

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

July 26, 2023

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, July 26, 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 26, 2023

Approval of minutes of the regular meeting held [July 12, 2023](#).

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

COMPREHENSIVE PLAN:

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- 1.1 CITY COMPREHENSIVE PLAN CONFORMANCE 23010, to review as to conformance with the 2050 Lincoln Lancaster Comprehensive Plan, a proposed amendment to the Antelope Valley Redevelopment Plan, to add the "23rd Street Net Zero Live Work Redevelopment Project", to add a mixed use building with residential and commercial, on property generally located at 23rd and R Streets.
Staff recommendation: In Conformance with the Comprehensive Plan
Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

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- 1.2 CITY COMPREHENSIVE PLAN CONFORMANCE 23011, to review as to conformance with the 2050 Lincoln Lancaster County Comprehensive Plan, a proposed amendment to the West Haymarket Redevelopment Project in the Lincoln Center Redevelopment Plan, in the area generally bounded by the Burlington Northern Sante Fe (BNSF) and Union Pacific (UP) rail lines on the west, by approximately North 7th Street on the east, the south interior roadway of Haymarket Park and the Bereuter Pedestrian Bridge on the north, and 'M' Street on the south; along its eastern edge.
Staff recommendation: In Conformance with the Comprehensive Plan
Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

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- 1.3 CITY COMPREHENSIVE PLAN CONFORMANCE 23012, to review as to conformance with the 2050 Lincoln Lancaster County Comprehensive Plan, a proposed amendment to the South Haymarket Redevelopment Project in the Lincoln Center Redevelopment Plan, to adjust the project area and amend multiple phases, generally located between 4th Street and the westernmost boundary of the future South Haymarket Park up to Pinnacle Arena Drive on the west, the east side of 9th Street on the east, the south side of J Street to the south, and the north side of N Street to the north, located in section 26-10-06, Lincoln, Lancaster County, Nebraska.

Staff recommendation: In Conformance with the Comprehensive Plan

Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

TEXT AMENDMENT:

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- 1.4 TEXT AMENDMENT 23009, amending the Lincoln Municipal Code Chapter 26.13.010, Lot Consolidation to remove the text about easement releases and existing easements; Chapter 26.15.015 Information Required on a Preliminary Plat by deleting paragraph for Planning Commission chairman signature; Chapter 3.35, Design Standards for Community Unit Plans by deleting these design standards which are contained in the CUP site plan requirements under Zoning Ordinance, 27.65.070 and by proposed amendment to 25.65.080 to add the maximum density regulations; 27.02.020 and 27.02.040 by adding definitions for alcohol crafting and commercial kitchen; Chapter 27.06.140 to add alcohol crafting and small scale commercial kitchen to the use group table; Chapter 27.69.020 to amend definition for on premises sign; Chapter 27.69.340 to amend the sign regulations for Planned Unit Developments for subarea districts; Chapter 27.64 to delete items under Use Permits which are not needed to be shown and add items that do; Chapter 27.06.110, Chapter 27.62.080 and Chapter 27.63.070 to change Early Childhood Care Facilities from Conditional to Permitted in O 1, O 2, O 3, and R T and from Special Permit to Permitted in the H 4; and repealing Sections, 26.13.010, 26.15.015, 27.02.020, 27.02.040, 27.06.110, 27.06.140, 27.62.080, 27.63.070, 27.65.080, 27.64.010, 27.69.020, and 27.69.340 as hitherto existing; and repealing Chapter 3.35 of the City of Lincoln Design Standards as hitherto existing.

Staff recommendation: Approval

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

PERMITS:

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- 1.5 SPECIAL PERMIT 16026A, to allow for a CUP (Community Unit Plan) for 14 dwelling units, on property generally located at South 68th Street and Princeton Road. ****FINAL ACTION****

Staff recommendation: Conditional Approval

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

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- 1.6 SPECIAL PERMIT 23014A, to allow for a CUP (Community Unit Plan) for 14 dwelling units and associated waivers, on property generally located at 3995 North 26th Street and North 26th Street and Old Dairy Road. ****FINAL ACTION****
Staff recommendation: Conditional Approval
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

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- 1.7 SPECIAL PERMIT 23028, to exceed the maximum height limit of existing zoning for a concrete plant, on property generally located at 7301 North 70th Street. ****FINAL ACTION****
Staff recommendation: Conditional Approval
Staff Planner: Emma Martin, 402-441-6369, emartin@lincoln.ne.gov

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- 1.8 SPECIAL PERMIT 23030, to allow for the expansion/reconstruction of a Nonconforming Use, on property legally described as Lot 150, I.T., located in the SE 1/4 of Section 22-10-6, Lincoln, Lancaster County, Nebraska, generally located at 200 West P Street. ****FINAL ACTION****
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

MISCELLANEOUS:

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- 1.9 STREET AND ALLEY VACATION 23004, to vacate the east west alley between O and P Streets, and between N Antelope Valley Pkwy and N 20th Street, adjacent to property generally located between O and P Streets and between North Antelope Valley Pkwy and North 20th Street.
Staff recommendation: Conforms to the Comprehensive Plan
Staff Planner: Benjamin Callahan, 402-441-6360, bcallahan@lincoln.ne.gov

2. REQUESTS FOR DEFERRAL

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

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION

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- 4.1 STREET AND ALLEY VACATION 23005, to vacate a portion of the South 1st Street (Right of Way) between Pioneers Blvd. and Old Cheney Road, adjacent to property generally located at South 1st Street and Pioneers Boulevard.
Staff recommendation: Conforms to the Comprehensive Plan
Staff Planner: Benjamin 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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Benjamin Callahan, <i>Planner</i>	402-441-6360	bcallahan@lincoln.ne.gov
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Arvind Gopalakrishnan, <i>Planner</i>	402-441-6361	agopalakrishnan@lincoln.ne.gov
Emma Martin, <i>Planner</i>	402-441-6369	emartin@lincoln.ne.gov
Stephanie Rouse, <i>Planner</i>	402-441-6373	srouse@lincoln.ne.gov
Andrew Thierolf, <i>Planner</i>	402-441-6371	athierolf@lincoln.ne.gov
George Wesselhoft, <i>Planner</i>	402-441-6366	gwesselhoft@lincoln.ne.gov
Brian Will, <i>Planner</i>	402-441-6362	bwill@lincoln.ne.gov

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The Planning Commission meeting which is broadcast live at 1:00 p.m. every other Wednesday will be 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 Monday, July 3, 2023.

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, July 12, 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: Dick Campbell, Tracy Corr, Maribel Cruz, Gloria Eddins, Cristy Joy, and Cindy Ryman Yost. Lorenzo Ball, Rich Rodenburg, and Tracy Edgerton absent. David Cary, Steve Henrichsen, Shelli Reid, Jennifer McDonald, Emma Martin, and Ben Callahan of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

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

Ryman Yost requested a motion approving the minutes for the regular meeting held June 28, 2023.

Motion for approval of the minutes made by Joy, seconded Eddins. Minutes approved 5-0: Corr, Cruz, Eddins, Joy, and Ryman Yost voting "yes". Ball, Rodenburg and Edgerton absent. Campbell abstained.

Ryman Yost asked the Clerk to call for the Consent Agenda Items.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

July 12, 2023

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

The Consent Agenda consisted of the following items: Change of Zone 23053 and Street and Alley Vacation 23003.

Clerk noted that Planning Commission members received a staff memo dated 07/12/23, identifying revisions to Conditions of Approval as agreed upon by staff and applicant for Street and Alley Vacation 23003.

There were no ex-parte communications disclosed.

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

Joy moved approval of the Consent Agenda items with the amended motion, seconded by Campbell.

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

Note: This is Final Action on Special Permit 1965B and Special Permit 23026 unless appealed by filing a letter to the City Council within 14 days.

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.

Clerk noted that Planning Commission members received a Staff Memo dated 07/12/23, Identifying revisions to Conditions of Approval as agreed upon by staff and applicant for Special Permit 1965B.

PUBLIC HEARING:

July 12, 2023

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

Emma Martin, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated that this application is a request to amend Special Permit #1965A, Hartland Homes NW 1st Addition to allow 85 dwelling units, including 48 multi-family units, 23 townhome units, 9 single-family units, and 5 unassigned units. This request is also to amend the layout of the internal private roadways. Martin stated that the application is associated with Street and Alley Vacation 23003 and Street Name Change 23003. There are two associated waivers that have been previously approved. Martin stated that the applicant has discussed this project and amendment with the individual owners of the townhomes within the Community Unit Plan

(CUP). This CUP complies with the Lincoln Design Standards. The Planning Department recommends approval, and the application is consistent with the Comprehensive Plan.

Applicant:

Rick Onnen, E&A Consulting Group, Inc, 701 O Street, Suite 400, Lincoln, NE came forward and stated that he is speaking on behalf of Venture Holdings, LLC. Onnen stated that the previously approved plan showed Cleveland Avenue and Madison Avenue extending through with connection. Onnen stated that there was a change in density of the number of homes in the Special Permit and will continue to work through the process of the name change with the other property owners. Onnen stated that one of the conditions is to replat the existing convenience store and are in the process of working through that with the owners. Onnen stated that a motion to amend was presented to the Planning Department today prior to the hearing. Onnen explained the recommended changes to the motion to amend that the Planning Commissioners received prior to the hearing today.

Campbell wanted to clarify the changes are from the Planning Department and the suggestions are from the Consulting Group. Onnen stated that is correct and that the language is going back to the original application. Campbell asked if the staff preferred to see the updated language. Onnen stated that Steve Henrichsen with the Planning Department would need to explain the updated language.

Corr asked if the storm sewer is to be converted to private. Onnen stated that is correct and that it will become private. Campbell asked about the other people who dump into that storm sewer. Onnen stated that there will be an agreement in place with the owner of the apartment complex and the owner of the two properties with the two inlets for the maintenance of a portion of the street to include the storm sewer.

Proponents:

No one came forward in support of this application.

Neutral:

No one came forward in neutral testimony.

Opposition:

No one came forward in opposition.

Staff Questions:

Steve Henrichsen, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and presented a simplified version to the revision to the staff report (Exhibit 1). Henrichsen also stated that some of the items were changed due to wording and a section was marked out that should have not been.

Applicant Rebuttal:

Onnen approached and stated that the setback statement that he does not know if the language makes a difference.

Corr asked if this were to be approved, is it the staff amendment or the applicant amendment that they will be referring to.

Abby Littrell, City Attorney, 555 S 10th Street, Lincoln, NE approached to clarify that staff memo (Exhibit 1) in which Henrichsen distributed is what is being referred to. Henrichsen stated it is revision #2 that is the current version.

Campbell moved to close the public hearing, seconded by Joy.

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

SPECIAL PERMIT 1965B

ACTION BY PLANNING COMMISSION:

July 12, 2023

Campbell moved to approve Special Permit 1965B as revised by staff memo #2 of July 12, 2023, seconded by Corr.

Campbell stated that he will support this, and the developer is trying to fit the neighborhood better.

Corr stated that it looks good to her.

Ryman Yost stated that she appreciates all the work and how it has a paper trail for future zoning action.

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

SPECIAL PERMIT 23026

TO ALLOW FOR A RESIDENTIAL HEALTHCARE FACILITY FOR UP TO 12 RESIDENTS, ON PROPERTY GENERALLY LOCATED AT 3737 CALVERT STREET.

PUBLIC HEARING:

July 12, 2023

Members present: Campbell, Corr, Cruz, Eddins, Joy, and Ryman Yost. Ball, Rodenburg and Edgerton 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 is a request to allow for a Residential Healthcare Facility for up to 12 residents. This application was previously approved by the Planning Department but denied by the City Council. The applicant has resubmitted the application. One of the changes is to decrease the number of residents. Callahan stated that one of the largest conditions proposed is to limit to only Assisted Living and Memory Care. If this property is to be sold in the future, it would revert to a single-family home or stay as an assisted living care facility. Callahan stated that for density purposes and with the current zoning, this area could be brought up to a duplex, two single family attached with a total of four single family units on the lot.

Corr asked Callahan why it was brought to their attention of the density report. Callahan stated it was from the perspective of seeing that by right of final plat, it could be four single family units with the zoning standards. The lot is large enough for the four units with density by right. Callahan stated that he wanted to show what else could be done with the lot. Corr asked if someone else came in to develop this lot, that they would not have to go through this process at all or that they could just do the subdivision and build these units without having to go through the Planning Commission or City Council. Callahan stated that is correct. Corr asked if the walking paths would be concrete. Callahan stated that there would be a lighted walking path within the fenced in area.

Ryman Yost asked if the previous application had a plan for an elevator, does this new plan have an elevator? Callahan stated that would need to be answered by the applicant for the interior questions.

Corr asked if the patio area in the back is added on. Callahan stated that it is all outdoor space and patio. Corr stated that there are other special permits for this type of use and that they were lower density then this property. This property has a higher density is that means a bigger footprint, so they are allowed more residents here. Callahan stated that this is calculated by the lot size.

Eddins asked how many would be allowed based on the lot size. Callahan stated up to 26 residents based on this lot size.

Applicant:

DaNay Kalkowski, Seacrest & Kalkowski, 1128 Lincoln Mall, Suite 105, Lincoln, NE approached representing Harbor Senior Care Facility and wanted to discuss the business model and what they are doing.

Chris Gille, Gille Properties, LLC, 3101 N 177th Street, Omaha, NE came forward to give some history of how this program was developed and what their goal is. Gille stated that their homes are in a residential neighborhood, in an actual home, and community based. Gille found that a home of six people is not a sustainable model financially, but it does give a great model and focus to get the process figured out. Gille stated that one consistent message that he continues to hear is that the resident has come back alive because of the environment that is created within the home. Second is that the families do not have to worry any more about the care that their loved one is getting.

Katie Hartman, 7800 N. 134th Street, Waverly, NE approached and is the current administrator of the Pinedale facility located in Lincoln. Hartman stated that they are basically a family operating in the home. This is by making the residents feel at home. Hartman stated that besides this being a business, this is a service to the residents and community. Hartman said that this is individualized care in a smaller setting and the residents are thriving on that type of care.

Campbell asked with only six occupants, with two passing, has there been any situations with other individuals to where they must be removed from the home? Hartman stated that there are issues that they can run into, but they have consultants that come into the home and when medications are needed, they are able to distribute. Hartman stated that they have never had an issue to where others are affected in the home.

Corr asked if the doctors come to the facility or do they go to the doctors. Hartman stated that the doctors do come to the facility if needed, but it is not an everyday or weekly occurrence. Corr asked what kind of interior modifications are being made to the home. Hartman stated that an elevator and sprinkler system are being put in. There are also safety features that will be ADA compliant.

Eddins wanted to clarify if the elevator was going to be on the inside of the home. Hartman that yes it will be contained inside the home.

Corr asked where the other location is in Lincoln. Hartman stated that the other location is at 8421 Pinedale Court.

Kalkowski approached and stated that the changes to the site will not have any physical changes to the existing home. Kalkowski stated that there will be a deck added on the back and a walking path through the back within the fenced in area. There will also be a circle drive and a few additional parking added for the workers. Kalkowski stated that they tried to engage the neighbors more by holding another neighborhood meeting. There were approximately 11 neighbors that had attended, and letters mailed out to the neighbors. Kalkowski stated a quick summary was the reduction of the numbers of residents in the home. There was also some storm water language added to the site plan. Kalkowski stated that a restriction is being placed in the Special Permit to limit it to 12 residents and to a Residential Memory Care Assisted Living Facility. If the property sells, then the restriction stays, the new owners will need to go through the process to change it.

Corr asked how many bedrooms are in the home now. Gille stated that there are five bedrooms and will be six total after an egressed window is put in the basement area.

Proponents:

No one came forward in support.

Neutral:

No one came forward in neutral testimony.

Opposition:

Regina Blazek, 3636 S. 37th Street, Lincoln, NE approached and stated that she knows that this is a formality, and that the applicant has met the needs for approval. Blazek distributed a copy of the letter that the neighbors had received (Exhibit 2) from the applicant. Blazek stated that her primary concern is that this is an antique residential neighborhood. This neighborhood is surrounded by children. There currently is a traffic overflow from adjacent streets. Blazek stated that she is now requesting a formal traffic study be performed in September when the burden of traffic is presented. Blazek stated that the storm water issue already exists, and it is a concern of the residents. Blazek stated that they see the point that this fills a need but just feels that this is not in the interest of the current residents or for the people who are in this micro residential institution that is a business in this neighborhood.

Ryman Yost asked when the commercial space a block down was built. Blazek stated it has been there for 70 years and was built prior to the homes.

Eddins asked if Calvert Street has sidewalks. Blazek stated Calvert Street does have sidewalks, but the side streets are inconsistent.

Kathy Keady, 3740 Calvert Street, Lincoln, NE came forward and stated that she lives directly across the street from this property. The street sign has been moved because of vision of the traffic. This is a huge concern because you cannot see the sign. The new application does not mention the traffic issue or a traffic study. Keady stated that this will never go back to a residential house. Keady stated that this is not the place to add a new business. She is concerned with the traffic flow and that the city just wants the business. Keady stated that no one wants a fence around this property, and it is a beautiful property. Keady does not want a sign there that says Harbor, or a business put there. Keady stated that they are not neighbors, she has not even seen them at the property.

Teresa Schmidt, 3727 Stockwell Street, Lincoln, NE came forward and stated that she is not a neighbor. Her biggest issue is that the owners are in this to make money. It is placing a business in the residential area. The neighbors will lose their quality that they have had and thinks this is

wrong and should not be approved. Schmidt stated that they have limited the number of people here today to testify and limited the number of letters received. Schmidt said that they will be at City Council, and they will all be there to be heard.

Pat Cole, 3801 Calvert Street, Lincoln, NE approached to speak about concern with the drainage. Cole stated that she does not see how there could be other living spaces as presented by Callahan in that lot. Cole stated that with Calvert Street not having any parking, where is the visitors going to park when they go to the facility. Cole stated her main issue is the drainage and the parking.

William Hempel, 3704 S. 37th Street, Lincoln, NE came forward and stated that the density and parking are the main issue for him. Hempel stated what has not been addressed is the continuously starting and stopping of all the cars. Hempel also stated that density does not match up with the neighborhood.

Staff Questions:

Campbell asked Callahan if there is a requirement for a drainage study. Callahan stated that on the conditions for the Special Permit of the staff report, is that the applicant work with an engineer before they get an occupancy permit.

Corr asked if there is any signage for this property. Henrichsen approached and stated there are two categories in terms for signs and each Special Permit is allowed a certain number of signs. Henrichsen stated that the sign shall be kept with the character of the area. Since this is a residentially zoned area, it cannot be eliminated. It is a requirement of all signs.

Corr asked if the neighbors want a traffic study, how would they go about requesting that? **Bob Simmering, Lincoln Transportation and Utilities, 555 S 10th Street, Lincoln, NE** approached and stated that a traffic study can be required but this does not meet the requirement to have one. In addition to that, traffic studies around the school zones for typical pedestrian use. But something of this size, a traffic study would not be done. Simmering stated that a facility like this will not generate or exceed the units to have a traffic study done.

Applicant Rebuttal:

Kalkowski approached to state that the existing storm water issue cannot be solved. There is a condition that was voluntarily added by the applicant that they will mitigate onsite if it was needed to minimize additional impact. Kalkowski stated that there is no signage on the plan.

Ryman Yost stated that the property next door has a circle drive which is consistent with this facility. Eddins asked if they can drive out onto Calvert Street or if there is a turn around on the property. Kalkowski stated that there is a turn around on the property so that the employees will not be backing onto Calvert.

Gille approached and stated that they did have an engineer on the property and advised on how to proceed. Gille mentioned that with the conditions on the Special Use permit, it has the same use on it and cannot be changed without going through the process if the property sells. Gille stated that they only have one purpose for this home and wants to continue to have the impact that they are having with the residents. Real homes, real neighborhoods and an opportunity that has not been available in Lincoln.

Corr asked where a family member would come to visit and where would they park. Gille stated that in their motto, there is always two additional parking stalls available for family members to park. They also have the circle drive but try to keep that free and clear for deliveries to come in and out. Visitors are typically scheduled ahead so there are no surprises to the residents.

Corr asked if from the street view, is there anything that shows that a family does not live there. Gille stated that they do not want any signage on the property because they want the facility to look like it fits into the neighborhood.

Campbell moved to close the public hearing, seconded by Joy.

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

SPECIAL PERMIT 23026

ACTION BY PLANNING COMMISSION:

July 12, 2023

Campbell moved to approve Special Permit 23026, seconded by Joy.

Campbell stated that he does not consider this a business, it is basically a home where people are able to live based on their needs. Campbell stated that by driving by no one will know the difference based on how the house looks. Campbell stated that he does not see how this will make a difference on the neighborhood traffic either. The owners have listened to the concerns of the neighbors and have addressed those issues.

Corr agrees with Campbell and stated that once this goes in, there will not be much of a change to the neighborhood and will be supporting this.

Ryman Yost will also be supporting this as well. Ryman Yost appreciates the work that has gone into addressing the concerns that others had had. She appreciates the concept of a home setting.

Corr stated that she wants to thank the applicant for listening to the neighbors and concerns.

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

Corr moved to adjourn the Planning Commission meeting of July 12, 2023, seconded by Campbell.

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

There being no further business, the meeting was adjourned at 2:37 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 Comprehensive Plan Conformance 23010 <i>23rd Street Net Zero Live-Work Redevelopment Project</i>	FINAL ACTION? No	OWNER QJ/PA Rentals LLC
PLANNING COMMISSION HEARING DATE July 26, 2023	RELATED APPLICATIONS N/A	LOCATION 335 N 23 rd Street

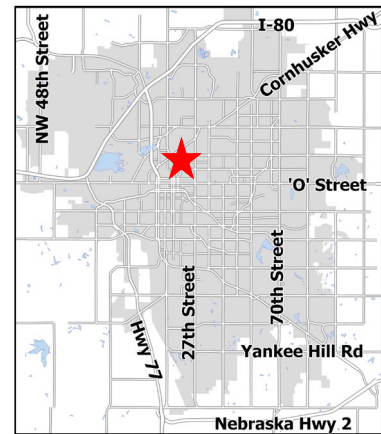
RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

Review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan, a proposed amendment to the Antelope Valley Redevelopment Plan to add the 23rd Street Net Zero Live-Work Redevelopment Project.

The Project includes construction of a three-story mixed-use building with ground floor micro-restaurants for new and emerging food businesses and upper-level residential units targeting net-zero annual energy usage.

The Redevelopment Project is on file with the Urban Development Department and the Planning Department. The Redevelopment Project can also be found online on the Planning Application Tracking System (PATS): [CPC23010](https://pats.lincoln.ne.gov/CPC23010).



JUSTIFICATION FOR RECOMMENDATION

The Project is consistent with the Comprehensive Plan, Antelope Valley Redevelopment Plan, and Climate Action Plan. It will expand the residential and commercial options in the surrounding neighborhood, help support new businesses, utilize existing infrastructure, and provide a model for sustainable redevelopment.

APPLICATION/STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

In addition to the specific elements listed above, this project aligns with one of the “fundamentals of growth” in the Comprehensive Plan, which notes that well-designed and appropriately-placed residential and commercial development should occur within existing areas of the city with available capacity. The Comprehensive Plan assumes that 25 percent of all residential units built over the next 30 years (approximately 12,000 units) will be within the existing city.

COMPREHENSIVE PLAN SPECIFICATIONS:

Introduction Section: Growth Framework

Fundamentals of Growth in Lancaster County

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

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

The Community in 2050

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

Land Use Plan

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

Goals Section

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

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

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

G4: Economic Opportunity - Lincoln and Lancaster County will have high-quality jobs in an economic environment that supports business creation, innovation, and expansion.

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

Elements Section

E1: Complete Neighborhoods and Housing

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

E2: Infill and Redevelopment

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

2. Distribute and preserve affordable housing throughout the community to be near job opportunities and public transit and to provide housing choices within existing and developing neighborhoods.

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

Action Steps

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

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

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

P48: Renewable Energy - Make renewable energy/low-carbon generation and consumption a key element to the community's sustainable future.

Action Steps

1. Promote increased adoption of accessory wind and solar facilities on residential and commercial properties throughout the county.
6. Continue incentive-based (residential, commercial, or industrial) programs promoting the installation of renewable energy systems. Incentives may include offering rebates on purchasing equipment, attractive net metering pricing, tax incentives, height allowances, setback, and area-based incentives, expedited permitting, and others.

ANTELOPE VALLEY REDEVELOPMENT PLAN SPECIFICATIONS:

P. 60 The Mixed Density Neighborhood (M) area encourages new mixed-income housing products with strong design characteristics to strengthen the surrounding and adjacent neighborhoods. The land use pattern provides strong edges and cores to the neighborhoods.

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

1. More Choices - Provide people more choices in housing, shopping, neighborhoods, employment, recreation, entertainment and transportation.

2. New Residential Products - Encourage a range of housing types (single-family, apartments, row homes, granny flats, condominiums and live/work units) giving citizens of different incomes, ages and family sizes a wide range of choices.
 3. Compaction - Compact development patterns help assure that a City uses its land, infrastructure, transportation and human resources wisely.
 5. Easy Walking Distance - As many activities as possible should be located within easy walking distance of trails and transit stops. Walkable communities are desirable places to live, work, play, learn, and worship.
 18. Incentives - Provide incentives and tax policies to support urban intensification including brown field redevelopment and the redevelopment of underutilized lands and buildings.
- P. 68 C. Urban Design Principles:
1. Development should avoid a suburban style and instead be pedestrian oriented and varied with strong streetscapes reinforced by quality buildings.
 2. Building entrances should be given emphasis or “pride of place”, placed on the street to enhance street level activity.
 5. Streetscapes should be designed as attractive public spaces with ample room for sidewalks and street trees, encouraging pedestrian movement.
 6. Buildings should be designed to be compatible, in form and proportion, with the neighboring buildings and should include a variety of forms, materials and colors, yet these elements should be composed to maintain a complementary appearance.
 7. Buildings should include a richness of architectural detail to help define their scale and extend to the sidewalk in front of the property for pedestrian access and visual rhythm and interest.
 12. Include a variety of uses in places that receive the most foot and car traffic to strengthen the most interesting and vital parts of town.

CLIMATE ACTION PLAN SPECIFICATIONS:

- p. 8 Strategic Vision - Lincoln will reduce net greenhouse gas emissions 80% by 2050 (relative to 2011 levels). This ambitious goal will serve as a guiding target for municipal operations, the Lincoln Electric System, local businesses and institutions, and our entire community in the years to come. Lincoln joins scores of cities across the country who have set a similar “80x50” goal to reduce emissions. A myriad of strategies in the plan speak to achieving this target, from increasing energy efficiency, generating more electricity from renewable energy, switching to electric vehicles and active commuting modes, and employing natural climate solutions.
- p. 11 Key Initiative - Transition to Low-Carbon Energy.
Continue incentive-based (residential, commercial, or industrial) programs promoting the installation of renewable energy systems. Incentives may include offering rebates on purchasing equipment, attractive net metering pricing, tax incentives, height allowances, setback, and area-based incentives, expedited permitting, and others.
- p. 14 Key Initiative - Build a Decarbonized and Efficient Transportation System.
Continue to encourage mixed-use development in the Comprehensive Plan.
Consider Transit Oriented Development policies in the update of the Comp Plan 2050.
- p. 18 Key Initiative - Align Economic Development Goals with Climate Realities to Ensure a Thriving Economy.

ANALYSIS

1. This is an amendment to the Antelope Valley Redevelopment Plan to add the 23rd Street Net Zero Live-Work Redevelopment Project. The Project involves redevelopment of 335 N 23rd Street into a three-story mixed-use building. The site currently includes an aging commercial structure that will be removed.

Project elements include:

- a. Approximately six ground floor micro-restaurants for new and emerging food businesses. Outdoor dining areas are included along the perimeter of the building. Final configuration of the restaurant space is still under consideration and it's possible that five restaurants will be included instead of six.
 - b. Nine upper-level residential units targeting net zero annual energy usage. The Project proposes to include two studio units, three one-bed loft units, two two-bedroom units, and two three-bed loft units. If only five restaurants are included there will be a tenth residential unit added.
 - c. Thirteen on-site parking stalls (one stall per residential unit, plus four additional stalls for the commercial space). The parking stall numbers may change slightly if the restaurant and residential unit numbers are revised. In addition, the Project is located on a corner lot with frontage for several on-street parking spaces and is walkable for the surrounding neighborhood. The Project also includes bicycle parking.
 - d. The possibility for associated streetscape enhancements in the project area, to be finalized with the redevelopment agreement.
2. As stated in the Redevelopment Plan, the goal of the project is to “demonstrate new real estate paradigms around social and environmental equity.” The “micro” commercial concept provides non-traditional entrepreneurship opportunities for new and emerging businesses. The size of the bays provides for an affordable monthly lease along with access to small business resources and shared building services while maintaining distinct and separate spaces and brands.

A key element to the net zero goal for residential uses is a rooftop solar array. It's possible the array may not be added to the initial project, but the units will be net-zero “ready” for a future solar array install. In addition, increasing density through mixed-use infill projects can increase the viability of alternative forms of transportation and reduce the need and length of trips by private automobiles.

3. The Project is consistent with PlanForward, the Lincoln-Lancaster County 2050 Comprehensive Plan. One of the Comprehensive Plan's overarching goals is to promote neighborhood mixed use areas. The Comprehensive Plan assumes that 25 percent of all residential units built over the next 30 years (approximately 12,000 units) will be within the existing city.
4. The Project is also consistent with the Antelope Valley Redevelopment Plan. The Redevelopment Plan encourages a diverse mix of housing and commercial types with compact development that is walkable for the surrounding neighborhood.
5. The Project is consistent with the City's Climate Action Plan as well. The Climate Action Plan prioritizes the adoption of transit-oriented development (TOD) policies with Lincoln's growth and redevelopment. The Climate Action Plan specifically recommends incentives to promote renewable energy systems, and this project could serve as a model for sustainable redevelopment to help Lincoln meet the goal of 80% carbon reduction by 2050.
6. The Project is in the Antelope Village Planned Unit Development (B-3 PUD). The PUD allows for mixed-use commercial and multiple-family dwellings. The developer may need to submit a PUD amendment to slightly modify the parking and setback requirements for this location in order to align with the proposed site plan.
7. The project was reviewed by Urban Design Committee in October 2022 and recommended for approval 5-0.

[October 4, 2022 Urban Design Committee Agenda Drawings](#)

[October 4, 2022 Urban Design Committee Minutes](#)

8. The public investment is expected to be roughly \$444,400. The source of public funds will be the tax increment generated from the private developments on the Project Site. The public investment will leverage a private investment of approximately \$3.6 million. More details can be found in the Financing and Cost section of the redevelopment plan amendment.

