

Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

Cindy Ryman Yost: Chair

Cristy Joy: Vice Chair

Lorenzo Ball

Dick Campbell

Tracy Corr

Maribel Cruz

Gloria Eddins

Tracy Edgerton

Richard Rodenburg

PLANNING STAFF

David R. Cary: Director

Shelli Reid: Administrative Officer

Jennifer McDonald: Administrative Aide

August 23, 2023

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, August 23, 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.

The Lincoln-Lancaster County Planning Commission will meet on Wednesday, August 9, 2023, at 12:00 p.m. in the Council Chambers for a pre-briefing to review the Local Food Master Plan. Public testimony will not be accepted at this briefing.

****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, AUGUST 23, 2023

Approval of minutes of the regular meeting held [August 9, 2023](#).

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

COMPREHENSIVE PLAN AMENDMENT:

- 4.1 CITY COMPREHENSIVE PLAN AMENDMENT 23009, to amend the Lincoln Lancaster County 2050 Comprehensive Plan to adopt the Local Food System Plan as part of the Lincoln Lancaster County Comprehensive Plan.
Page 15
Staff recommendation: Approval
Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

TEXT AMENDMENT:

- 4.2 TEXT AMENDMENT 23011, to amend the Lincoln Municipal Code, Section 27.02 Definitions to add a new definition, Passenger Carrier Vehicles; amend Section 27.06 Retail Sales and Service Use Group to add Storage and Maintenance of Passenger Carrier Vehicles, and amend Section 27.63 Special Permits to allow Storage and Maintenance of Passenger Carrier Vehicles in AG and AGR zoning districts by special permit.
Page 21
Staff recommendation: Denial
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

CHANGE OF ZONE:

- 4.3 *Page 32* CHANGE OF ZONE 15013B, to amend the Tower Heights Planned Unit Development (PUD) with a modification to the land use plan from O-3 (Office Park District) to B-2 (Planned Neighborhood Business District), with restricted uses, on property generally located at the SW corner of South 52nd Street and Yankee Hill Road.
Staff recommendation: Conditional Approval
Staff Planner: Benjamin Callahan, 402-441-6360, bcallahan@lincoln.ne.gov

MISCELLANEOUS:

- 4.4 *Page 45* STREET AND ALLEY VACATION 23005, to vacate a portion of the South 1st Street ROW (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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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 Tuesday, August 1, 2023.

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, August 9, 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: Lorenzo Ball, Dick Campbell, Maribel Cruz, Gloria Eddins, Cristy Joy, Rich Rodenburg, Cindy Ryman Yost and Tracy Edgerton. Tracy Corr absent. David Cary, Steve Henrichsen, Shelli Reid, Jennifer McDonald, Ben Callahan, Brian Will, George Wesselhoft, and Tom Cajka of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

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

Edgerton requested a motion approving the minutes for the regular meeting held July 26, 2023.

Motion for approval of the minutes made by Campbell, seconded Eddins. Minutes approved 7-0: Ball, Campbell, Cruz, Eddins, Joy, Rodenburg, and Ryman Yost voting "yes"; Corr absent; Edgerton abstained.

Edgerton asked for Election of Chair and Vice-Chair for 2-year terms.

Campbell moved for Cindy Ryman Yost be elected as Chair for the Planning Commission. Second by Eddins.

There were no other nominations.

Campbell moved to elect Ryman Yost by acclamation, seconded Eddins.

Cindy Ryman Yost has been nominated to serve as Chairperson of the Planning Commission for a two-year term.

Motion carried 8-0: Ball, Campbell, Cruz, Eddins, Edgerton, Joy, Rodenburg, and Ryman Yost voting “yes”. Corr absent.

Ryman Yost has elected to serve as Chairperson for the Planning Commission for a two-year term.

Ryman Yost accepted and wanted to thank Commissioner Edgerton for her leadership over the past couple of years.

Chairperson Ryman Yost asked if there is a nomination for a Vice Chair. Campbell moved to nominate Cristy Joy as Vice Chair.

There were no other nominations.

Campbell moved to close nominations and elect Cristy Joy as Vice Chair for the next two years; seconded Eddins.

Motion carried 8-0: Ball, Campbell, Cruz, Eddins, Edgerton, Joy, Rodenburg, and Ryman Yost voting “yes”. Corr absent.

Joy has elected to serve as Vice Chairperson for the Planning Commission for a two-year term.

Campbell wanted to thank Edgerton for her exceptional leadership for the past few years and applaud her for how she handled certain situations that came forward.

David Cary, Planning Department, 555 S. 10th Street, Lincoln, NE came forward to thank Tracy Edgerton for her two years of service and the excellent job that she has done. Cary stated that he also wanted to thank the new people that have been nominated and approved.

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

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

August 9, 2023

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

The Consent Agenda consisted of the following items: Comprehensive Plan Amendment 23008, Annexation 23007, Change of Zone 23056, Change of Zone 23055 and Street and Alley Vacation 23006.

Clerk noted that Items 1.1a, 1.1b and 1.1c, Comprehensive Plan Amendment 23008, Annexation 23007, and Change of Zone 23056, along with item 1.2, Change of Zone 23055 were removed from the Consent Agenda and for a separate public hearing.

There were no ex-parte communications disclosed.

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

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

Motion carried 8-0: Ball, Campbell, Cruz, Eddins, Edgerton, Joy, Rodenburg, and Ryman Yost; Corr absent.

Prior to the start of public hearing, Clerk noted that Commissioner Ball has declared a conflict of interest on Text Amendment 23010, therefore, will recuse himself from voting on that item.

COMPREHENSIVE PLAN AMENDMENT 23008
TO AMEND THE LINCOLN-LANCASTER COUNTY 2050 COMPREHENSIVE PLAN TO AMEND THE FUTURE LAND USE PLAN FOR EAST DOMINION ESTATES TO EXPAND THE COMMERCIAL AREA DESIGNATION APPROXIMATELY 17.6 ACRES AND REDUCE THE URBAN RESIDENTIAL AREA DESIGNATION, ON PROPERTY GENERALLY LOCATED AT THE NW CORNER OF 112TH AND O STREETS
AND
ANNEXATION 23007
TO ANNEX FOR EAST DOMINION ESTATES APPROXIMATELY 11.82 ACRES, MORE OR LESS, ON PROPERTY GENERALLY LOCATED AT THE NW CORNER OF 112TH AND O STREETS
AND
CHANGE OF ZONE 23056
TO CHANGE THE ZONING FOR EAST DOMINION ESTATES FROM R-3 (RESIDENTIAL DISTRICT) TO R-4 (RESIDENTIAL DISTRICT) ON 2.29 ACRES, AND FROM AG TO R-4 ON 11.82 ACRES, ON PROPERTY GENERALLY LOCATED AT THE NW CORNER OF 112TH AND O STREETS.

PUBLIC HEARING: August 9, 2023

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

<u>Staff Recommendation:</u>	Comprehensive Plan Amendment 23008	Approval
	Annexation 23007	Approval
	Change of Zone 23056	Approval

There were no ex-parte communications disclosed.

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

Staff Presentation:

George Wesselhoft, Planning Department, 555 South 10th Street, Suite 205, Lincoln, NE, came forward to briefly review the applications. Wesselhoft stated that this is located at the northwest corner of 112th Street and O Street. The purpose of the request is to allow more use for the commercial use area with the reduction in the Urban Residential area. Previously, the City Council had amended the Comprehensive Plan taking in the existing presence of the pipeline along 112th Street. Wesselhoft stated that the Annexation request is for 11.2 acres and the related Change of Zone area corresponds with the same area as the Comprehensive Plan Amendment. The access for the phase I of the development would be the multiple connections through the existing access and two new access points would be added in the Phase II portion of the development on 112th Street, which is not proposed at this time. Wesselhoft stated that the street improvements will be done with the Phase II of the development. This will require a traffic study to be done at that time.

Campbell asked Wesselhoft if there is a pipeline setback included. Wesselhoft stated that was in part of it, but they are anticipating that the state will require property for future "O" Street widening.

Applicant:

DaNay Kalkowski, Seacrest and Kalkowski, 1128 Lincoln Mall, Suite 105, Lincoln, NE came forward on behalf of the owners of the property. Kalkowski stated that the owners are wanting to change the zoning to R-4 for attached single family. This is to give the adjoining neighbors notice as to what the use could be in the future. Kalkowski noted that this expansion of commercial area will allow flexibility for the use and market of the property. The zoning of that commercial area is not being requested at this time, but in the future request, a traffic study will need to be completed in Phase II.

Proponents:

No one came forward in support.

Neutral:

No one came forward for neutral testimony.

Opposition:

Dan Davenport, 602 N 112th Street, Lincoln, NE came forward with concerns of the impact that this will have with his farm and Steven's Creek. In the future, when the widening of 112th Street is to be done, he feels that there is only one way it can go and that is to the east side which will impact the houses and road. There currently is a sewer line that travels through his property and sees this impacted also in the future. Davenport stated that there is a major concern about the water runoff. There currently is a water detention pond which is placed higher than the land, so the water does not even reach the pond. Davenport stated that with heavy rains, the ditch

cannot hold the water and it filled the sewer line. Davenport stated that there are a lot of concerns and stated that there is not a buffer between the houses and the future use of the property.

Campbell asked if the only buildable area on Davenport's property is the area is along 112th Street. Davenport stated that is only one area along 112th Street that is buildable.

Edgerton asked how many houses are along 112th Street. Davenport stated that there are currently five homes but only three are impacted by this half mile area.

Rodenburg asked if it is a conclusion that the road will need to be moved to the east. Davenport stated that with the plans that he has seen, the road is to travel down the center of the road. Davenport also stated that the road will be three lanes and the space needed is not there so this will move it to his front yard.

Staff Questions:

Edgerton asked Wesselhoft if the widening of 112th has been discussed and what is going to happen or what is needed going forward. Wesselhoft stated that he is not aware of any plans of the accusation. Wesselhoft stated that Lincoln Transportation and Utilities (LTU) would need to answer that question. **Bob Simmering, LTU, 555 S. 10th Street, Lincoln, NE** came forward and stated that a typical arterial street will have 120 feet of right-a-way, but not knowing exactly where the pipeline is, and all the items that are taken in consideration for the process, it is hard to tell without taking all that in to know the answer. Simmering stated that this property is unique because there is so much floodplain to the north. Simmering stated that there may be a different design generated by the traffic study because of everything to take into consideration.

Applicant Rebuttal:

Kalkowski approached and stated that this area is within the future growth area and eventually, 112th Street will need to be improved. With the current plan, the traffic study is not required currently until the future uses are decided. Kalkowski stated that the location of the gas line is not against the right-of-way and does not believe there will need to be an offset of the street. This would be determined by design and when the traffic study is done.

Edgerton asked about the holding pond, water runoff and the drainage ditch not being able to hold water during the rainfall. Kalkowski stated that this is with the property to the west and not this current property that is being discussed. Kalkowski stated that they have already started with a master grading and drainage plan that has been approved for this site.

Campbell moved to close public hearing, second Eddins. Motion carried 8-0: Ball, Campbell, Cruz, Eddins, Edgerton, Joy, Rodenburg, and Ryman Yost voting "yes". Corr absent.

COMPREHENSIVE PLAN AMENDMENT 23008

ACTION BY PLANNING COMMISSION

August 9, 2023

Campbell moved approval, seconded by Eddins.

Campbell stated that the property to the east is minimal and does not see residential housing fitting on that small piece of ground. Campbell will be supporting all three of the items.

Joy stated that she will be supporting all three of the items. Joy feels that the as the traffic study moves forward, and if the city standards are followed, this will be a good growth plan with the Comprehensive Plan.

Edgerton stated that she will support the motion. Edgerton feels the Change of Zone makes sense to the properties on the east side with the buffer.

Motion carried 8-0: Ball, Campbell, Cruz, Eddins, Edgerton, Joy, Rodenburg, and Ryman Yost voting ‘yes’. Corr absent.

ANNEXATION 23007

ACTION BY PLANNING COMMISSION

August 9, 2023

Campbell moved for approval, seconded by Eddins. Motion carried 8-0: Ball, Campbell, Cruz, Eddins, Edgerton, Joy, Rodenburg, and Ryman Yost voting ‘yes’. Corr absent.

CHANGE OF ZONE 23056

ACTION BY PLANNING COMMISSION

August 9, 2023

Campbell moved for approval, seconded by Eddins. Motion carried 8-0: Ball, Campbell, Cruz, Eddins, Edgerton, Joy, Rodenburg, and Ryman Yost voting ‘yes’. Corr absent.

CHANGE OF ZONE 23055

FROM R-6 (RESIDENTIAL DISTRICT) TO B-3 (COMMERCIAL DISTRICT), ON PROPERTY GENERALLY LOCATED AT 4718 COOPER AVENUE.

PUBLIC HEARING:

August 9, 2023

Members present: Ball, Campbell, Cruz, Eddins, Edgerton, Joy, Rodenburg, and Ryman Yost. Corr 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, 555 South 10th Street, Suite 205, Lincoln, NE, came forward and stated that the property being discussed is located at 4718 Cooper Avenue. This request is for an office on the main floor and a residential unit in the basement. Callahan stated that the property is surrounded on south and east side is zoned B-3 and the property on the west is a parking lot. Compatibility wise, this will finish out the B-3 zoning and keep the parking lot under the special permit that it is today.

Applicant:

Katie Reese, H&K, 4718 Cooper LLC, 5417 South 62nd Street, Lincoln, NE came forward to discuss the property on 4718 Cooper Avenue. Reese stated that they had purchased this property years ago with the intent to utilize for their construction office only and the basement was a bonus at that time. When the property was purchased 20 years ago, the zoning was overlooked. Reese stated that company work vehicles are taken home each day by the employees, so there is not an increase of traffic or parking except on Wednesday morning for a project meeting.

Edgerton asked Reese why the decision now for the Change of Zone. Reese stated that a few months ago, there was a property evaluation done and the inspector stated that was zoned as a residence and as an office. Reese stated they did not know that they could not operate as a business or office and that they want to be compliant, so applied for the Change of Zone. Reese stated that nothing has changed operation wise from the past 20 years. Edgerton asked where the alley is located. Reese stated that the alley is to the east of the property. Reese stated that they poured concrete as a parking lot for their employees to park and do not use the alley. The alley is used by the garbage trucks to pick up the dumpsters on an adjoining property.

Eddins asked how big are the work truck or vans? Reese stated that they are passenger vans that house equipment. Reese stated that if there is to be material delivered, it is delivered to their shop which is at a different location.

Campbell asked if on the Wednesday meetings if all the vans fit in the concrete parking space. Reese stated that the meetings are two hours at the most and that some of the staff park at the shop and walk. Weekends and evenings there is not anyone there or parked there. The tenant that lives in the basement parks in parking in one of the garage stalls.

Proponents:

No one came forward in support.

Neutral:

No one came forward for neutral testimony.

Opposition:

No came forward in opposition.

Campbell moved to close public hearing for Change of Zone 23055, seconded Eddins. Motion carried 8-0: Ball, Campbell, Cruz, Eddins, Edgerton, Joy, Rodenburg, and Ryman Yost voting ‘yes’. Corr absent.

CHANGE OF ZONE 23055

ACTION BY PLANNING COMMISSION:

August 9, 2023

Campbell moved to approve Change of Zone 23055, second Eddins.

Campbell stated that he is aware of the company, the size of the vans and does not believe that they are damaging the alley. Campbell agrees that it is probably the garbage trucks damaging the alley. Campbell is in support of this motion.

Edgerton agrees with Campbell and the Planning Departments review of this; it rounds out the block space. Edgerton stated that this makes sense since the property has been used in this manner for the past 20 years and will be supporting this.

Motion carried 8-0: Campbell, Cruz, Eddins, Edgerton, Joy, Rodenburg, and Ryman Yost voting ‘yes’. Corr absent.

