N34°09'02"W TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 08°44'59", A RADIUS OF 285.00', AN ARC LENGTH OF 43.52', ON A SOUTHWEST LINE OF SAID LOT 125 I.T., SAID LINE BEING A NORTHEAST LINE OF SAID WEST 'A' STREET RIGHT OF WAY, A CHORD LENGTH OF 43.48', A TANGENT LENGTH OF 21.80', AND A CHORD BEARING OF N24°37'55"W TO A POINT; THENCE N15°48'37"W, ON A SOUTHWEST LINE OF SAID LOT 125 I.T., SAID LINE BEING A NORTHEAST LINE OF SAID WEST 'A' STREET RIGHT OF WAY, A DISTANCE OF 36.47' TO A POINT; THENCE S00°21'03"W, ON THE EAST LINE OF LOT 95 I.T., SAID LINE BEING A WEST LINE OF SAID WEST 'A' STREET RIGHT OF WAY, A DISTANCE OF 117.84' TO A POINT; THENCE S89°22'03"W, ON THE SOUTH LINE OF SAID LOT 95 I.T., SAID LINE BEING A NORTH LINE

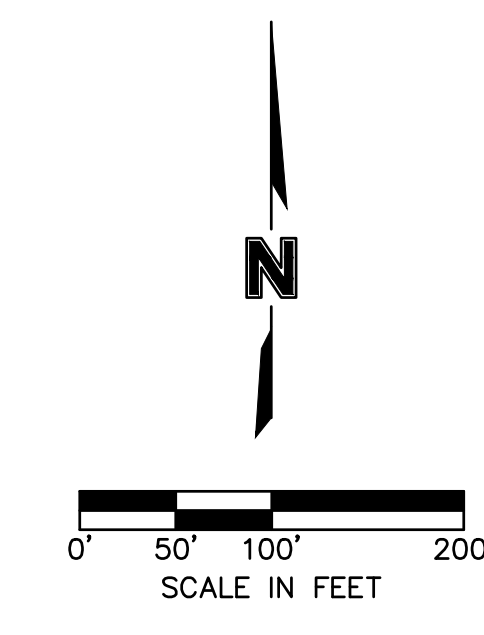
OF SAID RIGHT OF WAY, A DISTANCE OF 200.01' TO A POINT; THENCE N00°14'51"E, ON THE WEST LINE OF SAID LOT 95 I.T., A DISTANCE OF 201.69' TO A POINT; THENCE N00°19'25"E, A DISTANCE OF 236.34' TO A POINT; THENCE S89°22'07"W, A DISTANCE OF 49.97' TO A POINT; THENCE N00°37'53"W, A DISTANCE OF 70.00' TO A POINT; THENCE N89°22'07"E, A DISTANCE OF 41.16' TO A POINT; THENCE N00°19'17"E, A DISTANCE OF 120.02' TO A POINT; THENCE N89°22'07"E, A DISTANCE OF 812.94' TO A POINT; THENCE N16°25'23"E, A DISTANCE OF 42.61' TO A POINT; THENCE S73°34'37"E, A DISTANCE OF 200.00' TO A POINT; THENCE S63°53'41"E, A DISTANCE OF 176.39' TO A TO A SOUTHEAST CORNER OF SAID LOT 125 I.T., SAID POINT BEING THE NORTHEAST CORNER OF LOT 124 I.T.; THENCE S00°20'57"W, ON AN EAST LINE OF SAID LOT 125 I.T., A DISTANCE OF 533.75' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 730,497.71 SQUARE FEET OR 16.77 ACRES, MORE OR LESS.