EXISTING ZONING: B-3 PUD (Antelope Village PUD)

EXISTING LAND USES: Commercial

SURROUNDING LAND USE AND ZONING:

North: R St, Church	R-6 PUD (Antelope Village PUD)
South: Residential	R-6 PUD (Antelope Village PUD)
East: 23 rd St, Commercial	B-3 PUD (Antelope Village PUD)
West: Residential	B-3 PUD (Antelope Village PUD)

APPROXIMATE LAND AREA: 1 acre (main project site)

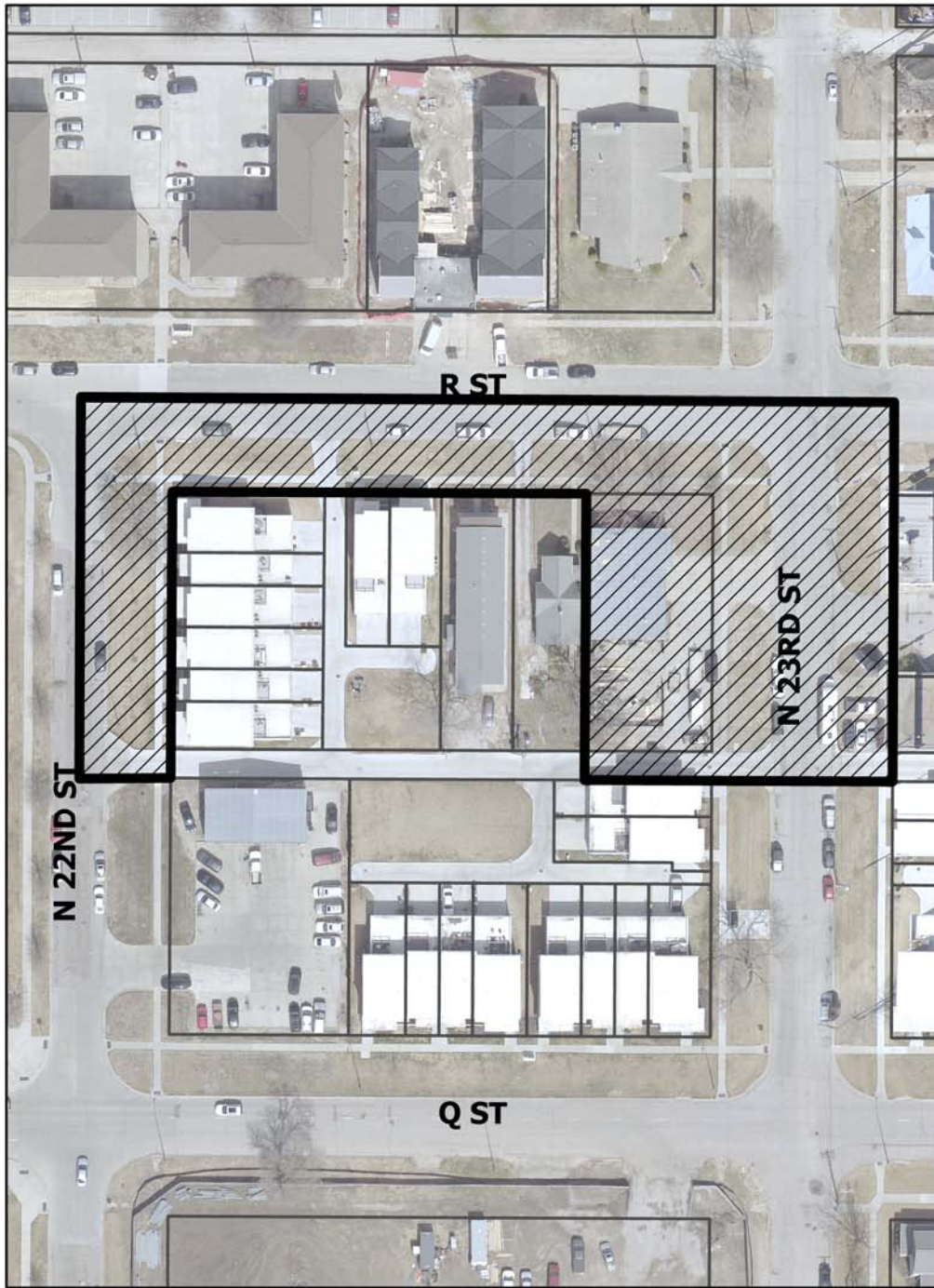
Prepared by Andrew Thierolf, AICP
(402) 441-6371 or athierolf@lincoln.ne.gov

July 17, 2023

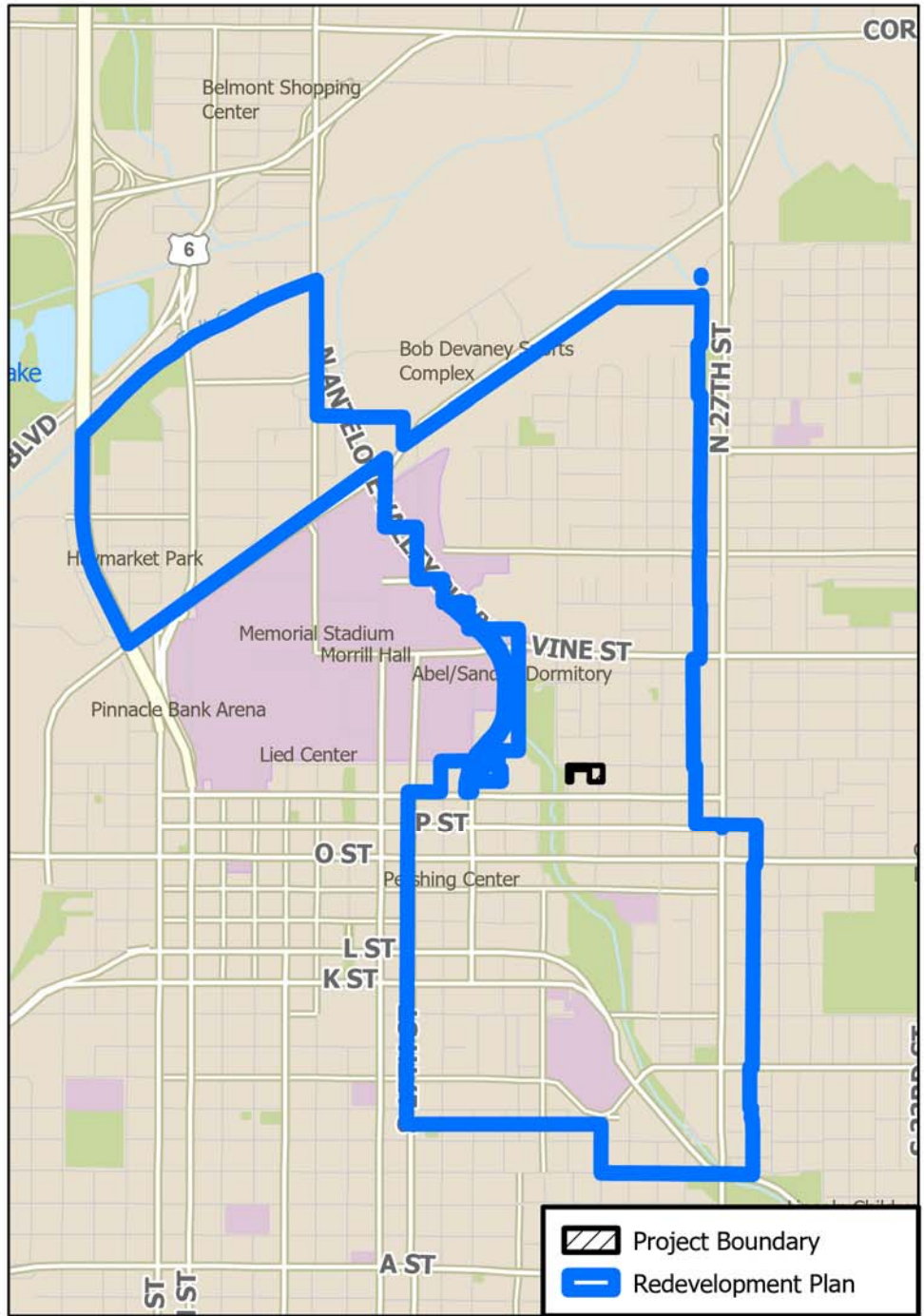
Applicant: Urban Development Department, City of Lincoln
555 S. 10th Street, Suite 205
Lincoln, NE 68508

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

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CPC/23000/CPC23010 23rd Street Net-Zero Redevelopment Project.adt.docx>



2022 aerial



Comprehensive Plan Conformance #: CPC23010
Antelope Valley Redevelopment Plan
23rd Street Net Zero Live-Work Redevelopment Project

June 28, 2023

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

Dear David:

Attached is an amendment to the Antelope Valley Redevelopment Plan for the 23rd Street Net Zero Live-Work redevelopment project. This is a mixed-use project that includes six first floor micro restaurants and nine upper-level apartments targeting net zero energy consumption.

Please forward this study to the Planning Commission for their earliest consideration for Comprehensive Plan conformance. My understanding is that this should be on the July 26, 2023, agenda.

Sincerely,



Ernie Castillo

Cc: Hallie Salem
Dan Marvin
Steve Henrichsen
Andrew Thierolf

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Comprehensive Plan Conformance 23011 <i>Amendment to West Haymarket Redevelopment Project</i>	FINAL ACTION? No	OWNER N/A
PLANNING COMMISSION HEARING DATE July 26, 2023	RELATED APPLICATIONS None	LOCATION Approximately 150 acres generally west of Historic Haymarket

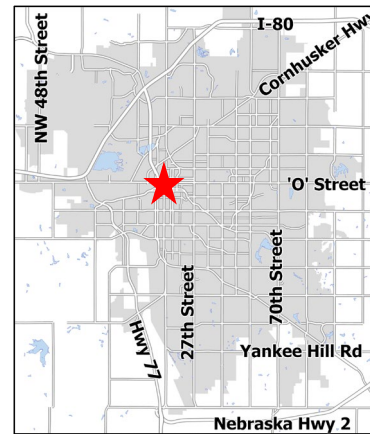
RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

Review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan, a proposed amendment to the West Haymarket Redevelopment Project within the Lincoln Center Redevelopment Plan.

The amendment includes an updated Cost Benefit Analysis with additional TIF funding based on increased valuations in the project area. The additional TIF funds will be used for miscellaneous streetscape and right-of-way projects within the project area. The amendment also includes integration of the 2018 Downtown Master Plan and additional explanation of some statutory elements.

The Redevelopment Project Amendment is on file with the Urban Development Department and the Planning Department. The Redevelopment Project can also be found online on the Planning Application Tracking System (PATS): [CPC23011](#).



JUSTIFICATION FOR RECOMMENDATION

The Project Amendments are consistent with the Comprehensive Plan, Downtown Master Plan, and the Lincoln Center Redevelopment Plan. The updates will allow for continued implementation of the West Haymarket Redevelopment Project.

APPLICATION/STAFF CONTACT

Hallie Salem
City of Lincoln Urban Development Dept
(402) 441-7866
hsalem@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

These amendments, and the West Haymarket Redevelopment Project as a whole, contribute to the continued strengthening of the downtown core, which is a guiding principle reflected throughout the Comprehensive Plan, Downtown Master Plan, and Lincoln Center Redevelopment Plan.

COMPREHENSIVE PLAN SPECIFICATIONS:

Introduction Section: Growth Framework

Fundamentals of Growth in Lancaster County

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

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

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

Goals Section

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

G4: Economic Opportunity - Lincoln and Lancaster County will have high-quality jobs in an economic environment that supports business creation, innovation, and expansion.

Elements Section

E2: Infill and Redevelopment

Downtown and Greater Downtown

This area is the main hub of employment, entertainment, and higher education. Over the years, there have been significant public and private investments in new building construction, renovations, and infrastructure. In order to capitalize on these collective investments, further development in the Greater Downtown should be realized.

E3: Business, Economy, and Workforce

Downtown

Downtown Lincoln stands as a unique community resource. Downtown is the County’s most intensive center of activity, offering a broad mix of retail, office, industrial, residential, and governmental uses.

Policies Section

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

Action Steps

1. Support development and implementation of the Downtown Master Plan, South Haymarket Neighborhood Plan, Antelope Valley Redevelopment Plan, Lincoln Center Redevelopment Plan, and South of Downtown Redevelopment & Strategic Plan.
8. Continue to preserve and enhance Downtown’s role as the community’s major office and employment center.

DOWNTOWN MASTER PLAN SPECIFICATIONS:

- p. 3.1 A top item from accumulated public input - Improve key streets for pedestrians, bicyclists, and transit users (shade, crossings, green space, streetscape etc.) particularly 11th, 12th, 13th, M and O Streets.
- p. 3.10 An online survey was conducted in 2018 and received 1,700 responses. The top element selected as being most important for improving the overall Downtown experience was: Redevelop underused and vacant sites, such as Pershing Center, Post Office, etc.
- p. 4.2.1 Often public investment in the form of streets, streetscape, façade improvements, parks and other improvements are necessary to spur private investment.
- p. 4.2.4 The character of a street is typically formed by its visual elements known as streetscape. The streetscape may include a mixture of elements including but not limited to sidewalks, parking, outdoor dining, benches and other amenities, and trees and other plantings. This interface between the public space and private buildings is the heart of Downtown's charm.
- 4.6.34 Catalyst project - Create a signature urban park in the South Haymarket.

LINCOLN CENTER REDEVELOPMENT PLAN SPECIFICATIONS:

- p. III-3 Guiding Principle - Enhance aesthetics of Downtown to improve the pedestrian environment through improvements to primary and secondary retail streetscapes, providing additional even/festival spaces, enhancing the arts and cultural corridor, creating a parks and open space promenade, and developing the civic plaza.

ANALYSIS

1. This is an amendment to the West Haymarket Redevelopment Project within the Lincoln Center Redevelopment Plan. The West Haymarket Redevelopment Project was originally approved in 2007 ([CPC07019](#)) and includes the area that would become Pinnacle Bank Arena along with the mixed-use redevelopment projects west of the Historic Haymarket. The total project area is approximately 150 acres.
2. Updates to the Redevelopment Project are summarized below and colored red in the submitted [Redevelopment Project Amendment](#) document.
 - a. New Cost Benefit Analysis to show additional TIF funds that are available for the district. These funds are available because property valuations (and tax collections) for individual sub-projects in the project area have exceeded previous expectations. These additional funds will be used for miscellaneous streetscape and right-of-way improvements in the district.
 - b. Added option of a 20-year TIF collection period for qualifying projects in extremely blighted areas, per updated State Statute. Previously the longest TIF collection period available in the redevelopment area was 15 years.
 - c. New reference noting that the overall redevelopment project is consistent with the 2018 Downtown Master Plan.
 - d. Minor clean-ups and additions to the text to comply with State Statute and align with modern redevelopment project documents, such as an added analysis on student populations in the school district. It is expected that the overall redevelopment project has/will have minimal impact on Lincoln Public Schools.
3. The West Haymarket Redevelopment Project has been a critical element to strengthening Lincoln's Downtown core, and this amendment allows for additional TIF to be utilized for further enhancement of the project area.

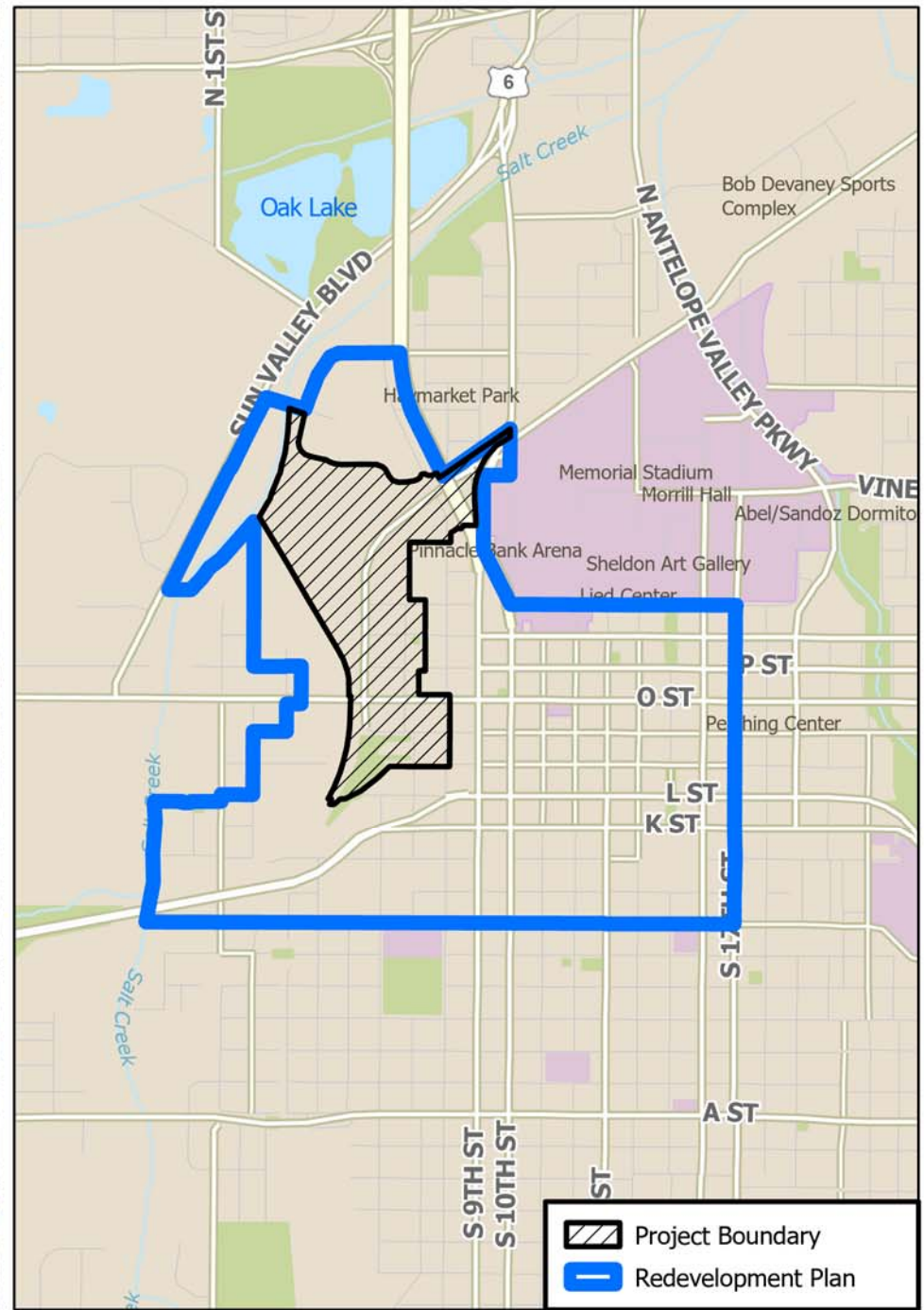
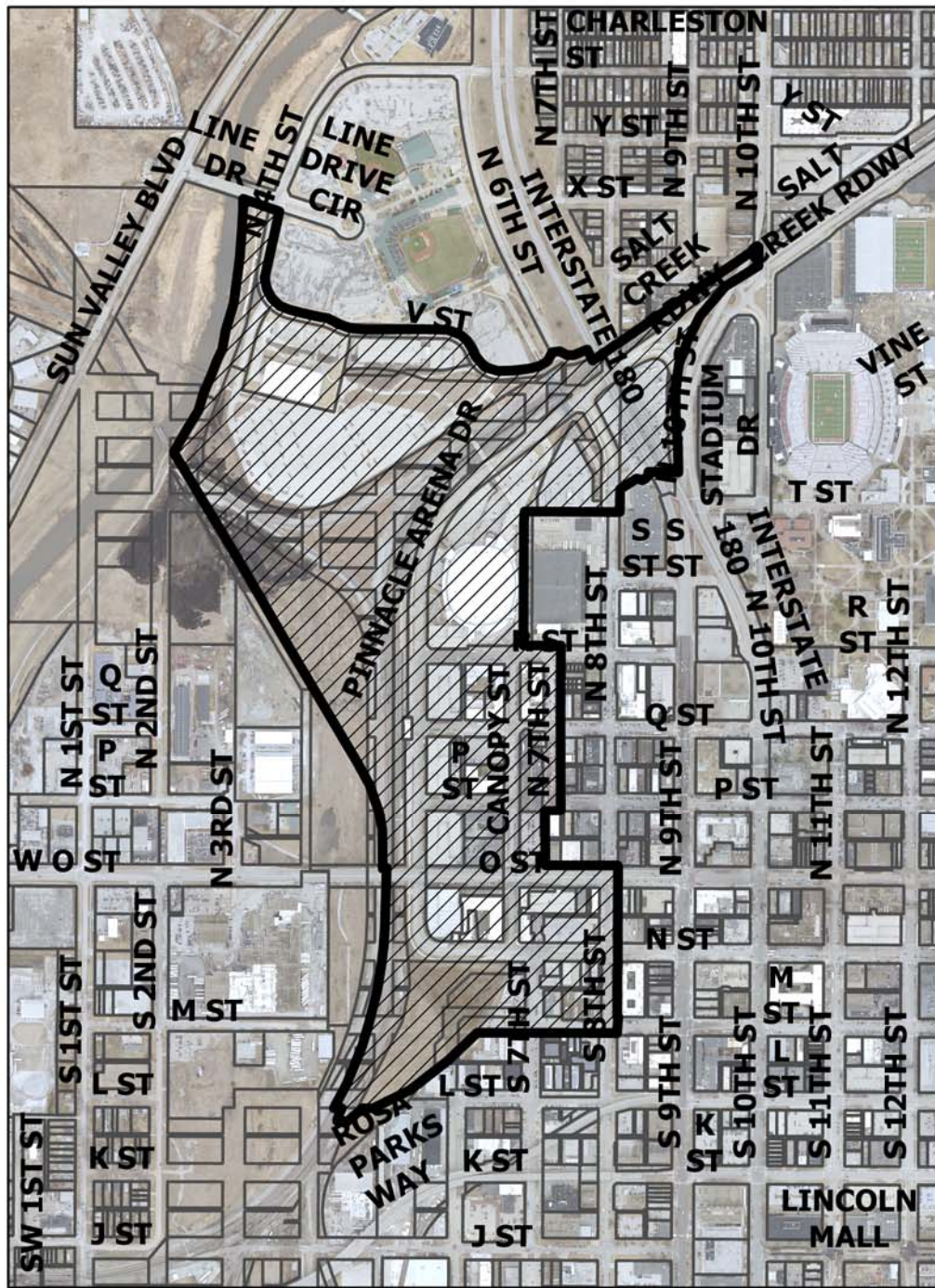
Prepared by Andrew Thierolf, AICP
(402) 441-6371 or athierolf@lincoln.ne.gov

July 17, 2023

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

Contact: Hallie Salem
City of Lincoln Urban Development Dept
(402) 441-7866
hsalem@lincoln.ne.gov

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CPC/23000/CPC23011 Amendment to West Haymarket Redevelopment Project.adt.docx>



2022 aerial

Comprehensive Plan Conformance #: CPC23011
 Lincoln Center Redevelopment Plan
 West Haymarket Redevelopment Project



June 28, 2023

Andrew Thierolf, AICP
Lincoln Lancaster County Planning Department
City / County Building
555 S 10th Street
Lincoln, NE 68508

Dear Andrew:

Please find the amendment to the West Haymarket Redevelopment Project in the Lincoln Redevelopment Plan attached.

Once submitted through Project Dox, please forward the proposed amendment to the Planning Commission for their consideration of its consistency with the Comprehensive Plan at the July 26, 2023 public hearing. We request that the amendment also be scheduled at City Council for introduction on August 14, 2023 and public hearing on August 21, 2022.

If you have any questions about the plan amendment or schedule, please contact me at 402.441.7866 or hsalem@lincoln.ne.gov.

Best Regards,



Hallie Salem
Redevelopment Manager

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Comprehensive Plan Conformance 23012 <i>Amendment to South Haymarket Redevelopment Project</i>	FINAL ACTION? No	OWNER N/A
PLANNING COMMISSION HEARING DATE July 26, 2023	RELATED APPLICATIONS None	LOCATION Approximately 71 acres south of Historic Haymarket and West Haymarket

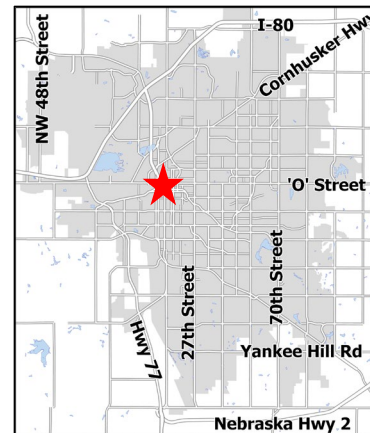
RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

Review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan, a proposed amendment to the South Haymarket Redevelopment Project within the Lincoln Center Redevelopment Plan.

The Project Amendment includes updates to the overall project area, revised project and sub-project descriptions, and a new Phase III that includes the South Haymarket Park Redevelopment Site Sub-Project. The new Sub-Project includes construction of up to a seven-story mixed-use building adjacent to the future public park in South Haymarket. Approximately 20 percent of the housing units in the residential component of the sub-project are expected to be classified as affordable.

The Redevelopment Project Amendment is on file with the Urban Development Department and the Planning Department. The Redevelopment Project Amendment can also be found online on the Planning Application Tracking System (PATS): [CPC23012](https://pats.lincplanning.com/CPC23012).



JUSTIFICATION FOR RECOMMENDATION

The Redevelopment Project Amendment is consistent with the Comprehensive Plan, Downtown Master Plan, South Haymarket Neighborhood Plan, Lincoln Center Redevelopment Plan, Climate Action Plan, and Affordable Housing Coordinated Action Plan. It will help meet the goal of 5,000 new dwelling units in downtown by 2050, contribute to Lincoln’s affordable housing stock, utilize existing infrastructure, and meet the desire for a mix of uses in the downtown area.

APPLICATION/STAFF CONTACT

Hallie Salem
City of Lincoln Urban
Development Dept
(402) 441-7866
hsalem@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

In addition to the specific elements listed above, this Redevelopment Project Amendment contributes to the continued strengthening of the downtown core, which is a guiding principle reflected throughout the Comprehensive Plan, Downtown Master Plan, South Haymarket Neighborhood Plan, and Lincoln Center Redevelopment Plan.

COMPREHENSIVE PLAN SPECIFICATIONS:

Introduction Section: Growth Framework

Fundamentals of Growth in Lancaster County

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

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

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

The Community in 2050

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

Land Use Plan

[Figure GF.b: 2050](#) - The Phase III site is shown as Green Space on the 2050 Future Land Use Plan. At the time of the Comprehensive Plan the exact dimensions of the South Haymarket Park were not known, so a generalized Green Space shape was shown in the area. The surrounding uses shown on the Future Land Use Plan are Commercial, which allows for mixed-use buildings, and this project is appropriate for the area.

Goals Section

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

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

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.

G4: Economic Opportunity - Lincoln and Lancaster County will have high-quality jobs in an economic environment that supports business creation, innovation, and expansion.

Elements Section

E1: Complete Neighborhoods and Housing

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

E2: Infill and Redevelopment

Downtown and Greater Downtown

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

This area is the main hub of employment, entertainment, and higher education. Over the years, there have been significant public and private investments in new building construction, renovations, and infrastructure. In order to capitalize on these collective investments, further development in the Greater Downtown should be realized.

E3: Business, Economy, and Workforce

Downtown

Downtown Lincoln stands as a unique community resource. Downtown is the County's most intensive center of activity, offering a broad mix of retail, office, industrial, residential, and governmental uses.

PlanForward supports implementation of the Downtown Master Plan to preserve and enhance Downtown's role as...the major office and employment center.

Policies Section

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

Action Steps

2. Distribute and preserve affordable housing throughout the community to be near job opportunities and public transit and to provide housing choices within existing and developing neighborhoods.

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

Action Steps

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

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

Action Steps

2. Ensure that new development is compatible with the existing Downtown and is pedestrian-oriented.
3. Maintain the urban environment, including a mix of land uses with a major focus on residential uses, including a variety of types and affordable to diverse income levels.
4. Encourage higher density development with parking areas at the rear of buildings, below grade, or on upper floors of multi-use parking structures.

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

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

DOWNTOWN MASTER PLAN SPECIFICATIONS:

- p. 3.10 An online survey was conducted in 2018 and received 1,700 responses. The top element selected as being most important for improving the overall Downtown experience was: Redevelop underused and vacant sites, such as Pershing Center, Post Office, etc.
- p. 4.1.1 Residential is the strongest market opportunity in Downtown. Downtown housing enhances the region's competitive edge by helping to retain and recruit both young and highly skilled labor. In addition, more residents will make Downtown more vital and support other sectors, including retail and employment.
- p. 4.1.4 Examine existing incentives, such as the City's TIF Policy and Turnback Tax, and develop ways to support a variety of housing types and price points, (affordable, market rate, senior, for sale, high end/ luxury, townhomes, condos) particularly for middle class families.
- p. 4.1.4 Support creation of housing at higher densities in Downtown, and include housing as a key component of mixed use developments.
- p. 4.4.1 Downtown is the economic center of Lincoln, with over 40,000 workers. Job growth is central to the long-term prosperity of Downtown, Lincoln, and the region. This plan aims to maintain Downtown as the economic engine and employment hub for the greater Lincoln region.
- p. 4.4.1 Per the Downtown Market Assessment's Development Forecast, Downtown should establish a goal to grow its workforce by 10% over the next ten years to ensure that Downtown remains the economic engine of the region. In accordance with this job growth, Downtown should aim to absorb at least 533,000 square feet of office space in both existing and new buildings over this same time period.
- p. 4.4.7 Reuse or redevelop vacant or underutilized spaces as opportunities arise.
- p. 4.6.34 Catalyst Project - Create a Signature Urban Park. Both development concepts for the park include a mixed-use development in the general area of this site.

LINCOLN CENTER REDEVELOPMENT PLAN SPECIFICATIONS:

- p. III-8 Intensify and strengthen Lincoln's central business district as a focal point for regional development;
- p. III-8 Provide for compact and interrelated development in order to increase the amount and variety of activity in the core while increasing pedestrian convenience and visual interest;
- p. III-8 Encourage rehabilitation/renovation of existing structures throughout the Community Redevelopment Area;
- p. III-9 Encourage the development of mixed use projects that attract and maintain commercial activity and residential developments in the Downtown and Haymarket areas;
- p. III-9 Encourage development that is consistent and complementary to existing land uses, architectural systems, and building materials found Downtown and in the Haymarket;
- p. III-9 Encourage expanded housing opportunities and types to foster 24-hour activity and a lively street;

SOUTH HAYMARKET NEIGHBORHOOD PLAN SPECIFICATIONS:

- p. 2.5 This property lies within the [N Street Corridor](#) area of South Haymarket.
- p. 2.6 Development along the N Street Corridor should have a focus on high-density residential uses and should be some of the densest in the neighborhood. The allowable building heights in this area of South Haymarket is 75 feet, and new construction should maximize density by constructing up to 75 feet. Generally, buildings should be constructed from property line to property line. Surface parking should be limited with most off-street parking provided in private parking garages.
- p. 3.4 This property is shown as Residential / Mixed-Use on the Future Land Use Map. The mixed-use land use category describes a combination of residential, commercial or other uses. This mix of uses should be spread both horizontally among blocks and vertically within one building.

AFFORDABLE HOUSING COORDINATED ACTION PLAN SPECIFICATIONS:

- p. 8 Over the next decade, Lincoln will need an additional 17,000 units to support projected population growth.
- p. 9 Of the 17,000 additional units, 5,000 of those units will need to rent below \$1,000 a month and almost 4,000 ownership options will need to be priced below \$200,000.
- p. 64 Land costs and changes in the tax law, along with the ability to quickly and easily make profits on market-rate products, has made the participation in Low Income Housing Tax Credit (LIHTC) projects less appealing. Lincoln will need to find ways to increase the appeal of these types of projects, which are an essential source of housing for those making less than 80% AML.

CLIMATE ACTION PLAN SPECIFICATIONS:

- p. 8 Strategic Vision - Lincoln will reduce net greenhouse gas emissions 80% by 2050 (relative to 2011 levels). This ambitious goal will serve as a guiding target for municipal operations, the Lincoln Electric System, local businesses and institutions, and our entire community in the years to come. Lincoln joins scores of cities across the country who have set a similar “80x50” goal to reduce emissions. A myriad of strategies in the plan speak to achieving this target, from increasing energy efficiency, generating more electricity from renewable energy, switching to electric vehicles and active commuting modes, and employing natural climate solutions.
- p. 11 Key Initiative - Transition to Low-Carbon Energy.
Continue incentive-based (residential, commercial, or industrial) programs promoting the installation of renewable energy systems. Incentives may include offering rebates on purchasing equipment, attractive net metering pricing, tax incentives, height allowances, setback, and area-based incentives, expedited permitting, and others.
- p. 14 Key Initiative - Build a Decarbonized and Efficient Transportation System.
Continue to encourage mixed-use development in the Comprehensive Plan.
Consider Transit Oriented Development policies in the update of the Comp Plan 2050.
- p. 18 Key Initiative - Align Economic Development Goals with Climate Realities to Ensure a Thriving Economy.

ANALYSIS

- 1. This is an amendment to the South Haymarket Redevelopment Project in the Lincoln Center Redevelopment Plan. The South Haymarket Redevelopment Project was originally approved in 2015 ([CPC15002](#)) and includes the area generally south of West Haymarket, and bounded by N Street on the north, 9th Street on the east, J Street on the south, and the railroad on the west.

2. Updates to the Redevelopment Project are summarized below and colored red in the submitted [Redevelopment Project Amendment](#) document. The amendment proposes to:
 - a. Adjust the Redevelopment Project Area to include additional rights-of-way and private and public property.
 - b. Update the Project description to be more consistent with the South Haymarket Neighborhood Plan and 2018 Downtown Lincoln Master Plan.
 - c. Update the Cost Benefit Analysis and other descriptive text for Phase I - The Collegiate Housing Sub-Project.
 - d. Note the previous approval of Phase II - The Cotswold Building Sub-Project. The sub-project was approved in 2022 with [CPC21025](#). No changes are proposed for the Phase II Cotswold sub-project, so that section of text is not included in the Redevelopment Plan Amendment.
 - e. Create new Phase III - South Haymarket Park Redevelopment Site Sub-Project.

Redevelopment Project Area Adjustment

3. The Project Area is proposed to expand from approximately 42 acres to 71 acres. The expanded area is west of the original project boundary, generally extending from 7th Street and west to the railroad tracks. This expansion is intended to align more-closely with the South Haymarket Neighborhood Plan study area.

Updates to Overall Project Description (pages 1-4 of the Project Amendment)

4. Since the original adoption of the South Haymarket Redevelopment Project in early 2015, the City adopted two significant planning documents covering the South Haymarket area: the South Haymarket Neighborhood Plan (December 2015) and the Downtown Lincoln Master Plan (2018). This amendment includes updated text to incorporate concepts from those planning documents. Other updates for the overall Project include new text that references existing conditions in 2023 such as zoning, parking, and other redevelopment opportunities.

Updates to Phase I - The Collegiate Housing Sub-Project (pages 5-10 of the Project Amendment)

5. Phase I was constructed in 2015 as 8N Lofts. Since that time, valuations (and tax collections) within the sub-project have exceeded projections, meaning that additional TIF funds are available to be used in the project area. This amendment updates the Cost Benefit Analysis to reflect the additional TIF funds and expands the potential use of funds to include streetscape and street improvements in the project area. Also included in the Phase I amendments are a new project schedule related to street and streetscape improvements, and updated text related to State Statute requirements.

New Phase III - South Haymarket Park Redevelopment Site Sub-Project (pages 10-17 of the Project Amendment)

6. The South Haymarket Park Redevelopment Site Sub-Project is located southwest of 7th & N Streets. The Sub-Project includes construction of up to a seven-story mixed-use building adjacent to the future public park in South Haymarket. The building could have a mix of residential and commercial uses, with up to 190,000 square feet of floor area. Approximately 20 percent of the housing units in the residential component of the project are expected to be classified as affordable. Details of specific uses within the building are currently being determined.
7. The site is currently temporary surface parking and construction staging. The Sub-Project includes demolition, site preparation, and environmental remediation to prepare the site for construction. The site is currently owned by the West Haymarket Joint Public Agency (JPA) and the City of Lincoln. The City will coordinate and carry out potential environmental remediation of the site with Federal Grant Funds, to the extent that they are available, to allow the sale and conveyance of the site for fair value to the private redeveloper.
8. The Sub-Project will include over 45 off-street parking spaces, with the exact number to be determined when building details are finalized. Public parking garages are also near the site and could be utilized by agreement with the City. The site is within the B-4 zoning district so there are no parking requirements.

