

Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

Tracy Edgerton: Chair
Cindy Ryman Yost: Vice Chair
Lorenzo Ball
Dick Campbell
Tracy Corr
Maribel Cruz
Gloria Eddins
Cristy Joy
Richard Rodenburg

PLANNING STAFF

David R. Cary: Director
Shelli Reid: Administrative Officer
Jennifer McDonald: Administrative Aide

Ju`m`&, 2023

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, July 12, 2023, at 1:00 p.m. in the City Council Chambers on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

****PLEASE NOTE:** The Planning Commission action is final action on any item with a notation of *FINAL ACTION*. Any aggrieved person may appeal Final Action of the Planning Commission to the City Council or County Board by filing a Notice of Appeal with the City Clerk or County Clerk within 14 days following the action of the Planning Commission. The Planning Commission action on all other items is a recommendation to the City Council or County Board.

AGENDA

WEDNESDAY, JULY 12, 2023

Approval of minutes of the regular meeting held [June 28, 2023](#).

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

CHANGE OF ZONE:

1.1 CHANGE OF ZONE 23053, from R-2 (Residential District) to B-1 (Local Business District) for Cooper Holdings LLC, on property generally located at 2211 Winthrop Road.

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Planning staff recommendation: Approval

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

MISCELLANEOUS:

1.2 STREET AND ALLEY VACATION 23003, to vacate West Cleveland Avenue between NW 48th Street, generally located at NW 48th Street and W Madison Avenue.

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Planning staff recommendation: Conforms to the Comprehensive Plan

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

2. **REQUESTS FOR DEFERRAL**

3. **ITEMS REMOVED FROM CONSENT AGENDA**
(Public Hearing and Administrative Action)

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION

PERMITS:

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4.1 SPECIAL PERMIT 1965B, to amend existing Special Permit 1965A, to allow for 48 multi-family units, 23 townhome units, 9 single-family units, and five unassigned units, on property generally located at NW 48th Street and W Madison Avenue.

****FINAL ACTION****

Planning staff recommendation: Conditional Approval

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

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4.2 SPECIAL PERMIT 23026, to allow for a Residential Healthcare Facility for up to 12 residents, on property generally located at 3737 Calvert Street.

****FINAL ACTION****

Planning staff recommendation: Conditional Approval

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

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

Adjournment

PENDING LIST: 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.*

MEETING RECORD

Advanced public notice of the Planning 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 Tuesday, June 20, 2023.

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, June 28, 2023, 1:00 p.m., Hearing Room 112, on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska.

MEMBERS AND OTHERS IN ATTENDANCE: Tracy Corr, Gloria Eddins, Cristy Joy, Rich Rodenburg, Cindy Ryman Yost and Tracy Edgerton. Lorenzo Ball, Dick Campbell and Maribel Cruz absent. David Cary, Steve Henrichsen, Shelli Reid, Jennifer McDonald, Ben Callahan, and Andrew Thierolf of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

Chairperson Edgerton called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

Edgerton requested a motion approving the minutes for the regular meeting held June 14, 2023.

Motion for approval of the minutes made by Eddins, seconded Joy. Minutes approved 6-0: Corr, Eddins, Joy, Rodenburg, Ryman Yost, and Edgerton voting "yes". Ball, Campbell, and Cruz absent.

Edgerton asked the Clerk to call for the Consent Agenda Items.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

June 28, 2023

Members present: Corr, Eddins, Joy, Rodenburg, Ryman Yost and Edgerton. Ball, Campbell, and Cruz absent.

The Consent Agenda consisted of the following item: Special Permit 23022, and Miscellaneous 23005.

Clerk noted that Special Permit 08052A is being removed from the Consent Agenda and scheduled for a public hearing.

Eddins disclosed an ex-parte communication. Eddins stated that the neighborhood organization had emails between the members and decided not to take a stand on Special Permit 23022.

There were no ex-parte communications disclosed relating to site visits.

Eddins moved approval of the Consent Agenda item, seconded by Corr.

Motion carried 6-0: Corr, Eddins, Joy, Rodenburg, Ryman Yost and Edgerton voting “yes”. Ball, Campbell, and Cruz absent.

Note: This is Final Action on Special Permit 08052A and Special Permit 23022 unless appealed by filing a letter to the City Council within 14 days.

SPECIAL PERMIT 08052A

AMENDING THE EXISTING SPECIAL PERMIT TO INCREASE THE MANIMUM NUMBER OF ALLOWED CHILDREN IN THE DAYCARE FROM 100 TO 160, ON PROPERTY GENERALLY LOCATED AT 7244 SOUTH 29TH STREET.

PUBLIC HEARING:

June 28, 2023

Members present: Corr, Eddins, Joy, Rodenburg, Ryman Yost and Edgerton. Ball, Campbell, and Cruz absent.

Staff Recommendation:

Conditional Approval

There were no ex-parte communications disclosed.

There were no ex-parte communications disclosed relating to site visits.

Staff Presentation:

Ben Callahan, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated that this request is to amend an existing Special Permit. The amendment is to increase the number of onsite children in the daycare to 160. This will include all Southridge Village Use Permit. Callahan stated that with the site plan, it is being proposed to finish the basement for more room and not to expand the building or playground. Callahan stated that the daycare would require a total of 39 parking spaces to meet the parking standard. Callahan stated that they currently meet this standard with the use permit in a whole.

Edgerton asked Callahan if the boundary on the north side includes parking. Callahan stated that there is parking along the north side and the west side.

Corr asked if the total parking stalls is the area around the facility or the total of all the stalls in the current use permit. Callahan showed that the parking would be along the playground, to the

west of the building and to the north of the building. Callahan stated that with one owner of the use permit area, that the parking is shared among the tenants.

Corr stated that there was mention of a lower parking lot and wanted to know where that would be. Callahan stated that it is the area by the playground. There is a slope in the parking lot. There will also be a secondary entrance for pick up and drop off in the finished lower level.

Rodenburg asked if the shared parking would be designated for the childcare facility only or first come first serve basis of parking. Callahan stated that it is just a common parking across the facility.

Edgerton stated it is a Use Permit, so all the parking is considered together.

Joy asked if there would be a plan in place for drop off and pick up. Callahan stated that they would keep the original design but keep the opening of the drop off and pick up lanes free of parked cars.

Rodenburg stated that a few of the letters that were received mentioned a blind spot caused from dumpsters. Callahan believes that the dumpster is by an exit site and believes that it could possibly be moved or mitigated if needed.

Corr asked if conditions can be placed on the special permit to possibly putting in a speed bump or no parking signs on South 29th Street. **Steve Henrichsen, Planning Department, 555 S. 10th Street, Lincoln, NE** came forward and stated that South 29th Street is a public street. The daycare traffic is just one of many driving up and down the street, there are neighborhoods and commercial traffic utilizing South 29th Street as well. Henrichsen stated that this parking lot is owned by Southridge Village LLC, and if the owners want to install a speed bump or parking signs, it will need to be decided by the owners. Corr asked if they wanted to put a speed bump in the parking lot, it could not be required on this Special Permit but on the overall Use Permit? Henrichsen mentioned that it would be difficult to recommend where the speed bump internal to the parking lot would be.

Edgerton asked where the entrances to the building to the north of the day care were located? Callahan stated that the building to the north can be entered on either side of the building. Edgerton mentioned that there has not been any complaints to the Planning Department for the past 15 years on this Use Permit. Callahan stated that is correct. Edgerton questioned the square foot total that was mentioned. Callahan stated that the plan has it broken in to two parts, one on the north and a smaller section on the east side of the building. Edgerton mentioned about a unique condition comment being removed and what that condition was? Callahan stated that it was to regulate the number of children outside at any given time for the facility. Callahan stated that it was determined it was too difficult to regulate across the city for the percentage of children outside the facility in the playground area.

Applicant:

Natasha Olsen, Hamilton Heights Child Development Center, 7244 S 29th Street, Lincoln, NE came forward and stated they are licensed through DHHS to have 130 children and are asking for an additional 15 for a total of 145 children. The chances of 145 children on the property would be minimal. This is to accommodate the older school aged that need after school care and that is why they are going to finish the basement area for the additional room.

Edgerton clarified the number of children that the Planning Department is recommending compared to what DHHS is allowing. Olsen stated that once the basement is finished, there would be a place for the school age children to go to. Edgerton stated that before and after school care is already being offered and that number is already being accounted for in the total of children. Olsen stated that is correct and that DHHS states that they can be licensed for that many of children based on the square footage, but they want more room to accommodate these children with finishing the basement area. Edgerton stated that this is what the current program is and all that is being done is adding a few more children. Olsen confirmed that is correct.

Corr asked what the path or traffic flow would be for drop off and pick up of children. Olsen stated that previously there were parents pulling up incorrectly and this has now been corrected. Corr asked if instructions are given to the parents to let them know the route of entering and exiting when dropping off the children. Olsen stated that they do inform the parents of the expected flow of traffic.

Eddins asked where the employees park. Olsen stated that they generally park to the north of the parking lot and the lot next to the parking lot.

Corr asked if any of the parents may park on the street if the drive thru lane is full. Olsen stated that there are a few older teachers that have problems walking up an incline of the north lot, so they were parking in the street. This has now been corrected and they now park in the parking lot.

Rodenburg asked if the number of children is the amount that can be in the facility at one time or if this is the amount that they are contracted to serve. Olson replied that this the amount that can be in the facility at one time per DHHS regulations.

Edgerton asked how that many children are monitored on the playground. Olson stated that there are four playground areas that are divided up by ages of the children.

Corr asked if the playground area is fenced off and Olsen stated that they are fenced off. Edgerton asked where the entrance to the playground is located. Olsen stated that the east side of the building has doors that access the playground from inside the building and the west side is accessed through a hallway that is also located inside the building.

Eddins asked Olsen what the hours of operation were, and Olsen replied that they are open 6:30 am to 6:00 pm Monday through Friday and closed all major holidays.

Edgerton asked Olsen if she has been the operator since beginning. Olsen stated that they took this center over at the beginning of Covid. There currently are three centers operating in Omaha and that this is the fourth center.

Proponents:

Christina Melgoza, Krueger Development, 8501 S. 78th Street, Lincoln, NE came forward and stated that even though this property is owned by Southridge Village Development LLC, Krueger Development is the manager and landlord of this building. Melgoza stated that she has not heard of a complaint to their office that has ever come in. They are in support of this proposal of expanding the number of children in the daycare. Melgoza stated that they had helped hold a neighborhood meeting with the Planning Department, no one had shown up. She stated that since this is private, that they can put up stop signs in the development. Melgoza stated that several of the children that will be attending, already have younger siblings that attend this facility. Melgoza stated that they will also look and see if the dumpster is blocking and if there is anything else that needs to be addressed, to let Melgoza know since they are the landlord.

Allison Santana, Krueger Development, 8501 S. 78th Street, Lincoln, NE approached and stated that all the dumpsters can be utilized by any tenant in that Southridge area. Edgerton asked where the location of the dumpsters are, and Santana stated the location and that they are all accessible within the shopping center. Edgerton stated that there was a discussion that one or more of the dumpsters are creating a visual impairment when exiting the area. Santana stated that if it is an issue, then they are willing to adjust. Santana stated that with the staff/children ratio, this would only add one more staff person. Edgerton asked as a landlord or manager if they are aware of any complaints or concerns regarding the childcare center. Santana stated that she has not received any complaints about the childcare center.

Corr asked how the neighbors were notified of the neighborhood meeting. Melgoza said that they were sent a letter. Melgoza stated that she received a list from the Planning Department and the 200 mailing labels to send out the letter. Corr stated that by moving the dumpster, the brick facade around it would still be there. Santana stated that they could remove the dumpster and the brick if needed, especially if it is a visual impairment. Corr stated that the site plan shows a dumpster by the playground, and it is not approved to have a dumpster there. Melgoza stated that is an easy move and that they will look into it.

Neutral:

No one approached in neutral testimony.

Opposition:

Marsha Roberts, Aceso Total Healthcare, 7160 S 29th Street Suite 7, Lincoln, NE came forward and stated that she did send in a letter to the Planning Commission and has had meetings with Rick Krueger in opposition to the traffic flow in the parking lot. Roberts stated that Krueger had told her he would put up signs and take care of it. Roberts stated that she has almost been hit by traffic from the daycare on the north side, she has witnessed people driving on the sidewalk and driving too fast. Roberts stated that they have tried to talk to the parents about slowing down. Roberts understands that there are some things that can be controlled like moving the dumpsters for a better visual of traffic. Roberts stated that it is concerning that the meetings that have been held with Krueger are not being acknowledged today. She has not received any notice of any meeting except the one she received three days ago for this meeting. There has been an increase in traffic with all the small business owners in the area. Roberts stated that the daycare is not the only business flourishing, that her business is flourishing too, and that parking and traffic pattern is a concern. Roberts stated that seeing children run across the parking lot, chasing balls with caregivers running after them is concerning to her. Roberts stated that she has not filed a formal complaint against the daycare but has discussed this with Krueger. Roberts stated that they were told by Krueger that they made the street wide enough for off street parking to cut down the flow of people in. Roberts has a letter (Exhibit 1) that the City of Lincoln Lancaster County code of early childcare facilities on the parking and demands of the business.

Corr asked Roberts how long ago she had the conversation with Krueger. Roberts stated that there have been two conversations, one was last year and one the year prior.

Philip Michel, 2814 Lawson Drive, Lincoln, NE came forward and stated that he lives in the extreme southwest portion of the townhome association. Michel stated that there have been several complaints from the townhome members about the daycare workers parking on Porter Ridge Road. This is a dense road with mailboxes and the postmaster will not deliver the mail if the mailboxes are blocked. Michel stated that there has been discussions with the daycare and is not sure if the parking has been fixed. Michel stated that he does have a concern with the traffic flow coming from the north is turning across 29th Street just before the top of the hill. Michel stated that is a dangerous spot to turn. Michel stated that thanks to Krueger there has been a lot of changes in the past 20+ years. There has been a plethora of variances and zoning changes and within the next year, will be in excess of parking with the apartments opening. Michel stated that he is not sure of the streets being double wide for parking.

Staff Questions:

Corr asked Callahan if there can be any restrictions on the parking lot. This is a good plan but unless restrictions are placed on the parking lot, then she is not comfortable to voting yes. Callahan stated that restrictions can be put in there, but it is never done to that small of that aspect of the sight plan. It is a private use permit parking lot so typically dumpsters are not placed on the site plan of a private use parking lot.

Joy asked if there is any internal traffic study in a private parking lot, Callahan stated not to his knowledge.

Eddins asked if the sidewalk that goes through the parking lot and through the residential is owned by the same person? Callahan responded that it is all within the use permit and once it goes into the neighborhood, it is a public access pedestrian way. Eddins asked if curb stops can be required to be put on the sidewalk to prevent cars from driving on or cutting through. Henrichsen mentioned that if the sidewalk goes outside of the special permit, then it is outside of the area of this review.