4/4/23

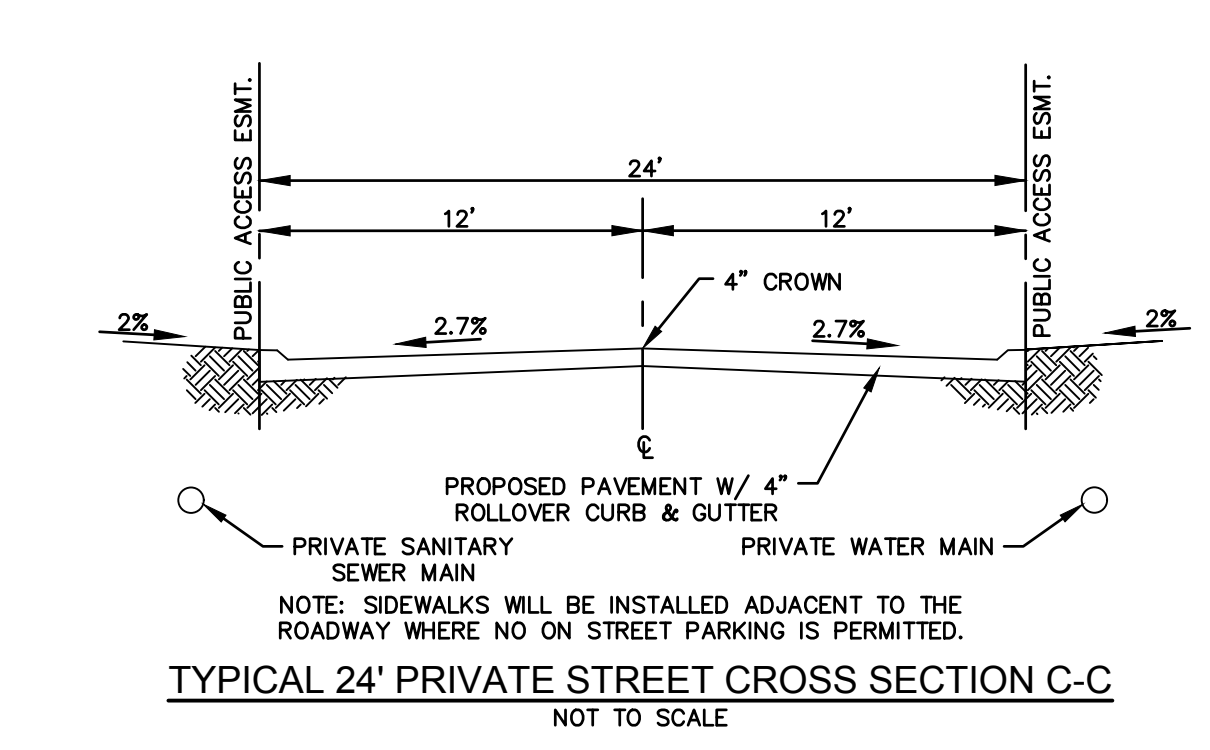
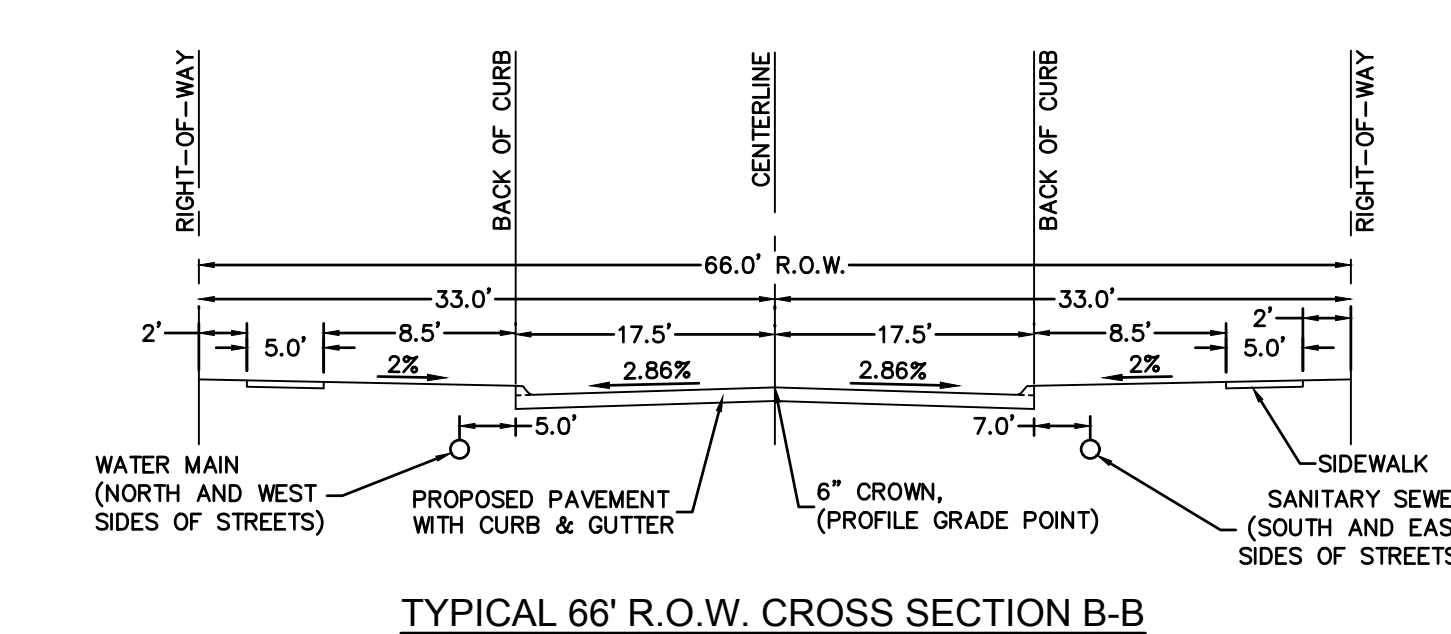
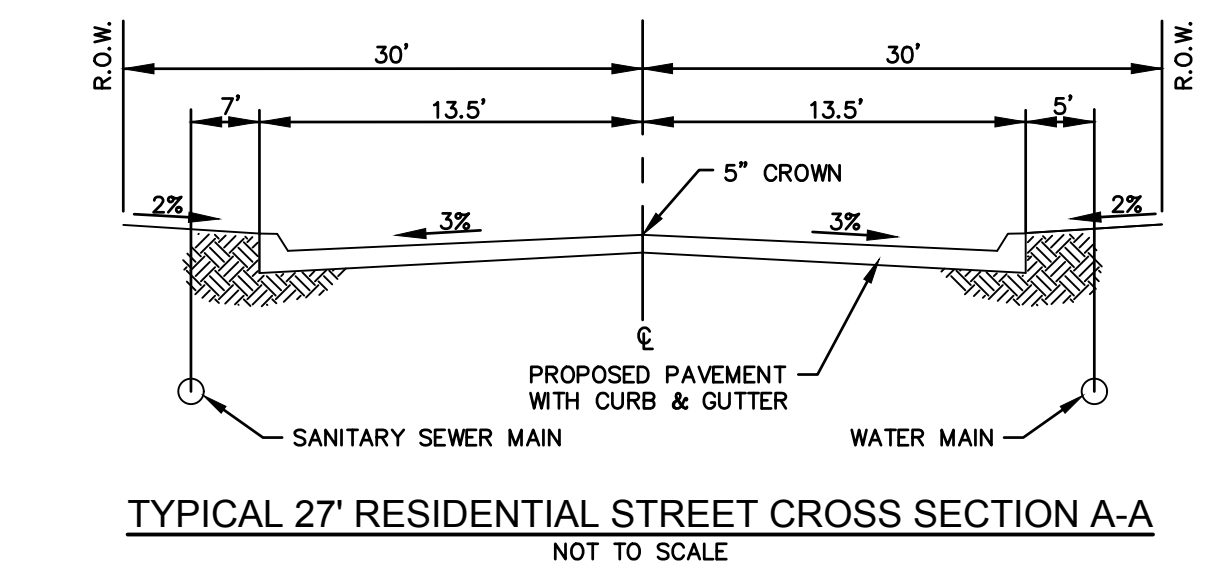
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# WEST VIEW R-3 PLANNED UNIT DEVELOPMENT SITE PLAN