9. The Sub-Project is intended to enhance Downtown Lincoln as a dynamic, regional, mixed-use center. The Sub-Project is situated at the entrance to the South Haymarket and the future South Haymarket Park and abuts the West Haymarket District and the N Street cycle track.
10. The Sub-Project is consistent with PlanForward, the Lincoln-Lancaster County 2050 Comprehensive Plan. In particular, the Sub-Project supports PlanForward Element 2: Infill and Redevelopment by utilizing underdeveloped commercial land in Downtown and providing the opportunity for high-density, mixed-use development, and Policy 5: Downtown which calls for continuing to make Greater Downtown a major focus for mixed-use, reuse, infill, and redevelopment. Redevelopment of the Sub-Project Site into a mixed-use building incorporating residential and commercial uses is also consistent with the 2050 Lincoln Area Future Land Use Plan.
11. The Sub-Project is consistent with the 2018 Lincoln Downtown Master Plan as well which encourages the reuse or redevelopment of vacant or underutilized spaces as opportunities arise. One of the six catalyst projects identified in the Master Plan is the South Haymarket Park and related redevelopment. This Sub-Project supports the development of the South Haymarket Park by creating a synergistic design and compatible uses that provide “24/7 eyes on the park”. The Master Plan also supports the creation of housing at higher densities at diverse price points and encourages increasing Downtown residential density to drive improvements to retail, restaurants, and to create a more vibrant Downtown.
12. The Sub-Project is also consistent with the Lincoln Center Redevelopment Plan, which encourages development of mixed-use projects that attract and maintain commercial activity and residential developments in the Lincoln Center Redevelopment Area. The Sub-Project supports the revitalization of Downtown as a residential neighborhood anticipated to house a growing population. The Sub-Project proposes to further support improvements to neighborhood street-level pedestrian movements and develop a pedestrian orientation along the building frontage. The Sub-Project also proposes the remediation of a brownfield site and environmental hazards to allow for the highest and best use of the land.
13. The Sub-Project is generally consistent with the South Haymarket Neighborhood Plan and South Haymarket Neighborhood Design Standards. While the Sub-Project will not be built to the property lines, the Sub-Project will generally be built to easement areas required for public utilities in the area and will, therefore, be consistent with the intent of the design standards. Additionally, a dock is anticipated to be constructed on the South 7th Street side of the building, consistent with other docks in the vicinity of the Project.
14. The Sub-Project will meet Lincoln Climate Action Plan and Complete Streets principles by utilizing and enhancing the existing multi-modal transportation system, incorporating green infrastructure strategies where feasible, adding to the City’s tree canopy, and encouraging energy efficiencies within the mixed-use building.
15. The Sub-Project has not yet been reviewed by Urban Design Committee (UDC) because building and site details are currently being finalized. Building and site design will be reviewed by UDC prior to approval of a redevelopment agreement.
16. The public investment for Phase III is expected to be up to \$18.75 million. The source of public funds will be the tax increment generated from the private developments on the Project Site. The public investment will leverage a private investment of approximately \$60 million. More details can be found in the Proposed Cost and Financing section of the redevelopment project amendment.

EXISTING ZONING: B-4 Lincoln Center Business District

EXISTING LAND USES (PHASE III SITE): Temporary parking and construction staging

SURROUNDING LAND USE AND ZONING (PHASE III SITE):

North: Residential (Canopy Park)	B-4 Lincoln Center Business District
South: Commercial	B-4
East: Commercial, Industrial	B-4
West: Future Park	B-4

APPROXIMATE LAND AREA: 2 acres (sub-project), 71 acres (overall project)

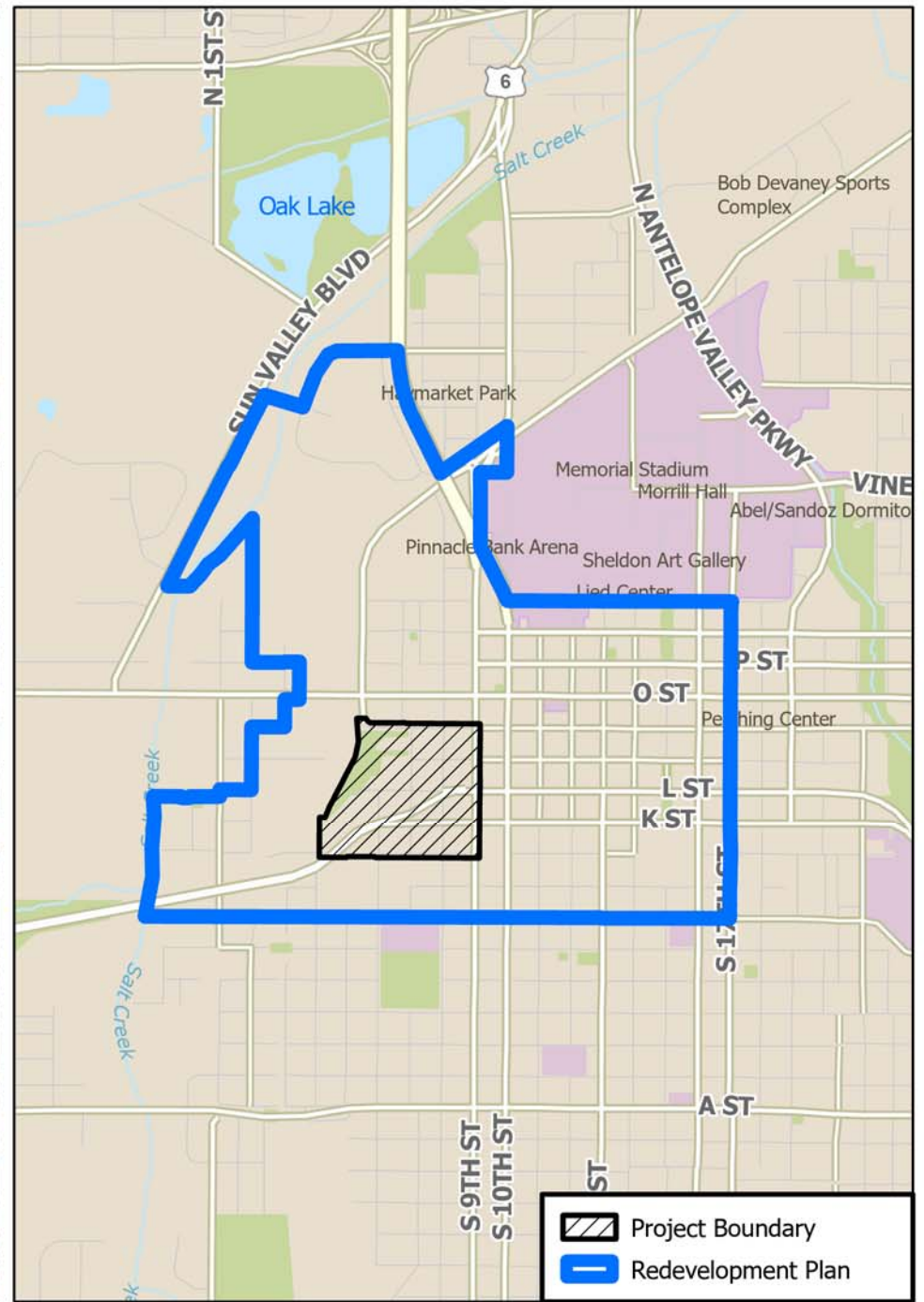
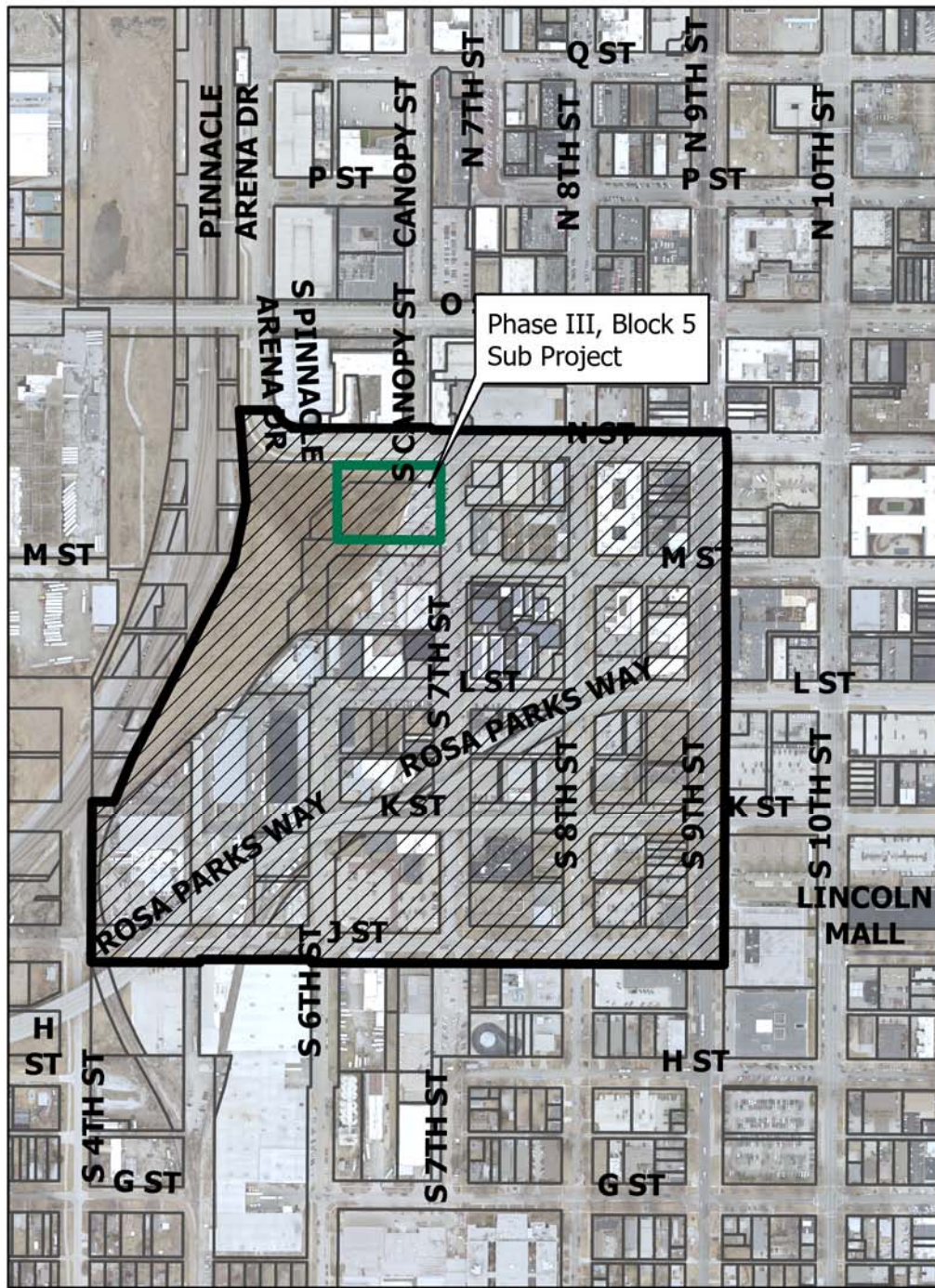
Prepared by Andrew Thierolf, AICP
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July 17, 2023

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

Contact: Hallie Salem
City of Lincoln Urban Development Dept
(402) 441-7866
hsalem@lincoln.ne.gov

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CPC/23000/CPC23012 Amendment to South Haymarket Redevelopment Project.adt.docx>



	Project Boundary
	Redevelopment Plan

2022 aerial

Comprehensive Plan Conformance #: CPC23012
 Lincoln Center Redevelopment Plan
 South Haymarket Redevelopment Project



June 28, 2023

Andrew Thierolf, AICP
Lincoln Lancaster County Planning Department
City / County Building
555 S 10th Street
Lincoln, NE 68508

Dear Andrew:

Please find the amendment to the South Haymarket Redevelopment Project in the Lincoln Redevelopment Plan attached. This Amendment proposes to amend the South Haymarket Redevelopment Project of the Lincoln Center Redevelopment Plan to:

- adjust the South Haymarket Redevelopment Project Area to include additional rights of way and private and public property,
- adjust the description of the Project to be more consistent with the South Haymarket Neighborhood Plan and 2018 Downtown Master Plan, adopted after the Project was approved,
- amend the Phase I – Collegiate Housing Sub Project to be more consistent with the South Haymarket Neighborhood Plan and 2018 Downtown Master Plan, adopted after the Sub Project was approved, and availability of TIF funds for the South Haymarket Redevelopment Area,
- note the previous approval of Phase II, the Cotswold Building Sub Project, and
- create Phase III – South Haymarket Park Redevelopment Site Sub Project.

Once submitted through Project Dox, please forward the proposed amendment to the Planning Commission for their consideration of its consistency with the Comprehensive Plan at the July 26, 2023 public hearing. We request that the amendment also be scheduled at City Council for introduction on August 14, 2023 and public hearing on August 21, 2022.

If you have any questions about the plan amendment or schedule, please contact me at 402.441.7866 or hsalem@lincoln.ne.gov.

Best Regards,



Hallie Salem
Redevelopment Manager



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Text Amendment 23009	FINAL ACTION? No
PLANNING COMMISSION HEARING DATE July 26, 2023	RELATED APPLICATIONS None

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

Multiple amendments are proposed to update the Subdivision and Zoning Ordinances and Design Standards to allow greater flexibility for certain uses, including defining new uses, clarifying text, and removing obsolete or redundant text. These eight amendments include adding commercial kitchens, allowing early childhood care facilities by right in additional districts, and updates to the CUP and Use Permit requirements.

These amendments have been identified previously by staff and from inquiries from the public. This includes inquires for alcohol crafting and commercial kitchens.

JUSTIFICATION FOR RECOMMENDATION

The text amendments will add more flexibility for uses and greater clarity to the affected sections. The amendments do not add any substantial new restrictions and are justified in that they improve the regulations for development.

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

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

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Policies Section

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

Action Steps

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

ANALYSIS

1. This request is for text amendments to the Subdivision and Zoning Ordinances and Design Standards to various sections including: Subdivision Ordinance sections 26.13.010 Lot Consolidation and 26.15.15 Information on a Preliminary Plat; Zoning Ordinance sections 27.02 Definitions, 27.06.110 Education and Instruction Use Group Table, 27.06.140 Food and Drink Establishments Use Group, 27.62.080 Education and Instruction Use Group, 27.63.070 Early Childhood Care Facilities, 27.64.010 Use Permits- Procedures and Requirements, 27.65.080 Design Standards; Density, 27.69.020 Definition of On-Premise Sign and 27.69.340 Permitted Signs for Planned Unit Developments; Design Standards Chapter 3.35 Design Standards for Community Unit Plans.

The amendments are to add more flexibility for certain uses, add clarifications, and remove obsolete and redundant text provisions.

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

Subdivision Ordinance:

26.13.010 Lot Consolidation

The text amendment to this section is to remove the statements about easement releases or relocation of existing easements. This is to allow for the consolidation of two or more lots into one lot through a consolidation plat, which is more expeditious than a regular final plat, even if there are easements involved. Several of the recent consolidation plats have been done to satisfy the Building and Safety Department where building permits are submitted and there are buildings and/or parking areas which are on different lots under the same tax parcel ownership. In most cases, these have involved commercial businesses that are undertaking building expansion or new building construction. A consolidation plat means there are no public improvements needed and no subdivision agreement necessary, which means a quicker approval timeframe. An example of a recent consolidation plat would be the for the Tabitha Intergenerational Facility at S. 48th and L Streets. A few consolidation plats have included easement releases, but it hasn't slowed the process. So there isn't any reason to exclude an application for a consolidation final plat due to an easement release.

26.15.15 Information on a Preliminary Plat

This text change is to remove an obsolete requirement for the Planning Commission chairperson to sign a preliminary plat. This has not been done in approximately 20 years. The City Attorney's Office confirmed there is not a State requirement for such signature.

Zoning Ordinance:

27.02 Definitions

New definitions for Alcohol Crafting and Commercial Kitchen are proposed.

There is increasing demand for various products such as whiskey, gin or vodka created by local businesses. The new Alcohol Crafting definition would include the criteria that it is small scale with maximum limit of 20,000 barrels annually while wine making or other liquors is limited to no more than 100,000 gallons annually. These numbers are derived from the State of Nebraska regulations.

There is also demand nationwide for small kitchens that prepare food that is not sold or picked up on site. The new Commercial Kitchen definition would mean a kitchen for a commercial building where the kitchen is rented out or provided for shared or temporary usage. Commercial kitchens may include, but are not limited to bakeries, baking/cooking academies or catering. The traffic demand for a commercial kitchen is very small compared to a sit down and/or drive through restaurant. So this use is appropriate in all the B and H commercial and all I industrial zoning districts.

27.06.110 Education and Instruction Use Group Table, 27.62.080 Education and Instruction Use Group, 27.63.070 Early Childhood Care Facilities

The amendments to these three sections include changing Early Childhood Care Facilities from Conditional to Permitted in O-1, O-2, O-3, and R-T Districts and from Special Permit to Permitted in the H-4 District. This is an amendment that aligns with the goal (Policy 45, Action Step 2) of the Comprehensive Plan to remove obstacles to

Early Childhood Care Facilities while maintaining safety. A recent example would be SP23019 for the Shady Creek Early Childhood Care Facility. This involved a facility with up to 75 children in O-2 Suburban Office zoning.

27.06.140 Food and Drink Establishments Use Group

In order to keep current with new uses that are in demand in Lincoln, several changes are proposed for small scale food and drink businesses. The first change is to permit small-scale commercial kitchens in other districts besides I-1, including the B and H commercial districts. A Commercial Kitchen is defined in the text amendment as a kitchen for a commercial building where the kitchen space is rented out or provided for shared or temporary usage. Commercial kitchens typically involve baking, cooking and/or preparing food, but no on-site sales of products. The food is typically delivered to a restaurant or another business.

The amendment to this section also proposes to add alcohol crafting as a use that is permitted in the B, H, and I zoning districts. This use would be defined as the small-scale production and distribution of alcoholic beverages, which may include craft breweries, that do not exceed 20,000 barrels annually. The use may also include where wine or other liquors are crafted including a micro distillery where no more than 100,000 gallons of liquor are produced annually. The quantities above for beer and wine/other liquors are derived from the State requirements. Zoning currently allows craft breweries, but not wine and other alcohols.

27.64.010 Use Permits- Procedures and Requirements

These amendments are to the requirements for Use Permits and delete items which are not needed to be shown because they are required elsewhere and not needed in the Use Permit. Such items include parks and playgrounds, open space for residential uses, existing trees and landscape plan and signs. The amendments also include adding waivers, outlots, use for open space and drainage which are commonly shown. This change will thus provide up to date ordinance information for applicants.

27.65.080 Design Standards; Density

This text change adds the maximum density requirements from the Design Standards for CUPs to 27.65.080. The latter along with existing requirements in 27.65 allows for the CUP Design Standards to be deleted. This avoids unnecessary redundancy of the provisions and keeps the CUP provisions all in one place for applicants to find. The cluster density provisions from the Design Standards are not being transferred to 27.65.080 however as density is to be encouraged with the CUP having a maximum cap and through Special Permit.

27.69.020 Definition of On-Premises Sign.

TX22007 approved by City Council in October 2022, amended the definition of on-premises sign to add the text “or within 300 lineal feet from the premises”. The intent of this amendment was to provide flexibility for businesses in a PUD or where it is a larger commercial area. However, the usage of any existing billboards for such businesses that may fall within 300 feet would be allowed by the ordinance, which was clearly not intended. While Planning is not aware of any specific case where this has happened yet, the proposed text amendment removes this text that was added in 2022 without realizing this potential consequence.

27.69.340 Permitted Signs for Planned Unit Developments

These amendments are to clarify for signage allowed in a Planned Unit Development (PUD) where the underlying zoning district would not normally allow. Specifically, in cases where the PUD establishes subarea zoning districts different than the underlying district, the signs are allowed to follow the regulations for the specific subarea district. The current text, which is not clear, is being deleted and new text is being added to make this clear. This has been an issue at sign permit application where signs are proposed, and the Building and Safety Department does not have clarity in the interpretation of the text. Since PUDs may have a base zoning district shown on the overall map and then within the PUD defined separate subareas that may differ, there could otherwise be confusion as to which set of sign regulations to follow depending on the district. Examples of PUDs where there are sub zoning districts include The Woodlands at Yankee Hill (S. 70th and Yankee Hill Road) and Wandering Creek (S. 84th and Van Dorn Street).

Design Standards:

Chapter 3.35 Design Standards for Community Unit Plans.

The Design Chapter for Community Unit Plans is proposed to be deleted because sections 1.1 through 1.8 of Chapter 3.35 are mostly covered in the CUP site plan requirements under 27.65.070 in the Zoning Ordinance. The only item not covered in the design regulations, the density calculations, is proposed to be added to the Zoning Ordinance. This amendment to delete the Design Chapter for CUPs therefore will remove unnecessary redundancy between the Design Standards and the Zoning Ordinance.

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

Prepared by George Wesselhoft, Planner
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Date: July 13, 2023

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<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/TX/23000/TX23009 2023 Text Amendments.gjw.docx>

ORDINANCE NO. _____

1 AN ORDINANCE amending Lincoln Municipal Code Section 26.13.010 Lot
2 Consolidation; When Permitted by taking out the statement concerning no easement releases; by
3 amending Section 26.15.015 Information on a Preliminary Plat by deleting paragraph o. as it no
4 longer applies; by amending Section 27.02.020 A. to add a definition for Alcohol Crafting; by
5 amending Section 27.02.040 C. to add a definition for Commercial Kitchen; by amending Section
6 27.06.110 Education and Instruction Use Group to change “C” Conditional to “P” Permitted in the
7 O-1, O-2, O-3, and R-T zoning districts and change “S” Special Permit to “P” Permitted in the H-
8 4 zoning district for Early Childhood Care Facilities; by amending Section 27.06.140 Food and
9 Drink Establishments Use Group to allow small scale commercial kitchens to be allowed in other
10 districts besides the I-1 zoning district, to allow for offsite sales, and to add Alcohol Crafting and
11 Commercial Kitchen to the Food and Drink Establishment Use Group Table as a “P” Permitted
12 use in the B, H, and I zoning districts; by amending Section 27.62.080 Education and Instruction
13 Use Group to delete the O-1, O-2, O-3, and R-T zoning districts from the list of permitted
14 conditional use; by amending Section 27.63.070 Early Childhood Care Facilities to delete the O-
15 1, O-2, O-3, R-T, and H-4 zoning districts from the list of special permitted use; by amending
16 Section 27.64.010 Procedures and Requirements to delete items that are no longer needed and add
17 items that are needed; by amending Section 27.65.080 Design Standards; Density to add maximum
18 density requirements from the Design Standards for CUPs; by amending Section 27.69.020
19 Definitions to remove the language “within 300 lineal feet from the premises” from the definition
20 of On-Premises Sign to prevent potential use of nearby billboards for signage; and by amending
21 Section 27.69.340 Permitted Signs for Planned Unit Developments to clarify that signs for Planned

1 Unit Developments are allowed where the underlying zoning district would not normally allow
2 signage; and repealing Sections 26.13.010, 26.15.015, 27.02.020, 27.02.040, 27.06.110,
3 27.06.140, 27.62.080, 27.63.070, 27.64.010, 27.65.080, 27.69.020, and 27.69.340 as hitherto
4 existing.

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

6 Section 1. That Section 26.13.010 of the Lincoln Municipal Code be amended to read
7 as follows:

8 **26.13.010 Lot Consolidation; When Permitted.**

9 The Planning Director shall approve or conditionally approve a lot consolidation without public
10 notice or hearing if, on the basis of the complete application, all of the following findings can be
11 made:

- 12 a. The lot consolidation is consistent with the comprehensive plan and the regulations of the
13 zoning and building codes;
- 14 b. The land could be developed as a single premises under the zoning regulations;
- 15 c. The lots to be consolidated are under common ownership;
- 16 d. The lot consolidation does not impair existing easements and will not require the ~~release or~~
17 relocation of ~~existing easements~~, utilities, or infrastructure serving adjacent lots, parcels, or
18 public lands and streets;
- 19 e. The lot consolidation will generally not require installation of any subdivision
20 improvements under [Chapter 26.27](#);
- 21 f. The lot consolidation does not impair existing access or create a need for access to adjacent
22 lots or parcels; and

1 g. The lot consolidation shall not adjust or remove the boundaries between parcels on which
2 any previously required improvements have not been completed.

3 Upon a determination by the Planning Director that the proposed lot consolidation meets all the
4 requirements for approval, the Planning Director shall sign the lot consolidation plat map and the
5 applicant shall cause to be recorded with the Register of Deeds a plot map evidencing the
6 consolidation.

7 Section 2. That Section 26.15.015 of the Lincoln Municipal Code be amended to read
8 as follows:

9 **26.15.015 Information on a Preliminary Plat.**

10 The preliminary plat shall be accurately and legibly drawn to a scale that clearly shows all
11 pertinent information required in this chapter. The proposed layout and design of all the features
12 of the subdivision shall conform to this title and to the **design standards** adopted by the city.

13 The following required information shall be identified and shown on the preliminary plat:

14 a. Name of the subdivision. The name of the subdivision shall not duplicate or approximate
15 the name of an existing subdivision within Lancaster County unless the subdivision is
16 adjacent to that existing subdivision and is an expansion thereof. The distinction shall be
17 made by adding the suffix "1st addition" to the first duplication of the name, and then
18 continuing in sequence.

19 b. North arrow, scale of drawing, date prepared, the sheet number and total number of sheets
20 included within each set of the preliminary plat submittal.

21 c. Labelled contour lines based on NAVD 1988 and at sufficient intervals, not to exceed two
22 feet, to duplicate adequately the existing and proposed topography and land form within

1 and adjacent to the subdivision. The scaled distance between contour lines shall not exceed
2 200 feet.

3 d. Existing and proposed streets and private roadways within and adjacent thereto. This shall
4 include the right-of-way and pavement width, tangent length, the centerline radius of each
5 curve and its interior angle, the angle of intersection with all other streets and private
6 roadways and the name or number of each.

7 Where the preliminary plat submitted covers only a portion of the subdivider's tract, a sketch
8 of the prospective future street system of the unsubmitted part of the tract shall be furnished;
9 and the street system of the part being platted shall be considered in connection with the
10 proper projection of streets into the portion of the tract not being presently platted.

11 e. All lot lines and their dimensions. The dimensions along curvilinear lines shall be noted as
12 being either chord or arc length.

13 f. Lot and block numbers and outlot letters with the total number of each. All lots shall be
14 numbered in sequence beginning with the number one and continuing consecutively through
15 each block with no omission or duplication. All blocks shall be numbered in the same
16 manner. Outlots shall be assigned an alphabetical letter beginning with the letter "A" and
17 continuing through the alphabet. The proposed use of the outlot shall be designated on the
18 plat. Areas, except streets, to be dedicated or reserved for public or private parks or other
19 public areas shall be outlots.

20 g. Areas for schools, parks, playgrounds, fire stations, libraries, and other common areas for
21 public use, along with any requested consideration for such areas.

22 h. The proposed method of providing wastewater collector service to each lot:

- 1 1. If a public or community wastewater collector system is proposed, the size, direction
2 of flow, location of the wastewater collectors, manholes, necessary extensions of the
3 system within or beyond the limits of the subdivision to connect to the city's existing
4 wastewater collector system or to the community wastewater treatment facility, and the
5 location of the community wastewater treatment facility.

- 6 2. If the use of individual wastewater systems is permitted, pursuant to Section [26.27.040](#)
7 of this title, and a septic tank system is proposed, soil and percolation data and plans
8 which show the location of one main subsurface disposal field for each lot which is
9 proposed to be served by a septic tank system, are required. Where the subdivider will
10 permit individual sewage lagoons and the lot area is three acres or more, percolation
11 tests and the location of the subsurface disposal field are not required.

- 12 i. The proposed method of providing water supply to each lot:
 - 13 1. If a public or community water system or rural water district is proposed, the location
14 and size of all water mains, hydrants, and necessary extensions of the system within or
15 beyond the limits of the subdivision to connect to the existing water mains or to the
16 community well.

 - 17 2. If a community water system other than a rural water district is proposed, data on the
18 quantity and quality of the water shall be obtained from one or more test wells within
19 the immediate vicinity of the proposed water supply well.

 - 20 3. If an individual water well system for each lot is proposed, data on the quantity and
21 quality of the water shall be obtained from test wells which shall be drilled on the ratio
22 of one to each ten acres on a grid system. Where geological and hydrological data and

- 1 sodium and chloride tests are available and the results are satisfactory to the health
2 department, the test wells may be waived.
- 3 4. The results of the preliminary tests required above shall in no way be construed to
4 constitute a guarantee by the city of the quantity or quality of water to individual lots
5 in the proposed subdivision, and the data obtained from these tests shall not be used to
6 imply that an adequate quantity or acceptable quality of water is available in the
7 proposed subdivision.
- 8 j. The location and size of all existing wastewater collectors and wastewater treatment
9 facilities, storm drains, culverts, water mains and fire hydrants, power lines, cables, and
10 other underground structures within or adjacent to the subdivision.
- 11 k. The location, width, and purpose of all existing and proposed easements within or adjacent
12 to the subdivision.
- 13 l. The location of all existing and proposed sidewalks, pedestrian ways, and bikeways with
14 required easements and setbacks.
- 15 m. The location of all existing structures and buildings within and adjacent to the subdivision,
16 their existing and proposed use.
- 17 n. A certified accurate boundary survey showing sufficient linear, angular, and curve data to
18 determine the bearing and length of all boundary lines of the subdivision, a legal description
19 thereof, and the number of acres therein. (This survey shall be field measured and shall
20 mathematically close with an error of not more than one in twenty-five thousand
21 (1/25,000).) This survey shall also locate and identify all section corners and section lines.
22 Where the subdivision abuts on an existing plat or other surveyed tracts, the distances,

1 angles, and bearing of any common lines shall be shown; and any differences along common
2 lines of the original survey and the survey of this subdivision shall be noted.

3 ~~e. A certificate for the signature of the chairman of the Planning Commission in a~~
4 ~~form approved by the Planning Director.~~

5 Section 3. That Section 27.02.020 of the Lincoln Municipal Code be amended to read
6 as follows:

7 **27.02.020 A.**

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

10 **Academies** Academies shall mean education and instruction facilities for certain skills, including
11 but not limited to, dance or music academies and gymnastic or martial arts schools. Academies
12 shall not include early childhood care facilities, public schools, private schools, or vocational
13 schools.

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

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

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

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

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

18 **Alcohol Crafting** Alcohol crafting shall mean the small-scale production and distribution of
19 alcoholic beverages, which may include craft breweries that do not exceed 20,000 barrels annually;
20 wine making and the crafting or distillation of other alcoholic beverages; said uses may be
21 associated with a restaurant or bar with public seating and service; typically offer tastings; and
22 typically provides on-site or off-site sale for consumption of the products; Alcohol crafting where
23 wine or other liquors are crafted includes a micro distillery as defined by the State of Nebraska

1 where in no case more than 100,000 or fewer gallons of liquor are produced annually.

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

4 **Amateur Radio Antenna Installation** Amateur radio antenna installation shall mean the
5 installation of the tower, antenna, mast, rotor, and other necessary apparatus by an amateur radio
6 operator at a particular location licensed by the Federal Communications Commission as an
7 amateur radio station for amateur radio communications.

8 For the purposes of this definition:

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

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

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

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

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

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

17 **Animal Hospital** See Veterinary Facility

18 **Apartment** See multiple dwelling unit.

19 **Apartment Hotel** Apartment hotel shall mean a multiple dwelling under resident supervision
20 which maintains an inner lobby through which all tenants must pass to gain access to the
21 apartments and which may furnish services ordinarily furnished by hotels, such as drug store,
22 barber shop, beauty parlor, shoeshine shop, cosmetologists shop, cigar stand, or newsstand, when

1 such uses are located entirely within the building with no entrance from the street nor visible from
2 any public sidewalk, and having no sign or display visible from the outside of the building
3 indicating the existence of such use.

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

5 **Assisted-living Facility** Assisted-living facility shall mean a facility where shelter, food, and care
6 are provided for remuneration for a period of more than twenty-four consecutive hours to four or
7 more persons residing at such facility who require or request such services due to age, illness, or
8 physical disability.

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

12 Section 4. That Section 27.02.040 of the Lincoln Municipal Code be amended to read
13 as follows:

14 **27.02.040 C.**

15 **Campground** Campground shall mean a parcel of land intended for temporary occupancy by,
16 but not limited to, any of the following: tent, cabins, tent trailer, recreational vehicle, or other
17 recreational accommodations.

18 **Care** Care shall mean the exercise of concern or responsibility for the comfort, welfare, and
19 habilitation of persons, including a minimum amount of supervision and assistance with or the
20 provision of personal care, activities of daily living, health maintenance activities, or other
21 supportive services.

22 For purposes of this definition:

1 **Activities of daily living** shall mean transfer, ambulation, exercise, toileting, eating, self
2 administered medication, and similar activities;

3 **Health maintenance activities** shall mean noncomplex interventions which can safely be
4 performed according to exact directions, which do not require alteration of the standard
5 procedure, and for which the results and resident responses are predictable; and

6 **Personal care** shall mean bathing, hair care, nail care, shaving, dressing, oral care, and
7 similar activities.

8 **Center for the Developmentally Disabled** Center for the developmentally disabled shall mean a
9 facility where shelter, food, and care, advice, counseling, diagnosis, treatment, or related services
10 are provided for a period of more than twenty four consecutive hours to sixteen or more persons
11 residing at such facility who have developmental disabilities.

12 **Change of Use** Change of use shall mean the replacement of an existing use by a new use, or a
13 change in the nature of an existing use, but not including a change of ownership, tenancy, or
14 management where the previous nature of the use, line of business, or other function is
15 substantially unchanged.

16 **Childhood Care Facility** See Early Childhood Care Facility.

17 **Children's Home** Children's home shall mean a facility engaged in the service of exercising 24-
18 hour daily care, supervision, custody, or control over sixteen or more children for compensation
19 or hire in lieu of the care or supervision normally exercised by parents in their own home.

20 **Church** See definition for Place of Religious Assembly.

21 **Club** Club shall mean a building or facility owned or operated by persons associated for a social,
22 educational, civic, cultural, labor, or professional or recreational purpose, not operated primarily

1 for profit nor to render a service which is customarily carried on as a business, and which is
2 generally restricted to members and their guests using the facility for the purpose for which they
3 have associated; this shall not include a building of religious assembly, social hall, or the
4 occasional accessory use of a private residence as a meeting place.

