

Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

Cindy Ryman Yost: Chair

Cristy Joy: Vice Chair

Lorenzo Ball

Dick Campbell

Maribel Cruz

Gloria Eddins

Tracy Edgerton

Richard Rodenburg

Bailey Feit

PLANNING STAFF

David R. Cary: Director

Shelli Reid: Administrative Officer

Jennifer McDonald: Administrative Aide

October 4, 2023

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, October 4, 2023, at 1:00 p.m. in the City Council Chambers on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

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

AGENDA

WEDNESDAY, OCTOBER 4, 2023

Approval of minutes of the regular meeting held [September 20, 2023](#).

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

TEXT AMENDMENT:

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1.1 TEXT AMENDMENT 23013, amending the Lincoln Municipal Code Chapter 4.36.030, Duties and Powers, to add Accessory Dwelling Design Standards; Chapter 4.36.040, Advisory Review Process, to rename the reference for the objectives of the Urban Design Committee; Chapter 4.36.050, Meetings, Rules, and Notice of Public Hearings, to add Accessory Dwelling Design Standards; Chapter 4.36.070, Appeals, to add Accessory Dwelling Design Standards; to add Chapter 4.36.080, Jurisdiction of the Committee Relative to Other Boards; Chapter 27.56.040, Nebraska Capitol Environs Commission Created, to increase the ex officio, nonvoting members from three to four; Chapter 27.57.110, Powers and Duties, to add text to make recommendations to the Mayor, City Council, Planning Commission, City Boards, and City Departments in matters relating to historic preservation; Chapter 27.57.180 to decrease the period of appeal to City Council from thirty days to fourteen days; and to add Chapter 27.57.190, Jurisdiction of the Commission Relative to Other Boards.

Staff recommendation: Approval

Staff Planner: Arvind Gopalakrishnan, 402-441-7603,
agopalakrishnan@lincoln.ne.gov

CHANGE OF ZONE:

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1.2 CHANGE OF ZONE 19031C, to amend an existing Chateau at Yankee Hill PUD (Planned Unit Development), to modify the O-3 (Office District) district within the PUD to allow “restaurant” as a permitted use, on property generally located at South 40th Street and Yankee Hill Road.

Staff recommendation: Conditional Approval

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

Page 40 1.3 CHANGE OF ZONE 23064, from AGR (Agricultural District) to R-3 (Residential District), on a property generally located at 7005 and 7155 S. 75th Street.
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

PERMITS

Page 50 1.4 SPECIAL PERMIT 13048B, amending an existing special permit to increase the maximum number of residents at the residential healthcare facility from 18 to 21 people, on property generally located at 740 S. 17th Street. ***FINAL ACTION***
Staff recommendation: Approval with Conditions
Staff Planner: Stephanie Rouse, 402-441-6373, srouse@lincoln.ne.gov

Page 67 1.5 SPECIAL PERMIT 22045A, to allow for an expansion of the Hawley Corners CUP (Community Unit Plan) by .32 acres, more or less, to add 8 additional dwelling units with associated waivers, on property generally located at 2537 Vine Street.
FINAL ACTION
Staff recommendation: Conditional Approval
Staff Planner: Ben Callahan, 402-441-6360, bcallahan@lincoln.ne.gov

Page 83 1.6 SPECIAL PERMIT 23032, to allow for a cupola exceeding the 35-foot height limit in the AG district by 10 feet, on property generally located at 3770 W Vine Street.
FINAL ACTION
Staff recommendation: Conditional Approval
Staff Planner: Emma Martin, 402-441-6369, emartin@lincoln.ne.gov

MISCELLANEOUS

Page 96 1.7 STREET AND ALLEY VACATION 23007, to vacate the street right-of-way stub in South 70th Street, lying adjacent to property generally located adjacent to 6601 South 70th Street.
Staff recommendation: Conforms to the Comprehensive Plan
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

2. REQUESTS FOR DEFERRAL

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

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION

CHANGE OF ZONE:

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4.1 CHANGE OF ZONE 21020A, to amend the South of Downtown Planned Unit Development (PUD) with the addition of "Subarea 1" within the PUD to allow for a redevelopment project including up to 9,200 square feet of commercial space and 125 multifamily dwelling units on property zoned B-3 (Business District) and R-7 (Residential District) PUD with associated waivers, on property generally located at 1000 South 13th Street.

Staff recommendation: Conditional Approval

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

5. CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION

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:

David Cary, <i>Director</i>	402-441-6364	dcary@lincoln.ne.gov
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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

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>

The Planning Commission agenda may be accessed on the Internet at

<https://app.lincoln.ne.gov/city/plan/boards/pc/pc.htm>

MEETING RECORD

Revised 10/03/23

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, September 12, 2023.

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, September 20, 2023, 1:00 p.m., Hearing Room 112, on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska.

MEMBERS AND OTHERS IN ATTENDANCE: Dick Campbell, Gloria Eddins, Cristy Joy, Maribel Cruz, and Cindy Ryman Yost; Lorenzo Ball, Tracy Edgerton, and Rich Rodenburg absent; 9th Seat Vacant; David Cary, Steve Henrichsen, Shelli Reid, Jennifer McDonald, Tom Cajka, and Rachel Christopher of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

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

Chair Ryman Yost stated that a request was received to move item 4.1 - County Special Permit 23021 from the first public hearing item to the last item on the agenda. Motion for approval of the request made by Campbell, seconded by Joy. Motion approved 5-0: Campbell, Cruz, Eddins, Joy and Ryman Yost voting “yes”. Ball, Edgerton, and Rodenburg absent; 9th Seat Vacant.

Chair Ryman Yost requested a motion approving the minutes for the regular meeting held September 6, 2023.

Motion for approval of the minutes made by Campbell, seconded Joy.

Minutes approved 5-0: Campbell, Cruz, Eddins, Joy and Ryman Yost voting “yes”. Ball, Edgerton, and Rodenburg absent; 9th Seat Vacant.

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

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

September 20, 2023

Members present: Campbell, Cruz, Eddins, Joy, and Ryman Yost; Ball, Edgerton, and Rodenburg absent; 9th Seat Vacant.

The Consent Agenda consisted of the following items: Change of Zone 19031B and County Waiver 23005.

There were no ex-parte communications disclosed.

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

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

Motion carried 5-0: Campbell, Cruz, Eddins, Joy and Ryman Yost voting “yes”. Ball, Edgerton, and Rodenburg absent; 9th Seat Vacant.

Note: This is Final Action on County Waiver 23005 and County Special Permit 23031 unless appealed by filing a Notice of Appeal with the County Board within 14 days.

Chair Ryman Yost called for **Requests for Deferral.**

Clerk noted that written communication had been received from the applicant requesting a four-week deferral of item 4.4 – Street and Alley Vacation 23005, which will defer public hearing and action to the October 18, 2023, Planning Commission hearing.

STREET AND ALLEY VACATION 23005

TO VACATE A PORTION OF THE SOUTH 1ST STREET (RIGHT OF WAY) BETWEEN PIONEERS BLVD. AND OLD CHENEY ROAD, ADJACENT TO PROPERTY GENERALLY LOCATED AT SOUTH 1ST STREET AND PIONEERS BOULEVARD.

BEFORE PLANNING COMMISSION:

September 20, 2023

Members present: Campbell, Cruz, Eddins, Joy, and Ryman Yost; Ball, Edgerton, and Rodenburg absent; 9th Seat Vacant.

Staff Recommendation: Four-week deferral

Campbell moved to grant the request for deferral for public hearing and action to October 18, 2023, seconded Eddins.

Motion carried 5-0: Campbell, Cruz, Eddins, Joy and Ryman Yost voting “yes”. Ball, Edgerton, and Rodenburg absent; 9th Seat Vacant.

COUNTY COMPREHENSIVE PLAN CONFORMANCE 23013
TO REVIEW THE PROPOSED ONE- AND SIX-YEAR LANCASTER COUNTY ROAD AND BRIDGE
CONSTRUCTION PROGRAM, FISCAL YEAR 2024 AND 2025-2029, AS TO CONFORMANCE WITH
THE 2050 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN.

BEFORE PLANNING COMMISSION:

September 20, 2023

Members present: Campbell, Cruz, Eddins, Joy, and Ryman Yost; Ball, Edgerton, and Rodenburg absent; 9th Seat Vacant.

Staff Recommendation: General Conformance with the Comprehensive Plan

There were no ex-parte communications disclosed.

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

Staff Presentation:

Pam Dingman, Lancaster County Engineer, 444 Cherry Creek Road, Bldg. C, Lincoln NE came forward and presented an overview of the Lancaster County Roads and Bridges, which includes 288 bridges, 43 miles of dirt roads, 290 miles of paved roads and 1,047 miles of gravel roads (Exhibit #1). In addition to this, there is maintenance operations in the county which includes a rock quarry. Dingman stated that there is approximately 101 subdivisions and 2823 lots that is a huge funding issue with the County Engineer's Office. Dingman stated that if a bridge is closed in Lancaster County, it is because of a scour critical issue. There is currently 7 closed bridges in Lancaster County. Dingman stated that there are 18 poor rated bridges in Lancaster County. With a poor rating, this means it is recommended to be replaced. Dingman explained the program of how bridges are replaced, the funding, and the maintenance. Dingman stated that in the next five years, a goal is to have all the "Poor Bridges replaced. In addition, Dingman stated that they are using a new GIS culvert database to track the condition, replacement, and maintenance of the culverts. Because of the increase of focus on the maintenance, there have been less repairs on the culverts. Dingman stated that they are aware of the grading and paving projects that are needed within the city. They are receiving funding packages through grant money, MPO funds, safety funds and Federal Funding to help with these projects.

Campbell asked Dingman that when a box culvert is removed, and the pipes are put in, are they sized so they do not back up. Dingman stated that the water and the back water is calculated prior to installation. Dingman stated that they are paying a lot of attention to the exit velocity of the pipes.

Joy asked if the Agnew Road project bridge is on standby or in engineering. Dingman stated that bridge is in this year's budget and the other bridge is on standby. Joy asked from a practice standpoint, is it possible to do bridges at the same time. Dingman stated that if funding is available, they will try to do one bridge then another. In some cases, the money is not there to be able to do that. Joy wanted to compliment the look and feel of the bridge on North 14th Street.

Proponents:

No one came forward in support of this application.

Neutral:

No one approached in neutral testimony.

Opposition:

No one came forward in opposition.

Staff Questions:

There were no questions from staff.

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

Motion carried 5-0: Campbell, Cruz, Eddins, Joy and Ryman Yost voting “yes”. Ball, Edgerton, and Rodenburg absent; 9th Seat Vacant.

**COUNTY COMPREHENSIVE PLAN CONFORMANCE 23013
ACTION BY PLANNING COMMISSION**

September 20, 2023

Campbell moved to approve Comprehensive Plan Conformance 23013, seconded by Joy.

Campbell stated that a great job has been done in the previous years. This is a good approach and would like to see more paved roads in the county than we presently have.

Eddins stated that the maintenance of what we have is always a good thing to hear. It is better to spend a little bit now instead of a lot later.

Joy stated that she appreciates the efforts to stay ahead of the growth in Lincoln and the aggressiveness of going after the funding.

Ryman Yost appreciates the attention to the safety that is being considered for the youth drivers.

Motion carried 5-0: Campbell, Cruz, Eddins, Joy and Ryman Yost voting “yes”. Ball, Edgerton, and Rodenburg absent; 9th Seat Vacant.

**CHANGE OF ZONE 23054
FROM AG (AGRICULTURAL DISTRICT) TO H-3 (HIGHWAY COMMERCIAL DISTRICT), ON PROPERTY
GENERALLY LOCATED AT NW 48TH STREET AND HWY 34.
BEFORE PLANNING COMMISSION:**

September 20, 2023

Members present: Campbell, Cruz, Eddins, Joy, and Ryman Yost; Ball, Edgerton, and Rodenburg absent; 9th Seat Vacant.

Staff Recommendation: Denial

There were no ex-parte communications disclosed.

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

Staff Presentation:

Tom Cajka, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated that this application is a Change of Zone on 6.24 acres from AG to H-3. There currently is not any city utilities to serve this site. Cajka stated there has been other options that have been explored on this site, but they have not been agreed upon between the Planning Department and the applicant. Cajka stated that the H-3 zoning is not a use permit district and there is no review for that. Cajka stated that a traffic study had not been issued or required on this site. Cajka stated that there is also a minimum flood corridor on this site and a grading plan was not submitted with this Change of Zone. A minimum flood corridor should not be rezoned without some protection from the flood corridor. Cajka stated that the Planning Department recommends denial of this application.

Campbell asked Cajka how the original storage unit was in place. Cajka stated that two Change of Zone applications were on this property. The first one was done in 2006. Part of the reasoning was to possibly relocate the convenience store. The second was to extend the area to the south. This was recommended as a conditional approval for the zoning agreement by the Planning Department and the City Council, however, was approved without the zoning agreement. Campbell stated that a storage area would not need sewer and water and are they currently operating with a septic and well? Cajka stated that he would assume, but H-3 will open the door to all the other uses. Campbell asked if there is any way to put restrictions on the usage and Cajka stated through a zoning agreement there could be.

Joy asked if the surrounding properties operate on septic and wells. Cajka stated that they must be on septic and wells because the city does not extend services outside the city limits.

Applicant:

Mark Hunzeker, Rembolt Law Firm, 1128 Lincoln Mall, Suite 300, Lincoln, NE came forward and stated that the existing storage area has been in place and operating since 2006. Hunzeker stated that the reasons that the Planning Department has not wanted to rezone this property have some merit with the idea of controlling the traffic. Hunzeker stated that this is a legitimate concern, but it is not what the owner wants to do with the property. Hunzeker stated that the issue with the flood corridor is a subdivision ordinance issue, but this is not a subdivision. Hunzeker stated that there is not a problem to preserve the flooding corridor. Hunzeker stated that on Highway 34, there is a left turn lane that allows room for traffic to turn onto this property. Hunzeker stated that they really cannot annex this property and the solution to the problem is a zoning agreement. Hunzeker stated that there is zoning agreement terms which have been approved

by the Planning Department, Law Department, and the owner. This agreement will restrict access to Highway 34, set a dedicated easement, and access to the commercial zoned property must come from Northwest 48th Street.

Campbell asked what is located to the west of the property in question. Hunzeker stated those are farm utility sheds that were associated with the property quite a while ago.

Hunzeker stated that they would restrict the use of the commercial zoned area to warehousing and outdoor vehicle storage. Hunzeker stated that there will be very little traffic impacted by a storage area. Hunzeker is requesting that the Change of Zone be approved subject to the conditional zoning agreement.

Eddins asked what the property owner to the east thinks about this application. Hunzeker stated that to the east, is a storage property, and the other is a vacant storage. To the west is property owned by Zakovec. West of that property is another property which Hunzeker stated has not been contacted or heard from.

Campbell asked if the property was being purchased from the owner to the west of Zakovec. Hunzeker stated that the property in question is already owned by Zakovec.

Joy asked Campbell if was he was referring to looking from an agreement to restrict? Campbell stated yes.

Ryman Yost asked if the road to the south would include the road and culvert over the drainage and Hunzeker stated that there is a road there with a culvert there already.

John Zakovec, 6625 NW 48th Street, Lincoln, NE approached and stated that he is the owner of the property. Zakovec stated that he lives in the property to the south of the driveway and his manager lives in the house on the property located just inside the gates. Zakovec stated that there is a port-a-potty located on the property. Zakovec stated that he is going to have 50 feet between aisles to allow campers to pull in, out or drive through.

Campbell asked why Zakovec limited the property to just one area to expand to. Zakovec stated that there is an existing driveway to the west and there is a story behind that. Zakovec wants to keep that driveway where it currently is.

Proponents:

No one came forward in support of this application.

Neutral:

No one came forward in neutral position of this application.

Campbell asked why Zakovec limited the property to just one area to expand to. Zakovec stated that there is an existing driveway to the west and there is a story behind that. Zakovec wants to keep that driveway where it currently is.

Opposition:

No one came forward in opposition.

Staff Questions:

Cajka approached and stated that they have been working with Hunzeker on the proposed zoning agreement with revisions, but the recommendation is still denial to the Change of Zone. Cajka stated that if it is approved, then it is highly recommended to approve with the zoning agreement (See attached Agreement).

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

Motion carried 5-0: Campbell, Cruz, Eddins, Joy and Ryman Yost voting “yes”. Ball, Edgerton, and Rodenburg absent; 9th Seat Vacant.

CHANGE OF ZONE 23054

ACTION BY PLANNING COMMISSION

September 20, 2023

Campbell moved to approve Change of Zone 23054, with the zoning agreement (attached), seconded by Joy.

Campbell stated that this makes sense and what they are doing is expanding the storage that is already there. Campbell stated he does not see this creating a wrath of people coming forward in the future to zoning outside the city limits. Campbell will be supporting this with the zoning agreement to maintain some control in the future.

Joy will also be supporting this with the concept of working with the city and putting restrictions on it.

Motion carried to approve the Zoning Agreement, 5-0: Campbell, Cruz, Eddins, Joy and Ryman Yost voting “yes”. Ball, Edgerton, and Rodenburg absent; 9th Seat Vacant.

COUNTY SPECIAL PERMIT 23031

TO ALLOW FOR A FARM WINERY SOCIAL HALL, WITH ASSOCIATED WAIVER, ON PROPERTY GENERALLY LOCATED AT 2001 WEST RAYMOND ROAD.

BEFORE PLANNING COMMISSION:

September 20, 2023

Members present: Campbell, Cruz, Eddins, Joy, and Ryman Yost; Ball, Edgerton, and Rodenburg absent; 9th Seat Vacant.

Staff Recommendation: Approval

There were no ex-parte communications disclosed.

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

Staff Presentation:

Tom Cajka, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated that this request is for a farm winery social hall. This is for 85 acres and is the home of James Arther Winery. Cajka stated that the Social Hall will be approximately 17,000 square feet with a new parking area. The Social Hall is to be used for large gatherings and can have a primary event space with two secondary event spaces. The applicant is seeking a waiver to exceed the three-day limit that is one of the conditions of the Special Permit during the peak period of May through October. Cajka stated that previously a Text Amendment was approved on August 29, 2023, and the conditions were worked out between the Planning Department and the applicant. Cajka stated that the limitation of the days per week was to limit the impact of traffic and noise to the surrounding neighbors. The Planning Department does not support the waiver on something that was just approved. Cajka stated that this can be looked at in a year from now and revisited. Cajka stated that there are three similar event venues that were approved under the Special Permits within the County that have been completed with a limit on the number of days for the event. Cajka stated that there is no limit on the farm winery or the two secondary event spaces.

Campbell asked Cajka what the Conditions of the Special Permit were of the previously approved Special Permits were. Cajka stated what the conditions were site location, a primary event space with maximum capacity of 400 persons and open three days a week. Also, included in the conditions were parking, lighting, and activities. Cajka stated that all the conditions were met except the waiver.

Ryman Yost asked if under the current conditions, without expanding, a three-day event can be a four-day event if the secondary site is included with a smaller number of people attending on one of those days. Cajka stated that is correct.

Joy asked from a regulation standpoint is 2-3 days per week average for the entire year. Cajka stated it just states three days a week. Joy asked if it must be complaint driven if something happens. Cajka stated that is correct.

Campbell stated that the closest residence is about 460 feet away. Cajka stated that is correct. It is on the north side of Raymond.

Applicant:

Ann Post, Rembolt Ludtke, 1128 Lincoln Mall, Suite 300, Lincoln NE, approached and wanted to thank the Planning Department and the Commissioners for working through this process for the past few months. Post stated that the applicant is asking for the use of more than 3 days a week to be waivable. Post stated that this may put the venue in the position to turn down opportunities and events in the summer months.

Campbell asked Post if there is an anticipation of increase between May-October. Post stated that the most demand is anticipated between May-October. Campbell asked if anyone had spoken to the neighbor. Post stated notices went out and that one neighbor had stopped by and stated it was a fantastic idea. Post also stated that during the holidays, it is possible that there may be a little bit more demand. Campbell asked if the parking was agreed to be expanded. Post stated that parking can be expanded and accommodated.

Ryman Yost asked what the hours of operation are. Post stated that hours are not included or required in the zoning code. Post did state that in the business plan of the applicant the hours of operation were included.

Campbell asked if there is any limit on the number of events during the week. Post stated that they have not, but if it is needed, they will be happy to work on the recommendation for it. Campbell stated that he cannot anticipate more than one event a week, but it is worth seeing what will happen in a test period. Post stated that they are looking for the flexibility to make this event venue as successful as possible.

Proponents:

Jim Ballard, 1503 W. Raymond Road, Raymond, NE approached and gave the hours of operation in the business plan which included winter and summer hours. Ballard stated that there are opportunities for bus tours, luncheons, during normal operation. Ballard stated that it would be possible to accommodate if the requests were made throughout the week.

Campbell asked if these opportunities were available, is there a need for exceeding 100 people. Ballard stated that currently they can only accommodate 50 people. Campbell asked if the secondary portion could be designated and used just that portion. Ballard stated that currently this could be done but would need to add parameters and be drawn up.

Joy stated that she can see where being over the amount can happen quickly when buses come in with several parties at one time.

Proponents:

No one came forward in support of this application.

Neutral:

No one approached in neutral testimony.

Opposition:

No one came forward in opposition.

Staff Questions:

Campbell asked how the three-day limitation came about. Cajka stated that this was based on what was allowed at the previous event venues in the county. Cajka stated that the Planning Department wanted this to be the same as the previously approved event venues. Campbell asked if the secondary space could be used, would this be prohibited from being in the larger space. Cajka stated that the three days per week only impacts the primary space in the new building. The secondary space is in the existing building.

Joy asked if the comparison is to social halls not attached to wineries. Cajka stated that is correct with the ones done previously that have been expanded home occupation.

Ryman Yost asked what the process would be if the Planning Commission approved the three-day limit, then after a year, the applicant wanted to come back. Would this require a public hearing? Cajka stated that it would require a public hearing for a waiver.

Campbell asked if the three-day limit was put in place, can it be asked for another event as an exception to the rule. **Steve Henrichsen, Planning Department, 555 S. 10th Street, Lincoln, NE** approached and stated it would make more sense to operate for a year then come back and amend it. Henrichsen stated that this is the case for another event center in the past.

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

Motion carried 5-0: Campbell, Cruz, Eddins, Joy and Ryman Yost voting “yes”. Ball, Edgerton, and Rodenburg absent; 9th Seat Vacant.

COUNTY SPECIAL PERMIT 23031
ACTION BY PLANNING COMMISSION

September 20, 2023

Campbell moved to approve Special Permit 23031, without a waiver at this time, seconded by Ryman Yost.

Campbell stated that he can see a space in the larger building to create an auxiliary use area. Campbell stated that there are ways that can be carved out of the bigger space to create a smaller space to hold up to 100 people and would like to start there. Campbell then stated that if they demonstrate the need for more days for their events in the future, he would be supportive of that.

Cruz stated that from the realistic standpoint, the turnover is not being factored in. The reality is that the turnaround time from ending an event to preparing the event for the next is very time consuming. Cruz stated that from this standpoint, it would be realistic to think if this space can be used so a smaller space can be opened as needed or scaled back as needed. Cruz stated that after a few years, the usage over time could be determined.

Joy stated that she is on the opposite side of this waiver because of the business having the reputation and has been operating on this site for all these years. Joy is leaning towards an environment where the business has a proven track record of putting on events, no complaints, and where the land use supports more than three days at this location specific. Joy stated that the neighbors that are currently there understand what is happening at the site. Joy stated that she would be voting no because she would be supportive of the waiver.

Campbell asked Joy if there would be a limit on the number of days. Joy stated that she would not for this land use at this specific location because this is currently a business that this land use has been shown to support multiple events at multiple times.

Eddins stated that she would vote 'yes' with Campbell, but she also agrees with Joy.

Henrichsen approached and stated procedurally to avoid a challenge, that one of the commissioners who thinks there should be a waiver to make that a motion to amend. That way a vote can be taken on the item, then that can be added to the main motion. But will need five votes to approve the main motion.

John Ward, Deputy County Attorney, 605 S. 10th Street, Lincoln, NE approached and stated that typically a vote to pass an action is with a majority of the members present. Henrichsen stated that he is correct but that is for the County. Henrichsen stated that the Planning Commission procedure requires five votes on the main motion.

Ryman Yost stated that she is concerned about how this will affect the other existing businesses that were restricted to three. Joy stated that she agrees and understands that the land use at other venues do not have a track record, or landowners around them that do not support this. Joy stated that this has been very open and feels that it passes the land use and can support the waiver.

Eddins stated that most of the time that this is looked at, it is a new business without a history of operation.

Campbell stated as a middle ground, he has no objection to expanding it but is wondering about having a test period during the busy period of May 1st to October 31st.

Ryman Yost asked Campbell if what he is stating is an amendment to have unlimited number of events during a certain part of the year versus expanding the number of events. Campbell stated that is correct. Eddins understands that they are rule followers, but also does not know how that would be enforced. Cruz stated that it should be an all or nothing proposition. Cruz stated that the hours of operation do matter and count.

David Cary, Planning Department Director, 555 S. 10th Street, Lincoln, NE approached and stated that for clarity is to see if there is a motion to amend and then go from there on the main motion

or perhaps a different motion if the main motion fails. Cary recommends that the motions be on the proposals that are in front of them today.

Joy moved to amend based on the waiver presented to the commissioners, second by Eddins.

Campbell asked what the amendment is. Joy stated that it is the waiver that has been presented by the applicant to the Planning Commission Members. Ryman Yost stated that it is waiving the number of days. Campbell stated that was so they could have it 7 days a week if they needed to. Ryman Yost stated that it was the motion that was introduced and seconded.

Ryman Yost asked if there was discussion on the motion to amend.

Campbell stated that he will be voting on this because he feels that they need flexibility but also was going to start with less days and expand if needed. Campbell also thinks that the hours that are set can be changed, but at the present time it will move to a point where there are no restrictions on their events. Joy asked if that was the waiver that they had asked for. Ryman Yost stated yes, it was just for the number of days.

Ward approached and mentioned that the application stated that the requested waiver was just from May to October and that this will need to be clarified if it is an unconditional yearlong waiver or just the requested time. Joy confirmed that the motion she made was the requested waiver.

Post approached and stated that the applicant is requesting a waiver from the requirement that the primary event space should not be opened for more than three days a week.

Ryman Yost stated that there currently is a motion to amend and is still hung up on the text amendment that was approved for three days based on similar events in the county. Joy is deviating from that because of it being an existing winery or distillery. Joy is leaning towards the concept that the business is already in place and in this land use it can matter.

Motion carried to include the requested waiver of the Special Permit: 5-0: Campbell, Cruz, Eddins, Joy and Ryman Yost voting "yes". Ball, Edgerton, and Rodenburg absent; 9th Seat Vacant.

Discussion on the motion as amended.

Campbell is in support of moving forward and will advocate on the 'yes' vote on Special Permit 23013 and waiver as amended to allow events on more than three days per week.

Motion carried 5-0: Campbell, Cruz, Eddins, Joy and Ryman Yost voting "yes". Ball, Edgerton, and Rodenburg absent; 9th Seat Vacant.

Campbell moved to adjourn the Planning Commission meeting of September 20, 2023, seconded by Eddins.

Motion carried 5-0: Campbell, Cruz, Eddins, Joy and Ryman Yost voting “yes”. Ball, Edgerton, and Rodenburg absent; 9th Seat Vacant.

There being no further business, the meeting was adjourned at 3:04 p.m.

**CONDITIONAL ZONING AGREEMENT
FOR
4801 W. US Highway 34**

This Conditional Zoning Agreement (“Agreement”), generally located at **4801 W. US Highway 34** is made and entered into as of the date of execution by the last signatory hereto as indicated below by and between the **CITY OF LINCOLN, NEBRASKA**, a municipal corporation (“City”) and the **JOHN D. ZAKOVEC REVOCABLE TRUST**. (“Owner”).

RECITALS

1. The Owner owns the real estate legally described as:

A parcel of land being a part of the remaining portion of Lot 1 Woodlawn West located in the NE 1/4 of Section 31, T. 11 N., R. 6 E. of the 6th Principal Meridian, Lancaster County, Nebraska, being more particularly described as follows:

Commencing from center 1/4 corner of Section 31; Thence on West line of said Northeast corner, N00°41'47"E, 1432.90 feet to the South Right-of-Way of West Highway 34. Thence on said Right-of-Way, S55°35'31"E, 4.76 feet. Thence, S56°07'44"E, 71.99 feet to the Point of Beginning.

Thence, S56°07'55"E, 509.32 feet to the Northwest corner of zone H-3; Thence on the West boundary of said H-3 the following (3) courses:

Thence, S19°00'24"W, 387.13 feet; Thence, S08°00'47"W, 200.00 feet;

Thence, S02°16'26"W, 331.99 feet to the Southwest corner of Zone H-3; Thence departing Zone H-3, N58°55'23"W, 181.02 feet;

Thence, N02°27'43"E, 509.84 feet; Thence, N87°57'54"W, 141.09 feet; Thence, N00°49'43"W, 413.54 feet;

Thence, N08°44'38"E, 160.18 feet to the Point of Beginning. Containing 271,742 Square Feet or 6.24 Acres more or less.

as shown on Exhibit A (the "Property"). Owner petitioned the City for a change of zone for the Property from AG to H-3 (CZ23054).

2. Owner has represented to the City that in consideration of the City re-zoning the Property, Owner will enter into this agreement which will control and limit development of the Property.

TERMS AND CONDITIONS

NOW, THEREFORE, in consideration of the above recitals and the following terms and conditions, the parties agree as follows:

1. City will approve Change of Zone #23054.
2. Owners agrees:
 - a. That the Property zoned H-3, as shown on Exhibit A, shall not take access from the W. US Highway 34. All access to the H-3 zoned property shall be taken from NW 48th Street.
 - b. To limit the Property to mini-warehouse and outdoor vehicle storage uses.
 - c. To dedicate a Minimum Flood Corridor easement over the Minimum Flood Corridor on the Property. The easement shall meet the satisfaction of Lincoln Transportation and Utilities Watershed Division and shall be dedicated prior to issuance of any Building Permit.
 - d. To dedicate, prior to issuance of any Building Permit, a common access easement, at least twenty-four (24) feet wide, along the southern boundary of the Property. The Common access easement shall be a paved surface to allow emergency vehicle access. The common access easement shall be for the benefit of:
 - i. WOODLAWN WEST, REM PT LOT 1 (PT DESC IN INST#2019-13838), Lancaster County, Nebraska; and

- ii. S31, T11, R6, 6th Principal Meridian, LOT 69 IN N & S1/2, Lancaster County, Nebraska.
 - iii. LOT 70 NW 31-11-6, Lancaster County, Nebraska.
- e. The parties agree that the access restriction in subparagraph (a) is not intended to reflect a relinquishment of access to Highway 34 to and from the remaining property currently zoned AG, and terms of access will be reevaluated, and permissible access will be addressed by agreement or governmental action in the future should the Property be annexed or undergo a subsequent change of zone. Likewise, the use restrictions contained in subparagraph (b) are not intended to be permanent and ~~may~~ will be modified after consideration of the needed improvements to serve additional uses, by agreement or governmental action should the property be annexed or undergo a future change of zone.
3. **Binding Effect.** This Agreement shall run with the land and be binding upon and inure to the benefit and burden of successors and assigns of the respective parties.
4. **Amendments.** This Agreement may only be amended or modified in writing signed by the parties hereto.
5. **Governing Law.** All aspects of this Agreement shall be governed by the laws of the State of Nebraska.
6. **Authority.** This Agreement has been duly executed and delivered by the parties and constitutes a legal, valid and binding obligation of each party, enforceable against the same in accordance with its terms.
7. **Recording.** This Agreement shall be recorded by the City with the Register of Deeds of Lancaster County, filing fees therefor to be paid in advance by the Developers.