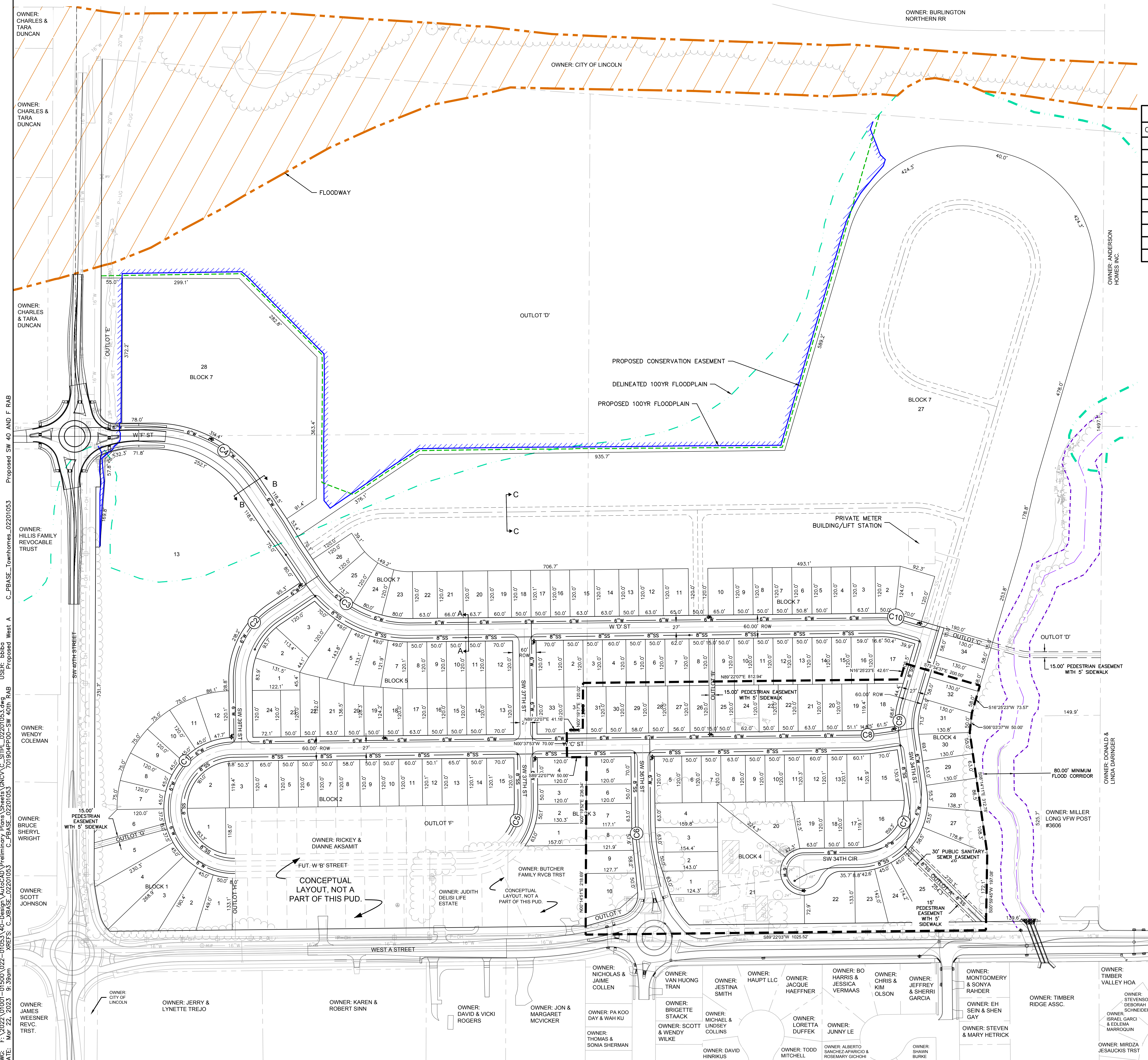


CURVE TABLE					
CURVE ID	RADIUS (FT)	DELTA	LENGTH (FT)	CHORD BEARING	CHORD LENGTH (FT)
C1	150.00	09°00'00"	235.62	S44°22'07"W	212.13
C2	200.00	056°38'45"	197.73	N27°41'30"E	189.78
C3	300.00	056°38'45"	296.60	S62°18'30"E	284.66
C4	300.00	056°19'59"	294.96	S62°09'07"E	283.22
C5	150.00	089°59'21"	235.59	N44°22'26"E	212.11
C6	600.00	009°54'52"	103.82	N05°34'40"W	103.69
C7	150.00	097°36'18"	255.53	N40°33'58"E	225.73
C8	200.00	007°36'18"	26.55	N85°33'58"E	26.53
C9	200.00	024°39'34"	86.08	N04°05'36"E	85.41
C10	200.00	017°03'16"	59.53	S82°06'15"E	59.31



EXISTING LEGEND	
	RIGHT-OF-WAY
	SECTION LINE
	WETLANDS
	TREE MASS
	STORM SEWER
	COMMUNICATION UNDERGROUND
	POWER OVERHEAD
	POWER UNDERGROUND
	WATER MAIN
	SANITARY SEWER
	IRON FENCE
	WIRE FENCE
	POWER POLE/GUY WIRE
	100-YEAR FLOODPLAIN
	FLOODWAY

PROPOSED LEGEND	
	RIGHT-OF-WAY
	PROPERTY LINE
	ROADWAY CENTERLINE
	LIMITS OF PUD
	PROPOSED 100 YR FLOODPLAIN
	MINIMUM FLOOD CORRIDOR EASEMENT
	CONSERVATION EASEMENT
	SANITARY SEWER
	WATER MAIN
	FIRE HYDRANT



601 P Street, Suite 200  
 Lincoln, NE 68508  
 TEL: 402.474.8311  
 WWW.OLSSON.COM

USER: bbba  
 Proposed SW 40 AND F RAB  
 C:\PBASE\_Townhomes\_02201053

REVISIONS

SITE PLAN

WEST VIEW  
 R-3 PLANNED UNIT DEVELOPMENT

LINCOLN, NEBRASKA

2023

SHEET  
 2 of 10



SEACREST & KALKOWSKI, PC, LLO

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

April 12, 2023

**HAND DELIVERY**

David Cary, Director  
Planning Department  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: West View R-3 Planned Unit Development

Dear David:

Our office represents Par 72, LLC (“Developer”), owner of Lots 118 and 125, Irregular Tracts in the Southwest Quarter of Section 29, Township 10 North, Range 6 East of the 6<sup>th</sup> P.M., and Lot 1, Newell Subdivision, all located in Lancaster County, Nebraska, consisting of approximately 119 acres (the “Property”). The Property is located at the northeast corner of SW 40<sup>th</sup> and West A Streets. The Property is currently zoned AGR.

Developers are requesting an amendment to the 2050 Comprehensive Plan to amend Figure GF.b: 2050 Future Land Use Plan to change the designation of portions of the Property from Green Space to Residential – Urban Density as identified on the enclosed exhibit.

Developer has provided a conceptual site plan for a Planned Unit Development (“PUD”) on the entire Property, along with a grading and drainage plan for the entire Property, but is only requesting to change the zone and annex the first phase consisting of 14.71 acres at this time. Developer anticipates zoning and annexing the remaining Property in multiple phases.