TEXT AMENDMENT 23010

AMENDING ARTICLE 2 - DEFINITIONS TO ADD DEFINITION FOR DISTILLERY, MICRODISTILLERY AND SPIRITS; ARTICLE 4, SECTION 4.005 PERMITTED CONDITIONAL USES TO ADD MICRODISTILLERY; AND ARTICLE 13 SPECIAL PERMIT TO ADD FARM WINERY SOCIAL HALL IN THE AG (AGRICULTURAL DISTRICT).

PUBLIC HEARING:

August 9, 2023

Members present: Campbell, Cruz, Eddins, Edgerton, Joy, Rodenburg, and Ryman Yost. Corr absent. Ball recused himself due to conflict of interest.

Staff Recommendation: Approval

Eddins disclosed an ex-parte communication regarding the Text Amendment 23010. Eddins stated that this Text Amendment came up in the August Mayor’s Round Table meeting and in the Clinton Neighborhood Association meeting in August that Eddins attended.

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

Staff Presentation:

Tom Cajka, 555 South 10th Street, Suite 205, Lincoln, NE, came forward and stated that this Text Amendment is to amend farm wineries to allow farm wineries to have micro distilleries on the same site as a farm winery. Cajka stated one of the larger changes is to allow a farm winery social hall. This will allow them to hold events small and large on the same site. This would be classified as primary (larger events) and secondary (smaller events) event space. Cajka stated some of the other conditions include being on a paved road, amplified music, parking space, outdoor lighting, and a limit of persons. There are specific conditions that are not allowed to be waived.

Applicant:

Ann Post, Rembolt Law Firm, 1128 Lincoln Mall, Suite 300, Lincoln, NE came forward on behalf of the applicant. Post stated that this is affiliated with James Arthur Vineyards in Lancaster County. Post stated that as the winery grows, it was the vision of expanding and adding spirits, enjoy the facilities, and have a venue. Post wanted to thank the Planning Department Staff for assisting in the crafting of the language with the primary and secondary event space.

Campbell stated that the main hall can hold up to 400 people. If there was a need for additional people, can the secondary space be utilized? Post stated that the design is part of the Special Permit of the Social Hall. That area is to have a removable wall. Edgerton stated that the Text Amendment is introduced with a specific use in mind. Edgerton wanted to know if this has been shared with the neighbors, and if there is any concern with the neighbors. Post stated that with the submittal of the Special Permit all the neighbors would be notified. Post stated that the owners do own a large amount of property surrounding this property and the closest neighbor is the owners. James Arthur Vineyards has an open communication with the neighbors.

Proponents:

Jim Ballard, James Arthur Vineyard, 1503 Raymond Road, Raymond, NE came forward and stated that his family owns the property and has been in operation for 26 years. Ballard and James Arthur Vineyards has a great relationship with all the neighbors and wants to continue to grow the business.

Rodenburg asked if the outdoor amphitheater area would be maintained. Ballard stated that they will continue the outdoor music and have always been conscious of the neighbors and do not do events past 9:00 pm during the week and 11:00 pm on the weekend. Mostly, everything will be done the same and utilize the inside of the facility.

Joy stated that she lives near James Arthur Vineyards and can hear the music from her house. Joy states that they have done a great job and the Ballard's have done a great job respecting the neighbors.

Neutral:

No one came forward for neutral testimony.

Opposition:

No came forward in opposition.

Staff Questions:

Edgerton asked Cajka to give an interpretation of the broader context of the Text Amendment versus the property. Cajka stated that all the event spaces could be used if there is additional people or space required.

Joy asked Cajka if a waiver can be requested if more gallons of spirits are wanted at the winery. Cajka stated that a micro distillery is an allowed use if the conditions are met. It is in the definition of micro distillery.

Campbell asked Cajka if the total was per each item or per production. Cajka stated that it was per production.

Campbell moved to close public hearing for Text Amendment 23010, second Edgerton. Motion carried 7-0: Campbell, Cruz, Eddins, Edgerton, Joy, Rodenburg, and Ryman Yost voting 'yes'. Ball recused due to conflict of interest; Corr absent.

TEXT AMENDMENT 23010

ACTION BY PLANNING COMMISSION:

August 9, 2023

Campbell moved to approve Text Amendment 23010, second Edgerton.

Campbell stated that this has been well worked out and a great operation. Campbell stated that they are setting the parameters and should be applicable for others to use.

Edgerton stated that she agrees with Campbell and that this provides an opportunity to promote economic growth.

Motion carried 7-0: Campbell, Cruz, Eddins, Edgerton, Joy, Rodenburg, and Ryman Yost voting 'yes'. Ball recused due to conflict of interest; Corr absent.

Campbell moved to adjourn the Planning Commission meeting of August 9, 2023, seconded by Eddins.

Motion carried 7-0: Campbell, Cruz, Eddins, Edgerton, Joy, Rodenburg, and Ryman Yost voting "yes". Ball and Corr absent.

There being no further business, the meeting was adjourned at 2:12 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 Amendment #23009
Local Food System Plan

FINAL ACTION?
No

APPLICANT
City of Lincoln

PLANNING COMMISSION HEARING DATE
August 23, 2023

RELATED APPLICATIONS
None

PROPERTY ADDRESS/LOCATION
Lincoln and surrounding growth areas

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

Proposal to amend the 2050 Lincoln-Lancaster County Comprehensive Plan to add Local Food System Plan. The Local Food System Plan includes goals and action steps for supporting a thriving local food system in Lincoln and the surrounding area.

The draft Local Food System Plan is on file with the Planning Department and can also be found online on the Planning Application Tracking System (PATS): [CPA23009](#).

JUSTIFICATION FOR RECOMMENDATION

Local food production and consumption contributes to a more sustainable and resilient food supply chain, supports the local economy, and creates jobs and vocational training opportunities.

STAFF CONTACT

Kim Morrow, Chief Sustainability Officer
City of Lincoln
(402) 450-3245
kcmorrow@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

Development of a Local Food System Plan is specifically mentioned in the Local Food Policy of the Comprehensive Plan (Policy 22, Action Step 17). In addition, the Local Food System Plan is consistent with the overall themes found in the Comprehensive Plan of supporting community resiliency and sustainability, outlined in Goal 7 (Environmental Stewardship and Sustainability) and Goal 8 (Community Resiliency).

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Goals Section

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

G8: Community Resiliency - Lincoln and Lancaster County will be resilient to the climate hazards they face.

The City of Lincoln Climate Action Plan defines resilience as the capacity of social, economic, and environmental systems to cope with a hazardous event, trend, or disturbance, responding or reorganizing in ways that maintain systems' essential function, identity, and structure while also maintaining the capacity for adaptation, learning, and transformation.

Elements Section

E4: Environmental Resources

Local Food

The local food movement was born of a desire to provide a secure source of nutritious food that has a reduced impact on the environment and increased benefit to the health of consumers. Many urban areas have few sources of fresh produce, meats, and dairy products, and many consumers must rely upon convenience foods and fast food restaurants.

Food that is transported over great distances, sometimes from other continents, consumes a great deal of energy in that transport and produces a corresponding amount of greenhouse gases. Production of food closer to the urban center, if not within it, reduces the distance food must be transported, increases the freshness of food available, supports the local agricultural economy, and provides nutritious food to those who might not otherwise be able to obtain it.

Local food may be produced in the rural area of the County, or counties nearby, or it may also be produced within the urban area itself. In any case, the preservation of land for food production both nearby and within the City is integral to local food opportunities. Prime farmland within the County should be preserved for its agricultural value as well as potential for food production.

Within the City, community gardens, bee keeping, chicken coops, farmer's markets, and local cooperative markets are all important links in the local food chain. Building a strong local food network takes the cooperation of both public and private sectors. Organizations such as Community Crops, Nebraska Food Cooperative, and the University of Nebraska Extension Service have been at the forefront in the provision of local food program support.

Policies Section

P22: Local Food - Encourage opportunities to grow local food, as locally produced food can provide a secure source of nutritious food that has a reduced impact on the environment and increased benefit to the health of consumers.

Action Steps

1. Continue to promote the preservation of prime farmland in the rural areas of the county.
2. Continue to promote public-private partnerships that build stronger food networks and promote urban agriculture. An example of a successful partnership is the LPS Farm to School program.
3. Continue to provide the opportunity for Community Gardens to be developed on appropriate park property.
4. Promote urban gardens in all parts of the community, with focus on neighborhoods that lack convenient access to fresh foods.
5. Allow commercial agriculture, including points of sale for foods grown on-site, in all zoning districts at appropriate locations and with appropriate standards.
6. Encourage home gardens and edible landscaping and consider amending ordinances that might inhibit gardening for personal food production. The Mayor's "From Mowing to Growing" campaign is one such example.
7. Encourage increased points of sale of local foods.
8. Add 10 acres of community garden space on public lands by 2030. Examples of public lands appropriate for community gardens include underutilized park areas, rights-of-way, and schools.
9. Evaluate potential for local food production through urban market gardening on designated City owned properties - some of which may currently be in row crop production. Establish criteria for evaluation such as soil condition, availability of water for irrigation, impact on adjacent uses, etc.
10. Explore potential property tax incentives for agricultural use of vacant properties.
11. Work with the Lincoln Housing Authority and other partners to provide opportunities for community gardens that would allow home gardens for those in LHA dwellings.
12. Convene various stakeholders (UNL Extension, Lincoln Public Schools, Southeast Community College, Lincoln-Lancaster County Food Policy Council (Lincoln Lancaster FPC), Community Crops, Local producers, etc.) to host community conversations, expanding education, awareness, and support for local food and regenerative agriculture.
13. Evaluate City farm management contracts to require sustainable, regenerative agriculture practices (no till, multispecies cover crops, reduction in use of synthetic chemicals, toxic pesticides, and Genetically-modified Organisms (GMO)) to increase crop yield, lower production costs, and sequester carbon.
14. Conduct 128a brownfield site assessments on vacant lots for use as community gardens / urban agriculture.
15. Maintain database of City-owned property within the three-mile jurisdiction potentially available for community gardens / urban agriculture.
16. Develop a pilot program on City-owned property that is currently in row crop production for regenerative agriculture production. Identify a partner to act as land manager and/or consider reduced lease rate for local food producer that uses sustainable, regenerative agriculture practices to produce local food and products.
17. Develop a Local Food 'master plan' (complete with production and consumption targets and timelines).
18. Explore incentives for schools, colleges, and public institutions such as hospitals and correctional facilities to purchase local food.
19. Encourage all public entities to explore leasing public land to prospective farmers and market gardeners.
20. Encourage the development of a curriculum for agriculture and local food-growing in LPS and other school districts as well as UNL and Southeast Community College to help recruit and train a new generation of farmers and market gardeners. Community Crops' "Beginning Farmer Program" is a leading example.
21. Confer with economic development organizations such as the Chamber of Commerce as well as grocers and restaurants to investigate how best to enlist the private sector in expanding local food production, market development and career vocational opportunities in agriculture.

ANALYSIS

1. This is a proposal to amend the 2050 Lincoln-Lancaster County Comprehensive Plan to add the Local Food System Plan. The complete Local Food System Plan will be adopted by reference into the Comprehensive Plan. In addition, several Local Food priority action steps that directly fit within existing Comprehensive Plan policies will be added to the Comprehensive Plan document for clarity.
2. The Local Food System Plan outlines a set of interconnected actions that, when implemented, will strengthen Lincoln's food system. The plan aims to expand local entrepreneurial opportunities, support local farmers, foster a sense of pride in Lincoln's community, improve food security and climate resilience, and improve access to nutritious food.
3. The Local Food System Plan helps address some of the biggest challenges that local food producers encounter, from expanding land access so more people can grow food, to helping open markets so local farmers can build successful businesses. Prioritizing local food production can also help protect the community from unpredictable events that threaten food security.
4. A 10-member Community Committee on Local Food engaged over 800 area residents and food producers in late 2022 through public meetings and surveys to determine local food-based priorities and how they could be addressed.
5. The Local Food System Plan is organized around goals and action steps. The Plan includes four priority goals and 29 associated priority action steps. The priority goals are listed below.
 - a. Goal 1: Increase and ensure access to healthy food for all (page 16 of Local Food System Plan document).
 - b. Goal 2: Invest in a thriving local food and farm community to increase local food production and food security (page 26).
 - c. Goal 3: Promote food production practices that protect soil, water, and air (page 33).
 - d. Goal 4: Reduce food waste (page 36).
6. The listing of priority action steps can be found on page 40 of the Local Food System Plan document.
7. Implementation will require collaboration and partnerships between multiple entities. While the City of Lincoln will take the lead, other entities, such as institutions, businesses, not-for-profit and other community organizations, and residents will play a crucial role.
8. The Local Food System Plan includes four "key metrics" to track progress on Plan implementation.
 - a. Double the number of acres in Lancaster County that are growing edible food by 2035. (From a 2017 baseline of 341.)
 - b. Triple the number of institutions who are sourcing local food by 2035. (From a 2023 baseline of 6.)
 - c. Triple the number of community gardens in Lancaster County by 2035. (From a 2023 baseline of 13.)
 - d. Reduce by half the number of census tracts that have low or very low healthy food access by 2035. (From a 2023 baseline of 20.)
9. The Local Food System Plan fits well within the existing Comprehensive Plan. The Comprehensive Plan already includes a Local Food Policy with 21 action steps, including a specific action step to create a local food plan. In addition, the Local Food System Plan is consistent with the overall themes found in the Comprehensive Plan of supporting community resiliency and sustainability, outlined in Goal 7 (Environmental Stewardship and Sustainability) and Goal 8 (Community Resiliency).
10. Funding for the development of the Local Food System Plan was provided by the Environmental Protection Agency (EPA) through a Multipurpose Brownfields Grant to the City of Lincoln (cooperative agreement # BF - 97786901). Promotion of infill, bringing underutilized vacant properties into productive use, and the pursuit of positive health outcomes align well with EPA's Brownfields program and are the core tenets of the Local Food System Plan. In addition to the Local Food System Plan, as part of the grant several brownfield sites in Lincoln are being evaluated for remediation and opportunities for potential food-related reuse.

PROPOSED AMENDMENTS:

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

P2: Existing Neighborhoods

Action Steps

24. Explore economic development incentives to attract grocery stores to neighborhoods lacking access to fresh food.

P22: Local Food

Action Steps

1. Continue to promote the preservation of prime farmland in the rural areas of the county.
2. Continue to promote public-private partnerships that build stronger food networks and promote urban agriculture. An example of a successful partnership is the LPS Farm to School program.
3. Continue to provide the opportunity for Community Gardens to be developed on appropriate park property.
4. Promote urban gardens in all parts of the community, with focus on neighborhoods that lack convenient access to fresh foods.
5. Allow commercial agriculture, including points of sale for foods grown on-site, in all zoning districts at appropriate locations and with appropriate standards.
6. Encourage home gardens and edible landscaping and consider amending ordinances that might inhibit gardening for personal food production. The Mayor's "From Mowing to Growing" campaign is one such example.
7. Encourage increased points of sale of local foods.
8. Add 10 acres of community garden space on public lands by 2030. Examples of public lands appropriate for community gardens include underutilized park areas, rights-of-way, and schools. Double the number of acres in Lancaster County that are growing edible food by 2035. (From a 2017 baseline of 341.)
9. Evaluate potential for local food production through urban market gardening on designated City owned properties - some of which may currently be in row crop production. Establish criteria for evaluation such as soil condition, availability of water for irrigation, impact on adjacent uses, etc.
10. Explore potential property tax incentives for agricultural use of vacant properties.
11. Work with the Lincoln Housing Authority and other partners to provide opportunities for community gardens that would allow home gardens for those in LHA dwellings.
12. Convene various stakeholders (UNL Extension, Lincoln Public Schools, Southeast Community College, Lincoln-Lancaster County Food Policy Council (Lincoln Lancaster FPC), Community Crops, Local producers, etc.) to host community conversations, expanding education, awareness, and support for local food and regenerative agriculture.
13. Evaluate City farm management contracts to require sustainable, regenerative agriculture practices (no till, multispecies cover crops, reduction in use of synthetic chemicals, toxic pesticides, and Genetically-modified Organisms (GMO)) to increase crop yield, lower production costs, and sequester carbon.
14. Conduct 128a brownfield site assessments on vacant lots for use as community gardens / urban agriculture.
15. Maintain database of City-owned property within the three-mile jurisdiction potentially available for community gardens / urban agriculture.
16. Develop a pilot program on City-owned property that is currently in row crop production for regenerative agriculture production. Identify a partner to act as land manager and/or consider reduced lease rate for local food producer that uses sustainable, regenerative agriculture practices to produce local food and products.
17. ~~Develop a Local Food 'master plan' (complete with production and consumption targets and timelines).~~
17. Explore incentives for schools, colleges, and public institutions such as hospitals and correctional facilities to purchase local food. Assist institutional purchasers (UNL, schools, hospitals, etc.) to adopt local food purchasing percentage targets and create a model policy for the preferential purchasing of local food by public and private institutions.