8. **Recitals.** The Recitals above are incorporated into and made a part of this Agreement.

[SIGNATURE PAGES TO FOLLOW]

IN WITNESS WHEREOF, the parties have executed and delivered this Agreement as of the date and year first above written.

CITY OF LINCOLN, NEBRASKA,
a municipal corporation

By: _____
Leirion Gaylor Baird, Mayor of Lincoln

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by Leirion Gaylor Baird, Mayor of the City of Lincoln, Nebraska, a municipal corporation.

Notary Public

OWNER,
John D. Zakovec Revocable Trust.

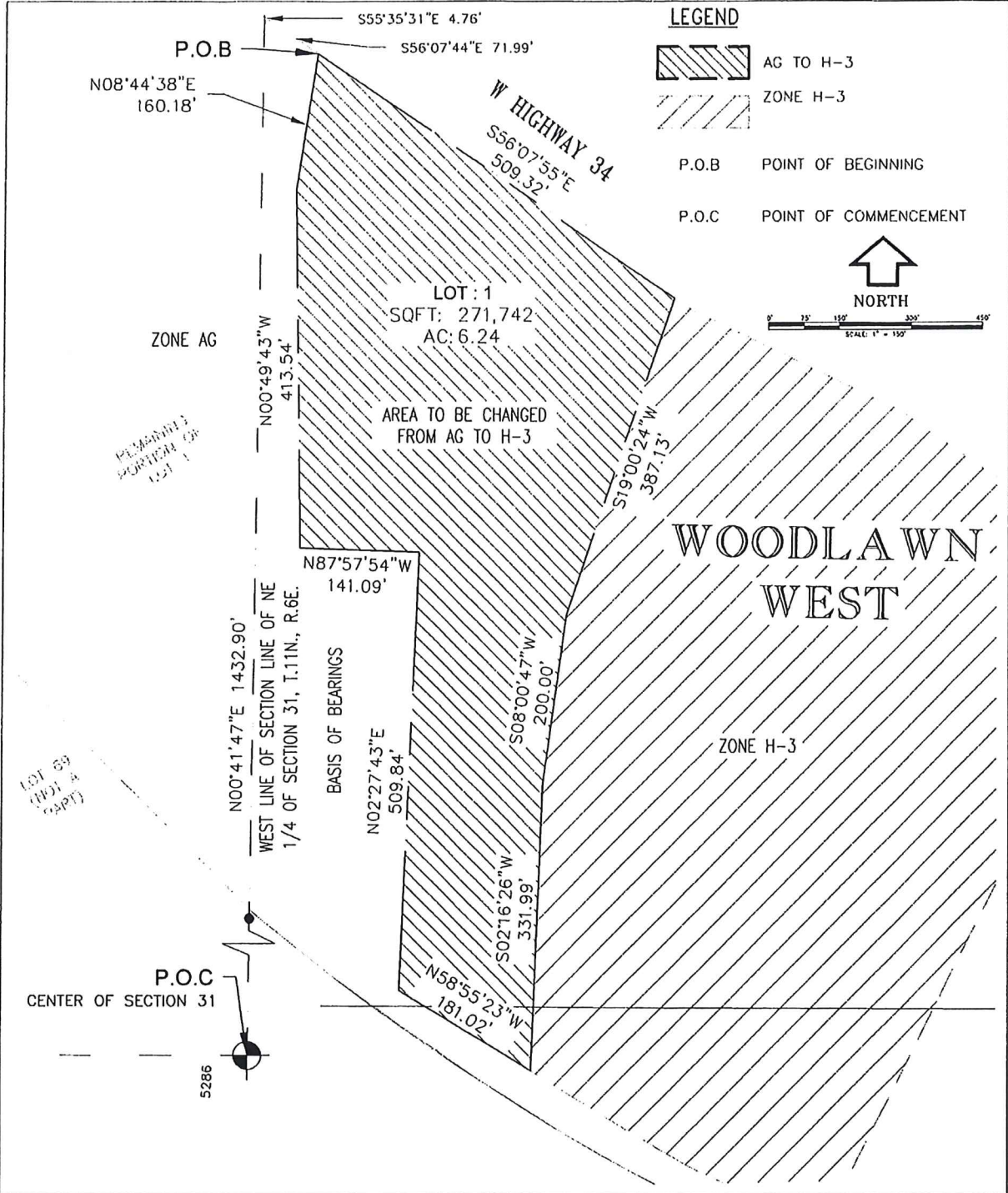
By: _____
NAME, Trustee

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this ____ day of _____,
2023, by _____, NAME, Trustee of the John D. Zakovec Revocable Trust.

Notary Public

EXHIBIT A – MAP



CHANGE OF ZONE
 Exhibit 'A'
 NE 1/4, SEC. 31, T.11N., R.6E., 6TH P.M.
 LANCASTER COUNTY, NEBRASKA

REGA
ENGINEERING

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

- ENGINEERING
- PLANNING
- LANDSCAPE ARCHITECTURE
- LAND SURVEYING

DATE:
 6/21/2023

PROJECT
 231055

SHEET NO.
 1 of 1

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 #23013	FINAL ACTION? No
PLANNING COMMISSION HEARING DATE 10/04/2023	RELATED APPLICATIONS None

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

The Planning Department is updating the Lincoln Municipal Code sections that govern the three design review boards, i.e., Urban Design Committee, Historic Preservation Commission, and the Nebraska Capitol Environs Commission, to clearly reflect the review process. The amendments should increase efficiency by clearly demonstrating the jurisdiction of each board relative to the others. The amendments have been shared with all three design review boards and City staff.

JUSTIFICATION FOR RECOMMENDATION

The primary purpose of these text amendments is to revise, and in some cases, add sections to the existing code to help simplify the design review process and consequently facilitate better coordination and decision making among each other, and most importantly, to determine which board takes the final action based on the nature and location of the application.

- 1. Urban Design Committee (UDC)** - UDC advises the Mayor, City departments, and other boards and commissions on urban design aspects of projects located on public property or involving public funding.
- 2. Historic Preservation Commission (HPC)** - HPC reviews projects related to historic properties, especially including designated historic Landmarks and Landmark Districts.
- 3. Nebraska Capitol Environs Commission (NCEC)** - NCEC reviews all projects within the Capitol Environs District (including Capitol Square and the four associated Malls) for conformance with the Capitol Environs Design Standards.

The Design Review Boards have different areas of expertise, but not every project review fits entirely into one of those areas, and currently the Municipal Code provides minimal guidance on how to operate when projects relate to the expertise of more than one Board.

Current requirements in 27.56.150 and in the NCEC "Review Practices" describes how NCEC should refer applications for historic Landmarks and Landmark Districts within Capitol Environs to HPC, and that in those cases, the decision of the HPC serves equally as the decision of the NCEC. Similarly, other projects should involve review of other boards. However, this process is not explained in code and can be cumbersome for staff, property owners, and developers.

STAFF CONTACT

Arvind Gopalakrishnan, Planner
402-441-6361
agopalakrishnan@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The 2050 Comprehensive Plan supports exploring options for streamlining the design review and building permitting processes. These proposed amendments are consistent with the Comprehensive Plan as they are intended to clarify some areas of the Lincoln Municipal Code, inform the different boards of their duties, and ensure smooth interaction and decision making to improve the process of design reviews.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Policies Section

P34: Urban Design Standards - *Design standards should be developed, monitored, and revised as necessary to express and protect community values without imposing delays or restricting creativity.*

Action Steps

1. Implement expanded commercial design standards that could be applied across various zoning districts or corridors. Design standards should be clearly written and allow for an efficient, expeditious review process, while especially focusing on the interface with residential neighborhoods, attractive streetscapes, and safe and comfortable movement of people – whatever their mode of travel.
2. Continue to identify and maintain high-value Capitol View Corridors and protect those views through regulations and guidelines, including vistas that gain prominence as the community grows. Structures that may interfere with these public corridors should be reviewed by the Capitol Environs Commission and a recommendation made within the context of their overall effect upon the view.

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

Action Steps

2. Lincoln and Lancaster County should work in partnership with state and federal historic preservation programs, but local landmark protections are usually the most effective and appropriate.
4. City and county governmental policies should provide for the protection and enhancement of historic resources.
10. Monitor local preservation efforts and local, state, and federal incentive programs to improve and apply the most effective tools for preserving, maintaining, and utilizing historic resources as fully utilized components of the community.
15. Encourage the continued use and maintenance of historic resources, including properties not formally designated as landmarks.

P38: State Capitol - *Protect and enhance the State Capitol building's stature within the community. Views to the Capitol are highly valued by the people of Lancaster County and the State of Nebraska and should be protected and enjoyed for generations.*

Action Steps

1. Continue to enforce standards for Capitol View Corridors to protect key vistas of the Capitol and identify new view corridors as the community grows.
3. Continue the work of the Capitol Environs Commission to protect and enhance the capitol environs area. This work should include regular review of the Capitol Environs Design Standards to ensure that the standards provide a valuable framework for decision-making by the Commission.

4. Engage the Capitol Environs Commission early in major redevelopment projects located within the Environs District to guarantee that developers understand the expected level of design to be achieved.
5. Coordinate efforts between the Capitol Environs Commission and the Nebraska Capitol Commission to address mutual interests of the City of Lincoln and the State of Nebraska as it relates to the preservation and enhancement of the Capitol and its environs.

Elements Section

E6: Placemaking

The people of Lincoln and Lancaster County have transformed a rolling prairie into a fertile agricultural landscape, with significant tracts of native prairie and a dozen villages, towns, and small cities, surrounding a highly livable urban place. The jewel in this fine setting is the Nebraska State Capitol, one of America's great buildings, which was designed and constructed to be seen and enjoyed from throughout the city and county. Together, the urban and the rural landscapes produce a distinctive place, offering a sense of identity to visitors and especially to residents. It is worthwhile to plan for, protect, and strengthen this character as the community grows and matures. All parts of PlanForward contribute to the attainment of this vision, but urban design and one of its components, historic preservation, relate most directly to guarding and enhancing the community's physical image.

Current Practices

The Historic Preservation Commission and the Nebraska Capitol Environs Commission advocate for and protect key resources of our heritage, in cooperation with property owners, the community's design professionals, and other interested citizens.

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

The Nebraska Capitol Environs Commission (NCEC) is a unique board combining membership appointed by the City and by the State, empowered to protect and to advocate for improvements to the setting of the beautiful Nebraska State Capitol. All public and private property within the Capitol Environs District receives the Commission's design oversight, along with key view corridors to the Capitol which enhance the whole community.

The Urban Design Committee (UDC) provides advisory services to city government on the design of city-owned buildings and other public projects, major public/private developments, and any private projects constructed on city right-of-way or other city property. The Committee's intent is to make sure that new public facilities are exemplary – that they provide functional and aesthetically pleasing facilities for the public, and model good design for the private sector. The benefits of this guidance would be strengthened by including all public projects under UDC review, just as the Environs Commission reviews projects of all local and state governmental units. Certain high-impact projects may involve historic properties and public property or public assistance, and the expertise and advice of more than one design board may be valuable. At the discretion of the City, joint meetings may occasionally be scheduled so that the boards, the project, and ultimately the community may benefit by a thorough yet efficient discussion.

SUMMARY OF PROPOSED TEXT AMENDMENTS

The goal of the attached text amendments is to create a more predictable process for design reviews and make the jurisdictions of the Design Review Boards clearer. The text amendment includes the following updates, and the attached workflow diagram graphically explains the decision to include multiple boards in the review of a proposed project:

1. To [Chapter 4.36 Urban Design Committee](#) – Inclusion of Accessory Dwelling Design Standards to the list of UDC review items, and the addition of the “Jurisdiction of the Committee Relative to Other Boards” (4.36.080) to contribute to a more efficient and predictable process.
2. To [Chapter 27.57 Historic Preservation District](#) – Amendment to HPC’s Powers and Duties (27.57.110) in order to clarify HPC’s role on Advisory Reviews, reduction of the appeal period from thirty to fourteen days to align with the other two design boards, and addition of “Jurisdiction of the Commission Relative to Other Boards” (27.57.190) to contribute to a more efficient and predictable process.
3. To [Chapter 27.56 Capitol Environs District](#) – Amendment to Nebraska Capitol Environs Commissions created (27.56.040). The proposed update is a correction to the number of ex officio, nonvoting members from three to four, to be in line with the text in section 27.56.050.

EXAMPLES OF TEXT AMENDMENT IN PRACTICE

A recent example of this review process involves the Pershing Center, a site in the Capitol Environs District and a potentially eligible historic property. In this instance the HPC discussed the demolition of Pershing but made no formal recommendation, with the NCEC issuing the formal Certificate for Demolition. Under the proposed text amendment, the HPC would discuss and make a formal recommendation to NCEC.

A second example is the Bold project which sits within the National Register Historic District boundary, but just outside the local landmark district boundary which would have triggered a certificate of appropriateness from the HPC. Instead, this project went before the HPC in October 2022 as an advisory review since it lies adjacent to the local landmark district. The UDC also completed an advisory review in November 2022, referencing the recommendations made by the HPC in the meeting minutes attached to the report.

Prepared by Arvind Gopalakrishnan, Planner
(402) 441-6361 or agopalakrishnan@lincoln.ne.gov

Date: 10/04/2023

Applicant: Lincoln-Lancaster County Planning Department
555 S. 10th Street, Suite 213
Lincoln, NE 68508
(402) 441-7491

Contact: agopalakrishnan@lincoln.ne.gov

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/TX/23000/TX23013 Design Review Boards.docx>

LINCOLN MUNICIPAL CODE

TITLE 4 BOARDS AND COMMISSIONS

Chapter 4.36 URBAN DESIGN COMMITTEE

4.36.30 Duties and Powers.

f. Act as the Appeals Board for appeals of administrative decisions relating to the Downtown Design Standards, South Haymarket Design Standards, Neighborhood Design Standards, **Accessory Dwelling Design Standards**, or other appeals as may be assigned to the Committee from time to time. Such appeals shall be decided following a public notice and a public hearing as described in Section [4.36.050](#). (Ord. [20446](#) §2; February 13, 2017; prior Ord. [15437](#) §3; February 12, 1990; P.C. §14.90.020; Ord. 13439 §1; August 30, 1982; prior Ord. 13092 §3; January 16, 1981).

4.36.050 Meetings, Rules, and Notice of Public Hearings.

The chair shall conduct the meetings of the committee. Minutes and a permanent record of all resolutions, motions, and determinations shall be kept on file in the office of the City Clerk. The committee shall prepare a full statement in writing to each applicant and to the City Council and Mayor detailing and explaining the reasons and basis for their recommendations. The committee shall meet as necessary to process all applications within forty-five days after receipt of application, ordinarily meeting monthly. A quorum shall be four members of the committee. The committee may adopt such rules, bylaws, and procedures as it deems appropriate to carry out the purposes and goals of this chapter.

Public hearings to be held by the Urban Design Committee on appeals relating to Downtown Design Standards, South Haymarket Design Standards, ~~or~~ Neighborhood Design Standards, **or Accessory Dwelling Design Standards** shall not be held until notice thereof has been given as provided in [Chapter 1.00 of the City of Lincoln Design Standards](#).

4.36.070 Appeals.

Findings and actions of the Urban Design Committee regarding appeals of decision regarding the Downtown Design Standards, South Haymarket Design Standards, ~~or~~ Neighborhood Design Standards, **or Accessory Dwelling Design Standards** may be appealed as provided in [Chapter 1.00 of the City of Lincoln Design Standards](#). (Ord. [20446](#) §5; February 13, 2017).

4.36.080 Jurisdiction of the Committee Relative to Other Boards.

The Urban Design Committee shall refer applications involving local landmarks and local landmark districts so designated under LMC 27.57.120 to the Historic Preservation Commission. A Historic Preservation Commission Certificate shall be equivalent to an approval recommendation by the Urban Design Committee. For applications involving National Register properties or districts, properties determined to be potentially eligible for listing in the National Register by the federal government, or

properties within 300 feet of a local landmark district, the Historic Preservation Commission shall make recommendations to the Urban Design Committee prior to the Urban Design Committee rendering advice.

The Urban Design Committee shall refer applications involving properties within the Capitol Environs District, so designated under LMC 27.56.020, to the Nebraska Capitol Environs Commission and shall accept a Capitol Environs Commission Certificate as equivalent to a recommendation of approval by the Urban Design Committee. For applications involving projects within the Capitol View Corridors, the Nebraska Capitol Environs Commission shall make recommendations to the Urban Design Committee prior to the Urban Design Committee rendering advice.

LINCOLN MUNICIPAL CODE

TITLE 27 ZONING

Chapter 27.56 CAPITOL ENVIRONS DISTRICT

27.56.040 Nebraska Capitol Environs Commission Created.

There is hereby created the Nebraska Capitol Environs Commission. The Nebraska Capitol Environs Commission shall consist of seven voting members and ~~three~~ **four** ex officio, nonvoting members. (Ord. [14949](#) §3; August 15, 1988).

LINCOLN MUNICIPAL CODE

TITLE 27 ZONING

Chapter 27.57 HISTORIC PRESERVATION DISTRICT

27.57.110 Powers and Duties.

The powers and duties of the Preservation Commission shall be as follows:

- a) Initiate and maintain an inventory of all sites, structures, and districts potentially eligible for designation as landmarks or landmark districts, pursuant to the standards in Section [27.57.120](#).
- b) Consult with and consider the ideas and recommendations of civic groups including neighborhood and business organizations, public agencies, and citizens interested in historical preservation;
- c) Inspect and investigate structures, sites, and areas which are believed worthy of preservation;
- d) Disseminate information to the public concerning those structures, sites, and areas deemed worthy of preservation and encourage and advise property owners in the protection, enhancement, perpetuation, and use of landmarks and property of interest;

- e) Prepare National Register nominations and, after consultation with Planning Commission, City Council, and Mayor, forward them to the State Historic Preservation Office, for all such sites, structures, and districts the Preservation Commission deems eligible for inclusion on the National Register of Historic Places.
- f) Solicit gifts and contributions to be made to the city and assist in the preparation of applications for grant funds to be made to the city for the purpose of preservation;
- g) For every building or district designated for preservation, prepare a guideline for preservation of the property;
- h) Upon request of the property owner, render advice and guidance with respect to any proposed work on a landmark or in a landmark district;
- i) Prepare and deliver an annual report of the Preservation Commission's past actions and future goals to the City Council;
- j) Make recommendations **to the Mayor, City Council, Planning Commission, city boards, and city departments on matters relating to historic preservation** and do such other acts as are mandated by this chapter. (Ord. 12910 §11; April 28, 1980).

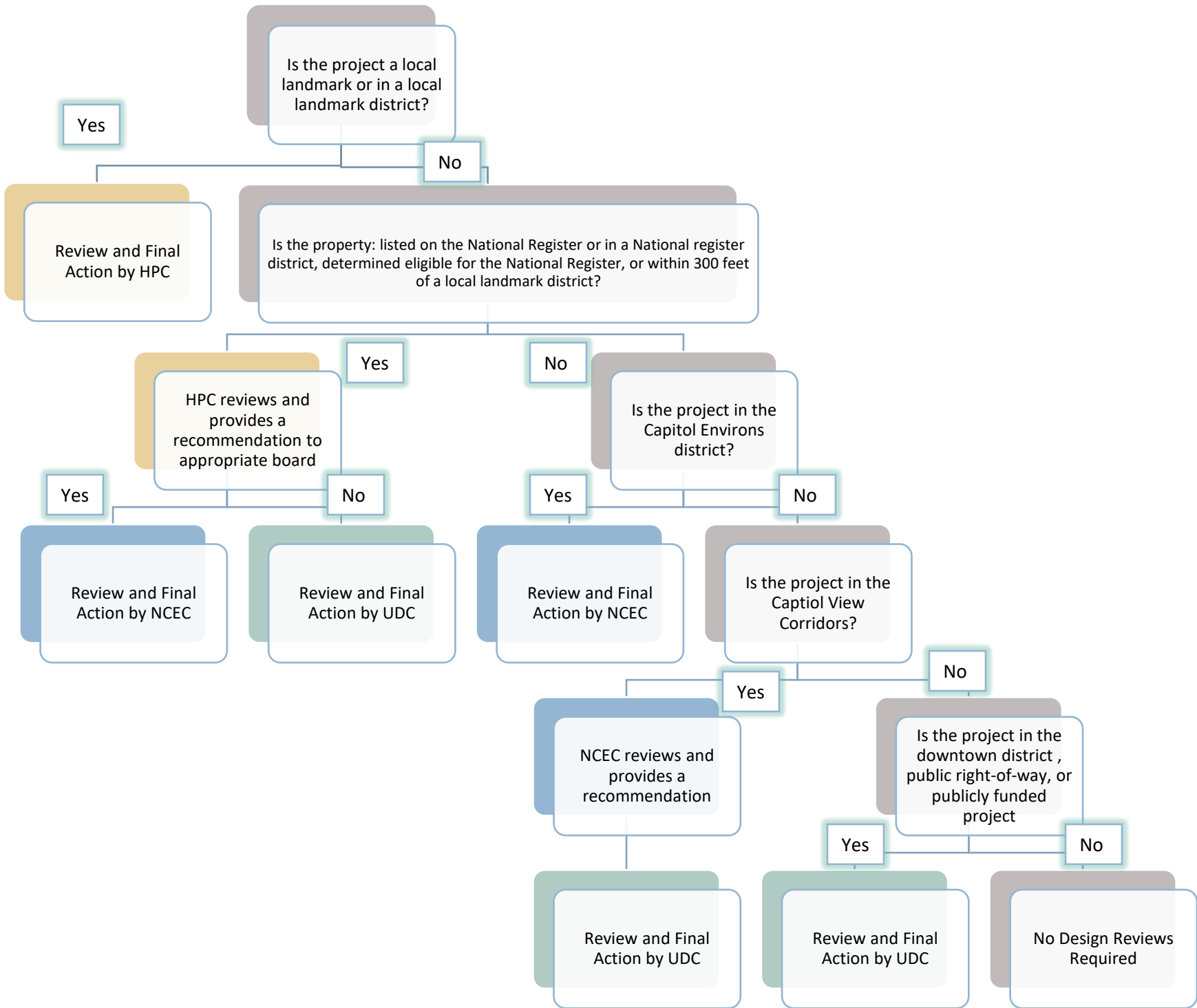
27.57.180 Appeal.

Any council member, the Mayor, or any person aggrieved by any order, approval, disapproval, or other decision issued by the Preservation Commission, the Planning Director, or the Planning Commission may appeal such order, approval, disapproval, or other decision to the City Council by filing a written appeal with the City Clerk within **thirty fourteen** days of such order. Such appeal shall fully state the order, approval, disapproval, or other decision appealed from, the date thereof, and the facts of the matter.

The City Clerk shall refer the appeal to the City Council, which shall fix within thirty days a reasonable time for the hearing. Notice of the time, place, and purpose of such hearing shall be published in a daily newspaper having a general circulation in the City of Lincoln by the City Clerk and shall be mailed by certified or registered mail to the appealing party not less than eight days prior to the date of hearing. In exercising its appellate jurisdiction, the order approval, disapproval, or other decision appealed from shall be deemed advisory and the City Council may in conformance with the provisions of this title make such decision as ought to be made. In making a determination, the Council may request information and recommendations from any department of the City of Lincoln. (Ord. 20108 §5; November 17, 2014: prior Ord. 18633 §6; October 24, 2005: Ord. 12910 §18; April 28, 1980).

27.57.190 Jurisdiction of the Commission Relative to Other Boards.

The Historic Preservation Commission shall review applications involving local landmarks or properties within a local landmark district under 27.57.120, relative to the conformance of the application to the protection, enhancement, perpetuation, and use of the historic property; where applicable, the application will then be forwarded to the Planning Commission with a written report of the findings of the Historic Preservation Commission. Applications reviewed by the Historic Preservation Commission regarding these landmark properties shall not be subject to review by the Nebraska Capitol Environs Commission or the Urban Design Committee. The Historic Preservation Commission shall provide a recommendation to the Nebraska Capitol Environs Commission and the Urban Design Committee on applications pertaining to National Register properties or districts, properties determined to be potentially eligible for listing in the National Register by the federal government, or properties within 300 feet of local landmark districts.



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 #19031C	FINAL ACTION? No	DEVELOPER/OWNER A W Grainger, LLC
PLANNING COMMISSION HEARING DATE October 4, 2023	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION NE corner of S. 40 th Street and Yankee Hill Road.

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to amend the existing Chateau at Yankee Hill Planned Unit Development (PUD) to modify the allowed uses within the O-3 zoning classification along S. 40th Street. This amendment proposes to add restaurants as a permitted use within the O-3 district with a minor increase in the allowed commercial square footage allowed in the H-4 PUD area. Currently restaurants are allowed by special permit in O-3 zoning. This amendment will not change the underlying zoning classification of O-3 but will add one new permitted use to an existing district within the PUD.



JUSTIFICATION FOR RECOMMENDATION

This amendment is supported as it will allow restaurants as a permitted use within a small area zoned O-3 PUD which is located along S. 40th Street. The subject area is located north of the existing H-4 PUD zoning and will have access from the new Grainger Parkway connection to S. 40th Street. The amendment will include a 10,000 square foot increase for allowed commercial space in the H-4 area. The proposed use is appropriate within the developing PUD and frontage along a major arterial roadway.

APPLICATION CONTACT

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

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This amendment is compatible within the developing PUD with the addition of one permitted use in the O-3 PUD zoning district. The 2050 Comprehensive Plan designates this site as future urban residential, which encourages mix of both residential and neighborhood commercial uses. This PUD will continue to develop as approved including a mix of commercial, multifamily and single family residential. The O-3 area sits along a major arterial roadway and will provide additional setbacks to the surrounding residential properties to minimize any adverse impacts.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

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

Land Use Plan - Future urban residential is defined as residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. All types of housing are

appropriate here, from detached single family, duplex and missing middle, to higher density multi-family. Undeveloped areas shown as Urban Residential may also include neighborhood-scale commercial and other compatible uses that will be added to the map after approval of development plans.

Fundamentals of Growth in Lancaster County

The 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.

Benefits of Well-Planned Growth

Continued investment within the city ensures that our existing neighborhoods and commercial areas remain vibrant and desirable locations. More "rooftops" near existing commercial areas help to support continued commercial investment.

Goals Section

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

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

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

Action Steps

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

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

Action Steps

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

ANALYSIS

1. This is a request to amend the Chateau at Yankee Hill Planned Unit Development (PUD) to include “restaurants” as an allowed use within the existing O-3 PUD zoning district and increase the allowed commercial square footage allowed in the H-4 PUD area. The O-3 area within this developing PUD is in the northwest area of the PUD along S. 40th Street and is currently vacant as the PUD is actively developing. Currently, the Lincoln Municipal Code Chapter 27.63.390 allows restaurants in the standard O-3 zoning only by special permit. Since this location is within the PUD, a special permit would not be required, but the PUD could be modified to state this allowed use in the O-3.
2. The O-3 PUD zoning district is primarily surrounded by property also within the PUD to the south and east. To the south is H-4 PUD and R-3 PUD to the east previously approved for single and two-family residential dwellings. To the west is S. 40th Street, with existing townhomes zoned O-3 PUD on the west side. To the north is an existing single family acreage lot zoned AG and not within the PUD.
3. The Chateau at Yankee Hill PUD was approved in 2019 as a redevelopment of the Yankee Hill Country Club golf course and club house. The PUD includes multiple areas allowing H-4, Commercial and O-3, Office along South 40th Street and Yankee Hill Road. The PUD also includes R-3 single and two family lots in the northern area and R-3 Apartment area designated along the remainder of Yankee Hill Road. This amendment would affect the O-3 area by adding restaurants as an allowed use and would modify the allowed commercial square footage for the H-4 PUD area from 125,000 square feet to 135,000 square feet.
4. The applicant submitted this amendment as the initial site plan has changed with the location of a future gas station now located south of Grainger Parkway in the H-4 zoning district. This relocation has resulted in the planned location for restaurant uses to be located on the north side of Grainger Parkway. This amendment to allow restaurants use within the O-3 PUD area is not expected to impact the surrounding properties as O-3 and H-4 were previously approved within this area of the PUD in 2019. The updated PUD plan will continue to provide a required 30’ setback for both buildings and parking along the east property line for abutting R-3 within the PUD and along the north property line abutting the AG zoned single family acreage not within this PUD. This exceeds the 15-foot setback that would be required following the standard O-3 abutting both the R-3 and AG properties. The modification to allow restaurants will be consistent with the surrounding zoning within the general area of the S. 40th Street and Yankee Hill Road intersection as it consists of a mix with both B-2 and H-4 commercial zoning districts, both permitted restaurants as an allowed use.

5. The 2050 Comprehensive Plan continues to show this area as future urban residential on the Future Land Use Map. This designated land use is intended for both residential and neighborhood commercial uses. The addition of this use and minor increase to allowed commercial space is not expected to have an adverse impact on the surrounding area and will continue to develop with the approved PUD plans. The subject location has frontage along a major arterial roadway with future access from Grainger Parkway which is currently under construction east of South 40th Street.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Vacant & O-3 PUD

SURROUNDING LAND USE & ZONING

North:	Single family residential	AG, Agriculture
South:	Vacant / Developing	H-4, PUD
East:	Vacant / Developing	R-3, PUD
West:	S. 40 th St. / Townhomes	O-3, PUD

APPLICATION HISTORY

April 2020 - CZ#19031 approved the Chateau Planned Unit Development for up to 860 dwelling units over approximately 54 acres.

Dec 2021 - CZ#19031A approved an expansion of the PUD by 107 acres from AG to R-3, H-4, and O-3 PUD and included 148,000 square feet of commercial space and 221 residential dwelling units.