5 **Commercial Feed Lot** See Confined Feeding Facility.

6 Commercial Kitchen Commercial kitchen shall mean a kitchen for a commercial building where
7 the kitchen space is rented out or provided for shared or temporary usage. Commercial kitchen
8 typically involves baking, cooking and/or preparing food, but no on-site sales of products.
9 Commercial kitchens may include, but are not limited to, bakeries, baking/cooking academies, and
10 catering.

11 **Commercial Wind Energy Conversion System/ Turbine (CWECS)** Commercial Wind Energy
12 Conversion System/Turbine shall mean a commercial grade wind energy conversion system
13 (WECS) of over 100 Kilowatt (kW) plate rated capacity and intended to be used primarily to
14 provide off-site power.

15 **Conditioned Area.** That area within a building provided with heating and/or cooling systems or
16 appliances capable of maintaining, through design or heat lost/gain, 68° F(20° C) during the
17 heating season and/or 80° F (27° C) during the cooling season, or has a fixed opening directly
18 adjacent to a conditioned area.

19 **Confined Feeding Facility** Confined feeding facility shall mean a facility where the principal
20 business is the feeding of livestock or poultry, also called a commercial feedlot.

21 **Contractor Services** Contractor services shall mean a business which provides a service which is
22 primarily performed off-site. Few customers visit the site. Common examples of contractor
23 services include plumbing, heating, electrical, and air conditioning service, exterminator service,

1 lawn and garden service, and construction services. Contractor services shall not include garbage
 2 or recycling hauling services or tree service. Outdoor storage, machinery, trucks, and service
 3 vehicle fleets are common accessory uses.

4 Section 5. That Section 27.06.110 of the Lincoln Municipal Code be amended to read
 5 as follows:

6 **27.06.110 Education and Instruction Use Group.**

7 Characteristics: The Education and Instruction Use Group is characterized by places that
 8 provide learning, child development, including basic curriculum, post-secondary education, job
 9 skills, technical training, and other instructional courses. Such uses include but are not limited to
 10 academies for business, dance, music, gymnastics, and martial arts; early childhood care
 11 facilities, private elementary and secondary schools, community colleges, colleges, or other post-
 12 secondary education facilities including industrial trade schools.

13 Use Group Table:

27.06.110 Education and Instruction Use Group Table																										
Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3
Academies	S	S	S	S	S	S	S	S	S	S	P	S	S	S	P	P	P	P	P		P	P	P	S		P
Community, satellite, private colleges; vocational schools or other post-secondary education facilities, except industrial trade schools	S	S	S	S	S	S	S	S	S	S	P	S	P	P	P	P	P	P	P		P	P	S	S		P
Industrial trade schools	S	S	S	S	S	S	S	S	S	S	P	S	P	P	P	P	P	P	P		P	P	S	S	P	P
Early childhood care facilities	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P		P	P	P	S	S	S
Private schools	P		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C		C	C	S			S
All other uses in this Use Group															P	P	P	P	P		P	P	P		P	P

1 Section 6. That Section 27.06.140 of the Lincoln Municipal Code be amended to read
 2 as follows:

3 **27.06.140 Food and Drink Establishments Use Group.**

4 Characteristics: The Food and Drink Establishments Use Group is characterized by activities
 5 primarily relating to dining, drinking, and/or minor or occasional entertainment. Establishments
 6 provide indoor and/or outdoor seating and sell food or drinks prepared on site. Areas for
 7 entertainment may also be provided. These uses may be open 24 hours. Such uses include but are
 8 not limited to restaurants, fast food or drive thru eating facilities, bars and other on premises sale
 9 of alcoholic beverages. The Food and Drink Establishments Use Group may also include the
 10 small scale production manufacturing and distribution of food or beverages for facilities
 11 ~~generally located on less than one acre~~ which do not exceed 20,000 square feet of building floor
 12 area such as craft breweries and commercial kitchens ~~local bakeries~~ when those uses also sell
 13 their products on site and/or off site. Said facilities are generally single business entities for the
 14 production of small-scale food and/or beverage products where all the production, processing,
 15 and distribution activities are conducted within an enclosed building.

16 Use Group Table:

27.06.140 Food and Drink Establishments Use Group Table																											
Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3	
<u>Alcohol Crafting</u>															<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Commercial Kitchen</u>															<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
On-sale alcoholic beverages											C		S		S	C	S	P	C	S	S	S	S	S	S	S	S
Restaurants											C		S		P	P	P	P	P	P	P	P	P	P	P	P	P
All other uses in this Use Group															P	P	P	P	P	P	P	P	P	P	P	P	P

17 Section 7. That Section 27.62.080 of the Lincoln Municipal Code be amended to read
 18 as follows:

1 **27.62.080 Education and Instruction Use Group.**

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

5 a. Early childhood care facilities are allowed in the AG, AGR, R-1 thru R-8, ~~O-1, O-2, O-3,~~
6 ~~and R-T~~ zoning districts under the following conditions:

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

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

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

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

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

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

20 Section 8. That Section 27.63.070 of the Lincoln Municipal Code be amended to read
21 as follows:

22 **27.63.070 Early Childhood Care Facilities.**

1 Early childhood care facilities may be allowed by special permit in the AG, AGR, R-1, R-2, R-
2 3, R-4, R-5, R-6, R-7, R-8, ~~O 1, O 2, O 3, R T, H 4~~, I-1, I-2, or I-3 zoning districts under the
3 following conditions:

4 a. The application shall be accompanied by the following information:

- 5 1. The number of children and number of staff members on the largest shift;
- 6 2. A physical description of the facility and a site plan drawn to scale that includes, but is
7 not limited to, the location and arrangement of parking spaces, the traffic circulation
8 pattern, loading and unloading areas, fencing, play area, and entrances/exits to such
9 facility.
- 10 3. If the proposed facility is for twenty-one or more children and is located in a residential
11 district, the application must also include a conversion plan which complies with the
12 [design standards for early childhood care facilities](#).

13 b. Prior to occupancy, such facilities shall comply with all applicable state and local early
14 childhood care and building requirements.

15 c. Facilities with twenty-one to thirty children shall be located on collector or arterial streets.
16 Facilities with thirty-one or more children shall be located on an arterial street. The location
17 of such facilities on such streets shall comply with the design standards for early childhood
18 care facilities.

19 d. The site plan and play area for such facilities shall comply with the design standards for
20 early childhood care facilities.

21 e. The parking and loading/unloading area for such facilities shall comply with the provisions
22 of [Chapter 27.67](#) of the [Lincoln Municipal Code](#). In residential districts, such parking and

1 loading/unloading area shall comply with the design standards for early childhood care
2 facilities.

3 f. If the proposed facility is located in an industrial district, the applicant shall submit to the
4 Health Department, for its review and recommendation, information on the storage and use
5 of hazardous chemicals in the vicinity, evacuation plans and internal air quality control.

6 g. The City Council may modify these conditions, except for condition (b).

7 Section 9. That Section 27.64.010 of the Lincoln Municipal Code be amended to read
8 as follows:

9 **27.64.010 Procedures and Requirements.**

10 Application: Applications for a use permit under this chapter for development in the O-3, R-T,
11 B-2, B-5, and I-3 zoning districts shall be filed by the owner in writing with the Planning
12 Department on a [form](#) provided by the City. Upon filing the application, the City Council shall
13 refer the application to the Planning Commission for its consideration and final action as
14 provided in subsection (g) below.

15 a. Preliminary plan: The Planning Director may require a preliminary plan that may include
16 the following information:

- 17 1. Boundary survey and gross acreage;
- 18 2. Contour lines at intervals not to exceed five feet based on NAVD 1988. Spot elevations
19 on 100-foot grid shall be required to fully indicate the topography on flat land;
- 20 3. Location, width, and direction of flow of all water courses in and adjacent to the use
21 permit area, including the limits of the flood plain and floodway as defined in Section
22 [27.52.020](#) or [27.53.020](#) for Existing Urban Areas and New Growth Areas, respectively;

- 1 4. ~~Requested waivers, if any; Proposed areas for parks and playgrounds: Any parcels other~~
- 2 ~~than streets which are to be dedicated or reserved for public use shall be clearly shown~~
- 3 ~~and said parcels shall be designated as outlots and assigned an alphabetical designation;~~
- 4 5. Street right of way: Profiles along the centerline of the proposed streets and private
- 5 roadways which show the existing ground surface elevations and the proposed street
- 6 grades including the length of vertical curves between changes in grade with the
- 7 profiles for stub streets ending at the boundary of the use permit to be extended 300
- 8 feet beyond the limits of the use permit into subdivided and unsubdivided land;
- 9 6. Utility easements;
- 10 7. Adjacent land use and zoning classifications;
- 11 8. Location of structures on property to be removed;
- 12 9. Vicinity map;
- 13 10. Date prepared, scale, and north point;
- 14 11. Schematic and location of existing buildings;
- 15 12. Parking areas and capacity;
- 16 ~~13. Open space for residential uses (except in the R-T District);~~
- 17 ~~14.13.~~ Use of buildings and outlots, such as ~~retail, service, restaurant, office commercial,~~
- 18 residential, open space, drainage, and other uses;
- 19 ~~15. Height of buildings;~~
- 20 ~~16. Location of existing trees and proposed landscape plan;~~
- 21 ~~17.14.~~ Proposed vehicular and pedestrian circulation system including egress and ingress;
- 22 ~~18.15.~~ Building and parking setback lines;

- 1 ~~19.16.~~ 16. Grading plan;
- 2 ~~20.17.~~ 17. Drainage Study;
- 3 ~~21.18.~~ 18. On-site and off-site water and sanitary sewer improvements;
- 4 ~~22.19.~~ 19. On-site and off-site drainage and storm sewer improvements;
- 5 ~~23.~~ Location of proposed free standing signs;
- 6 ~~24.~~ Cross-section for paving of parking lots and sidewalks;
- 7 ~~25.20.~~ 20. In the B-2 and B-5 districts, proposed name of the shopping center;
- 8 ~~26.21.~~ 21. Name, address, and telephone number of developer; certified record owner or
- 9 owners and addresses; and legal description of the proposed use permit area, including
- 10 the number of acres.

11 b. A Computer-Aided-Design (CAD) file representing only the use permit boundary survey
12 and street centerlines shall be submitted that complies with the CAD Standards for
13 Subdivision Submittals maintained by the Transportation and Utilities Department.

14 c. Environmental performance standards: Any applicant for a use permit under the provisions
15 of this section shall comply with environmental performance standards relating to noise,
16 emission, dust, odor, glare, and heat as shall be from time to time established by various
17 municipal departments and approved by resolution of the City Council.

18 d. Environmental impact statement and market analysis: If any application for a change of
19 zone to the B-5 Planned Regional Business District or for a use permit in the B-5 district
20 under the provisions of this section substantially deviates from the Comprehensive Plan in
21 terms of location or size, as determined by the Planning Director, the applicant shall submit
22 an environmental impact statement and a market analysis in accordance with [Chapters 3.05](#)
23 [and 3.10 of the City of Lincoln Design Standards for Zoning Regulations](#) which shall serve

1 as a guide to the Planning Commission for evaluation of such application in terms of need,
2 desirability, supportability, and its implications for the overall growth of the community.

3 e. Planning Commission review: The Planning Commission shall hold a public hearing upon
4 such application and shall consider the effect of the proposed use upon the surrounding
5 neighborhood, the community as a whole, and other matters relating to public health, safety,
6 and general welfare.

7 f. Planning Commission action: After holding at least one public hearing, the Planning
8 Commission shall proceed to give final consideration to the application. The Planning
9 Commission shall impose such conditions as are appropriate and necessary to ensure
10 compliance with the Comprehensive Plan and protect the health, safety, and general welfare
11 in the issuance of any such use permits. Such conditions may include an increase in the
12 minimum parking and yard requirements and decrease in the maximum height restrictions
13 set forth in this chapter. Lots fronting on private roadways may be permitted. Unless
14 expressly modified by the terms of the use permit, all regulations of the applicable R-T, O-
15 3, B-2, B-5, or I-3 District shall apply. The Planning Commission may require that certain
16 conditions be fulfilled by the applicant in conjunction with approval of the use permit
17 applied for which may include the requirement that applicant grant additional right of way
18 in accordance with the Comprehensive Plan. The Planning Commission may also require
19 the execution of a written agreement with the city relating to the installation of public
20 improvements by the applicant, together with the execution of performance bonds or
21 provision of other appropriate surety relating thereto. The installation of all public
22 improvements shall be accomplished in compliance with existing city standards as provided
23 by ordinance or by departmental publications approved by resolution of the City Council.
24 In the event the Planning Commission fails to act upon the application within ninety days

1 from the date of the Council’s referral of the application to the Planning Commission, the
2 applicant may file a written request with the Planning Director requesting the Planning
3 Commission to take final action on the application. If the Planning Commission fails to take
4 such final action within thirty days following the Planning Director’s receipt of the written
5 request, the Planning Director shall schedule the application on the City Council’s agenda
6 for public hearing and final action.

7 g. Appeal of Planning Commission action:

- 8 1. Any council member, the Mayor, any aggrieved person, or any person or group
9 officially designated to participate in the administration of this title may appeal any
10 action of the Planning Commission to the City Council by filing notice of appeal with
11 the Planning Director within fourteen days following the action of the Planning
12 Commission.
- 13 2. Upon receipt of the appeal by the City Council, the council shall hold a public hearing
14 thereon within thirty days from the date of appeal. Notice of the public hearing shall be
15 given as provided in [Chapter 27.81](#). If the appellant, the applicant, and the Planning
16 Director all agree, the scheduling of an appeal to City Council for a Use Permit may be
17 delayed but in no case shall the public hearing be held more than 180 days from the
18 date of appeal.
- 19 3. In exercising its appellate jurisdiction, the action appealed from shall be deemed
20 advisory and the City Council may, after public hearing, in conformity with the
21 provisions of this title make such decision as ought to be made.

22 h. Adjustment: Upon request of the applicant, the City Council may, after report and
23 recommendation of the Planning Commission, adjust the minimum subdivision

1 requirements, minimum parking, height and lot requirements, sign regulations for location,
2 height, and area of a sign, and specific I-3 use regulations set forth in Title 26 and Title 27
3 provided the public welfare and interest of the City and surrounding area are protected and
4 the general interest and spirit of the regulations are preserved and provided further that in
5 the R-T district, the maximum height of a building shall not exceed the height of the tallest
6 residence on the same and facing block fronts. The Planning Commission shall hold a public
7 hearing upon the requested adjustment at the same time that it hears the application for the
8 use permit and shall make a report to the City Council regarding the effect the proposed use
9 and adjustment has upon the surrounding neighborhood, the community as a whole, and
10 other matters relating to public health, safety, and general welfare. Upon receiving a report
11 from the Planning Commission, the City Council shall take final action upon the use permit
12 and the adjustment.

13 i. Amendment: The Planning Director is authorized to approve amendments to the use permit
14 provided that:

- 15 1. A request for amendment is filed with the Planning Director and, if appropriate,
16 accompanied by a plot plan showing all pertinent information;
- 17 2. Minor increases in the number of dwelling units or total floor area originally authorized
18 by the Planning Commission or City Council may be approved if such increases will
19 not cause a significant adverse impact on the public infrastructure, existing
20 development within the use permit, and adjoining properties. Minor increases shall not
21 exceed more than fifteen percent (15%) cumulative additional dwelling units or total
22 floor area. However, the Planning Director may approve the conversion of floor area to
23 dwelling units, regardless of the percentage increase, so long as the number of dwelling

- 1 units is no greater than the density allowed by the lot area requirements of the
2 underlying zoning district.
- 3 3. The Planning Director may approve minor modifications to parking requirements in
4 conformance with the provisions of Section [27.67.045\(b\)](#).
- 5 4. Amendments shall preserve the intent and spirit of the approved development plan;
- 6 5. Amendments shall not violate any regulation set forth in this title;
- 7 6. No change is made to the applicable setback, yard, or height requirements for lots along
8 the perimeter of the use permit;
- 9 7. Minor internal changes to the applicable setback, yard, or height requirements may be
10 made within the use permit if they conform to the intent of the approved use permit and
11 do not adversely impact existing development within the use permit;
- 12 8. Any amendment not in conformance with this paragraph shall be submitted to the
13 Planning Commission in the same manner as a formal application for use permit.
- 14 j. Building permits, certificates of occupancy, and certificates of compliance: Upon the
15 approval of a use permit as provided for under this section, building permits and certificates
16 of occupancy may be issued. Certificates of compliance shall not be issued until there has
17 been compliance with all conditions of a use permit and subsequent amendments within
18 each phase of development of a use permit.
- 19 k. Preexisting uses: An existing use of a type permitted in this chapter which was lawfully
20 established in this district on the effective date of this title shall be deemed to have received
21 a use permit as herein required and shall be provided with such permit by the Director of
22 Building and Safety upon request, and it shall not be a nonconforming use; provided,

1 however, for any enlargement, extension, or relocation of such existing use, an application
2 in conformance with this section shall be required.

3 1. If an application for a use permit located within a flood plain is granted approval by the city,
4 it shall not be necessary for the applicant to make an application for a special permit to be
5 approved by the City Council as required by Resolution Nos. A-55150, A-56382, and A-
6 57540. It shall be presumed that the applicant has received all such approvals as may be
7 required by the foregoing resolutions by virtue of the city granting approval to the use
8 permit.

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

19 Section 10. That Section 27.65.080 of the Lincoln Municipal Code be amended to read
20 as follows:

21 **27.65.080 Design Standards; Density.**

22 The density of a community unit plan, ~~the shape, size, and location of buildings, required open~~
23 ~~space buffers, recreational facilities, and utilities~~ shall be ~~constructed~~ in conformance with the
24 ~~calculation method below~~ calculation method below ~~design standards adopted by resolution of the City Council.~~

1 Following is the method of calculating the maximum number of dwelling units for an amount of
2 land area in a particular zoning district; however, the City shall have no obligation to grant the
3 maximum calculated number of dwelling units in every instance. City will also consider the
4 character and density of the surrounding land area, the height, width, length and position of the
5 proposed buildings, the proposed open space along the exterior limits of the C.U.P., the usefulness
6 of all proposed open space, the total area covered by proposed buildings and pavement, and traffic
7 volume and circulation.

8 **1. Maximum Density.**

9 A. General density. The maximum density within the boundaries of a C.U.P. shall be
10 calculated as follows:

11 i. AG Agriculture District - 0.055 dwelling units per acre.

12 ii. AGR Agriculture Residential District - 0.27 dwelling units per acre.

13 iii. R-1 Residential District - 3.87 dwelling units per acre.

14 iv. R-2 Residential District - 5.80 dwelling units per acre.

15 v. R-3 Residential District - 6.96 dwelling units per acre.

16 vi. R-4 Residential District - 13.93 dwelling units per acre.

17 vii. R-5 Residential District - 29.04 dwelling units per acre.

18 viii. R-6 Residential District - 48.4 dwelling units per acre.

19 ix. R-7 Residential District - 62.23 dwelling units per acre.

20 x. R-8 Residential District - 79.20 dwelling units per acre.

21 B. If the property within the boundaries of a C.U.P. is located in more than one zoning
22 district, the maximum density and number of dwelling units per acre within each zoning

1 district shall be calculated as provided in 1.A. above and added together to arrive at the
2 total maximum density and number of dwelling units per acre for the C.U.P. The
3 maximum density and number of dwelling units per acre for any individual zoning
4 district may be transferred to and located within any other R-1 through R-8 zoning
5 district within the boundaries of the C.U.P. provided the total maximum density and
6 number of dwellings units for the C.U.P. is not exceeded.

7 Pre-existing buildable lots located adjacent to a community unit plan may be included within the
8 limits of the community unit plan and the previous permitted density from said pre-existing
9 buildable lots may be transferred to another area in the community unit plan without affecting the
10 overall density of the community unit plan as determined by the adopted design standards.

11 Section 11. That Section 27.69.020 of the Lincoln Municipal Code be amended to read
12 as follows:

13 **27.69.020 Definitions.**

14 For the purpose of this chapter, certain terms and words are hereby defined.

15 **Animation** shall mean the movement of any object or light used in conjunction with a sign such
16 as blinking, flashing, traveling, scrolling, or changing degree of intensity of any light movement
17 other than burning continuously.

18 **Center** shall mean the area within the boundaries of a planned unit development (PUD), use
19 permit, or special permit for a planned service commercial development (collectively a “planned
20 commercial center”). Center shall also mean any other area not within the boundaries of a planned
21 commercial center in which any building or group of buildings has two or more businesses sharing
22 parking and access.

23 **Center Identification Sign** shall mean a sign on which at least 10% of the sign area identifies a

1 center by name, address, or symbol. In addition to the name of the center, the center identification
2 sign may also display the names of the businesses within the center. A center sign may be located
3 on any property within the center without being considered an off-premises sign.

4 **Changeable Copy Sign** shall mean any sign on which message copy can be changed through the
5 use of attachable letters and numerals or by electronic switching of lamps, light emitting devices,
6 or illuminated tubes. This includes public message displays or any sign which features automatic
7 switching such as time and temperature signs.

8 **Commercial Sign** shall mean any sign which serves to advertise and/or identify a product,
9 service, or activity conducted on or off the premises on which the sign is located.

10 **Directional Sign** shall mean any sign that is designated and erected for the purpose of providing
11 direction and/or orientation for pedestrian or vehicular traffic. A business name and/or logo is
12 permissible on a directional sign.

13 **Electric Sign** shall mean any sign containing electrical wiring which is attached or intended to be
14 attached to an electrical energy source, but not including signs illuminated by an exterior light
15 source not an integral part of the sign.

16 **Electronic Changeable Copy Sign** shall mean a sign containing a computer or digital software
17 generated message or other automated or remote method of changing copy.

18 **Erected** shall mean attached, altered, built, constructed, reconstructed, enlarged, or moved and
19 shall include the painting of wall signs.

20 **Facade** shall mean that portion of any exterior elevation of a building extending vertically from
21 the grade to the top parapet wall or eaves and horizontally across the building in one plane of
22 elevation. A facade may extend above the roof line.

1 **Fade** shall mean a transition from one message to another by means of varying light intensity,
2 where the first message gradually reduces intensity to the point of not being legible and/or
3 gradually increases intensity to become legible.

4 **Flag** shall mean a sign constructed of a nonrigid piece of fabric attached to a pole structure on one
5 vertical side only.

6 **Flashing/Blinking/Pulsating Sign** shall mean the interior or exterior of a sign which contains
7 flashing lights or exhibits noticeable changes in light intensity with a basic on-off of the same light
8 source or display pattern or which includes the illusion of intermittent or flashing light by means
9 of animation, or an externally-mounted intermittent light source.

10 **Freestanding Sign** shall mean any sign supported by structures or supports that are anchored in
11 the ground and that are independent from any building or other structure.

12 **Ground Sign** shall mean any freestanding sign in which the top edge of the sign is ten feet or less
13 above grade.

14 **Height of a Sign** shall mean the distance between the lowest grade level within two feet of either
15 side of a sign, and the highest part of the sign or its support; except that if the property was lower
16 than the adjacent roadway, then the height of the sign is to be calculated from the street grade at a
17 ninety degree angle from the sign.

18 **Illuminated Sign** shall mean any sign which is directly lighted by any electrical light source,
19 internal or external, regardless of technology. This definition shall not include signs which are
20 illuminated by street lights or other light sources owned by any public agency or light sources
21 which are specifically operated for the purpose of lighting the area in which the sign is located
22 rather than the sign itself.

23 **Marquee (canopy or awning)** shall mean a protective shelter or overhang which projects more

1 than twenty-four inches from the face of a building that is otherwise permitted by code or
2 ordinance.

3 **Marquee Sign** shall mean a sign attached to the face or on top or below a marquee.

4 **Menu Board Sign** shall mean a permanently mounted sign facing a drive thru lane and displaying
5 the selection of food and beverage items available for an eating establishment with a drive thru
6 lane.

7 **Mobile Sign** shall mean a sign designed and constructed to be transported by its own wheels.
8 When placed, a mobile sign must be supported by at least four integral metal supports which raise
9 the wheels off the ground. Such sign shall not exceed ten feet in height.

10 **Mural** shall mean an artistic image or design painted or affixed to the exterior surface of a structure
11 that does not contain a commercial text message, graphic, or image.

12 **Nit** shall mean a unit of luminance equal to one candela (one candle) per square meter.

13 **Noncommercial Sign** shall mean any sign that is not a commercial sign.

14 **Nonstructural Trim** shall mean the molding, battens, caps, nailing strips, latticing, cutouts, or
15 ladders and walkways which are attached to the sign structure.

16 **Off-Premises Sign** shall mean any sign which serves to advertise a product, service, or activity
17 not conducted on the premises on which the sign is located or within 300 lineal feet thereof.

18 **On-Premises Sign** shall mean any sign which serves to advertise and/or identify a product,
19 service, or activity conducted on the premises on which the sign is located ~~or within 300 lineal feet~~
20 ~~from the premises~~, or identifies said premises or a use thereof.

21 **Person** shall mean and include any person, firm, partnership, association, corporation, company,
22 or organization of any kind.

1 **Pole Sign** shall mean any freestanding sign in which the top edge of the sign is more than ten feet
2 above grade.

3 **Projecting Sign** shall mean any sign other than a wall sign which is attached to and projects at an
4 angle of not less than forty-five degrees from a structure or building face.

5 **Projection** shall mean the distance by which a sign extends beyond a building or structure.

6 **Real Estate Sign** shall mean any sign which identifies an offer to sell, rent, or lease the premises
7 on which the sign is located.

8 **Reveal** shall mean a message transition where portions of the message appear and/or disappear
9 sequentially.

10 **Roof Line** shall mean the uppermost exterior surface of the roof of a building.

11 **Roof Sign** shall mean any sign mounted on the main roof portion of a building or on the top most
12 edge of a parapet wall of a building; and which is wholly or partially supported by such building.

13 For the purpose of this chapter, signs mounted on mansard facades, penthouse eaves, facades, and
14 architectural projections such as canopies or marquees shall not be considered to be roof signs.

15 Signs mounted on an ornamental attachment not used for shelter or protection of persons or
16 property, such as cupolas, shall be considered roof signs.

17 **Rotating Sign** shall mean any sign or portion of a sign which moves in a revolving or similar
18 manner, but not including multi-prism indexing signs.

19 **Seasonal or Holiday Sign** shall mean any noncommercial signs used for special occasions, such
20 as religious and national holidays.

21 **Scroll or Travel** shall mean a message transition where the message that is leaving or appearing
22 appears to move vertically or horizontally across the display surface.

1 **Sign** shall mean any structure, fixture, graphics, illustration, statue, or other device visible from
2 off the premises designed or intended to advertise, to identify, to attract attention to, or to convey
3 information regarding any goods, product, service, business, location, institution, activity, person,
4 solicitation, issue, or campaign, with the exception of merchandise window displays, national,
5 state, or other Nebraska governmental subdivision flags, and sculpture. For purposes of removal,
6 sign shall also include any sign structure.

7 **Sign Structure** shall mean any structure which is designed or used to support any sign as defined
8 in this chapter. A sign structure may be a single pole and may or may not be an integral part of the
9 building.

10 **Temporary Sign** shall mean any outdoor sign or device including, but not limited to, banners,
11 pennants, flags, or advertising display constructed of cloth, canvas, light fabric, cardboard, or other
12 light materials, with or without frames, intended to be displayed for a limited period of time and
13 which is not permanently affixed; provided, that temporary signs shall not include mobile signs.

14 **Wall Sign** shall mean any sign painted on or attached to the wall or facade of a building with the
15 display surface parallel to or at an angle to which it is attached, and which projects no more than
16 twenty-four inches from the wall surface. No wall sign shall extend vertically or horizontally
17 beyond the building facade from which the sign is attached. A wall sign may project into a right-
18 of-way. A wall sign may be located at any height on a parapet or facade. A wall sign may be
19 mounted on a mansard facade or penthouse facade.

20 **Window Sign** shall mean a sign installed inside a window which can be viewed from outside the
21 premises and is six feet or less from the window or is located within a window display area formed
22 by walls or doors that block the view into the main building.

1 Section 12. That Section 27.69.340 of the Lincoln Municipal Code be amended to read
2 as follows:

3 **27.69.340 Permitted Signs for Planned Unit Developments.**

4 In any zoning district where a planned unit development has been approved, the specific
5 regulations are as follows:

6 a. For nonresidential uses:

7 1. Where a use is not otherwise permitted in the underlying district or authorized through
8 modification of the sign regulations by the City Council pursuant to Section
9 27.60.020(b)(2): One illuminated wall sign per business is permitted. If the floor area
10 is 2,000 square feet or less, the sign shall have a maximum of twenty square feet of sign
11 area. For a business with a floor area of over 2,000 square feet, one square foot of sign
12 area per 100 square feet of floor area (maximum of fifty square feet) is permitted. One
13 illuminated freestanding sign per building not exceeding fifty square feet in sign area
14 and six feet in height is permitted. Such sign shall be located from the front lot line at
15 least one-half of the required setback distance.

16 2. In instances where the planned unit development establishes subarea zoning districts
17 different than the underlying district, the signs shall follow the regulations for the
18 specific subarea district.~~In all other instances, signs for office uses and retail uses shall~~
19 ~~respectively be governed by the O-3 district provisions in Section 27.69.040 Table 3,~~
20 ~~B-2 district provisions as described in Section 27.69.040 Table 3, and the I-3 district~~
21 ~~provisions as described in Section 27.69.040, Table 3.~~

22 b. The sign regulations in this section may be modified by the City Council.

1 Section 13. That Sections 26.13.010, 26.15.015, 27.02.020, 27.02.040, 27.06.110,
2 27.06.140, 27.62.080, 27.63.070, 27.64.010, 27.65.080, 27.69.020, and 27.69.340 of the Lincoln
3 Municipal Code as hitherto existing be and the same are hereby repealed.

4 Section 14. This ordinance shall be published, within fifteen days after the passage
5 hereof, in one issue of a daily or weekly newspaper of general circulation in the City, or posted on
6 the official bulletin board of the City, located on the wall across from the City Clerk's office at
7 555 S. 10th Street, in lieu and in place of the foregoing newspaper publication with notice of
8 passage and such posting to be given by publication one time in the official newspaper by the City
9 Clerk. This ordinance shall take effect and be in force from and after its passage and publication
10 or after its posting and notice of such posting given by publication as herein and in the City Charter
11 provided.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2023: _____ Mayor

RESOLUTION NO. A-_____

1 WHEREAS, the City of Lincoln has previously adopted the City of Lincoln Design
2 Standards consisting of four titles (Title 1. General Provisions, Title 2. Design Standards for
3 Subdivision Regulations, Title 3. Design Standards for Zoning Regulations, and Title 4.
4 Miscellaneous Design Standards) and Appendix A – Sight Distance; and

5 WHEREAS, the Planning Director has proposed to amend Title 3 Design Standards
6 for Zoning Regulations by repealing Chapter 3.35 Design Standards for Community Unit Plans in
7 its entirety as these conditions are set forth in the Lincoln Municipal Code.

8 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
9 Lincoln, Nebraska:

- 10 1. That Chapter 3.35 Design Standards for Community Unit Plans be and the
11 same is hereby repealed as shown on Attachment “A” which is attached hereto and incorporated
12 herein by this reference.

Introduced by:

Approved as to Form & Legality:

City Attorney

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

CHAPTER 3.35 DESIGN STANDARDS FOR COMMUNITY UNIT PLANS

The Planning Department is assigned responsibility for administration of these design standards.

Section 1. GENERAL REQUIREMENTS

Following is the method of calculating the maximum number of dwelling units for an amount of land area in a particular zoning district; however, the developer shall in no way assume that the City will grant the calculated maximum number of dwelling units. The City will also consider the character and density of the surrounding land area, the height, width, length and position of the proposed buildings, the proposed open space along the exterior limits of the C.U.P., the usefulness of all the proposed open space, and the total area covered by proposed buildings and pavement, and traffic volume and circulation.

1.1 Maximum Density

A.—General density. The maximum density within the boundaries of a C.U.P. shall be calculated as follows:

- 1.—AG Agriculture District—0.055 dwelling units per acre.
- 2.—AGR Agriculture Residential District—0.27 dwelling units per acre.
- 3.—R-1 Residential District—3.87 dwelling units per acre.
- 4.—R-2 Residential District—5.80 dwelling units per acre.
- 5.—R-3 Residential District—6.96 dwelling units per acre.
- 6.—R-4 Residential District—13.93 dwelling units per acre.
- 7.—R-5 Residential District—29.04 dwelling units per acre.
- 8.—R-6 Residential District—48.4 dwelling units per acre.
- 9.—R-7 Residential District—62.23 dwelling units per acre.
- 10.—R-8 Residential District—79.20 dwelling units per acre.

B.—Cluster density. The number of dwelling units per acre within the boundaries of a C.U.P. shall not exceed the following cluster density:

- 1.—AG Agriculture District—One (1) dwelling unit per acre with community sewer and water systems. However, if the individual septic tank and tile field sewer system is used it shall be constructed and installed in accordance with Chapter 24.38 of the Lincoln Municipal Code.
- 2.—AGR Agricultural Residential District—Three (3) dwelling units per acre with community sewer and water systems. However, if the individual septic tank and tile filed system is used it shall be constructed and installed in accordance with Chapter 24.38 of the Lincoln Municipal Code.
- 3.—R-1 and R-2 Residential District—12 dwelling units per acre.
- 4.—R-3 Residential District—25 dwelling units per acre.
- 5.—R-4 Residential District—30 dwelling units per acre.
- 6.—R-5 Residential District—45 dwelling units per acre.
- 7.—R-6 Residential District—75 dwelling units per acre.