Developer is requesting the following waivers as part of the PUD:

- a. Sanitary sewer running opposite street grade.
- b. Sanitary sewer manholes exceeding 15’ in depth.
- c. Lots 2-5, Block 1, and Lots 20, 25 and 26, Block 4 to exceed the 3:1 depth to width ratio.
- d. On-site detention due to the proximity of the development to Middle Creek.

Developer is requesting an Annexation Agreement for the entire Property that masterplans development of the Property but allows it to occur in phases.

Developer is proposing to grant a conservation easement to the City as shown on the PUD grading and drainage plan as an alternative to water quality. The conservation easement area will be planted into native vegetation. This development will require a floodplain permit to allow grading within the floodplain. Developer's proposed grading within the PUD will increase the floodplain storage volume from 55.5 ac-ft to 356 ac-ft.

Enclosed please find the following:

- a. City of Lincoln Zoning Applications for Annexation and Change of Zone;
- b. PUD site plan for illustration purposes;
- c. Exhibit for Comp Plan Amendment; and
- d. Application fee of \$4,857 (\$3,801 max fee + \$1,056 base fee).

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

Very truly yours,



DANAY KALKOWSKI

For the Firm

Enclosures

**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

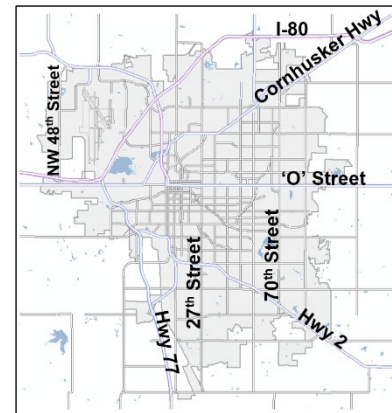
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Miscellaneous #23003	FINAL ACTION? No	DEVELOPER/OWNER N/A
PLANNING COMMISSION HEARING DATE May 3, 2023	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION N/A

**RECOMMENDATION: IN CONFORMANCE WITH THE LONG RANGE TRANSPORTATION PLAN**

**BRIEF SUMMARY OF REQUEST**

This is an application to review the proposed FY 2024-2027 Transportation Improvement Program (TIP) for conformance with the current Lincoln Metropolitan Planning Organization (MPO) Long Range Transportation Plan. The proposed Lincoln MPO FY 2024-2027 Transportation Improvement Program (TIP) document is located on the Lincoln MPO web page at <https://www.lincoln.ne.gov/City/Departments/Planning-Department/MPO/TIP>.



**JUSTIFICATION FOR RECOMMENDATION**

The MPO Programming and Funding Committee, MPO Technical Committee, and MPO staff reviewed the program of transportation projects for consistency with the 2050 Long Range Transportation Plan. All projects in the proposed TIP are found to be in conformance with the current Long Range Transportation Plan (LRTP).

**APPLICATION CONTACT**

David Cary, Planning Director  
(402) 441-7491  
[dcary@lincoln.ne.gov](mailto:dcary@lincoln.ne.gov)

**STAFF CONTACT**

Rachel Christopher, Transportation Planner  
(402) 441-7603  
[rchristopher@lincoln.ne.gov](mailto:rchristopher@lincoln.ne.gov)

**COMPATIBILITY WITH THE LONG RANGE TRANSPORTATION PLAN**

The FY 2024-2027 TIP is in conformance with the 2050 Lincoln MPO Long Range Transportation Plan.

## ANALYSIS

### Federal Transportation Planning Process

Federal regulations require that a region's urban transportation planning process include the cooperative development of the Transportation Improvement Program (TIP), a staged multi-year program of transportation improvement projects expected to use federal or state funds, require federal review, or have significant system impacts. The TIP is developed cooperatively by the MPO Technical Committee and agencies within the Metropolitan Planning Area, which includes all of Lancaster County. Transportation agencies involved include the City of Lincoln, Lancaster County, the Nebraska Department of Transportation (NDOT), the local transit agency (StarTran), Lincoln Airport Authority, Railroad Transportation Safety District (RTSD), and other public and private agencies utilizing federal funding sources.

### Lincoln Metropolitan Planning Organization (MPO)

The City of Lincoln, as the designated MPO, is responsible for conducting the urban transportation planning process pursuant to federal requirements and assigning work as necessary to carry out this process. There are five primary participant groups in the MPO planning and decision-making process. These include: 1) the MPO Officials Committee comprised of the Mayor and the chairs and vice chairs of the City Council and County Board, plus the Nebraska Department of Transportation Director, 2) MPO Technical Advisory Committee, 3) Lincoln-Lancaster Planning Commission, 4) various Citizen Task Forces and Advisory Committees, and 5) MPO staff.

### Transportation Improvement Program (TIP)

The TIP is a programming document that identifies the timing and funding of all highway, bridge, public transportation, bicycle, pedestrian, and enhancement projects scheduled for implementation in the MPO planning area which will use federal funds, require federal review, or be regionally significant resulting in substantial functional changes to the transportation system. According to federal regulations, the TIP is to be a staged multiyear program of transportation improvement projects that "shall cover a period of not less than four years and be consistent with the approved metropolitan transportation plan" (Federal Highway Administration: 23 U.S.C. Sec. 450.326). The TIP is part of the MPO's effort to establish and maintain a planning process required by the federal government as a condition for receipt of federal transportation funding. Projects in the TIP directly reflect the priorities and are consistent with the goals and objectives identified in the Long Range Transportation Plan (LRTP) and Lincoln-Lancaster County Comprehensive Plan. The MPO's official Public Participation Plan calls for the City-County Planning Commission to hold a public hearing each year on the TIP and review it for concurrence to the adopted LRTP. The Planning Commission findings and comments are included in the TIP and forwarded to the MPO Officials Committee for execution and transmittal to the State where it is included in the State Transportation Improvement Program (STIP). Lincoln's TIP will become part of the STIP, a comprehensive list of all highway (state or local) and all transit (capital or operating) projects in urban and rural areas that propose to use federal funds. Like the TIP, the STIP is updated every year to include a minimum four-year listing of federal-aid projects for approval by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). The proposed Lincoln MPO FY 2024-2027 Transportation Improvement Program (TIP) document is located on the Lincoln MPO web page at: <https://www.lincoln.ne.gov/City/Departments/Planning-Department/MPO/TIP>.