Ryman Yost stated that there appears to be a raised-up curb on the sidewalk that is by the lower parking area. Henrichsen stated that there are parking lot design standards that the Planning Department, Building and Safety Department, and Development Review follow. Henrichsen stated that the Planning Department does not have the staff, nor is it a requirement to get into every micro issue that may come up. The other items and challenges are left with the management company or between the tenant and landlord. These are not the issues of the special permit. Henrichsen stated that 29th Street is wider than a typical local street and does allow parking on both sides of the street and still two-way traffic. Henrichsen stated that this is up to Lincoln Transportation and Utilities to look at a bigger picture of speed bumps there.

Edgerton mentioned that one of the letters received stated that there is a no parking sign that is in place and where is it located. **Bob Simmering, Lincoln Transportation and Utilities, 555 S. 10th Street, Lincoln, NE** approached and stated that he does not know where the no parking sign is. Edgerton asked if this is accurate that one has been added? Simmering stated that he does not know. Ryman Yost asked if it is permanent or temporary due to the construction? Simmering stated that he does not know. Simmering stated that with a street that wide, it typically would not have any parking restriction. Corr asked if the neighbors could go through the process of filing a permit with signatures to put up signs. Simmering responded that it could be requested for a study and intervention from LTU. Simmering stated that there would need to be justification for this to happen.

Henrichsen approached and stated that there is a “No Parking” sign on 29th Street to Porter Ridge Road and this is not out of the ordinary because of keeping the intersection clear.

Applicant Rebuttal:

Olsen approached and stated the sign was added within the past couple months. Olsen stated that there are not any mailboxes where her staff was parking. Olsen stated that the increase of traffic is not coming from the daycare, it is just an increase of school age children from the current families already coming to the facility. Eddins asked if the sidewalk has a curb that is in the parking lot. Olsen stated that there is a curb on the north side and not the south side. Ryman

Yost asked Olsen if she has seen people drive across the curb. Olsen stated that she has not seen anyone drive over the curb.

Santana came forward to address Robert's comment about meeting with Krueger development and the parking. Santana stated that she has not met with Roberts regarding the parking but has met with her about signage. Santana stated that there have been conversations about signage on monument signs. Santana stated that they have an electronic marque that can be utilized for signage. The management group is not allowing monument signs to be placed out.

Edgerton asked if the traffic could go in and out anywhere in the parking lot or if it is just a one way. Santana stated traffic can go either way. There is not any signage for one way, but the flow is generally going a consistent direction.

Eddins moved to close the public hearing, seconded by Corr.

Motion carried 6-0: Corr, Eddins, Joy, Rodenburg, Ryman Yost and Edgerton voting 'yes'. Ball, Campbell, and Cruz absent.

SPECIAL PERMIT 08052A

ACTION BY PLANNING COMMISSION:

June 28, 2023

Eddins moved to approve Special Permit 08052A, seconded by Joy.

Eddins stated that believes that there is not enough daycares in the city. Eddins believes that this is not going to add too much additional traffic since it is coming from families already dropping off their children. Eddins does believe that curb stops, and other improvements need to be done.

Joy wanted to discuss more about the traffic control and suggested to have another neighborhood meeting to get everyone on the same page. Joy understands that not everyone will be happy, but this will have team building. Joy will support the motion but would like additional conversations internally about the traffic.

Corr realizes that these are issues between the landlord and the tenant but does not want to reward bad behavior. The owner, developer, manager of this area has been difficult to work with before and caused problems. Corr understands that daycare is needed, and this is not much of an increase of traffic but will be voting no due to the track record that the owner manager has. Corr stated that you must be a good owner manager to facilitate these things. Edgerton stated to Corr that the daycare is the applicant and not the owner/manager. Corr agrees with that. Edgerton stated that Corr statement about rewarding bad behavior and it is not the bad behavior of the applicant that is being discussed. Corr stated that it is part on the applicant's part because they were allowing their employees to park along 29th Street. Corr stated that the applicant has

resolved this, but there are other issues that have not been resolved. If there had been a productive neighborhood meeting and reached out to people, then she would be more inclined to support this.

Rodenburg will be supporting this but does want to let those opposed to know that they can appeal to the City Council and that will allow time for a compromise to happen before it goes to the city council. Rodenburg is hoping that this extra time would allow the concerns that were brought up today to be addressed.

Ryman Yost will be voting in support. There is a need for licensed care for kids in the community is high. Ryman Yost stated that drop off or pick up lines are always a challenge wherever you go and is an ongoing challenge. Ryman Yost appreciates that when an issue was brought to the applicant's attention, that it was addressed and taken care of.

Edgerton stated that she will be voting in support of this application. There are growing pains in this area and is not sure if all the parking challenges can be attributed to the daycare facility. The actual effect on traffic will not be as apparent as the number will suggest. Edgerton stated that the issues are more landlord tenant issues and not zoning issues.

Motion carried 5-1: Eddins, Joy, Rodenburg, Ryman Yost and Edgerton voting 'yes', Corr dissenting; Ball, Campbell, and Cruz absent.

Edgerton stated that anyone wishing to speak on an item not on the agenda, may come forward and do so.

Eddins moved to adjourn the Planning Commission meeting of June 28, 2023, seconded by Corr.

Motion carried 6-0: Corr, Eddins, Joy, Rodenburg, Ryman Yost and Edgerton voting "yes". Ball, Campbell, and Cruz absent.

There being no further business, the meeting was adjourned at 2:07 p.m.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

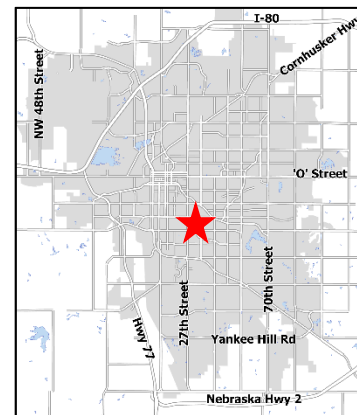
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Change of Zone #23053	FINAL ACTION? No	DEVELOPER/OWNER Cooper Holdings, LLC
PLANNING COMMISSION HEARING DATE July 12, 2023	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION Northwest corner of Sewell Street and Winthrop Road

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a Change of Zone from R-2 Residential to B-1 Local Business District comprising 0.12 acres located at the northwest corner of Sewell Street and Winthrop Road. The request is to allow for a building expansion on the back side of a retail store.



JUSTIFICATION FOR RECOMMENDATION

The proposal is justified as it will allow for a limited expansion of the B-1 zoning that will match the adjoining zoning district boundary. R-2 zoning will still be maintained for the parking along the west property line adjacent to single family uses to the west.

APPLICATION CONTACT

Dillon Reese, (719) 433-3201 or dillon@regaeng.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposal is compatible with the Comprehensive Plan. This change of zone will allow an existing business to expand while maintaining the consistency of zoning and neighborhood compatibility.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is shown as Commercial and Residential - Urban Density on the 2050 Future Land Use Plan.

Land Use Plan -

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

P12: Economic Growth - Promote and foster appropriate, balanced, and focused future economic growth that

maintains the quality of life of the community.

Action Steps

- 7. Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.

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

Action Steps

- 2. Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.
- 3. Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses, and take steps to ensure expansions are in scale with the adjacent neighborhood, use appropriate screening, fulfill a demonstrated need, and do not hinder health and safety.

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

ANALYSIS

1. This is a request for a change of zone from R-2 Residential to B-1 Local Business District for part of the property located at the northwest corner of Sewell Street and Winthrop Road. The commercial building area is already zoned B-1. This proposal is to rezone part of the existing parking area behind the building. The change of zone area is approximately 0.12 acres.
2. The purpose of the change of zone request is to allow for a building addition to the backside of the existing store. The proposed new B-1 district boundary line will line up with the B-1/R-2 zoning district boundary line immediately to the north. The area directly north of the proposed rezoning area is already zoned B-1 with an existing building. These properties are both under the same ownership.
3. The required parking for commercial or retail uses in the B-1 Zoning District per 27.67 is 1 space per 300 square feet within 300'. In this case, there is existing parking (90 parking stalls based on aerial photo) on all four sides of the two properties (2201 and 2211 Winthrop Rd) between Sewell Street and Ryons Street. Parking will be confirmed at time of building permit depending on the size of the addition; however, it appears there is ample parking to allow for a building addition within the change of zone area.
4. A final plat will be necessary for building code purposes to consolidate the legal lots so that the building does not cross any lot lines. Presently the two tax parcels located at 2201 and 2211 Winthrop Road are comprised of 9 lots of record. These lots would all be consolidated into a single lot through a consolidation plat.
5. Special Permit 105 was approved in 1956 to allow parking as the main use in the R-2 district for the change of zone parcel (2211 Winthrop Rd). Special Permit 166 was approved in 1959 and authorized parking as the main use for the 2201 Winthrop Rd property adjoining to the north. SP105 should be amended administratively to reduce the boundary after the change of zone is approved. This will be required at time of building permit.
6. This proposed change of zone is compatible with the Comprehensive Plan and will allow an existing business to expand with a building addition while maintaining commercial zoning separation from the adjacent residential neighborhood.

EXISTING LAND USE & ZONING: R-2, Parking for Commercial Use

SURROUNDING LAND USE & ZONING

North: Commercial	B-1
South: Sheridan Elementary School	P
East: Commercial	B-1

West: Parking for Commercial Use R-2

APPROXIMATE LAND AREA: 0.12 acres

LEGAL DESCRIPTION:

A portion of Lot 15, Block 5, Rathbone Village, Located in the SW 1/4 of Section 31-10-7, Lincoln, Lancaster County, Nebraska

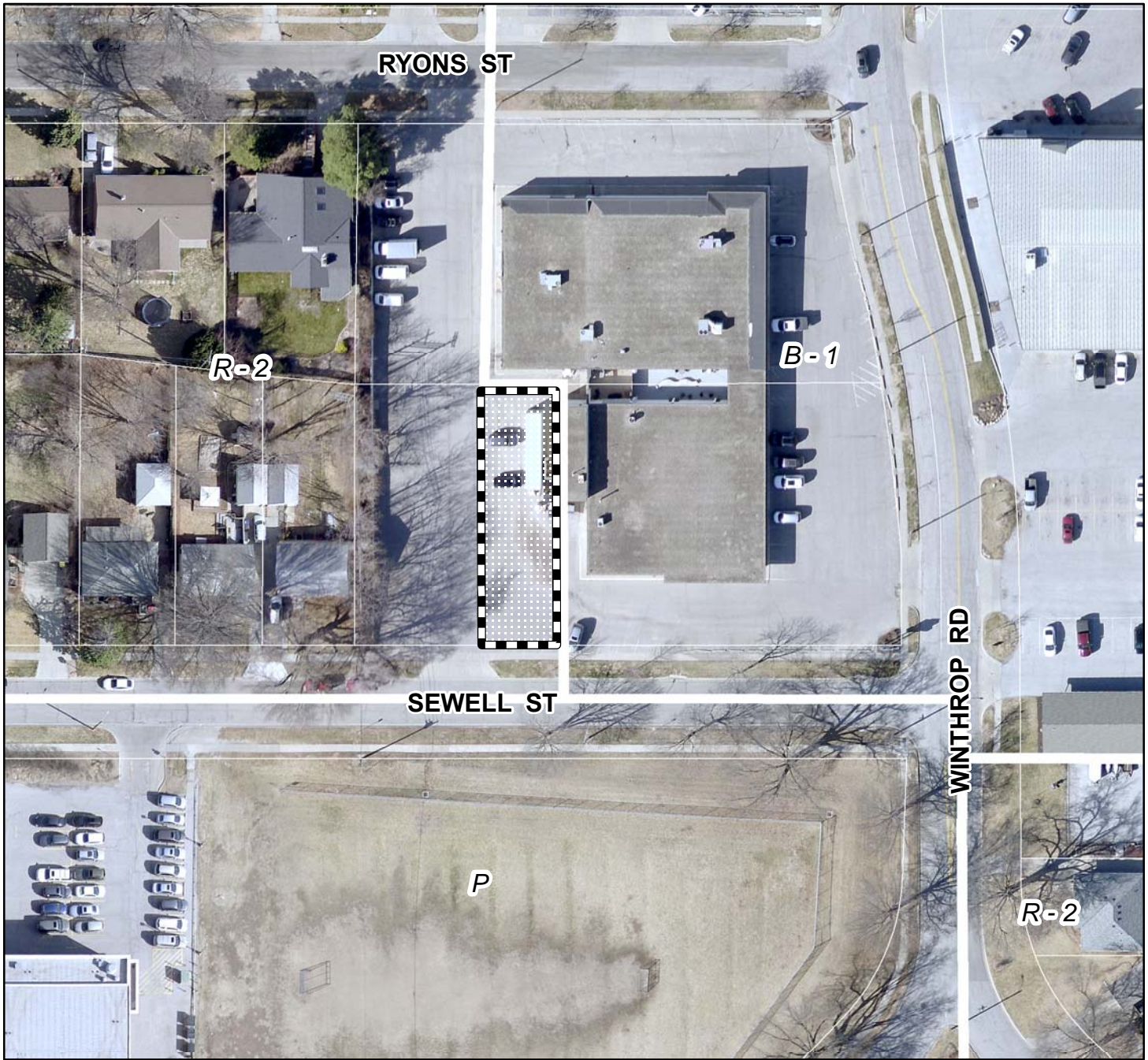
Prepared by George Wesselhoft, Planner
(402) 441-6366 or gwesselhoft@lincoln.ne.gov

Date: June 29, 2023

Owner: Cooper Holdings, LLC
7510 San Mateo Lane
Lincoln, NE 68516

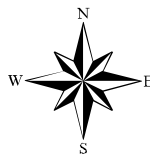
Applicant/
Contact: REGA Engineering
601 Old Cheney Road
Suite A
Lincoln, NE 68512
(402) 484-7342
dillon@regaeng.com

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CZ/23000/CZ23053 2211 Winthrop Rd.gjw.docx>