The area of adjacent open space within the community unit plan may be added in computing the permitted cluster density only if:

- a.—The open space bounds the area of the cluster on one or more sides;
 - b.—The open space was not used for the computation of density in another cluster
 - c.—The open space is reasonable accessible by pedestrians from 75 percent of all dwelling units within the cluster
 - d.—The open space is not separated from the cluster by a public street, highway, private roadway, driveway, a streambed or railroad when they act as barriers by reason of traffic volume, physical characteristics or adverse ownership pattern where easement area not acquired.
- C.—If the property within the boundaries of a C.U.P. is located in more than one zoning district, the maximum density and number of dwelling units per acre within each zoning district shall be calculated as provided in 1.1.A above and added together to arrive at the total maximum density and number of dwelling units per acre for the C.U.P. The maximum density and number of dwelling units per acre for any individual zoning district may be transferred to and located within any other R 1 through R 8 zoning district within the boundaries of the C.U.P. provided the total maximum density and number of dwellings units for the C.U.P. is not exceeded.

1.2 Shape, size and locations of buildings; open space buffers

- a.—The open space between different type of buildings within the community unit plan (single, family, duplex and multiple family) shall be increased when the differences in height, width and length, and the number of dwelling units per building increases.
- b.—A multi-family dwelling which exceeds the zoning district height shall be set back from all yard lines adjacent to an existing or planned single or two family dwelling a distance of 40 feet or the height of the multiple family dwelling whichever is greater. Garages, driveways and other accessory buildings for the multi-family dwelling are allowed in this setback area provided the additional landscape screening required by Section 7.3.c of Chapter 3.50 of the City of Lincoln Design Standards for Screening and Landscaping are met.

1.3 Single housing type developments

If all of the dwelling units constructed within a community unit plan are of one housing type, the design standards relating to shape, size and location of buildings and siting of open space may be waived or modified to provide the most advantageous siting for such a development. However, multiple family building development shall conform to the setbacks and open space requirements along the exterior boundaries of the C.U.P.

1.4 Recreational facilities

Adequate and appropriate recreational facilities shall be provided in the common open areas to serve the needs of the development and the anticipated occupants to fulfill the needs of occupants whether they are young, elderly handicapped, etc. Such facilities shall be readily accessible from the dwelling units in the community unit plan. These shall comply with the design standards for Recreation facilities as established by resolution of City Council. Said design standards shall be on file in the office of the City Clerk.

1.5 Parking

All parking within the community unit plan shall be regulated in conformance with the provisions of Chapter 27.67 of the Lincoln Municipal Code.

1.6 Utilities

~~The design, construction and installation of streets, roadways, driveways, parking lots, storm sewers, water mains, sanitary sewers and other improvements shall comply with the written design standards for the particular improvement and utility as established by resolution of City Council. Said design standards shall be on file in the office of the City Clerk.~~

1.7 Street trees

~~Street trees shall be provided on private streets and shall comply with the design standards for Street Tree Plantings as established by resolution of City Council. Said design standards shall be on file in the office of the City Clerk.~~

1.8 Easements

- ~~A. The developer shall provide easements for the public utilities within the community unit plan.~~
- ~~B. The developer shall dedicate easements which will allow public use of private roadways.~~

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

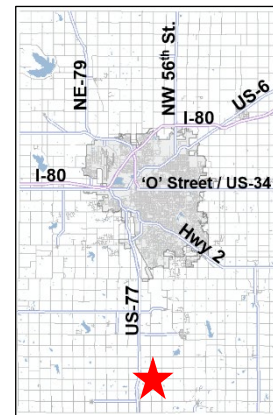
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #16026A	FINAL ACTION? Yes	DEVELOPER/OWNER Kevin James
PLANNING COMMISSION HEARING DATE July 26, 2023	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION S. 68 th St. and Princeton Rd.

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a Community Unit Plan (CUP) on approximately 225 acres to develop 14 lots. Lots range in size from 12 acres to one acre and will have individual wells and waste-water systems. Most lots will take access off interior public roads. Direct access to S. 68th St. from the lots will be relinquished. The applicant is requesting a waiver to block length and one existing lot without street frontage.



JUSTIFICATION FOR RECOMMENDATION

The proposal meets the intent of a rural cluster subdivision under the AG zoning. The preservation of open space and clustering of lots meet the goals of development in the agricultural area of the County. The waivers are typical in rural subdivisions with large lots.

APPLICATION CONTACT

Mike Eckert, Civil Design Group
402-434-8494 meckert@civildg.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The special permit for a Community Unit Plan is in conformance with the 2050 Comprehensive Plan. The clustering of lots to preserve open space is a goal of the Comprehensive Plan.

WAIVERS

1. Section 4.07 of Lancaster County Subdivision Regulations for block length. (Recommend Approval)
2. Section 4.08(l) of Lancaster County Subdivision Regulations to allow Lot 1, Block 1 without street frontage. (Recommend Approval)

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

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

Land Use Plan - Agricultural. Land principally in use for agricultural production and compatible industries like solar and wind energy production. Agricultural land may be in transition to more diversified agribusiness ventures such as growing and marketing of products (e.g., horticulture, silviculture, aquaculture) on site. Some land in the Agricultural category may be enrolled in voluntary preservation programs such as the USDA Conservation Reserve Program (CRP).

Fundamentals of Growth in Lancaster County

The Rural Environment

Focus on Agriculture. Rural areas should be preserved for agriculture, a limited supply of low density residential, and other compatible land uses. Acknowledge the fundamental “right to farm” in agriculture districts.

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).

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.

G11: Rural Environment

Demand remains for additional acreage development in rural areas. The Future Land Use Plan currently includes area for about 23 years of additional acreage development in rural areas. Acreages must be located in appropriate locations in order to reserve land resources for efficient future urban development, agriculture, and the natural environment, while preserving the rural quality of life for existing and future residents.

Elements Section

Rural Housing

New acreage development is not encouraged in any of the Growth Tiers except for areas already platted, zoned, or designated for low density residential development.

All proposals for acreages, whether designated on the future land use map for low density residential or not, should be evaluated based on factors such as paved roads, adequate water quality and quantity, soil conditions for on-site wastewater management, availability of emergency services, agricultural productivity, land parcelization, the pattern of existing acreages, and plans for future urban development. Applications for acreage designation on the future land use map or rezoning to AGR, if planned for on-site wells, should be accompanied by information on water quality and quantity.

Policies Section

P4: Rural Housing. Allow for acreage development in appropriate areas of Lancaster County while preserving land resources for efficient future urban development, continued agricultural uses, and natural open spaces.

Action Steps

Support acreage development within areas with development approvals, on areas designated as low-density residential in the County and on areas designated as low-density residential in the village and smaller city

ANALYSIS

1. This request is for a Special Permit to amend Doc's Creek Community Unit Plan (CUP) to add 7 lots for a total of 14 acreage lots. Each lot will have individual waste-water system and well. The 10 new lots range in size from approximately one acre to three acres. Each lot will access a public street. A 25% dwelling unit bonus is being requested for preservation of farmland and open space.
2. The amended CUP adds 72.76 acres to the previous CUP for a total of 225.79 acres. With the additional acres, 7 additional lots are allowed. All 7 lots are in the north portion of the CUP. The previously approved plan had 3 lots in the southeast portion of the site. Those 3 lots are now shown in the north portion of the site.
3. AG Agricultural zoning allows one dwelling unit per 20 acres. Through the provisions of the Community Unit Plan, bonus lots can be granted when a minimum of 70% of the development area is preserved as open space. These bonuses can be granted for a 25% increase of the allowable density. With the bonus, 14 dwelling units are allowed.
4. A waiver to block length is requested. Section 4.07 of the Lancaster County Land Subdivision Regulations states that no block shall be longer than 1,320 feet between cross streets. This is mainly for urban type subdivisions and is not practical for acreage developments with lots over 3 acres in size. Larger block lengths are typical in rural acreage developments. A street would have been required, even with a cluster subdivision, to the east. However, due to the drainage way and potential for the dam to be restarted in the future, the street isn't possible to the east.
5. The applicant has requested a waiver to street frontage for Lot 1, Block 1. This lot location was previously approved with Special Permit 16026. In reviewing the resolution for SP16026 no waiver to street frontage was listed. By adding the waiver, it clarifies any confusion. The access easement may become a street in the future if Lot 12 or 13 further subdivide.
6. The applicant submitted well information on 7 existing wells in the immediate area. Lincoln-Lancaster County Health Department (LLCHD) reviewed the water report and does not object to the proposed development. The anticipated water usage for each house is 216 gallons per day based on 2.4 persons per household. With 14 lots the estimated water usage is 3,024 gallons per day for the entire development.
7. The Lower Platte South Natural Resource District (NRD) notes that area at or below the "top of dam elevation" have the potential to flood. Structures should not be built below top of dam elevation. Excavation should not take place such that could cause flood damage. The NRD also notes that septic systems, lagoons, and installations in the vicinity of potential flood areas should not be below the top of dam elevations.
8. The NRD notes that the locations is underlain by a productive aquifer system that should have no problem producing adequate water supplies for the households. However, there is a concern for nitrate levels to be higher especially if the well is drilled in the shallow portion of the aquifer. The NRD recommended that any wells installed for those households be drilled and screened in the lower portion of the aquifer system. The NRD also recommends that owners have their wells tested for nitrates regularly as well as a domestic suitability screen, which will include other parameters. This is for information and not a requirement. It is up to individual property owners to make sure their wells meet nitrate levels.
9. The Comprehensive Plan states that proposals for acreage development should be evaluated on factors such as:
 - a. Paved roads: The site is located adjacent S. 68th St. and Princeton Rd. S. 68th St. is a paved road. Princeton Rd. is a county gravel road. Access to all of the lots except for one will be from the paved S 68th Street.
 - b. Adequate water quality and quantity: the well report shows there is adequate quantity of water. With

Contact: Mike Eckert
Civil Design Group
8535 Executive Woods Drive, Suite 200
Lincoln, NE 68512
402-434-8494
meckert@civildg.com

Owner: Same as applicant

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/16000/Sp16026A Doc's Creek CUP.tjc.docx>

CONDITIONS OF APPROVAL - SPECIAL PERMIT #16026A

Per Article 14 this approval permits a Community Unit Plan for 14 dwelling units with waiver to block length and Lot 1, Block 1 not having street frontage.

Site Specific Conditions:

1. Before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
 - 1.1 Add a note that setbacks shall be per the AGR District.
 - 1.2 Identify the dashed lines in Outlot B below Lot 12.
 - 1.3 Identify the dash line that goes through Lots 12 and 13.
 - 1.4 In Note 1 change 10 to 14 and delete "and 4 existing."
 - 1.5 Update the legal description.
 - 1.6 Change Outlot B to Outlot A and Outlot C to Outlot B.
 - 1.7 Delete Note #2 and remove the setback lines from Lot 1, Block 1.
 - 1.8 Show a 10' utility easement along all property lines for lots in Blocks 2,3 and 4.
 - 1.9 Revise the 25' common access easement to match what is shown on Doc's Creek 1st Addition final plat.
 - 1.10 Show bearings and distances on centerline of all drainage easements.
 - 1.11 Show distances from section corners on section line to centerline intersection points.
 - 1.12 There are unlabeled sag curves on the Granby Gulch Drive profile and Kellies Way - S 70th Street profile on sheet 3 of 3. Add the information for these curves to the profile.
 - 1.13 Include a general note reading "All cut of fill slopes shall be 3:1 or flatter."
 - 1.14 On Sheet 2 of 3, edit the note under the "Drainage Basin Summary" Table to read "... time of concentration" instead of "... time of contraction."
 - 1.15 On Sheet 2 of 3, add the length of the culverts to the Culvert Analysis Summary Table.
 - 1.16 On Sheet 2 of 3, there are callouts on the exhibits calling out proposed culverts. Clarify the "L" in these callouts, and include units for the "L" and "S."
 - 1.17 Submit a Drainage study for Lancaster County Engineering review.
 - 1.18 On Sheet 2 of 3, provide additional information on the culvert cross sections, such as edge of road and shoulder elevation callouts, the culvert length, and inlet and outlet elevations.
 - 1.19 Submit verification to Lower Platte South NRD of the elevation of the top of dam.
 - 1.20 Add lowest floor elevation to all lots except Lot 1, Block1. The lowest floor elevation must be above the top of dam elevation.

2. Final plat(s) is/are approved by the County.

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 county may require that a new community unit plan be submitted, pursuant to all the provisions of Article 14. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the county; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the public streets, land preparation and grading, sediment and erosions control measures, temporary turnaround and barricades, and street name signs, must be completed

Standard Conditions:

3. The following conditions are applicable to all requests:

- 3.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.
- 3.2 All privately-owned improvements shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
- 3.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
- 3.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
- 3.5 The applicant shall sign and return the letter of acceptance to the County Clerk. This step should be completed within 60 days following the approval of the special permit. The Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.

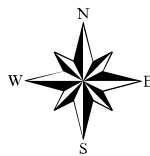


2022 aerial




Special Permit #: SP16026A
Doc's Creek 1st Addition CUP
S 68th St & Princeton Rd

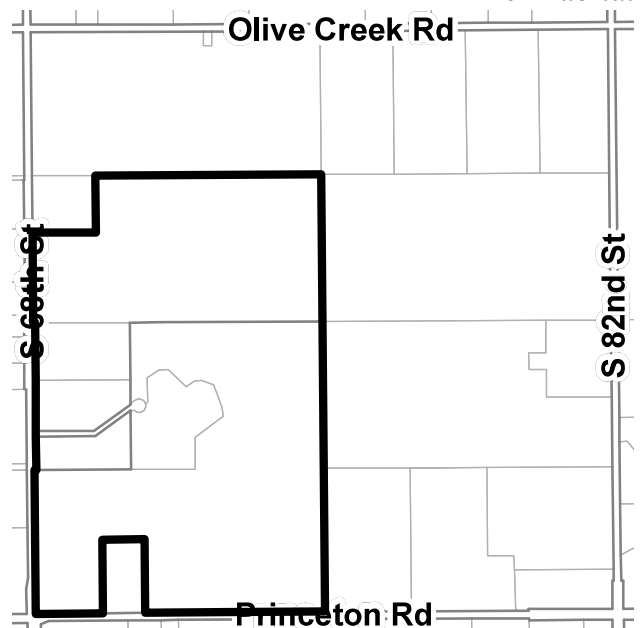
Zoning:

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



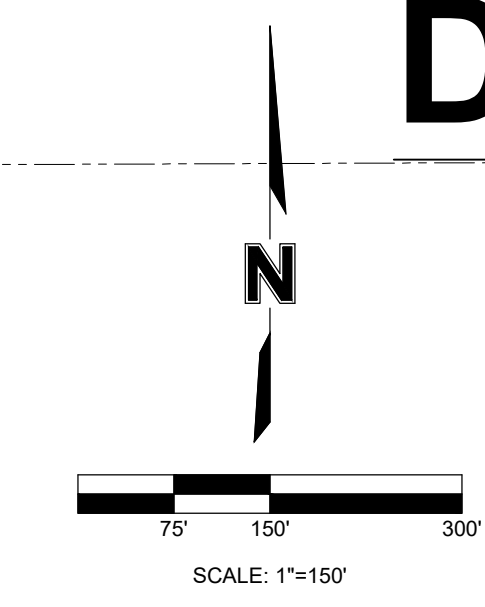
One Square Mile:
 Sec.15 T07N R07E

	Area of Application
	Zoning Jurisdiction Lines
	City of Lincoln Jurisdiction
88	



DOC'S CREEK 1ST ADDITION

AMENDED COMMUNITY UNIT PLAN #16026A



LEGEND

- PROPOSED ROW
- LOT LINE
- PROPOSED CENTERLINE
- COMMUNITY UNIT PLAN BOUNDARY
- EASEMENT
- PROPOSED RIGHT OF WAY DEDICATION
- MONUMENTS FOUND (5/8" REBAR)
- MONUMENTS FOUND (CAPPED REBAR)
- MONUMENTS SET 5/8" X 24" REBAR W/ LS 695 CAP
- TEMPORARY POINT

WAIVERS:

1. FOR A SETBACK OF 15' TO AN EXISTING OUTBUILDING IN OUTLOT 'B' THAT IS ADJACENT TO OUTLOT 'C' FOR THE EAST AND SOUTH SETBACK ON LOT 1, BLOCK 1 TO BE 10'.
2. TO SECTION 4.07 OF THE LANCASTER COUNTY SUBDIVISION REGULATIONS TO ALLOW BLOCK LENGTH TO EXCEED 1320'.

LEGAL DESCRIPTION:

A subdivision composed of Lot 15 Irregular Tracts (South-Half of the Northwest Quarter), Lots 12, 13, 24 Irregular Tracts (Southwest Quarter), all of 'Doc's Creek Addition' (Southwest Quarter) and a part of the Southwest Quarter, all located in Section 15, Township 7 North, Range 7 East, of the 6th P.M., Lancaster County, Nebraska and more particularly described as follows:

Beginning at the Southwest Corner of the Southwest Quarter of said Section 15, Thence North, on the West Line of the Southwest Quarter, on an assumed bearing of N 00°30'15" W for a distance of 2638.58' to the Southwest Corner of the South-Half of the Northwest Quarter, said point also being the Southwest Corner of Lot 15 Irregular Tracts; Thence N 00°29'30" W, on the West Line of the South-Half of the Northwest Quarter and on the West Line of Lot 15 Irregular Tracts for a distance of 813.47' to a corner of said Lot 15; Thence N 89°29'50" E, on the line common to Lots 15 and 14 Irregular Tracts extended West and on the line common to Said Lots 15 and 14 for a distance of 599.71' to the Southeast Corner Lot 14 Irregular Tracts; Thence N 00°29'30" W, on the line common to Lots 15 and 14 Irregular Tracts, for a distance of 503.62' to the Northeast Corner of said Lot 14, said point also being on the North Line of the South-Half of the Northwest Quarter; Thence N 89°46'34" E, on the North Line of the South-Half of the Northwest Quarter and on the North Line of Lot 15 Irregular Tracts, for a distance of 2024.29' to the Northeast Corner of said Lot 15, said point also being the Northeast Corner of the South-Half of the Northwest Quarter; Thence S 00°31'00" E, of the East Line of the South-Half of the Northwest Quarter and on the East Line of Lot 15 Irregular Tracts, for a distance of 1316.38' to the Northeast Corner of the Southwest Quarter; said point also being the Northeast Corner of Outlot 'B' 'Doc's Creek Addition'; Thence on the East Line of Outlot 'B' 'Doc's Creek Addition' and on the East Line of the Southwest Quarter the following 2 courses:
 S 00°31'00" E for a distance of 1316.41';
 Thence S 00°31'05" E for a distance of 1316.75' to the Southeast Corner of the Southwest Quarter;
 Thence S 89°34'30" W, on the South Line of the Southwest Quarter, for a distance of 1610.58' to the Southeast Corner of Lot 28 Irregular Tracts; Thence on the East, North and West Lines of Lot 28 Irregular Tracts the following 3 courses:
 Thence N 00°25'51" W for a distance of 692.88';
 Thence S 89°30'11" W for a distance of 377.11';
 Thence S 00°25'17" E for a distance of 693.05' to the Southwest Corner of said Lot 26, said point also being on the South Line of the Southwest Quarter;
 Thence S 89°34'30" W, on the South Line of the Southwest Quarter, for a distance of 637.32' to the Point of Beginning, and having a calculated area of 225.29 Acres more or less.

Subject to any and all easements and restrictions of record.

SECTION TIES:

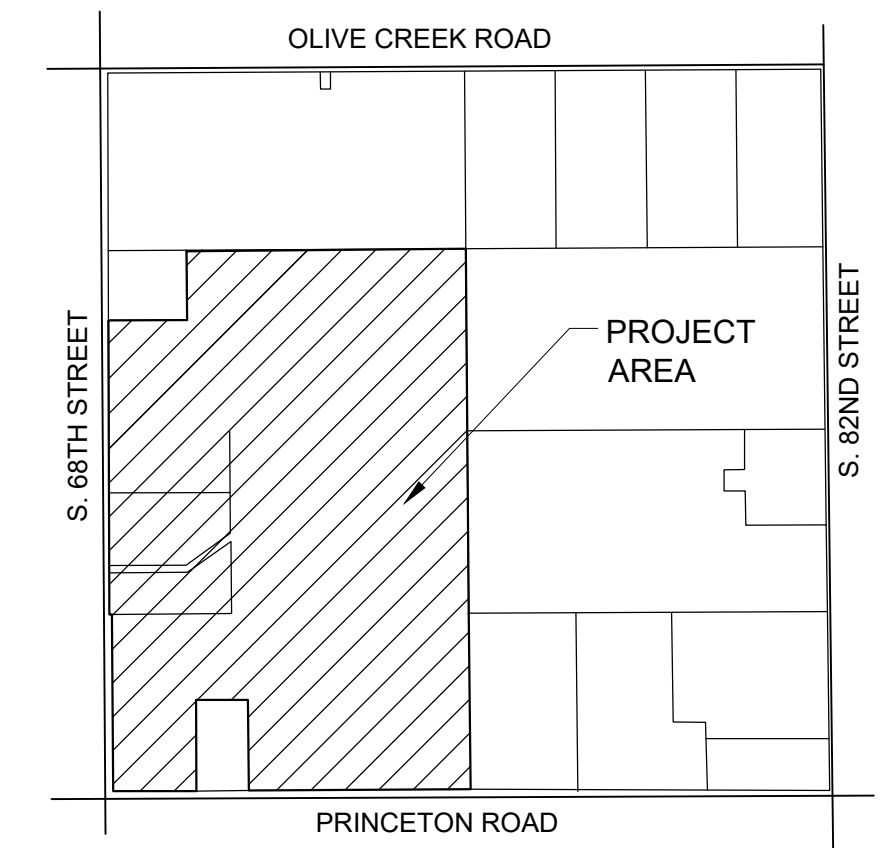
- | | | |
|---|---|---|
| Northeast Corner of the Southwest Quarter of Sec. 15 T7N R7E
Found 3/4" pipe per survey AA7952
N 21.34' to 5/8" rebar
E 44.85' to 5/8" rebar
S 32.40' to 5/8" rebar
E 3.4' to remnants of old fence post | Southwest Corner of the Southwest Quarter of Sec. 15 T7N R7E
Found 2" aluminum cap
NW 63.90' to 5/8" rebar
SE 65.38' to brass cap end of headwall
NE 86.95' to 5/8" rebar | SW 3.60' to nail in 18" Mulberry tree
Northwest Corner South Half of the Southwest Quarter of Sec. 15 T7N R7E
Set Cotton Stands in Asphalt paving
E 33.00' to 1" pipe
NW 61.11' to 5/8" rebar
SW 59.50' to 5/8" rebar
N 19.00' to rock drive west |
| Northwest Corner of the Southwest Quarter of Sec. 15 T7N R7E
Found 2" aluminum cap
NW 49.62' to 5/8" rebar
S 32.63' to 1" iron pipe
N 33.00' to capped rebar LS695
NW 82.66' to 5/8" rebar
SW 59.91' to 1/2" rebar w/ aluminum cap
SE 60.02' to 1/2" rebar w/ aluminum cap | South Quarter Corner Sec. 15 T7N R7E
Found 2" aluminum cap
NW 63.90' to 5/8" rebar
S 32.63' to 1" iron pipe
N 33.00' to capped rebar LS695 | Southeast Corner of the North Half of the Southwest Quarter Sec. 15 T7N R7E
Found 3/4" iron pipe per survey AA7952
E 1.17' to 1" pipe
N 1.05' to nail in stub power pole |

GENERAL NOTES:

1. THIS 'AG' COMMUNITY UNIT PLAN CONTAINS 225.29 GROSS ACRES FOR DENSITY CALCULATIONS, AND 218.89 ACRES EXCLUDING ADJACENT R.O.W. IT PERMITS 10 SINGLE FAMILY LOTS, AND 4 EXISTING LOTS. EACH LOT SHALL CONTAIN A MAXIMUM OF ONE SINGLE FAMILY RESIDENCE, LOCATED WITHIN THE BUILDING ENVELOPES AS SHOWN AND/OR NOTED.
2. THE DEVELOPER/OR OWNER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES OR AS SETBACKS SHOWN.
3. THE DEVELOPER PROPOSES THE USE OF INDIVIDUAL WELLS FOR POTABLE WATER SUPPLY.
4. THE DEVELOPER PROPOSES THE USE OF INDIVIDUAL WASTE WATER SYSTEMS. IF PERCOLATION TEST DO NOT PERMIT SUB SURFACE FIELDS, LAGOONS SHALL BE INSTALLED. WASTE WATER SYSTEMS SHALL BE APPROVED BY THE LANCASTER COUNTY HEALTH DEPARTMENT. EACH LOT SHALL BE GREATER THAN THREE ACRES IN SIZE. WASTE WATER SYSTEMS SHALL BE APPROVED BY A PERMIT FROM THE STATE - NEBRASKA DEPARTMENT OF ENVIRONMENTAL AND ENERGY.
5. ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
6. DIRECT VEHICULAR ACCESS TO PRINCETON ROAD IS HEREBY RELINQUISHED EXCEPT AT THE EXISTING FARM ENTRANCE THAT SERVES OUTLOT 'B' AND LOT 1 BLOCK 1. DIRECT VEHICULAR ACCESS TO S. 68TH STREET IS HEREBY RELINQUISHED EXCEPT TO OUTLOT 'C' AND KELLIES WAY.
7. DEVELOPER SHALL INSTALL NORTHBOUND RIGHT-IN AND SOUTHBOUND LEFT-IN TURN LANES IN S. 68TH OR MAKE THE EQUIVALENT FINANCIAL CONTRIBUTION TO LANCASTER COUNTY TO INSTALL THEM PRIOR TO PLATTING MORE THAN 5 LOTS ON KELLIES WAY/ GRANBY GULCH DRIVE.
8. ALL TOPOGRAPHIC CONTOURS ARE AT NAVD 88 DATUM.
9. DEVELOPERS SHALL BE RESPONSIBLE FOR INSTALLING STREET IDENTIFICATION SIGNS, STOP SIGNS, 25 MPH SPEED LIMIT SIGN AND NO OUTLET SIGNS AS REQUIRED.
10. SIGNS NEED NOT BE SHOWN ON THE SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH ARTICLE 16 OF THE 1979 LANCASTER COUNTY ZONING RESOLUTION. SIGNS MUST BE APPROVED BY THE BUILDING & SAFETY DEPARTMENT PRIOR TO INSTALLATION.
11. ANY RELOCATION OF EXISTING FACILITIES WILL BE AT THE OWNERS/DEVELOPERS EXPENSE.
12. THE INTERIOR LOTS ARE LIMITED TO NO MORE THAN TWO ACCESSES EACH TO A PUBLIC OR PRIVATE ROADWAY.
13. THE PERMANENT DRAINAGE EASEMENTS BEING SHOWN ON THE FINAL PLAT FOR CULVERT PIPES THAT EXTEND PAST ROAD RIGHT-OF-WAY.
14. ALL CULVERTS SHALL HAVE A FLARED-END SECTION OR CONCRETE HEADWALL ON THE INLET END.
15. IF ASPHALT OR CONCRETE PAVEMENT IS USED THE DEVELOPERS SHALL INSTALL SURVEY CONTROL MONUMENT BOXES PER CITY OF LINCOLN STANDARDS AT ALL CENTERLINE CONTROL POINTS AFTER ACCEPTANCE AND APPROVAL OF THE PAVEMENT.
16. THE DEVELOPER IS REQUIRED TO PROVIDE ALL TESTING RELATED TO IMPROVEMENT INSTALLATION IN COMPLIANCE WITH LANCASTER COUNTY DESIGN STANDARDS AND LANCASTER COUNTY ENGINEERING DEPARTMENT SHALL BE NOTIFIED PRIOR TO IMPROVEMENT INSTALLATION FOR INSPECTION AND SHALL RECEIVE REPORTS OF ALL TESTING RESULTS.
17. GRADING SHALL EXTEND AROUND ALL TEMPORARY TURN-AROUND CUL-DE-SACS AND THE DEVELOPER SHALL NOTIFY ALL PURCHASER THAT DITCHES MAY NOT BE FILLED IN AND THE DESIGN DRAINAGE MUST BE LEFT IN PLACE UNTIL STREETS ARE EXTENDED.

CURVE DATA

CURVE #	RADIUS	ANGLE	TANGENT	LENGTH	CH DIST	CH BRG
C1	300.00'	89°43'51"	298.59'	469.83'	423.27'	S44°38'29"W



VICINITY MAP
SCALE: NONE

AG DENSITY CALCULATION

225.29 AC. / 20 AC. = 11.26	2.32
+ 25% FOR DWELLING UNIT	14.08 UNITS
BONUS FOR 70% UNBUILDABLE OUTLOTS =	
	14 DWELLING UNITS

SHEET INDEX

SITE PLAN	1
GRADING AND DRAINAGE PLAN	2
PRELIMINARY STREET PROFILES	3

OWNER/DEVELOPER:

PRINCETON ROAD, LLC
PO BOX 22151
LINCOLN, NE 68542

ENGINEER:

CIVIL DESIGN GROUP, INC.
8535 EXECUTIVE WOODS DRIVE
SUITE 200
LINCOLN, NE 68512
402-434-8494

SURVEYOR:

ALLIED SURVEYING & MAPPING
8535 EXECUTIVE WOODS DRIVE
SUITE 200
LINCOLN, NE 68512
402-434-2666

REVISIONS

NO.	DATE	DESCRIPTION

SITE PLAN

DOC'S CREEK 1ST ADDITION COMMUNITY UNIT PLAN #16026A

2023

HICKMAN, NEBRASKA

drawn by: jds
checked by: -
approved by: -
project no.: 2020-0105
drawing no.: -
date: 06/28/2023

P:\Projects\2023\20230105_Landmarking\CUM\200105_CUP.dwg USER: covek DATE: 2023-06-28 11:26am XREFS: 200105_base 200105_xbase 200105_30x42_title



Civil Design Group, Inc.

Consulting Engineers & Land Use Planners
Civil Design • Site Development • Planning & Zoning

June 28, 2023

Mr. David Cary, Director of Planning
City of Lincoln /Lancaster County
555 South 10th Street, Room 213
Lincoln, NE 68508

Re: Amendment to Special Permit #16026, CDG Project # 2020-0105.

Dear Mr. Cary:

On behalf of Princeton Road, LLC we submit an application for an Amendment to the Docs Creek CUP to increase the total density to 14 dwelling units. This is being done via the expansion of the CUP to incorporate a 72 acre parcel on north boundary of the original CUP.

In pre-application meetings with Planning staff it was determined that an additional stub road to the east off of Kellies Way is not feasible due to the potential ponding of water from an existing dam along the east side of Lots 1-5 in Block 3. As such we are asking for a waiver to Lancaster County Code Section 4.07 for the block length requirement along Kellies Way.

Additionally we request a waiver to the Lancaster County Code Section 4.09 (i) for Lot 1, Block 1 not having street frontage for a previously built house on this lot.

With this application we submit the following items:

Application for CUP Amendment
Application Fee of \$2,295.00
Plans uploaded via ProjectDox

I hope that this letter assists you in reviewing this CUP Amendment application. Please feel free to call me at (402) 434-8494 with any questions you may have.

Sincerely,

Mike Eckert, AICP

cc: Princeton Road, LLC

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 #23014A

FINAL ACTION?
Yes

DEVELOPER/OWNER
Nadein QOF, LLC

PLANNING COMMISSION HEARING DATE
July 26, 2023

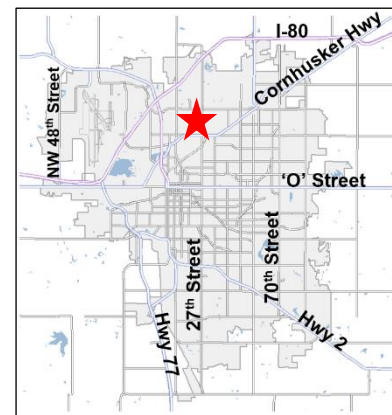
RELATED APPLICATIONS
None

PROPERTY ADDRESS/LOCATION
N. 26th St. and Old Dairy Rd.

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to amend the Fieldstone Townhomes Community Unit Plan (CUP). The CUP was approved for 14 dwelling units with associated waivers. Waivers were for sanitary sewer and water design standards, sidewalk location, private roadway design standard, lot lines being radial, reduced front and rear yard setback, and detention. The amendment is to have Timchik Place as a dead-end street and to change the sanitary sewer serving Lots 12-14 from public to private.



JUSTIFICATION FOR RECOMMENDATION

The Project is consistent with the Comprehensive Plan and the general pattern of urban residential that has developed in this area. The waivers are justified and supported given the narrow parcel and site constraints. The proposed amendment is justified due to the revised street meeting design standard to allow emergency vehicles to turn around. The connection to the apartment complex drive to the west is no longer needed.

APPLICATION CONTACT

Marcia Kinning, E&A Consulting Group
402-420-7217 or mkinning@eacg.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The 2050 Comprehensive Plan supports infill redevelopment. The proposed development is compatible with surrounding uses. The proposed land use and density are consistent with surrounding development and comply with the requirements of the Zoning Ordinance.

WAIVERS

1. Design Standards Chapter 2.00 Section 3.4 - Allow sanitary sewer in alternate location. (Previously Approved)
2. Design Standard Chapter 3.00 Section 3.2 - Allow water in alternate location. (Previously Approved)
3. Design Standard Chapter 2.15, Section 3.12.1- Allow sidewalk in alternate location. (Previously Approved)
4. Design Standard Chapter 2.25 Section 3.3.1c, 3.3.2a & 3.4.3a for roadway design. (Previously Approved)
5. Subdivision Ordinance, Section 26.23.095 Sidewalk only on south side of street. (Previously Approved)
6. Subdivision Ordinance Section 26.23.080 for radius turnaround at end of roadway. (Previously Approved)

7. Subdivision Ordinance Section 26.23.140c lot lines not radial or perpendicular to street. (Previously Approved)
8. Subdivision Ordinance, Section 26.11.040 to waive storm water detention. (Previously Approved)
9. Zoning Ordinance, Section 27.72.020(a) to allow a reduction of the front setback from 25' to 20' for Lots 5-14. (Previously Approved)
10. Zoning Ordinance, Section 27.72.020(a) to allow a reduction of the rear setback from 20' to 15' for Lots 5-14. (Previously Approved)

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

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

Land Use Plan - LIST THE DEFINITION(S) FOR DESIGNATED FUTURE USE [Industrial, Commercial, Urban Residential, etc.]