18. Encourage all public entities to explore leasing public land to prospective farmers and market gardeners.
19. Encourage the development of a curriculum for agriculture and local food-growing in LPS and other school districts as well as UNL and Southeast Community College to help recruit and train a new generation of farmers and market gardeners. Community Crops’ “Beginning Farmer Program” is a leading example.
20. Confer with economic development organizations such as the Chamber of Commerce as well as grocers and restaurants to investigate how best to enlist the private sector in expanding local food production, market development and career vocational opportunities in agriculture.
21. Consider economic development programs to support small food and farm businesses, including a low-interest revolving loan fund. Ensure that these programs are accessible to ethnic/minority food businesses and farms.
22. Seek out grant opportunities from state, federal and philanthropic organizations to assist with and support feasibility studies, and capital and operating expenses, as appropriate, for a food hub/commercial kitchen.
23. Compile information on existing food recovery, gleaning, and composting programs in Lincoln and Lancaster County and encourage all agencies with points of contact in the food system to cross-promote food recovery efforts.
24. Support the coordination of pantries and emergency food providers to improve recovery of safe, healthy food from area retail food outlets.

Implementation Section, On-Going Comprehensive Plan Activities

Subarea plans considered part of this Comprehensive Plan include:

- ...
- Lincoln Wastewater Facilities Master Plan; November 2015
- Comprehensive Watershed Master Plan; October 2022
- Local Food System Plan (adoption date)

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August 15, 2023

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<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CPA/23000/CPA23009 Local Food System Plan.adt.docx>



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Text Amendment #23011	FINAL ACTION? No
PLANNING COMMISSION HEARING DATE August 23, 2023	RELATED APPLICATIONS None

RECOMMENDATION: DENIAL

BRIEF SUMMARY OF REQUEST

The proposed application is to amend Lincoln Municipal Code Chapter 27.02 Definitions, Chapter 27.06 Use Groups Section 27.06.130 Retail Sales and Services Use Group, and Chapter 27.63 Special Permit to add a new special permit for Storage and Maintenance of Passenger Carrier Vehicles in the AG and AGR Districts. The text amendment is proposed in order to legalize a party bus business that is operating in an acreage residential area, zoned AG Agricultural, at 8500 Liana Lane.

JUSTIFICATION FOR RECOMMENDATION

The proposed text would allow for inappropriate commercial uses in the AG and AGR zoning districts. A commercial use, unrelated to agriculture, is not appropriate in the rural areas of the county. The amendment could have a substantial negative impact on adjacent homes and properties throughout the rural areas of the City’s jurisdiction. It would encourage commercial traffic into acreage residential and rural neighborhoods. Storage of Passenger Carrier Vehicles could occur at all hours, impacting adjacent residents. This type of use is not associated with rural activities, such as a farm winery or an agricultural attraction. Commercial uses are most appropriate in commercially zoned property in Lincoln and the other incorporated communities in Lancaster County.

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There is nothing unique about “passenger carrier vehicles” use that makes it more appropriate in rural areas. This use generates traffic, noise and other impacts that are not suitable for an agricultural or residential area. In particular, the late hours often associated with party buses, taxis or rental car services would have a greater impact than other commercial uses such as an office or personal service. This amendment is an attempt to legalize an active illegal use that should be removed from a residential or agricultural setting. It is not an amendment to correct a deficiency in the zoning ordinance.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed text amendment is not in conformance with the Comprehensive Plan. The Comprehensive Plan does not support commercial uses, unrelated to agriculture, in the rural areas of Lancaster County. The rural areas of the County are mainly for agriculture, some acreages, and compatible land uses. Agriculture is and should be the main land use in the rural areas of the County.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

Commercial and Industrial Development. New commercial and industrial development should be located in Lincoln and other incorporated communities. Rural areas of the county do not have access to urban infrastructure, and commercial or industrial development can add significant traffic and maintenance responsibilities to county roads.

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.

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, silvaculture, aquaculture) on site.

Low Density Residential. Residential areas, often referred to as acreages, having densities ranging from 1 to 5 acres per dwelling unit, with a typical density of 3 acres per dwelling unit.

Goals Section

G11: Rural Environment. Lincoln and Lancaster County will support a strong rural economy, with a focus on agriculture and other land uses, while preserving critical natural features and quality of life for county residents.

Policies Section

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

Action Steps

23. Consider zoning revisions that align with home occupation trends and the community's expectations.

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

Action Steps

15. Examine current residential zoning districts and propose modifications to encourage 'missing middle' units (single-family attached, cottage courts, townhomes, live-work, and a variety of three- and four-plex configurations), including affordable units, to people with a range of incomes. Neighborhood edges in particular present an opportunity for missing middle housing.

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

1. Preserve agricultural land within Tier I, II, and III growth areas, both to reduce conflicts in the future growth of Lincoln and to ensure available land for the production of food products that are important to the health and economic vitality of the community.

P16: Rural Economy - Support agriculture as the primary driver of the rural economy, but recognize that some compatible land uses are also appropriate for these areas.

Action Steps

1. Support appropriate use of accessory home businesses and locate businesses within the commercial area of incorporated towns when they expand beyond the definition of home occupation.

2. Home occupations should be limited to uses incidental to a property's residential and/or agricultural use and have minimal impact on neighborhood properties.

ANALYSIS

1. This is a request to amend LMC 27.02 Definitions, Section 27.06.130 Retail Sales and Services Use Group, and Chapter 27.63 Special Permits. The request is to add a new definition for Passenger Carrier Vehicle and a new special permit for Storage and Maintenance of Passenger Carrier Vehicles in the AG and AGR Zoning Districts.

The proposed text is below:

LMC 27.02 DEFINITIONS, Passenger Carrier Vehicles:

Passenger Carrier Vehicles shall mean vehicles used by intrastate for-hire motor carriers transporting passengers in the state operating under a certificate of public convenience and necessity issued by the Nebraska Public Service Commission including taxis, open class carriers, limousines, special party and charter buses, and tuk-tuks.

LMC 27.63.840 Permitted Special Use; Storage and Maintenance of Passenger Carrier Vehicles.

Storage and Maintenance of Passenger Carrier Vehicles may be allowed in the AG and AGR zoning districts under the following conditions:

- (a) Such vehicles are stored wholly within a structure or are fully screened by fencing or landscaping or a combination of both fencing and landscaping so that the vehicles or equipment so stored are not visible from a public road or adjacent property;
- (b) The structure or area in which the vehicles or equipment are being stored shall be located outside of any required yard;
- (c) No commercial activity, unless otherwise permitted by the Zoning Ordinance, will take place upon the premises beyond transport and storage of the vehicles;
- (d) No fueling facilities will be installed in or upon the premises and no fueling of the vehicles or equipment shall take place upon the premises;
- (e) No hazardous materials shall be stored upon the premises;
- (f) The premises upon which such use is located shall have a minimum lot area of three acres and shall be located outside the corporate limits of the City. The premises must be devoted to a primary uses, e.g., a dwelling or other permitted use, before a special permit may be granted under this section;
- (g) No more than 5,000 square feet of the lot area may be devoted to such use.

2. This proposal would add a new definition for "Passenger Carrier Vehicles" which would allow taxis, open class carriers, limousines, party and charter buses, and tuk-tuks (3-wheeled low speed vehicles). The vehicles would have to be licensed by the Nebraska Public Service Commission.
3. Open class carriers includes rental cars. The condition that "transport" of vehicles is allowed is open to interpretation. For example, a claim could be made that a rental car business could allow customers to pick up the vehicle on the premises for transport off site.
4. The proposed conditions are that the vehicles must be stored inside a structure or if outside be screened. The proposal is for the outside storage area or structure to be located beyond any required setback. Only storage, maintenance, and transport of vehicles is allowed. No fueling is allowed. The minimum lot size is 3 acres and no more than 5,000 square feet of the lot area may be devoted to such use.
5. The condition, "The structure or area in which the vehicles or equipment are being stored shall be located outside of any required yard," is not clear. The AG and AGR Districts allow accessory buildings in the rear yard setback within 3 feet of the rear lot line. The rear yard setback in AG is 100 feet and in AGR is 50 feet. The proposed text is unclear if this means an accessory building is allowed within 3 feet of the lot line or 100 feet in AG or 50 feet in AGR?

6. Storage of passenger carrier vehicles would allow a property owner to rent out storage space for vehicles. There is no condition that the owner of the property also own the vehicles.
7. The applicant's letter states that Ms. Casey seeks to store buses on her property. It does not mention anything about the maintenance of the buses. In part C of the proposed 27.63.840 it states that no commercial activity beyond transport and storage of buses will take place on the premises. This section leaves out maintenance. It appears to be an oversight in the text. Planning assumes that the intent is to allow maintenance of vehicles on site. It also appears that maintenance could be rather broad in terms of activities allowed to include repainting of the vehicles, and auto body repair. Even with a specific definition of maintenance, the maintenance activities would likely take place in a building. Thus, there would be little oversight as to what would be conducted on site. Maintenance would further bring noise and impacts on adjacent residential uses.
8. The intent of this proposal is to legalize a commercial operation at 8500 Liana Lane. The property is zoned AG-Agriculture. The property owned by Mr. and Mrs. Casey has been used to store buses that are used for a party bus business. Lincoln Building and Safety Department first notified the Caseys that the use was not allowed in October 2018. Building and Safety was made aware of the illegal use by complaints from neighbors. Complaints received by Building and Safety include the smell of burning diesel from idling buses, dust from buses coming and going on the gravel streets, and noise of the idling buses. This proposed text change does not just affect the applicant's property but could potentially allow this use on other AG and AGR properties outside the City limits.
9. This proposal is to allow a commercial use in the AG-Agriculture and AGR-Agriculture Residential Districts. These zoning districts are predominantly for agriculture and acreage lots with some limited compatible land uses such as schools, places of religious assembly, garden centers, kennels, veterinary facilities, and campgrounds.
10. Accessory home occupations are allowed in the AG and AGR Districts. The maximum allowable area that may be utilized in conducting a home occupation is twenty percent of the floor area of the dwelling. Only a member of the family residing on the premises can be employed in the home occupation. This proposal goes beyond a home occupation. This could be a free-standing commercial use not associated with a farm or a house.
11. Lincoln-Lancaster County Health Department does not support this text change due to concerns relative to noise pollution, air pollution from fugitive dust emissions, and storage of hazardous material.
12. The proposed text would allow a commercial use in the rural area of the county. The 2050 Comprehensive Plan does not support commercial businesses outside of incorporated towns. This would increase daily vehicular traffic due to employees picking up and returning vehicles daily. Depending on the business, this traffic could be throughout the day and night. Commercial activity can add significant traffic and maintenance responsibilities to county roads. Most roads in the county are gravel.
13. City and County staff have a long history of commercial uses attempting to locate illegally in rural or acreage residential areas. This includes a trash service, contractor yards, and commercial storage in addition to the bus business operated by the applicant. Adjacent property owners submitted numerous complaints and talked to staff about the impact of these uses on their homes and life. It included vehicles coming and going at all hours. Vehicles idling for long periods of time. Trash and debris blowing off the properties onto adjacent lots. Commercial traffic impacting the acreage streets. These types of uses are not supported by residences in these areas.
14. Adjacent property owners noted this is a rural environment and they understand that on occasion an adjacent farmer might be plowing late at night or numerous vehicles would be coming and going. But these agricultural impacts are very seasonal and short lived. The commercial uses are year round and often much closer to their homes.
15. This proposed change to the zoning code could cause increased maintenance on county roads due to increase traffic. County Engineering commented that if this text amendment is approved a condition should be added that the owner/operator sign a road maintenance agreement when determined necessary by Lancaster County Engineering.
16. The City does update the zoning ordinance to add new uses. Recently TX23009 Proposed revisions to address new uses such as craft alcohol and commercial kitchens. When a new use needs to be addressed or conditions change, a text amendment is appropriate. That is not the case with "passenger carrier vehicles." These uses have adequate locations in commercial areas. City staff have not been approached about allowing these uses in residential areas

in the city or agricultural setting. Only the applicant who started a business without the proper zoning, in a residential setting is seeking to add this use.

17. Zoning ordinances need to be consistent in the treatment of similar uses. This is a principle of zoning ordinances across the United States. This amendment would treat “passenger carrier vehicle” companies very different than similar uses. A contractor, for example, could note they too need a place to store and maintain their commercial vehicles. They could rightly note their hours are typically 7 a.m. to 6 p.m. and do not include late nights or weekends. In addition, many contractor vehicles, such as plumbing companies, only need a small commercial van, not a large bus. I could be noted these uses have less impact than a party bus company with late hours, weekend operations and large vehicles.
18. For all these reasons, this text amendment should be denied. Revisions to the text would not make it more acceptable. The Comprehensive Plan is very clear in several goals and policies on discouraging these uses in a rural area. Contractor services and businesses should be in commercial zoning inside Lincoln or the smaller incorporated communities. In these locations they help support the tax base of the community, use paved streets designed for commercial traffic, are located next to other commercial uses, and can be sited to reduce or eliminate any impacts on residential uses.

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Date: August 15, 2023

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PROPOSED TEXT CHANGE TO AMEND §§27.02.170 and 27.06.130 AND ADD A NEW §27.63.840 TO PERMIT STORAGE OF PASSENGER CARRIER VEHICLES IN THE AG AND AGR DISTRICTS BY SPECIAL PERMIT

27.02.170 P.

Passenger Carrier Vehicles Passenger Carrier Vehicles shall mean vehicles used by intrastate for-hire motor carriers transporting passengers in the state operating under a certificate of public convenience and necessity issued by the Nebraska Public Service Commission including taxis, open class carriers, limousines, special party and charter buses, and tuk-tuks.

27.06.130 Retail Sales and Services Use Group.

Characteristics: The Retail Sales and Services Use Group is characterized by uses that are involved in the sale, lease, or rental of new or used products to the general public. They may also provide personal services or provide product service or repair for consumer and business goods. Services and repairs are typically performed on site. Small-scale production, assembly, or manufacturing of retail goods and crafts primarily sold on the premises is permitted as accessory to business activity. A portion of the premise may be used for outdoor storage of products associated with the main use. These uses may be open 24 hours a day and may include drive up or drive thru facilities. These uses generally do not involve the use, storage, production, or manufacturing of hazardous chemicals. Such uses include but are not limited to retail sales, personal services, service and repair facilities, motorized vehicle repair and sales, hotels and motels, ambulance services, motorized fuel sales facilities, parking lots, recycling drop-off facilities, and off-sale of alcoholic beverages. Parking as a primary use is part of this use group.