### Long Range Transportation Plan

The current 2050 Long Range Transportation Plan for the Lincoln MPO was coordinated with the Lincoln City and Lancaster County land use and future growth plans and transportation planning documents. The current Transportation Plan was reviewed at a series of public hearings by the Lincoln-Lancaster Planning Commission and adopted by the Lincoln MPO on December 15, 2021. The MPO Programming and Funding Committee reviewed the program of transportation projects for consistency with the 2050 Long Range Transportation Plan. All projects in the proposed TIP are found to be in conformance with the current Long Range Transportation Plan as described below.

### Project Review

#### **State of Nebraska: Department of Transportation**

The State program includes nineteen projects that focus on system rehab/resurfacing, system maintenance, and replacement. Listed are programming for four bridge replacement/repair projects, four bridge repair/roadway resurfacing projects, three roadway widening/resurfacing projects, two mill/resurface projects, one culvert project, one high mast tower replacement project, and four joint seal/concrete repair projects. These projects are coordinated with the State's TIP and are considered to be in general conformance with the Lincoln MPO 2050 Long Range Transportation Plan.

### **Bridge Replacement/Repair**

- I-180 Adams Street Bridge, replacement
- I-180 Bridges over I-80
- US-6 Sun Valley Blvd over UPRR, replacement
- US-6 Cornhusker Hwy Bridges, repair/replacement

### **Bridge Repair/Roadway Resurfacing**

- US 34, Lincoln West bridges. US-34 approximately 2.0 miles and 0.9 miles west of Lincoln
- N-79, Agnew North Bridges, 0.46 miles
- I-80 Bridges, NW 56<sup>th</sup> Street to Waverly
- S-55G, Hickman Spur, 3.41 miles

### **Roadway Widening/Resurfacing**

- N-43 from N-41 to the north limits of Bennet, includes Panama spur, 16.0 miles
- I-80 from Pleasant Dale to NW 56<sup>th</sup> Street, 6-lane concrete pavement replacement/reconstruction, 7.6 miles
- US-77 Lincoln West Beltway, 6-lane, grading, surfacing, shoulders, 4.61 miles

### **Mill/Resurfacing**

- I-180 Cornhusker South, from Oak Creek south to the South Jct US-34, 1.3 miles
- N-79, US-34 to Raymond Road, 7.1 miles

### **Culverts**

- US-6 Emerald East Culverts

### **High Mast Tower Replacement Project**

- I-80 District 10A High Master Tower Replacement

### **Joint Seal/Concrete Repair**

- I-80 Airpark, I-180, 6.3 miles
- US-77 Beatrice-Princeton, 13.76 miles
- US-77/I-80 North, 7.0 miles
- N-2 Lincoln-Syracuse, 23.82 miles

## **Lancaster County - County Engineering:**

The Lancaster County improvement program includes ten projects. The list below includes five safety projects, four roadway capital projects, and one bridge replacement project. All county projects are considered to be in general conformance with the 2050 Long Range Transportation Plan.

### **Safety Improvement Projects**

- Saltillo Road, 27<sup>th</sup> Street to 68<sup>th</sup> Street, 2.7 miles: Widening/paving earthen shoulders with safety edges and safety improvements for S. 40<sup>th</sup> Street and S. 56<sup>th</sup> Street intersections
- 148<sup>th</sup> Street and Holdrege Street: Intersection improvements including left turn lanes on north and southbound approaches
- S. 68<sup>th</sup> Street, Firth Road to Stagecoach Road, 5.0 miles: Grading, widening, and surfacing
- N. 14<sup>th</sup> Street, Alvo Road to Ashland Road, 10.5 miles: pavement overlay, trench and shoulder widening, construction of a safety section, and centerline and edgeline rumble strips
- S. 68<sup>th</sup> Street, Hickman to Roca Road, 1.5 miles: pavement overlay, trench and shoulder widening, construction of a safety section, centerline and edgeline rumble strips, and intersection improvements at Martell Road

### **Roadway Capital Projects**

- S. 98<sup>th</sup> Street, Old Cheney Road to A Street, 3.0 miles: Preliminary engineering and construction of a 24 foot asphalt surface with turf shoulders
- S. 98<sup>th</sup> Street, A Street to O Street, 1.0 mile: Preliminary engineering and construction of asphalt paving and drainage structures. Since S. 98<sup>th</sup> Street from Old Cheney to O Street is within the 2050 Future Service Limit, the City and County will closely coordinate on these projects
- Fletcher Road, 84<sup>th</sup> Street to 148<sup>th</sup> Street, 4.5 miles: Preliminary engineering and construction of 28 foot asphalt surface with turf shoulders. Since Fletcher Road from 84<sup>th</sup> Street to east of 98<sup>th</sup> Street is within the 2050 Future Service Limit, the City and County will closely coordinate on this project
- NW 56<sup>th</sup> Street, I-80 to W. Holdrege Street, 0.7 miles: Preliminary engineering and construction to include grading, widening, and surfacing. Since NW 56<sup>th</sup> Street from I-80 to W. Holdrege Street is within the 2050 Future Service Limit, the City and County will closely coordinate on this project
- S. 68<sup>th</sup> Street, Firth Road to Stagecoach Road, 5.0 miles: Preliminary engineering and construction to include grading, widening, and surfacing

### **Bridge Replacement Project**

- Arbor Road Bridge over the Little Salt Creek, 0.1 miles: Preliminary engineering and construction of bridge to replace existing 120' slab bridge

### **City of Lincoln Transportation and Utilities - Transportation:**

This program includes significant resources for projects that focus on traffic management, traffic signal timing, equipment replacement and Intelligent Transportation System (ITS) projects that are needed to improve traffic flow. Other focus areas are for traffic safety and operations for intersection projects, sidewalk maintenance, and roadway and bridge infrastructure rehabilitation or improvements. Below are the major intersection, roadway, and bridge infrastructure improvement projects. All projects are considered to be in general conformance with the 2050 Long Range Transportation Plan.

#### **Transportation System Preservation**

This program component focuses on repair and preservation of transportation system assets including rehabilitation of streets, intersections, traffic signals, bridges, and facilities in the public street right-of-way. Projects include concrete repairs, asphalt mill & overlay, surface treatments, signal structures and equipment replacement, bridge/structure work, facility improvements, and other transportation preservation and rehabilitation efforts.