Fundamentals of Growth in Lancaster County

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

The Community in 2050

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

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

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

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

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.

Developing Neighborhoods

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

E2: Infill and Redevelopment

Infill and Redevelopment Approach

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

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. Implement the housing and neighborhood strategies as embodied in the Affordable Housing Coordinated Action Plan, City of Lincoln Consolidated and Annual Action Plans and subsequent housing and neighborhood plans. These plans provide the core for affordable housing and neighborhood preservation actions for public and private agencies.
2. Distribute and preserve affordable housing throughout the community to be near job opportunities and public transit and to provide housing choices within existing and developing neighborhoods.
3. Encourage public/private partnerships with housing entities such as Lincoln Housing Authority, Affordable Housing Initiatives, Habitat for Humanity, and NeighborWorks Lincoln.
4. Provide for more education of the public about affordable housing and code enforcement.
5. Promote the preservation, maintenance and renovation of existing housing and neighborhoods throughout the city, with special emphasis on low and moderate income neighborhoods.
6. Preserve the existing affordable housing stock, increase the supply of affordable owner and renter units, and add more variety in housing types.

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

Action Steps

1. Encourage redevelopment of aging and underutilized commercial centers, along with other large sites in existing areas such as former schools and residential acreages, to add a variety of housing types that are affordable to diverse income levels. A mix of residential and commercial uses is desirable in locations with good visibility and access, such as most existing commercial centers, but in some cases redevelopment sites are more suited for exclusively residential uses.
2. Encourage redeveloped commercial centers to incorporate a variety of medium and high-density housing affordable to diverse income levels that could serve as a transitional use to less intensive residential development and benefit from walkable access to the commercial area and transit.
4. Provide a mechanism for adjustments in older zoning districts to lot area, height, setbacks, and parking standards, similar to the provisions already available for newer districts.
5. Strive for predictability for neighborhoods and developers for residential development and redevelopment.
6. Encourage efforts to find new uses for abandoned, under-utilized or "brownfield" sites that are

contaminated, through redevelopment and environmental mitigation.

7. Environmentally sensitive areas (i.e. floodplains, wetlands, native prairie) may not be appropriate for redevelopment. When redevelopment does occur, environmentally sensitive areas need to be considered and incorporated holistically as part of a redevelopment project.

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

Action Steps

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

ANALYSIS

1. This request is for a Community Unit Plan for up to 14 dwelling units on 1.81 acres. All dwelling units are to be single-family attached. Access to Lots 5-14 will be from Timchik Lane and Lots 1-4 will be from N. 26th St. Access to Old Dairy Rd will be relinquished from Lot 4.
2. The amendment is to redesign Timchik Place so that it does not connect to the drive on the adjacent property and to relocate the sanitary sewer for Lots 12-14. The previously approved plan required obtaining an access easement and sanitary sewer easement from the adjacent property. After approval of SP23014 it was later discovered that to obtain the easements Fannie Mae would have to agree to the easements. The applicant decided this would take too much time and the amended plan was submitted.
3. For the R-4 zoning district the Design Standards allow a maximum of 13.93 dwelling units per acre in a CUP. For this site that equates to a maximum of 25 units. The site plan proposed shows 14 units and is below the maximum allowed.
4. The proposed development is a good use of a narrow infill site. The proposed single family attached units are compatible with the attached single-family dwellings to the north, apartments to the west and southwest, hotel to the south and commercial on the east side of N. 26th St. The 2050 Comprehensive Plan encourages development of infill sites.
5. Timchik Place is shown to dead-end instead of continuing into the west property. There is a proposed turn around to the north of the street. Lincoln Fire Department and Lincoln Transportation and Utilities have approved the design.
6. In SP23014 the sanitary sewer to serve Lots 12-14 is on the property to the south. The amended plan has the sewer line in the rear of the lots and is private. LTU Wastewater does not object to the private sanitary sewer.
7. The applicant has requested 10 waivers to the Lincoln Municipal Code. All of the waivers were approved with SP23014.
8. Infill development is encouraged by the Comprehensive plan where appropriate. Higher density residential uses that help provide a range of housing types are also encouraged where appropriate. Several waivers are associated with this request, but that is not unusual for an infill development which must adapt to existing conditions, often conditions which do not meet current city standards. The proposed use is compatible with the surrounding area.
9. The proposed community unit plan is consistent with the R-4 zoning district and surrounding land uses. Subject to the recommended conditions of approval this request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan and is an appropriate use of land at this location.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Undeveloped R-4 Residential

SURROUNDING LAND USE & ZONING

North: Single-family attached dwellings	R-3 Residential
South: Apartment complex	R-4 Residential
Hotel	H-3 Highway Commercial
East: Restaurant	H-3 Highway Commercial
West: Apartment complex	R-4 Residential

APPLICATION HISTORY:

March 16, 2005 Special Permit 05009 for Fieldstone Center Community Unit Plan was approved by the Lincoln-Lancaster County Planning Commission.

June 27, 2005 Fieldstone Center 4th Addition final plat was approved by the Planning Director.

March 22, 2023 Special Permit 23014 for Fieldstone Townhome Community Unit Plan for 14 lots was approved by the Lincoln-Lancaster County Planning Commission.

APPROXIMATE LAND AREA: 1.81 acres. More or less

LEGAL DESCRIPTION: Lot 1, Fieldstone Center 4th Addition, in the NE ¼ of Section 12-10-6, Lancaster County, NE.
Prepared by Tom Cajka, Planner
(402) 441-5662 or tcajka@lincoln.ne.gov

Date: July 12, 2023

Applicant: E & A Consulting Group
701 "O" St. Suite 400
Lincoln, NE 68508
402-420-7217

Contact: Marcia Kinning
E & A Consulting Group
701 "O" St. Suite 400
Lincoln, NE 68508
402-420-7217

Owner: Nadein QOF, LLC
2312 U St.
Lincoln, NE 68503
402-802-8892

CONDITIONS OF APPROVAL - SPECIAL PERMIT #23014A

Per Section 27.63.320 this approval permits a Community Unit Plan for up to 14 dwelling units with waivers to sanitary sewer and water design standards, sidewalk location, private roadway design standard, lot lines being radial, reduce front and rear yard setback, and detention.

Site Specific Conditions:

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

1.1 Show and label blanket utility easement on Outlot A that was filed by Instrument #2023-019181.

ADD THESE PARAGRAPHS IF PERMIT IS IN LIEU OF A PRELIMINARY PLAT and if appropriate:

2. Final plat(s) is/are approved by the City.

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

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

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 the south side of *the private roadway* as shown on the final plat within four (4) years following the approval of the final plat.

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

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

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

to complete 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 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 *streets/private* roadways within this plat within six (6) years following the approval of the final plat.

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

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

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

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

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

to complete the public and private improvements shown on the *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 relinquish the right of direct vehicular access to Old Dairy Road except for Timchik Lane.

Standard Conditions:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.
 - 4.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
 - 4.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.

- 4.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
- 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.



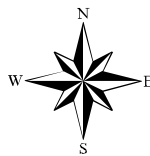
Special Permit #: SP23014A
Fieldstone Townhomes
N 26th St & Old Dairy Rd




2022 aerial

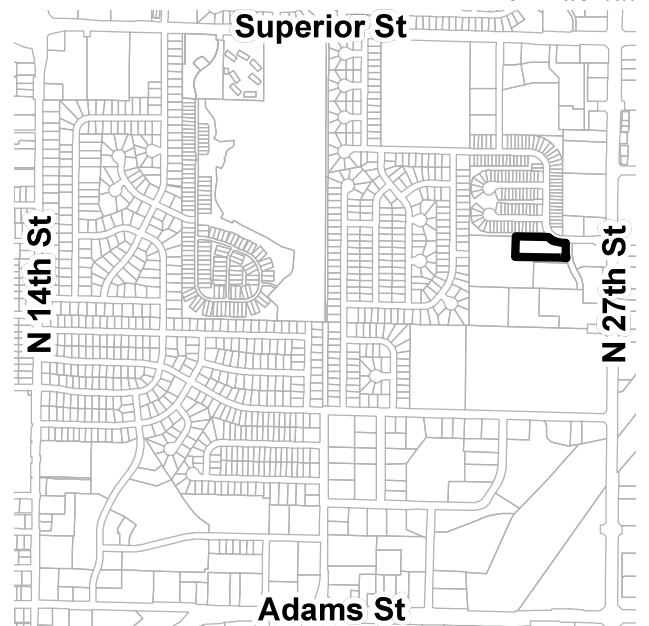
Zoning:

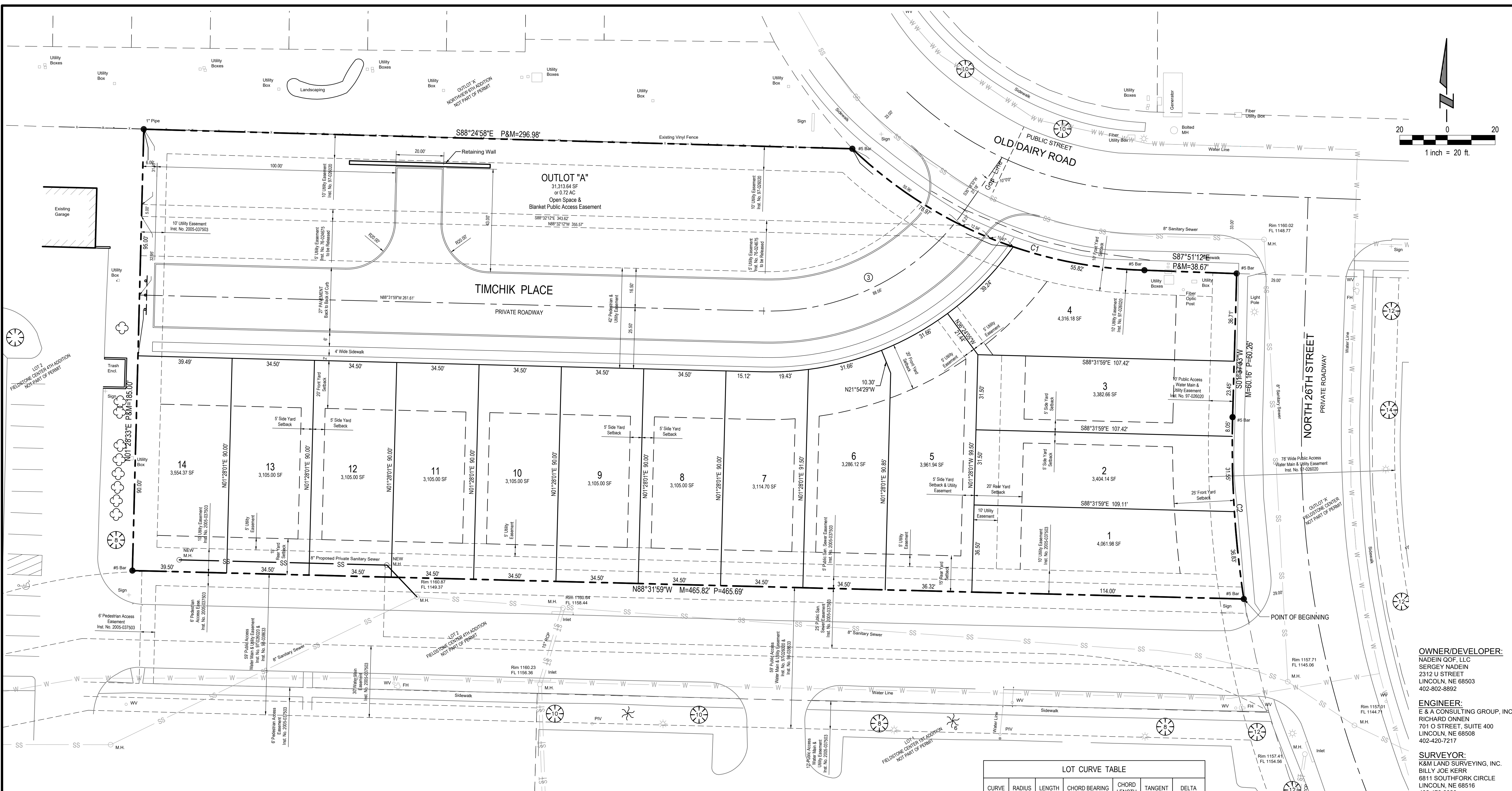
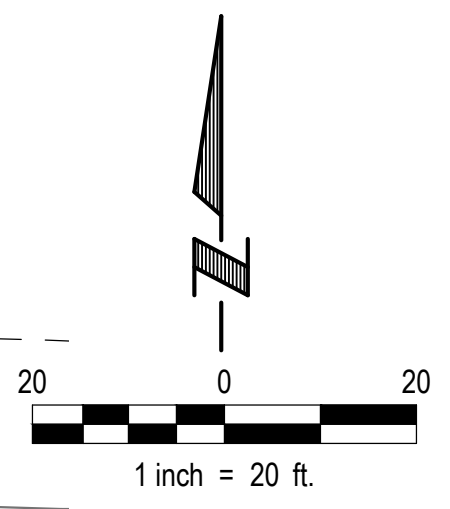
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

One Square Mile:
 Sec.12 T10N R06E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction
99	





OWNER/DEVELOPER:
 NADEIN CO., LLC
 SERGEY NADEIN
 2312 U STREET
 LINCOLN, NE 68503
 402-802-8892

ENGINEER:
 E & A CONSULTING GROUP, INC.
 RICHARD ONNEN
 701 O STREET, SUITE 400
 LINCOLN, NE 68508
 402-420-7217

SURVEYOR:
 K&M LAND SURVEYING, INC.
 BILLY JOE KERR
 6811 SOUTHFORK CIRCLE
 LINCOLN, NE 68516
 402-476-3020

LOT CURVE TABLE

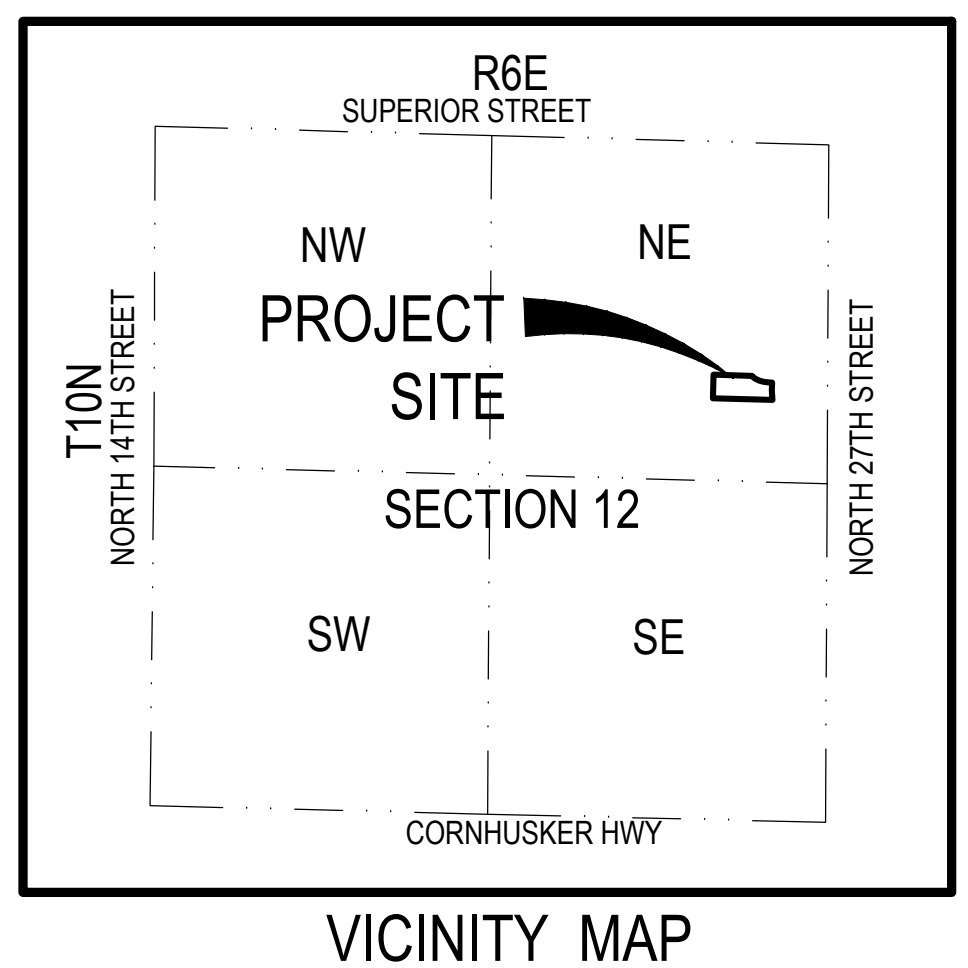
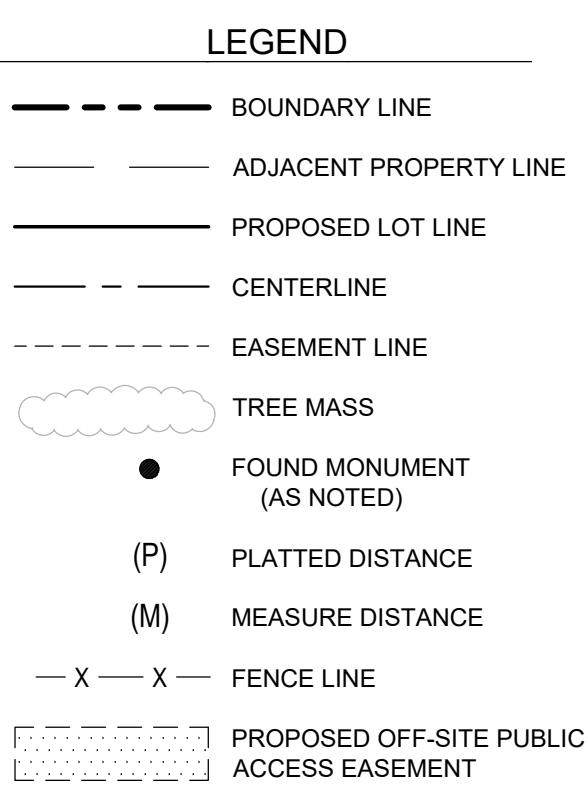
CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH	TANGENT	DELTA
C1	183.00'	135.64'	S67°25'59"E	132.56'	71.11'	42°28'08"
C2	429.00'	76.44'	S03°31'30"E	76.34'	38.32'	10°12'33"

CENTERLINE CURVE TABLE

CURVE	RADIUS	LENGTH	CHORD BEARING	TANGENT	CHORD LENGTH	DELTA
3	100.00'	98.01'	S63°23'17"W	53.35'	94.14'	56°09'28"

LOT AREA TABLE

LOT NO.	SQ. FOOTAGE	AVERAGE DEPTH	AVERAGE WIDTH
1	4,061.98	111.56	36.41
2	3,404.14	108.27	31.44
3	3,382.66	107.42	31.49
4	4,316.18	111.68	36.65
5	3,961.94	111.05	35.68
6	3,286.12	96.33	34.11
7	3,114.70	90.75	34.32
8	3,105.00	90.00	34.50
9	3,105.00	90.00	34.50
10	3,105.00	90.00	34.50
11	3,105.00	90.00	34.50
12	3,105.00	90.00	34.50
13	3,105.00	90.00	34.50
14	3,554.37	90.00	39.49
Outlot A	31,313.64		



- GENERAL NOTES**
- THIS SPECIAL PERMIT CONTAINS 1.81 ACRES.
 - THIS SPECIAL PERMIT INCLUDES 14 DWELLING UNITS AS SINGLE FAMILY ATTACHED UNITS. AN OUTLOT IS SHOWN AS OPEN SPACE, PUBLIC ACCESS EASEMENT FOR PRIVATE ROADWAY AND BLANKET UTILITY EASEMENT.
 - ZONING IS R-4.
 - THE OWNER/DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE SETBACKS AS PER R-4 ZONING DISTRICT WITH EXCEPTION OF APPROVED WAIVERS AND EASEMENTS SHOWN.
 - ALL OUTLOTS SHALL BE MAINTAINED BY AN ASSOCIATION OF HOMEOWNERS.
 - UTILITY EASEMENTS TO BE PROVIDED AS REQUIRED BY LINCOLN ELECTRIC SYSTEM.
 - ALL PAVEMENT RADI TO BE 20' AND PAVEMENT WIDTH TO BE 27' UNLESS NOTED OTHERWISE.
 - SIDEWALK SHALL BE LOCATED ON THE SOUTH SIDE OF THE INTERNAL PRIVATE ROADWAY. SIDEWALK SHALL BE A MINIMUM OF 4 FEET IN WIDTH. SIDEWALK SHALL BE MINIMUM OF 4 INCHES THICK CONCRETE, 5 INCHES THICK AT DRIVEWAY LOCATIONS.
 - SANITARY SEWER SERVICE AND WATER SERVICE SHALL BE ACQUIRED FROM EXISTING MAINS ADJACENT TO THE SUBDIVISION. LOTS 12, 13 AND 14 SHALL ACQUIRE SANITARY SEWER SERVICE FROM A PRIVATE SANITARY SEWER LINE TO BE CONSTRUCTED WITHIN THE SOUTH 5 FEET OF LOTS 11, 12, 13 AND 14. A NON-ADJUTING AGREEMENT SHALL BE REQUESTED AND ISSUED FOR LOTS 11, 12, 13 AND 14.
 - TOPOGRAPHIC GRADING CONTOURS ARE AT NAVD 1988.
 - ALL LOT LINES ARE CONCEPTUAL AND FINAL PLATS MAY SHOW DIFFERENT LOT DIMENSIONS.
 - ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
 - SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE, AND MUST BE APPROVED BY BUILDING & SAFETY DEPARTMENT PRIOR TO INSTALLATION. NO ADMINISTRATIVE AMENDMENTS ARE REQUIRED TO SPECIFY THE LOCATION.
 - DIRECT VEHICULAR ACCESS TO OLD DAIRY ROAD AND TIMCHIK LANE SHALL BE RELINQUISHED FROM LOT 4.
 - DIRECT VEHICULAR ACCESS TO OLD DAIRY ROAD SHALL BE RELINQUISHED EXCEPT FOR TIMCHIK LANE.

- WAIVERS**
- SANITARY SEWER IN ALTERNATE LOCATION. (DESIGN STANDARDS, CHAPTER 2.00, SECTION 3.4)
 - WATER IN ALTERNATE LOCATION. (DESIGN STANDARDS, CHAPTER 3.00, SECTION 3.2)
 - SIDEWALK IN ALTERNATE LOCATION. (DESIGN STANDARDS, CHAPTER 2.15, SECTION 3.12.1)
 - PRIVATE ROADWAY STANDARDS. (DESIGN STANDARDS, CHAPTER 2.25)
 - CENTERLINE TANGENT LENGTH TO OLD DAIRY ROAD (SECTION 3.3.1c)
 - CENTERLINE RADIUS FROM 150 FEET TO 100 FEET (SECTION 3.3.2a)
 - PAVEMENT SLOPE OF 3% AT OLD DAIRY ROAD (SECTION 3.4.3a)
 - SIDEWALK ONLY ON SOUTH SIDE OF STREET. (SUBDIVISION ORDINANCE 26.23.095)
 - RADIUS TURNAROUND AT THE END OF ROADWAY. (SUBDIVISION ORDINANCE 26.23.080)
 - LOT LINES BEING RADIAL AND PERPENDICULAR TO STREET RIGHT-OF-WAY. (SUBDIVISION ORDINANCE 26.23.140c)
 - STORM WATER DETENTION. (SUBDIVISION ORDINANCE 26.11.040)
 - FRONT YARD SETBACK FROM 25 FEET TO 20 FEET ON LOTS 5 THROUGH 14. (ZONING ORDINANCE 27.72.020a)
 - REAR YARD SETBACK FROM 20 FEET TO 15 FEET ON LOTS 5 THROUGH 14. (ZONING ORDINANCE 27.72.020a)
- DENSITY CALCULATION:**
 AREA WITHIN CUP = 1.81 ACRES
 1.81 ACRES x 13.93 (R-4 Zoning) = 25.2133
 TOTAL UNITS ALLOWED = 25 UNITS
 UNITS SHOWN = 14 UNITS

LEGAL DESCRIPTION:

ALL OF LOT 1, FIELDSTONE CENTER 4TH ADDITION, LOCATED IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE WESTERLY ON THE SOUTH LINE OF SAID LOT 1, ON AN ASSIGNED BEARING OF N 88°31'59"W 465.82', TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTHERLY ON THE WEST LINE OF SAID LOT 1, N 1°28'33"E 185.00', TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE EASTERLY ON THE NORTH LINE OF SAID LOT 1, S 89°24'38"E 296.98', TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE FOR OLD DAIRY ROAD, SAID POINT ALSO BEING ON A CIRCULAR CURVE, TURNING IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 183.00', A CENTRAL ANGLE OF 42°28'08" AND AN ARC LENGTH OF 135.64'; THENCE ON SAID CURVE AND SAID SOUTHERLY RIGHT OF WAY LINE, HAVING A CHORD OF S 67°25'59"E 132.56'; THENCE CONTINUING ON SAID SOUTHERLY RIGHT OF WAY LINE, S 87°51'12"E 38.87', TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTHERLY ON THE EAST LINE OF SAID LOT 1 FOR THE NEXT TWO (2) COURSES, S 1°37'33"W 60.16', TO A POINT ON A CIRCULAR CURVE, TURNING IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 429.00', A CENTRAL ANGLE OF 10°12'33" AND AN ARC LENGTH OF 76.44'; THENCE ON SAID CURVE, HAVING A CHORD OF S 3°31'30"E 76.34', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 79,025.73 SQUARE FEET OR 1.81 ACRES, MORE OR LESS.



June 13, 2023

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

RE: FIELDSTONE TOWNHOMES
Amendment to Community Unit Plan – Special Permit #23014
E & A File: P2022.265.001

Dear Mr. Cary,

On behalf of Nadein QOF, LLC, we are submitting an Amendment to Fieldstone Townhomes Community Unit Plan / Special Permit #23014. The property currently addressed as 3995 North 26th Street located at Old Dairy Road and North 26th Street. The extent of the special permit remains unchanged from that previously approved with 14 single family attached units and 1 outlot for private roadway and open space on 1.81 acres.

The previous approved plan included acquisition of a public access easement and sanitary sewer easement from the adjacent owner. Acquisition of these easements requires approval from Fannie Mae, a lien holder on the adjacent property. The process for the lien holder to review the request was found to be expensive and substantially time consuming. Due to this uncertainty and time restraints, this amendment is being requested to remove the need for any additional easement from the adjacent property owner.

Due to complications of acquiring easements on the adjacent property, this amendment proposes the termination of the private roadway as a dead-end instead of a through street with a public access through the adjacent property to the east. As a result, the private roadway name is being modified to Timchik Place. To satisfy turnaround requirements of Lincoln Fire and Rescue, a 20 feet by 35 feet paved area is shown on the north side of the proposed private roadway. The turnaround provides adequate area for an emergency vehicle to maneuver to exit the subdivision. Due to the grade change in the area, a retaining wall will be constructed around the proposed turnaround. The existing 5 foot utility easement with Instrument #76-024675 will be requested for release with the future final plat of the subdivision. A separate exhibit has been submitted to show the turning matrix for the vehicle.

Additionally, to eliminate the need for a sanitary sewer easement on the adjacent property, sewer service for Lots 12, 13, and 14 is proposed as a combined private service tapped to the existing public main located within an easement adjacent to the development. This varies from the previously approved plan which had shown an extension of the public sanitary sewer line within the property of the owner to the south. To facilitate the proposed configuration, a non-abutting service agreement will be filed on the impacted lots and maintenance of the combined service will be the responsibility of the home owners association. General Note #9 has been revised to address this condition.

The following waivers will remain as per previously requested and approved.

1. **Sanitary sewer in alternate location.** (Design Standards, Chapter 2.00, Section 3.4)
2. **Water in alternate location.** (Design Standards, Chapter 3.00, Section 3.2)
3. **Sidewalk in alternate location.** (Design Standards, Chapter 2.15, Section 3.12.1)
4. **Private Roadway Standards.** (Design Standards Chapter 2.25)
 - a. **Centerline tangent length to Old Dairy Road** (Section 3.3.1c)
 - b. **Centerline radius from 150 feet to 100 feet** (Section 3.3.2a)
 - c. **Pavement slope of 3% at Old Dairy Road** (Section 3.4.3a)
5. **Sidewalk only on south side of roadway.** (Subdivision Ordinance 26.23.095)
6. **Radius turnaround at the end of roadway.** (Subdivision Ordinance 26.23.080)
7. **Lot lines being radial and perpendicular to street right-of-way.** (Subdivision Ordinance 26.23.140c)
8. **Stormwater Detention.** (Subdivision Ordinance 26.11.040)
9. **Front yard setback from 25 feet to 20 feet on Lots 5 through 14.** (Zoning Ordinance 27.72.020a)
10. **Rear yard setback from 20 feet to 15 feet on Lots 5 through 14.** (Zoning Ordinance 27.72.020a)

The drainage study previously submitted with the original application of Special Permit #23014 does not change in drainage or flow patterns with this modification. We request referring to the previous drainage study and have not resubmitted any update to the study with this application.

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: Sergey Nadein
Enclosed: Application Form
Application Fee of \$1,056.00
Legal Description

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 #23028	FINAL ACTION? Yes	DEVELOPER/OWNER NEBCO Inc., DBA Ready Mix Concrete
PLANNING COMMISSION HEARING DATE July 26, 2023	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION N 70 th Street & McCormick Drive

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a Special Permit to allow a proposed permanent concrete plant to exceed the maximum height allowed within the I-1 Industrial zoning district. The property is generally located at N 70th Street and McCormick Drive.

This application would allow the concrete plant to exceed the 75' maximum height of the I-1 district by 40' for a total height of 115'.



JUSTIFICATION FOR RECOMMENDATION

This request is consistent with the existing I-1 Industrial zoning. This property is adjacent to Industrial uses to the north and Agricultural uses to the south, east, and west. The surrounding properties zoned AG will remain undeveloped due to the extensive floodplain on the properties.

The proposed concrete plant has already been approved with Administrative Special Permit #23001. This request will simply allow the approved plant to exceed the maximum height of the I-1 zoning district.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This application is compatible with the existing I-1 Industrial zoning district. I-1 zoning is intended to support railroads, manufacturing, trucking, and transportation facilities. Additionally, the concrete plant will sit on property that is zoned I-1 today and is shown as Industrial on the 2050 Future Land Use Map. The proposed use is compatible with current zoning and uses, as well as future uses.

APPLICATION CONTACT

Scott Osterhaus, (402) 458-5630 or sosterhaus@olsson.com

STAFF CONTACT

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

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

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

Land Use Plan - Industrial - Areas where railroads, manufacturing, trucking and transportation facilities are the dominant land use, with some commercial activities.

Goals Section

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

Elements Section

E3: Business, Economy, and Workforce

Commercial and Industrial Development

Commercial and Industrial Centers in Lancaster County should be located:

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

ANALYSIS

1. This is a request for a Special Permit to allow a concrete plant to exceed the 75' maximum height allowed in the I-1, Industrial zoning district. The proposed plant will be 115' tall. The site is generally located 0.5 miles north from the intersection of N 70th Street and McCormick Drive. The maximum height of the I-1 zoning district can be exceeded through an approved special permit, per Lincoln Municipal Code 27.63.250 for Permitted Use Exceeding the Maximum Height Permitted in a District.
2. In 2007, Preliminary Plat #07002 was approved for the subject property and the surrounding lots. Administrative Amendment #23012 was approved in 2023 to amend the Preliminary Plat to revise the lot layout and show the concrete plant as a use. Administrative Special Permit #23001 was approved in 2023 to permit for the construction of a permanent concrete plant to be built on the property.
3. This Special Permit is required due to the height of the concrete plant, not for the intended use. The subject property is zoned I-1, which permits both permanent and temporary concrete plants through special permit and is compatible with the surrounding zoning (I-1 and AG). The Health Department was included in this application review and the proposed concrete plant location and they had no objections.

4. This site is not within the Capitol View Corridor so it does not need to be reviewed by the Capitol Environs Commission, nor is it located within the Airport Hazard area and does not need to be reviewed by the Lincoln Airport Authority.
5. This request is compatible with the surrounding properties and the Comprehensive Plan. The current and future land use is shown as Industrial on the 2050 Future Land Use Map.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Industrial I-1

SURROUNDING LAND USE & ZONING

North:	Commercial	I-1
South:	Agricultural Production	AG
East:	Agricultural Production	AG
West:	Agricultural Production	AG

APPROXIMATE LAND AREA: 23.69 acres, approximately

LEGAL DESCRIPTION: Lot 41, located in the NE 1/4 of Section 33-11-7, Lincoln, Lancaster County, Nebraska, generally located at 7301 North 70th Street.

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

Date: July 13, 2023

Applicant: Scott Delgada
1815 Y Street
Lincoln, NE 68501
scottd@nebcoinc.com

Contact: Scott Osterhaus
601 P Street
Lincoln, NE 68508
sosterhaus@olsson.com

Owner: Nebco Inc., DBA Ready Mix Concrete
1815 Y Street
Lincoln, NE 68501
scottd@nebcoinc.com

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/23000/SP23028 Ready Mix Concrete Plant Height Permit.edm.docx>

CONDITIONS OF APPROVAL - SPECIAL PERMIT #23028

Per Section 27.63.250 for Permitted Use Exceeding the Maximum Height Permitted in District, this approval permits a 115 foot tall concrete plant as shown on the site plan, which exceeds the 75 foot height limit of the I-1 zoning district.