Use Group Table:

27.06.130 Retail Sales and Services Use Group Table																										
Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3
Garden centers	S	S		S	S										P	P	P	P	P		P	P	P	P	P	P
Hotels and motels													P		P	P	P	P	P	P	P	P	P	P	P	C

ATTACHMENT 1
(Revised 7/26/23)

27.06.130 Retail Sales and Services Use Group Table

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3
Kennels	P	P													C	C	C	P			C	C	C	P	P	P
Mail order catalog sales											C	S	S		P	S	P	P			P	P	P	P	P	P
Marinas for sale, service, and storage of motorboats and related water craft															P			P						P	P	P
Motorized vehicle fuel sales facility															P	P	P	C	P	P	P	P	P	P	P	P
Motorized vehicle repair/service															C	P	C	C	P	P	P	P	P	P	P	P
Motorized vehicle sales																	C	C	P		C	C	P	P	P	P
Motorized vehicle wash facilities															C	C	C	C	P	P	C	C	S	P	P	P
Off-sale alcoholic beverages															S	C	S	P	C	S	S	S	S	S	P	S
Outdoor retail sales																		P	P			P	P	P	P	P
Outdoor seasonal sales	C	C	S	S	S	S	S	S	S	S	S	S	S		P	P	P	P	P		P	P	P	P	P	P
Parking garage as a primary use											S							C						P	P	P
Parking lots as a primary use			S	S	S	S	S	S	S	S		C			P		P	C			P	P		P	P	P
Parking lots, temporary			S	S	S	S	S	S	S	S								P						P	P	P

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Planning Department
Clerk's Office

ATTACHMENT 1
(Revised 7/26/23)

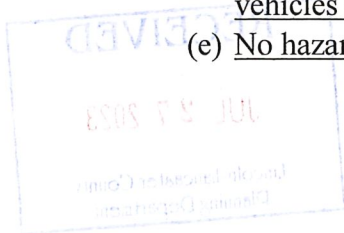
27.06.130 Retail Sales and Services Use Group Table

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3
Parking lots, temporary commercial				S	S													P						P	P	P
Personal services											C	C	C	C	P	P	P	P	P		P	P	P	P	P	P
Retail sales											C		C		P	P	P	P	P		P	C	C	C	P	C
Service and repair facilities														C	C	P	C	P	P		C	P	P	P	P	P
Veterinary facilities	S	S									C	C	C	C	C	C	C	P			C	C	C	P	P	P
Storage and Maintenance of Passenger Carrier Vehicles	S	S																								
All other uses in this Use Group															P	P	P	P	P		P	P	P	P	P	P

27.63.840 Permitted Special Use; Storage and Maintenance of Passenger Carrier Vehicles

Storage and Maintenance of Passenger Carrier Vehicles may be allowed in the AG and AGR zoning districts under the following conditions:

- (a) Such vehicles are stored wholly within a structure or are fully screened by fencing or landscaping or a combination of both fencing and landscaping so that the vehicles or equipment so stored are not visible from a public road or adjacent property;
- (b) The structure or area in which the vehicles or equipment are being stored shall be located outside of any required yard;
- (c) No commercial activity, unless otherwise permitted by the Zoning Ordinance, will take place upon the premises beyond transport and storage of the vehicles;
- (d) No fueling facilities will be installed in or upon the premises and no fueling of the vehicles or equipment shall take place upon the premises;
- (e) No hazardous materials shall be stored upon the premises;



ATTACHMENT 1
(Revised 7/26/23)

- (f) The premises upon which such use is located shall have a minimum lot area of three acres and shall be located outside the corporate limits of the City. The premises must be devoted to a primary use, e.g., a dwelling or other permitted use, before a special permit may be granted under this section;
- (g) No more than 5000 square feet of the lot area may be devoted to such use.

Notwithstanding any other provision of the Zoning Ordinance to the contrary, such storage shall be permitted in conjunction with, or in addition to, any other legal use of the premises.



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(402) 304-5019

July 26, 2023

City of Lincoln
Planning Department
Attn: David Cary, Director
555 S 10th Street, Suite 213
Lincoln, Nebraska 68508

RE: Proposed Text Change (27.02.170; 27.06.130; and add a new section 27.63.840
to permit storage of passenger carrier vehicles in the AG and AGR districts by special permit)

Dear Mr. Cary:

I am representing Tammy Casey, who with this letter is submitting her application and application fee for a proposed Text Amendment to amend §27.02.170 and 27.06.130 and to add a new section 27.63.840. The purpose of this request is to so revise the Zoning Ordinance as to allow storage of Passenger Carrier Vehicles, as defined, in the AG and AGR districts by special permit.

Mrs. Casey and her husband operate a small party bus business serving primarily Lincoln and Lancaster County. They have, for many years, stored the buses, when not in use, at their property at 8500 Liana Lane. The property is located outside the corporate limits, is zoned AG Agricultural Use, and is more than 3 acres in size. The Caseys thought this was permissible until a neighbor complained to the Building and Safety Department who, upon inspection, advised the Casey's that the storage of the buses was not permitted under Lincoln's Zoning Code.

As you may recall, Ms. Casey previously submitted a request for a text change, the purpose of which was to allow the Casey's to continue storage of buses on the above referenced property as a conditional use. After hearing the objections of neighbors, and comments from the Planning Commission, Ms. Casey chose to withdraw the prior application and to submit a revised proposal, as embodied herein, to allow such a use as a special permit. There were positive comments from the Planning Commission regarding the original request if only it were more strictly limited. We have focused on those concerns and are hopeful that our revised proposal is acceptable. A copy of the revised proposal is attached to the Application.

Ms. Casey seeks to store the buses on her large lot only within a structure or within a wholly fenced or landscaped area. This is a very quiescent use of the property which, we believe, involves no odor or traffic issues, minimal noise, and no significant issue relating to dust or other conditions that would be objectionable to the neighbors. It is definitely no more intrusive than many other uses that are permitted in the AG and AGR districts currently.

Approval of the requested text changes would allow the Casey's to submit a special permit to address any specific issues that may be related to their property and allow the city to condition the use to fit the specific situation.

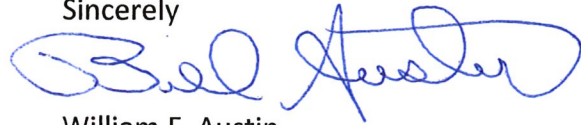
We trust that your staff will give a serious and open-minded review to this proposal, and we hope that you may be able to recommend it favorably to the Planning Commission and City Council.

I am enclosing herewith:

- An application completed by the applicant, Tammy Casey, with proposed text changes attached.
- A check to the City of Lincoln in the amount of \$440.00 representing the filing fee.

If anything further is needed, please feel free to contact me.

Sincerely



William F. Austin

Cc: Brad Roth, Attorney
Tammy Casey



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Change of Zone #15013B	FINAL ACTION? No	DEVELOPER/OWNER Lincoln Federal Bancorp, Inc.
PLANNING COMMISSION HEARING DATE August 23, 2023	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION Generally located at the SW corner of S. 52 nd St. and Yankee Hill Rd.

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for an amendment to the existing Tower Heights Planned Unit Development (PUD) located at the southeast corner of South 48th Street and Yankee Hill Road. This request is to update the existing Land Use Plan within the PUD to modify the existing O-3, Office designation at the southwest corner of S. 52nd Street and Yankee Hill Road to allow B-2, Commercial uses. This request does not increase the size of the PUD or modify the allowed commercial floor area or residential density.



JUSTIFICATION FOR RECOMMENDATION

If approved, this request will remove the existing O-3 use designation and increase the existing B-2 land use designation along the south side of Yankee Hill Road. Currently the PUD allows B-2 uses along the remaining frontage of Yankee Hill Road from S. 48th Street to the subject O-3 area. The applicant is proposing several measures to mitigate the impact on residences to the east. These include limitations on more intensive B-2 commercial uses in this area, along with a reduced maximum height, increased front yard setback and required landscaping along the east side of the property facing existing AGR zoned acreage lots.

APPLICATION CONTACT

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

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This request and update to the PUD is compatible with the 2050 Comprehensive Plan and Future Land Use Map as this site is designated for future commercial. The requested commercial zoning will be compatible with the existing B-2 zoning to the west and be located along a major arterial roadway given the additional setbacks, height restrictions, required landscaping and a limitation on uses are proposed to help limit any adverse effects on the existing AGR zoning to the east.

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.

Fundamentals of Growth in Lancaster County

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

Goals Section

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

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

Elements Section

E3: Business, Economy, and Workforce

Commercial and Industrial Development

Commercial and Industrial Centers in Lancaster County should be located:

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

Policies Section

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

Action Steps

1. Provide for an adequate supply of land and timely infrastructure improvements that meet the demands of growth.
2. Structure incentives to encourage higher densities to make greater use of the community's infrastructure.
3. Encourage new development to achieve densities greater than five dwelling units per gross acre by zoning at least 20% of residentially zoned land in developing areas to allow greater than five dwelling units per acre by right.
4. Develop new design standards or zoning tools that encourage density, optimize infrastructure costs, and help lower the overall cost of property development.
5. Implement elements of Complete Neighborhoods for Developing Areas.
6. Develop and utilize a measurement tool to evaluate neighborhoods in terms of how well they achieve PlanForward's goals for design, sustainability, and Complete Neighborhoods goals.
7. Encourage public and private investment in neighborhood infrastructure and services to support economic diversity that improves the quality of life for all residents.
8. Include housing for a variety of incomes and households throughout the community that is integrated into neighborhoods and provides appropriate transitions, scale, and context.
9. Promote mixed-income neighborhoods.
10. Preserve areas designated for multi-family, and group living housing in approved plans to support a distributed choice in affordable housing.
11. Support addition of higher density development in existing multi-family development.
14. Promote neighborhood and community design that supports healthy and active lifestyles, such as the benefits of street trees.
16. Encourage a variety of housing types including townhomes, senior living facilities, low/no maintenance condominiums, accessory dwelling units, multi-family development, and small lot single-family units.

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

Action Steps

1. Offer incentives for "primary" employers - that is, for companies where the majority of their business and sales come from outside Lancaster County.
2. Locate all new commercial and industrial development within Lincoln or within the smaller incorporated communities in Lancaster County. Certain commercial uses that are compatible with agriculture and the rural environment, such as commercial wind and solar energy facilities, are allowed in rural areas of the county.
3. Continue to coordinate the City's economic development efforts with research and development functions of the University of Nebraska-Lincoln, including continued development of Innovation Campus. The success of the University's research and development is important to the future of the city.
4. Continue to fund the Lincoln Partnership for Economic Development (LPED) and promote business retention, recruitment, and workforce development strategies and outcomes for the City of Lincoln through this public/private partnership.
5. Encourage public-private partnerships, strategic alliances, and collaborative efforts as a means to accomplish future economic objectives.
7. Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.

P15: Infrastructure and Economic Development - Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.

Action Steps

1. Continue to provide adequate sites with associated infrastructure to serve the community's economic development needs.
2. Continue the County's support for road improvements that accommodate commercial and other development within the smaller incorporated areas.
4. 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.

ANALYSIS

1. This is a request to amend the existing Tower Heights Planned Unit Development (PUD) generally located at the southeast corner of South 48th Street and Yankee Hill Road. This PUD is zoned R-3, with an associated land use plan that designates specific areas within the PUD boundary for different uses, such as O-3 or B-2. The last full amendment to the PUD in 2015 designated a mix of B-2 and O-3 uses allowed along Yankee Hill Road. The amendment proposes a modification to land use plan on Block 1, Lot 4 of the PUD to remove the O-3, Office classification at the southwest corner of S. 52nd Street and Yankee Hill Road and increase the abutting and existing B-2, Commercial area to include this site.
2. The property is located along Yankee Hill Road which is classified as a major arterial roadway. Both the B-2 and O-3 area along Yankee Hill Road is currently still vacant and has not yet started development. The current B-2 and O-3 area shown as Lots 1-4 on the PUD will all be accessed in the future from State Hill Drive with no direct access to Yankee Hill Road from the individual commercial lots. To the north and east is existing AGR, Agriculture Residential zoning with existing single family homes on acreage lots. To the south is R-3 PUD, single family attached dwellings within this PUD and to the west is B-2, Commercial within this PUD.
3. When approved in 2015, an associated Land Use Plan was included with the PUD plans that details the allowed zoning districts within the PUD boundary. In this case, the northeast corner of the PUD was designated for O-3 uses and allowed a maximum building size of 30,000 SF of floor area and no taller than 2-stories. The plan included a 20-foot setback along S. 52nd Street. This was intended to help limit the intensity of commercial uses closest to the existing AGR lots to the east.
4. The applicant is requesting this amendment to revise the Land Use Plan within the PUD to B-2 to allow Motorized Vehicle Repair/Service as a permitted use for a potential development. Currently this use is not permitted in the O-3 zoning district. Initially, the applicant applied for the amendment with the intent of creating an "O-3 Plus" zone to allow for vehicle service and repair to be permitted. After further discussion, the applicant supported updating the Land Use Plan to B-2 but with a limitation on certain uses that are considered to be more intensive due to the close proximity of AGR zoning and existing homes. This would limit uses under Lincoln Municipal Code Chapter 27.06.140 Commercial Recreation and Entertainment Facilities, and 27.06.140 Food and Drink Establishment use group. It would also prohibit hotels and motels, kennels, motorized vehicle wash facilities and motorized vehicle fuel sales based on concerns with increased traffic and noise commonly associated with these uses.
5. In addition to limiting more intensive B-2 uses on this site, the applicant has also proposed a maximum height allowance of 35 feet compared to the standard 55 feet allowed in B-2. Along the east side of the site abutting S. 52nd Street, a proposed increase in the current 20' setback to 30' will be provided along with a row of required landscaping along S. 52nd Street to help increase the buffer and separation from the existing AGR zoning to the east. The addition of these restrictions limiting uses, height, increased setback and landscaping will help reduce the impact on the adjacent neighborhood. Generally, motor vehicle repair can be a fairly intensive use based on customer vehicle traffic and associated noise. The applicant's letter details the proposed use of the site and more limited business hours only during the week and propose to be closed on the weekends. The applicant anticipates between 10-15 vehicles for service during the business day, with the garage doors remaining shut at all times, only opening for cars to enter and exit the service area. In general, the PUD would allow for ownership change of the auto repair and service use at this location in the future and is not limited to this applicant or business model, highlighting the additional limitations being added with this request related to height, setbacks, uses, and landscaping that will follow the PUD and any future owner.
6. This amendment to the PUD Land Use Plan is still in compliance with the Future Land Use Map within the 2050 Comprehensive Plan as it is shown for future commercial. The area was initially designated as O-3 to serve as a buffer between the B-2 and AGR zoning to the east. The property has frontage along a major arterial roadway with approved access from State Hill Drive. The proposed additional limitations to the site including a reduced height, setback, required landscaping, and use restrictions will help limit any adverse impacts from the proposed B-2 use on Lot 4 to the east.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Undeveloped Land / R-3 PUD (subject to O-3 Office zoning regulations)

SURROUNDING LAND USE & ZONING

North:	Single Family Acreage Lots	AGR, Agriculture Residential
South:	Attached Single Family	R-3, PUD
East:	Single Family Acreage Lots	AGR, Agriculture Residential
West:	Undeveloped Commercial Lots	R-3, PUD allowing B-2 Uses

APPLICATION HISTORY

July 2015 Change of Zone #15013 from AG to R-3, PUD and Annexation #15003 totaling 21 acres was approved by City Council creating an R-3 PUD allowing a mix of uses including residential health care facility, residential dwelling units, and office space.

January 2016 Change of Zone #15013A to amend and modify the previous Eastmont Towers PUD and rename it to the Tower Heights PUD to allow 59 dwelling units, 36,000 SF of commercial space and 30,000 SF of office space was approved by City Council.