- S 56<sup>th</sup> Street, Spruce Street to Van Dorn Street: pavement repair
- Randolph Street, Capital Parkway to 40<sup>th</sup> Street: pavement repair and intersection improvements at 33<sup>rd</sup> Street and 40<sup>th</sup> Street
- 1<sup>st</sup> Street & Cornhusker Highway: traffic signal replacement
- 9<sup>th</sup> & A St., 9<sup>th</sup> & D St., 10<sup>th</sup> & A St., 10<sup>th</sup> & D St.: traffic signal replacement
- N 84<sup>th</sup> Street & College Park: traffic signal replacement
- 66<sup>th</sup> St./Cotner Blvd./Adams St.: traffic signal replacement
- Cornhusker Highway, 39<sup>th</sup> Street to L-55X: pavement repair, intersection improvements, mill and overlay, curb ramp reconstruction and utility adjustments
- Preventative Maintenance Bridge Package: maintenance of bridges such as Harris Overpass, N 27<sup>th</sup> Street viaduct, SW 40<sup>th</sup> Street viaduct, Penny Bridges, and 10<sup>th</sup> Street & Salt Creek Bridge
- 48<sup>th</sup> St. & Calvert St. and 56<sup>th</sup> St. & Calvert St.: traffic signal replacement
- W South Street Bridge over Salt Creek: bridge replacement

#### **Transportation System Optimization**

This program component focuses on optimization of transportation system assets including program delivery, intersection improvements, signal system optimization, street capacity (widening), structures within the built environment, turn lanes, complete streets concepts and technology enhancements. Projects include new intersection modifications (turn lanes, roundabouts) new signal system hardware, adding lanes to existing streets, access improvements, bike & ped improvements, signing, safety projects and transportation system management infrastructure.

- A Street, 40<sup>th</sup> Street to 56<sup>th</sup> Street: intersection improvements and widening
- Adams Street, 36<sup>th</sup> Street to 48<sup>th</sup> Street: pavement repair and widening
- 84<sup>th</sup> Street and US-6 (Cornhusker Highway): safety project
- Cotner Boulevard, O Street to Starr Street: pavement repair and intersection improvements
- A Street, 6<sup>th</sup> Street to 17<sup>th</sup> Street: intersection improvements and widening
- Pilot - Hyperflow Software Tool: corridor performance system
- US-34 and S 84<sup>th</sup> Street/Russwood Parkway: intersection improvements
- S 70<sup>th</sup> St. and Nebraska Parkway: intersection improvements

### **Transportation System Growth**

This program component focuses on growth of new transportation system assets including new streets, right-of-way improvements, bridges/structures in new growth areas and major upgrades to the fringe area street network. Projects include new streets and right-of-way improvements, new bridges and support structures, new intersections and signal system hardware, and major upgrades to the fringe area street network.

### **Transportation Livable Neighborhoods**

This is a program committed to projects that improve and maintain strong neighborhoods and are coordinated with Transportation and Utilities, Parks and Recreation, and Urban Development. Specific projects are identified through a multi-departmental prioritization process.

### **Transportation Sidewalk Program**

This program is for the maintenance and repair of sidewalk infrastructure. Projects include sidewalk repair and replacement, panel leveling, and construction of ADA curb ramps. The LRTP recommends continuing to increase funding for sidewalk repairs.

### **Capital Roadway Projects**

- East Beltway: Corridor protection and right-of-way (as needed) for a four lane freeway between Hwy 2 and I-80. The LRTP recommends continuing corridor protection.
- 14th/Warlick/Old Cheney Road: Design and construction to construct improvements in the vicinity of 14th Street/Old Cheney and Warlick Blvd. in order to improve safety and congestion. This project is listed as Committed in the LRTP.
- West "A" Street from west of Coddington to west City Limits: Construction of a two lane urban facility with intersection improvements and turn lanes. This project is listed as Committed in the LRTP.
- S. 40<sup>th</sup> from Yankee Hill Rd to south of Rokeby: Construction of a two lane urban facility with intersection improvements and turn lanes. This project is listed as a Developer Commitment in the LRTP.

### **City of Lincoln Transportation and Utilities - StarTran:**

The Public Transportation Element of the TIP includes operational and capital improvement programs for the City of Lincoln Public Transportation projects that are typically funded through the Federal Transit Administration (FTA) and local funds. The primary focus of this program is to maintain StarTran services and provide for StarTran's Vehicle Replacement Program. All projects are considered to be in general conformance with the 2050 Long Range Transportation Plan.

- Paratransit and maintenance service vehicle replacements: This is a priority project in the LRTP.
- Bus stop amenities such as benches, shelters, pads, signage, bicycle related equipment and landscaping: This is a priority project in the LRTP.
- Security enhancements as required by FTA: Such enhancements will include improved facility surveillance and improved bus camera systems. This is a priority project in the LRTP.
- Computer hardware and software for continued upgrade/replacement of computer services for StarTran administration, operators, and maintenance functions: Funds are proposed to purchase maintenance software, farebox cell phone validators, a plotter, and upgraded staff computers. This is a priority project in the LRTP.
- Shop tools/equipment for continued routine upgrade and replacement: Such tools and equipment include vehicle lifts, oil reels, and fall protection items. This is a priority project in the LRTP.
- Building renovations and improvements for the atomic clock system, new garage doors, raise middle garage doors and parking lot striping: This is a priority project in the LRTP.

- Fareboxes: Funds are proposed for replacement of all bus fareboxes.
- Purchase of supervisor vehicle.
- Multimodal Transportation Center: The Multimodal Transit Transfer Center (MTTC) project will improve travel options to central business district destinations, improve connections between different travel modes, and improve bus passenger amenities including covered passenger boarding areas and interior passenger amenities. This project includes completion of a feasibility study, environmental and design work, and construction. This project is recommended in the LRTP and was awarded federal RAISE grant funding.
- Purchase 16 Full Size Vehicles: Funds are proposed to replace 3 buses from 2006 and 13 Gillig buses from 2011 with alternative fueled and/or alternative propulsion system buses.
- Fast Fuel Compressed Natural Gas Station
- Maintenance Facility Construction/Relocation: Funds are proposed to construct a new bus maintenance and storage facility.

#### **Lincoln Airport Authority:**

The Lincoln Airport Authority improvement program includes operational and capital improvement programs for the City of Lincoln Airport that are typically funded through the Federal Aviation Administration (FAA) and local funds. All projects are considered to be in general conformance with the 2050 Long Range Transportation Plan.

- Snow removal equipment building
- Runway and taxiway improvements including design, construction, pavement, lighting and other equipment
- General aviation development
- Relocate run-up pad
- Oak Creek levee improvements
- Terminal ramp rehabilitation
- Interlocal Agreement for Minimum Revenue Guarantee
- Terminal parking garage solar roof canopies

#### **Federal Transit Programs:**

Federal Transit Administration Grants assist in the development and support of intercity bus transportation and enhance the access of people to employment, health care, shopping, education, public services, and recreation. All projects are considered to be in general conformance with the 2050 Long Range Transportation Plan.