Site Specific Conditions:

1. Before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
 - 1.1 Change the last sentence of Special Permit Note #1 to state: “The approved maximum height of the concrete plant is 115 feet”.

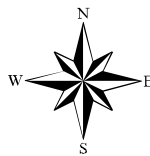
Standard Conditions:

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



2022 aerial

Special Permit #: SP23028
N 70th St & McCormick Dr



One Square Mile:
 Sec.33 T11N R07E

Zoning:

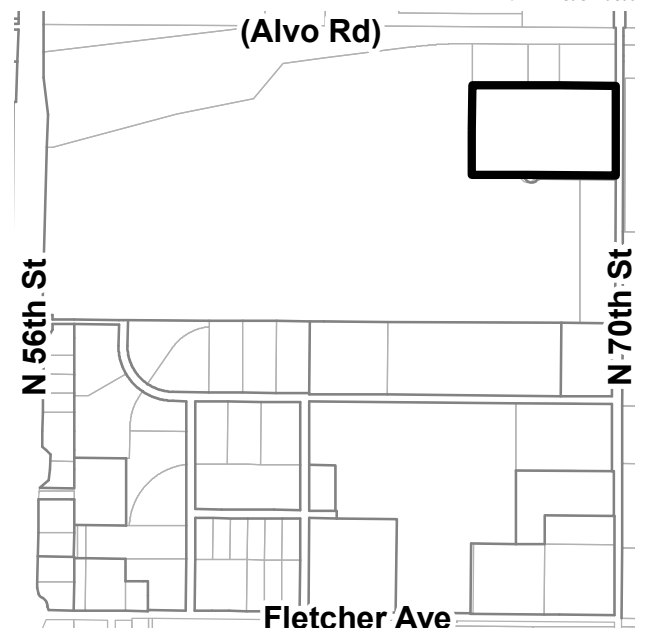
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

107



OWNER/DEVELOPER
NEBCO, INC DBA READY MIX CONCRETE
1815 Y STREET
LINCOLN, NE 68508
PHONE: 402-434-1212

ENGINEER/PREPARER
OLSSON
601 P STREET, SUITE 200
LINCOLN, NE 68508
PHONE: 402-474-6311

LEGAL DESCRIPTION

LOT 41 I.T., LOCATED IN THE NORTHEAST QUARTER OF SECTION 33-T11N-R07E OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA.

WATTS ADDITION
SPECIAL PERMIT
SITE PLAN

LEGEND

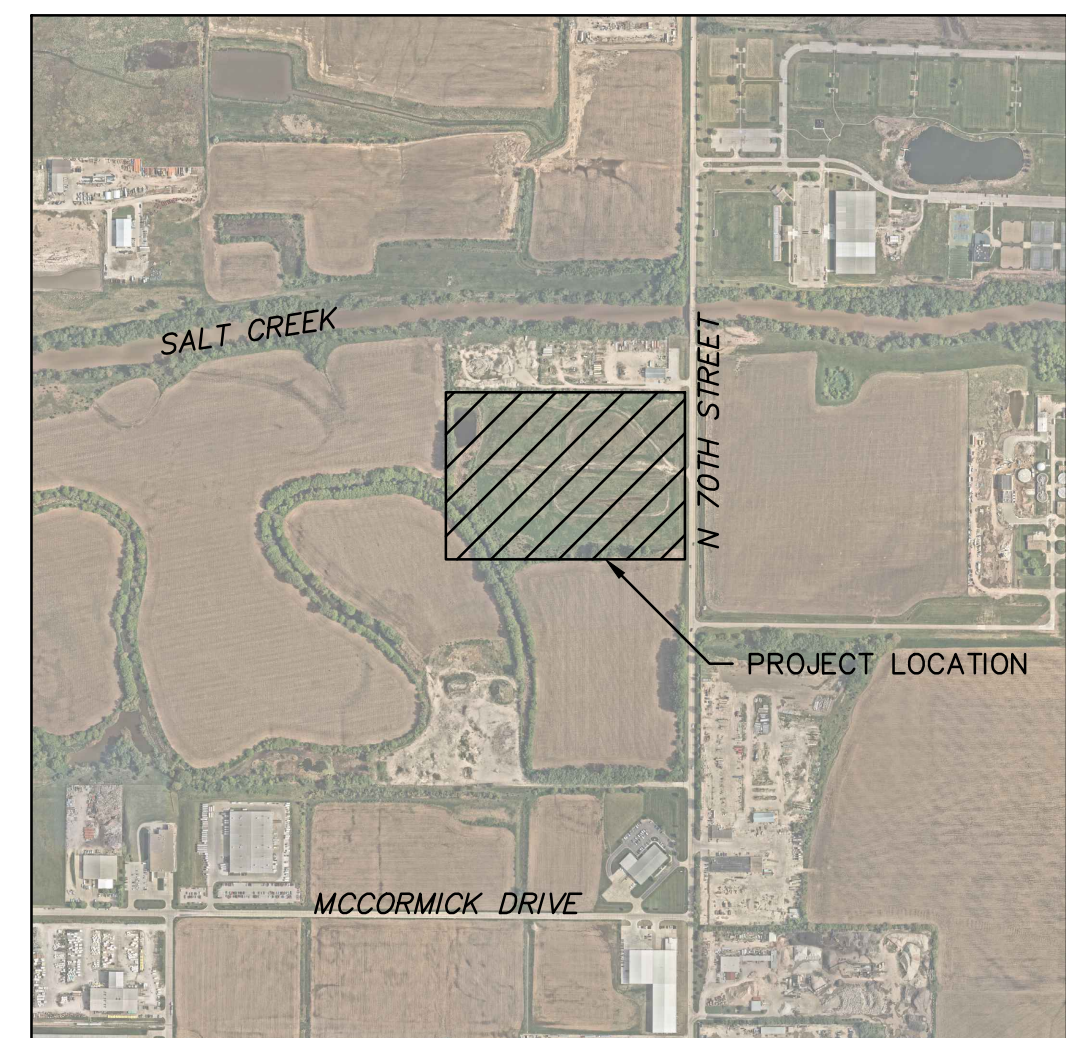
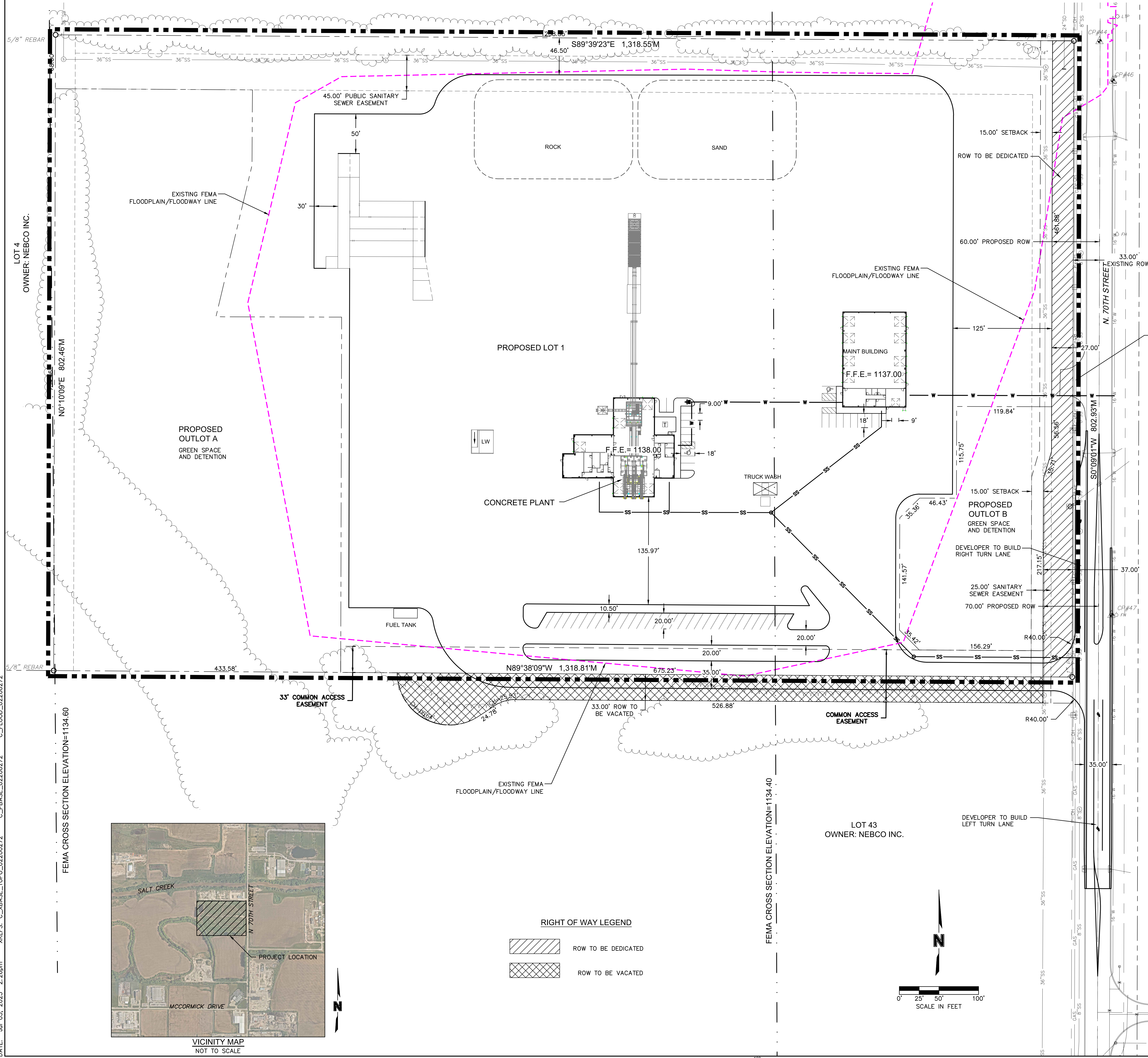
- CURB INLET
- CONTROL POINT
- DECIDUOUS TREE
- ELECTRIC RISER
- FIRE HYDRANT
- FOUND PROPERTY CORNER
- GRATE INLET
- GUY WIRE
- LIGHT POLE
- POWER POLE
- SANITARY SEWER MANHOLE
- CONTOUR LINE
- PROPERTY LINE
- SECTION LINE
- CHAIN LINK FENCE
- SANITARY SEWER LINE
- STORM SEWER LINE
- WATER LINE
- UNDERGROUND GAS MAIN
- OVERHEAD POWER
- UNDERGROUND POWER
- UNDERGROUND TELEPHONE LINE
- UNDERGROUND CABLE TELEVISION LINE
- UNDERGROUND FIBER OPTIC LINE
- TREE MASS

GENERAL NOTES

- CONCRETE PLANT LAYOUT IS CONCEPTUAL.
- THE PROPOSED AREA IS CURRENTLY ZONED I-1 (INDUSTRIAL DISTRICT).
- ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
- ALL ELEVATIONS ARE NAVD 1988.
- UNLESS OTHERWISE SHOWN, BUILDING ENVELOPES SHALL BE IN ACCORDANCE WITH SECTION 27.72 TITLE 27-LINCOLN MUNICIPAL CODE (I-1 ZONING).
- FENCES, DUMPSTERS, TRASH COMPACTORS, DECORATIVE STRUCTURES, AND ACCESSORY BUILDINGS ARE NOT SHOWN ON THE PLANS IF THEY ARE 25' X 25' OR SMALLER AND ARE OUTSIDE OF THE SITE TRIANGLES, EASEMENTS, AND SETBACKS AND ARE BUILT IN CONFORMANCE WITH ALL APPLICABLE ORDINANCES AND CODES.
- ANY RELOCATION OF EXISTING UTILITY FACILITIES WILL BE AT THE DEVELOPER'S EXPENSE.
- DIRECT VEHICULAR ACCESS TO N. 70TH STREET IS HEREBY RELINQUISHED EXCEPT AS SHOWN.
- OFF-SITE IMPROVEMENTS TO N. 70TH STREET WILL BE DONE BY EXECUTIVE ORDER AND ARE TO BE COMPLETED PRIOR TO BUILDING OCCUPANCY.
- FINAL PLAN TO BE APPROVED PRIOR TO BUILDING PERMIT FOR CONCRETE PLANT. FINAL PLAN WILL DEDICATE EASEMENTS, OUTLOTS, AND DEDICATE RIGHT-OF-WAY.

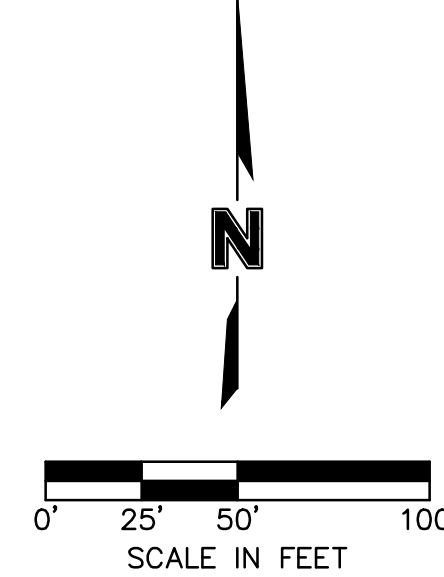
SPECIAL PERMIT NOTES

- THE MAXIMUM HEIGHT OF THE CONCRETE PLANT IS ALLOWED TO EXCEED THE MAXIMUM ALLOWABLE HEIGHT OF 75' IN THE I-1 ZONE. THE MAXIMUM HEIGHT OF THE PROPOSED CONCRETE PLANT IS 113'.



RIGHT OF WAY LEGEND

- ROW TO BE DEDICATED
- ROW TO BE VACATED



DWG: F:\2022\00001-00500\022-00272\40-Design\AutoCAD\Preliminary Plans\Sheets\QNCV\Special Permit\C_COV_02200272.dwg
 DATE: Jul 05, 2023 2:26pm
 USER: sosterhaus
 XREFS: C_XBASE_02200272 C_FLOOD_02200272

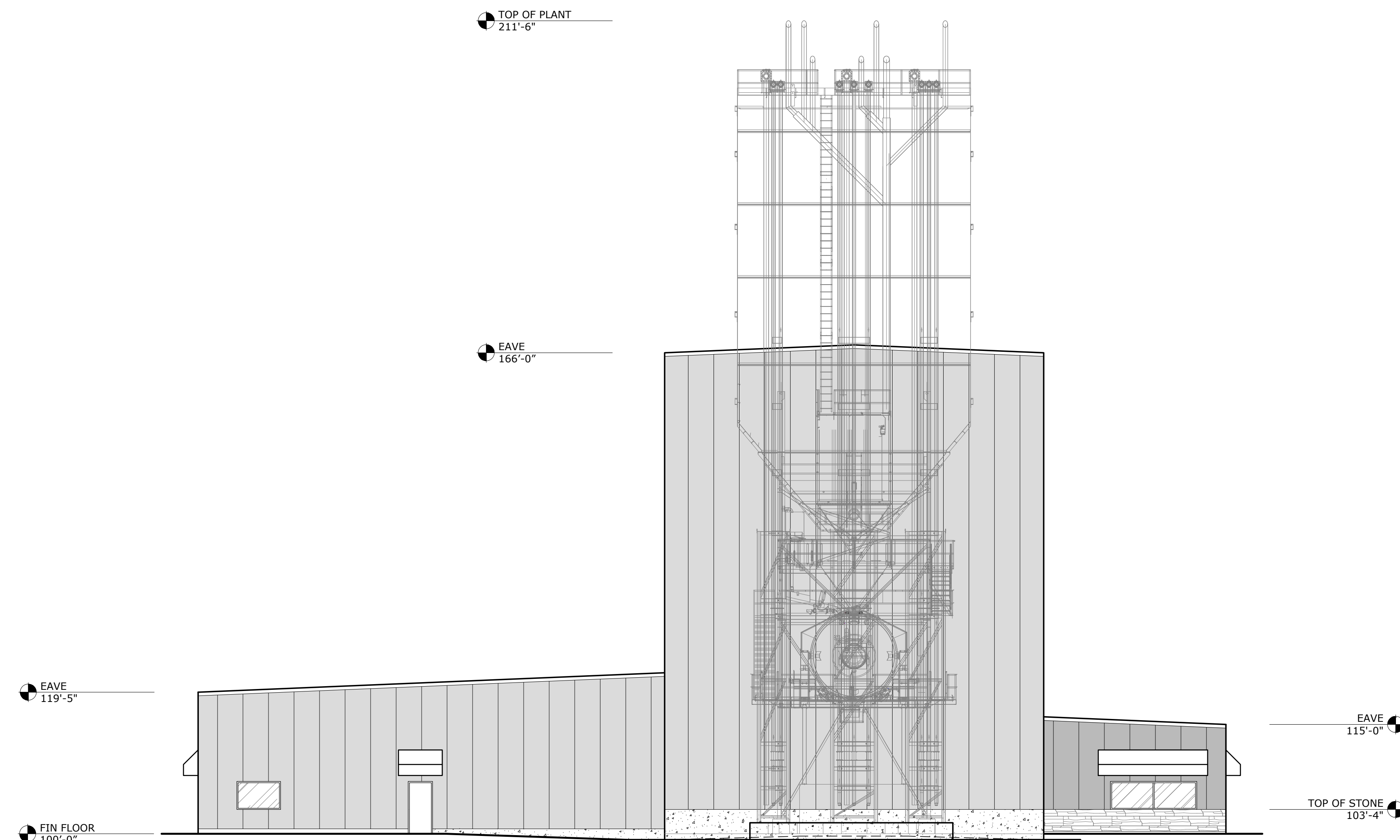
601 P Street, Suite 200
Lincoln, NE 68508
TEL 402.474.6311 www.olsson.com

REV. NO.	DATE	REVISION DESCRIPTION

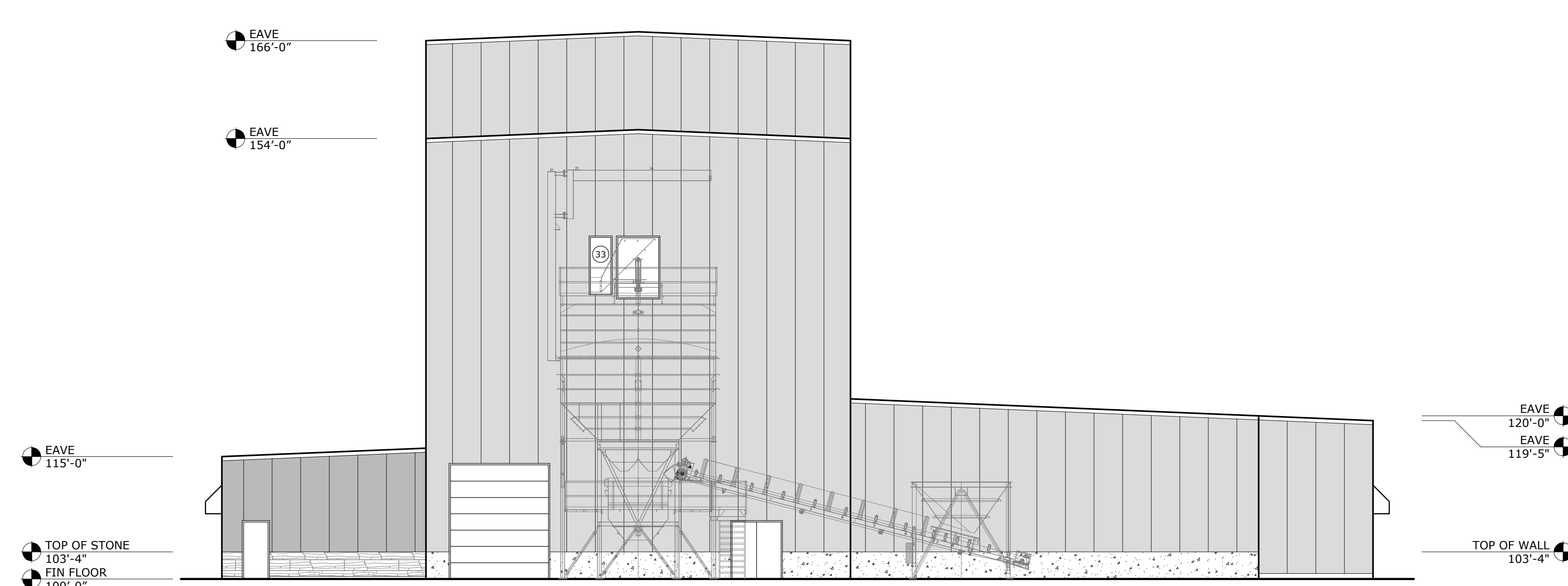
SHEET 1 of 1

NOTICE OUR ETCETERA + BE INSPIRED BY OUR ARCHITECTURE

3/20/2023 2:10:52 PM: Proj\021-105 - Ready Mixed Concrete - New Plant\BentSheet_Bulding\A3.01.dwg



A 2 SOUTH ELEVATION
A3.01 SCALE: 3/32"=1'-0"



A 1 NORTH ELEVATION
A3.01 SCALE: 3/32"=1'-0"

ARCHITECTURE ETCETERA
ARCHI+ETC. LLC
 ARCHITECTURE ETCETERA
 2436 North 48th Street
 Lincoln, Nebraska 68504
 PH: 402.464.6600
 FX: 402.464.6810

Ayars & Ayars
 ARCHITECTS
 Ayars & Ayars, Inc.
 2436 North 48th Street
 Lincoln, Nebraska 68504
 PH: 402.453.8600
 FX: 402.464.6810
 www.ayarsayars.com

New Plant
Ready Mixed Concrete
 7301 N 70th Street
 Lincoln, Nebraska 68504
 ELEVATIONS

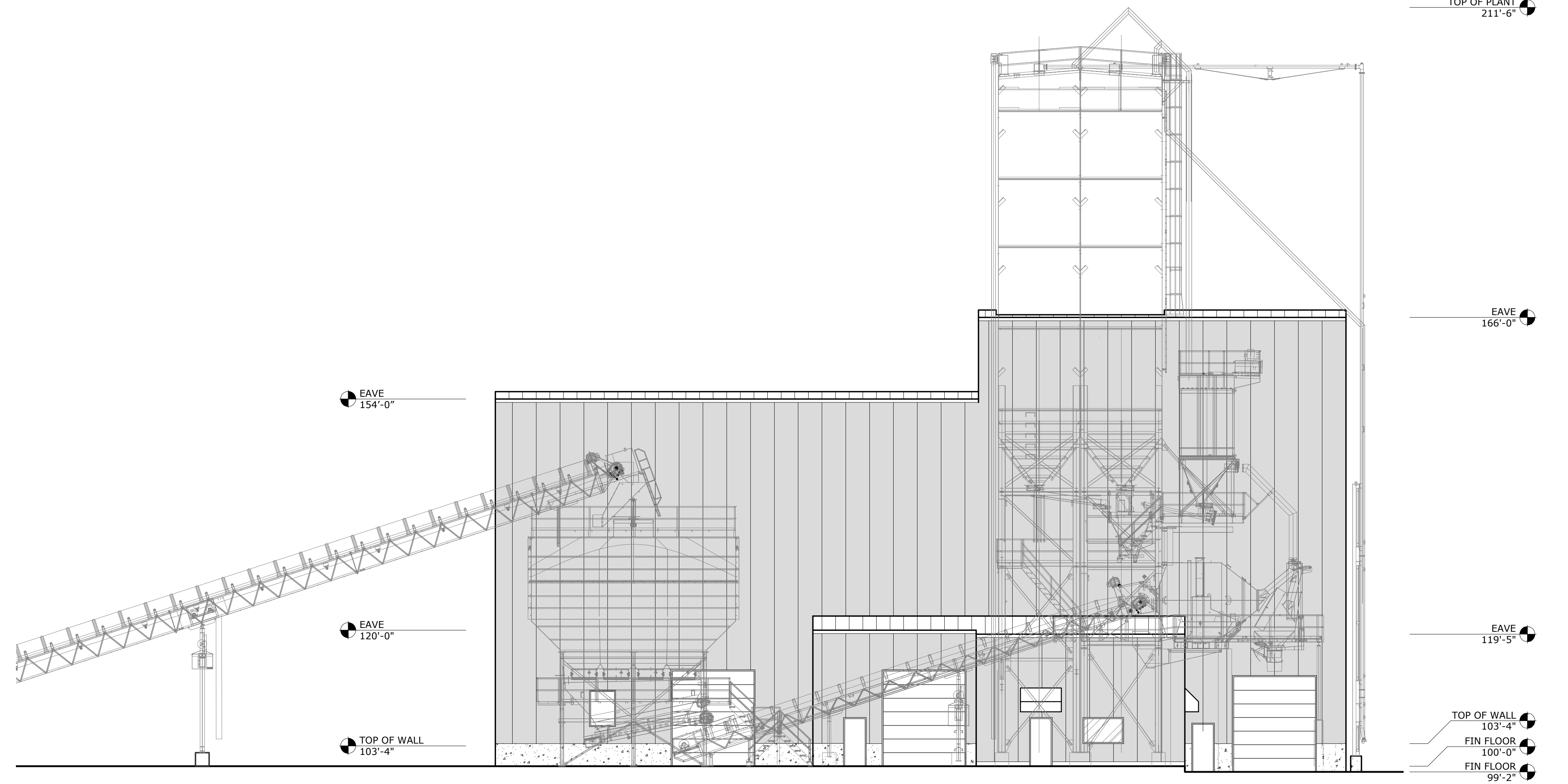
Date Started:

Preliminary
not for
construction

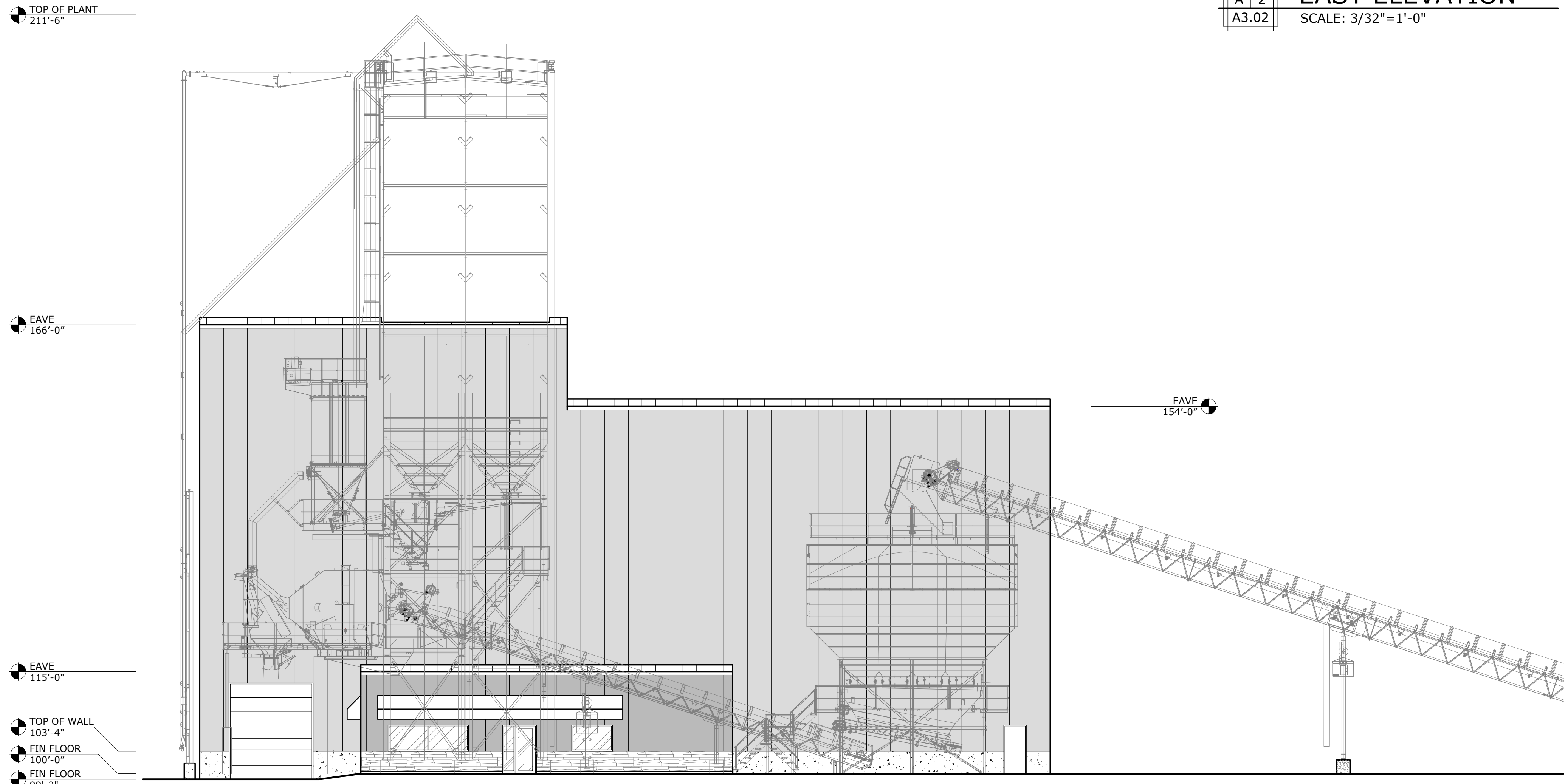
21-105

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A3.01

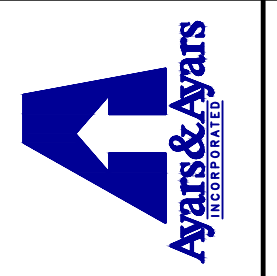


A 2 EAST ELEVATION
A3.02 SCALE: 3/32"=1'-0"



A 1 WEST ELEVATION
A3.02 SCALE: 3/32"=1'-0"

ARCHITECTURE ETCETERA
ARCHI+ETC. LLC
 ARCHITECTURE ETCETERA
 2436 North 48th Street
 Lincoln, Nebraska 68504
 PH: 402.464.6604
 FX: 402.464.6810



Ayars & Ayars, Inc.
 2436 North 48th Street
 Lincoln, Nebraska 68504
 PH: 402.455.8600
 FX: 402.464.6810
 www.ayarsayars.com

New Plant
Ready Mixed Concrete
 7301 N 70th Street
 Lincoln, Nebraska 68504
 ELEVATIONS

Date Started:

**Preliminary
not for
construction**

21-105

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A3.02



June 20, 2023

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

Re: Ready Mix, North 70th Street Concrete Plant
Special Permit for Concrete Plant
Olsson Project No. 022-00272

Dear Mr. Cary,

On behalf of Nebco, Inc dba Ready Mix Concrete, owner of the real property legally described as lot 41 in the northeast quarter of Section 33, Township 11 North, Range 7 East, all located in Lancaster County, Nebraska ("the Property"), we are requesting a special permit to allow a permitted use in the I-1 zone to exceed the maximum allowable height of 75'. The maximum height of the concrete plant is 113'.

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

1. City of Lincoln zoning application.
2. Application fees in the amount of \$1,056.00

Plans and other supporting documents will be submitted to ProjectDox upon notification from the Planning Staff. We appreciate your consideration of the above request and look forward to working with you on this project. If you require further information or have any questions, please do not hesitate to contact me at sosterhaus@olsson.com or (402) 458-5630.

Sincerely,

Scott Osterhaus

Enclosures. Application and fee.

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 #23030 Witches Brew	FINAL ACTION? Yes	DEVELOPER/OWNER Carissa Pschenica
PLANNING COMMISSION HEARING DATE July 26, 2023	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 200 West P Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a special permit to allow the continuation of a nonconforming use related to the sale of alcohol. The permit is to validate a prior expansion of a building originally constructed as a bar in 1949.

The original special permit approved in 1999 authorizing the expansion and on-sale alcohol was in error and should have been a permit for the expansion of a nonconforming use. That permit was amended in 2000 authorizing an additional expansion of the building and the ‘licensed premises’ for the sale of alcohol.

The approval of the special permit and issuance of building permits were based upon required parking spaces being shown but which were located off the property on land owned by the Lower Platte South Natural Resource District (NRD). No permission was granted for these spaces on NRD-owned land and they are not valid.

The special permit for the expansion/reconstruction of a nonconforming use can authorize the expansion but with the continuation of the nonconforming condition, in this case fewer parking spaces than the number required.

JUSTIFICATION FOR RECOMMENDATION

A bar has been in operation at this location since 1949. In its expanded configuration it has operated here since 2000. There are no known complaints of spillover parking as a result of a substandard number of spaces. Approval will allow this use to continue to operate and gain building permits for interior renovation to upgrade the facility.

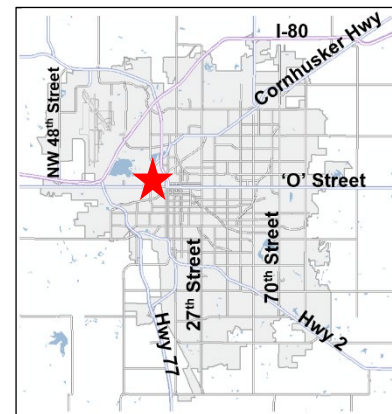
COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan encourages the continuance of existing businesses and assisting them in remaining viable. This proposal permits this use to continue and to upgrade the facility to the benefit of the owner and patrons.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

[Figure GF.b: 2050](#) - This site is designated for future industrial land uses on the 2050 Future Land Use Plan.



APPLICATION CONTACT
David Wiebe, 402-486-3232 or
davidw@adalincoln.com

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

[Land Use Plan](#) -Industrial. Areas where railroads, manufacturing, trucking and transportation facilities are the dominant land use, with some commercial activities.

P.10 Supporting small business is important to the local economy for a variety of reasons. In Lancaster County approximately 94 percent of all establishments employ fewer than 50 people according to the County Business Patterns report published by the US Census Bureau. Small businesses provide an opportunity for local entrepreneurs to enter the marketplace, serve as a platform for innovation, and nurture businesses that specialize in niche products and services.