2022 aerial




**Change of Zone #: CZ23053 (R-2 to B-1)
S 33rd St & South St**

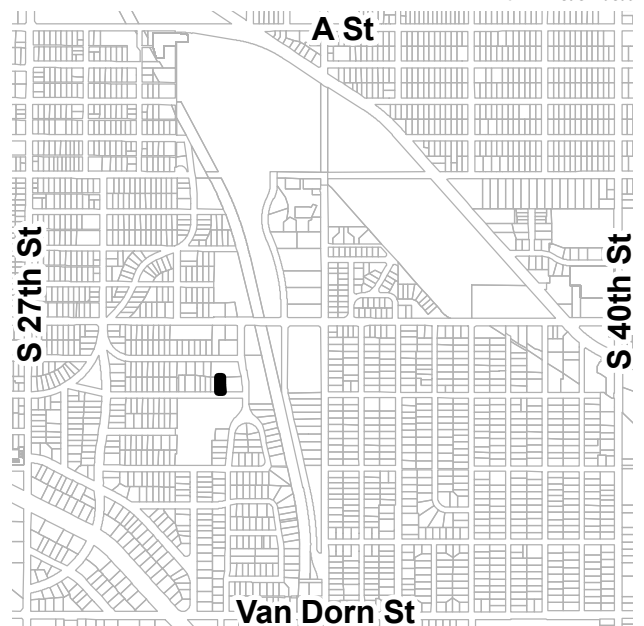


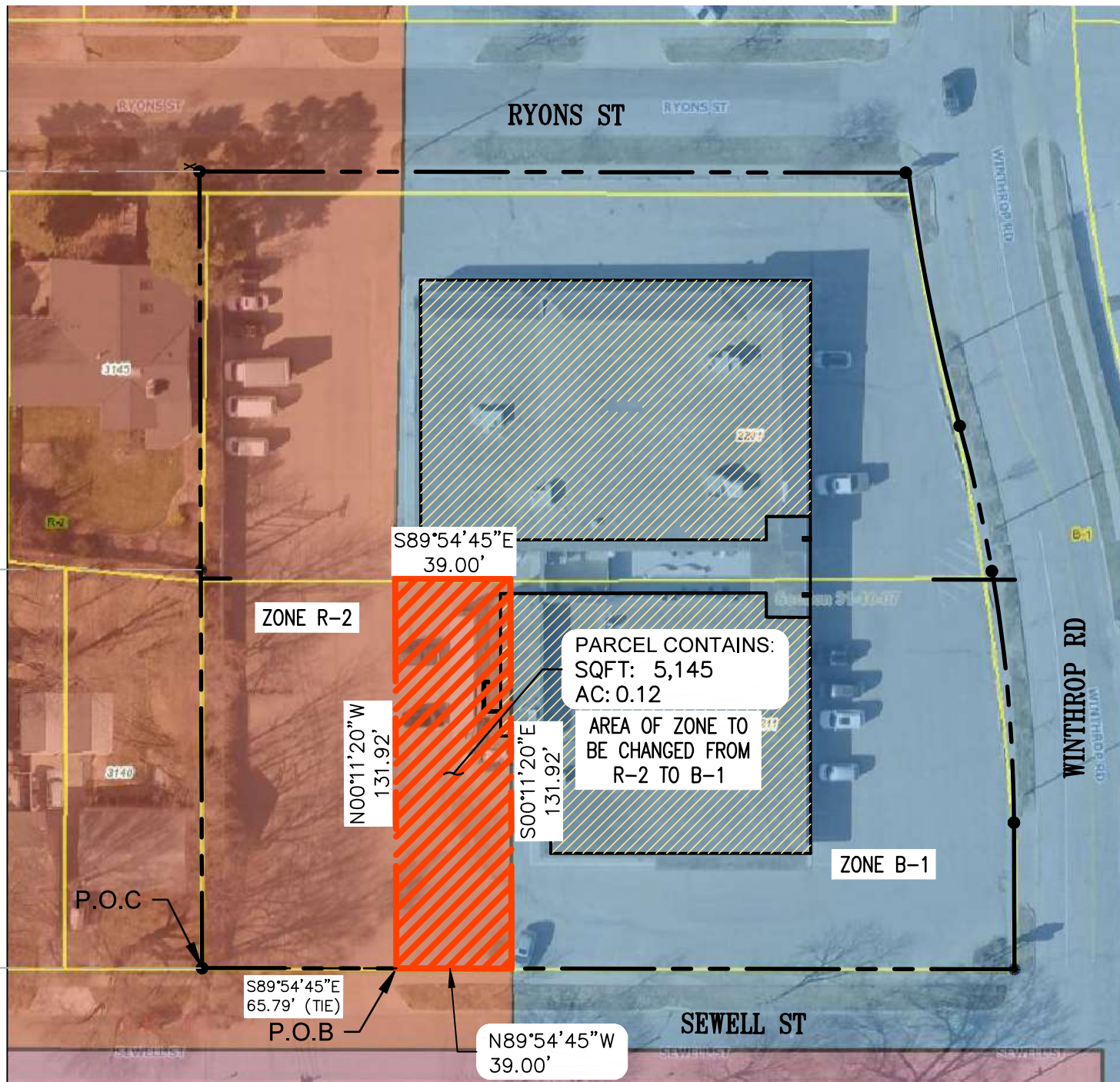
**One Square Mile:
Sec.31 T10N R07E**

Zoning:

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

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction
16	





NORTH



SCALE: 1" = 50'

CHANGE OF ZONE FROM R-2 TO B-1
RATHBONE VILLAGE FIRST ADDITION

REGA
ENGINEERING

601 OLD CHENEY RD.
SUITE 'A'
LINCOLN, NE 68512
(402) 484-7342

- ENGINEERING
- PLANNING
- LANDSCAPE ARCHITECTURE
- LAND SURVEYING

DATE:
06/13/2023

PROJECT
231049

SHEET NO.

2 of 2

Change of Zone

A portion of land being inside of Lots 14-18 in Block 5 of Rathbone Village located in the Southwest One-Quarter of Section 31, Township 10 North, Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska, being more particularly described as follows:

Commencing at the Southwest corner of said Lot 14 being on the North Right-Of-Way of Sewell St.;

Thence on said North Right-Of-Way, S89°54'45"E, 65.79 feet to the **Point of Beginning**;

Thence departing said North Right-Of-Way, N00°11'20"W, 131.92 feet to the South boundary of Zone B-1;

Thence on said South boundary, S89°54'45"E, 39.00 feet to the West boundary of Zone B-1;

Thence on said West boundary, S00°11'20"E, 131.92 feet to said North Right-Of-Way;

Thence on said North Right-Of-Way, N89°54'45"W, 39.00 feet to the **Point of Beginning**.

Containing 5,145 Square Feet or 0.12 Acres more or less.



File No. 231049
June 13, 2023

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

RE: 2201 & 2211 Winthrop Rd
Special Permit and Change of Zone

Dear David,

On behalf of Cooper Holdings, LLC, we are submitting an application for a Change of Zone for 2201 & 2211 Winthrop Road.

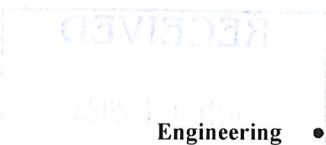
We are also submitting an application for a change of zone for a portion of the property. This portion is currently zoned R-2 and we are requesting a change to B-1.

Please contact us if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dillon Reese', is written over a faint blue circular stamp.

Dillon Reese
Cc: Cooper Holdings, LLC
Enclosed: COZ Application Form
COZ Application Fee of \$440.00



Engineering • Planning • Surveying • Landscape Architecture • Irrigation

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Street and Alley Vacation #23003	FINAL ACTION? No	AFFECTED OWNERS DHI Commercial LLC Venture Holdings LLC
PLANNING COMMISSION HEARING DATE July 12, 2023	RELATED APPLICATIONS SP #1965B	PROPERTY ADDRESS/LOCATION NW 48 th Street & W. Cleveland Avenue

RECOMMENDATION: CONFORMS TO THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

This is a request to vacate West Cleveland Avenue, west of NW 48th Street. The vacation will lead to the creation of a shared private driveway for the Hartland Homes NW 1st Community Unit Plan (CUP) and adjacent commercial buildings. This request is related to application SP #1965B, an amendment to Hartland Homes NW 1st CUP.



JUSTIFICATION FOR RECOMMENDATION

This request for vacation is appropriate, as it will not disrupt traffic and access. The newly created driveway will have a public access easement so that the existing businesses can continue to have access to NW 48th Street. The applicant will need to work with the adjacent commercial owner to replat their property since the vacation would create two lots without frontage in violation of the subdivision ordinance.

APPLICATION CONTACT

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

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The vacation of the portion of West Cleveland Avenue west of NW 48th Street will not negatively impact the transportation system and, subject to the conditions of approval, this request is in conformance with the Comprehensive Plan.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Elements Section

Transportation Element

The street is 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

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 application is to vacate West Cleveland Avenue west of NW 48th Street. W. Cleveland Avenue is approximately one block long and only the east half is paved. The western portion was never developed.
2. SP #1965, Hartland Homes NW 1st Community Unit Plan (CUP) was approved in 2005. This special permit approved a request to preliminary plat 12 acres and permit 70 dwelling units. It was a condition of the original special permit that W. Madison and W. Cleveland Avenues be vacated before final plats were approved. A portion of W. Madison Avenue was vacated prior to Final Plat #07067. W Cleveland Avenue was vacated west of this remaining stub and was converted into an outlot.
3. SP #1965A was approved in 2008 to add 5 lots to the CUP and combine two detention cells into one. As of SP #1965A, the CUP approved 87 dwelling units.
4. Venture Holdings, LLC (the applicant) is requesting the vacation of W. Cleveland Avenue from the west line of NW 48th Street to the west line of Lot 2, Block 5, Airport Heights Addition. If approved, the street vacation would allow the applicant to meet the standards of a private driveway, instead of a public street.
5. Public access will remain over the existing right-of-way and LES and ALLO will retain easements within the vacated area. The only public utility within the right-of-way is the storm sewer, which LTU Watershed is requiring be converted to a private sewer line. The applicant is objecting to the privatization of the storm sewer. However, LTU Watershed noted that the storm sewer line should be private because the structures are not located in the right-of-way and the public storm sewer system would not rely on them to pass through from another right-of-way location. The existing storm sewer, after vacation, would only direct stormwater from private property, which the City cannot be liable to maintain. A condition of approval for this Special Permit is that the storm sewer be converted from public to private. This is completely due to the vacation requested by the applicant.
6. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Public Right-of-Way B-1

SURROUNDING LAND USE & ZONING

North: Residential, Commercial	R-3, B-1
South: Commercial	B-1
East: Commercial	B-1
West: Residential	R-3

APPROXIMATE LAND AREA: 0.28 acres, approximately

LEGAL DESCRIPTION: West Cleveland Avenue between the west line of NW 48th Street and Outlot 'B', Hartland Homes Northwest 6th Addition, adjacent to Lot 37, Block 1 and Lots 1-2 & Lot 41, Block 5, Airport Heights Addition, and Outlot B, Hartland Homes Northwest 6th Addition located in the NW 1/4 of Section 18-10-06 Lincoln, Lancaster County, NE, generally located at NW 48th Street and W Madison Avenue.

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

Date: July 5, 2023

Applicant: E & A Consulting Group, Inc.
701 O Street, Suite 400
Lincoln, NE 68508
mkinning@eacg.com

Contact: Marcia Kinning
701 O Street, Suite 400
Lincoln, NE 68508
mkinning@eacg.com

Owner: Venture Holdings, LLC
PO Box 6395
Lincoln, NE 68506
402-440-0897

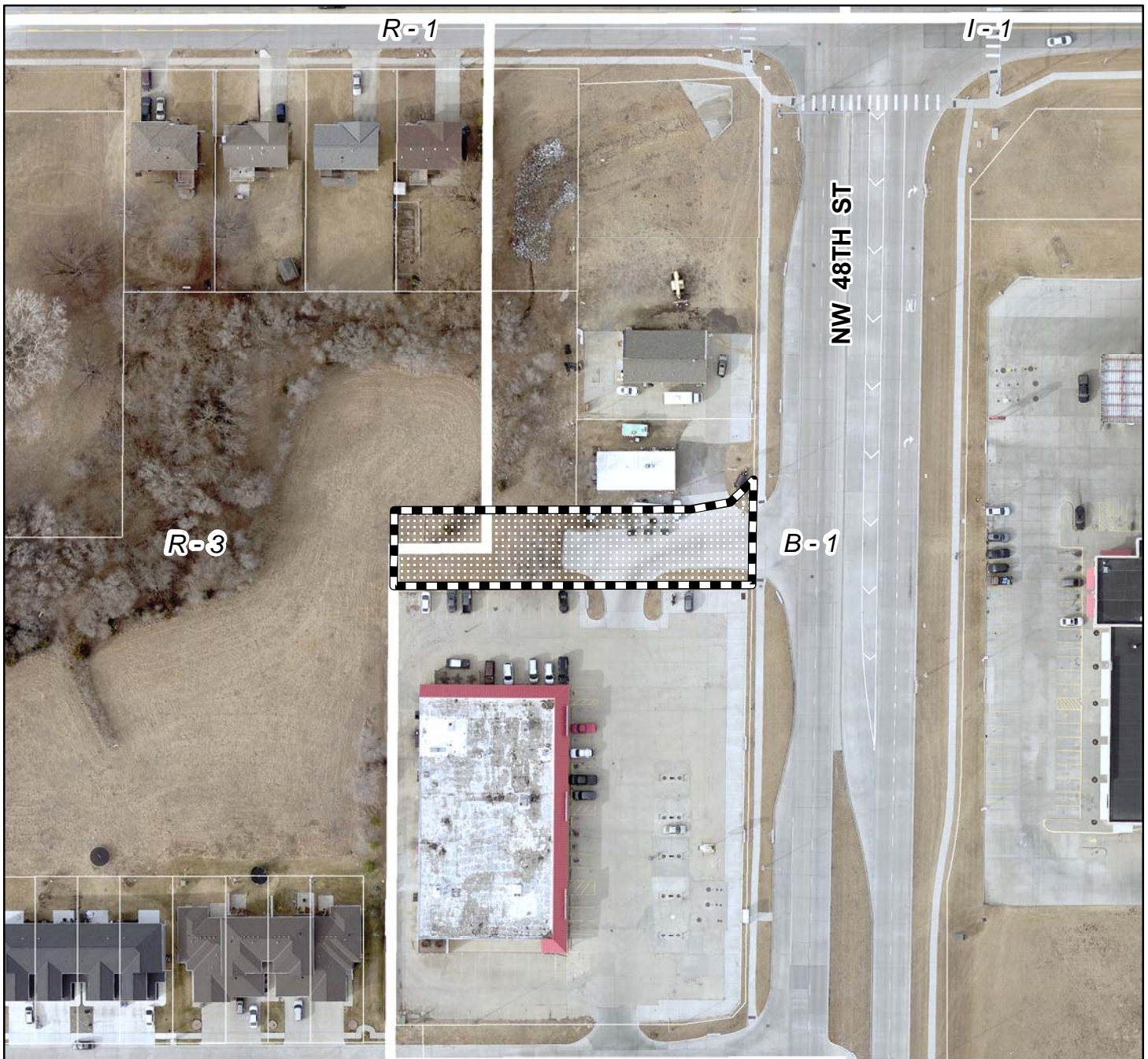
DHI Commercial, LLC
601 West Prospector Court
Lincoln, NE 68522
402-477-6668

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SAV/23000/SAV23003 West Cleveland Avenue Vacation.edm.docx>

CONDITIONS OF APPROVAL - STREET AND ALLEY VACATION #23003

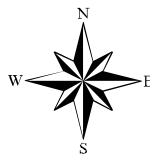
BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA THE FOLLOWING MUST BE COMPLETED:

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.
- 1.2 The abutting owners must submit a final plat that will create lots that front on and have access to public streets or private roadways and all requirements of the final plat have been completed except the transfer of ownership of the vacated street to the subdividers.
- 1.3 Include retention of utility easements by City with deed transfer.
- 1.4 The applicant must convert the existing public storm sewer to a private storm sewer, to be maintained by the owner of Lot 1, Block 2 as shown by SP1965B. The owner of Lot 1, Block 2 will assume responsibility for and maintain the storm sewer. A storm sewer maintenance agreement signed by the applicant, subject to the approval of Lincoln Transportation and Utilities is required. In the agreement the developer will agree to maintain the storm sewer, which also serves properties north and south of W. Cleveland Avenue, west of NW 48th Street.
- 1.5 Submit and receive approval of a deviation request for the proposed private driveway to have access off an arterial street (NW 48th Street).