Aug 2023 - CZ#19031B was submitted to modify the R-3 PUD Apartment Area to allow wall signs associated with the multifamily complex. This amendment is scheduled to be heard at the September 20, 2023, Planning Commission meeting.

APPROXIMATE LAND AREA: 2.85 acres, more or less

LEGAL DESCRIPTION: Outlot E, Chateau Yankee Hill 1st Addition

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

Date: September 21, 2023

Applicant/

Contact: Clark & Enersen
Tim Gergen
1010 Lincoln Mall, Suite 200
Lincoln, NE 68508
(402) 477-9291
Tim.gergen@clarkenersen.com

Owner: A W Grainger, LLC
6333 Apples Way, Suite 115
Lincoln, NE 68516

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CZ/19000/CZ19031C Chateau at Yankee Hill PUD.bmc.docx>

CONDITIONS OF APPROVAL - CHANGE OF ZONE #19031C

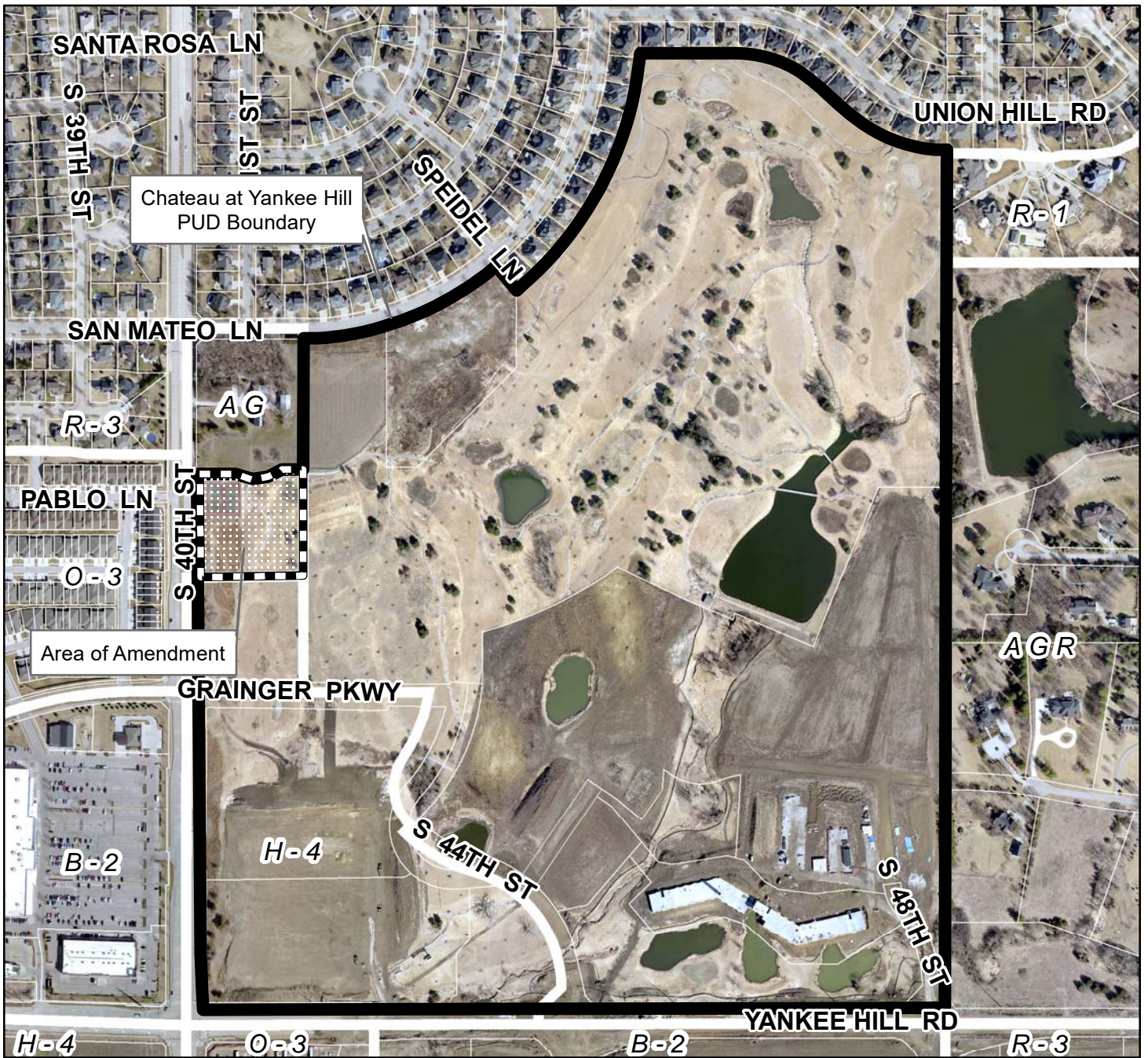
This approval permits “restaurants” as an allowed use within the O-3 PUD zoning district and increases the allowed floor area to 170,000 square.

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 Revise plan to show the sanitary sewer main that will now serve Lots 19-22, Block 5.
 - 1.2 Update total for allowed square footage to 170,000 SF.
 - 1.3 Remove Minimum Opening Elevation Table from Sheet 1 and update Sheets 4 & 5 of the PUD where appropriate.

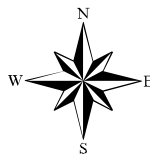
Standard Conditions:

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 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.



2022 aerial

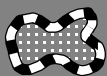


**Change of Zone #: CZ19031C
S 40th St & Yankee Hill Rd**

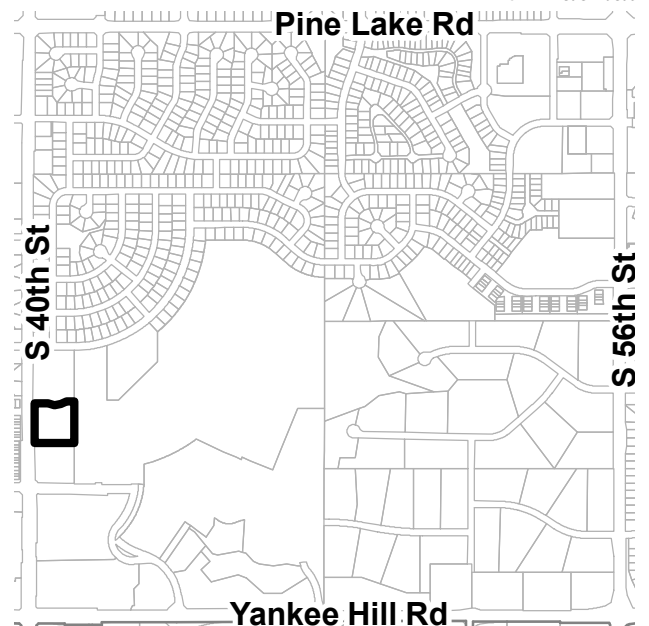


**One Square Mile:
Sec.20 T09N R07E**

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
37	



September 6, 2023

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

RE: Amendment to Existing Planned Unit Development #19031A Chateau at Yankee Hill PUD

Dear Mr. Cary:

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

1. Zoning Application and Fee (\$1,056)
2. PUD Site Plan & Notes

On behalf of the Owner/Developer, A W Grainger, LLC, 6333 Apples Way suite 115, Lincoln, NE 68516, we are requesting an amendment to the Pre-Existing Planned Unit Development (PUD) for Chateau at Yankee Hill located at the northeast corner of the intersection of S. 40th Street & Yankee Hill Road. The amendment is to allow a restaurant use as a permitted use in the O-3 zoning district of the PUD. In addition, there are site plan changes in the H-4 zoning district of the PUD showing new uses with a new layout and different lot densities for the R-3 zoning district of the PUD. All streets and grading will remain the same.

Sincerely,



Tim Gergen



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Change of Zone #23064	FINAL ACTION? No	DEVELOPER/OWNER Perry Family Real Estate, LLC
PLANNING COMMISSION HEARING DATE October 4, 2023	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 7005 and 7155 South 75 th Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from AGR Agricultural Residential to R-3 Residential for two acreage lots. The lots are located southwest of the intersection of South 75th Street and Pine Lake Road.



JUSTIFICATION FOR RECOMMENDATION

The two subject lots were annexed by the City earlier this year as part of the larger annexation between approximately South 70th and 84th Streets from Pine Lake to Yankee Hill Roads.

Being inside the city limit makes such lots eligible for connection to the City's water and sanitary sewer systems, two utilities that are necessary for rezoning from AGR and allow for redevelopment.

Several acreage lots in this general area have been redeveloped under R-3 zoning which is anticipated by the Comprehensive Plan. The Plan designates 7005 South 75th Street for future Urban Density Residential land uses, 7155 is designated for future Low Density Residential land uses.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

Rezoning to R-3 allows a range of uses compatible with the surrounding acreage residential dwellings. One of the subject lots is designated for urban density residential, and the other low density residential. The Comprehensive Plan anticipates some lots designated for low density residential uses may be appropriate for higher density development when inside the Future Service and able to connect City utilities, as is the circumstance in this case.

APPLICATION CONTACT

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

STAFF CONTACT

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

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is designated for future urban density and low density residential land uses in the 2050 Future Land Use Plan.

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

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. Existing Low Density Residential areas within the Future Service Limit with urban utilities available may also be appropriate for future Urban Residential development.

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

E1: Complete Neighborhoods and Housing

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

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

Figure E1.a: Strategies for Design, Sustainability and Complete Neighborhoods in Developing Areas

1. Encourage a mix of compatible land uses to develop more complete neighborhoods:
 - a. Similar uses on the same block face: residential faces residential.

- b. Similar housing densities developed near each other: single-family and “missing middle” residential (3-12 units) scattered throughout with higher density residential (more than 12 units) near the neighborhood edge or clustered near commercial centers.
 - c. Non-residential uses, including parking lots, should be screened from residential areas.
 - d. Locate Commercial Centers so as residents can safely access essential goods and services (i.e. not located across arterial streets) and no more than a 15-minute walk from all residences.
2. Require sidewalks on both sides of all streets.
 3. Encourage locations within neighborhoods to grow local food.
 4. Plan for residences to be located within 1 mile to an existing or planned multi-use trail.
 5. Plan for residences to be located within 1/2 mile to an existing or planned neighborhood park.
 6. Integrate transit stops into developing neighborhoods and within a ½ mile distance from residences.
 7. Encourage employment areas to be within a 15-minute walking distance to residences.
 8. Plan for elementary or middle schools to be within a 15-minute walking distance to residences.
 9. Encourage pedestrian orientation with parking at rear of residential and neighborhood commercial uses.
 10. Develop shorter block lengths to provide multiple connections across residential and commercial areas.
 11. Provide pedestrian connections when maximum block lengths are exceeded.
 12. Encourage shared City and School facilities (aka SPARKS).
 13. Provide adequate curb space to allow for on-street parking.
 14. Encourage alley access and shared driveways to reduce interruptions to pedestrians, to preserve on street parking capacity, and to reduce automobile conflict points.
 15. Support preservation or restoration of natural areas, and limit stream or drainageway crossings.

Existing Neighborhoods

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

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

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

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

Developing Neighborhoods

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

Rural Housing

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

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

E2: Infill and Redevelopment

Infill and Redevelopment Approach

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

ANALYSIS

1. This is a change of zone request from AGR Agricultural Residential to R-3 Residential for 7005 and 7155 South 75th Street. The lots are surrounded by AGR zoning on the west, east and south, and B-2 zoning on the north side of Pine Lake Road. Both lots are currently developed with single-family dwellings built in 1965 and 1969 respectively.
2. The subject lots, Lots 1 and 10, Block 3, Clarendon Hills are in a subdivision platted in 1966. The subdivision was developed at rural standards with individual well and septic systems. The streets are paved with asphalt with ditches (no curb and gutter) but which were resurfaced approximately 15 years ago and are in good condition.
3. The Comprehensive Plan designates 7005 South 75th Street for future urban density residential land uses. 7155 South 75th Street is designated for future low density residential land uses. The Comprehensive Plan anticipates that acreage lots within or adjacent to the city limit may be suitable for urban density residential development.
4. An amendment to the Comprehensive Plan to redesignate 7155 for low density residential land uses is not necessary, as at three acres in area it does not meet the five-acre threshold that requires such updates.
5. The change of zone from AGR to R-3 allows more dense development of the property and a wider range of allowed uses. It also allows for more dense development with respect to lot area and setbacks. For comparison the requirements for the AGR and R-3 are contrasted below:

	<u>AGR</u>	<u>R-3</u>
Min. Lot Area	3 acres	6,000 sq. ft.
Front Setback	50'	20'
Side Setback	15'	5'
Rear Setback	50'	20'

6. At the time of final plat Title 26 Subdivision can require urban improvements to be installed. These include sanitary sewer and water lines, paved (to City standards) city streets with curb and gutter, streetlights, street trees and sidewalks. In this event however, the burden for the full range of improvements in South 75th Street and Revere Lane would fall to this developer and not be shared by those owners on the other side of the street. This is an unusual circumstance and a significant financial investment for a single owner to bear.

The level of required improvements is an impediment to redeveloping acreage areas, as all were originally developed at a standard below City urban design standards. It is also rarely the case where properties on both sides of a street redevelop at the same time. As a result, the burden to install the full range of city improvements falls to a single developer. This in part is the basis for discouraging acreage development within the three-mile Extraterritorial Jurisdiction of the City. The costs of retrofitting urban improvements to both the City and property owners can be significant and difficult to achieve.

If these two lots are subdivided into several urban density lots the City could seek to require the full range of improvements to be installed at the time of final plat. Should the lots be combined by final plat to accommodate an allowed use in the R-3 (such as a day care facility, residential health care facility or church, some of which also require a special permit) the Planning Director has the authority to waive the required improvements at the time of final plat when no additional lots are being created.

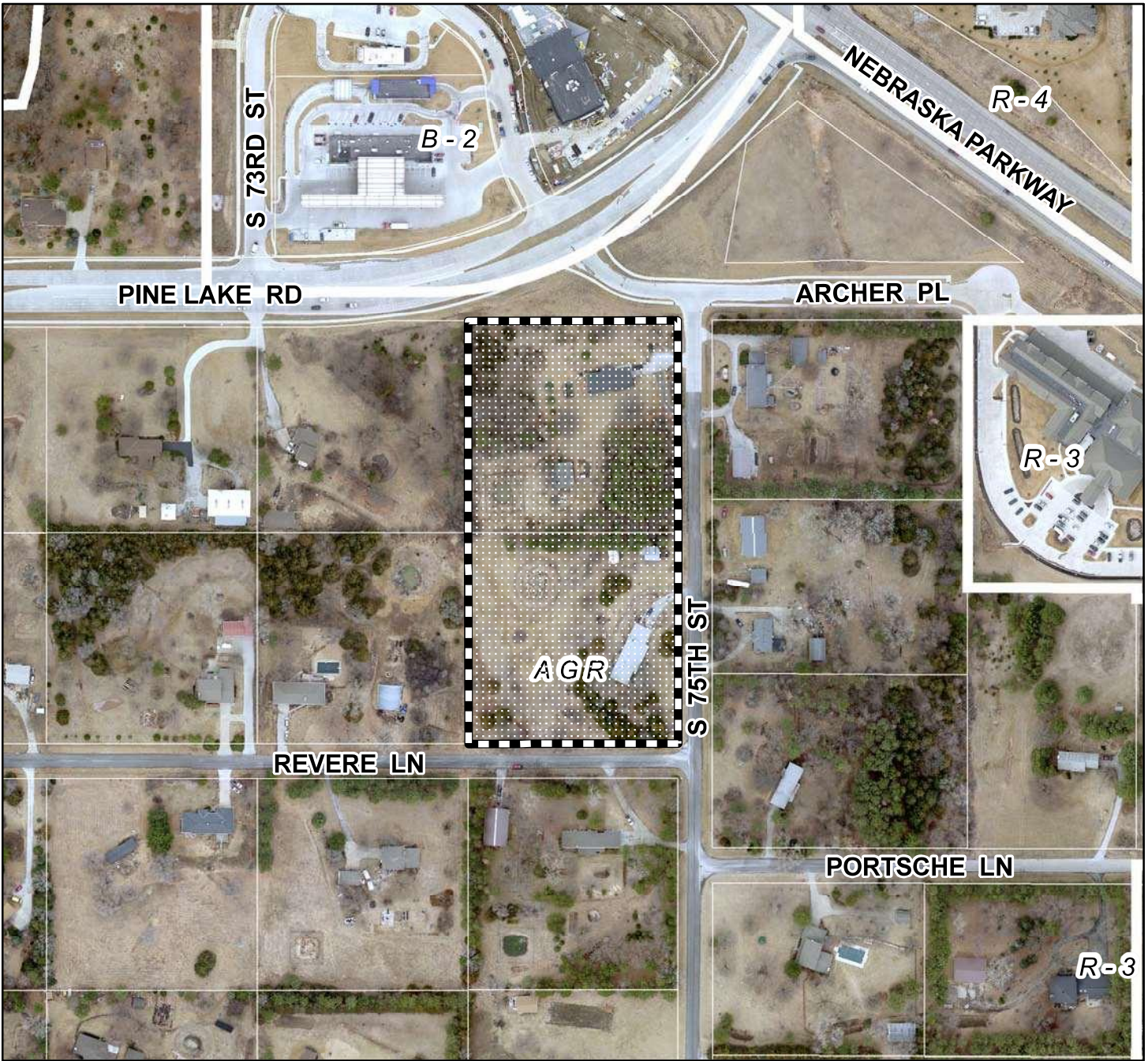
The most likely alternative to requiring improvements at the time final plat is the creation of assessment districts whereby benefitting properties are assessed a proportionate share of the cost of improvements. The improvements are financed and then paid off over a period of typically 20 years.

As participation in an assessment is voluntary (typically at least a minimum of a majority of owner's consent is required), a condition of approval is included requiring this owner to enter into a zoning agreeing to not oppose the creation of such districts to guarantee future participation. The agreement will require the owner to not oppose the creation of districts regardless of whether the lots are subdivided or not.

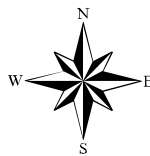
7. Since annexation and the availability of city services, redevelopment in this area is likely and anticipated. Several acreage lots in the southeast Lincoln area have already redeveloped. Typically, they have been rezoned from AG or AGR to R-3 which is a designation that is consistent with the Comprehensive Plan's Future Land Use designation.

CONDITIONS OF APPROVAL CZ#23064

1. The owner enters into a conditional zoning agreement with the City of Lincoln agreeing not to oppose the creation of assessment districts to install urban services/improvements at a future date.
2. Relinquish direct access to Pine Lake Road.



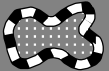


**Change of Zone #: CZ23064 (AGR to R-3)
S 75th St & Pine Lake Rd**

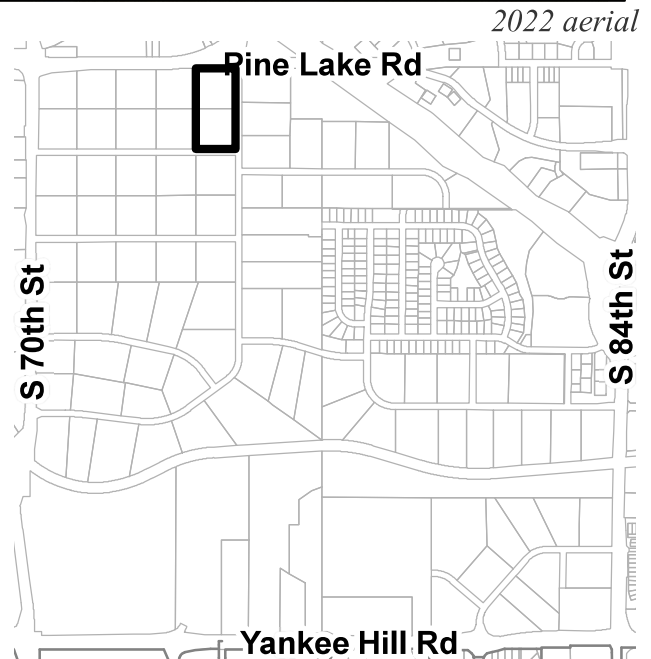


**One Square Mile:
Sec.22 T09N R07E**

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
46	

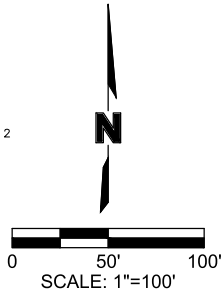


PINE LAKE ROAD

S. 75TH STREET

CHANGE OF ZONE
AGR TO R-3

REVERE LANE



REM. PORT. 2

USER: carely

DWG: F:\Projects\2018\20180268\Landplanning\Exhibit\180268-COZ.dwg

DATE: Sep 21, 2023 3:22pm

XREFS: CLIPSHIP

CLARENDON HILLS

drawn by: jds
checked by: -
project no.: 2018-0268
date: 09/1/2023

S. 75TH & PINE LAKE ROAD CHANGE OF ZONE EXHIBIT LINCOLN, NEBRASKA



Civil Design Group, Inc.
8535 EXECUTIVE WOODS, DR., SUITE 200
Lincoln, Nebraska 68512
Ph. 402-434-8494 Fax 866-215-8747
www.civildg.com

CONSULTING ENGINEERS • LAND USE PLANNERS
CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING

EXHIBIT

1



Civil Design Group, Inc.

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

September 5, 2023

Project No. 2018-0268

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

**Re: S. 75th Street & Pine Lake Road
Change of Zone AGR to R-3**

Dear Mr. Cary:

On behalf of Perry Family Real Estate, LLC, we submit the enclosed application for a change of zone from AGR to R-3. This subdivision has been recently annexed and we are seeking this zoning change for the two lots as shown on the attached Change of Zone exhibit.

With these applications we submit the following items:
Application for a Change of Zone (AGR to R-3)
Application Fee of \$1,056.00
Change of Zone Exhibit

I hope that this letter in conjunction with the Change of Zone exhibit assists you in reviewing this application. 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: Perry Family Real Estate, LLC



Change of Zone AGR to R-3

Lots 1 and 10, Block 3, Clarendon Hills, Lancaster County, Nebraska



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

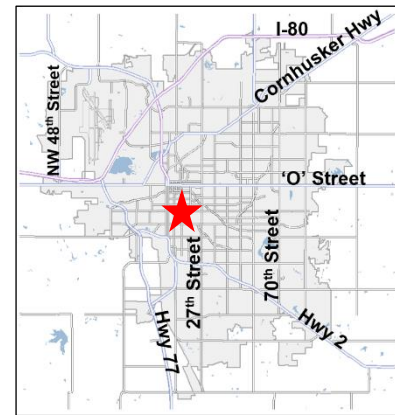
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #13048B	FINAL ACTION? Yes	DEVELOPER/OWNER Tina Arsiaga/Atwood Investments LLC
PLANNING COMMISSION HEARING DATE October 4, 2023	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 740 S 17 th Street

RECOMMENDATION: APPROVAL WITH CONDITIONS

BRIEF SUMMARY OF REQUEST

This is a request to increase the number of residents permitted to reside at the previously approved residential healthcare facility from 18 individuals to 21 individuals. The original approval for 18 individuals accounted for the rooms within the main house, however the garage was also converted to a living space many years ago and can accommodate the three additional individuals. A waiver to reduce the required parking to six stalls, what is on site today, was approved with the original special permit, is also requested to be carried forward. No changes are proposed to the building as it is already set up for multiple individuals having previously been used as a sorority for 15 individuals.



JUSTIFICATION FOR RECOMMENDATION

The protection of a Lincoln landmark designation supports the retention of a significant historic structure in Lincoln. Landmark designation is a requirement to seeking a Special Permit for Historic Preservation, which provides incentives for the continued use of prior investment in neighborhood infrastructure and the building, as is strongly encouraged by the Lincoln/Lancaster County 2050 Comprehensive Plan. The requested waiver to reduce the parking requirement is necessary to reuse the building for a use other than a single-family dwelling.

APPLICATION CONTACT

Tina Arsiaga, (402) 310-3816 or tarsiaga@icloud.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

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

WAIVERS

1. Maintain the previously approved parking waiver for six stalls. (Recommend Approval)

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

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

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

Fundamentals of Growth in Lancaster County: The Urban Environment

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

Goals Section

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

Elements Section

E2: Infill and Redevelopment

Mixed Use Redevelopment Nodes and Corridors

Design Strategies for Mixed Use Nodes and Corridors

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

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

E3: Business, Economy and Workforce

Commercial Infill

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

E6: Placemaking

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

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

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

[Figure E6.c: Historic & Capitol Environs Districts](#)

Policies Section

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

Action Steps

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

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

Action Steps

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

ANALYSIS

1. The Planning Commission may approve, by special permit, any use of a historic structure or site in any zoning district after review and consideration of the following:
 - a. **The significance of the historic structure or site and the degree of variation sought from the permitted uses of the district:** Multifamily residential is permitted in the R-7 zoning district, however Residential Healthcare Facilities are special permitted uses. The current special permit for historic preservation allows for 18 individuals and the applicant is requesting up to 21 individuals under the Residential Healthcare Facility. The change would be a minor variation from what is permitted today.
 - b. **The extent to which economic factors necessitate the change in use:** a portion of the garage was converted to living space at some point during sorority's tenure in the building. The additional three units would make use of this existing space. The proposed reuse of the building would allow for the preservation and continued use of the historic site without changing any historic characteristics of the building.
 - c. **The extent of proposed exterior change to the structure or site:** No major exterior changes are proposed.
 - d. **The impact on the surrounding area:** the impact to the neighborhood would be minimal. The number of occupants will be very similar to what is there today.
 - e. **The compatibility of the proposed use to the structure or site and the surrounding area:** The proposed uses would require no major changes to the building and site and would be compatible.
 - f. **The manner in which the public will be benefitted by such proposed use:** The reuse of the existing building will provide ongoing maintenance and keep the building from falling into disrepair. Additionally, the residential healthcare facility would provide housing to individuals in transition or in need of public services in a walkable location along several bus routes.
2. The dwelling is currently zoned R-7 Residential with Landmark Overlay which allows multi-family dwellings, but residential healthcare facilities are allowed only as a special permitted use. The proposed use could also apply for a special permit for a residential healthcare facility (27.63.530), however since the existing special permit is for

historic preservation, an amendment is being processed to the existing special permit rather than creating a new permit. Most of the requirements under the special permit for a residential healthcare facility are still being met under the proposal for up to 21 individuals.

- a. Parking is being modified under the special permit as discussed in the next section and will not be in a required front or side yard.
 - b. The facility will be licensed to comply with all state requirements.
 - c. The total number of clients or employee residents will be up to 21 slightly above the one person per 750 square feet of lot area requirement (lot area is 14,200 square feet). The additional 3 individuals above the allowable under the criteria for Section 27.63.530 would be above the garage in the finished living space and would not create additional crowding within the main structure.
 - d. Depending on the character of the development and impacts on adjacent land uses, the Planning Commission may grant an increase in the number of residents allowed in (c) above where the site plan and building plans comply with the barrier-free standards in the design standards as adopted by the City Council. Such increase shall not exceed fifty percent which is being met in this application.
 - e. The height and lot requirements are not impacted as the structure is existing and no alterations are proposed.
 - f. Sale of alcohol is not proposed.
3. The parking lot currently accommodates six stalls (four surface stalls and two in a garage). Approval of the special permit for the Residential Healthcare Facility included a waiver of the parking requirements to the six stalls available on site. The applicant is requesting to carry forward the waiver with the residential healthcare facility as three additional residents will not have a significant impact on the parking demand. Many of the residents do not have access to a vehicle that are residing at the house. The applicant has indicated that an average of one out of every four residents may have access to a vehicle. This property is also located on a transit corridor within blocks of three separate bus routes.
 4. The Historic Preservation Commission (HPC) reviewed the request at their regular September 21 meeting and recommended approval of the additional three residents allowed at the facility. Their recommendation and comments are attached.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Residential Healthcare Facility/R-7 Residential with Landmark Overlay

SURROUNDING LAND USE & ZONING

North: Multifamily/R-7 Residential
South: Church/R-7 Residential
East: Multifamily/R-7 Residential
West: Multifamily/R-7 Residential

APPLICATION HISTORY

- SP13048 approved October 30, 2013 for a sorority with 15 residents
- SP13048A approved March 8, 2023 for a residential healthcare facility with 18 residents.

APPROXIMATE LAND AREA: 0.32 acres

LEGAL DESCRIPTION: SAWYERS ADDITION, BLOCK 2, Lot 5 - 6

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

Date: September 20, 2023

Applicant: Tina Arsiaga
(402) 310-3816
tarsiaga@icloud.com

Contact: Same

Owner: Atwood Investments LLC

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/13000/SP13048b Little-Atwood RHC.slr.docx>

CONDITIONS OF APPROVAL - SPECIAL PERMIT #13048A

Per Section 27.63.400 this approval permits a Special Permit for Historic Preservation to allow a residential healthcare facility for up to 21 individuals with a waiver of Chapter 27.67 to reduce the required parking to six stalls.

Site Specific Conditions:

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

Standard Conditions:

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

MEETING MINUTES

Advanced public notice of the Historic Preservation Commission meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Wednesday, August 9, 2023.

NAME OF GROUP: HISTORIC PRESERVATION COMMISSION

DATE, TIME AND PLACE OF MEETING: Thursday, September 21, 2023, 1:30 p.m., County-City Building, City Council Chambers, 555 S. 10th Street, Lincoln, NE.

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

OTHERS IN ATTENDANCE: Stephanie Rouse and Clara McCully of the Planning Department and other interested parties.

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

McCown called for a motion approving the minutes of the regular meeting held on August 17, 2023. Motion for approval was made by Worth, seconded by Gengler, and carried 5-0: Johnson, McCown, Gengler McKee, and Worth voting 'yes'; Newport, and Hove-Graul were absent.

Hearing and Action

CERTIFICATE UDR23113 for window replacement at 1819 B Street in the Mount Emerald Local Landmark District

PUBLIC HEARING: **September 21, 2023**
Members present: Jim Johnson, Greg McCown, Dan Worth, Jim McKee, and Melissa Gengler; Greg Newport and Nancy Hove-Graul absent.

Rouse stated this project is not within a local landmark district. A motion is needed to remove this item from the agenda.

ACTION:

McKee moved to remove UDR23113 from the agenda, seconded by Gengler and carried 5-0: Jim Johnson, Greg McCown, Dan Worth, Jim McKee, and Melissa Gengler voting 'yes'; Greg Newport and Nancy Hove-Graul absent.

SPECIAL PERMIT 13048B, amending an existing special permit to increase the maximum number of residents at the residential healthcare facility from 18 to 21 people at 740 S. 17th Street.