- NDOT Vanpool Project: Vendor vanpool services provide statewide contracted services for a) Metro Vanpool service for Lancaster, Sarpy, & Douglas counties between Lincoln and Omaha (LCLC & MAPA) and b) Statewide, Rural Nebraska Vanpool service.
- Section 5310 Program: These projects or programs are designed to support transportation services that meet the special transportation needs of seniors and individuals with disabilities in urbanized areas. Eligible projects include both traditional capital investment and nontraditional investment beyond the Americans with Disabilities Act (ADA) complementary paratransit services.

#### **Ped, Bike & Trails:**

The projects located in this section of the TIP are generally funded with a combination of local and federal funds that comes from either the Transportation Alternatives Program (TAP) or Recreational Trails Program (RTP) funds. Projects listed for Parks & Recreation have advanced from previous programming. The B Street Bicycle Boulevard project listed for the Planning Department was added to the TIP as a result of the MPO Call for Applications for TAP funding that took place in 2022. The Call also resulted in programming the Waterford Trail project for the use of TAP funds. All projects are considered to be in general conformance with the 2050 Long Range Transportation Plan.

#### **City of Lincoln Parks & Recreation Department:**

- Beal Slough Trail Project: This is a ten-foot wide trail to extend along the Beal Slough Channel and the railroad from 56th Street & London Road connecting to 70th Street & Yankee Hill Road. This is a priority project in the LRTP.
- Fletcher Landmark Trail: This is a trail project for concrete trail to follow primarily alongside Fletcher Street from N. 14th Street to N. 27th Street. This is a priority project in the LRTP.

- Wilderness Hills Trail: This project is a trail extending south from about 37th Street and Yankee Hill Road where it will branch off in two segments, one leading east to an underpass of S. 40th Street, the other southwest to an underpass of Rokeby Road. This is a priority project in the LRTP.
- Waterford Trail: This is a trail project beginning at 84<sup>th</sup> and College Park east across Southeast Community College to the corner of 98<sup>th</sup> and Boathouse Road and extending east and north to the corner of 104<sup>th</sup> and Holdrege. This is a priority project in the LRTP.

**City of Lincoln/Lancaster County Planning Department:**

- B Street Bicycle Boulevard: This is an on-street bicycle facility on B Street from 11<sup>th</sup> to 26<sup>th</sup> Streets and on 26<sup>th</sup> Street from A to B Street, and a sidepath on A Street from 26<sup>th</sup> to 27<sup>th</sup> Streets.

**Railroad Transportation Safety District (RTSD):**

This project is for a Railroad Crossing Grade Separation project at the North 33rd Street and Cornhusker/BNSF railroad crossing to eliminate at-grade vehicular-train conflicts that enhance safety, reduce delays, and improve emergency access. This project is listed as a committed project and is therefore considered to be in conformance with the 2050 Long Range Transportation Plan.

Congestion Management and Equity Considerations

Congestion management and equity are review elements applicable to new projects being added to the TIP starting with the FY 2024-2027 TIP. Their inclusion was added to the TIP process to address recommendations received from the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) at the Lincoln MPO's four-year certification review in May 2021.

The congestion management and equity review elements integrate project-level information from the 2050 LRTP and MPO Congestion Management Process with proposed additions to the TIP to better inform decision-making. These two review elements apply to all TIP programs/projects except those projects in the NDOT, Lincoln Airport and FTA programs.

Equity is addressed through one of the eight goals of the LRTP, which is defined as, "Transportation investments developed through an inclusive process that promotes equitable outcomes." Areas with Underserved and Overburdened Communities were mapped during development of the 2050 LRTP based on inputs including low income, minorities, single heads of household, limited English proficiency, age 65+, disabilities, and zero vehicle households. This map has been updated using information from the 2020 US Census and American Community Survey (ACS). Roadway and trail projects not having committed funding at the time the LRTP was developed were also given scores for each of the eight goals including Equity along with a Public Input score and Total score.

Congestion is addressed based on the Lincoln MPO Congestion Management Process (CMP) adopted in May 2020. The CMP provides a systematic approach for managing congestion by defining a CMP network and identifying strategies to reduce trips and vehicle miles traveled, shift automobile trips to other modes, improve roadway operations, improve infrastructure, and add capacity.

Standard questions were developed for each review element. The information below was provided on each question by the applicant for the only new applicable project being added to the 2024-2027 TIP, which is the **W. South Street Bridge Replacement** for the City of Lincoln Transportation and Utilities (LTU) - Transportation. LTU proposes to add the replacement of the bridge on W. South Street over Salt Creek as a future funded project to begin design in FY 2025. This project ranks 10<sup>th</sup> on the fiscally constrained ranking in the 2050 LRTP.

Per LTU, this bridge was constructed in 1971 and is quickly approaching the end of its life cycle. It requires both routine and unscheduled maintenance to address issues with the expansion joint cover plates on the deck, the concrete in the deck surfacing, and the settlements of the roadway at the bridge approaches. It currently has a score of 4 (poor), which puts it in the bottom 4% for overall bridge health when compared to all bridge structures in the City. In 2021, the Average Daily Traffic Volume (ADT) was 4,380 vehicles per day, with over 6% of vehicles being trucks.

The following information was provided by LTU-Transportation regarding the project.

### Congestion Management Process

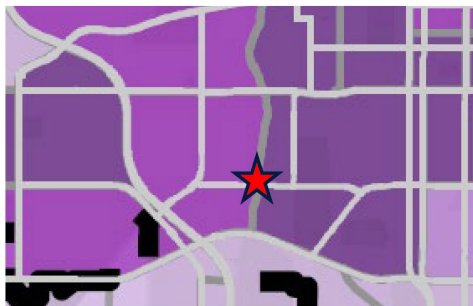
Is the project in the Lincoln MPO CMP Network? No

Is the project on a high-congestion segment as identified in the 2050 LRTP? (Existing, 2035, or 2050 model years). No

Identify which Congestion Management Process (CMP) strategies the project supports (see [pages 17-20 of the CMP](#)):  
C.14 Goods Movement Management

### Equity

Is the project located in an area with High or Moderate to High Overburdened and Underserved Communities? Yes, it lies in between highest and moderate to high areas of overburdened and underserved communities (project location indicated by red star) on the exhibit below.