2022 aerial

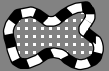


Street and Alley Vacation #: SAV23003
NW 48th St & W Cleveland Av



One Square Mile:
 Sec.18 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
24	





E & A CONSULTING GROUP, INC.

Engineering Answers

701 O Street, Suite 400 • Lincoln, NE 68508-1433
P 402.420.7217
www.eacg.com

May 30, 2023

Mr. David Cary
Planning Director
Emma Martin, Planner
City of Lincoln Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508

RE: WEST CLEVELAND AVENUE - Street Vacation
E & A File: P2022.210.001

Dear Mr. Cary,

On behalf of Venture Holdings, LLC, we are submitting a street vacation for a portion of West Cleveland Avenue which is located to the west of NW 48th Street.

The connection to NW 48th Street will remain as a private driveway with a common access easement to provide access to the adjacent properties. The vacated property shall be owned by Venture Holdings, LLC. A separate agreement with all adjacent neighbors shall be filed which will clarify that the private driveway will provide a common access to the existing adjacent properties and address the maintenance of the driveway.

Currently, an administrative amendment to Hartland Homes Northwest 1st Addition is being created for submittal to the Planning Department. With that application the property to the west, Outlot B, Hartland Homes Northwest 6th Addition, will be modified to show the vacated West Cleveland Avenue as a private driveway.

If you have any questions regarding the application, please contact me at 402-420-7217 or by email at mkinning@eacg.com.

Sincerely,
E & A Consulting Group, Inc.

Marcia L. Kinning
Cc: Matt Minchow
Lea Baker

Enclosed: Application Form
Owner/Parcel Information Sheet
Vacation of Street Fee of \$221.00
Information and Petitions to Vacate
Street Vacation Exhibit

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

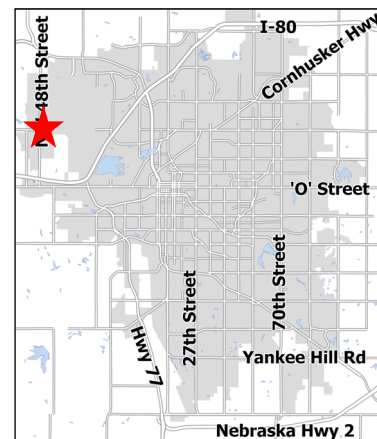
APPLICATION NUMBER Special Permit #1965B	FINAL ACTION? Yes	DEVELOPER/OWNER Venture Holdings, LLC; Northern Ponca Housing Authority; Moses Dorbor; Barry Newton
PLANNING COMMISSION HEARING DATE July 12, 2023	RELATED APPLICATIONS SAV #23003 SNC #23002	PROPERTY ADDRESS/LOCATION NW 48 th Street & W. Madison Avenue

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to amend Special Permit #1965A Hartland Homes NW 1st Addition Community Unit Plan (CUP) to allow 85 dwelling units including 48 multi-family units, 23 townhomes units, 9 single-family units, and 5 unassigned units. The request also amends the layout of the internal private roadways.

This application is associated with Street and Alley Vacation #23003 which proposes to vacate W. Cleveland Avenue west of NW 48th Street. Street Name Change #23002 proposes to change the name of W. Madison Avenue (Outlot A, Hartland Homes Northwest 6th Addition) to W. Madison Place.



JUSTIFICATION FOR RECOMMENDATION

This application is consistent with the Comprehensive Plan and complies with the requirements of the existing Community Unit Plan. The Design Standards for CUPs permit 6.96 dwelling units per acre, and this CUP permits a maximum of 85 dwelling units based on these calculations. The application remains within the limits of the number of dwelling units previously approved by the existing CUP.

APPLICATION CONTACT

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

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The application complies with the 2050 Comprehensive Plan. The existing site is shown as future Urban Residential, which allows for a variety of housing types and densities. It supports safe, affordable, and accessible housing, infill of existing neighborhoods, and housing affordability.

WAIVERS

1. Allow unenclosed decks to encroach into the required rear yard setback by a maximum of 10 feet. (Previously approved)
2. Reduce the rear yard setback for the multi-family units from 23 to 20 feet on Lots 1 through 24, Block 2. (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 - Urban Residential - Residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling unit per acre. All types of housing are appropriate here.

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.

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.

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.

Elements Section

E1: Complete Neighborhoods and Housing

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

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

Figure E1.b: Strategies for Design, Sustainability and Complete Neighborhoods in Existing Areas

1. Encourage a mix of compatible land uses to develop more complete neighborhoods:
 - a. Similar uses on the same block face: residential faces residential.
 - b. Similar housing densities developed near each other: single-family and “missing middle” residential (3-12 units) scattered throughout with higher density residential (more than 12 units) near the neighborhood edge or clustered near commercial centers.
 - f. Infill and redevelopment projects should meet or exceed Neighborhood or Commercial Design Standards.
2. Require sidewalks on both sides of all streets or in alternative locations as allowed through design standards or review process.
3. Retain and encourage a mix of housing in order to provide a mix of housing types at a variety of price points.
4. Maintain existing pattern of streets for connectivity.
5. Encourage additional density of a variety of housing types and price points on open and available land areas.

Existing Neighborhoods

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

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

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

Existing Neighborhoods

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

Policies Section

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

Action Steps

1. Distribute and preserve affordable housing throughout the community to be near job opportunities and public transit and to provide housing choices within existing and developing neighborhoods.
2. Provide for more education of the public about affordable housing and code enforcement.
3. Preserve the existing affordable housing stock, increase the supply of affordable owner and renter units, and add more variety in housing types.

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

Action Steps

1. Encourage well-designed and appropriately placed density, including within existing apartment and group living complexes and in redeveloping commercial or industrial centers, where there is land available for additional buildings or expansions. Provide flexibility to the marketplace in siting future residential development locations. This includes appropriately placed infill in prioritized Nodes and Corridors, neighborhood edges, and underutilized commercial or industrial sites.
2. 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.
3. Retain and encourage a mix of housing in existing and new neighborhoods in order to provide a mix of housing types at a variety of price points.
4. Balance expanding housing options and neighborhood character. Infill development should include housing for a variety of incomes and households and should complement the character of the existing neighborhood by including appropriate transitions, scale, and context.
5. Preserve areas designated for multi-family and group living housing in approved plans to support a distributed choice in affordable housing.
6. 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.

ANALYSIS

1. This application is to revise the layout of the roads and dwelling units in Special Permit #1965A, Hartland Homes NW 1st Addition Community Unit Plan (CUP). The applicant is requesting this amendment to minimize disturbance to existing grading and drainage within the CUP and reduce drainage issues on site. The revised layout results in a smaller footprint created by the multi-family units.
2. City of Lincoln Design Standards for Community Unit Plans allow 6.96 dwelling units per acre for CUPs in R-3 Residential Districts. This CUP is 12.33 acres and permits 85 dwelling units. The applicant is requesting 85 dwelling units. Hartland Homes Northwest CUP currently allows 46 townhouse units and 9 single-family units, with 30 unassigned dwelling units for a total of 85 dwelling units.
3. This application will amend the CUP to allow 48 multi-family units, 23 townhome units, and 9 single-family units with 5 unassigned dwelling units for a total of 85 dwelling units. The number of townhome units is reduced and multi-family apartments are added, but the number of dwelling units allowed in the CUP does not change.
4. The private roadway, W. Madison Avenue will need to be renamed as W. Madison Place since it will now end in a cul-de-sac. Street Name Change #23002 has been submitted to request the change. This application will be reviewed directly by the City Council.
5. This application shows the proposed vacation of W. Cleveland Avenue west of NW 48th street. The vacation has been applied for separately, under SAV #23003, and will be approved or denied separately from SP #1956B. If SAV #23003 is approved, W. Cleveland Avenue will become a private driveway. Lincoln Transportation and Utilities (LTU) is requiring the conversion of the existing public storm sewer to a private. This will require an agreement with the developer as the storm sewer also serves other properties north and south of the existing public street. The conversion is as result of the request to vacate the public street.
6. The vacation also causes Lots 1 and 2, Block 5 of Airport Heights Addition to be without frontage on a public street or private roadway as required by the subdivision ordinance. These two lots are outside the CUP and are part of the nine lots that are in use by the adjacent commercial building. These lots will need to be replatted into one lot to vacate W Cleveland Avenue.
7. The applicant discussed this project and amendment with the individual owners of townhomes within the CUP. There are four separate owners: two are private companies (Venture Holdings LLC and the Northern Ponca Housing Authority) and two are private citizens. Venture Holdings LLC is the applicant. It appears, there is at least one townhome owner within the existing CUP who does not support the proposed amendment to the existing CUP. No

specific concerns have been provided to the City by the applicant or townhome owner.

8. Building & Safety noted that if W. Cleveland is vacated and the street name is eliminated, the ability to locate the eastern most multi-family building will be hampered for 911 responders and the driving public. Signage at the driveway (former W Cleveland Avenue) will improve the ability to locate the apartment building.
9. The applicant requested two waivers. Waiver #1 was previously approved to allow unenclosed decks to encroach into the required rear yard setback by a maximum of 10 feet. Waiver #2 requests that the rear yard setback from 22 or 23 feet to 20 feet on Lots 2 through 24, Block 2. This is a minor reduction in the rear yard setback and is appropriate for the smaller buildings on both sides of W Madison Place. The units on the south side of W Madison Place abut an approximately 35 foot deep outlot. So there is actually 55 feet from the buildings to the single family lots to the south.
10. LMC 27.72.060(f), Uses Permitted or Prohibited Within Required Yards states: "In all zoning districts, uncovered patios, terraces, uncovered decks, and ornamental features which do not extend more than three feet above or below the adjacent ground level may project into a required side and/or rear yard, provided that the projection shall be no closer than two feet from the adjacent side lot line". Waiver #1 was approved for uncovered decks that may be more than 3 feet above the adjacent grade. As noted above, the second waiver should not impact adjacent property owners due to the 35 foot deep outlot.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Multi-family dwelling units R-3, Residential

SURROUNDING LAND USE & ZONING

North: Place of Religious Assembly, Single-family	R-3, Residential
South: Single-family	R-3, Residential
East: Commercial, Single-family	B-1, Local Business District; R-3, Residential
West: Single-family	R-3, Residential

APPLICATION HISTORY

- | | |
|---------------|--|
| 1979 | Zoning changed from AA, Rural and Public Use to R-3, Residential. |
| Sep. 26, 2005 | Special Permit #1965 for a Community Unit Plan with 62 townhouse units and 8 single-family units was approved by the City Council. |
| Oct. 17, 2007 | Administrative Amendment #07094 to Special Permit #1965 to reduce the number of townhouse units from 62 to 44 was approved by the Planning Director. |
| Dec. 18, 2007 | Administrative Amendment #07116 to Special Permit #1965 to increase the depths of the lots in Blocks 2 & 3, reduce the rear yard setback to 20 feet and change the alignment of W. Cleveland Avenue was approved by the Planning Director. |
| Sep. 24, 2008 | Special Permit #1965A to amend Special Permit #1965 to expand the CUP to add 5 lots and combine two detention cells into one, and waive Zoning Code requirements to allow unenclosed decks to encroach into the required rear yard setback by a maximum of 10 feet and to reduce rear yard setback to 20 feet on Lots 10 through 28, Block 1 and Lots 1 through 18, Block 3 was approved by the Planning Commission. The site plan shows a maximum of 85 dwelling units. (The resolution incorrectly listed 87 units as approved, but the site plan had the correct amount.) |

APPROXIMATE LAND AREA: 12.52 Acres, approximately

LEGAL DESCRIPTION: Lot 1, Hartland Homes Northwest 4th Addition; Lots 1-8, Hartland Homes Northwest 5th Addition; Lots 1-8, Block 1, Lots 1-8 Block 2, Outlot A and Outlot B, Hartland Homes Northwest 6th Addition; and West Madison Court; all located in the NW 1/4 of Section 18-10-6, Lincoln, Lancaster County, Nebraska, generally located at NW 48th Street and W Madison Avenue.

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

Date: July 5, 2023

Applicant: E & A Consulting Group, Inc.
701 O Street, Suite 400
Lincoln, NE 68508
mkinning@eacg.com

Contact: Marcia Kinning
E & A Consulting Group, Inc.
701 O Street, Suite 400
Lincoln, NE 68508
mkinning@eacg.com

Owner: Venture Holdings, LLC
PO Box 6395
Lincoln, NE 68506
matt@cattlebank.com

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/19000/SP1965B Hartland Homes Northwest.edm.docx>

CONDITIONS OF APPROVAL - SPECIAL PERMIT #1965 'B'

Per Section 27.65.060 this approval permits Special Permit #1965B to Hartland Homes NW 1st CUP for a total of 85 dwelling units with waivers to reduce the rear yard setback for the multi-family units from 22 feet on Lots 2-9, and 23 feet on Lots 10-24, Block 2, to 20 feet.

Site Specific Conditions:

1. The City Council approves associated request:
 - 1.1 Street vacation SAV #23003 West Cleveland Avenue Vacation.
 - 1.2 Street name change SNC #23002 from W Madison Avenue to W. Madison Place.
2. Before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
 - 2.1 Provide labels and dimensions where setbacks are shown.
 - 2.2 Remove setbacks within outlots.
 - 2.3 Provide a public access easement over proposed private driveway. Add a note that the vacated street will be included within Lot 1, Block 2 at the time of final plat.
 - 2.4 Add a sign location for the apartment complex in the vacated W Cleveland Avenue to aid emergency responders in finding the apartments.
 - 2.5 Note on the plan that an easement release may be required for LES blanket utility easements.
 - 2.6 Show public access and utility easements as 50 feet wide.
 - 2.7 Delete General Notes 2, 4, 6, 7, 15, and 18.
 - 2.8 Show sidewalk completely around the proposed cul-de-sac.
 - 2.9 Delete both waivers from the special permit.
 - 2.10 Show the 100-year floodplain extents on the grading plan, along with the cross sections and elevations.
 - 2.11 Show the closed storm drain system, including sizing, and how it gets to the water quality swale.
3. Before a final plat is approved provide the following documents to the Planning Department:
 - 3.1 A storm sewer maintenance agreement signed by the applicant, subject to the approval of Lincoln Transportation and Utilities. In the agreement the developer will agree to maintain the storm sewer, which also serves properties north and south of W. Cleveland Avenue, west of NW 48th Street. This storm sewer is being converted from public to private.
 - 3.2 Documentation that Lots 1-2 and Lots 35-41, Block 5, Airport Heights Addition have been replatted.
4. Final plat(s) is/are approved by the City.