PUBLIC HEARING:

September 21, 2023

Members present: Jim Johnson, Greg McCown, Dan Worth, Jim McKee, and Melissa Gengler; Greg Newport and Nancy Hove-Graul absent.

Rouse stated this item is to increase occupancy by three units. This property came before the Historic Preservation Commission in March for a Special Permit which is a recommendation that goes on to the Planning Commission, to change the use from sorority to residential healthcare. It was not known that the garage, which was previously converted when the sorority was occupying the site to additional living space for three individuals, was to be included. The applicant would like to add the garage increasing the allowable residents to 21.

Worth asked why this item came to the Historic Preservation Commission since it is regarding occupancy.

Rouse stated this property already has a Special Permit for Historic Preservation which includes occupancy, so it was continued through the same permit number. Because it's a special permit for historic preservation, the HPC makes a recommendation on the request to the Planning Commission.

Worth asked if there was any communication or input from neighbors.

Rouse stated there has been no feedback. The property has been in use for several months now.

McCown stated the owner is keeping the property up well.

McKee stated the owner put up the sign.

ACTION:

McKee moved approval of Special Permit 13048B, amending an existing special permit to increase the maximum number of residents at the residential healthcare facility from 18 to 21 people at 740 S. 17th Street, seconded by Gengler, and carried 5-0: Jim Johnson, Greg McCown, Dan Worth, Jim McKee, and Melissa Gengler voting 'yes'; Greg Newport and Nancy Hove-Graul absent.

CERTIFICATE UDR23105 for rebuilding a porch at 1216 S. 17th St in the Capitol Addition Landmark District.

PUBLIC HEARING:

September 21, 2023

Members present: Jim Johnson, Greg McCown, Dan Worth, Jim McKee, and Melissa Gengler; Greg Newport and Nancy Hove-Graul absent.

Rouse stated this item was brought to the Historic Preservation Commission last month when the siding and roofing were approved. The applicant is here today for the porch replacement. The applicant is proposing wrapping the post with 2 by 8 lumber, painting it white, and adding a

cap and base to make it look like a column. For the columns, they would add a stone look toward the base, lattice with column skirts, and the railing would be treated lumber. It was recommended in the report that the railing should be like the original porch railing. It would be a smaller railing instead of 2 by 4. Staff recommends approval.

McCown asked if there is any other product that would better replicate the stone block.

Gengler stated textured block would be better than the stone. There may be something more appropriate.

Rouse stated rock-face concrete block was there before, but it is unavailable. They could get a textured concrete block.

McKee stated lattice won't last long and is out of context for the period of the house.

Worth stated the previous design had a solid base wooden skirt, and the Commission objected to that. The Commission recommended something to differentiate underneath, porch, columns, and bases.

Gengler stated she does see lattice in different periods of home construction.

McCown stated he has seen it too, but that older lattice is more robust than most common latticework.

McCown stated he would recommend including going back to the block in the approval as opposed to debating slat over lattice.

Gengler stated both lattice and slat are much more easily replaced than concrete.

Brandon Noerrlinger, the applicant, stated he could do slats on the bottom with 1 by 2's. He could use Novik stone. It won't look exactly alike, but he can get closer to that look.

Worth stated one could use a 4-inch cinderblock as a veneer.

McCown asked if Noerrlinger could try to keep the original block? Was it compromised?

Noerrlinger stated there was a lean.

Gengler stated something similar like a stacked stone would be appropriate for a project like this.

ACTION:

Gengler moved to approve UDR23105 for rebuilding a porch at 1216 S. 17th St in the Capitol Addition Landmark District as presented with the substitution of the concrete masonry unit and the vertical slats for the skirting material, seconded by McKee, and carried 5-0: Jim Johnson, Greg McCown, Dan Worth, Jim McKee, and Melissa Gengler voting 'yes'; Greg Newport and Nancy Hove-Graul absent.

CERTIFICATE UDR23106 for a new wall sign at 201 N. 8th St in the Haymarket Landmark District.

PUBLIC HEARING:

September 21, 2023

Members present: Jim Johnson, Greg McCown, Dan Worth, Jim McKee, and Melissa Gengler; Greg Newport and Nancy Hove-Graul absent.

Rouse stated this item was brought to the Historic Preservation Commission last month. She discussed color and recommendations on specific color schemes on signs with Law. While guidelines don't specifically speak to color schemes –they recommend light lettering on a dark background and it's common to find a black background with white lettering on side and rear walls– Law also found that the commission is a design review board and would have some say to make specific recommendations. Based on Haymarket sign guidelines, staff recommends approval, but the Historic Preservation Commission has the final say on the design.

Gengler asked if the issue during the discussion last month was largely the color.

Rouse stated last month, the Commission felt white on green stood out from the colors of the building and pointed out a nearby sign with more muted colors, that wasn't the company's brand colors that blended more with the building. The Commission recommended using a lighter tan color.

McKee stated he has no objection to the current item, but there had been prior discussions regarding the number of signs allowed for major tenants on a given building as opposed to having a directory on the first floor.

Ryan Haffey stated the presented colors of the sign seem to be more historically accurate. It would have been green and white or black and white. It would not have been a cream color. It would not have had a logo.

McCown stated there are many historic signs on buildings that are black with white lettering.

ACTION:

Gengler moved to approve Certificate UDR23106 for a new wall sign at 201 N. 8th St in the Haymarket Landmark District as presented, seconded by Johnson, and carried 5-0: Jim Johnson, Greg McCown, Dan Worth, Jim McKee, and Melissa Gengler voting 'yes'; Greg Newport and Nancy Hove-Graul absent.

Discuss and advise

Historic Preservation Design Guidelines-Roofs, Foundation, Windows, Doors

Roofs

Rouse stated staff tried to include more images and started the website.

Worth stated there are different styles of architectural shingles. Look at the range of choices and be more specific in guidance.

McCown advised to be careful when recommending matching the current roofing style. Just because the latest roof design was used, doesn't mean it's the most appropriate one for the house. It is important to consider what was originally there and try to match it accordingly.

Gengler asked if gutters, downspouts, etc. are included in the roof section.

Rouse stated yes, but gutters are not part of the flashing. They do have a section.

Worth stated flashing is important to define material.

Gengler stated ornamental downspouts and scutters as part of the gutter system are worth mentioning as defined architectural elements and as part of the character of the property. It may be worthwhile to include a note on the level of design.

Worth stated it is important to note shapes, sizes, and materials for gutters.

McCown stated he would encourage keeping them off the façade.

Worth asked if there is guidance on metal roofs.

Rouse stated the Secretary of Interiors doesn't address metal roofs directly. It is recommended to replace them with in-kind materials and not specifically prohibit metal roofs. Do we need to be more specific?

McCown stated they were usually on secondary buildings, with shake shingles for the main house.

Gengler stated it would be worth mentioning.

Worth stated there is a preservation brief on roofing, which could be embedded in the design guidelines— we haven't talked about slate, terra cotta, etc., just dealing with standard items.

Gengler stated it would be good to include, by subject matter, embedded right in the guidelines. If there are default references, these are the guidelines we use to make the decision. We can have active links in each section.

Rouse stated MC (Planning Department) went through all the ITS bulletins and preservation briefs, pulled out anything exterior-related, and put them into categories based on the way we set up the document.

McCown stated it can be used as an index also.

Gengler asked if partial roof replacements or roof repairs are addressed.

Rouse stated the guideline hierarchy is to first repair, then replace in kind, then whole roof replacement.

Windows

Gengler stated it is not a great use of money for higher quality on one side of a building and lower quality on the other sides. Is there a benefit of a good window on the main elevation and substandard windows on the rest that will fall apart in a year or two?

McCown stated in a lot of the historic houses he sells, rarely the original windows are beyond repair.

Worth stated if an applicant insists on vinyl, they should come to the Commission to appeal.

McCown asked if staff would make the decision on replacement as opposed to repairing.

Gengler stated a design professional should make that call, such as a carpenter, construction person, or doing additional training with preservation professionals.

Rouse stated it would be great to have training next year on window repair and hands-on workshops.

Gengler stated the challenge is, if a building comes in with pre-existing vinyl and the applicant wants to replace it with vinyl. There could be a distinction between this and the original windows.

Rouse stated it could be included that vinyl windows replacing original wood windows is not allowed, and existing vinyl windows can be replaced with a vinyl window. Otherwise, a line could be included if there are extenuating circumstances the Commission may approve a vinyl window. If it meets the guidelines, it's approved and if not, it goes to HPC.

Gengler stated the first sentence of every section could be that any decision can be appealed and presented to the Commission at any time. If it doesn't conform to design guidelines, can question it to the Commission.

McCown stated fiberglass replacements should not be included with vinyl.

Gengler stated fiberglass windows are easier to match historical windows.

Worth stated steel, aluminum, early curtain walls, etc. are unique materials that should have some language on how to repair versus replace.

Gengler stated there should be neutral language for each section that the most common materials described in detail. Other materials can be dealt with on a case-by-case basis.

Doors

Gengler asked if there is a flowchart of priorities for accessibility for doors. The Commission doesn't necessarily need to review if it is within the confines of the specific need.

Rouse stated accessibility could be in its own section and can be linked within.

Worth asked if garage doors are in this section.

Rouse stated garage doors will be in the accessory building section.

Foundations

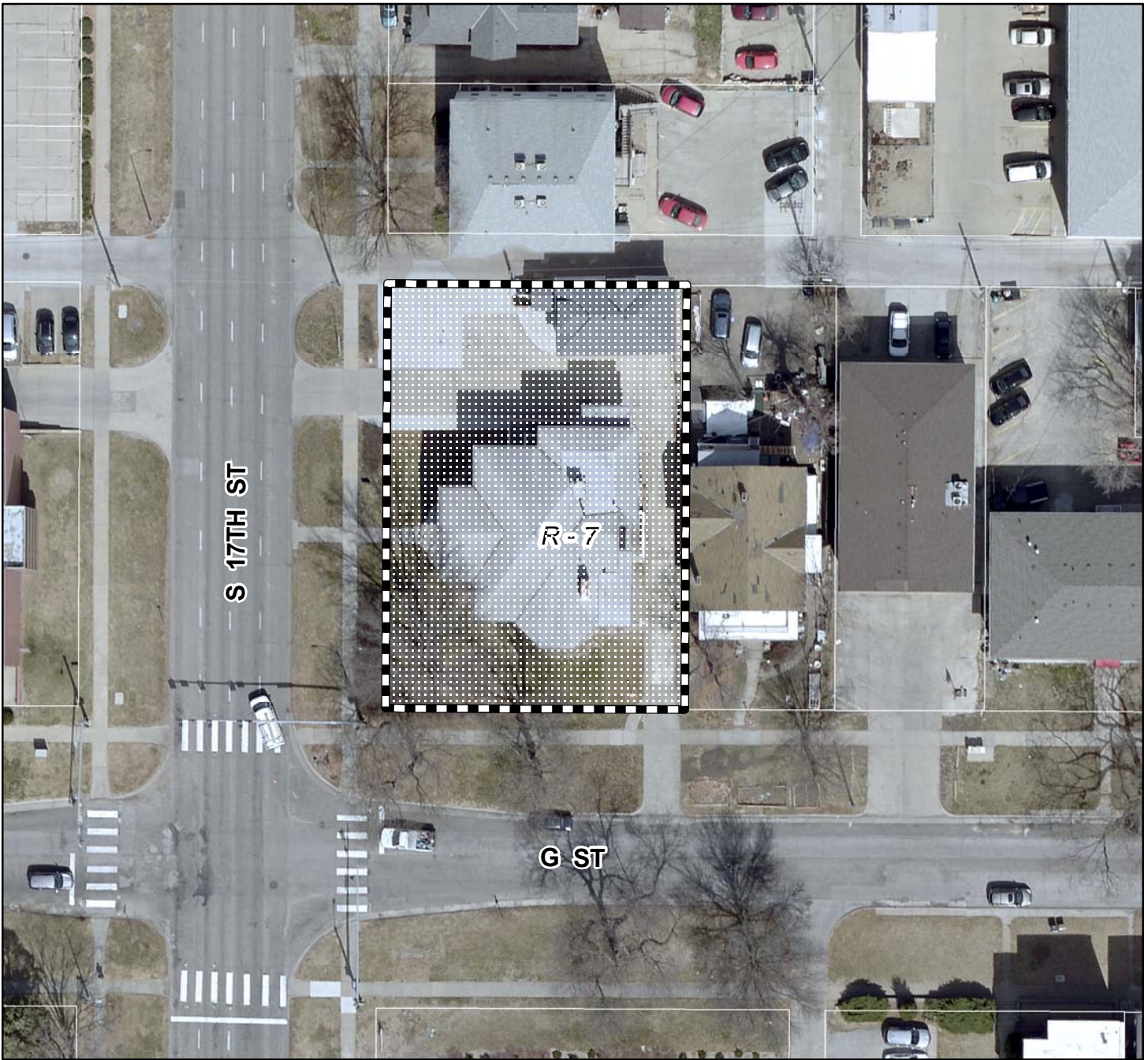
Gengler stated it may be worthwhile including a section or statement on retaining and reusing them as decorative or cladding rather than structural elements.

Rouse showed the website in progress for the design guidelines.

Gengler stated the website could be distributed to contractors, realtors, architecture groups, and community-wide training or everyone who works on these buildings.

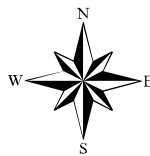
There being no further business, the meeting was adjourned at 2:45 p.m.

<https://linclanc.sharepoint.com/sites/PlanningDept-Boards/Shared Documents/Boards/HPC/MINUTES/2023/HPC 072023.docx>



2022 aerial

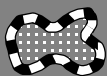


Special Permit #: SP13048B
S 17th St & G St

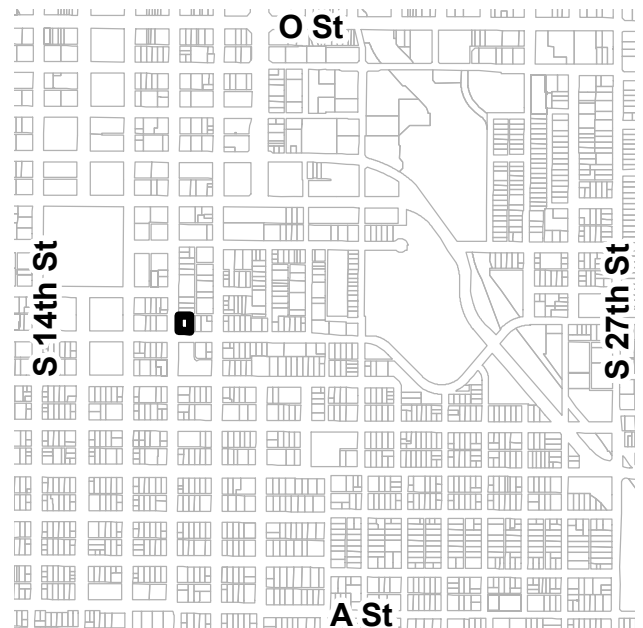


One Square Mile:
Sec.25 T10N R06E

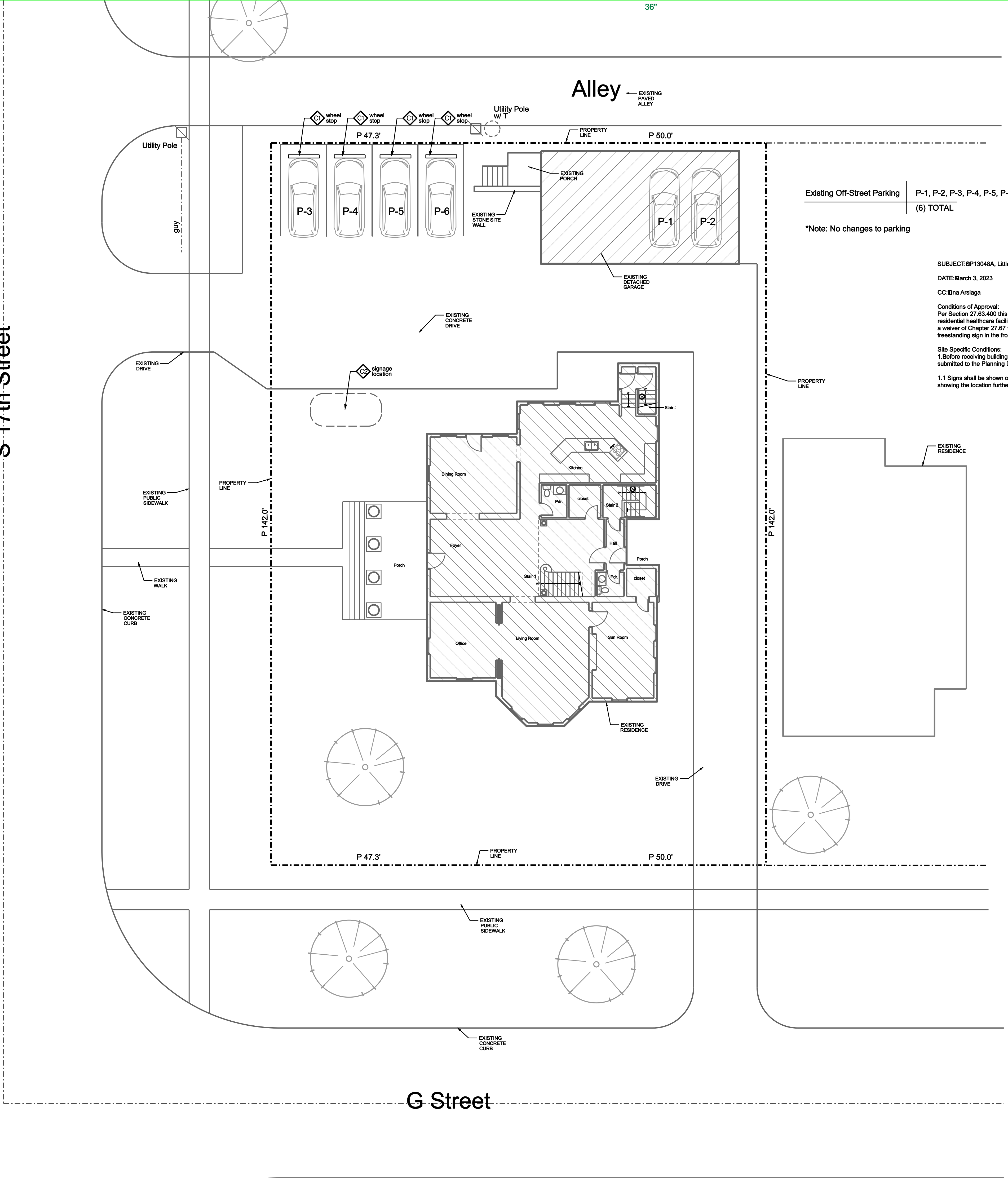
Zoning:

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

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction
63	



S-17th Street



Alley

Existing Off-Street Parking	P-1, P-2, P-3, P-4, P-5, P-6
	(6) TOTAL

*Note: No changes to parking

SUBJECT: SP13048A, Little-Atwood House (740 S. 17th St), Revision #1 to Staff Report
 DATE: March 3, 2023
 CC: Tina Arslaga

Conditions of Approval:
 Per Section 27.63.400 this approval permits a Special Permit for Historic Preservation to allow a residential healthcare facility for up to 18 individuals, in addition to staff and office space, with a waiver of Chapter 27.67 to reduce the required parking to six stalls and a waiver to allow the freestanding sign in the front yard.

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

1.1 Signs shall be shown on the site plan in conformance with the HPC recommendation showing the location further north near the driveway.

Drawing Index:

- G1.1 Cover Sheet, Site Plan
- A1.1 Floor Plans
- A1.2 Floor Plans

Notes:

- A. Fire Protection Systems (Existing)
 - Existing Fire Alarm System per: LSC 26.3.4.1.1
 - Existing Automatic Sprinkler System NFPA 13R or 13D per LSC 26.3.6
- B. No Changes to following systems
 - HVAC
 - Plumbing
 - Utilities
- C. IBC Occupancy Type:

Existing: R3 (Sorority)
 Proposed: R4 (Residential Healthcare Facility) with up to Eighteen (18) Residents with additional staff on site.
 Group Living Use
- D. Exterior Lighting on the property shall meet Chapter 3.100 Design Standards for Outdoor Lighting.
- E. No new Exterior Signage included or intended in this Drawing Package.
 Refer to City of Lincoln Signage Standards
- F. Construction Type: 5B
- G. Zoning: R7
- G. Historic Landmark Designation: Yes
 No changes to the exterior of the building or the site are included or intended in this Drawing Package

Keynotes:

- wheel stop PROVIDE PRECAST CONCRETE WHEEL STOP FIRMLY AND PERMANENTLY ANCHORED TO EXISTING SLAB PER CITY OF LINCOLN STANDARDS OFFSET FROM PROPERTY LINE MIN 3'
- signage location DASHED INDICATES PREFERRED LOCATION FOR SIGNAGE PER HPC RECOMMENDATION



Vicinity Plan

Site Plan
 North
 1" = 10'
 0 4 8 16
 Approx. Lot Size: 13,800sf

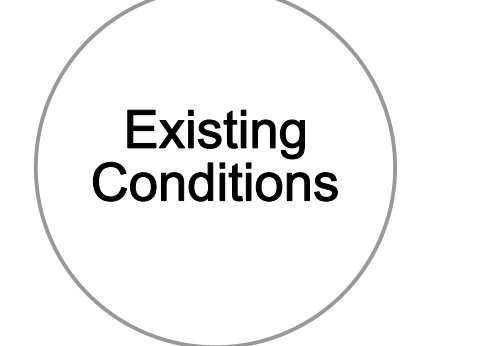


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 402.217.1830
 www.peacestudioarch.com

Connecting Links

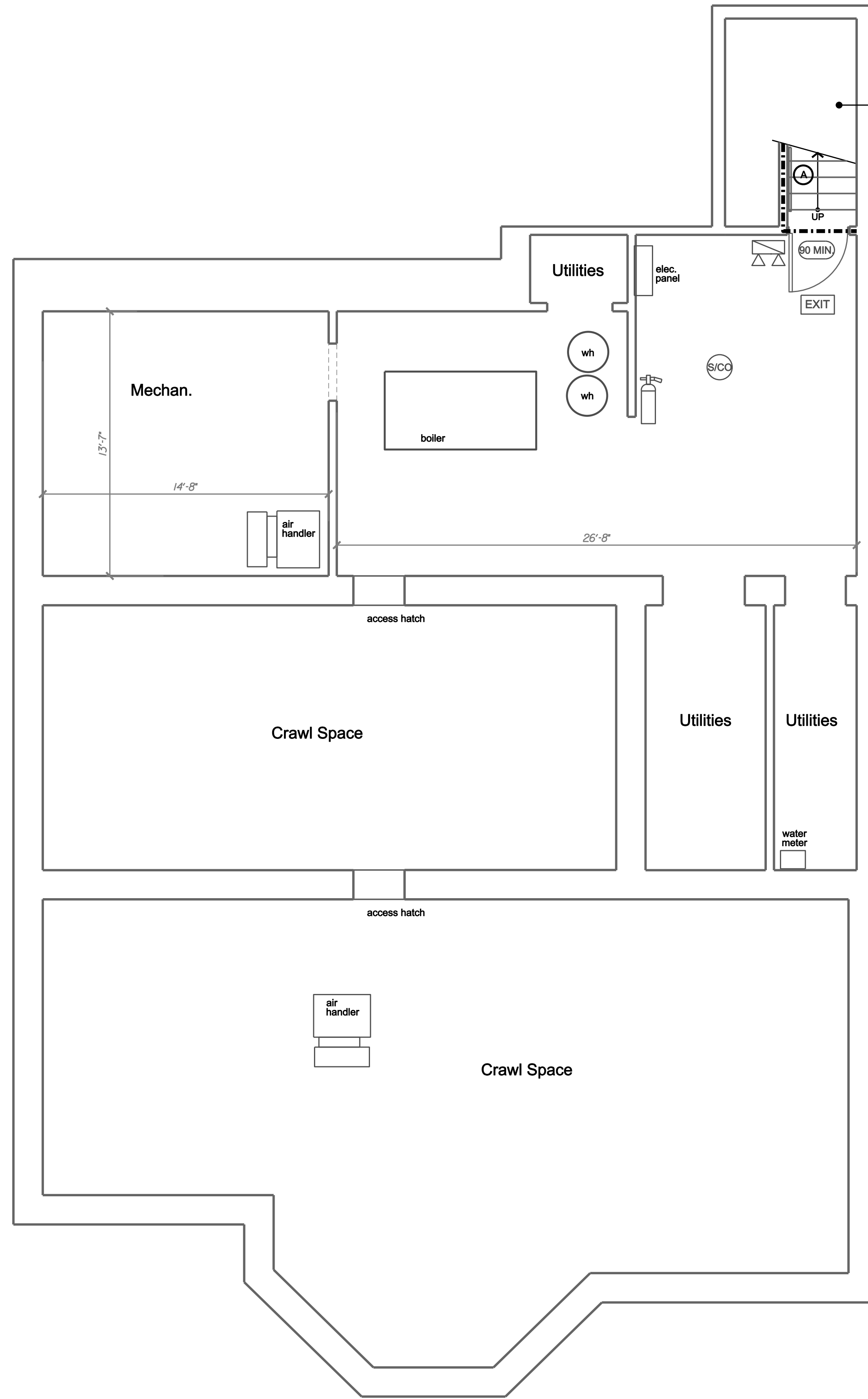
740 South 17th Street
 Lincoln, NE
 Little-Atwood House

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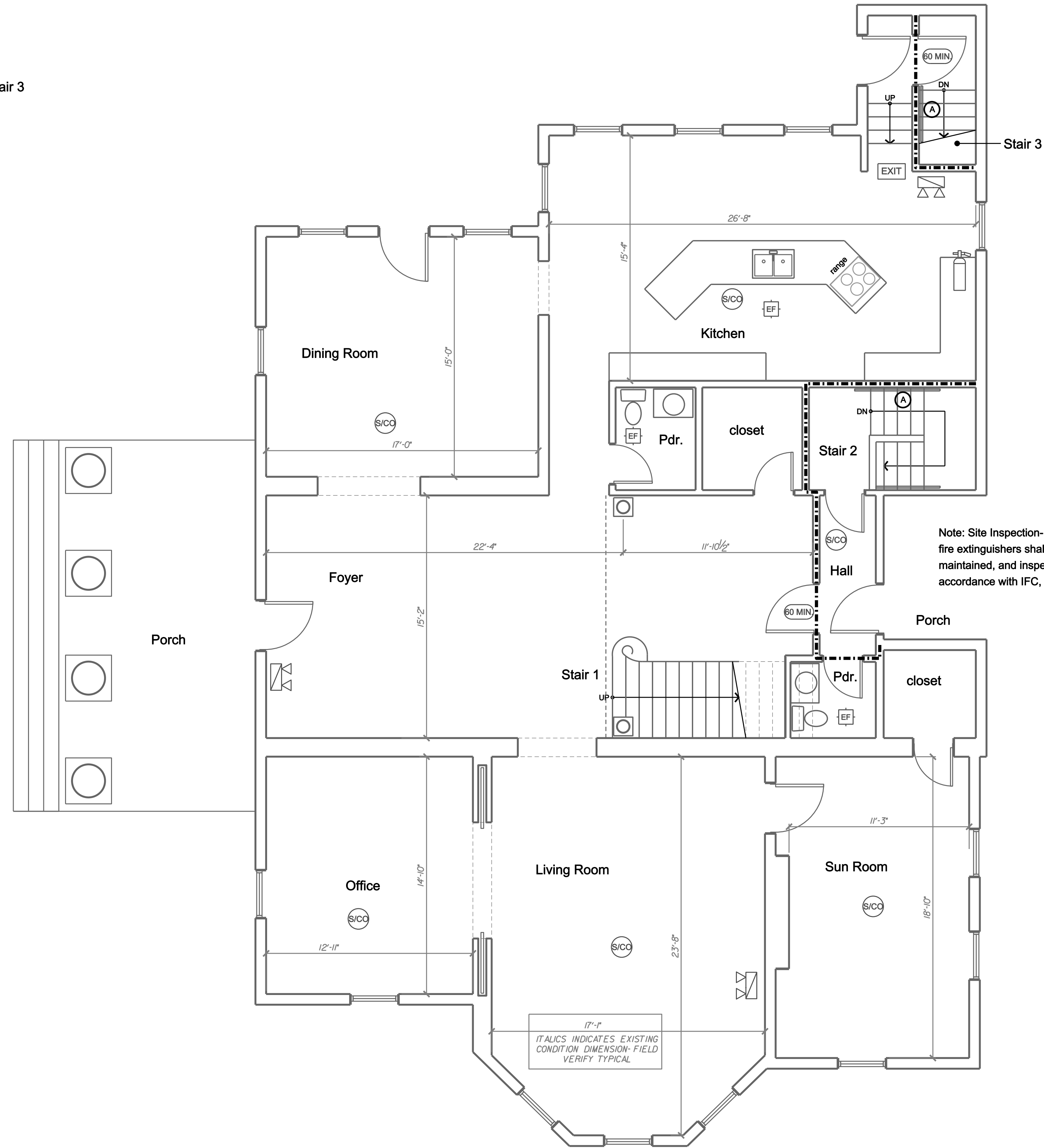


Job Number: 23006.ars
 Date: 9 March 2023

G1.1



Lower Level Plan
1/4" = 1'-0"
Plan North
0 2 4 8
Approximate Useable Floor Area: 800 sf net



First Floor Plan
1/4" = 1'-0"
Plan North
0 2 4 8
Approximate Useable Floor Area: 2,425 sf net

Drawing Symbols

- Symbol Indicates Existing Condition/ Equipment typical
- EXHAUST FAN- FLUSH CEILING INSTALLATION DUCTED DIRECTLY TO THE EXTERIOR. WHERE INDICATED ON THE DRAWINGS
 - COMBINATION CARBON MONOXIDE/ SMOKE DETECTOR, HARD-WIRED SMOKE DETECTOR AT ALL BEDROOMS, EACH STAIR LANDING, AS REQUIRED BY CODE AND WHERE INDICATED ON THE DRAWINGS.
 - SMOKE DETECTOR ONLY WHERE SYMBOL INDICATES
 - CARBON MONOXIDE DETECTOR ONLY WHERE SYMBOL INDICATES
 - HARD WIRED EMERGENCY LIGHT W/ BATTERY BACK-UP
 - WALL MOUNTED FIRE EXTINGUISHER TO MEET CODE. VERIFY EXTINGUISHER TYPE AT EACH LOCATION LISTED
 - EMERGENCY EXIT SIGN
 - INDICATES EXISTING EXTERIOR WINDOW THAT MEETS EGRESS CRITERIA
 - INDICATES EXISTING FIRE RATED DOOR AND FIRE RATING IN MINUTES
 - EXISTING 1-HOUR FIRE BARRIER
 - INDICATES EXISTING CONTINUOUS HANDRAIL AT EXISTING STAIR LOCATION