November 2021 Administrative Amendment #21054 to the Tower Heights PUD to modify double frontage lots associated with the residential lot layout.

APPROXIMATE LAND AREA: 1.62 acres, more or less

LEGAL DESCRIPTION: Outlot G, Tower Heights Addition

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

Date: August 10, 2023

Owner/
Applicant Lincoln Federal Bancorp, Inc.
Leo Schumacher
1101 N Street
Lincoln, NE 68508
(402) 474-1400
lschumacher@lincolnfed.com

Contact: Olsson
Brad Marshall
601 P Street, Suite 200
Lincoln, NE 68508
(402) 458-5672
bmarshall@olsson.com

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CZ/15000/CZ15013B Tower Heights PUD.bmc.docx>

CONDITIONS OF APPROVAL - CHANGE OF ZONE #15013B

This approval permits the amendment to the Tower Heights Planned Unit Development with a modification to the associated Land Use Plan to eliminate the O-3 zoning classification and add B-2 zoning on Block 1, Lot 4 with the following limitations:

1. Maximum height allowance of 35 feet.
2. Required 30-foot setback along S. 52nd Street.
3. Required landscaping along S. 52nd Street meeting the Design Standards 3.5, Section 7.5 including two rows of coniferous trees.
4. Prohibition of the following uses: all uses within LMC 27.06.150 Commercial Recreation and Entertainment, LMC 27.06.140 Food and Drink, hotels and motels, kennels, motorized vehicle wash facilities, and motorized fuel sales.

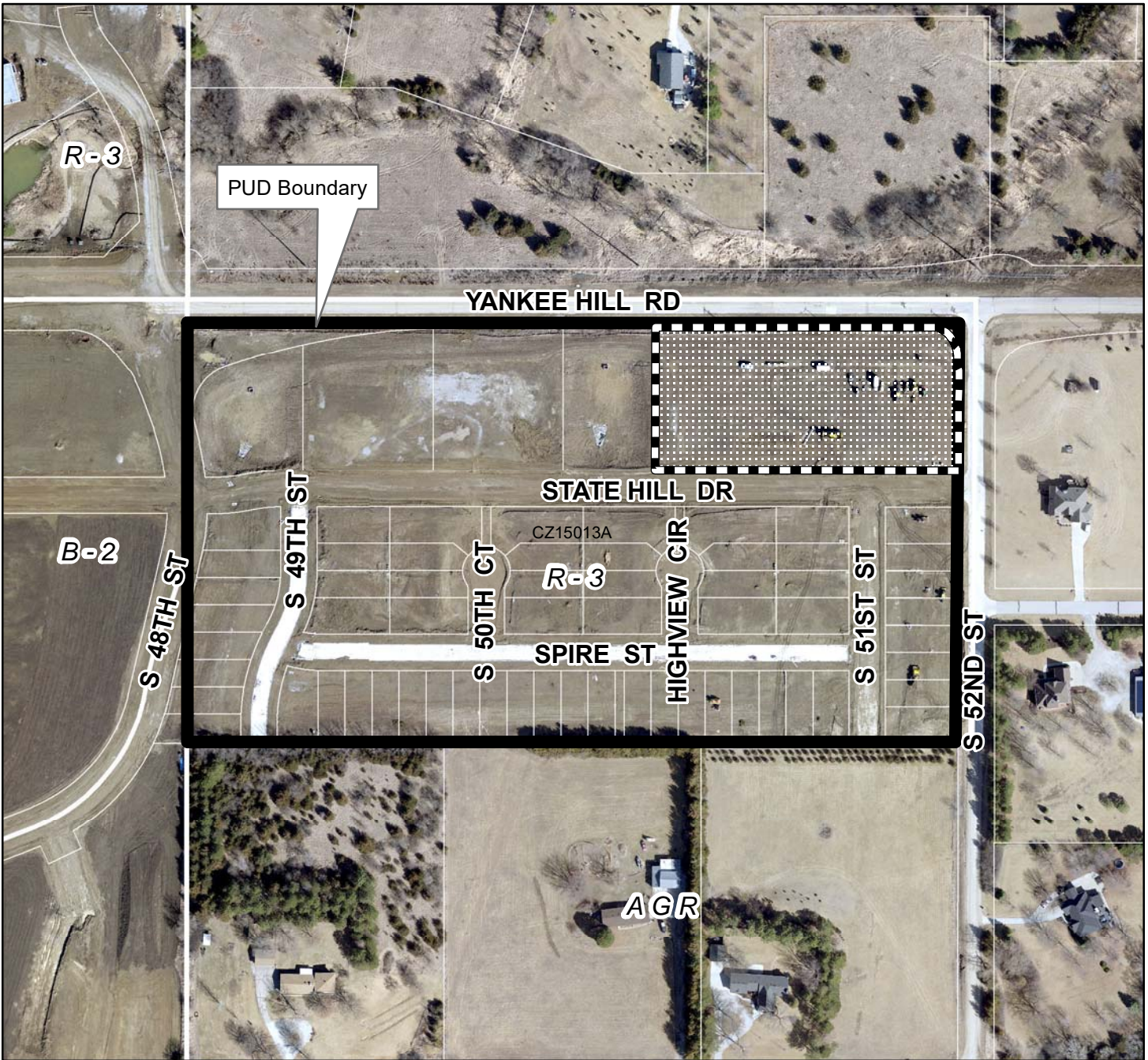
Site Specific Conditions:

1. Before receiving building permits or before a final plat is approved the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council.
 - 1.1 Show 30' setback for Block 1, Lot 4 along S. 52nd Street as proposed. (Sheet 1)
 - 1.2 Remove previous waiver to the O-3 zoning classification as it will no longer be relevant to the site. (Sheet 1)
 - 1.3 Remove "O-3 Plus" designation and show the Lot 4 as part of the "B-2 Commercial Area." (Sheet 2)
 - 1.4 Remove Note #2 under the Zoning Designation Area Notes as it will no longer pertain to the separation of B-2 and O-3 uses. (Sheet 2)
 - 1.5 Revise Note #4 to reflect Lot 4 as B-2 with the following limitations: Height Restriction of 35 feet and a required 30 foot minimum setback along S. 52nd Street.
 - 1.6 Revise Note #4 to state "Landscaping meeting Design Standards 3.5 Section 7.5 for required screening on the east property line along S. 52nd Street including two rows of coniferous trees will be provided.
 - 1.7 Revise Note #4 to reflect the following uses are prohibited on Lot 4; all uses within LMC 27.06.150 Commercial Recreation and Entertainment, LMC 27.06.140 Food and Drink, hotels and motels, kennels, motorized vehicle wash facilities, motorized fuel sales.
 - 1.8 Add note, "If prior to initial construction, an O-3 permitted use is to be built instead of motor vehicle service, the B-2 classification, setback requirements, landscaping and height restrictions may be modified or removed by Administrative Amendment to reflect the layout of CZ15013A conditions of approval."

Standard Conditions:

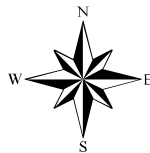
2. The following conditions are applicable to all requests:
 - 2.1 Before occupying the buildings all development and construction shall substantially comply with the approved plans.
 - 2.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners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

- 2.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
- 2.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.
- 2.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
- 2.6 The site plan as approved with this ordinance voids and supersedes all previously approved site plans, however all ordinances approving previous permits remain in full force and effect unless specifically amended by this ordinance.



Change of Zone #: CZ15031B
Tower Heights PUD
S 52nd St & Yankee Hill Rd

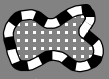


2022 aerial

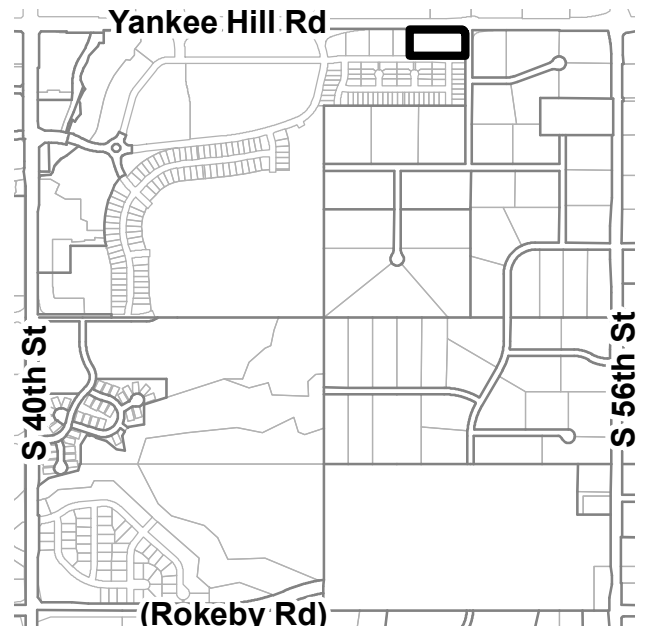


One Square Mile:
 Sec.29 T09N R07E

Zoning:

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

-  Area of Application
-  Zoning Jurisdiction Lines
-  Lancaster County Jurisdiction

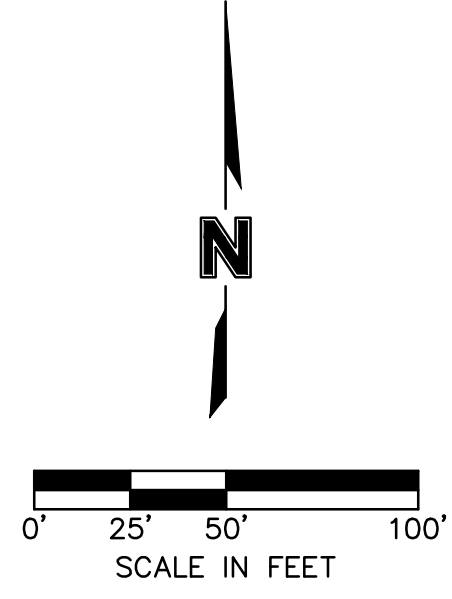
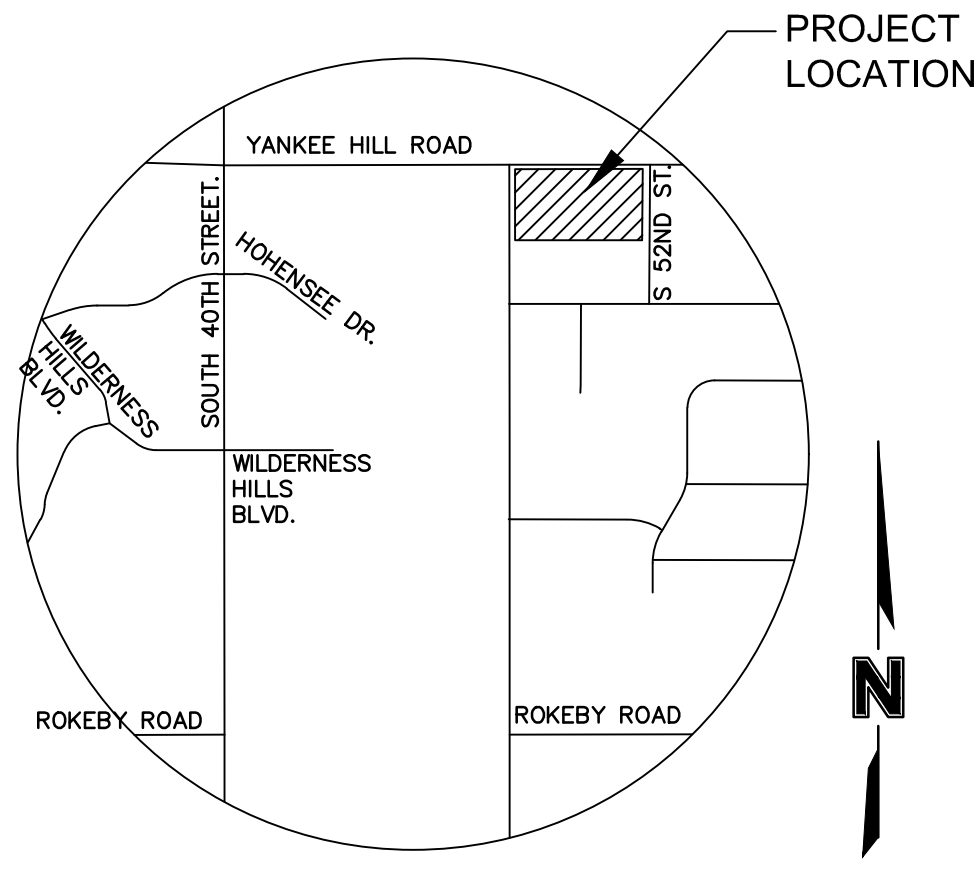


TOWER HEIGHTS R-3 PLANNED UNIT DEVELOPMENT COVER SHEET

LEGAL DESCRIPTION TOWER HEIGHTS PUD

A TRACT OF LAND COMPOSED OF LOT 42 I.T., LOCATED IN THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M.; THENCE SOUTHERLY ON THE WEST LINE OF SAID NORTHEAST QUARTER ON AN ASSUMED BEARING OF S00°04'33"W, A DISTANCE OF 40.00' TO THE NORTHWEST CORNER OF LOT 42 I.T., SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF YANKEE HILL ROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE S89°50'02"E, ON THE NORTH LINE OF SAID LOT 42 I.T., SAID LINE BEING THE SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 40.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1,273.46' TO THE NORTHEAST CORNER OF SAID LOT 42 I.T., SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF SOUTH 52ND STREET; THENCE S00°07'25"W, ON THE EAST LINE OF SAID LOT 42 I.T., SAID LINE BEING THE WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 693.16' TO THE SOUTHEAST CORNER OF SAID LOT 42 I.T., SAID POINT BEING THE NORTHEAST CORNER OF LOT 1, BLOCK 1, TOWER ACRES; THENCE N89°58'06"W, ON THE SOUTH LINE OF SAID LOT 42 I.T., SAID LINE BEING THE NORTH LINE OF SAID LOT 1, AND THE NORTH LINE OF LOTS 2 AND 3, BLOCK 1, TOWER ACRES, A DISTANCE OF 1,272.88' TO THE SOUTHWEST CORNER OF SAID LOT 42 I.T., SAID POINT BEING THE NORTHWEST CORNER OF SAID LOT 3, SAID POINT BEING ON THE EAST LINE OF LOT 51 I.T., SAID POINT ALSO BEING ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29; THENCE N00°04'33"E, ON THE WEST LINE OF SAID LOT 42 I.T., SAID LINE BEING THE EAST LINE OF SAID LOT 51 I.T., SAID LINE ALSO BEING THE WEST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 692.82' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 882,295.75 SQUARE FEET OR 20.25 ACRES, MORE OR LESS.