If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city;

and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, private roadway improvements, sidewalks, 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.

If a community wastewater system and/or community water system is proposed, the final plat cannot be approved until documentation that the community wastewater system and community water system necessary to serve every lot in the final plat has been completed and approved by the appropriate agency.

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

To complete the paving of private roadway, shown on the final plat within two (2) years following the approval of this final plat.

to complete the installation of sidewalks along both sides of W. Cleveland Avenue as shown on the final plat within four (4) years following the approval of the final plat.

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

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

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

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

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

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

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

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

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

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

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

to maintain the outlots on a permanent and continuous basis.

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

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

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

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

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

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

to inform all prospective purchasers and users of land located within the Airport Environs Noise District, that the land is subject to an avigation and noise easement granted to Lincoln Airport Authority, and that the land is potentially subject to aircraft noise levels which may affect users of the property and interfere with its use.

Standard Conditions:

5. The following conditions are applicable to all requests:

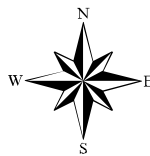
- 5.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.
- 5.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
- 5.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
- 5.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

- 5.5 The 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.
- 5.6 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.



2022 aerial

Special Permit #: SP1965B
Hartland Homes Northwest CUP
NW 48th St & W Madison Av

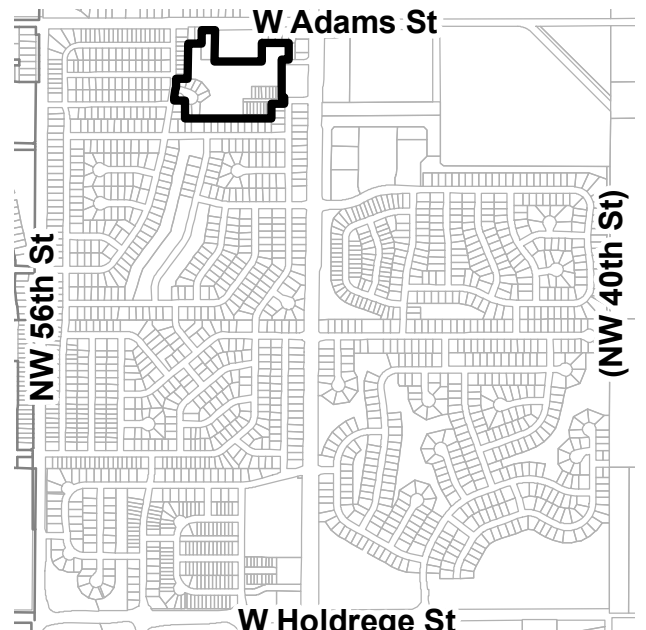


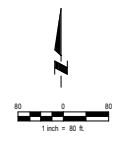
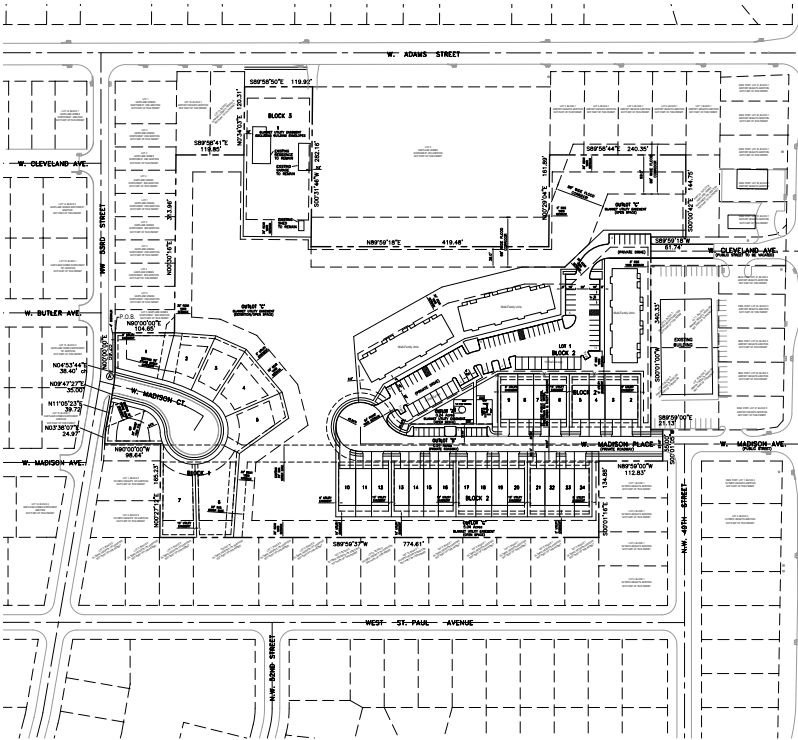
One Square Mile:
 Sec.18 T10N R06E

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
36	





DENSITY (R-3)
 CLIP AREA = 12.33 ACRES
 12.33 (R-3)
 18.95
 185 UNITS

LEGAL DESCRIPTION:

A legal description of Lot 1, Hartland Homes Northwest 4th Addition, Lots 1 through 8, Hartland Homes Northwest 5th Addition, Lots 1 through 8, Block 1, Lots 1 through 8, Block 2, Sublot "A" & a portion of Sublot "B", Hartland Homes Northwest 6th Addition, and West Madison Court, all located in the Northwest Quarter of Section 18, Township 10 North, Range 6 East of the 4th P.M. of Lancaster County, Nebraska more particularly described as follows:

Beginning at the northwest corner of said Lot 1, Hartland Homes Northwest 5th Addition and extending thence N. 89°50'00" E., a distance of 104.60 feet;
 Thence N. 02°30'17" E., a distance of 313.96 feet;
 Thence S. 89°54'17" E., a distance of 119.85 feet;
 Thence N. 89°54'17" E., a distance of 225.31 feet;
 Thence S. 89°50'00" E., a distance of 119.92 feet;
 Thence N. 02°31'18" E., a distance of 262.16 feet;
 Thence N. 89°58'18" E., a distance of 419.48 feet;
 Thence S. 89°59'00" E., a distance of 181.89 feet;
 Thence S. 89°58'44" E., a distance of 240.35 feet;
 Thence S. 89°50'00" E., a distance of 144.79 feet;
 Thence S. 89°59'18" W., a distance of 61.74 feet;
 Thence S. 02°00'00" W., a distance of 50.00 feet;
 Thence N. 89°59'00" W., a distance of 112.85 feet;
 Thence S. 02°00'00" W., a distance of 134.68 feet;
 Thence N. 89°59'00" W., a distance of 774.61 feet;
 Thence N. 02°22'12" E., a distance of 24.87 feet;
 Thence N. 90°00'00" W., a distance of 98.64 feet;
 Thence N. 02°28'00" E., a distance of 36.72 feet;
 Thence N. 02°47'27" E., a distance of 225.00 feet to a point on a circular curve to the left having a central angle of 24°27' and a radius of 4 feet from the back side of the curve. SIDEWALKS SHALL BE A MINIMUM OF 6 FEET IN WIDTH & LOCATED ADJACENT TO THE CURB. SIDEWALKS SHALL BE 4" THICK AND 5" THICK AT CROWN CROSSINGS.
 Thence using said curve 38.48 feet;
 Thence N. 02°00'00" E., a distance of 59.25 feet to the point of beginning and containing a calculated area of 12.33 acres more or less.

GENERAL NOTES:

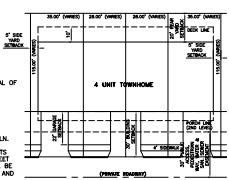
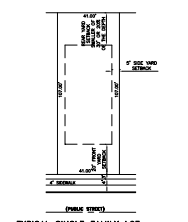
- THIS CLIP ALLOWS 48 MULTI-FAMILY UNITS, 23 TOWNHOME UNITS AND 9 SINGLE FAMILY UNITS, A TOTAL OF 80 DWELLING UNITS WITH 5 UNASSIGNED DWELLING UNITS.
- THE OWNER/DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING CONSTRUCTION LIMITS SHOWN.
- EXISTING ZONING IS "R-3". BUILDING HEIGHT SHALL NOT EXCEED 35 FEET.
- ALL EXTERIOR LIGHTING SHALL COMPLY TO THE DESIGN STANDARDS ADOPTED BY THE CITY OF LINCOLN.
- PUBLIC SIDEWALKS SHALL BE INSTALLED ON BOTH SIDES OF ALL PRIVATE ROADSWAYS AND PUBLIC STREETS AND DRIVEWAYS. SIDEWALKS ADJACENT PRIVATE ROADSWAYS AND PUBLIC STREETS SHALL BE A MINIMUM OF 4 FEET IN WIDTH AND LOCATED ADJACENT TO THE CURB. SIDEWALKS SHALL BE 4" THICK AND 5" THICK AT CROWN CROSSINGS.
- ALL PARKING AREAS SHALL BE SURFACED WITH A MINIMUM OF 3" INCHES OF CLASS "X" PORTLAND CEMENT OR 6" INCHES OF ASPHALTIC CONCRETE. A 6 INCH RASSED CURB BARRIER SHALL BE PROVIDED AT THE PERMETER.
- PUBLIC WATER AND PUBLIC SEWER LINES SHALL BE INSTALLED THROUGH EXECUTIVE ORDERS AND DESIGNED AS REQUIRED BY THE CITY OF LINCOLN.
- ALL PRIVATE ROADSWAYS SHALL BE 27 FEET IN WIDTH (BACK TO BACK OF CURB), UNLESS OTHERWISE SPECIFIED, AND SHALL BE SURFACED WITH 4" OF PORTLAND CEMENT CONCRETE OR 5" OF PORTLAND CEMENT CONCRETE AND 3"-1/2" OF ASPHALTIC CONCRETE SURFACE COURSE.
- ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
- PUBLIC ACCESS EASEMENTS ARE HEREBY GRANTED OVER ALL PRIVATE ROADSWAYS, SIDEWALKS AND PARKING STALLS SHOWN.
- EXISTING TOPOGRAPHICAL CONTOURS ARE IN NORTH AMERICA VERTICAL DATUM (NAVD) 1988.
- 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 SEDIMENT 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 32.
- ANY RELOCATION OF EXISTING FACILITIES WILL BE AT THE OWNER/DEVELOPER'S EXPENSE.
- OUTLETS, RECREATION FACILITIES AND ALL PRIVATE IMPROVEMENTS SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
- ON ALL OUTLETS CONTAINING DETENTION FACILITIES AND STRUCTURES, WHERE A BLANKET UTILITY EASEMENT IS GRANTED, ALL UTILITIES SERVING TO LOCATE UTILITY LINES OR OTHER IMPROVEMENTS SHALL HAVE SUCH IMPROVEMENTS APPROVED BY THE OWNER PRIOR TO CONSTRUCTION.
- THE GRANT OF AN AVIGATION AND NOISE EASEMENT TO THE LINCOLN AIRPORT AUTHORITY IS A CONDITION OF APPROVAL. ALL UTILITIES SERVING TO LOCATE UTILITY LINES OR OTHER IMPROVEMENTS SHALL BE POTENTIALLY SUBJECT TO THE LAND TO AIRPORT NOISE LEVELS WHICH MAY AFFECT USERS OF THE PROPERTY AND INTERFERE WITH ITS USE.
- REGULAR MAINTENANCE OF THE DETENTION CELL, INCLUDING MOWING AND WEED CONTROL, SHALL BE PROVIDED BY THE OWNER OR HOMEOWNERS ASSOCIATION.
- SEWERING CRITERIA FOR MINIMUM FLOOD PROTECTION SHALL BE FOLLOWED AS PER CHAPTER 10.3.2 OF THE DRAINAGE CRITERIA MANUAL AND CHAPTER 2.05, SECTION 3.5 OF THE CITY OF LINCOLN DESIGN STANDARDS.
- THE CONFIGURATION WITHIN LOT 1, BLOCK 2 IS CONCEPTUAL. ALTERATIONS TO THE CONFIGURATION SHALL NOT REQUIRE AN ADMINISTRATIVE AMENDMENT.

REQUESTED WAIVERS:

- UNDEVELOPED AREAS SHALL BE PERMITTED TO ENDOURCH INTO THE REQUIRED REAR YARD SETBACK BY A MAXIMUM OF 10 FEET.
- REAR YARD SETBACK TO 20 FEET ON LOTS 2 THROUGH 24, BLOCK 2.