Connecting Links

740 South 17th Street
Lincoln, NE
Little- Atwood House

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Existing Conditions

Job Number: 23006.ars
Date: 9 March 2023

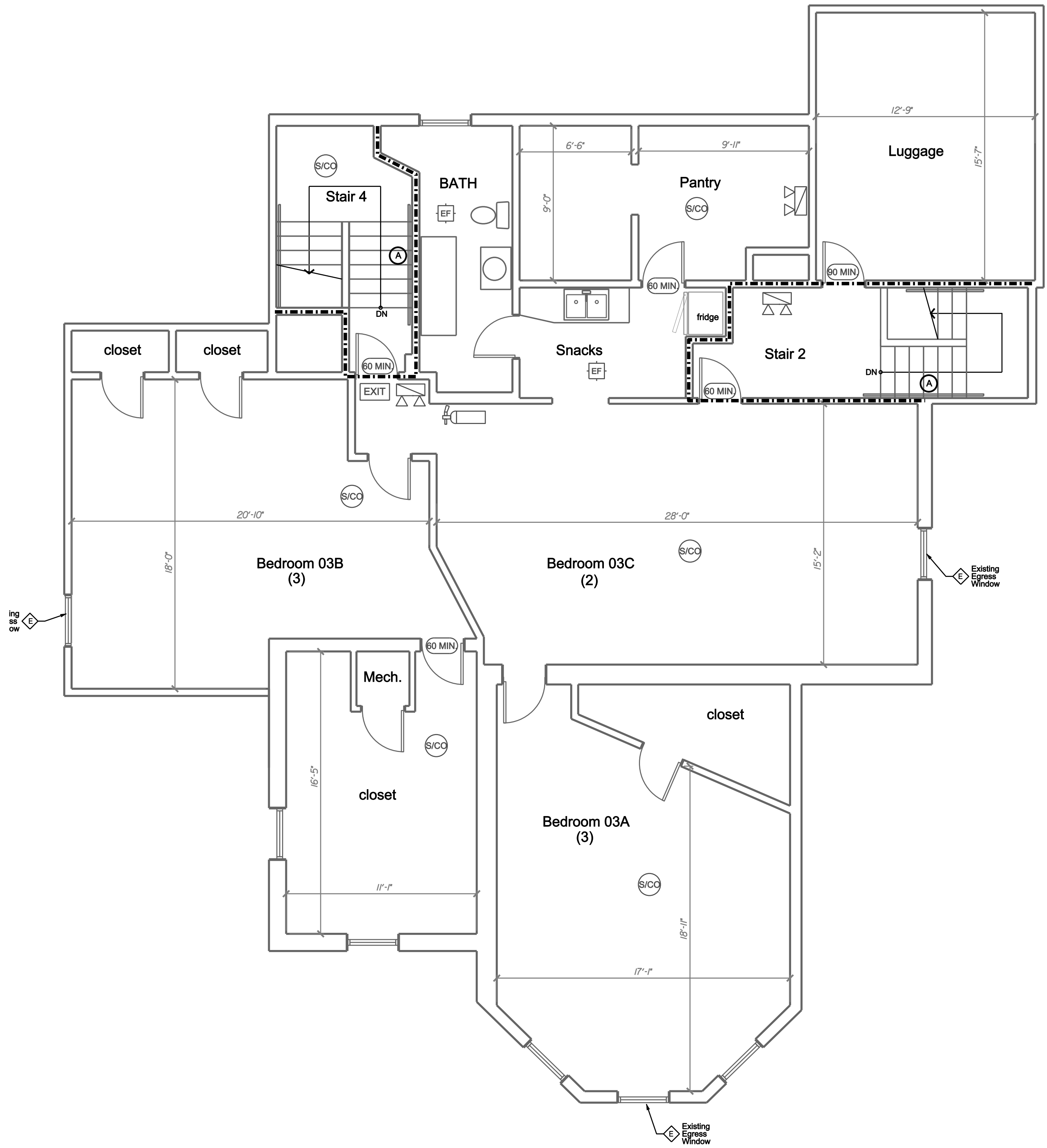
A1.1

Drawing Symbols

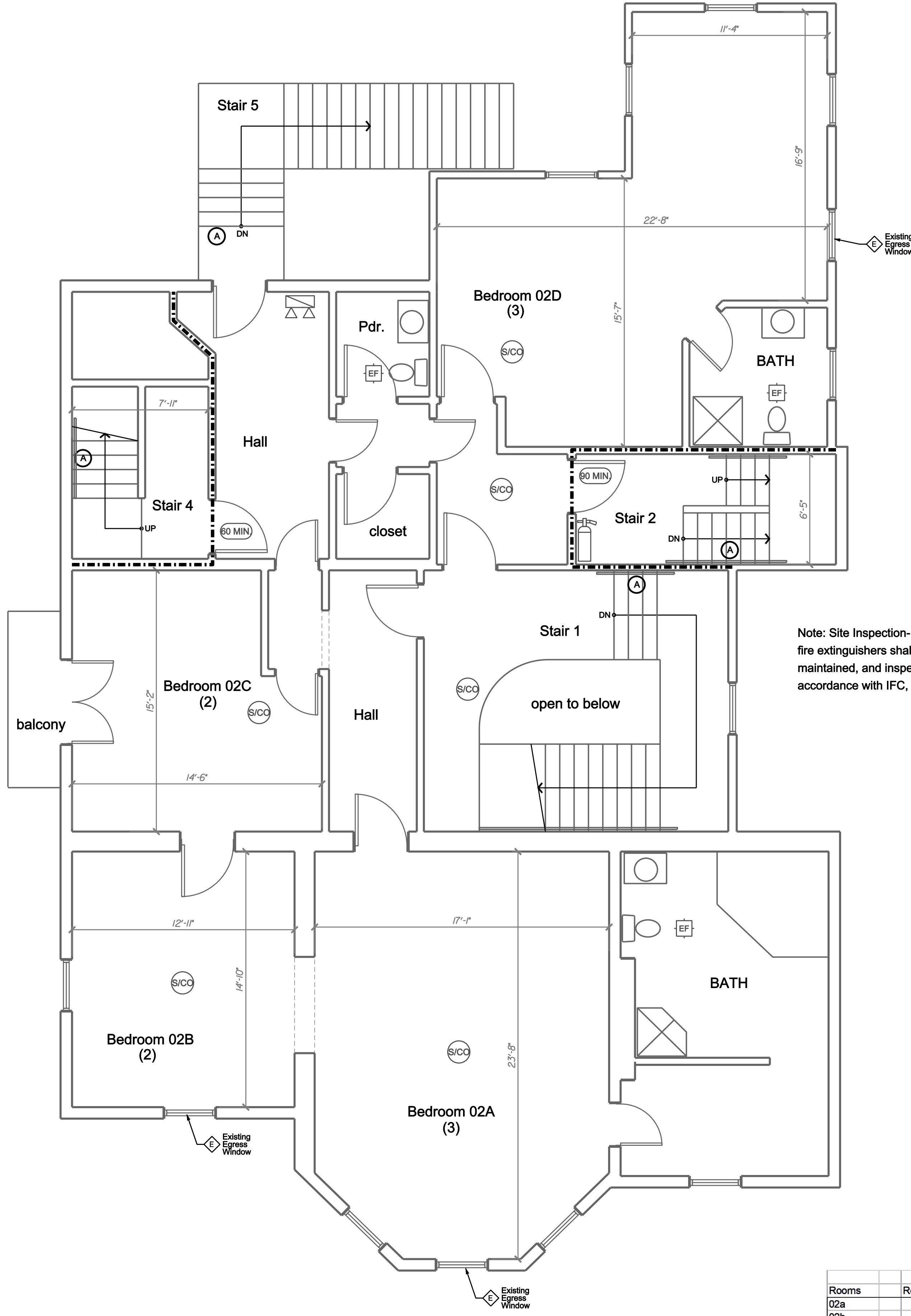
Symbol Indicates Existing Condition/
Equipment typical

-  EXHAUST FAN- FLUSH CEILING INSTALLATION DUCTED DIRECTLY TO THE EXTERIOR. WHERE INDICATED ON THE DRAWINGS
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-  EMERGENCY EXIT SIGN
-  INDICATES EXISTING EXTERIOR WINDOW THAT MEETS EGRESS CRITERIA
-  INDICATES EXISTING FIRE RATED DOOR AND FIRE RATING IN MINUTES
-  EXISTING 1-HOUR FIRE BARRIER
-  INDICATES EXISTING CONTINUOUS

Note: Site Inspection- verify Portable fire extinguishers shall be installed, maintained, and inspected in accordance with IFC, Section 906



Attic Plan
1/4" = 1'-0"
Plan North
0 2 4 8
Approximate Useable Floor Area: 2,200 sf net



Second Floor Plan
1/4" = 1'-0"
Plan North
0 2 4 8
Approximate Useable Floor Area: 2,425 sf net

Rooms	Residents
02a	3
02b	2
02c	2
02d	3
03a	3
03b	3
03c	2
Total	18

Connecting Links

740 South 17th Street
Lincoln, NE
Little- Atwood House

© Copyright Peace Studio Architects, Inc.

Existing Conditions

Job Number: 23006.ars
Date: 9 March 2023

A1.2

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Special Permit #22045A	FINAL ACTION? Yes	DEVELOPER/OWNER L.A. Real Estate, LLC
PLANNING COMMISSION HEARING DATE October 4, 2023	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 2537 Vine Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to amend the existing Special Permit #22045 for the Hawley Corners Community Unit Plan (CUP). The amendment proposes to expand the CUP boundary by .32 acres and allow an additional 8 dwelling units within the CUP for a total of 14 dwelling units. The property is zoned R-6, Residential and located at 2737 Vine Street, with frontage on N. 26th Street and U Street. The applicant is requesting associated waivers to the required setbacks, lot area minimum, and storm water detention on site.



JUSTIFICATION FOR RECOMMENDATION

The proposed amendment to the CUP following the R-6 zoning is consistent with the surrounding land use which is primarily residential in nature with varying densities from single family dwellings to multifamily apartment buildings. This infill project will provide two new buildings with 8 townhome units, with 4 units fronting Vine Street and 4 units fronting U Street. The applicant is proposing 2 of the units for affordable housing.

APPLICATION CONTACT

REGA Engineering Group, Dillon Reese,
(402) 484-7342 or dillon@regaeng.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan designates this location as Future Urban Residential. This designation is defined as areas with varying residential densities ranging from more than fifteen dwelling units per acre to less than one dwelling unit per acre. This proposed amendment is compatible with goals within the 2050 Comprehensive Plan as the project will be a redevelopment and infill of existing residential lots within the greater downtown area. The development will provide additional dwelling units within an existing neighborhood including some of the units offered as affordable housing units.

WAIVERS

1. To reduce the front yard setback from 20' to 10' on Vine Street, 7.5' along N. 26th Street, and 5' setback along U Street. (Recommend Approval)
2. To reduce the rear yard setback from 20' to 7.5 feet. (Recommend Approval)
3. To reduce the lot area minimum from 2,500 square feet to 1,100 square feet per unit. (Recommend Approval)
4. To allow unenclosed porches to extend no closer than 2' from the property line along U Street and no closer than 5' along Vine Street. (Recommend Approval)

5. To waive the requirement for pre/post development storm water detention. (Recommend Approval)

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

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

Fundamentals of Growth in Lancaster County

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

The Community in 2050

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

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

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

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

Benefits of Well-Planned Growth

Continued investment within the city ensures that our existing neighborhoods and commercial areas remain vibrant and desirable locations. More "rooftops" near existing commercial areas help to support continued commercial investment.

Goals Section

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

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

Elements Section

E2: Infill and Redevelopment

Infill and Redevelopment Approach

PlanForward identifies the potential for 12,000 new dwelling units to be located within the existing built-out

portion of the City, roughly 25 percent of the projected 48,000 new dwelling units to be built citywide by 2050.

Greater Downtown

The Plan envisions an additional 5,000 dwelling units in Greater Downtown by 2050. This area is the main hub of employment, entertainment, and higher education. Over the years, there have been significant public and private investments in new building construction, renovations, and infrastructure. In order to capitalize on these collective investments, further development in the Greater Downtown should be realized.

Neighborhood Edges

Neighborhood edges present an opportunity for missing middle housing, which can help expand affordable housing options and overall housing choice in the community. Missing middle housing includes “house-scale” buildings that provide typically 3 to 12 units and fit in with the character of single-family neighborhoods.

Criteria to consider when locating and designing neighborhood edge redevelopment should include:

- Provide direct or adjacent access to an arterial street to minimize traffic impacts on neighborhood streets.
- In some cases a transition zone may be needed when creating higher-density redevelopment adjacent to lower density neighborhoods.
- Target legacy commercial sites and abandoned, vacant, or blighted parcels for new missing middle housing.
- Consider the character of adjacent built environment in both the design and location of buildings.

Existing Neighborhoods

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

Policies Section

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

Action Steps

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

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

Action Steps

1. Promote the preservation, maintenance, and renovation of existing housing and supporting neighborhood uses throughout the City, with special emphasis on low and moderate income neighborhoods.
2. Maintain and enhance infrastructure and services, commensurate with needs, in existing neighborhoods.
3. Encourage well-designed and appropriately placed density, including within existing apartment and group living complexes and in redeveloping commercial or industrial centers, where there is land available for additional buildings or expansions. Provide flexibility to the marketplace in siting future residential development locations. This includes appropriately placed infill in prioritized Nodes and Corridors, neighborhood edges, and underutilized commercial or industrial sites.

4. Recognize that broad economic diversity within existing neighborhoods encourages reinvestment and improves quality of life for all residents while acknowledging the need for affordable housing.
5. Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.
6. Promote the continued use of residential dwellings and all types of buildings, to maintain the character of neighborhoods and to preserve portions of our past. Building code requirements for the rehabilitation of existing buildings should protect the safety of building occupants, while recognizing the need for flexibility that comes with rehabilitating existing buildings.
7. Implement the housing and neighborhood strategies as embodied in the Affordable Housing Coordinated Action Plan, City of Lincoln Consolidated, Annual Action Plans, and subsequent housing and neighborhood plans. These plans provide the core for affordable housing and neighborhood preservation actions for public and private agencies.
8. Retain and encourage a mix of housing in existing and new neighborhoods in order to provide a mix of housing types at a variety of price points.
9. Implement elements of Complete Neighborhoods for existing neighborhoods.
10. Develop and utilize a measurement tool to evaluate neighborhoods in terms of how well they achieve PlanForward's goals for design, sustainability, and Complete Neighborhoods goals.
11. Encourage public and private investment in neighborhood infrastructure and services to support economic diversity that improves the quality of life for all residents.
12. Balance expanding housing options and neighborhood character. Infill development should include housing for a variety of incomes and households and should complement the character of the existing neighborhood by including appropriate transitions, scale, and context.
13. Preserve areas designated for multi-family and group living housing in approved plans to support a distributed choice in affordable housing.
15. Develop and propose zoning text amendments that will allow platted, nonconforming lots to be buildable.
17. Promote neighborhood and community design that supports healthy and active lifestyles.
20. Examine current residential zoning districts and propose modifications to encourage 'missing middle' units (single-family attached, cottage courts, townhomes, live-work, and a variety of three- and four-plex configurations), including affordable units, to people with a range of incomes. Neighborhood edges in particular present an opportunity for missing middle housing.
21. Encourage a variety of housing types including townhomes, senior living facilities, low/no maintenance condominiums, accessory dwelling units, multi-family development, and small lot single-family units.

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

Action Steps

1. Encourage redevelopment of aging and underutilized commercial centers, along with other large sites in existing areas such as former schools and residential acreages, to add a variety of housing types that are affordable to diverse income levels. A mix of residential and commercial uses is desirable in locations with good visibility and access, such as most existing commercial centers, but in some cases redevelopment sites are more suited for exclusively residential uses.
2. Encourage redeveloped commercial centers to incorporate a variety of medium and high-density housing affordable to diverse income levels that could serve as a transitional use to less intensive residential development and benefit from walkable access to the commercial area and transit.
4. Provide a mechanism for adjustments in older zoning districts to lot area, height, setbacks, and parking standards, similar to the provisions already available for newer districts.
5. Strive for predictability for neighborhoods and developers for residential development and redevelopment.
6. Encourage efforts to find new uses for abandoned, under-utilized or "brownfield" sites that are contaminated, through redevelopment and environmental mitigation.
7. Environmentally sensitive areas (i.e. floodplains, wetlands, native prairie) may not be appropriate for redevelopment. When redevelopment does occur, environmentally sensitive areas need to be considered and incorporated holistically as part of a redevelopment project.

ANALYSIS

1. This is a request to amend the existing Hawley Corners Community Unit Plan (CUP) under Special Permit #22045 to increase the overall CUP boundary and allow an additional 8 dwelling units. This modification would increase the CUP by .32 acres with an expansion on the north side of the CUP boundary across U Street. The subject property is located along Vine Street, N. 26th Street, and U Street along the south and zoned R-6, Residential. The previously existing home and garage on the site were demolished in August leaving the lot vacant for development today.
2. The property is surrounded by R-6, Residential on all four sides. To the north, across Vine Street is existing multifamily residential zoned R-6. To the east is single and two-family homes zoned R-6 and to west is multifamily residential. To the south across U Street is R-6 zoning and within the Hawley Corners CUP which will be developing three single family homes on the corner of N. 26th Street and U Street in the near future.
3. This proposed amendment to increase the CUP boundary and include the subject site is related to a proposed infill project that would allow for an additional 8 dwelling units within the CUP. In January 2023 the 1.04-acre CUP was approved allowing up to 6 dwelling units. This addition would add .32 acres for a new total of 1.36 acres for the CUP and allow a total of 14 dwelling units within the boundary limits. This is well below the density set within the Lincoln Municipal Code Chapter 27.65.080 allowing 48.4 dwelling units per acre within the R-6 zoning district. Following this calculation, the CUP would allow up to 65 dwelling units. With this application only 8 additional units are being requested and the CUP would be limited to 14 dwelling units at this time.
4. The proposed project and submitted site plan for the additional 8 townhome units includes two separate structures, each with four dwelling units on individual lots. The addition to the CUP and 8 units are shown on the site plan as Block 2, Lots 1-8 and Outlot A. The submitted site plan shows Lots 1-4 fronting Vine Street with the remaining Lots 5-8 fronting U Street. Vine Street is classified as a minor arterial at this location and will require driveway access to be relinquished for Lots 1-4. The site plan proposes a shared driveway shown as Outlot A and accessed off of N. 26th Street which will be located behind both buildings and provide access to rear entry garages. With this design the applicant is not requesting a waiver of the parking requirements as each unit will have a single car garage attached garage. The applicant has been working with Urban Development and is proposing two of the eight units designated for affordable housing units. The proposed development and site plan layout are appropriate with respect to the surrounding neighborhood and existing single family homes. This layout will provide new dwelling units in the neighborhood with both front doors and porches facing Vine Street and U Street, keeping it compatible with the neighboring properties.
5. Due to the existing size of the lot and surrounding neighborhood, the applicant is proposing the following waivers:
 - a. Lincoln Municipal Code Chapter 28 to waive the requirement for Pre and Post Development Storm Water Detention.

Detention is often appropriate when the subject site is one acre or more in size. Although the CUP will now be 1.36 acres, the area being disturbed will be approximately .32 acres for the new lot and two buildings so the waiver is appropriate.
 - b. Zoning Ordinance, Table 27.72.020(b) to reduce the front yard setback from 20' to 10' on Vine Street, 7.5' along N. 26th Street, and 5' setback along U Street.

This request is appropriate as the intention of this project is to provide two 4-unit townhome buildings as a residential infill project along Vine Street. The proposed setbacks will be compatible with the surrounding neighborhood as the approved CUP south of U Street allowed for a 10-foot setback on N. 26th Street and a 5' setback along U Street. Currently, many of the structures along Vine to the east and west of this site have a 10' to 0-foot setback on Vine Street. This waiver will also provide flexibility to keep the parking and garage access located between the buildings and provide a minimal visual impact for the parking area within the neighborhood.
 - c. Zoning Ordinance, Table 27.72.020(b) to reduce the rear yard setback from 20' to 7.5 feet.

This request is supported as this lot has three sides with frontage along public streets including U Street, N. 26th Street, and Vine Street. The western property line would generally be considered a side yard, but in this case, it would be a rear yard and require a 20' setback. The reduced setback will keep the proposed buildings 7.5 feet from the neighboring property line. Today the neighboring multifamily structure to the west has a side

yard setback of approximately 10 feet.

- d. Zoning Ordinance, Table 27.72.020(b) to reduce the lot area minimum from 2,500 square feet to 1,100 square feet per unit

This waiver is being requested and appropriate due to the size of the existing lot and as an infill project within an existing neighborhood. This waiver is commonly supported with redevelopment within existing neighborhoods and with projects providing additional affordable housing units within city limits. The existing CUP to the south also approved a similar waiver to reduce the required lot size in an effort to provide smaller lots and dwellings.

- e. Zoning Ordinance, Table 27.72.020(b) to allow an unenclosed front porch to extend no closer than 2 feet from the front property line along U Street and 5 feet along Vine Street.

This waiver is being requested to allow unenclosed porches to be part of the design of the building but extend into the front yard setbacks. This waiver is supported as it will mirror the waiver allowed for the dwellings in the CUP to the south of U Street and encouraged to help match the existing characteristics of the surrounding neighborhood and single-family homes within the area.

- 6. This request is compatible with the goals set in the 2050 Comprehensive Plan as the site is designated for future urban residential on the Future Land Use Map. The project meets additional goals including the infill of an existing site that will add additional residential dwelling units in the greater downtown area with a portion of the units being designated for affordable housing. The density within the CUP will not exceed the density allowed by the Design Standards, while the waivers to lot size and setbacks will assist with flexibility for the single-family lots and affordability. The Comprehensive Plan encourages the redevelopment of existing sites within city limits and neighborhood edges by providing higher density projects along arterial streets. The location also has numerous transportation options with close proximity to Vine Street and N. 27th Street transit routes and pedestrian connectivity throughout the area.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Vacant & R-6, Residential

SURROUNDING LAND USE & ZONING

North: Multifamily Dwellings	R-6, Residential
South: Single Family Dwellings	R-6, Residential
East: Single & Multifamily Dwellings	R-6, Residential
West: Multifamily Dwellings	R-6, Residential

APPLICATION HISTORY

Jan 2023 - The Planning Commission approved Special Permit #22045 creating the Hawley Corners Community Unit Plan totaling 1.04 acres and allowing up to 8 dwelling units.

APPROXIMATE LAND AREA: .32 acres, more or less

LEGAL DESCRIPTION: Lots 1-2, Block 1, Hawley’s Addition

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

Date: September 21, 2023

Applicant/
Contact

REGA Engineering Group
Dillon Reese
601 Old Cheney Road, Suite A
Lincoln, NE 68512
(402) 484-7342
dillon@regaeng.com

Owner:

L.A. Real Estate LLC
3825 Kilkee Road
Lincoln, NE 68520

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/22000/SP22045A Hawley Corners CUP.bmc.docx>

CONDITIONS OF APPROVAL - SPECIAL PERMIT #22045A

Per Section 27.63.320 this approval permits an amendment and expansion to the Hawley Corners Community Unit Plan to add an additional 8 dwelling units for a total of 14 dwelling units with the following waivers for Block 2, Lots 1-8:

1. Lincoln Municipal Code Chapter 28 to waive the requirement for Pre and Post Development Storm Water Detention.
2. Lincoln Municipal Code Chapter 27.72.020(b) to reduce the front yard setback from 20' to 10' on Vine Street, 7.5' along N. 26th Street, and 5' setback along U Street.
3. Lincoln Municipal Code Chapter 27.72.020(b) to reduce the rear yard setback to 7.5 feet.
4. Lincoln Municipal Code Chapter 27.72.020(b) to reduce the minimum lot area to 1,100 square feet.
5. Lincoln Municipal Code Chapter 27.67.060 to allow an unenclosed front porch to extend no closer than 2 feet from the front property line along U Street and 5 feet along Vine Street.

Site Specific Conditions:

1. Before receiving building permits (if no final plat is required) or before a final plat is approved (if final plat is required) the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
 - 1.1 Include previously approved Special Permit #22045 approved plans as part of full plan set. Number new sheets accordingly.
 - 1.2 Revise Sheet 1 to show the entire boundary of the CUP.
 - 1.3 Revise site plan to show Vine Street right-of-way 37' from centerline to match adjacent properties.
 - 1.4 Revise site plan to show individual sidewalk connection to each lot on U Street and Vine Street.
 - 1.5 Include note on current sheet 2 that Lots 1-8 will be serviced by one sanitary sewer main.
 - 1.6 Submit a grading and drainage plan for any revision to the existing storm sewer inlet on N. 26th Street to the satisfaction of LTU-Watershed Management.
2. Before receiving building permits or before a final plat is approved provide the following documents to the Planning Department:
 - 2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
3. Final plat(s) is/are approved by the City.

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

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and

erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.

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

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

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

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

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

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

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

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

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

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

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

to maintain the outlots on a permanent and continuous basis.

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

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

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

to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Permittee(s) may be relieved and discharged of such maintenance obligations upon creating in writing a

permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:

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

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

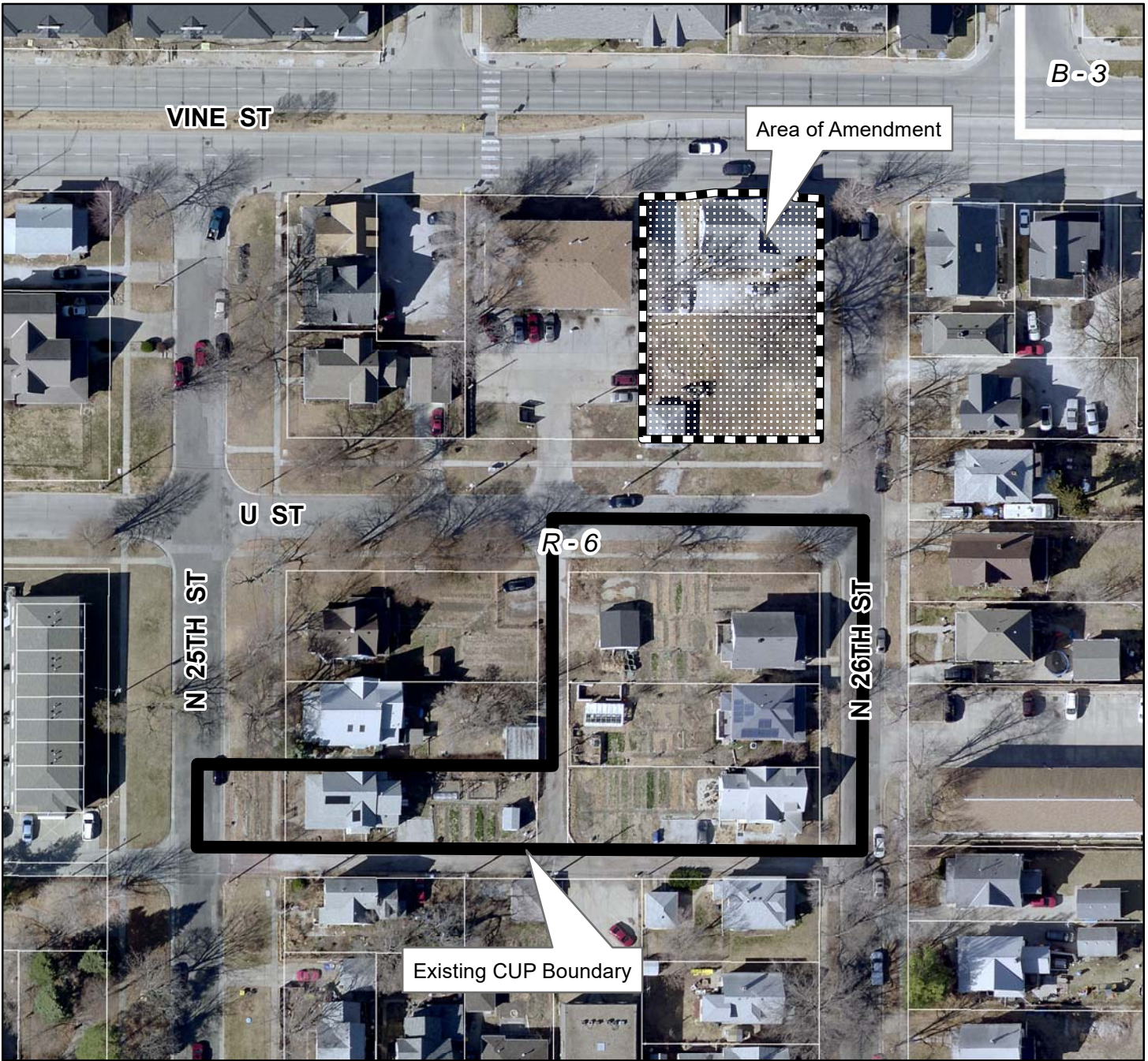
to protect the trees that are indicated to remain during construction and development

to relinquish the right of direct vehicular access to Vine Street.