SHEET INDEX

COVER SHEET
USE PLAN
SITE PLAN
GRADING PLAN
EXISTING DRAINAGE PLAN
PROPOSED DRAINAGE PLAN
STREET PROFILES

SHEET 1
SHEET 2
SHEET 3
SHEET 4
SHEET 5
SHEET 6
SHEET 7-8

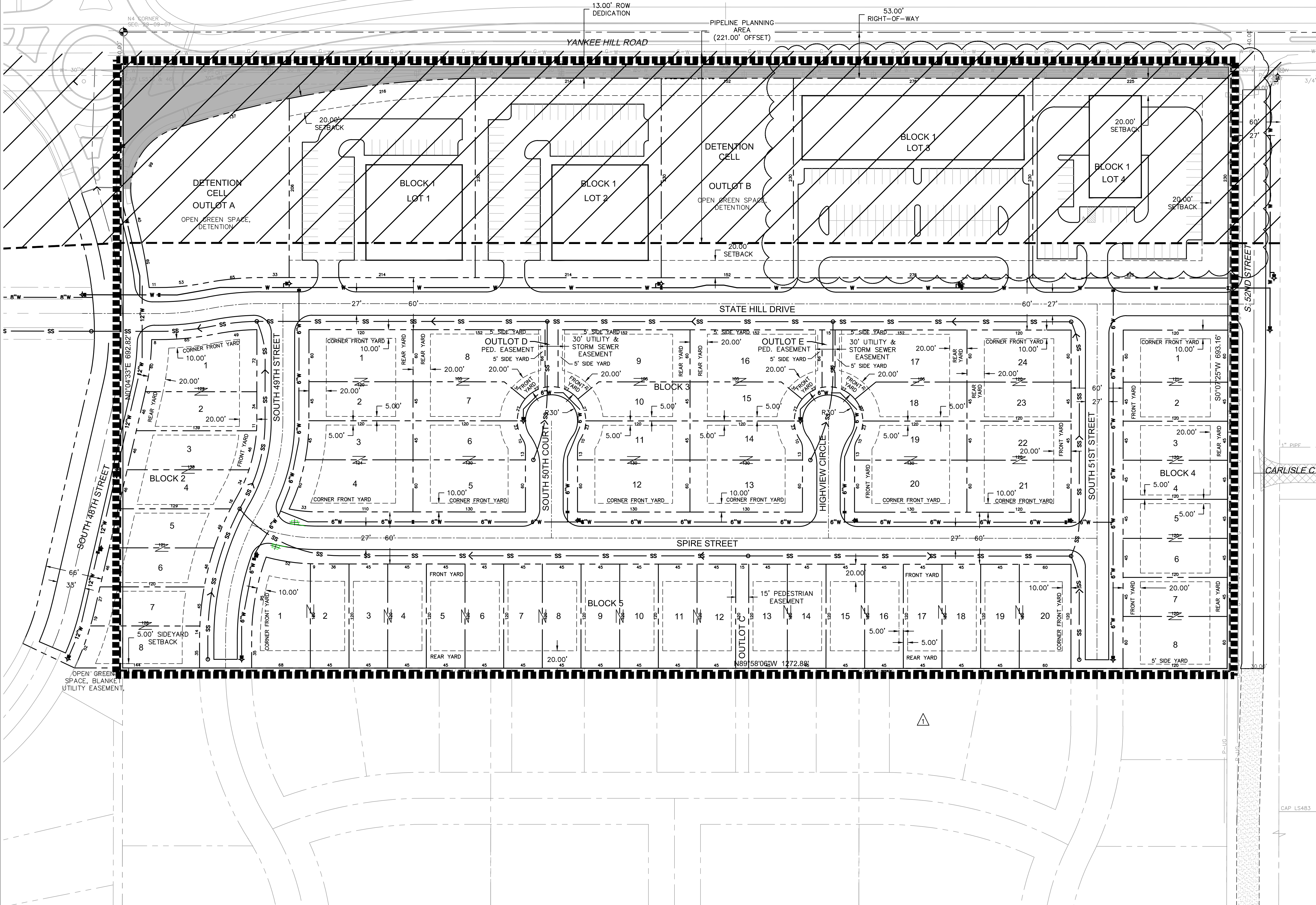
DEVELOPER/OWNER

LINCOLN FEDERAL BANCORP, INC.
1101 N STREET
LINCOLN, NEBRASKA 68508
PHONE: (402) 474-1400

ENGINEER & PREPARER

OLSSON
601 19th STREET
LINCOLN, NE, 68508
PHONE: 402-474-6311

NOTE: FUTURE YANKEE HILL ROAD CONCEPT IS SHOWN FOR REFERENCE ONLY



GENERAL NOTES

- THIS DEVELOPMENT IS APPROVED FOR 60 ATTACHED SINGLE-FAMILY UNITS, 36,000 SQUARE FEET OF COMMERCIAL AREA, AND 30,000 SQUARE FEET OF OFFICE AREA WITH ASSOCIATED WAIVERS.
- THE PROPOSED LOT LINES ARE CONCEPTUAL AND MAY VARY IN THE FINAL PLAT.
- ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
- ALL PAVING RADII ARE TO BE 20 FEET UNLESS OTHERWISE NOTED.
- ALL INTERSECTION ANGLES SHALL BE 90° UNLESS OTHERWISE NOTED.
- ALL ELEVATIONS ARE BASED ON NAVD 1988 DATUM.
- RIGHT-OF-WAY WIDTHS: REFERENCE TYPICAL STREET CROSS SECTIONS, SHEET 3 OF 8.
- DIRECT VEHICULAR ACCESS TO PUBLIC STREETS IS RELINQUISHED EXCEPT AS SHOWN.
- OUTLOTS WILL BE MAINTAINED BY THE DEVELOPER AND/OR FUTURE HOME OWNERS' ASSOCIATIONS.
- INDIVIDUAL LOT AND PARKING LAYOUT, PEDESTRIAN CIRCULATION AND BUILDING ORIENTATION FOR BLOCK 1 IS CONCEPTUAL AND SHALL BE FINALIZED BY ADMINISTRATIVE AMENDMENT.
- 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 THE BUILDING & SAFETY DEPARTMENT PRIOR TO INSTALLATION.
- THE OWNER OF LOTS 1-4, BLOCK 1 SHALL NOTIFY PURCHASERS OF LOTS ADJACENT TO YANKEE HILL ROAD OF THE APPROXIMATE LOCATION OF THE HIGH PRESSURE GAS PIPELINE UNDER THE EASTBOUND LANES OF YANKEE HILL ROAD.
- NO DWELLING UNITS, EARLY CHILDHOOD CARE FACILITIES, RESIDENTIAL HEALTH CARE FACILITIES, OR PLACES OF ASSEMBLY ARE PERMITTED WITHIN THE PIPELINE PLANNING AREA.
- PRIOR TO FINAL PLATTING OF S. 48TH STREET, PROVIDE THE ADDITIONAL RIGHT-OF-WAY AND HAVE APPROVED EXECUTIVE ORDERS, OR BY ASSESSMENT DISTRICT IF APPROVED BY THE CITY COUNCIL, FOR CONSTRUCTION OF PAVING FOR S. 48TH STREET AS SHOWN ON THE SITE PLAN.
- THE REAR YARD FOR DOUBLE FRONTAGE LOTS IN BLOCK 2 SHALL BE THE WEST LOT LINE ADJACENT TO SOUTH 48TH STREET. THE REAR YARD FOR DOUBLE FRONTAGE LOTS IN BLOCK 4 SHALL BE THE EAST LOT LINE ADJACENT TO SOUTH 52ND STREET.

LEGEND

- EASEMENT LINE
- - - - - PROPOSED SETBACK (B2, O3, AND R3 AREAS SHOWN)
- PROPOSED PROPERTY LINE
- P.U.D. BOUNDARY
- ▨ PIPELINE PLANNING AREA
- ▩ RIGHT-OF-WAY DEDICATION
- ▧ EXISTING GRAVEL ROAD
- ▦ EXISTING ASPHALT ROAD

WAIVERS - (CITY OF LINCOLN SUBDIVISION REGULATIONS AND DESIGN STANDARDS)

- R-3 PUD WAIVERS:
- ALLOW SANITARY SEWER TO FLOW OPPOSITE STREET GRADES.
 - ALLOW LOT LINES NOT AT RIGHT ANGLES OR RADIAL TO A STREET.
 - ALLOW DOUBLE FRONTAGE LOTS FOR BLOCK 2, LOTS 1-8 AND BLOCK 4, LOTS 1-8 AND BLOCK 3, LOTS 8, 9, 16, & 17.
 - ALLOW S. 52ND STREET TO BE BUILT WITHOUT CURB & GUTTER ON THE EAST SIDE FROM STATE HILL DRIVE TO THE SOUTH PUD BOUNDARY LINE.
 - ALLOW S. 52ND STREET TO BE BUILT WITHOUT STREET TREES AND SIDEWALK ON THE EAST SIDE FROM THE NORTH PUD BOUNDARY LINE TO THE SOUTH PUD BOUNDARY LINE.
- O-3 PUD OVERLAY WAIVERS:
- REDUCE INTERNAL SETBACKS TO 0 FEET.
- B-2 PUD OVERLAY WAIVERS:
- REDUCE INTERNAL SETBACKS TO 0 FEET.

DWG: F:\2019\2501-3000\019-2678-40-Design\AuscAD\Preliminary Plans\Sheets\GNCA\GNCA Admin. Amendment #2\VC_COV_0192678.dwg USER: bbortek
 DATE: Jul 25, 2023 4:24pm XREFS: C:\BASE_SURROUNDING_0192678 C:\BASE_0192678 014-2667_Legal
 © \Lincoln\Teams\GNCA\40-Design\CAD\Nebraska 811 Logo.jpg

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REV. NO.	DATE	REVISIONS DESCRIPTION
1	7.25.23	REMOVED "O-3" ZONING

COVER SHEET

TOWER HEIGHTS
R-3 PLANNED UNIT DEVELOPMENT

LINCOLN, NEBRASKA

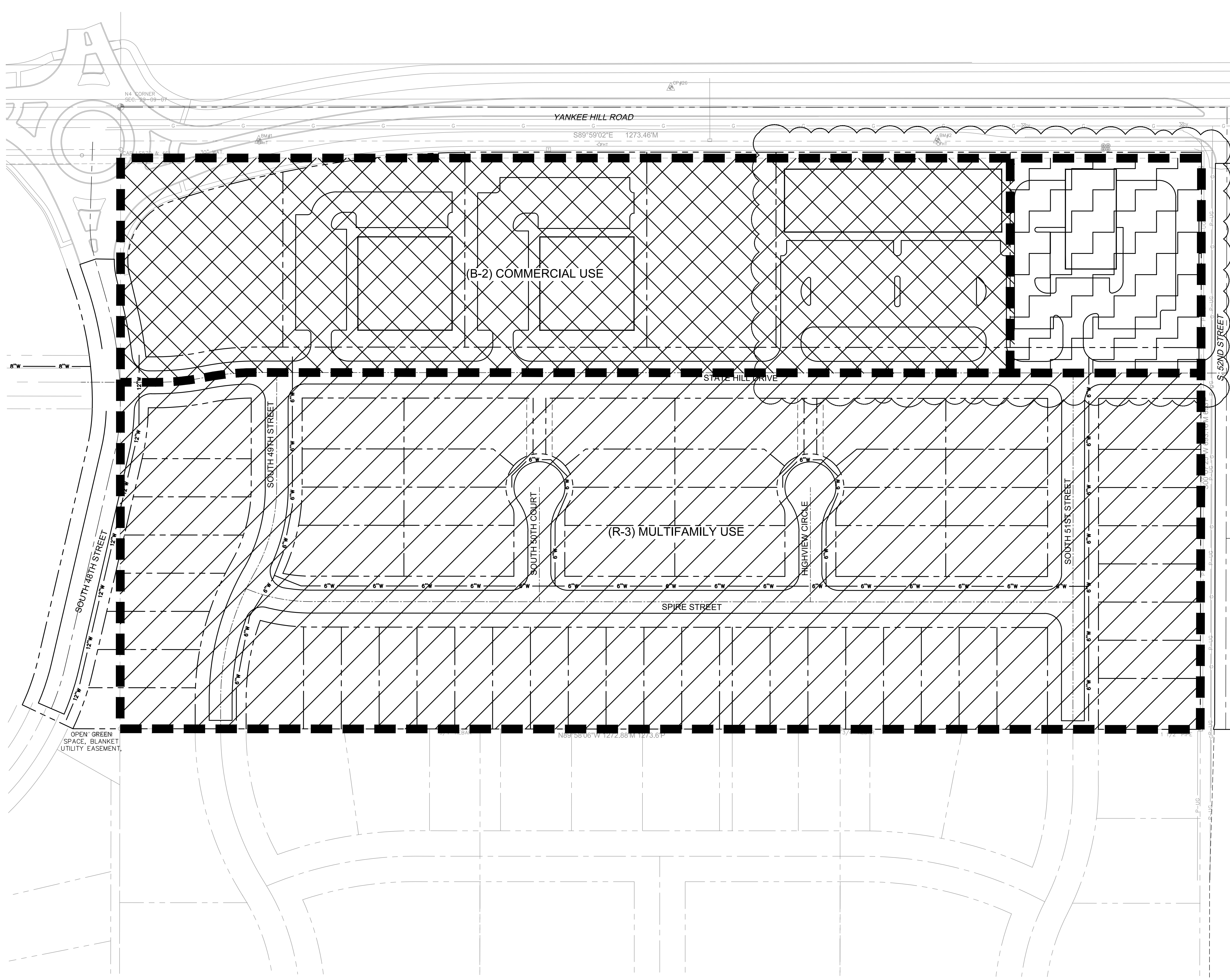
2021

REVISIONS

DRAWN BY: _____
 CHECKED BY: _____
 APPROVED BY: _____
 GNCA: _____
 PROJECT NO.: 019-2678
 DRAWING NO.: _____
 DATE: 01-30-20

SHEET
1 of 8

TOWER HEIGHTS R-3 PLANNED UNIT DEVELOPMENT USE PLAN

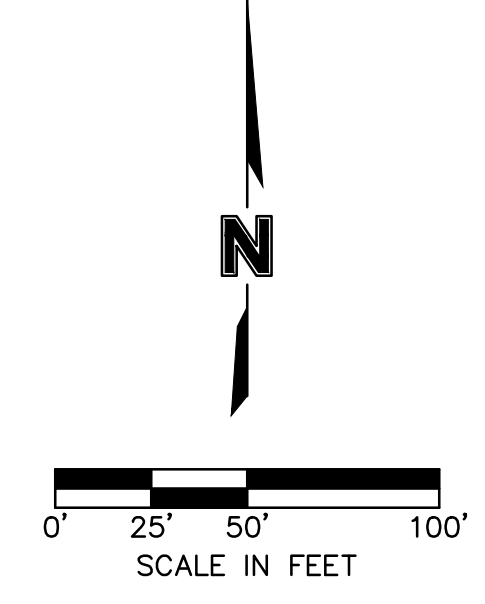


ZONING DESIGNATION AREAS LEGEND

- USE AREA
- O-3 PLUS
- B-2 COMMERCIAL USE
- R-3 RESIDENTIAL (MULTI-FAMILY) USE

ZONING DESIGNATION AREAS NOTES

1. THE USES ALLOWED IN THE O-3, R-3, & B-2 ZONING DESIGNATION AREAS ARE THOSE AS ALLOWED PER LMC TITLE 27 FOR THE O-3, R-3, & B-2 ZONING DISTRICTS RESPECTIVELY.
2. THE USE AREA LINE BETWEEN THE B-2 AND O-3 PLUS AREAS MAY BE ADJUSTED UP TO 30 FEET. ADJUSTMENTS IN THE LOCATION OF THE USE AREA BOUNDARIES BEYOND 30 FEET MAY BE APPROVED BY ADMINISTRATIVE AMENDMENT.
3. NO DWELLING UNITS, EARLY CHILDHOOD CARE FACILITIES, RESIDENTIAL HEALTH CARE FACILITIES, OR PLACES OF ASSEMBLY ARE PERMITTED WITHIN THE PIPELINE PLANNING AREA.
4. O-3 PLUS ZONING:
 - a. O-3 ZONING USES ALLOWED PER LMC TITLE 27.
 - b. AUTOMOTIVE SERVICE IS AN APPROVED USE WITH THE FOLLOWING REQUIREMENTS:
 - HEIGHT RESTRICTED TO 35' IN HEIGHT
 - S. 52ND STREET FRONT YARD SETBACK IS 30'
 - TWO ROWS OF CONIFEROUS TREES WILL BE PROVIDED ALONG S. 52ND STREET, NOT TO CONFLICT WITH INTERSECTION SIGHT TRIANGLES.