INDEX

DESCRIPTION	SHT #
COVER SHEET	1
SITE PLAN	2
LANDSCAPE PLAN	3
UTILITY PLAN	4
GRADING PLAN	5
STREET PROFILES	6



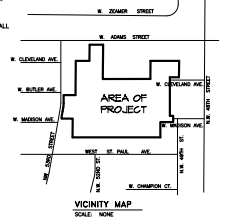
OWNERS OF RECORD:
 HARTLAND HOMES, INC.
 PO BOX 22789
 LINCOLN, NE 68542 (402) 477-6668

DEVELOPER:
 HARTLAND HOMES, INC.
 PO BOX 22789
 LINCOLN, NE 68542 (402) 477-6668

ENGINEER & SURVEYOR:
 E & A CONSULTING GROUP, INC.
 701 O STREET, SUITE 400
 LINCOLN, NE 68502 (402) 401-2500

ADMINISTRATIVE AMENDMENT OWNER/DEVELOPER:
 LINCOLN HOLDINGS, LLC
 PO BOX 4326
 LINCOLN, NE 68504

ENGINEER:
 E & A CONSULTING GROUP, INC.
 701 O STREET, SUITE 400
 LINCOLN, NE 68508 (402) 400-7917

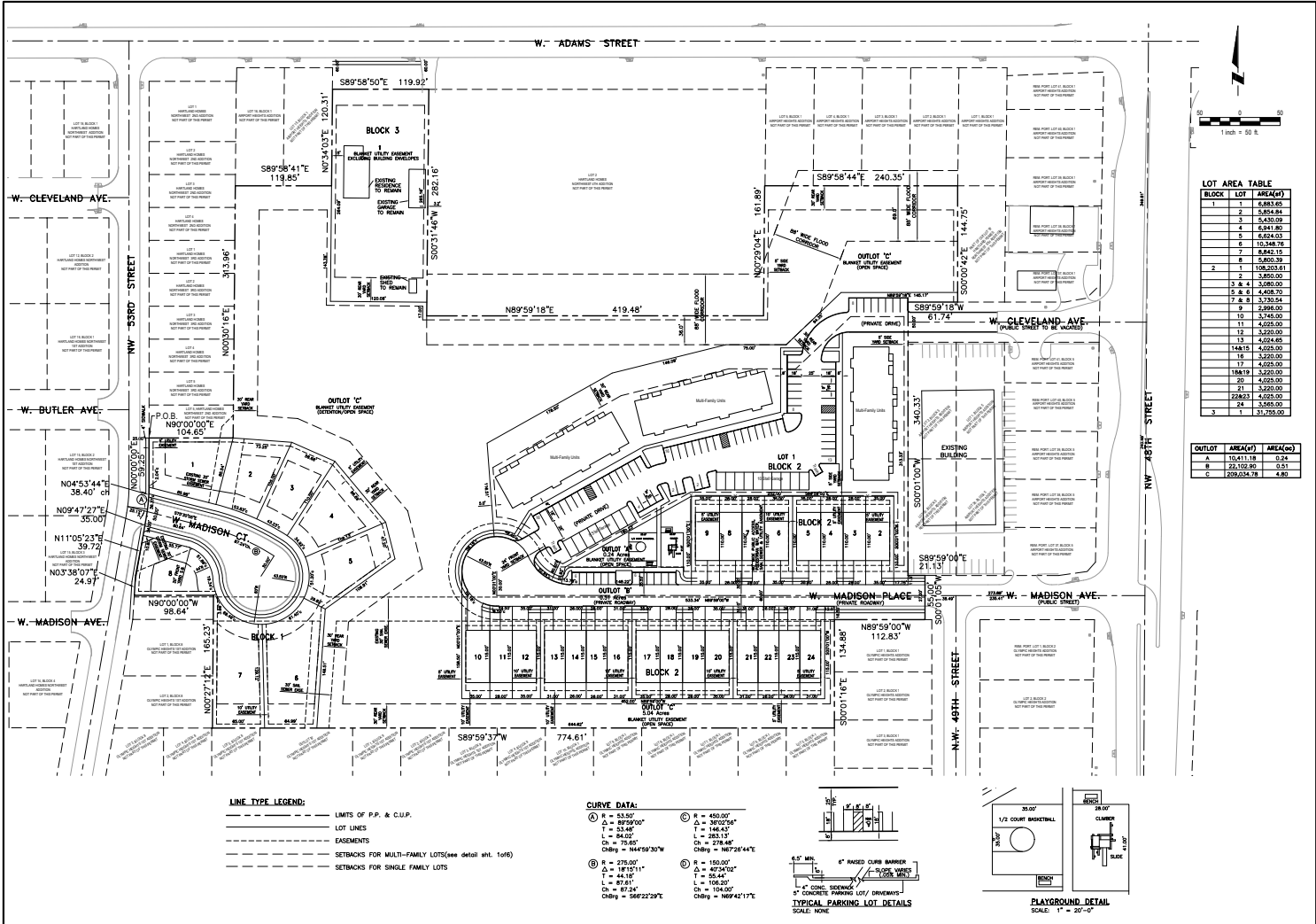


E & A CONSULTING GROUP, INC.
 Engineering • Planning • Environmental & Field Services
 701 O STREET, SUITE 400
 LINCOLN, NE 68502
 (402) 400-7917
 FAX: (402) 400-7918
 WWW.EACONSULTING.COM

HARTLAND HOMES NORTHWEST STADIUM CUP / SPECIAL PERMIT #18549

COVER SHEET

DATE: 02/20/2018
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 DESIGNED BY: [Name]
 SCALE: AS SHOWN
 SHEET: 1 OF 6

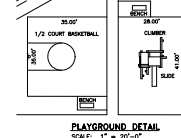
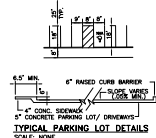


LINE TYPE LEGEND:

- LIMITS OF P.P. & C.L.P.
- LOT LINES
- EASEMENTS
- SETBACKS FOR MULTI-FAMILY LOTS (see detail sht. 1 of 6)
- SETBACKS FOR SINGLE FAMILY LOTS

CURVE DATA:

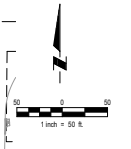
Ⓐ R = 53.00' Δ = 39°00'00" T = 33.46' L = 84.00' Ch = 75.85' ChBtg = N44°59'30"W	Ⓑ R = 275.00' Δ = 181°15'11" T = 143.44' L = 415.00' Ch = 87.28' ChBtg = S88°22'29"E	Ⓒ R = 450.00' Δ = 36°02'56" T = 144.43' L = 283.13' Ch = 278.48' ChBtg = N67°28'44"E	Ⓓ R = 100.00' Δ = 40°24'52" T = 50.44' L = 106.30' Ch = 106.30' ChBtg = N69°42'17"E
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LOT AREA TABLE

BLOCK	LOT	AREA(SF)
1	1	6,863.65
1	2	3,854.84
1	3	5,470.08
1	4	6,241.80
1	5	6,845.53
1	6	10,348.76
1	7	8,842.15
1	8	5,803.39
2	1	108,503.61
2	2	3,480.00
3 & 4	3	3,080.00
5 & 6	4	4,438.70
7 & 8	5	3,730.54
9	6	2,998.00
10	7	3,745.00
11	8	4,025.00
12	9	3,200.00
13	10	4,024.65
14&15	11	4,025.00
16	12	3,200.00
17	13	4,025.00
18&19	14	3,200.00
20	15	4,025.00
21	16	3,200.00
22&23	17	4,025.00
24	18	3,200.00
3	1	31,298.00

OUTLOT	AREA(SF)	AREA(AC)
A	10,411.10	0.24
B	22,109.90	0.51
C	208,034.74	4.80



E & A CONSULTING GROUP, INC.
Engineering • Planning • Environmental & Field Services

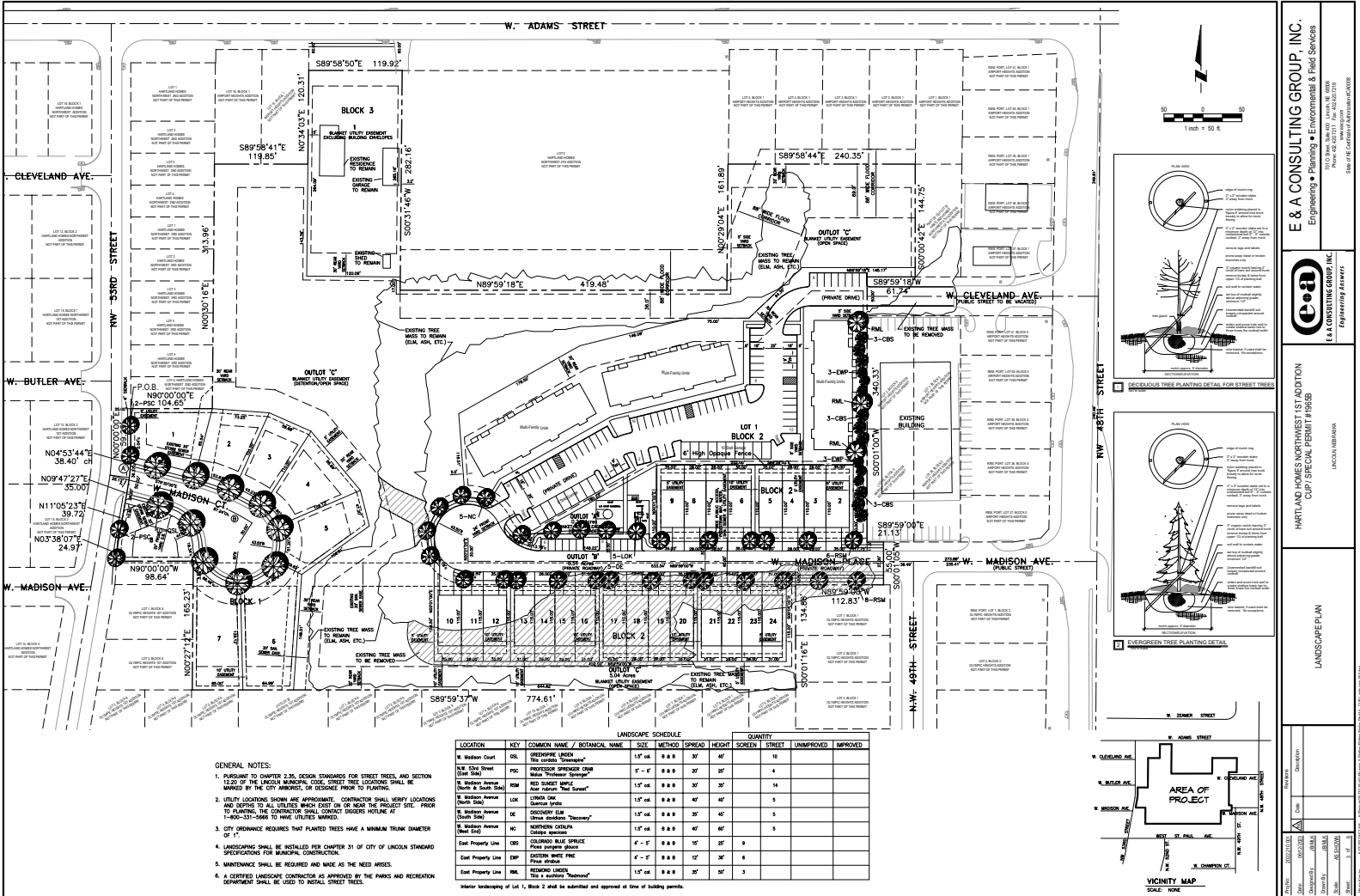
E & A CONSULTING GROUP, INC.
Engineering Services

HARTLAND HOMES NORTHWEST ADDITION
CUP/SPECIAL PERMIT PHASES

SITE PLAN

LUCAS, OHIO

DATE: 05/20/2018
DRAWN BY: JMM
CHECKED BY: JMM
SCALE: AS SHOWN

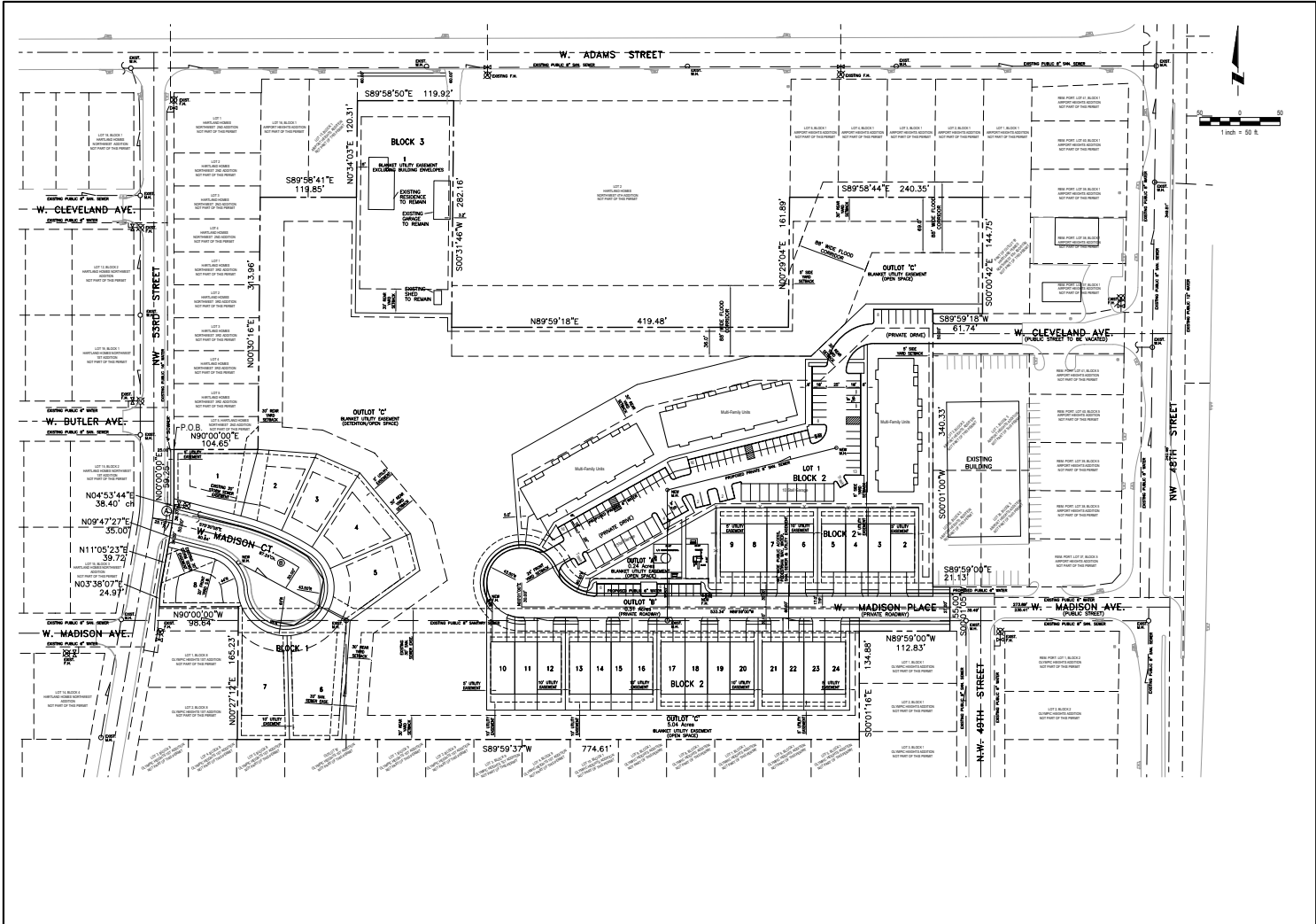


E & A CONSULTING GROUP, INC.
 Engineering • Planning • Environmental & Field Services
 1500 N. LINCOLN BLVD., SUITE 200
 LINCOLN, NE 68502
 PHONE: 402.437.1111 FAX: 402.437.1112
 WWW.EACONSULTING.COM