Standard Conditions:

4. The following conditions are applicable to all requests:

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

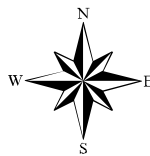


2022 aerial

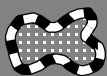


**Special Permit #: SP22045A
Hawley Corners CUP
N 26th St & Vine St**

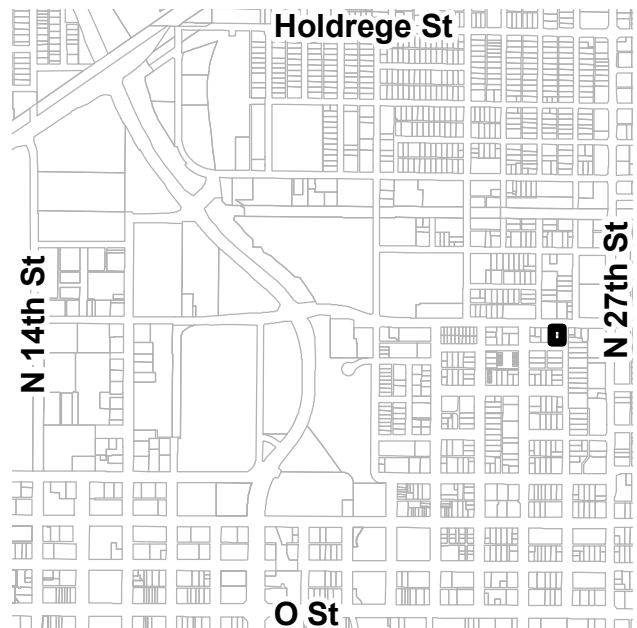
Zoning:

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



One Square Mile:
Sec.24 T10N R06E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction
77	



HAWLEY CORNERS

COMMUNITY UNIT PLAN
BASED ON PC-Res. 01844

NO.	REVISIONS		
	DESCRIPTION	DATE	BY

PROJECT
231148



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

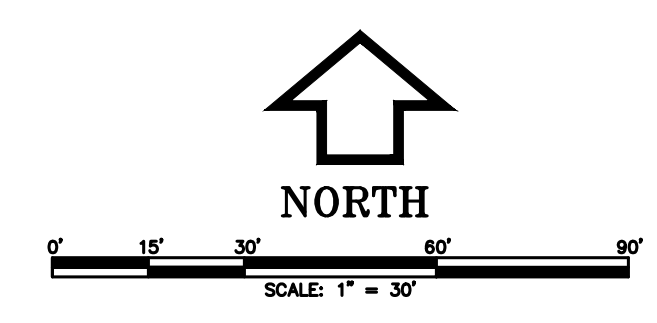
- ENGINEERING
- PLANNING
- LANDSCAPE ARCHITECTURE
- LAND SURVEYING

HAWLEY CORNERS
C.U.P.
LANCASTER COUNTY, CITY OF LINCOLN, NEBRASKA

SEE SHEET 2 FOR ENLARGED VIEW

MONUMENT SYMBOL LEGEND

- 1 ● FOUND 1" PIPE
- 2 ● FOUND ALUMINUM CAP



LEGAL DESCRIPTION (BLOCK 1)

A TRACT OF LAND CONSISTING OF LOT C, CULTRAS SUBDIVISION AND LOT A, B AND C, SCHAFER & CULTRAS SUBDIVISION, BOTH LOCATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH PRINCIPAL MERIDIAN, LANCASTER COUNTY, LINCOLN, NEBRASKA MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE 1" BAR AT THE INTERSECTION OF THE CENTERLINE OF U STREET AND THE CENTERLINE OF NORTH 26TH STREET; THENCE S1°55'23"E (ASSUMED BEARING) ALONG SAID CENTERLINE OF NORTH 26TH STREET, A DISTANCE OF 194.85 FEET TO THE POINT OF INTERSECTION OF SAID CENTERLINE OF SAID 26TH STREET AND THE CENTERLINE OF A 16.0 FOOT ALLEY; THENCE S88°04'18"W ALONG THE CENTERLINE OF A 16.0 FOOT ALLEY, A DISTANCE OF 374.76 FEET TO A POINT ON THE CENTERLINE OF NORTH 25TH STREET; THENCE N1°55'03"W, ALONG SAID CENTERLINE OF NORTH 25TH STREET, A DISTANCE OF 55.27 FEET; THENCE N88°04'12"E, A DISTANCE OF 199.88 FEET TO THE CENTERLINE OF A 16 FOOT ALLEY, CULTRAS SUBDIVISION; THENCE N1°55'13"W ALONG SAID CENTERLINE OF A 16.0 FOOT ALLEY, CULTRAS SUBDIVISION, A DISTANCE OF 139.56 FEET TO A POINT ON SAID CENTERLINE OF U STREET; THENCE N88°04'02"E ALONG SAID CENTERLINE OF U STREET, A DISTANCE OF 174.87 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS AN AREA OF 45122 SQUARE FEET OR 1.04 ACRES MORE OR LESS.

GENERAL NOTES (BLOCK 1)

- SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE, AND MUST BE APPROVED BY BUILDING & SAFETY DEPARTMENT PRIOR TO INSTALLATION.
- ZONING IS R-6 WITHIN THIS C.U.P.
- THE DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE SETBACKS AS PER R-6 ZONING DISTRICT WITH EXCEPTION OF APPROVED WAIVERS.
- ALL LOT LINES ARE CONCEPTUAL AND FINAL PLATS MAY SHOW DIFFERENT DIMENSIONS.
- UTILITY EASEMENTS TO BE PROVIDED AS REQUIRED BY L.E.S.
- SANITARY SEWER AND WATER LINES TO BE BUILT TO THE CITY OF LINCOLN SPECIFICATIONS WITH EXCEPTION OF APPROVED WAIVERS.

WAIVERS (BLOCK 1)

- PRE/POST DEVELOPMENT STORM WATER DETENTION (LINCOLN MUNICIPAL CODE CHAPTER 26.11.040)
- FRONT YARD SETBACK OF 10' INSTEAD OF 20' (LINCOLN MUNICIPAL CODE CHAPTER 27.72.020(B)) FOR THREE DWELLING UNITS.
- SIDE YARD SETBACK OF 2.5' INSTEAD OF 5' (LINCOLN MUNICIPAL CODE CHAPTER 27.72.020(B))
- REAR YARD SETBACK OF 10' INSTEAD OF THE SMALLER OF 30' OR 20% LOT DEPTH (LINCOLN MUNICIPAL CODE CHAPTER 27.72.020(B)) FOR THREE DWELLING UNITS.
- LOT AREA MINIMUM OF 2,400 S.F. INSTEAD OF 4,000 S.F. (LINCOLN MUNICIPAL CODE CHAPTER 27.72.020(B)) FOR THREE DWELLING UNITS.
- ALLOW 1 PARKING SPACE PER DWELLING UNIT INSTEAD OF 1.75 (LINCOLN MUNICIPAL CODE CHAPTER 27.60.020) FOR THREE DWELLING UNITS.
- ALL UNENCLOSED PORCHES TO EXTEND NO CLOSER THAN 2' FROM THE PROPERTY LINE ALONG U ST. (LINCOLN MUNICIPAL CODE 27.72.020(B)) FOR THREE DWELLING UNITS.
- WAIVER FROM DESIGN STANDARDS TO ALLOW DRIVEWAY APPROACH TO EXTEND BEYOND PROPERTY LINE.
- WAIVER TO THE DESIGN STANDARDS TO ALLOW WATER MAIN AND SERVICE ALONG THE SOUTH SIDE OF U STREET.

DEVELOPER (BLOCK 1):

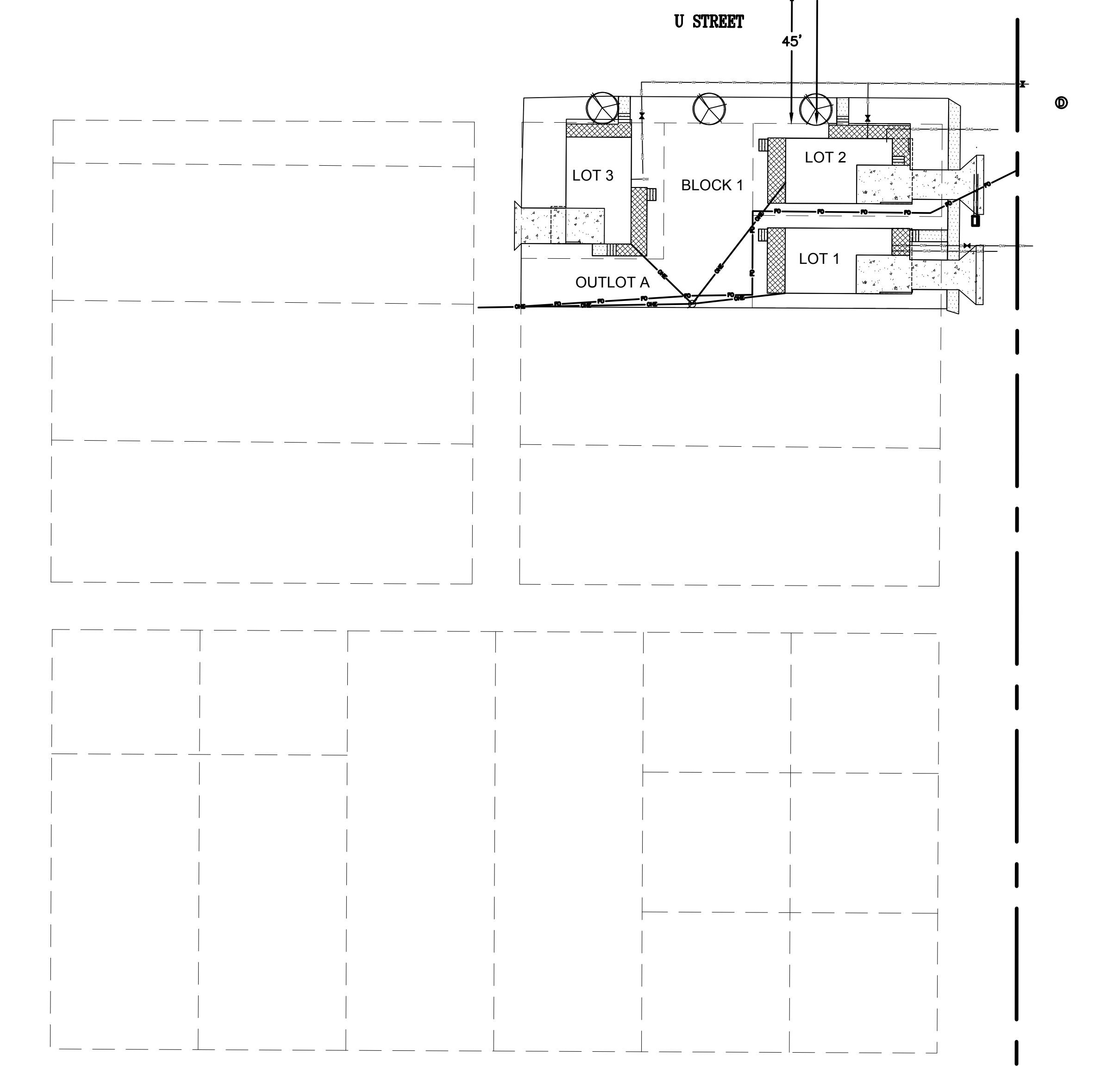
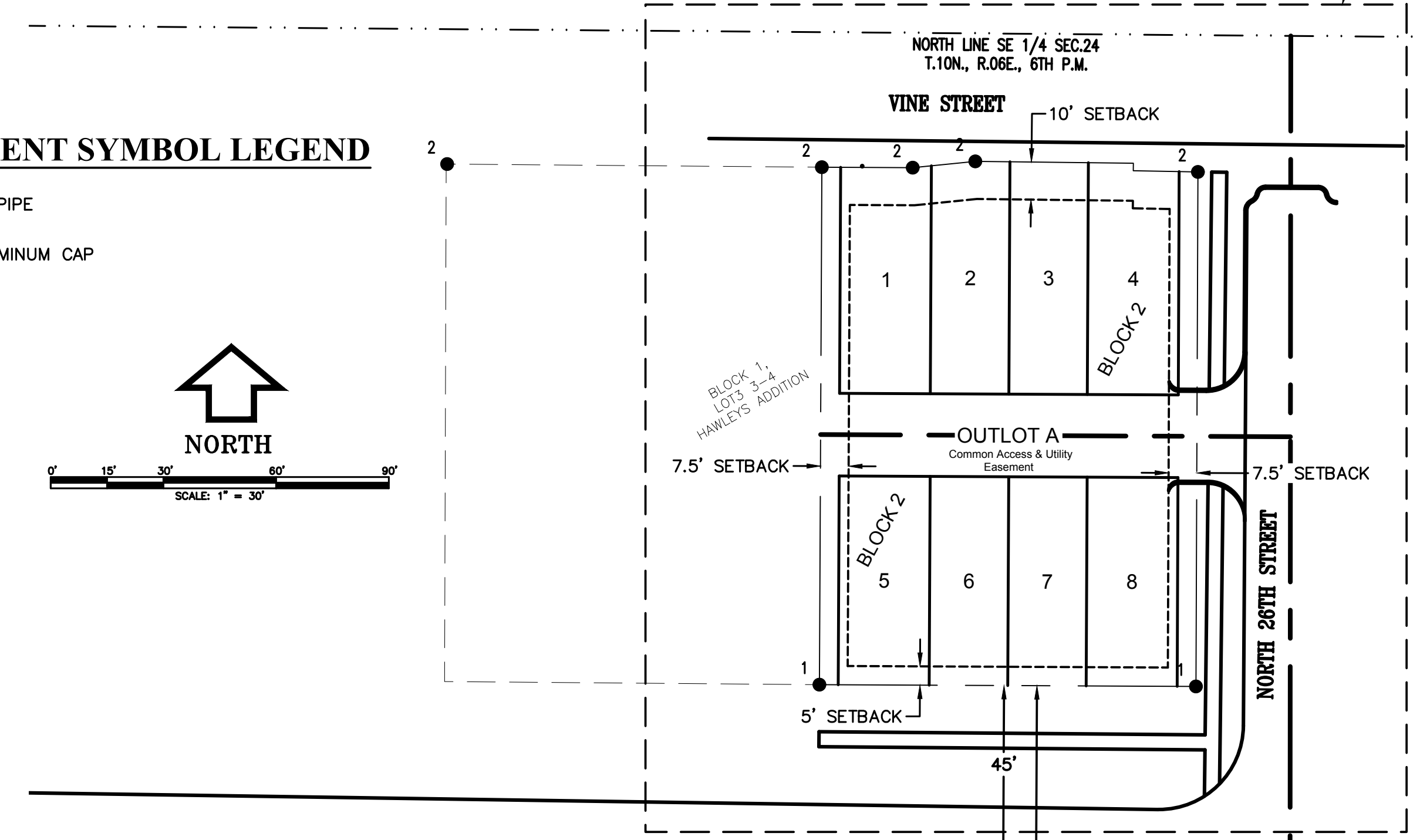
NEIGHBORWORKS LINCOLN
2530 Q STREET
LINCOLN, NE 68503

SURVEYOR (BLOCK 1):

SCHEMMER
333 S. 21ST STREET
LINCOLN, NE 68510

ENGINEER (BLOCK 1):

SCHEMMER
333 S. 21ST STREET
LINCOLN, NE 68510



LEGAL DESCRIPTION (BLOCK 2)

A PARCEL OF LAND BEING ALL OF LOTS 1 AND 2 IN BLOCK 1 OF HAWLEY'S ADDITION LOCATED IN THE SOUTHEAST 1/4 OF SEC. 24, T.10N., R.6E. OF THE 6TH/P.M., LANCASTER COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1;
THENCE ON THE SOUTH LINE OF SAID BLOCK 1, N89°43'53"W, 100.22 FEET TO THE WEST BOUNDARY OF SAID LOT 2 ALL BEARINGS HEREON ARE RELATIVE THERETO;
THENCE ON SAID WEST BOUNDARY, N00°16'13"E, 137.74 FEET TO THE SOUTH RIGHT-OF-WAY OF VINE STREET;
THENCE ON SAID SOUTH RIGHT-OF-WAY THE FOLLOWING FIVE (5) COURSES:
S89°41'32"E, 24.19 FEET;
THENCE N84°14'30"E, 16.74 FEET;
THENCE S89°20'02"E, 42.06 FEET;
THENCE S00°39'49"W, 2.00 FEET;
THENCE S88°55'53"E, 17.22 FEET TO THE EAST BOUNDARY OF SAID LOT 1;
THENCE ON SAID EAST BOUNDARY, S00°13'18"W, 136.95 FEET TO THE POINT OF BEGINNING.
CONTAINING 13,866 SQUARE FEET OR 0.32 ACRES MORE OR LESS.

GENERAL NOTES (BLOCK 2)

- ALL LOT LINES ARE CONCEPTUAL. THE FINAL PLAT MAY SHOW DIFFERENT DIMENSIONS.
- THE DEVELOPER/OWNER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE LOT WHICH IS OUTSIDE OF THE BUILDING SETBACKS AND EASEMENTS SHOWN.
- UTILITY EASEMENTS SHALL BE GRANTED TO L.E.S.
- ZONING IS R-6 WITHIN THIS C.U.P.

WAIVERS (BLOCK 2)

- PRE/POST DEVELOPMENT STORM WATER DETENTION (LINCOLN MUNICIPAL CODE CHAPTER 26.11.040)
- FRONT YARD SETBACK OF 10', 7.5' AND 5' INSTEAD OF 20' (LINCOLN MUNICIPAL CODE CHAPTER 27.72.020(B)) FOR THREE DWELLING UNITS.
- SIDE YARD SETBACK OF 0' INSTEAD OF 5' (LINCOLN MUNICIPAL CODE CHAPTER 27.72.020(B))
- REAR YARD SETBACK OF 7.5' INSTEAD OF THE SMALLER OF 30' OR 20% LOT DEPTH (LINCOLN MUNICIPAL CODE CHAPTER 27.72.020(B)) FOR THREE DWELLING UNITS.
- LOT AREA MINIMUM OF 1,100 S.F. INSTEAD OF 2,500 S.F. (LINCOLN MUNICIPAL CODE CHAPTER 27.72.020(B)) FOR THREE DWELLING UNITS.
- ALL UNENCLOSED PORCHES TO EXTEND NO CLOSER THAN 2' FROM THE PROPERTY LINE ALONG U ST. (LINCOLN MUNICIPAL CODE 27.72.020(B)) FOR THREE DWELLING UNITS.
- ALL UNENCLOSED PORCHES TO EXTEND NO CLOSER THAN 5' FROM THE PROPERTY LINE ALONG VINE ST. (LINCOLN MUNICIPAL CODE 27.72.020(B)) FOR THREE DWELLING UNITS.

DENSITY

TOTAL SITE AREA: 1.36
ALLOWABLE DENSITY: 48.4 PER ACRE IN R-6 ZONING = 65.82 DWELLING UNITS
PROPOSED DENSITY: 14

OWNER:

L.A. REAL ESTATE
3825 KILKEE RD.
LINCOLN, NE 68520

SURVEYOR:

LYLE L. LOTH
REGA ENGINEERING GROUP INC.
601 OLD CHENEY RD., SUITE 'A'
LINCOLN, NE 68512 (402) 484-7342

ENGINEER:

NATHANIEL P. BURNETT
REGA ENGINEERING GROUP INC.
601 OLD CHENEY RD., SUITE 'A'
LINCOLN, NE 68512 (402) 484-7342

DATE: 08-31-2023
DESIGNED BY: RDR
DRAWN BY: RDR
CHECKED BY: NB/LL

PRELIMINARY PLAN
NOT FOR CONSTRUCTION

SHEET NO.
1 of 2

HAWLEY CORNERS

COMMUNITY UNIT PLAN
 BASED ON PC-Res. 01844

NORTH LINE SE 1/4 SEC.24
 T.10N., R.06E., 6TH P.M.

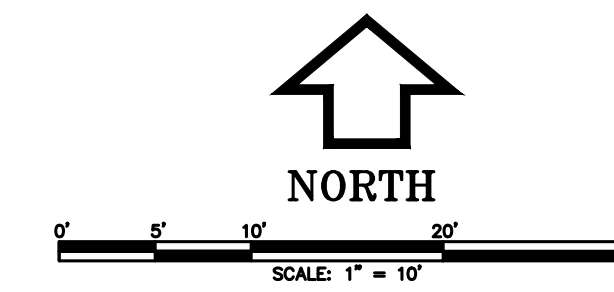
NO.	REVISIONS		
	DESCRIPTION	DATE	BY

PROJECT
 231148

REGA
ENGINEERING

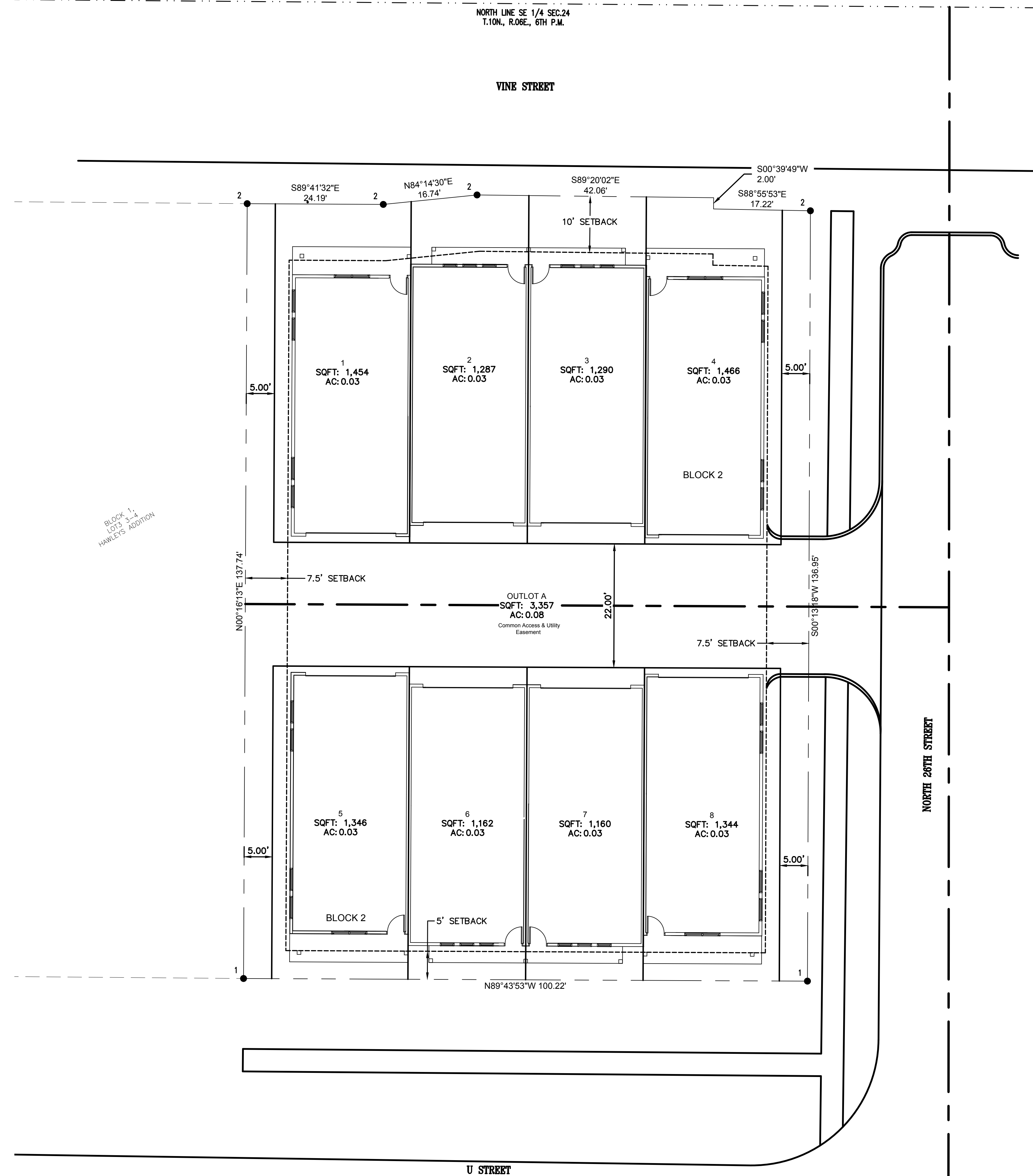
601 OLD CHENEY RD., SUITE A
 LINCOLN, NEBRASKA 68512
 (402).484.7342

- ENGINEERING
- PLANNING
- LANDSCAPE ARCHITECTURE
- LAND SURVEYING



MONUMENT SYMBOL LEGEND

- 1 ● FOUND 1" PIPE
- 2 ● FOUND ALUMINUM CAP



HAWLEY CORNERS
 C.U.P.
 LANCASTER COUNTY, CITY OF LINCOLN, NEBRASKA

DATE: 08-31-2023
 DESIGNED BY: RDR
 DRAWN BY: RDR
 CHECKED BY: NB/LL

PRELIMINARY PLAN
 NOT FOR CONSTRUCTION

SHEET NO.
 2 of 2



File No. 231148
September 05, 2023

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

RE: Hawley Corners
COMMUNITY UNIT PLAN
2537 VINE ST/707 N 26TH ST

Dear David,

On behalf of L.A. Real Estate, LLC, the developer, we are submitting an application for an amendment to the Hawley Corners CUP located at the NW Corner of N. 26th and 'U' Street. Currently, the property consists of a single building that will be demolished for the proposed townhomes. The planning department has requested an extension of the Hawley Corners CUP from the South side of 'U' Street. The updated CUP Boundary includes 1.36 acres. Per the density of the current R-6 zoning district, the maximum dwelling units allowed are 65 units. The total number of dwelling units shown with this special permit is 14 units. The proposed amendment is adding 8 units to the previously approved Hawley Corners. The development includes (8) single family attached lots and (1) outlot for an access and utility easement and private drive and pedestrian connectivity.

A meeting and/or information of the development will take place and/or be given to the surrounding neighbors and neighborhood associations prior to the Planning Commission meeting.

The following waivers are being requested as follows:

1. PRE/POST DEVELOPMENT STORM WATER DETENTION (LINCOLN MUNICIPAL CODE CHAPTER 26.11.040)
The property is 0.32 acres and will not have a significant impact on runoff within the existing built environment.
2. FRONT YARD SETBACK OF 10', 7.5' AND 5' INSTEAD OF 20' (LINCOLN MUNICIPAL CODE CHAPTER 27.72020(B)) FOR THREE DWELLING UNITS.
The proposed development is limited on lot size due to the existing property. Through working with the Planning Department, the reduction in the front yard setback will still allow the necessary open space and comply with the surrounding neighborhood.
3. SIDE YARD SETBACK OF 0' INSTEAD OF 5' (LINCOLN MUNICIPAL CODE CHAPTER 27.72.020(B))
The proposed development is limited on lot size due to the existing property. Through working with the Planning Department, the reduction in the side yard setback is allowable as it is an internal setback for the party walls.



4. REAR YARD SETBACK OF 7.5' INSTEAD OF THE SMALLER OF 30' OR 20% LOT DEPTH (LINCOLN MUNICIPAL CODE CHAPTER 27.72.020(B)) FOR THREE DWELLING UNITS.
The proposed development is limited on lot size due to the existing property. Through working with the Planning Department, the reduction in the rearyard setback will still allow the necessary open space and comply with the surrounding neighborhood.
5. LOT AREA MINIMUM OF 1,100 S.F. INSTEAD OF 2,500 S.F. (LINCOLN MUNICIPAL CODE CHAPTER 27.72.020(B)) FOR THREE DWELLING UNITS.
To allow for the townhomes to be developed, we are requesting a reduction in the lot area in order to achieve the City of Lincoln's goals for infill development.
6. ALL UNENCLOSED PORCHES TO EXTEND NO CLOSER THAN 2' FROM THE PROPERTY LINE ALONG U ST. (LINCOLN MUNICIPAL CODE 27.72.020(B) FOR THREE DWELLING UNITS.
For consistency of the neighborhood and matching the previously approved CUP we are requesting unenclosed porches to be closer to the property line.
7. ALL UNENCLOSED PORCHES TO EXTEND NO CLOSER THAN 5' FROM THE PROPERTY LINE ALONG VINE ST. (LINCOLN MUNICIPAL CODE 27.72.020(B) FOR THREE DWELLING UNITS.
For consistency of the neighborhood and matching the previously approved CUP we are requesting unenclosed porches to be closer to the property line.

We look forward to meeting with the Planning Department and other City Departments on this application. Please do not hesitate to contact me if you have any questions, comments or concerns.

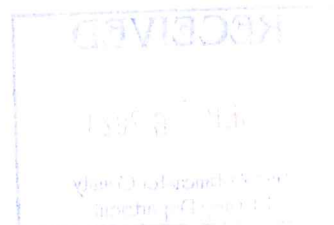
Sincerely,

A handwritten signature in black ink, appearing to read 'DR', is written over the 'Sincerely,' text.

Dillon Reese

Cc: Aaron Burd

Enclosed: Application Form
Application Fee – CUP of \$1,112.64
CUP Description
Waiver List



HAWLEY CORNERS – Block 2

A parcel of land being all of Lots 1 and 2 in Block 1 of Hawley's Addition located in the Southeast 1/4 of Sec. 24, T.10N., R.6E. of the 6th P.M., Lancaster County, Nebraska, being more particularly described as follows:

Beginning at the Southeast Corner of said lot 1;

Thence on the South line of said Block 1, N89°43'53"W, 100.22 feet to the West boundary of said lot 2 all bearings hereon are relative thereto;

Thence on said West boundary, N00°16'13"E, 137.74 feet to the South Right-Of-Way of Vine Street;

Thence on said South Right-Of-Way the following five (5) courses:

S89°41'32"E, 24.19 feet;

Thence N84°14'30"E, 16.74 feet;

Thence S89°20'02"E, 42.06 feet;

Thence S00°39'49"W, 2.00 feet;

Thence S88°55'53"E, 17.22 feet to the East boundary of said Lot 1;

Thence on said East boundary, S00°13'18"W, 136.95 feet to the **Point of Beginning.**

Containing 13,866 Square Feet or 0.32 Acres more or less.



KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

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

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

ANALYSIS

1. This is a request for a Special Permit to allow a decorative cupola, as part of a single-family residence, to exceed the 35' maximum height allowed in the AG, Agricultural zoning district. Without the cupola, the proposed residence would be approximately 33' tall. With the cupola, the building height would be measured as approximately 45' tall, exceeding the maximum height of the AG district by 10'. The cupola will have a decorative weathervane on top, which will make the building approximately 69' tall. The building permit for the single-family residence, without the cupola, has been approved by the Building & Safety Department.
- 2.
3. The 35' maximum height of the AG zoning district may be exceeded with an approved special permit per Lincoln Municipal Code 27.63.250 for Permitted Use Exceeding the Maximum Height Permitted in District. The proposed residence and associated cupola are located in a largely undeveloped area and there are no nearby neighbors or residences.
4. The residence is proposed to be built is in the Airport Zoning District, specifically in the Airport Turning Zone, which has a height limit of 150' above the highest elevation on the existing or proposed runway. The Airport Authority has reviewed the proposal and determined that no height permit is required and recommended approval. The Airport Authority did note that, per LMC 27.59.067, notice of proposed construction is due to the Federal Aviation Administration at least 45 days prior to construction.
5. The site is not within the Capitol View Corridor, so it does not need to be reviewed by the Capitol Environs Commission.
6. The request is compatible with the Comprehensive Plan as the current land use designation is Agricultural, which permits single-family residences as a use by right. While the 2050 Comprehensive Plan shows the site as Light Industrial, the land use plan displays the generalized location of each land use, but is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use to another is often gradual, and in the case of this special permit, the proposed single-family residence is permitted by right as of 2023 on the site. This special permit simply permits the construction of an architectural decoration on a permitted use.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Agricultural / AG, Agricultural

SURROUNDING LAND USE & ZONING

North: Agricultural AG, Agricultural
South: Agricultural AG, Agricultural
East: Agricultural AG, Agricultural
West: Agricultural AG, Agricultural

APPROXIMATE LAND AREA: 22.37 acres, more or less

LEGAL DESCRIPTION: Lot 83 Irregular Tract, located in the Southwest Quarter of the Northwest Quarter of Section 20-10-6, Lancaster County, Nebraska.