#### Underserved and Overburdened Communities



If yes to the previous question, provide explanation of how the project creates a benefit or burden to these communities and ways the project could be modified (if neutral or negative impact):

- *This project will create a benefit to citizens and businesses located in southwest Lincoln due to its connectivity to residential, commercial, and industrial properties, as well as to recreation facilities including parks and sports complexes. This corridor also provides connectivity to the Bryan Medical Complex at S 16<sup>th</sup> & South Street, the nearest hospital to communities located in southwest Lincoln, as well as connections for Lincoln Public Schools busses, which are housed and dispatched from the main transportation facility at South Street & Park Boulevard.*
- *The West A Street commuter trail begins at South Street, on the west side of the bridge, and the Salt Creek Levee commuter trail crosses South Street at-grade on the east side of the bridge. Replacement of this bridge structure will allow for the Salt Creek Levee trail to pass underneath the structure, which will eliminate the need for an at-grade pedestrian crossing.*
- *Currently, this bridge does not have pedestrian sidewalks across it. Replacement of the bridge will allow for pedestrian facilities to be added across the facility, including connectivity between the two commuter trails.*
- *Replacement of this bridge structure will eliminate the need for closures on South Street to perform repairs to the current bridge structure, which are becoming more commonplace given the structure's age and deteriorating condition. The current out-of-direction detour length when the bridge must be closed, for both motorists and pedestrians, is one mile.*
- Provide the project's Equity Score and Total Score from [Appendix G of the LRTP](#) (if applicable):  
*Equity Score = 1.0 (out of 1.0)*  
*Total Score = 50.54 (out of 100)*

### APPLICATION HISTORY

The MPO Project Selection and Coordination Committee met on February 1<sup>st</sup>, February 7<sup>th</sup>, and again on March 1<sup>st</sup> and recommends this program of projects to be in conformance with the 2050 Long Range Transportation Plan. The MPO Technical Committee also met on April 13<sup>th</sup> to review the proposed TIP and made a recommendation of approval.

Date: April 20, 2023

Applicant: David Cary, 402-441-7491, [dcary@lincoln.ne.gov](mailto:dcary@lincoln.ne.gov)

Contact: Rachel Christopher, 402-441-7603, [rchristopher@lincoln.ne.gov](mailto:rchristopher@lincoln.ne.gov)

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/MISC/23000/MISC2300X FY 2024-2027 TIP.docx>

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## MEMORANDUM

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**TO:** File

**FROM:** Lincoln MPO

**SUBJECT:** Proposed FY 2024-2027 Transportation Improvement Program

**DATE:** March 23, 2023

**CC:** file

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This is an application to review the proposed FY 2024-2027 Transportation Improvement Program (TIP). The TIP is a programming document that identifies the timing and funding of all highway, bridge, public transportation, bicycle, pedestrian, and airport projects scheduled for implementation in the Metropolitan Planning Organization (MPO) planning area which will use transportation federal funds, require federal review, or be regionally significant resulting in substantial functional changes to the transportation system.

The TIP is developed cooperatively by the MPO Technical Committee and agencies within the Metropolitan Planning Area, which includes all of Lancaster County. Transportation agencies involved include the City of Lincoln, Lancaster County, the Nebraska Department of Transportation (NDOT), the local transit agency (StarTran), Lincoln Airport Authority, Railroad Transportation Safety District (RTSD), and other public and private agencies utilizing transportation federal funding sources.

The TIP is scheduled for Planning Commission consideration at the May 3, 2023 public hearing.

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Lincoln City-Lancaster County Planning Department  
555 S. 10th St., Rm. #213 • Lincoln NE 68508  
Phone: (402) 441-7491 • Fax: (402) 441-6377

# CITY OF LINCOLN

## Planning Department Application Request Form

Planning Department / 555 S 10th St, Ste 213 / Lincoln, NE 68508  
 Phone 402-441-7491 / Fax 402-441-6377  
 plan@lincoln.ne.gov

Date \_\_\_\_\_

				Office Use Only	
Application Type		Subtype	Category	File #	PC Final Action
+	-	Miscellaneous	Other	NA	<input type="checkbox"/>

Project Name Transportation Improvement Program FY 2024-2027

Address/General Location Lincoln MPO Metropolitan Planning Area

Legal Description  
*(Attach legal if necessary.)* \_\_\_\_\_

Parcel ID Number(s) (PID) \_\_\_\_\_

Number of Acres \_\_\_\_\_ Number of lots being platted (Not outlots) \_\_\_\_\_ App # Being Amended \_\_\_\_\_

**THE FOLLOWING INFORMATION IS NECESSARY TO HAVE A COMPLETE APPLICATION:**

1. **LETTER** stating purpose of application. This statement should include information concerning the reason for the request(s), any associated applications, projects or other information related to the application. This letter should include a list of waivers associated with an application and justifications for those waivers. If no waivers are requested state "no waivers are requested."
2. **FEE** ([View Fee Schedule](#)) Note: Make checks payable to the City of Lincoln.
3. **SITE PLAN** The site plan shall be submitted electronically using e-plan. ([View instructions on eplan submittal](#))

**NOTE:** See [Forms & Fees](#) section of Planning Department website for checklists with specific requirements for each type of project.

\*\*\* This application may be returned as incomplete if all requested information is not provided. \*\*\*  
 The City reserves the right to ask for additional information to process this application.

**Property Owner Name** \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_ Email \_\_\_\_\_

City \_\_\_\_\_ State Nebraska Zip \_\_\_\_\_

**Applicant Name** David Cary Phone 402-441-6364

Address 555 S. 10th Street, Room 213 Email dcary@lincoln.ne.gov

City Lincoln State Nebraska Zip 68508

**Contact Name** Rachel Christopher Phone 402-441-7603

Address 555 S. 10th Street, Room 213 Email rchristopher@lincoln.ne.gov

City Lincoln State Nebraska Zip 68508

**ProjectDox Contact** NA **ProjectDox Email** NA

Applicant Signature: \_\_\_\_\_

\* Property Owner Signature: \_\_\_\_\_

\* NOTE: If application is for a special permit or a use permit and the applicant is not the owner of the property, the property owner must sign the application or the applicant must attach written permission of the owner authorizing the applicant to sign on behalf of the owner. By signing this application request form or granting the applicant permission to sign on the owner's behalf, the owner hereby grants all authorized city/county personnel to access the property for purposes of review of this application.