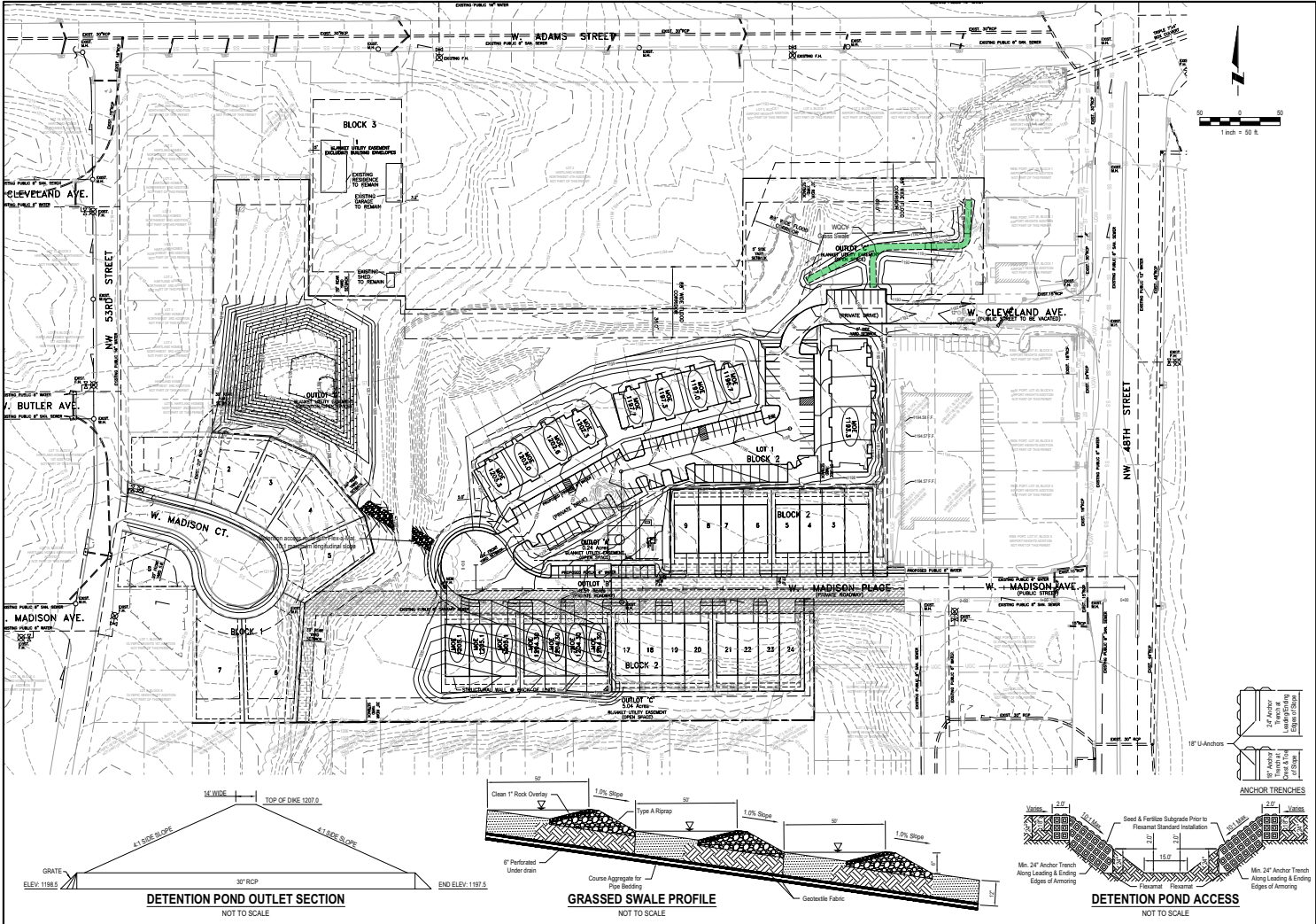
**HARTLAND HOMES NORTHWEST STATION
 CUP/SPECIAL PERMIT #19458**

LANDSCAPE PLAN

DATE: 03/20/2018
 DRAWN BY: J. HARRIS
 CHECKED BY: J. HARRIS
 SCALE: AS SHOWN
 SHEET: 3 OF 3



E & A CONSULTING GROUP, INC. Engineering • Planning • Environmental & Field Services <small>Phone: 480.432.9271 Fax: 480.432.9278 Email: EAC@EACGROUP.COM Website: www.eacgroup.com</small>							
 E & A CONSULTING GROUP, INC. Engineering • Planning • Environmental & Field Services							
IRIELAND HOMES NORTHWEST STATION CUP/SPECIAL PERMIT PHASE 5 <small>UNCLASIFIED</small>							
UTILITY PLAN							
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">DATE: 02/20/2018</td> <td style="width: 50%;">DRAWN BY: [Name]</td> </tr> <tr> <td>DESIGNED BY: [Name]</td> <td>CHECKED BY: [Name]</td> </tr> <tr> <td>DATE: 05/20/2018</td> <td>SCALE: AS SHOWN</td> </tr> </table>	DATE: 02/20/2018	DRAWN BY: [Name]	DESIGNED BY: [Name]	CHECKED BY: [Name]	DATE: 05/20/2018	SCALE: AS SHOWN	<small>© 2018 E & A Consulting Group, Inc. All Rights Reserved. This drawing is the property of E & A Consulting Group, Inc. and is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of E & A Consulting Group, Inc.</small>
DATE: 02/20/2018	DRAWN BY: [Name]						
DESIGNED BY: [Name]	CHECKED BY: [Name]						
DATE: 05/20/2018	SCALE: AS SHOWN						



E & A CONSULTING GROUP, INC.
 Engineering • Planning • Environmental & Field Services
 1100 N. W. 10th St., Suite 1000, Ft. Lauderdale, FL 33304
 Phone: 954.333.2277 Fax: 954.333.2278
 Email: E.A.C@EACGROUP.COM

14871 AND 14873 NORTH WEST 55th STREET ADDITION
 CIP / SPECIAL PERMIT #19605
 INVOICED NUMBER

GRADING PLAN

DATE:	08/20/2018	PROJECT:	14871 AND 14873 NORTH WEST 55th STREET ADDITION
DESIGNED BY:	DAVID BAKER	CHECKED BY:	DAVID BAKER
DRAWN BY:	DAVID BAKER	DATE:	08/20/2018
SCALE:	AS SHOWN	PROJECT NO.:	18-000005
DATE:	08/20/2018	PROJECT NO.:	18-000005



June 12, 2023

Mr. David Cary
Planning Director
Emma Martin, Planner
City of Lincoln Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508

RE: HARTLAND HOMES NORTHWEST 1ST ADDITION
Amendment to Community Unit Plan – Special Permit #1965A
Street Name Change of W. Madison Avenue to W. Madison Place
E & A File: P2022.210.001

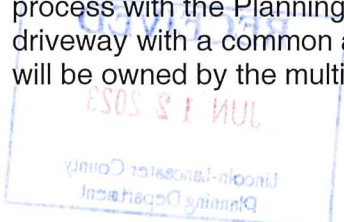
Dear Mr. Cary,

On behalf of Venture Holdings, LLC, we are submitting an Amendment to Hartland Homes Northwest 1st Addition Community Unit Plan/Special Permit #1965A. The development is located at NW 48th Street and W. Madison Avenue. The subdivision is partially constructed with 9 single family lots and 16 townhome units currently. This amendment is proposing a total of 48 multi-family units, 23 townhome units, 9 single family units and 5 units unassigned.

With the extension of the existing private roadway of W. Madison Avenue being terminated with a cul-de-sac, the street name is required to be changed to W. Madison Place. The street name change affects those properties west of NW 49th Street to the proposed cul-de-sac. The adjacent neighbors affected with this name change have been contacted and some signatures acquired stating their acknowledgement.

The owners of the existing townhomes within the development have been contacted. A letter from some of those owners have been acquired and submitted which state their acceptance of multi-family units as well as their acknowledgement of the street name change from W. Madison Avenue to W. Madison Place. HA Townhome Association, which owns the private roadway of W. Madison Avenue also understands and agrees to the ownership of the extension of the private roadway once it is final platted. Until recently, this application was intended to be submitted as an administrative amendment. Due to this intent, the letters being provided by the townhome owners within the development refer to an administrative amendment. However, what was presented to them as an administrative amendment is the same as shown within this amendment.

The vacation of W. Cleveland Avenue west of NW 48th Street has previously been requested and is currently in process with the Planning Department (SAV23003). The connection to NW 48th Street will remain as a private driveway with a common access easement to provide access to the adjacent properties. The vacated property will be owned by the multi-family lot referred to as Lot 1, Block 2 within this application.



The cul-de-sac proposed to terminate the private roadway of W. Madison Place will be constructed to Lincoln design standards. A public water line will be extended to the west and constructed under executive order. A private water service line will be constructed to a master meter location within the multi-family complex and distributed from there to the remainder of the complex. The multi-family units will be served by a private sanitary sewer main connecting to an existing public manhole in W. Madison Place.

A total of twelve guest parking stalls have been shown adjacent to W. Madison Place to serve the existing and proposed townhome units. Parking for the multi-family units on Lot 1, Block 2 will be provided by a mix of surface stalls and garage units with required stall count to be verified at time of building permit. The configuration of the multi-family lot is conceptual and general note #19 states that no administrative amendment will be needed to alter the layout.

The existing waivers previously approved shall remain with this application. The waivers have been updated to reflect the appropriate lot designations. The previously approved waivers are as follows:

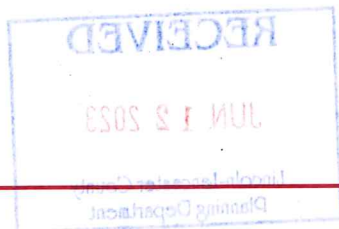
1. Unenclosed decks shall be permitted to encroach into the required rear yard setback by a maximum of 10 feet.
2. Rear yard setback to 20 feet on Lots 2 through 24, Block 2.

If you have any questions regarding the application, please contact me at 402-420-7217 or by email at mkinning@eacg.com.

Sincerely,
E & A Consulting Group, Inc.



Marcia L. Kinning
Cc: Matt Minchow
Enclosed: Application Form
Amendment to Special Permit Fee of \$1056.00
Special Permit Legal Description
Adjacent Owner Letters
Street Name Change Fee of \$440.00



E & A CONSULTING GROUP, INC.

Engineering Answers



HARTLAND HOMES NORTHWEST 1ST ADDITION

SPECIAL PERMIT #1965B

LEGAL DESCRIPTION

A legal description of Lot 1, Hartland Homes Northwest 4th Addition; Lots 1 through 8, Hartland Homes Northwest 5th Addition; Lots 1 through 8, Block 1, Lots 1 through 8, Block 2, Outlot 'A' & a portion of Outlot 'B', Hartland Homes Northwest 6th Addition; and West Madison Court; all located in the Northwest Quarter of Section 18, Township 10 North, Range 6 East of the 6th P.M. of Lancaster County, Nebraska more particularly described as follows:

Beginning at the northwest corner of said Lot 1, Hartland Homes Northwest 5th Addition and extending thence N. 90°00'00"E., 104.65 feet;

Thence N. 00°30'16"E., a distance of 313.96 feet;

Thence S. 89°58'41"E., a distance of 119.85 feet;

Thence N. 00°34'03"E., a distance of 120.31 feet;

Thence S. 89°58'50"E., a distance of 119.92 feet;

Thence S. 00°31'46"W., a distance of 282.16 feet;

Thence N. 89°59'18"E., a distance of 419.48 feet;

Thence N. 00°29'04"E., a distance of 161.89 feet;

Thence S. 89°58'44"E., a distance of 240.35 feet;

Thence S. 00°00'42"E., a distance of 144.75 feet;

Thence S. 89°59'18"W., a distance of 61.74 feet;

Thence S. 00°01'00"W., a distance of 340.33 feet;

Thence S. 89°59'00"E., a distance of 21.13 feet;

Thence S. 00°01'05"W., a distance of 55.00 feet;

Thence N. 89°59'00"W., a distance of 112.83 feet;

Thence S. 00°01'16"E., a distance of 134.88 feet;

Thence S. 89°59'37"W., a distance of 774.61 feet;

Thence N. 00°27'12"E., a distance of 165.23 feet;

Thence N. 90°00'00"W., a distance of 98.64 feet;

Thence N. 03°38'07"E., a distance of 24.97 feet;

Thence N. 11°05'23"E., a distance of 39.72 feet;

Thence N. 09°47'27"E., a distance of 35.00 feet to a point on a circular curve to the left having a central angle of 9°47'27", a radius of 225.00 feet and whose chord (38.40 feet) bears N. 04°53'44" E.;

Thence along said curve 38.45 feet;

Thence N. 00°00'00"E., a distance of 59.25 feet to the point of beginning and containing a calculated area of 12.33 acres more or less.



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 #23026	FINAL ACTION? Yes	DEVELOPER/OWNER Gille Properties, LLC.
PLANNING COMMISSION HEARING DATE July 12, 2023	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 3737 Calvert Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a Residential Healthcare Facility serving up to 12 persons for assisted living, specializing in memory care. The use would occupy an existing single family residential dwelling located at 3737 Calvert Street, zoned R-2, Residential. The existing attached garage and proposed minor expansion for a parking area behind the garage will be utilized for the required resident and employee parking on site.

The applicant previously applied for a residential healthcare facility at this location as Special Permit #23005 which was approved by the Planning Commission for up to 16 people in March 2023. The application was then appealed to the City Council and denied. This submittal includes a reduction in the number of residents from 16 to 12, and resubmittal of an updated site plan that has eliminated the proposed addition to the home.



JUSTIFICATION FOR RECOMMENDATION

Residential healthcare facilities are allowed by special permit in the R-2 zoning district. The current Zoning Ordinance limits residential healthcare facilities to one person per 2,000 square feet of lot area in R-2. The property is approximately 53,359 square feet, which would allow a higher number of residents than what the applicant is requesting with a maximum of 12 residents. The size of the lot and access allow it to provide additional parking spaces on site that will be hidden from the street and still meet parking requirements.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The special permit for a Residential Healthcare Facility is in conformance with the 2050 Comprehensive Plan. The property is shown to continue as future urban residential. The Comprehensive Plan includes goals for providing safe and decent affordable and special needs housing, along with continued development of a variety of new housing options, including senior living. Goals within the Comprehensive Plan encourage Complete Neighborhoods which provide multiple types of housing options for all stages of life.

APPLICATION CONTACT

Chris Gille, (402) 216-8320 or chris.gille@gmail.com

STAFF CONTACT

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

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is designated for future Residential - Urban Density land uses on the 2050 Future Land Use Plan.

11.13- 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.

The Community in 2050

The population age 65 and above is projected to increase from 45,600 in 2020 to 74,900 in 2050.

Goals Section

G2: Complete Neighborhoods

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

Elements Section

E1: Complete Neighborhoods and Housing

During the planning period, there will continue to be a need to accommodate group living which generally includes, but is not limited to: senior housing, assisted living facilities, group homes, domestic shelters, and children's homes.

Policies Section

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

Action Step 21: Encourage a variety of housing types including townhomes, senior living facilities, low/no maintenance condominiums, accessory dwelling units, multi-family development, and small lot single-family units.