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

Date: September 20, 2023

Applicant: Clark Farms LLC
1320 Lincoln Mall, Suite 200
Lincoln, NE 68508

Contact: Ann K. Post
1128 Lincoln Mall, Suite 300
Lincoln, NE 68508
apost@remboltlawfirm.com

Owner: Clark Farms LLC
1320 Lincoln Mall, Suite 200
Lincoln, NE 68508

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/23000/SP23032 Clark Farm LLC Cupola Height Permit.edm.docx>

CONDITIONS OF APPROVAL - SPECIAL PERMIT #23032

Per Section 27.63.250 for Permitted Use Exceeding the Maximum Height Permitted in District, this approval permits a 45-foot tall single-family dwelling unit as generally shown on the site plan, which exceeds the 35-foot height limit in the AG district.

Site Specific Conditions:

1. Before receiving building permits (if no final plat is required) or before a final plat is approved (if final plat is required) the permittee shall cause to be prepared and submitted to the Planning Department a reproducible final plot plan including 2 copies.

Standard Conditions:

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

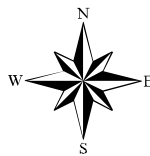


2022 aerial

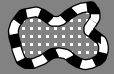


Special Permit #: SP23032
NW 40th St & W Vine St

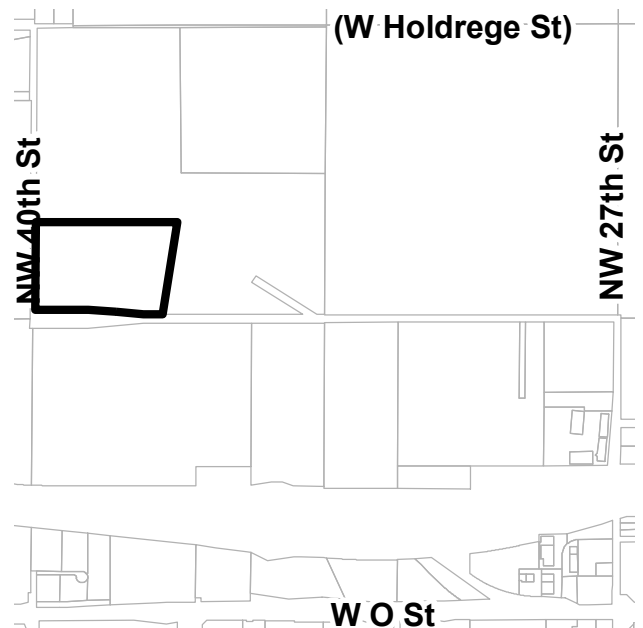
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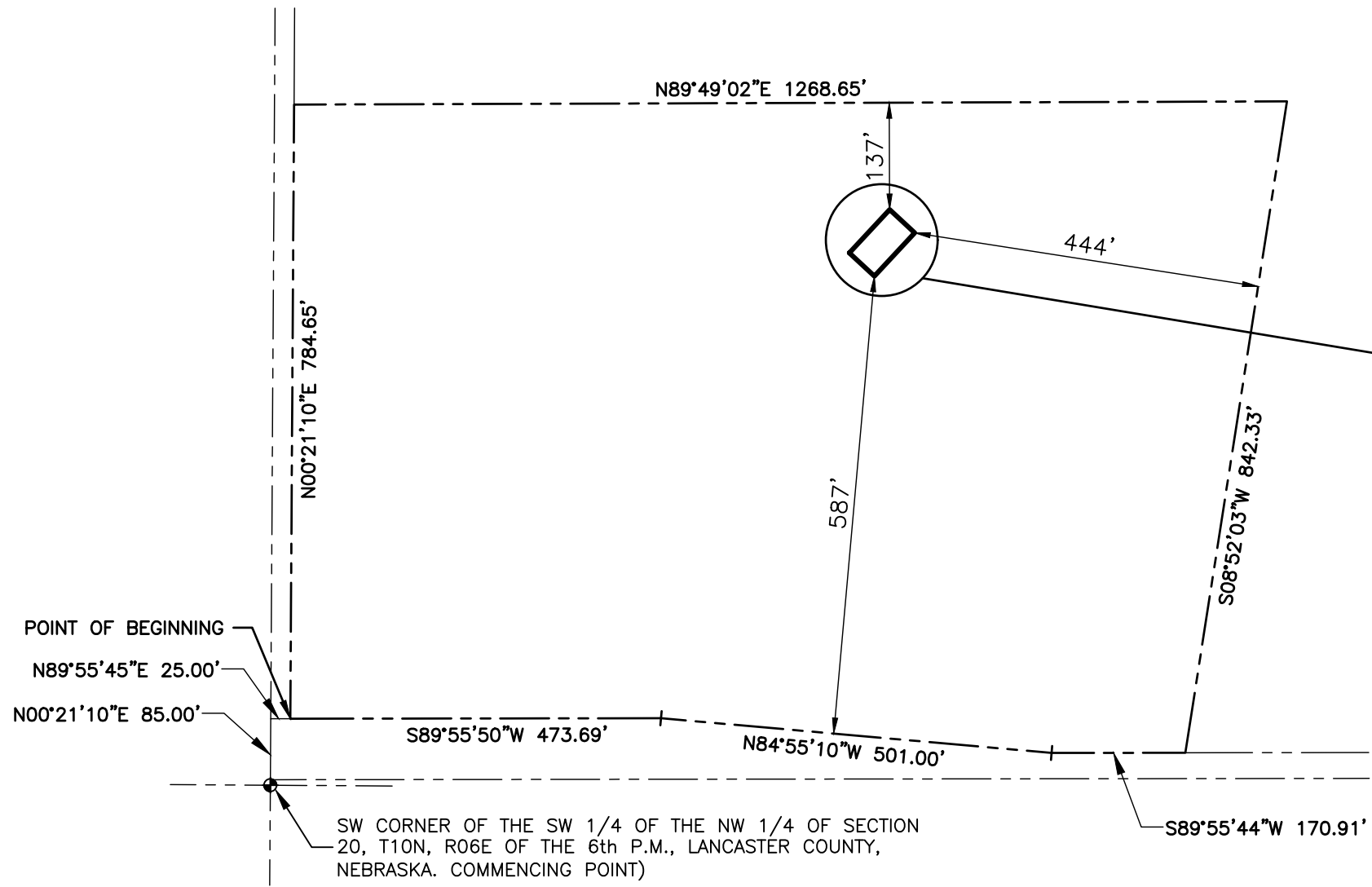
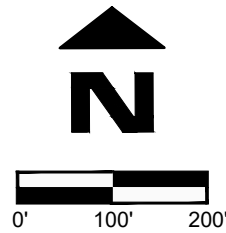
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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



One Square Mile:
 Sec.20 T10N R06E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction
87	





PROPOSED CONSTRUCTION ON:
 THAT PART OF THE SW 1/4 OF THE NW 1/4 OF SECTION 20, T10N, R06E OF
 THE 6TH P.M. LANCASTER COUNTY, NEBRASKA MORE PARTICULARLY
 DESCRIBED AS FOLLOWS; COMMENCING AT THE SW CORNER OF SAID
 SW 1/4;

THENCE N00°21'10"E 85.00 FEET ON THE WEST LINE OF SAID SW 1/4:

THENCE N89°55'45"E 25.00 FEET TO THE POINT OF BEGINNING;

THENCE N00°21'10"E 784.65 FEET ON A LINE 25.00 FEET EAST OF AND
 PARALLEL TO THE WEST LINE OF SAID SW 1/4;

THENCE N89°49'02"E 1268.65 FEET;

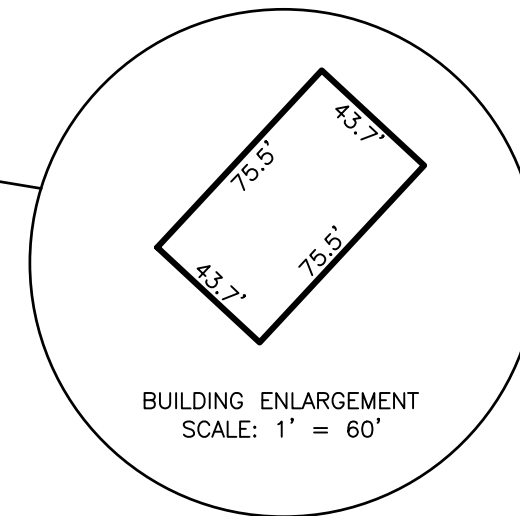
THENCE S08°52'03"W 842.33 FEET TO A POINT 33.00 FEET NORTH OF THE
 SOUTH LINE OF SAID SW 1/4 ;

THENCE S89°55'44"W 170.91 FEET ON A LINE 33.00 FEET NORTH OF AND
 PARALLEL TO THE SOUTH LINE OF SAID SW 1/4;

THENCE N84°55'10"W 501.00 FEET;

THENCE S89°55'50"W 473.69 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINING 22.25 ACRES



thompson, dreessen & dornier, inc.
 10836 Old Mill Rd
 Omaha, NE 68154
 p.402.330.8860 f.402.330.5866
 td2co.com
 dba: TD2 Engineering & Surveying
 NE CA-0199

SITE PLAN

Client Name

CURT HOFER
 CONSTRUCTION,
 LLC

40th &
 HOLDREDGE
 STREET

Revision Dates

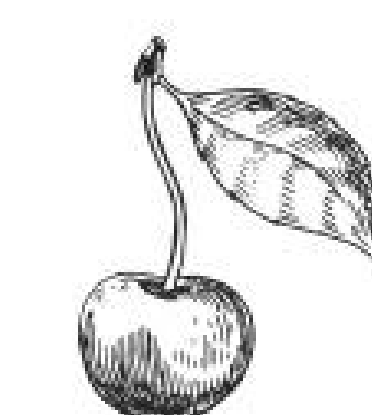
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 Page:

Sheet Title

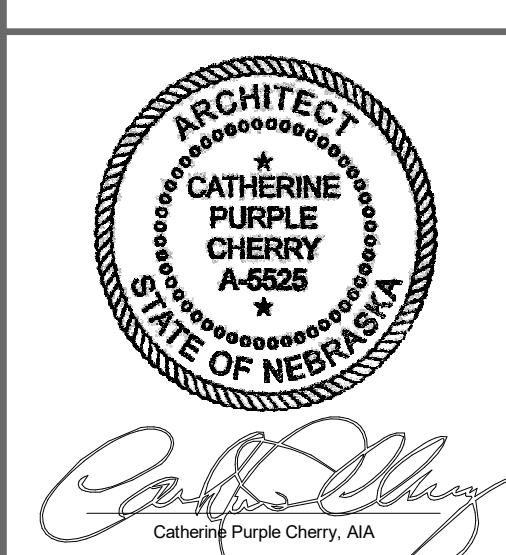
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SHEET 1 OF 1



PURPLE CHERRY architects
 1 Melvin Avenue
 Annapolis, MD 21401
 info@purplecherry.com
 410.990.1700 Fx: 410.990.1704
 701 Water Street E
 Charlottesville, VA 22902
 434.245.2211

STRUCTURAL ENGINEER
 PILOTOWN ENGINEERING
 1756 NASSAU BOULEVARD UNIT 3
 LEWES, DE 19958
 PHONE: 302.703.1770
 EMAIL: info@pilotownengineering.com
 https://www.pilotownengineering.com/



I CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND. LICENSE NUMBER: A-6525. EXPIRATION DATE: 06/30/2025.

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WILD PINES RESIDENCE
 LANCASTER COUNTY NEBRASKA

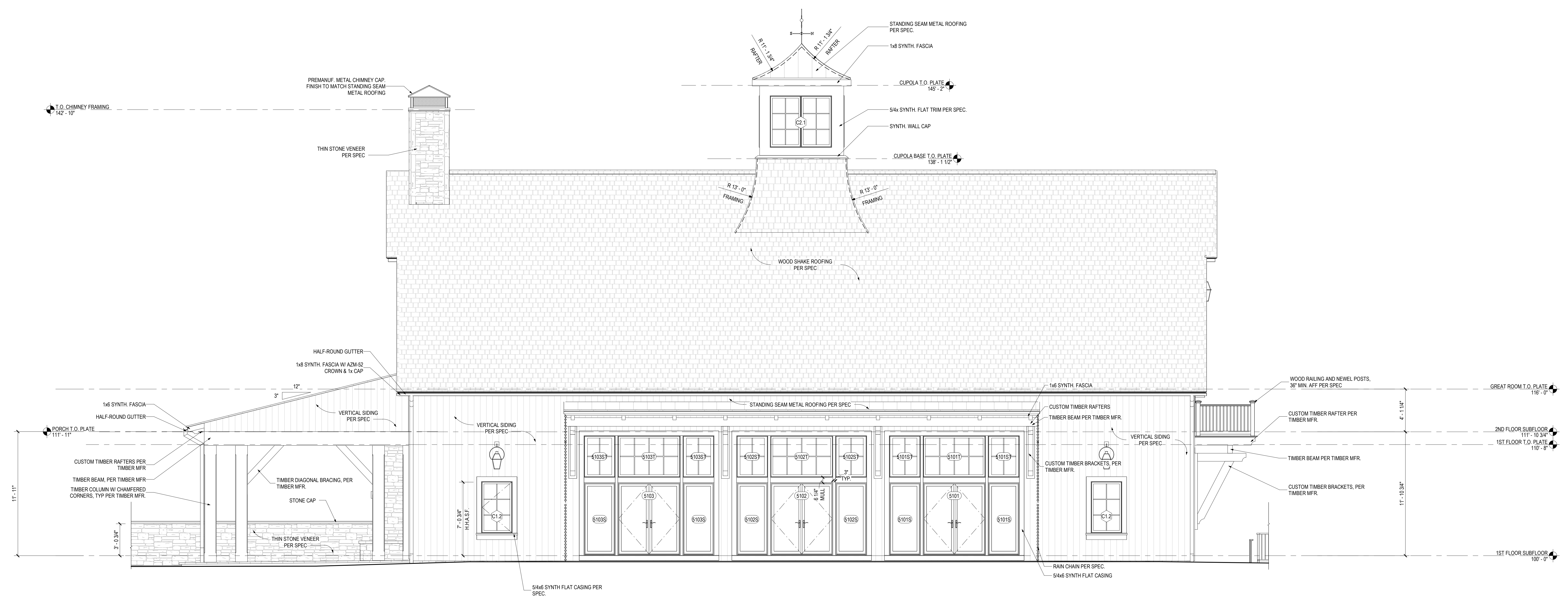
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#	REVISION	DATE

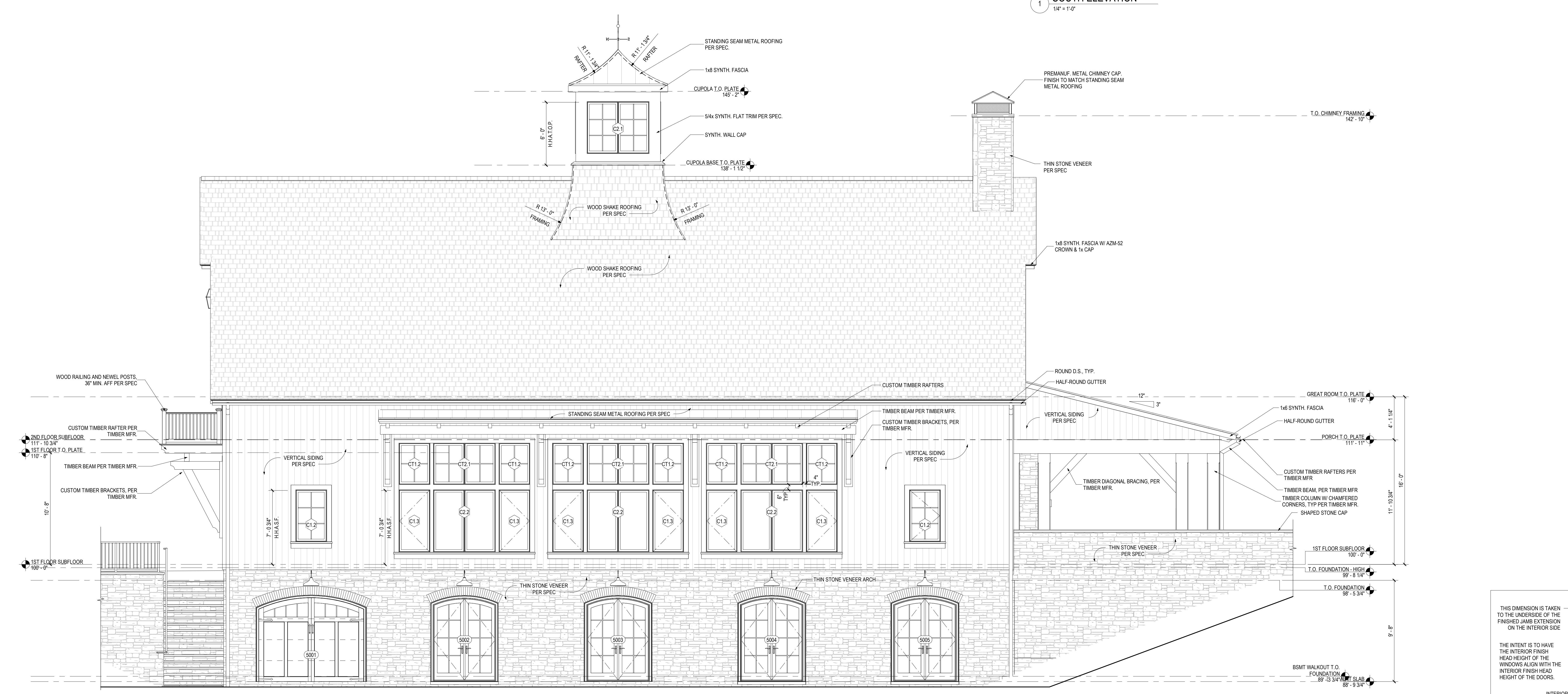
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ELEVATIONS

A-200



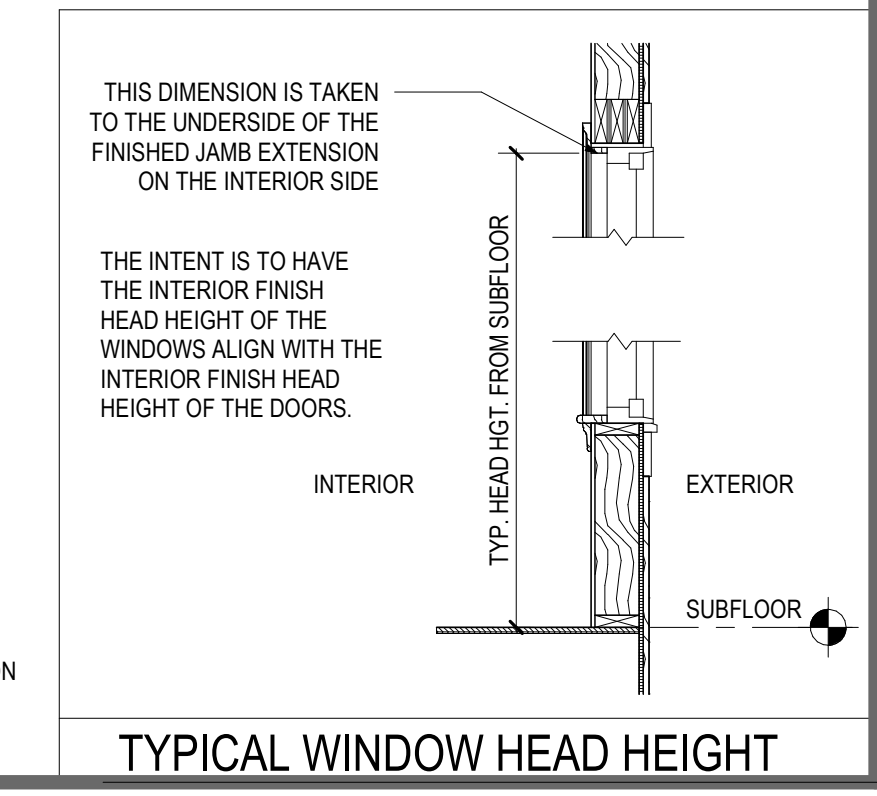
1 SOUTH ELEVATION
 1/4" = 1'-0"

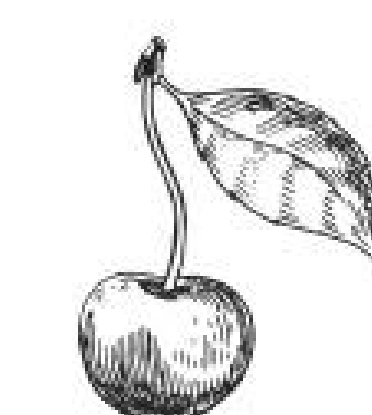


2 NORTH ELEVATION
 1/4" = 1'-0"

ACTUAL ELEVATION HEIGHTS:
 ACTUAL FIRST FLOOR ELEVATION ABOVE SEA LEVEL: 0'-0"
 ACTUAL AVERAGE GRADE PLANE ABOVE SEA LEVEL: 0'-0"

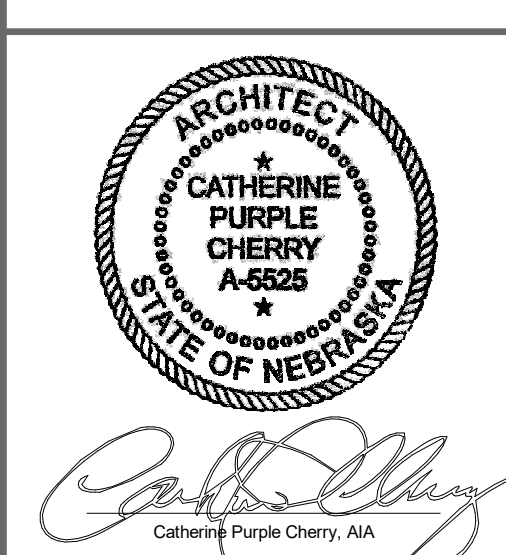
ELEVATION CALLOUTS SHOWN ARE RELATIVE TO FIRST FLOOR ELEVATION AND DO NOT REFLECT ACTUAL ELEVATIONS ABOVE SEA LEVEL. SEE CIVIL SITE PLAN FOR ACTUAL ELEVATIONS ABOVE SEA LEVEL.





PURPLE CHERRY architects
 1 Melvin Avenue
 Annapolis, MD 21401
 info@purplecherry.com
 410.990.1700 Fx: 410.990.1704
 701 Water Street E
 Charlottesville, VA 22902
 434.245.2211

STRUCTURAL ENGINEER
 PILOTOWN ENGINEERING
 1756 NASSAU BOULEVARD UNIT 3
 LEWES, DE 19958
 PHONE: 302.703.1770
 EMAIL: info@pilotownengineering.com
 https://www.pilotownengineering.com/



I CERTIFY THAT THESE DOCUMENTS WERE PROVIDED OR APPROVED BY ME AND THAT I AM A FULLY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND. LICENSE NUMBER: A-6555. EXPIRATION DATE: 06/30/2023.