DWG: F:\2019\2501-3000\019-2678\40-Design\AutoCAD\Preliminary Plans\Sheets\GNCA\Admin. Amendment #2\C_USE_PLAN_0192678.dwg USER: bborrek
 DATE: Jul 25, 2023 4:11pm XREFS: 142667_XBASE C_XBASE_SURROUNDING_0192678 C_XBASE_PP04-Initial Build 701916PP04-Initial Build

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REVISIONS

REV. NO.	DATE	REVISIONS DESCRIPTION
1	7/25/23	REMOVED "O-3" ZONING

2019

USE PLAN

TOWER HEIGHTS
R-3 PLANNED UNIT DEVELOPMENT

LINCOLN, NEBRASKA

SHEET
2 of 8

drawn by: _____

checked by: _____

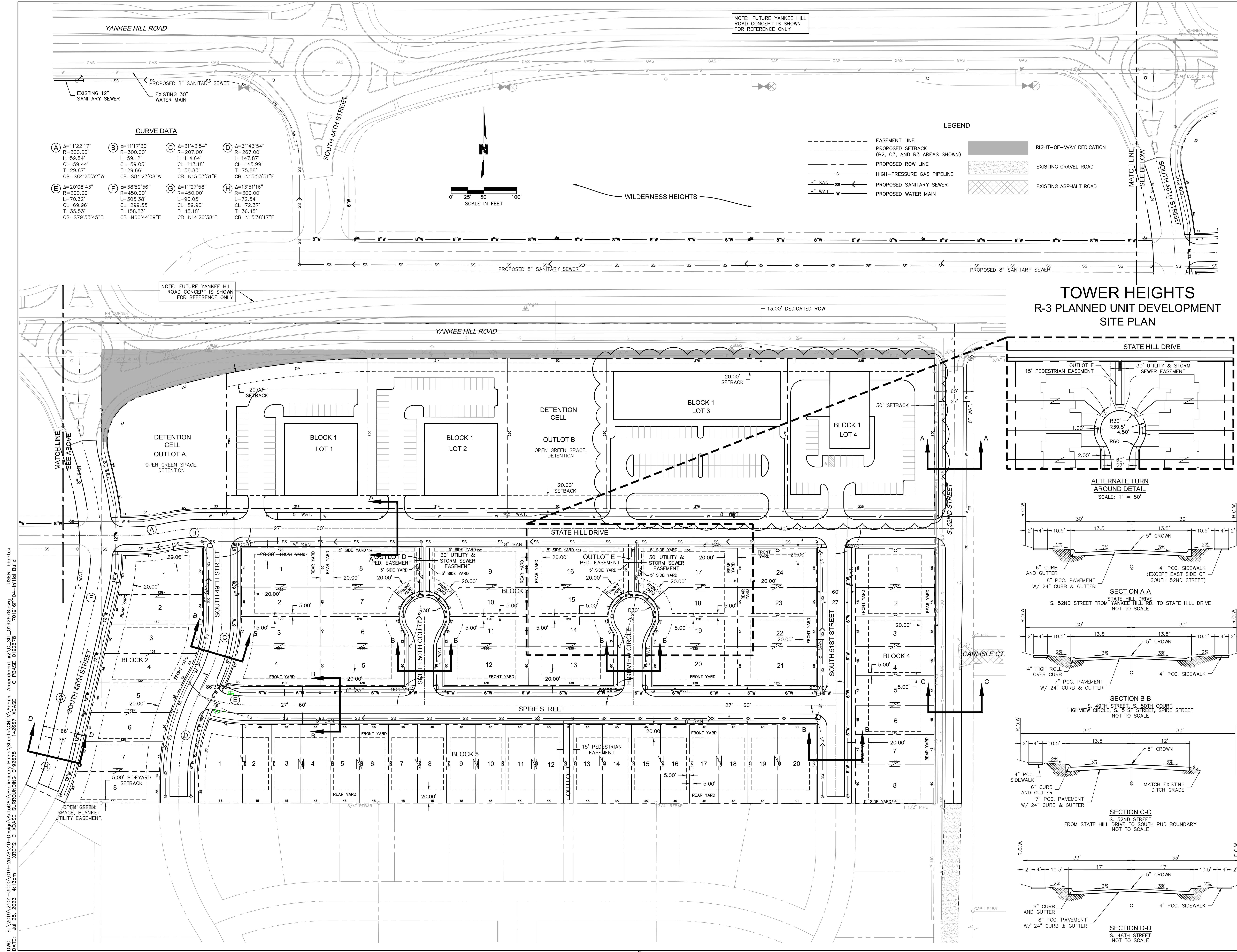
approved by: _____

GNCC by: _____

project no.: 019-2678

drawing no.: _____

date: 10-21-21



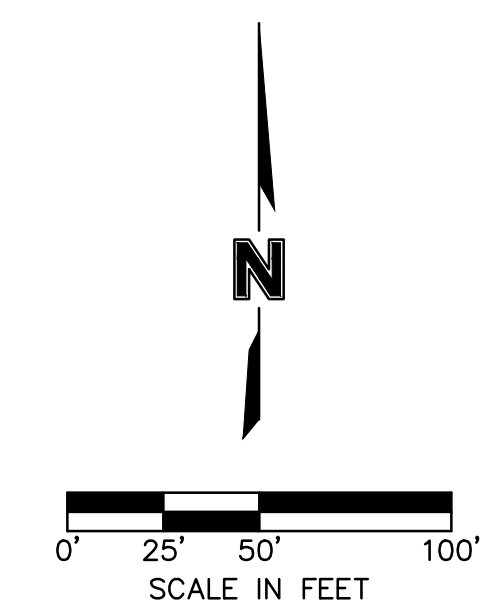
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E Δ=20'08'43" R=200.00' L=70.32' CL=69.96' T=35.53' CB=S79°53'45"E	F Δ=38'52'56" R=450.00' L=305.38' CL=299.55' T=158.83' CB=N00°44'09"E	G Δ=11'27'58" R=450.00' L=90.05' CL=89.90' T=45.18' CB=N14°26'38"E	H Δ=13'51'16" R=300.00' L=72.54' CL=72.37' T=36.45' CB=N15°38'17"E

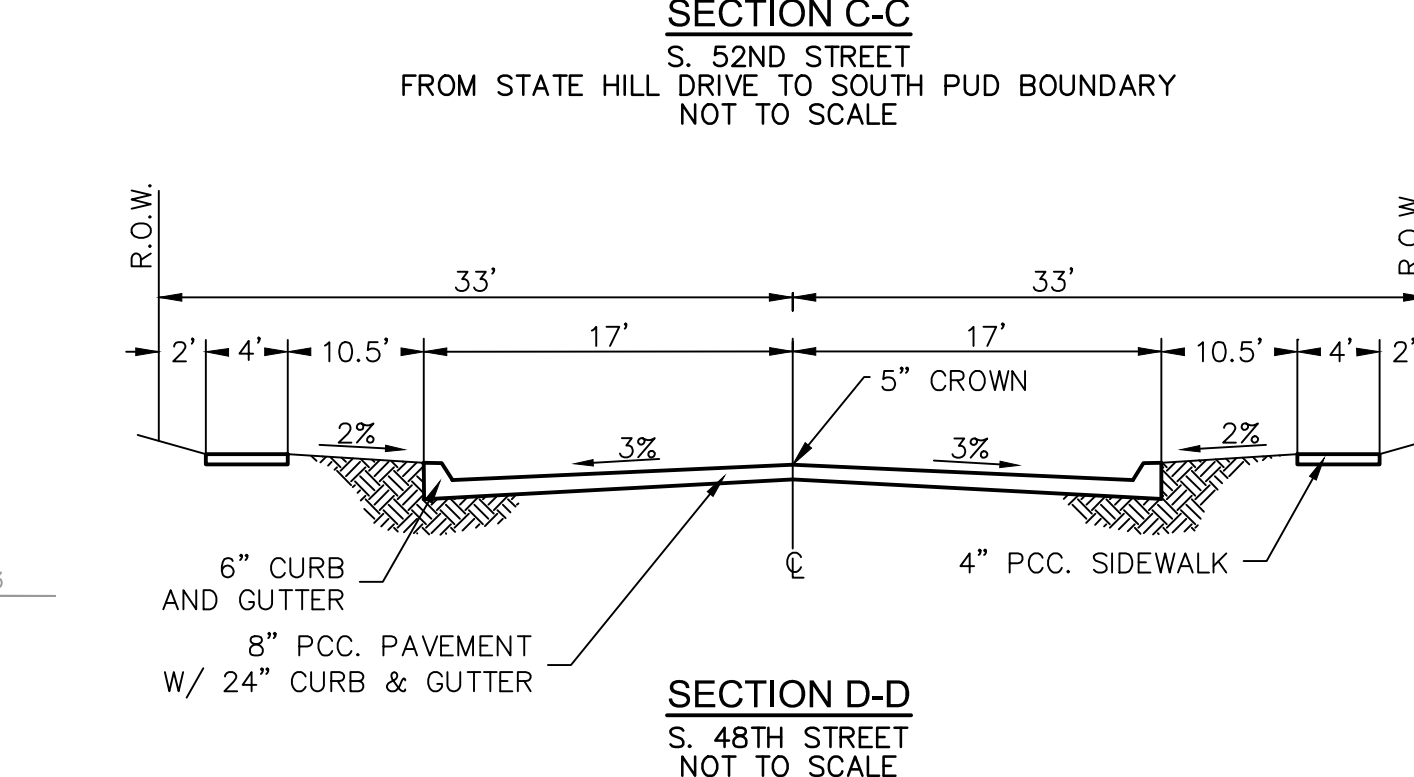
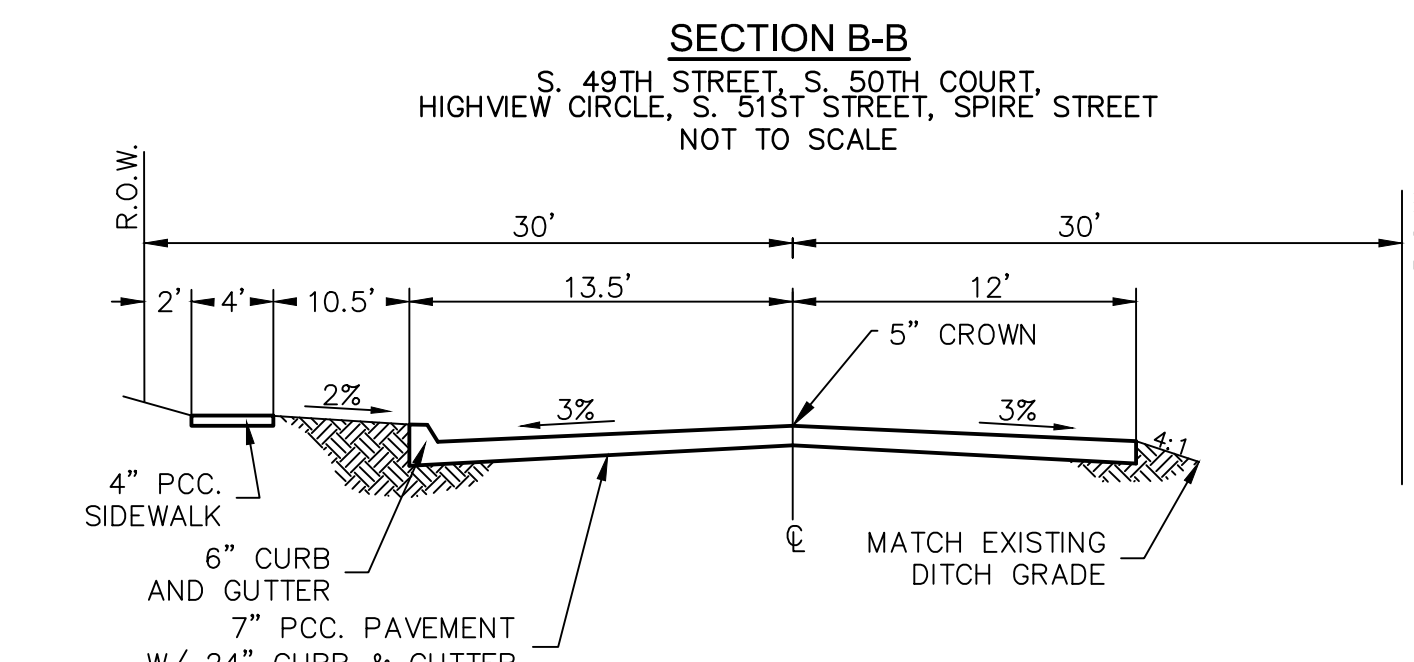
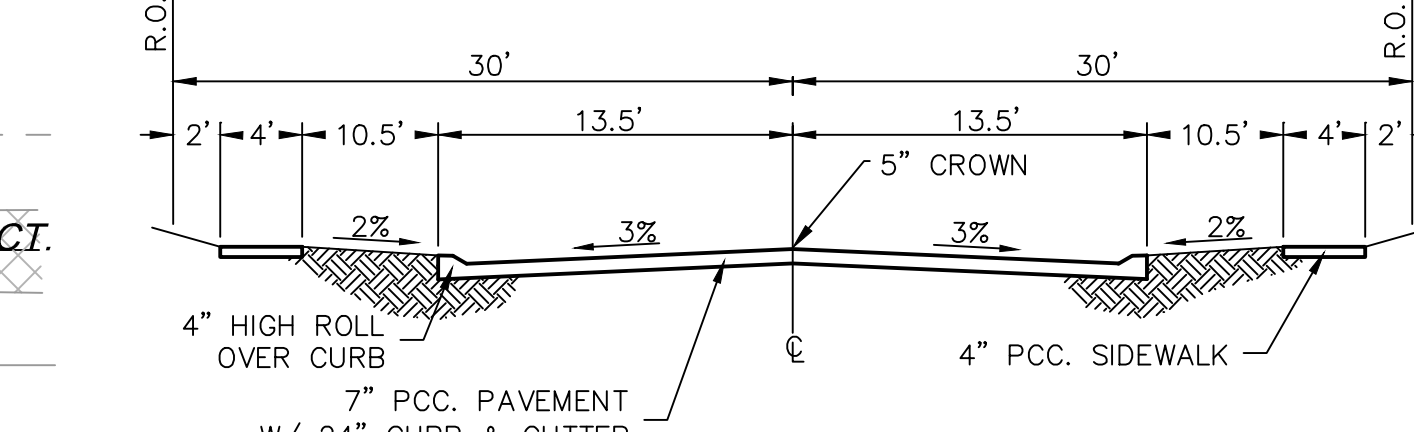
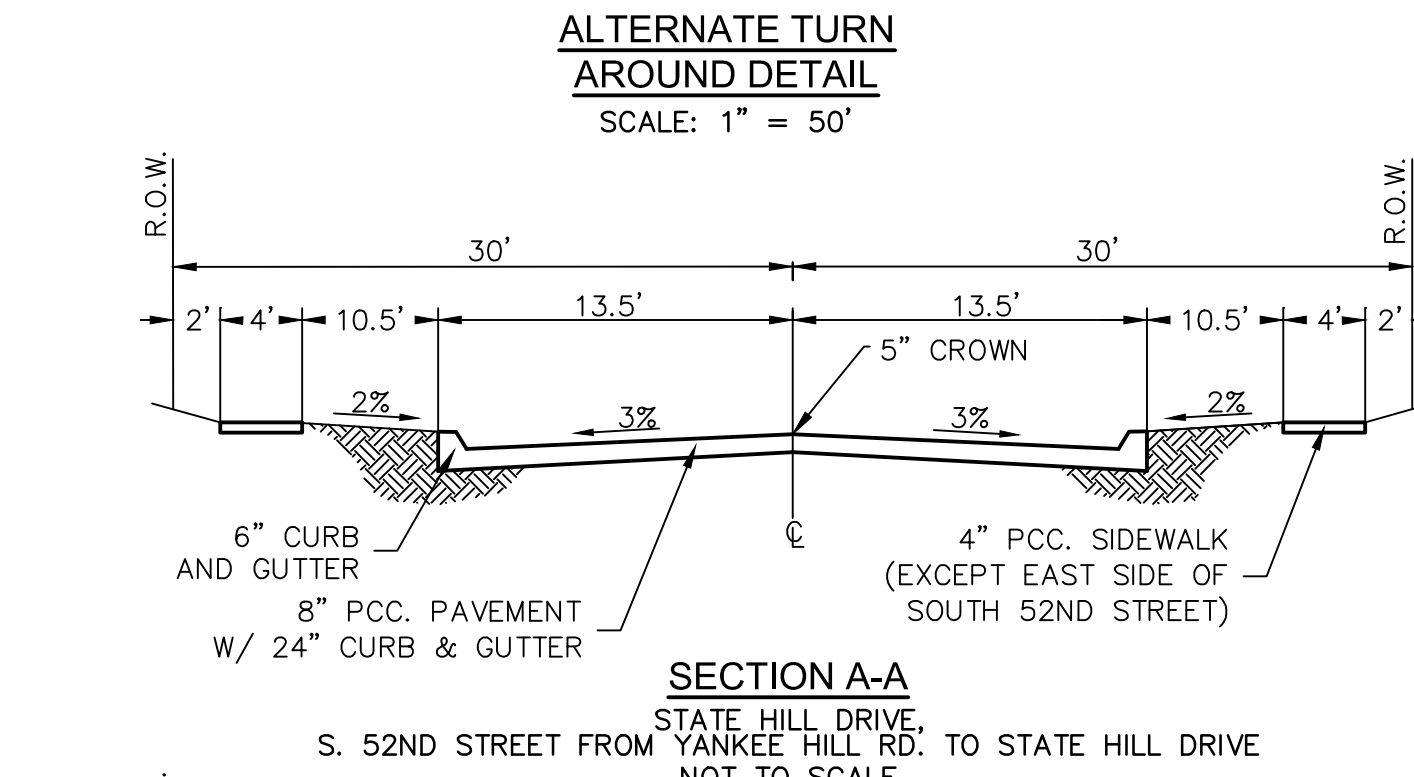
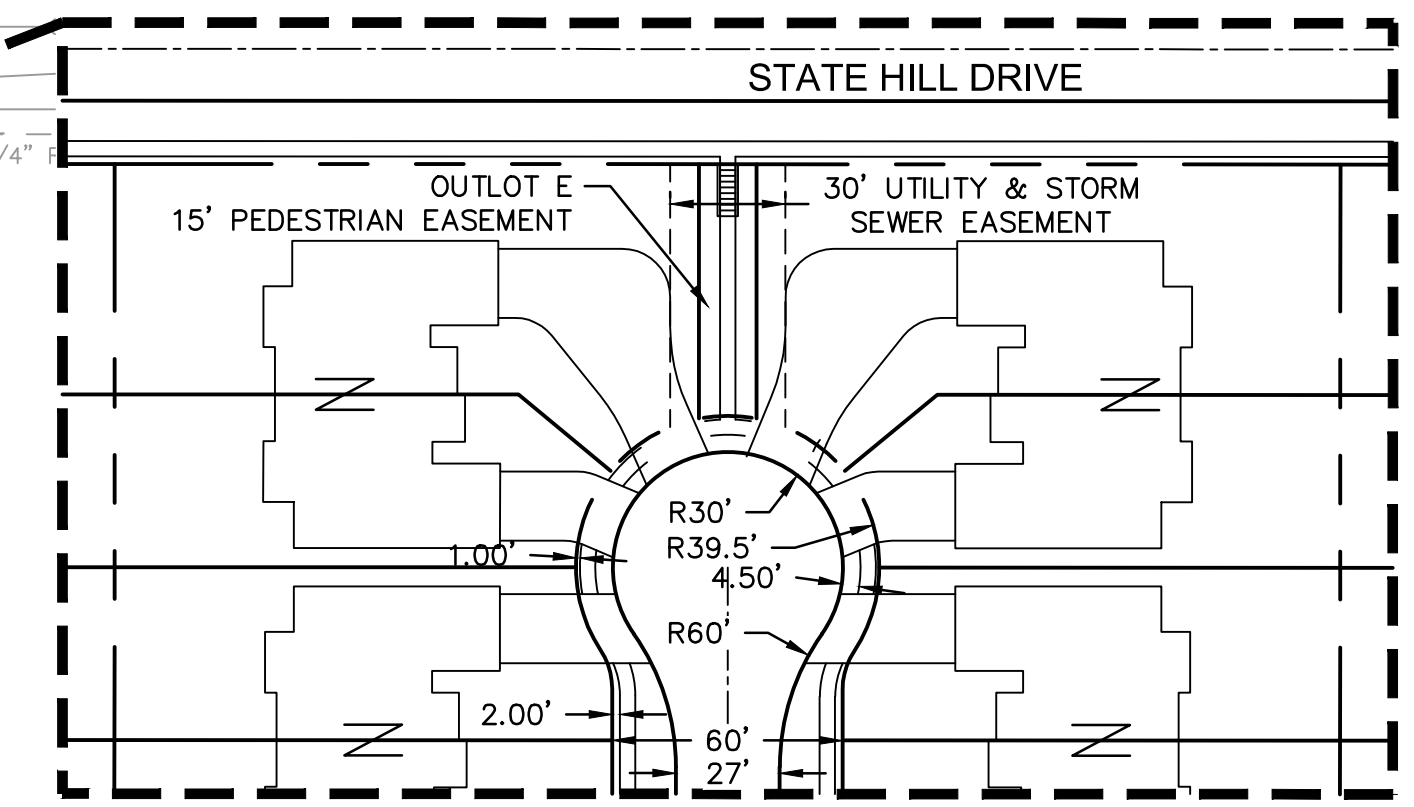
NOTE: FUTURE YANKEE HILL ROAD CONCEPT IS SHOWN FOR REFERENCE ONLY