ANALYSIS

1. This is a request for a special permit for a Residential Healthcare Facility per Lincoln Municipal Code Section 27.63.530. The use is allowed by special permit in the R-2 zoning district. The applicant is proposing a maximum of 12 residents to reside at this location.
2. According to Section 27.02.090 of the Zoning Ordinance, the definition of a Residential Healthcare Facility is "a building or structure that is to be used in a residential nature, licensed or approved by the state or an appropriate agency, if required. Residential health care facility could include but would not be limited to the following types of facilities: Assisted Living, Nursing Care, Memory Care, Convalescent Home, Hospice Home, Group home for 16 or more people and Intermediate Care, and may include independent living units." The applicant is proposing two additional conditions within this Special Permit in an effort to provide additional assurance on the allowed uses of the property and limitations for a future owner if sold. The first condition would limit the allowed uses to Assisted Living and Memory Care, prohibiting the other listed subcategories within the "Residential Healthcare Facility" use group. Although it is not common to prohibit specific uses within this use group, this condition is acceptable as it is a result of working to address the concerns from neighborhood residents regarding the property later occupied by a new and different use still allowed under "Residential Healthcare Facility." In relation to this additional text, the second condition will address concerns with the future use of the property if sold, as it will then transfer the same limitations to any future owner by allowing only Assisted Living and/or Memory Care. This guarantees that a new owner could use the property for a single family home by right or could continue the operation of the assisted

living facility if desired but could not include any new uses under “Residential Healthcare Facility” without amending this Special Permit.

3. The request is to operate an assisted living facility, specializing in memory care from an existing single-family home within a residential neighborhood. The intent is to provide a smaller home-like environment while also receiving more personal and customized 24/7 care with daily activities and needs such as meal preparation, bathing, housekeeping, laundry, and medication management. Residential healthcare facilities shall be licensed to comply with all state requirements and the applicant will apply to obtain an Assisted Living Facility license through the Nebraska Department of Health and Human Services (DHHS). The total number of persons occupying the building will allow up to no more than 12 residents in addition to employees. The applicant has stated the maximum number of employees on site at any one time will be 3. The special permit includes a ratio for calculating the total number of client or employee residents. The R-2 district allows one person per 2,000 square feet of lot area. This lot is larger than a standard R-2, Residential lot at 53,359 square feet, and would allow up to 26 individuals following the density allowance within the LMC.
4. A previous request was made from this applicant to allow up to 16 individuals under Special Permit #23005 at this site which was denied by the City Council in March 2023. Since the denial, the applicant has revised the number of allowed residents, reducing from 16 to 12 and has removed the proposed addition to the home once shown on the original site plan. The updated site plan was resubmitted with this application and details the parking layout and proposed patio and outdoor space on the property, surrounded by a 6-foot-high decorative fence which will enclose the rear outdoor space on the property. The site plan proposes to include additional drainage improvements on the property under the direction of an engineer, which would be required before an occupancy permit could be approved. The addition of the proposed parking area will be using “grow-through” pavers to help with drainage and reduce the amount of impervious area being added to the site. In general, LTU-Watershed Management does not require stormwater or drainage improvements when less than 1 acre of land is being disturbed.
5. Section 27.63.530 of the Lincoln Municipal Code states, “Parking shall be in conformance with Chapter 27.67 unless modified under the condition of the special permit, provided that no parking shall be permitted in the required front or side yards.” Parking for residential healthcare facilities is required at one space for every four residents and two spaces for every three employees on the largest shift. The applicant anticipates a maximum of three employees on the largest shift. This would result in a parking requirement of five stalls. The property has an existing two car garage eligible for parking and the applicant has proposed to expand the driveway on the west side of the property that will allow additional parking behind the garage and provide the site with seven parking spaces.
6. When reviewing the overall size of the property in consideration to the density and lot layout that could be developed by right, it is important to note this property is large enough that it could legally subdivide into a total of 3 lots and up to 4 dwelling units. The 3 lots would all have frontage on Calvert Street for access, with one lot created for the existing home and two additional lots. This would permit one duplex and two lots for single family attached units. This example would put four residential units within the property boundary today and would not require a Special Permit or a public hearing, as it would be created through the final plat process. This example would generate approximately 40 trips per day to this site if developed to serve 4 dwelling units, which is considerably higher than the 12-person assisted living facility, as the 12 residents will not be driving to and from the property, and daily trips will be from onsite staff during a shift change and occasional deliveries.
7. This request and use as a Residential Healthcare Facility is compatible with the existing neighborhood and the goals set forth by the 2050 Comprehensive Plan by offering additional options for safe, adequate and affordable housing options for all ages of residents, including seniors within our community. The existing home will continue to be utilized as it appears today, keeping it visually compatible with the surrounding homes in this neighborhood. The proposed use will add additional housing and care options in a developed neighborhood setting for individuals to live with needed daily assistance. Goals for Complete Neighborhoods detail the effort to provide a variety of housing options and types within neighborhoods, which includes the need for senior housing and care facilities. The Comprehensive Plan details the projected population of citizens aged 65 and older continuing to rise, with nearly 30,000 more residents aged 65 and older in 2050 than that of 2020, placing an emphasis on continuing to provide additional senior living options and high-quality healthcare for this population.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Single family dwelling, R-2, Residential

SURROUNDING LAND USE & ZONING

North: Single family dwellings R-4, Residential
South: Single family dwellings R-2, Residential
East: Single family dwellings R-2, Residential
West: Single family dwellings R-2, Residential

APPLICATION HISTORY

March 2023- Special Permit #23005 to allow a Residential Healthcare Facility at 3737 Calvert Street for up to 16 residents was approved by the Planning Commission. It was then appealed to the City Council and denied.

APPROXIMATE LAND AREA: 1.22 acres, more or less

LEGAL DESCRIPTION: I.T. Lots 185 & 186 Southeast

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

Date: June 29, 2023

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

Owner Chris Gille
3101 N. 177th Street
Omaha, NE 68116
(402) 216-8320
Chris.gille@gmail.com

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/Boilerplates/SP23026 Harbor Senior Living - Calvert.bmc .docx>

CONDITIONS OF APPROVAL - SPECIAL PERMIT #23026

Per Section 27.63.530 this approval permits a Residential Healthcare Facility for Assisted Living and Memory Care with up to 12 residents with the following conditions:

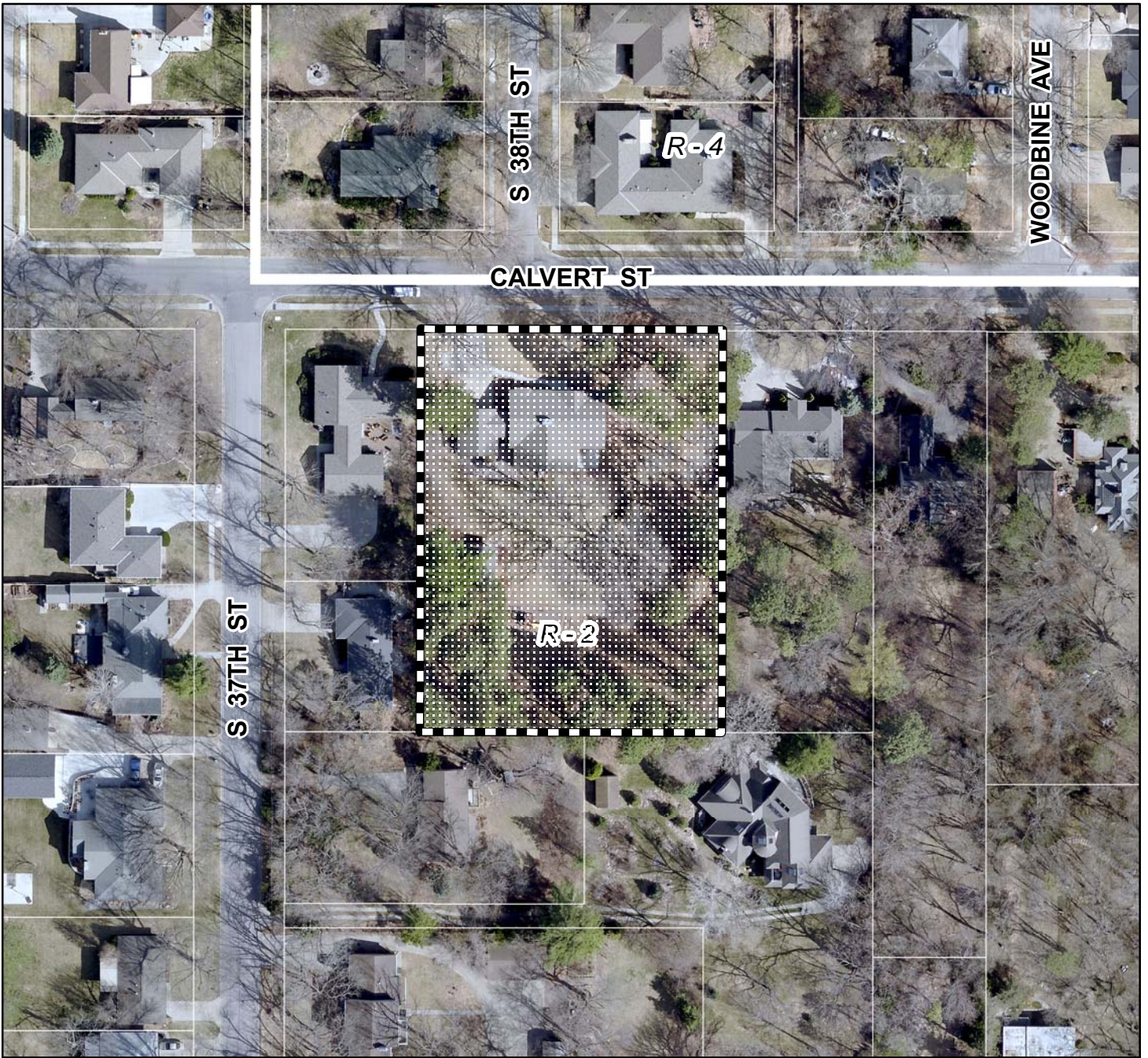
1. To allow a Special Permit for a Residential Healthcare Facility in the form of Assisted Living and/or Memory Care exclusive of other subcategories of “Residential Healthcare Facility.”
2. In the event the property is sold in the future, the limitation of the use to Assisted Living and/or Memory Care as the exclusive subcategory of “Residential Healthcare Facility” shall continue subject to issuance of a new or amended Special Permit authorizing other forms of “Residential Healthcare Facility.”

Site Specific Conditions:

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
 - 1.1 Revise site plan to state any improvements related to the calculations for Storm Water Detention will be completed before an occupancy permit can be issued.
 - 1.2 Correct spelling of “Landscape Screen.”
 - 1.3 Provide label for “Detached Garage.”
 - 1.4 Remove second “with” on Note #2.

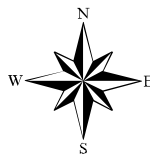
Standard Conditions:

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



2022 aerial




Special Permit #: SP23026
S 37th St & Calvert St

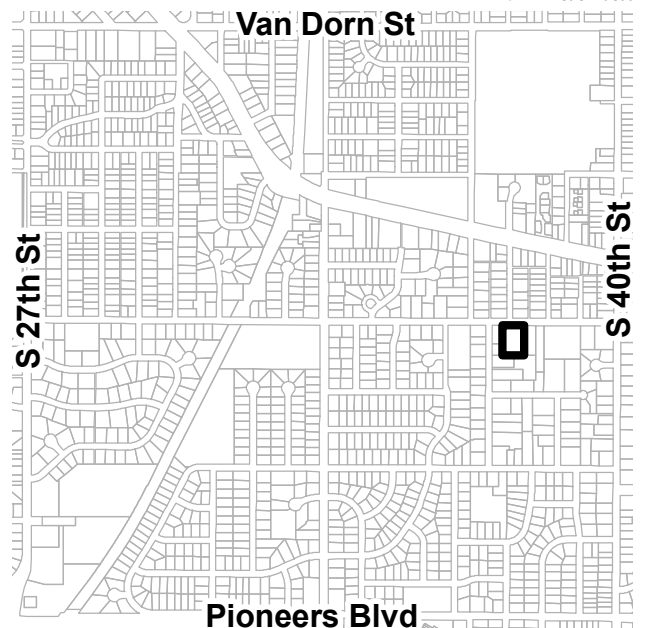


One Square Mile:
Sec.06 T09N R07E

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
50	





SEACREST & KALKOWSKI, PC, LLO

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

June 13, 2023

HAND DELIVERY

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

RE: Special Permit Application for 3737 Calvert Street

Dear David:

Our office represents Gille Properties, LLC (“Gille Properties”), owner of the property located at 3737 Calvert Street which is legally described as Lots 185 and 186, Irregular Tracts located in the Southeast Quarter of Section 6, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, and consists of approximately 1.22 acres (the “Property”). The Property currently contains a residential dwelling with over 4,800 finished square feet, including a walkout basement.

In January, Gille Properties submitted a Special Permit application for the Property to allow the operation of a Residential Healthcare Facility serving up to 16 residents and four staff members. That application was ultimately denied by the City Council on April 10th. Since that time, Gille Properties has had additional conversations with the Planning Department and held a neighborhood meeting to speak directly with neighbors and hear their concerns. As a result of those conversations, Gille Properties would like to submit a new application for a Special Permit for the Property that addresses many of the concerns and issues raised by neighbors and City Council members.

Gille Properties is requesting a Special Permit for a residential health care facility to permit the operation of an assisted living facility providing residential care specializing in memory care for up to a maximum of 12 residents and three staff members on the Property. This is a reduction from the original Application which would have permitted up to 16 residents. Gille Properties is also requesting language be included in the Special Permit Resolution stating no other type of residential health care facility shall be permitted under the Special Permit, and if the Property ceases to be used for an assisted living facility providing residential care specializing in memory care, the Special Permit will terminate and be of no further force and effect.

In addition to the above, a note has been added to the Site Plan requiring Gille Properties to perform City standard stormwater detention calculations to determine the increased

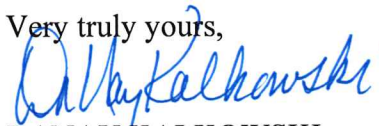
stormwater runoff from all new paved areas on the Property, and to capture the increased runoff in one or more catch basins on the Property that slowly disburse it to the natural topographic discharge point on the eastern side of the Property. The Site Plan has also been revised to show additional landscaping along the western side of the Property that will, along with the existing trees and fence that have always been shown to remain, provide more robust screening of parking stalls from the neighbor to the west.

Enclosed please find the following:

- A. Special Permit Application;
- B. Special Permit Application Fee of \$1,056; and
- C. A copy of the Special Permit Site Plan.

We appreciate the input we have received from neighbors and the City to date. We look forward to continuing to dialog and work with all interested parties. Please contact our office if you have any questions or require any additional information.

Very truly yours,



DANAY KALKOWSKI
For the Firm

Enclosures