ANALYSIS

1. This is an application for a special permit to allow the continuation of a use originally established in 1949. The application is to allow fewer parking spaces than would be required today - 34 spaces versus 53. Operating as a bar since 1949, expansions were approved in 1999 and again in 2000 by the approval of both special permits and building permits. Special permits for on and off-sale alcohol authorized the expanded sale of alcohol coinciding with the enlarged facility. At that time the use was in fact nonconforming and a special permit per Section 27.63.280 was appropriate and not special permits under Sections 27.63.680 and 685.
2. A nonstandard use is defined by LMC §27.02.150 as the use of any dwelling, building, structure, lot, land, sign or premises, or part thereof, which was existing and lawful immediately prior to the effective date of this title and which does not conform with the provisions of this title and any amendments thereto.
3. The special permits for the sale of alcohol were not adopted until 1994 and were not a part of the current Zoning Ordinance which was originally adopted in 1979. By definition, any business engaged in the sale of alcohol prior to 1979 and which does not meet all the provisions of the Ordinance today are considered nonconforming.
4. The applicant has applied for building permits to renovate the interior of the building. The permits were denied due to inadequate parking. Using the parking ratio of one space per 100 square feet of floor area per the special permit for on-sale alcohol in effect today, 53 spaces are required based upon the 5,245 square foot building. As part of the 1999 and 2000 expansions, seven parking spaces were shown located off-site on land owned by the NRD, and without permission to be located there so they do not count towards the total. Other parking spaces shown on-site did not meet parking lot design standards and also could not be counted, so the actual number of spaces on the premises site is less.
5. Under a special permit for the continuation/expansion of a nonconforming use, the applicable criteria are different than those of the special permits for the sale of alcohol. With respect to parking, instead of the parking required by the alcohol special permits (1:100 for on-sale, 1:1,000 for off-sale in the I-1) the existing conditions, historical use, impact on surrounding properties and the hardship involved in providing required parking can be considered instead to allow a reduced number.
6. A site plan is provided showing all of Lot 150 where the subject building and another commercial building are located. The other building has the required number of parking stalls for the I-1 zoning district. The subject building has 34 spaces which have been reviewed by the LTU Right-of-Way Division and meet current Design Standards.

West P Street adjacent to the south is a gravel, dead-end street. On the south side of West P Street is a tract owned by the City of Lincoln where water pump station is located. In the event of overflow parking onto West P Street the pump station facility would not be impacted.

7. LMC §27.63.280 for the Continuation/Expansion of a Nonconforming Use provides the following criteria shall be given specific consideration:

(a) Effects on adjacent property, traffic, city utility service needs;

This use has been in existence on this site since 1949, and in its current configuration since 2000. The effect of approval of this special permit will be negligible but will allow the owner to proceed with internal upgrades to the building. To receive building permits the parking lot will be required to be striped according to the site plan submitted resulting in spaces and driving aisles that meet current standards.

(b) Density of land use zoning for the subject property and adjacent property;

There will be no significant impact as the building is not expanding but will be allowed to continue in its current configuration.

(c) The degree of hardship upon the applicant which would be caused by failure to grant.

This special permit would allow for the continued use in its current configuration. The owner contacted surrounding property owners within 300' seeking to lease excess parking as allowed under the Zoning Ordinance. None were interested or had excess parking to lease. The options are to abandon alcohol sales as part of the business plan or remove part of the building, either of which result in significant hardship to the new owner who purchased the property understanding she could continue alcohol sales.

- 8. The special permit is appropriate because: 1) the use has existed at this location since 1949 and in its current configuration since 2000; 2) while providing less than the number of parking spaces otherwise required today, the revised parking lot layout meets current standards and improves the site as do internal improvements to the building; 3) the approval of the special permit is allowing the continuation of the use as it exists today and any future expansion will be subject to and will require review and consideration as an amendment to this special permit.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Commercial I-1 Industrial

SURROUNDING LAND USE & ZONING

North: Commercial I-1 Industrial
South: Utility Facility (City of Lincoln) H-3 Highway Commercial
East: Salt Creek P Public
West: Commercial I-1 Industrial

APPROXIMATE LAND AREA: 1.08 acres, more or less.

LEGAL DESCRIPTION: Lot 150 I.T., located in the SE ¼ of Section 22-10-6 of the 6th PM, Lancaster County, Nebraska.

Prepared by Brian Will, Planner
402-441-6362 or bwill@lincoln.ne.gov
July 12, 2023

Owner: Carissa Pschenica
6520 Adams Street, Unit B
Lincoln, NE 68507
719-551-9309
lshkara76@gmail.com

Applicant/
Contact: David Wiebe
Architectural Design Associates
3410 O Street
Lincoln, NE 68510
402-486-3232
davidw@adalincn.com

CONDITIONS OF APPROVAL - SPECIAL PERMIT #23030

Per Section 27.63.280 this approval permits a nonconforming use for both on and off-sale alcohol with a reduced parking requirement from 53 spaces to 34.

Site Specific Conditions:

1. Before receiving building permits or before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
 - 1.1 Update title of site plan to “Special Permit #23030”.
 - 1.2 Revise the legal description to state “Lot 150, SE ¼ Section 22-10-6, Lancaster County, Nebraska” and delete the reference to the condominium regime.

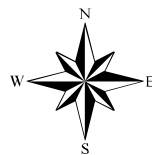
Standard Conditions:

2. The following conditions are applicable to all requests:
 - 2.1 Before occupying the buildings all development and construction shall substantially comply with the approved plans.
 - 2.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
 - 2.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 2.4 Special Permit #1776 and all subsequent amendments are hereby rescinded.
 - 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 #: SP23030
Sun Valley Blvd & W P St



One Square Mile:
 Sec.22 T10N R06E

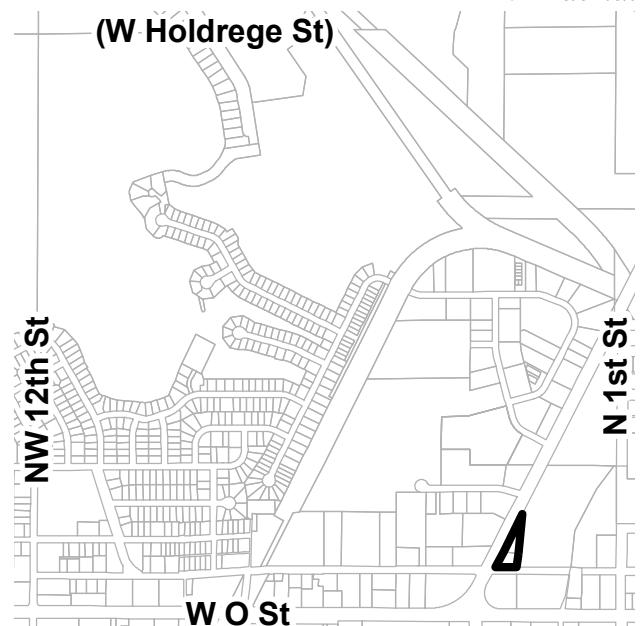
Zoning:

- 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
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- 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





June 28, 2023

Brian Will
Planning Department
555 South 10th Street
Suite 213
Lincoln, NE 68508

RE: Special Permit application

Brian: We are applying for a Special Permit to remodel an existing non-conforming use with less parking than required by the current zoning code. The original building on this lot was developed as a "tavern" in 1946. Over the years, the bar use has remained the same as several additions were added. The most recent addition that added space to the building, resulting in its current size, was approved in 2001. The site plan submitted with that permit incorrectly showed parking that was not compliant and included parking that was on public (NRD) land.

This Special Permit is submitted to correct the previous parking layout that was approved in error. The size and use of the building will remain unchanged. We request a reduction of the required parking for this use from 53 stalls to 34 stalls as shown. (The adjacent condominium owner with a manufacturing use, has zoning code required parking that remains unchanged.) No other changes are requested.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Wiebe', is written over a horizontal line. The signature is fluid and cursive.

David Wiebe, AIA

Attachments

1. Site plan
2. Application form
3. Application fee

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

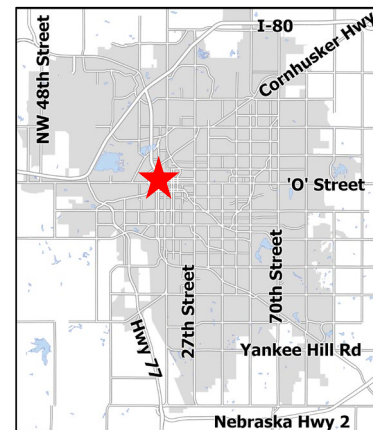
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Street and Alley Vacation #23004	FINAL ACTION? No	DEVELOPER/OWNER Union Bank & Trust / City of Lincoln
PLANNING COMMISSION HEARING DATE July 26, 2023	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION E/W alley between O and P Street along N Antelope Valley Parkway.

RECOMMENDATION: CONFORMS TO THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

This is a request to vacate the remaining portion of the east-west alleyway located between O Street and P Street, along North Antelope Valley Parkway. The request was submitted with a signed petition on behalf of the abutting property owner, Union Bank & Trust which operates a branch location on this block.



JUSTIFICATION FOR RECOMMENDATION

The request for the vacation is appropriate as the existing alley right-of-way is currently a dead end, as a portion of the alley on the east half of the block was previously vacated. Union Bank and Trust is the only abutting property owner on both sides of the alley. The alley does not serve a purpose for public use for through access of this block. If approved, the vacated alley entrance on N. Antelope Valley Parkway will be removed.

APPLICATION CONTACT

Derek Aldridge, (402) 323-1950 or daldridge@perrylawfirm.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

Vacation of this alley right-of-way will not negatively impact the transportation system and subject to the conditions of approval, this request is in conformance with the Comprehensive Plan.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Elements Section

Transportation Element

The right of way is not shown on the Existing Functional Classification of the 2050 Long Range Transportation Plan.

Policies Section

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

Applicant/
Owner

Union Bank & Trust
3643 S. 48th Street
Lincoln, NE 68506

Contact:

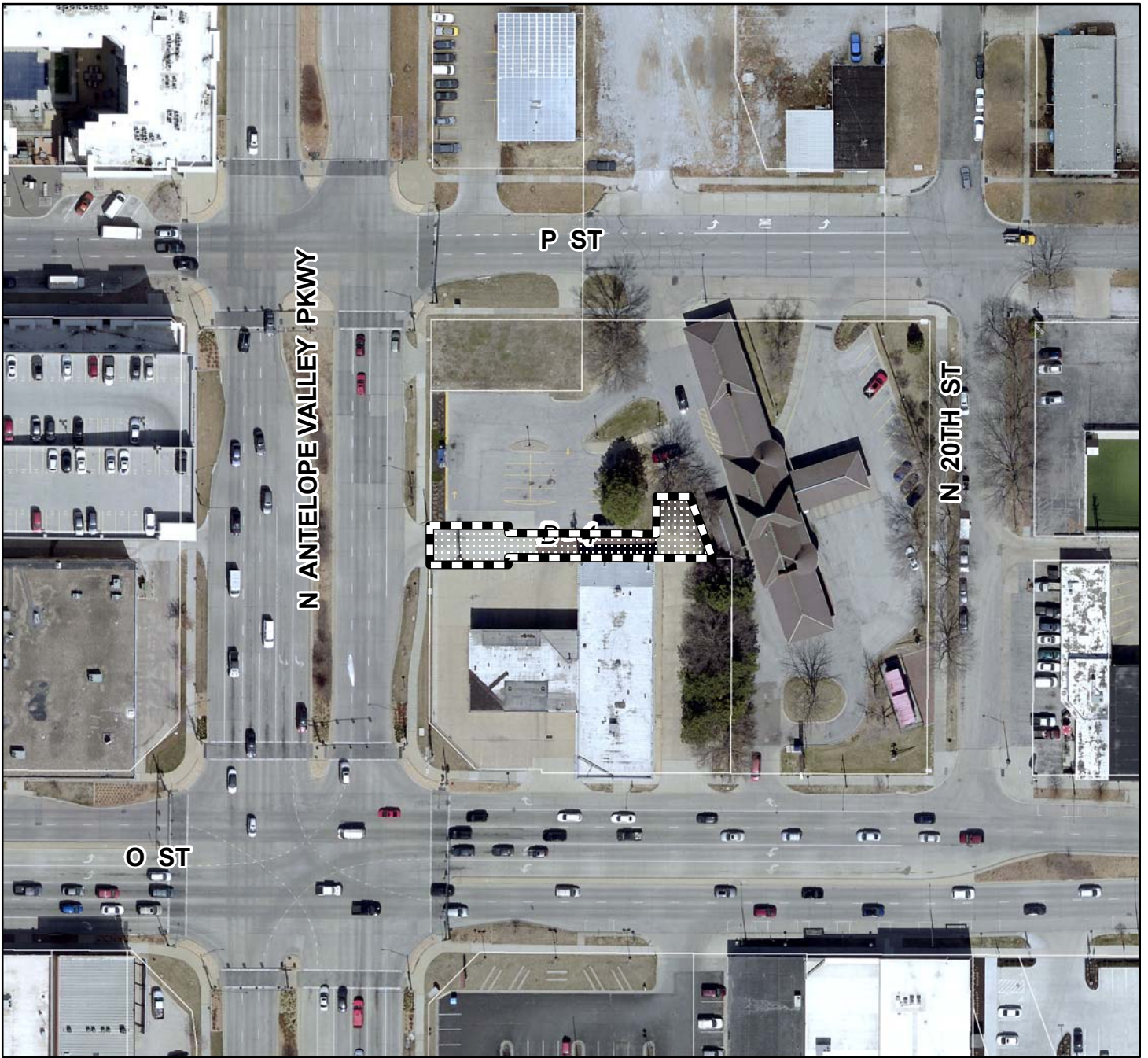
Derek Aldridge
233 S. 13th Street
Suite 1400
Lincoln, NE 68508

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SAV/23000/SAV23004 Union Bank Alley Vacation.bmc.docx>

CONDITIONS OF APPROVAL - STREET AND ALLEY VACATION #23004

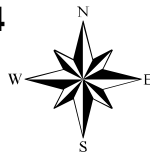
BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA THE FOLLOWING MUST BE COMPLETED:

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.
- 1.2 Include retention of LES utility easements with deed transfer.
- 1.3 Post a surety in the amount of \$4,400 as required by Lincoln Transportation & Utilities to guarantee the removal of the existing alley curb cut on N. Antelope Valley Parkway.



2022 aerial

Street and Alley Vacation #: SAV23004
N Antelope Valley Pkwy & O St



Zoning:

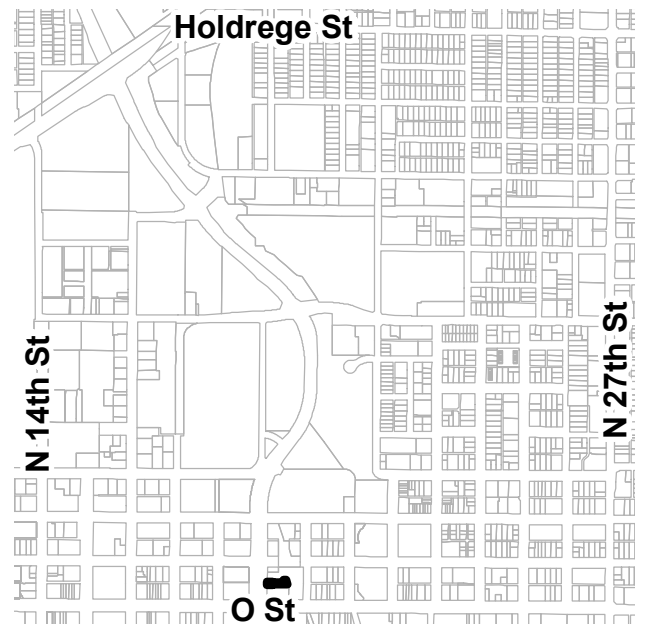
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- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile:
 Sec.24 T10N R06E

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



James B. Gessford
Daniel F. Kaplan
Gregory H. Perry
Joseph F. Bachmann*
R.J. Shorridge*
Joshua J. Schauer*
Derek A. Aldridge**
Justin J. Knight***
Charles F. Kaplan
Haleigh B. Carlson
Sara J. Tonjes



PERRY, GUTHERY, HAASE & GESSFORD, P.C., L.L.O.

Of Counsel
Thomas M. Haase

* Also admitted in Iowa
** Also admitted in Kansas
*** Also admitted in Colorado

Ernest B. Perry (1876-1962)
Arthur E. Perry (1910-1982)
R.R. Perry (1917-1999)
Edwin C. Perry (1931-2012)

June 26, 2023

City of Lincoln, Nebraska
Planning Department
County-City Building, Suite 213
Lincoln, NE 68508

RE: Petition to Vacate Public Way

Dear Planning Department:

This law firm represents the petition applicant Union Bank and Trust Company. On behalf of Union Bank and Trust, the following documents are being submitted for purposes of a request to vacate an unused alley:

- Petition to Vacate Public Way
- Information Sheet
- Application Request

Should the Department have any questions or wish to gather more information, the best approach would be to contact me directly. My contact email is daldridge@perrylawfirm.com and direct telephone is 402-476-9088.

Sincerely,

PERRY, GUTHERY, HAASE
& GESSFORD, P.C., L.L.O.

A handwritten signature in blue ink that reads "Derek A. Aldridge".

Derek A. Aldridge



233 South 13th Street, Suite 1400 * Lincoln, Nebraska 68508
Telephone (402) 476-9200 * Fax (402) 476-0094
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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 #23005	FINAL ACTION? No	DEVELOPER/OWNER Wilderness Crossing, LLC / Lancaster County
PLANNING COMMISSION HEARING DATE July 26, 2023	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION Portion of South 1 st Street between Pioneers Blvd. and Old Cheney Road.

RECOMMENDATION: CONFORMS TO THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

This is a request to vacate a portion of South 1st Street located between Pioneers Boulevard and Old Cheney Road. The vacation is related to the Wilderness Crossing Planned Unit Development (PUD) which will vacate and construct a new South 1st Street by moving it slightly west from its current location. The area being requested for vacation has two abutting property owners, Wilderness Crossing, LLC and Lancaster County, which have both submitted signed petitions.



JUSTIFICATION FOR RECOMMENDATION

This request for the vacation of South 1st Street is appropriate as the Wilderness Crossing PUD approved in 2022 will construct a new South 1st Street within the PUD development. This project will create a new location for a portion of S. 1st Street and ultimately continue the existing connection between Old Cheney Road and Pioneers Boulevard. The new S. 1st Street will be constructed before this portion of the existing right-of-way is closed to reduce the impact on the area traffic flow.

APPLICATION CONTACT

Civil Design Group, Inc, Mike Eckert, (402) 434-8494 or meckert@civildg.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

Vacation of this portion of the South 1st Street public right-of-way will not negatively impact the transportation system and subject to the conditions of approval, this request is in conformance with the Comprehensive Plan. This vacation will ultimately provide for the reconstruction and slight relocation of a new and improved South 1st Street right-of-way serving this area as it develops following an approved PUD aligning with the future land use designation of urban residential in this area. This relocation will follow the PUD plans by increasing the distance from the existing local street to Wilderness Park and providing an additional 33 feet of green space as a buffer to the existing park.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Elements Section

Transportation Element

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

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

Policies Section

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

Action Steps

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

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

ANALYSIS

1. This is a request for the vacation of the 100-foot-wide South 1st Street right-of-way, stretching from Pioneers Boulevard approximately one-half mile south to the property line of the existing Lincoln City Church. This vacation is in relation to the previously approved Change of Zone #21057 for the Wilderness Crossing Planned Unit Development (PUD) that was approved in April 2022. The PUD layout included the construction and slight relocation of the existing S. 1st Street to the west which will continue to keep the connection for north-south traffic flow between Pioneers Boulevard and Old Cheney Road once finished. The new South 1st Street will use the existing intersection with Pioneers Boulevard and connect to the existing S. 1st Street right-of-way on the southern edge of the PUD boundary.
2. There are two abutting property owners for the vacated area, Wilderness Crossing, LLC, owning the property on the west side of the right-of-way, and Lancaster County owning the property on the east side within Wilderness Park. During the annexation process for the PUD, the annexation agreement included language regarding the proposed vacation and excess right-of-way that would be taken into ownership by the City abutting Wilderness Park. In this vacation, Wilderness Crossing, LLC will take ownership of the west 67' of right-of-way which will be within the PUD boundary and the City will then take ownership of the east 33' of right-of-way abutting Wilderness Park.
3. It should be noted there is an existing residence at 4700 S. 1st Street, which is not included in the vacation, and will continue to have the abutting right-of-way along this property to S. 1st Street. This is per the approved PUD plan. The existing driveway access will be kept during the construction process and completion of S. 1st Street. The house will be provided with an extended driveway to S 1st Street. The house will be able to retain their address. LTU will coordinate the construction so that emergency access is maintained at all times to the existing house.
4. Lincoln Electric System requests an easement within the vacated area for existing utilities. If an easement is not desired, the applicant will need to work with LES to coordinate the relocation of the utilities. Beyond that there are no public water, sanitary sewer or storm sewer infrastructure present in the right-of-way.
5. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. As part of the Wilderness Crossing PUD, no payment will be required under an agreement that the City will deed the west 67' feet of the vacated S. 1st Street to Wilderness Crossing, LLC in exchange for the dedication of the new S. 1st Street

within the PUD by final plat.

6. The subject right-of-way vacation will not affect the transportation system or vehicular traffic as the developer will construct the entire portion of the new S. 1st Street before this vacation is filed to allow for a minimal traffic impact. The unimproved S. 1st Street will then be closed and traffic will be routed along the new roadway section. The vacation is compatible with the Comprehensive Plan as it will work with the previously approved PUD which will allow for the reconstruction and improvement of a local street to serve a developing area and ultimately create a larger green space buffer along the boundary of Wilderness Park at this location.

CONDITIONS OF APPROVAL: See attached.

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

SURROUNDING LAND USE & ZONING

North: S. 1st St., Pioneers Blvd., Single family, landscaping business
South: S. 1st St., City Church, Wilderness Park
East: Wilderness Park
West: Wilderness Crossing PUD

R-3, Residential & AG, Agriculture
AG, Agriculture & P, Public
P, Public
R-3 PUD

APPLICATION HISTORY

April 2021 Annexation #21013 and Change of Zone #21057 from AG to R-3 PUD was approved by the City Council annexing approximately 76 acres for the Wilderness Crossing Planned Unit Development allowing up to 575 dwelling units.

March 2023 Administrative Amendment #22065 was approved detailing the layout of Wilderness Crossing PUD including the future relocation of S. 1st Street.

APPROXIMATE LAND AREA: Approximately 5.34 acres, more or less

LEGAL DESCRIPTION: See Attached

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

Date: July 13, 2023

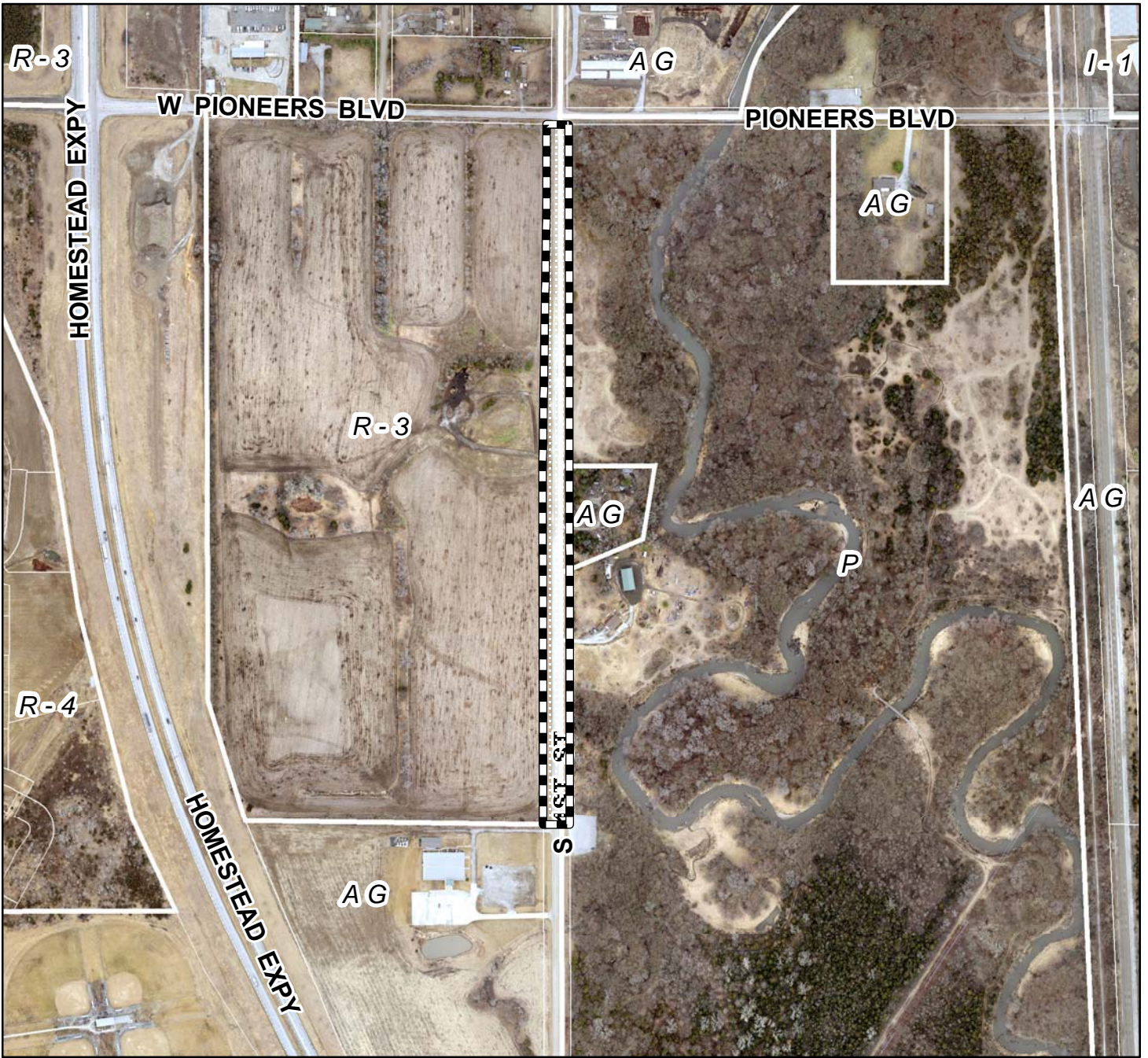
Applicant/
Owner: Wilderness Crossing, LLC
 4400 Lucile Drive
 Suite 201
 Lincoln, NE 68516

Contact: Civil Design Group, Inc
 8535 Executive Woods Drive
 Suite 200
 Lincoln, NE 68512
 (402) 434-8494

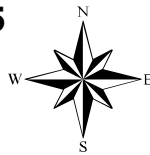
CONDITIONS OF APPROVAL - STREET AND ALLEY VACATION #23005

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

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.
- 1.2 Include retention of utility easements by LES with deed transfer.



Street and Alley Vacation #: SAV23005
S 1st St & Pioneers Blvd



2022 aerial

Zoning:

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

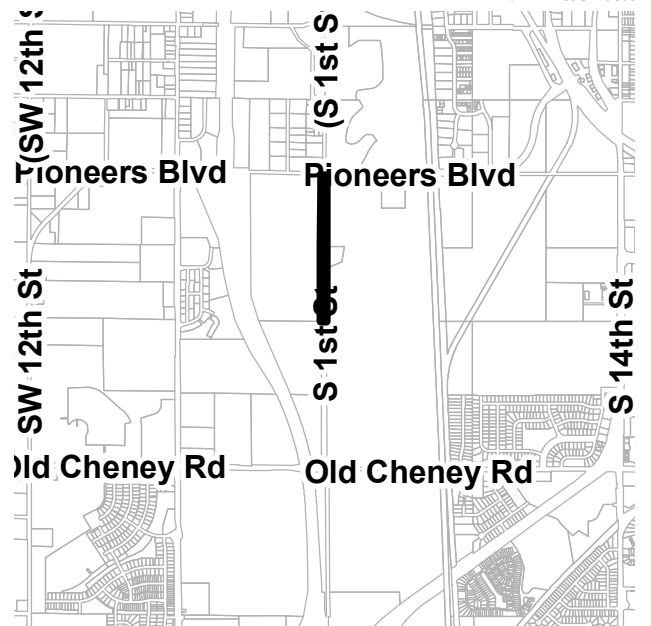
Two Square Miles:

Sec.10 T09N R06E
 Sec.11 T09N R06E

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



1st STREET R.O.W. VACATION PARCEL 'A'

A legal description of a tract of land located in the Northeast Quarter of Section 10, Township 9 North, Range 6 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska and more particularly described as follows:

Beginning at the Northeast Corner of the Northeast Quarter of said Section 10;
Thence N 88°45'15" W, on the North Line of the Northeast Quarter, for a distance of 50.11'; Thence Southerly, on the existing Westerly Right-of-way Line of 1st Street, the following 3 courses:
S 00°06'24" E for a distance of 309.27';
Thence S 00°52'12" W for a distance of 1000.19';
Thence S 00°06'03" E for a distance of 163.04';
Thence N 89°53'54" E for a distance of 67.01' to a point on the East Line of the Northeast Quarter;
Thence N 00°06'02" W, on the East Line of the Northeast Quarter, for a distance of 1471.18' to the **Point of Beginning**, and having a calculated area of 1.95 acres or 84928 square feet more or less.

Subject to any and all easements and restrictions of record.

1ST STREET R.O.W. VACATION PARCEL 'B'

A legal description of a tract of land located in the Northwest Quarter of Section 11, Township 9 North, Range 6 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska and more particularly described as follows:

Beginning at the Northwest Corner of the Northwest Quarter of said Section 11;
Thence S 89°55'28" E, on the North Line of the Northwest Quarter, for a distance of 33.00';
Thence S 00°06'02" E, on the East 33.00' Right-of-way Line of 1st Street, for a distance of 1307.03' to the Northwest Corner of Lot 29 Irregular Tracts; Thence S 89°53'58" W for a distance of 33.00' to a point on the West Line of the Northwest Quarter; Thence N 00°06'02" W, on the West Line of the Northwest Quarter, for a distance of 1307.13' to the **Point of Beginning**, and having a calculated area of 0.99 acres or 43129 square feet more or less.

Subject to any and all easements and restrictions of record.

1ST STREET R.O.W. VACATION PARCEL 'C'

A legal description of a tract of land located in the Northwest Quarter of Section 11, Township 9 North, Range 6 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska and more particularly described as follows:

Referring to the Southwest Corner of the Northwest Quarter of said Section 11;
Thence N 00°06'02" W, on the West Line of the Northwest Quarter, for a distance of 209.28' to the **Point of Beginning**;

Thence N 00°06'02" W, continuing on the West Line of the Northwest Quarter, for a distance of 749.86'; Thence N 89°53'58" E for a distance of 33.00' to the Southwest Corner of Lot 29 Irregular Tracts; Thence S 00°06'02" E, on the East 33.00' Right-of-way Line of 1st Street, for a distance of 959.20' to a point on the South Line of the Northwest Quarter; Thence N 89°59'06" W, on the South Line of the Northwest Quarter, for a distance of 20.01'; Thence N 00°06'03" W for a distance of 117.63'; Thence with a curve turning to the left with an arc length of 92.90', with a radius of 330.00', with a chord bearing of N 08°09'55" W, with a chord distance of 92.59' to the **Point of Beginning**, and having a calculated area of 0.67 acres or 29328 square feet more or less.

Subject to any and all easements and restrictions of record.

1st STREET R.O.W. VACATION PARCEL 'D'

A legal description of a tract of land located in the Northeast Quarter of Section 10, Township 9 North, Range 6 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska and more particularly described as follows:

Beginning at the Southeast Corner of the Northeast Quarter of said Section 10;
Thence N 00°06'02" W, on the East Line of the Northeast Quarter, for a distance of 1124.83';
Thence S 89°53'54" W for a distance of 67.01' to a point on the existing Westerly Right-of-way Line of 1st Street; Thence S 00°06'03" E, on the existing Westerly Right-of-way Line of 1st Street for a distance of 1346.91' to a point on the South Line of the Northeast Quarter; Thence S 89°17'07" E' on the South Line of the Northeast Quarter, for a distance of 67.02' to the **Point of Beginning**, and having a calculated area of 1.73 acres or 75344 square feet more or less.

Subject to any and all easements and restrictions of record.



Civil Design Group, Inc.

Consulting Engineers & Land Use Planners
Civil Design • Site Development • Planning & Zoning

July 13, 2023

Mr. David Cary, Director of Planning
City of Lincoln /Lancaster County
555 South 10th Street, Room 213
Lincoln, NE 68508

**Re: Petition to Vacate Right-of-Way on S. 1st Street per the conditions of the
Wilderness Crossing PUD. Generally located at S. 1st St & Pioneers Blvd.**

Dear Mr. Cary:

On behalf of Wilderness Crossing, LLC we submit the enclosed petition to vacation portions of the S. 1st Street Right-of-Way (ROW) as it abuts the Wilderness Crossing PUD and Wilderness Park. The vacation of this ROW was agreed to by the developer and the City/County in the Wilderness Crossing PUD. We have worked extensively with City and County staff to coordinate this unique process of vacating and relocating portions of this ROW.

The legal descriptions for the vacation of the ROW by Wilderness Crossing and Lancaster County do not include that portion of the S. 1st Street ROW as it abuts a single family home at 4700 S. 1st St (Lot 29 NW in Section 11-9-6). This lot is currently owned by Kathleen Danker. It is the only residential lot east of S. 1st Street that will require a permanent access route to the future S. 1st Street ROW. Said access for the Danker property to the future S. 1st Street ROW is shown on the approved PUD. This ROW vacation process does not alleviate the obligation of Wilderness Crossing, LLC to maintain access to the Danker lot at all times.

With this application we submit the following items:

Application for Petition to Vacate ROW
Exhibits and Legals for the ROW Vacation

I hope that this letter in conjunction with the petition assists you in reviewing this request. Please feel free to call me at (402) 434-8494 so that I can address any questions you may have.

Sincerely,

Mike Eckert, AICP

cc: Wilderness Crossing, LLC