LEGEND

- EASEMENT LINE
- - - PROPOSED SETBACK (B2, O3, AND R3 AREAS SHOWN)
- - - PROPOSED ROW LINE
- HIGH-PRESSURE GAS PIPELINE
- 8" SAN. ← PROPOSED SANITARY SEWER
- 8" WAT. ← PROPOSED WATER MAIN
- ▭ RIGHT-OF-WAY DEDICATION
- ▨ EXISTING GRAVEL ROAD
- ▩ EXISTING ASPHALT ROAD



**TOWER HEIGHTS
R-3 PLANNED UNIT DEVELOPMENT
SITE PLAN**



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REVISIONS

REV. NO.	DATE	DESCRIPTION
1	7.23.23	REMOVED "O-3" ZONING

SITE PLAN

TOWER HEIGHTS
R-3 PLANNED UNIT DEVELOPMENT

2019

Lincoln, Nebraska

SHEET
3 of 8



July 26, 2023

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

Re: Tower Heights
CZ15013A Amendment
Olsson Project No. 019-2678

Dear Mr. Cary,

On behalf of Lincoln Federal Bancorp, Inc ("LFB"), the owner of the real property legally described as Tower Heights Addition Outlot G, located in the Northeast quarter of Section 29, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska ("the Property"), an Amendment to the Tower Heights PUD is being submitted to add motorized vehicle repair/service as permitted use in the designated O-3 zone area.

In 2015, CZ15013A was approved with a O-3 designated area adjacent to the existing Kensington Estates acreages on the east side of S 52nd Street. This O-3 zone would allow any permitted uses to be constructed that would meet the zoning codes.

LFB has an interested buyer that would like to be approved for a motorized vehicle repair/service business in this O-3 area. LFB believes this proposed business would meet many of the intended benefits that the O-3 zoning provided the acreages to the east.

The proposed repair/service business is a locally owned business that is currently located in the downtown area. The existing business and operations provide some insight to possible concerns that may come along with the daily business operations. Some key differences between a typical large repair/service business and this proposed business include:

- The number of daily customers would average around 10-15 customers. This would be less traffic than a typically office building. The business would employ 6-10 employees.
- Communications are internal to the business building, there would not be any outdoor speakers or needed communications outside.
- Business hours are similar or less than typical office hours:
 - 7:30am to 5:30 pm Monday-Thursday
 - 7:30am to 11:30 am Friday
 - Closed Saturday and Sunday
- Service doors are kept shut as the building is climate-controlled year-round.
- Building would be single story in height with possible mezzanine for storage. Service buildings typically have ceiling heights of approximately 20 feet. In comparison, O-3 allows up to 55 feet in height.

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P.O. Box 84608
Lincoln, NE 68508

TEL 402.474.6311
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In addition to the reasons that this business may be provide all the original protections to the AGR properties, LFB is proposing restrictions to be added if a motorized vehicle repair/service was proposed within a new "O-3 Plus" zone. The restrictions proposed to be added to PUD for the "O-3 Plus" area would include:

- Setback from S. 52nd Street would increase from 20 feet to 30 feet.
- A double row of coniferous trees would be added for additional screening along S. 52nd Street.
- The maximum height allowed would be restricted to 35 feet, which would match the adjacent R-3 and AGR height limits.

LFB has also reached out to adjacent neighbors to gain feedback regarding the proposal. The amendment to the PUD will allow an open hearing for neighbors to express feedback regarding the LFB proposal. This is important to LFB to allow for transparency with the proposed changes since the PUD was originally approved with the O-3 restriction adjacent to the AGR zoning/residents.

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

1. City of Lincoln Application, including:
 - a. Amendment to PUD
2. Application fee in the amount of \$1,056
3. Planned Unit Development – Site Plan
4. Conceptual renderings of repair/service building

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

Sincerely,


Brad J Marshall, P.E.

Enclosures.



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER 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. 1 st St., Pioneers Blvd., Single family, landscaping business	R-3, Residential & AG, Agriculture
South: S. 1 st St., City Church, Wilderness Park	AG, Agriculture & P, Public
East: Wilderness Park	P, Public
West: Wilderness Crossing PUD	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

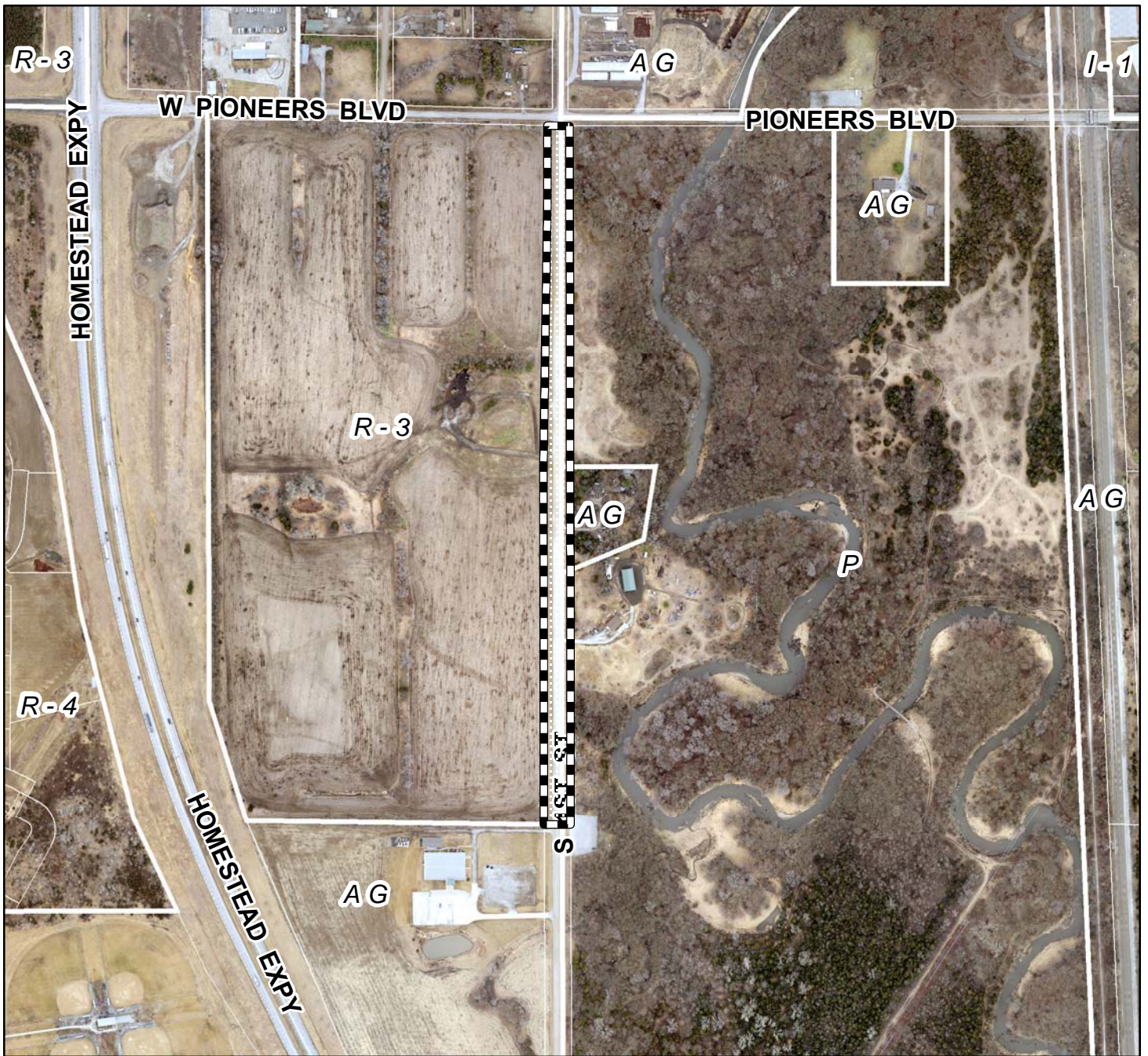
Contact: Civil Design Group, Inc
 8535 Executive Woods Drive
 Suite 200
 Lincoln, NE 68512
 (402) 434-8494

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SAV/23000/SAV23005 S 1st Street Vacation.bmc.docx>

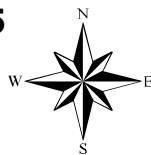
CONDITIONS OF APPROVAL - STREET AND ALLEY VACATION #23005

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



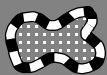


2022 aerial

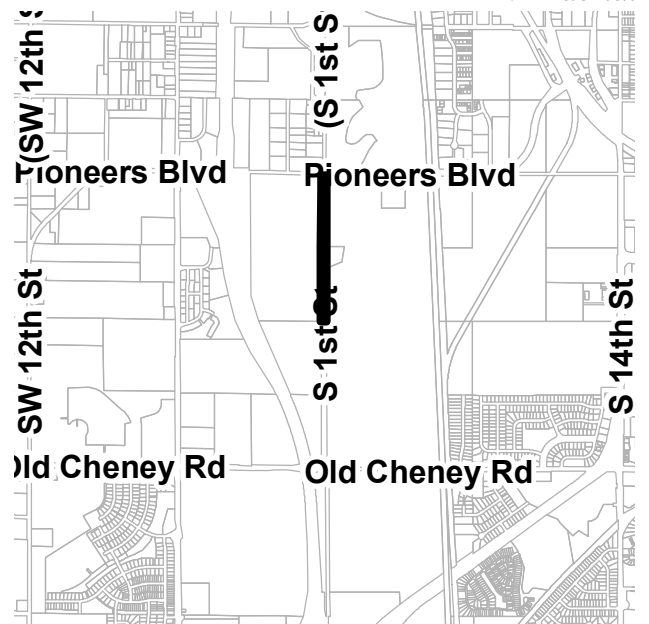
Zoning:

- 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