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WILD PINES RESIDENCE
 LANCASTER COUNTY NEBRASKA

DRAWING	DATE
PERMIT SET	08.01.23

REVISION SCHEDULE		
#	REVISION	DATE

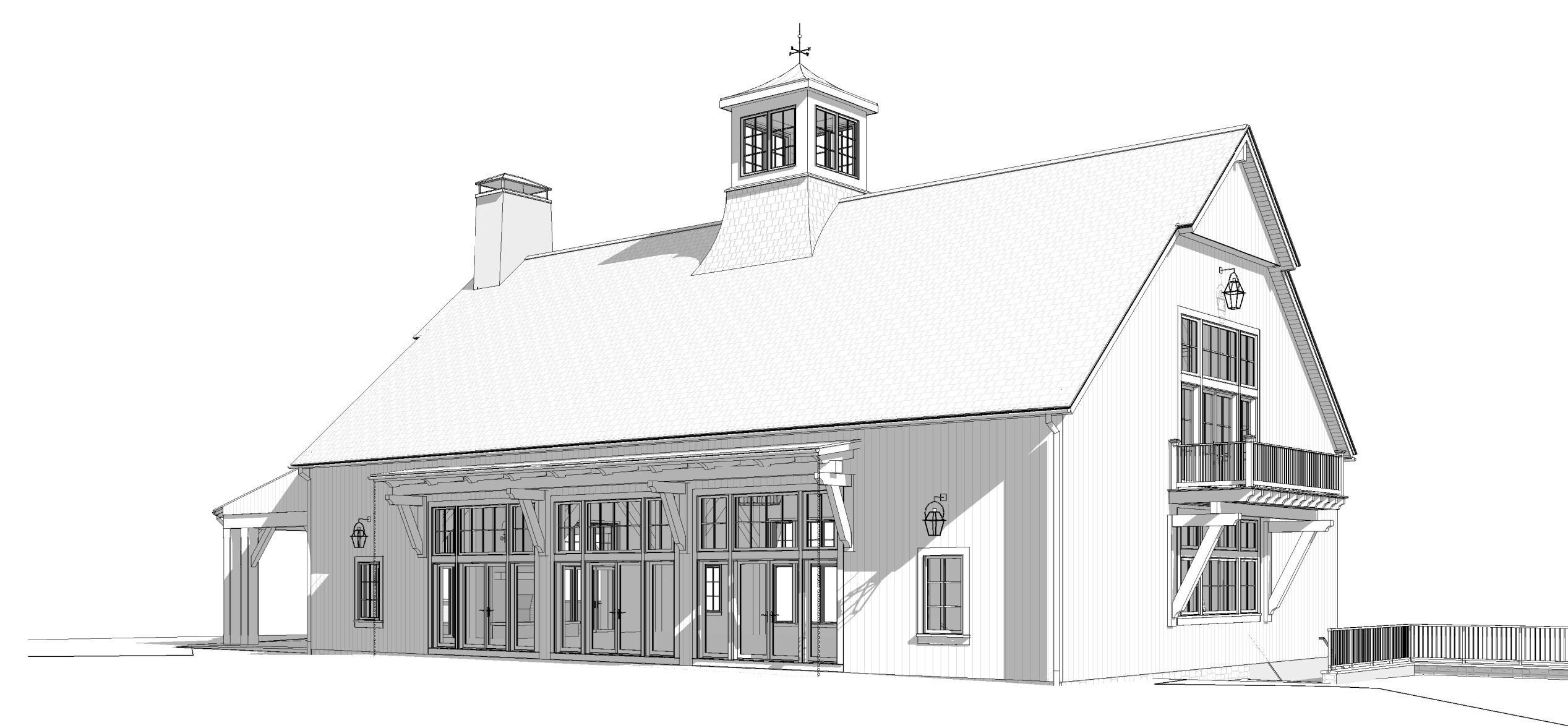
JOB NO: 22-033
 DRAWN BY: MCA

ELEVATIONS

A-201



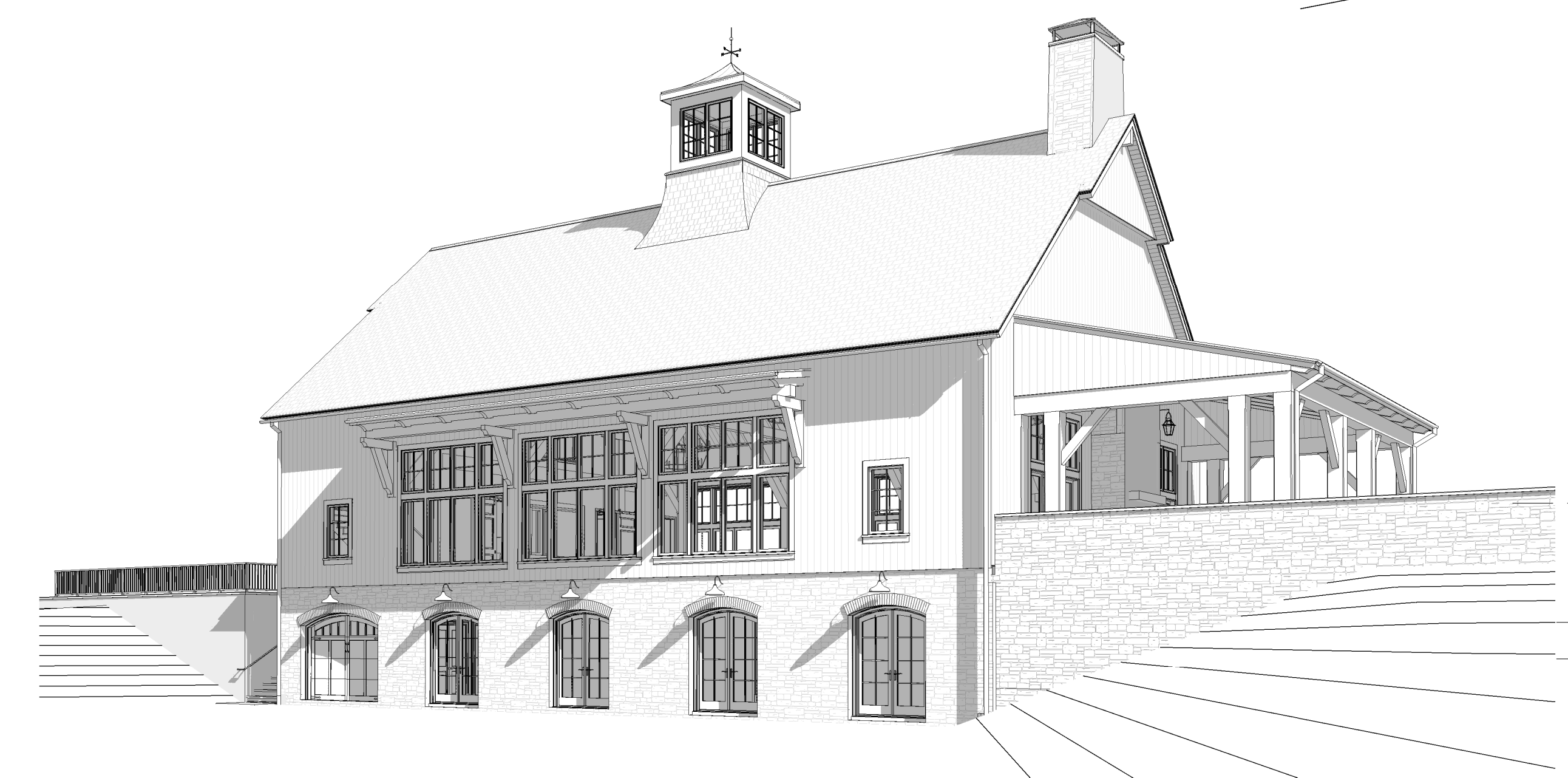
3 EXTERIOR PERSPECTIVE



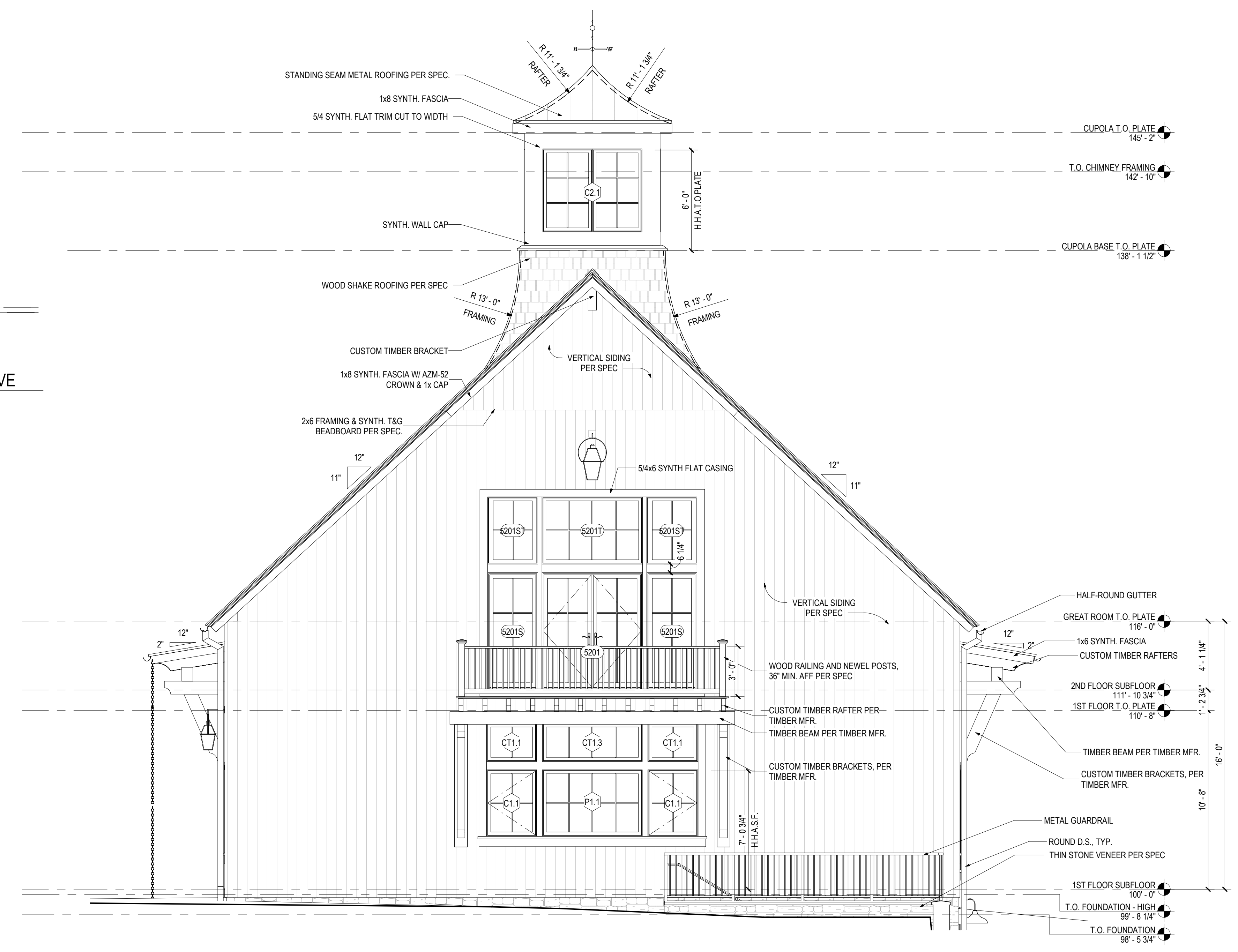
4 EXTERIOR PERSPECTIVE



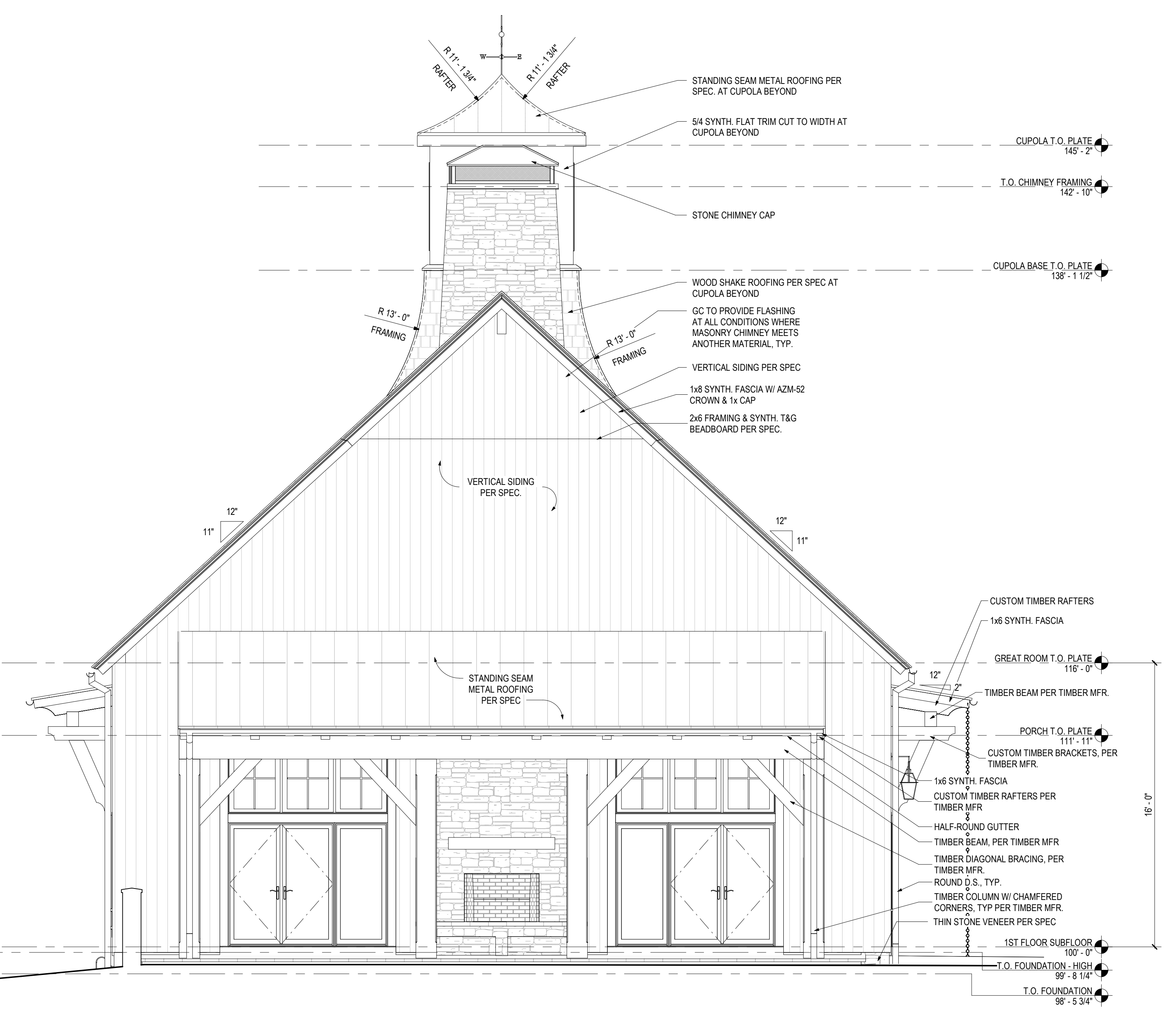
6 EXTERIOR PERSPECTIVE



5 EXTERIOR PERSPECTIVE



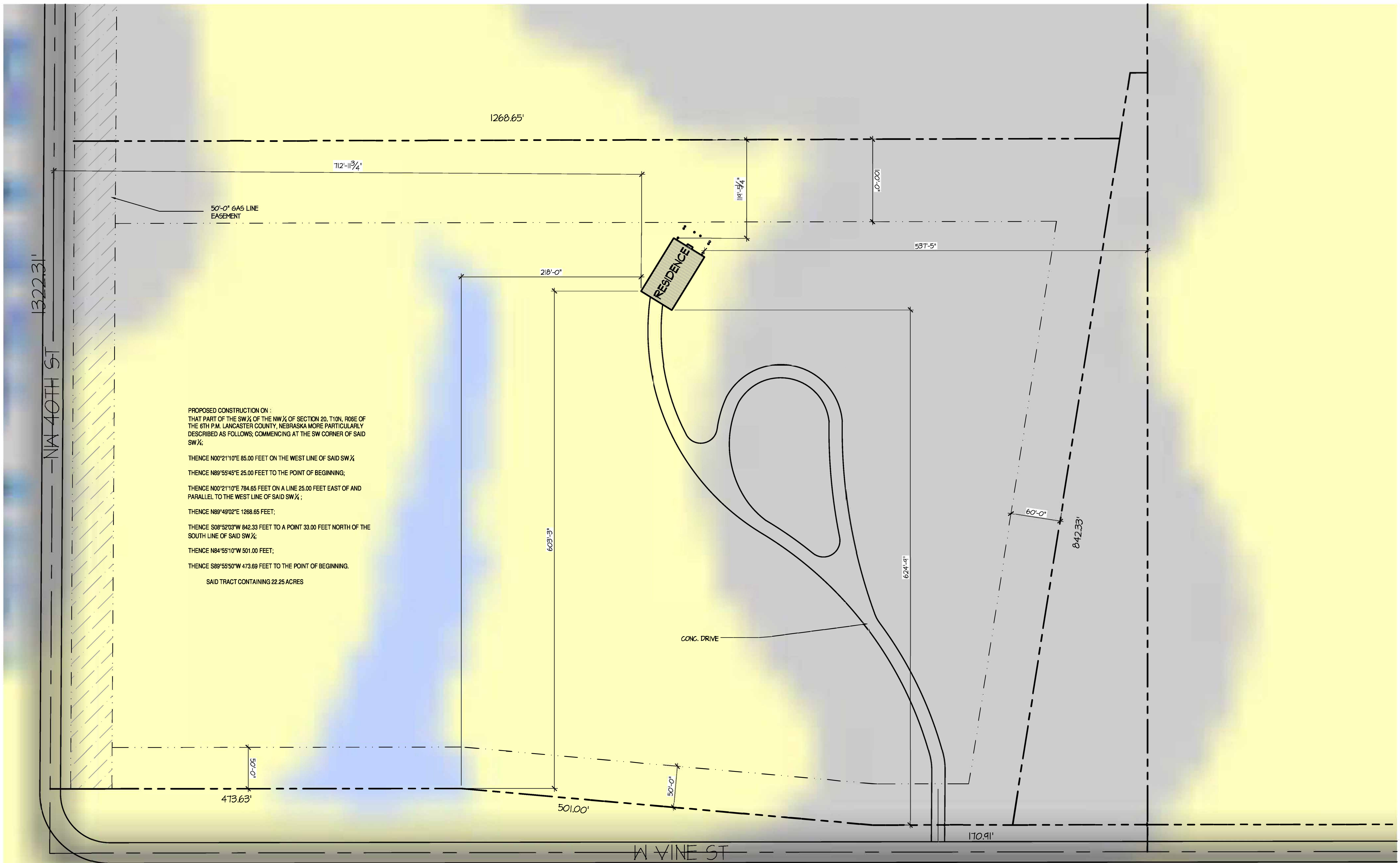
1 EAST ELEVATION
 1/4" = 1'-0"



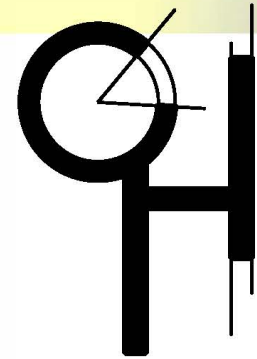
2 WEST ELEVATION
 1/4" = 1'-0"



7 WEST ELEVATION - HIDDEN
 1/4" = 1'-0"



SITE PLAN
 SCALE: 1"=60'-0"



CURT HOFER & ASSOCIATES
 402-758-0440 www.CurtHofer.com

SITE PLAN

Gray area is less than 75' clearance area
 Yellow is Airport Turning Zone

STAGE	DATE
SITE	6-14-20
SITE	7-15-20
SITE REV.	7-14-20
SITE REV.	8-11-20

CS1

© 2023
 CURT HOFER & ASSOC.
 THESE PLANS ARE
 SPECIFICALLY DESIGNED
 FOR CONSTRUCTION BY
 CURT HOFER & ASSOCIATES
 AND ARE INTENDED FOR NO
 OTHER PURPOSE.
 REPLICATION OF THE
 PLANS IN PART OR WHOLE
 WITHOUT WRITTEN CONSENT
 OF CURT HOFER &
 ASSOCIATES IS
 PROHIBITED.

WILD PINES RESIDENCE
 3770 WEST VINE STREET
 LINCOLN, NEBRASKA

September 18, 2023

VIA HAND DELIVERY

City of Lincoln / Lancaster County Planning
c/o Emma Martin
555 S 10th Street, Ste 213
Lincoln NE 68508

RE: Special Permit – Permitted Use Exceeding District Height Limits

Ms. Martin:

Rembolt Ludtke LLP Represents Clark Farm LLC regarding the enclosed application for a special permit.

The applicant desires to build a residence on their property located at 3770 W Vine Street which will include a cupola that exceeds the 35 ft. maximum height restriction in the AG district by 9 ft. 6 in. Therefore, the applicant is requesting a special permit pursuant to LMC 27.63.250 to allow it to exceed the maximum height in the AG District.

Height in the AG Zoning district is determined as the sum of one-half the height of any level that is partially below grade (ex. a walkout basement) the full height of any level fully above grade, and the average height of the highest gable of a pitched roof. Therefore, without the cupola, the building height is measured at 32 ft. 3in. With the cupola, the building height is calculated as 44 ft. 6 in., therefore exceeding the 35 ft. height restriction in the AG zoning district by 9 ft. 6 in.

Relevant for airport zoning regulations, at its tallest point, the building, including the cupola and weather vane, will reach a height of 68 ft. 6 in. This building is located in the airport turning zone which has a height restriction prohibiting any structure from exceeding the highest elevation of the nearest runway plus 150 ft. In addition to securing a special permit, this building, and its cupola, will be required to separately comply with airport zoning regulations.

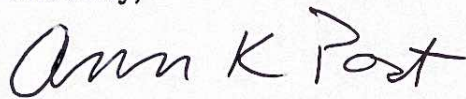
The applicant has already applied for and received a building permit to build the residence on the property, without the desired cupola. Should this special permit be approved, the applicant will seek to amend or alter their building permit application to include the cupola.

Please find enclosed:

- City of Lincoln Application Form
- Plot Plan
- Plot Plan with Airport Zone Overlay
- Elevations of Residence with Cupola
- Application fee of \$1,056.00

Thank you for your consideration of this application, please contact me with any additional questions or for any additional information.

Sincerely,



Ann K. Post
apost@remboltlawfirm.com

4868-8747-0718, v. 1

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 #23007 Right-of-way Stub at 6601 S. 70th	FINAL ACTION? No	DEVELOPER/OWNER Lincoln Family Church
PLANNING COMMISSION HEARING DATE October 4, 2023	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 6601 South 70 th Street

RECOMMENDATION: CONFORMS TO THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

This is a request to vacate a right-of-stub in South 70th Street adjacent to 6601 South 70th Street. The area of the right-of-way to be vacated is approximately 2,800 square feet in area.

Use Permit #22006 was approved August 18, 2022 allowing up to 45,450 square feet of commercial floor area and a church. A condition of approval was that the applicant petition to vacate the right-of-way stub prior to final plat and development of the property. This request complies with the conditions of the use permit.



JUSTIFICATION FOR RECOMMENDATION

The stub was purchased when South 70th Street was improved to a four-lane arterial facility. At that time right-of-way stubs were acquired at known or projected access points. The intent was to set access points to serve adjacent future development and help reduce the demand for unnecessary connections to arterial streets.

Since the adoption of the Access Management Policy which is now used to determine access points, predetermined stubs are not needed. As it exists today the City is responsible for maintenance of any improvements in these right-of-way stubs as part of the arterial street facility.

Vacating this right-of-way will allow the land to be used in the redevelopment of the adjacent property and be maintained by the property owner.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The subject right-of-way is not needed for a public purpose and vacation allows it to be put to a higher and better use. Vacating unneeded right-of-way is consistent with the Comprehensive Plan.

APPLICATION CONTACT

Mike Eckert, 402-434-8494 or meckert@civildg.com

STAFF CONTACT

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

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Elements Section

Transportation Element

The street is shown as a principal arterial in Figure 4.23 of the Long Range Transportation Plan.

Principal Arterials: This functional class of street serves the major portion of inter-community and intra-community traffic movement within the urban area. Principal arterials are designed to carry high traffic volumes.

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

ANALYSIS

1. This is a request to vacate a right-of-stub in South 70th Street adjacent to 6601 South 70th Street. The area of the right-of-way to be vacated is approximately 2,800 square feet in area.
2. The subject right-of-way stub abuts Lot 162 I.T. over which Use Permit #22006 was approved in 2022. A condition of approval of that use permit was that the applicant petition to vacate the right-of-way stub prior to final plat and development of the property. That condition of approval serves as the basis for this request.
3. The right-of-way for the stub was purchased from the adjacent landowner in advance of improving South 70th Street as a four-lane arterial facility. At that time such right-of-way stubs were used to set known or projected access points to the major street. The intent was to set access points to serve adjacent future development and help eliminate confusion and reduce the demand for unnecessary connections to arterial streets.
4. The adoption of the Access Management Policy makes such right-of-way stubs obsolete. Today, the Policy is used to help establish access point points on major streets and this right-of-way stub is longer needed and is unnecessary.
5. The petition states that the petitioner does not intend to purchase the vacated right-of-way. A condition of approval of this request is that the petitioner comply with the requirements of LMC Chapter 14.20 which includes paying an amount to be determined by the City for the land that is to be vacated.
6. The petitioner was originally paid the fair market value for the land at the time it was acquired for right-of-way. The applicant seeks to not pay for the vacated right-of-way given it is condition of the use permit to do so prior to development. There is value to the use of the subject land as part of the redevelopment as it provides area for use in setbacks and parking/drive aisles. However, the site plan could be revised and redeveloped without the use of the subject land. The City Council has the authority to determine the appropriate value for the vacated right-of-way.
7. The Lincoln Electric System and Allo Communications note there are utilities in the right-of-way to be vacated. A condition of approval is included to retain the appropriate utility easements as part of the vacation if approved.
8. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council.
9. Approval of this request allows unneeded right-of-way to be vacated and put to a higher and better use. It is consistent with Use Permit #22006 and the Comprehensive Plan.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Church O-3 Office

LEGAL DESCRIPTION: See attached.

SURROUNDING LAND USE & ZONING

North: Vacant O-3 Suburban Office
South: Religious Assembly O-3 Suburban Office
East: South 70th Street right-of-way
West: Religious Assembly O-3 Suburban Office

APPLICATION HISTORY

AUG 2022 - CZ#22018 and UP#22006 were approved rezoning the property from AGR to O-3 and approving a site plan authorizing up to 45,450 square feet of commercial floor area and a church.

APPROXIMATE LAND AREA: Approximately 2,800 square feet, more or less.

Prepared by:

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

Applicant/
Owner:

Lincoln Family Church
6601 South 70th Street
Lincoln, NE 68516
636-234-6047

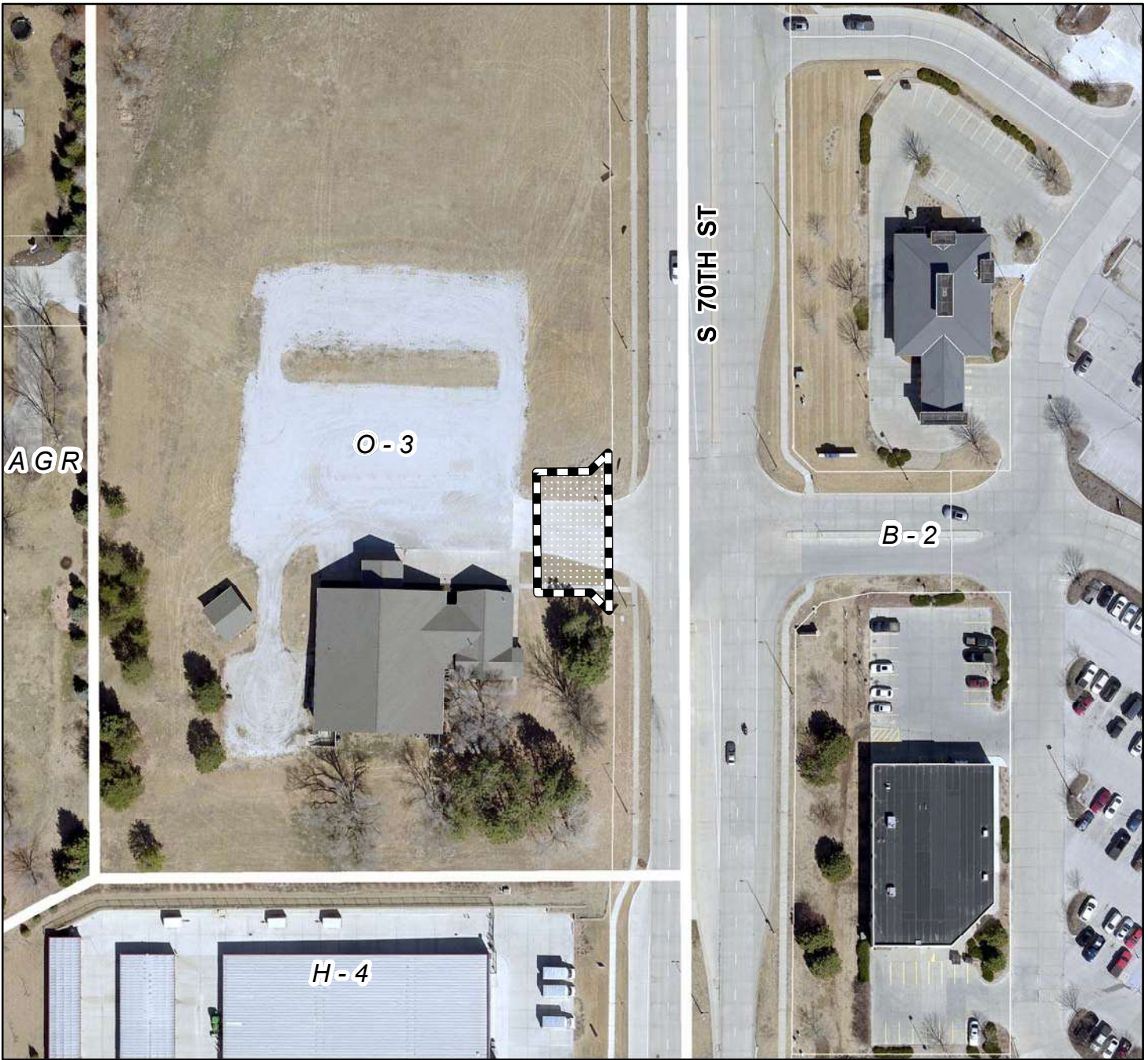
Contact:

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

CONDITIONS OF APPROVAL - STREET AND ALLEY VACATION #23007

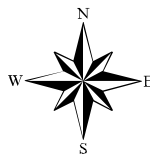
BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA THE FOLLOWING MUST BE COMPLETED:

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



2022 aerial

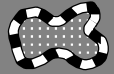


Street and Alley Vacation #: SAV23007
S 70th St & Nebraska Pkwy

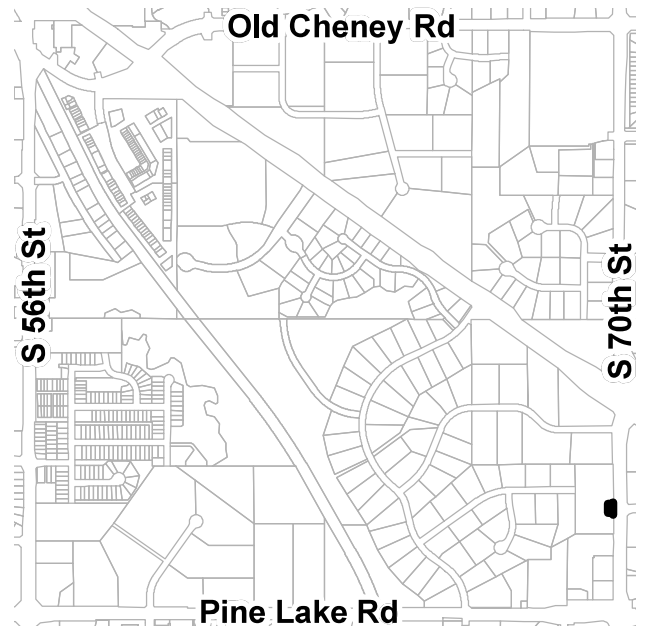


One Square Mile:
Sec.16 T09N R07E

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
100	



INFORMATION SHEET

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

- 1. Name of Petitioner (Current Titleholder/s): Lincoln Family Church, a Nebraska non-profit corporation
If more than one individual, indicate if you are:
 joint tenants with right of survivorship, OR tenants in common

- 2. Petitioner's Address: 6601 S. 70th Street
Lincoln, NE 68516

- 3. Petitioner's Telephone Number: (636) 234-6047

- 4. Name of street, alley, or other public way sought to be vacated: Right-of-Way stub of
S. 70th Street

- 5. Legal description of Petitioner's property which abuts the public way sought to be vacated: Lot 162 SE
1/4 of Section 16, T9N, R7E

- 6. Why are you seeking to have this street, alley, or other public way vacated?
Per the condition of the Special Permit.

- 7. What use or uses do you propose to make of the public way should it be vacated?
Setback and parking lot

- 8. Do you intend to purchase that portion of the vacated public way which abuts your property as described in the **Petition to Vacate Public Way** and/or other portions of the vacated public way?
 YES X NO

- 9. Name and address of person to whom tax statement should be sent:
Lincoln Family church
6601 S. 70th Street
Lincoln, NE 68516

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

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

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

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

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

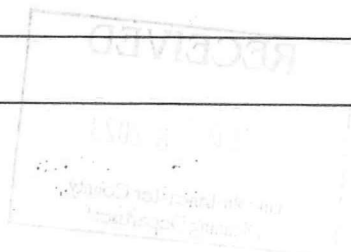
Lincoln Family Church, a Nebraska Non-Profit Corporation

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

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

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

Lot 162, SE 1/4 of Section 16, T9N. R 6E



DATED this 31ST day of August, 2023

Bobby Cunningham
[Name of Titleholder]

By: [Signature]
President

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

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

The foregoing instrument was acknowledged before me on this 31ST day of August,
2023, by Bobby Cunningham, president of Lincoln Family Church,
on behalf of the corporation.

(Seal)



John M. Grady
Notary Public



SIGNATURE PAGE FOR CORPORATION



Civil Design Group, Inc.

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

September 6, 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
6601 S. 70th Street - CDG Project 2022-0064**

Dear Mr. Cary:

On behalf of Lincoln City Church we submit the enclosed application for a petition to vacate a Right-of-Way stub adjacent to Lot 162 of Section 16, T9N, R7E off of S. 70th Street. The vacation of this ROW was requested by LTU and became a condition of approval for Use Permit #22006. Thus this vacation is needed prior to doing a final plat for this lot.

With this application we submit the following items:

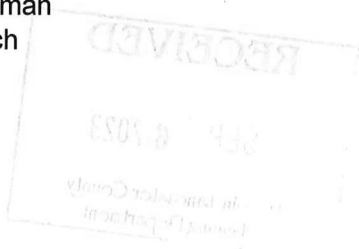
Application for a Petition to Vacate Right-of-Way
Application fee of \$221.00
Vacation of Right-of-Way Exhibit and Legal Description

I hope that this letter in conjunction with the petition to vacate ROW assists you in reviewing this application. 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: Brad Alderman
Epic Church



RIGHT-OF-WAY VACATION

A legal description of a part of South 70th Street Right-of-way adjoining Lot 162 Irregular Tracts, located in the Southeast Quarter of Section 16, Township 9 North, Range 7 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska and more particularly described as follows:

Referring to the Southeast Corner of Lot 162 Irregular Tracts; Thence North, on the East Line of said Lot 162, said line also being the Easterly Right-of-way Line of South 70th Street, on an assumed bearing of N 00°39'28" E for a distance of 113.80'; Thence N 00°24'12" W, continuing on the Easterly Line of Lot 162 Irregular Tracts and on the Westerly Right-of-way Line of South 70th Street, for a distance of 57.82'; Thence N 45°41'36" W, continuing on the Easterly Line of Lot 162 Irregular Tracts and on the Westerly Right-of-way Line of South 70th Street, for a distance of 4.17' to the **Point of Beginning**:

Thence continuing on the Easterly Line of Lot 162 Irregular Tracts and on the Westerly Right-of-way Line of South 70th Street the following 5 courses:

N 45°41'36" W for a distance of 17.04';

Thence S 89°36'24" W for a distance of 35.00';

Thence N 00°23'36" W for a distance of 80.00';

Thence N 89°36'24" E for a distance of 35.00';

Thence N 44°36'24" E for a distance of 17.40';

Thence S 00°17'09" E for a distance of 104.29' to the **Point of Beginning** and having a calculated area of 0.09 Acres or 3925 Square Feet more or less.



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Change of Zone #21020A	FINAL ACTION? No	DEVELOPER/OWNER Hoppe & Son, LLC / South of Downtown CDO
PLANNING COMMISSION HEARING DATE October 4, 2023	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 1000 S. 13 th Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to amend the South of Downtown Planned Unit Development (PUD). The amendment is associated with a proposed mixed-use project located east of S 13th Street, between D and E Streets. The site is currently split with both B-3, Commercial and R-7, Residential zoning within the project boundary. This amendment will create a new Subarea 1 within the PUD to guide the development of the site which includes up to 125 residential units and 9,200 square feet of commercial space. The applicant is also requesting associated waivers within Subarea A related to parking, setbacks, detention, and open space requirements.



JUSTIFICATION FOR RECOMMENDATION

The proposed amendment to the PUD to add Subarea 1, allowing a mix of multifamily residential and commercial space is consistent with the goals of this PUD and will provide additional affordable housing options within the city limits. The proposed waivers are justified and compatible with an infill project on an existing site within the greater downtown area and are necessary in order to construct the affordable housing.

APPLICATION CONTACT

Civil Design Group, 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

This proposed project and amendment is compatible with goals and elements within the 2050 Comprehensive Plan. The Future Land Use map designates this site as both future urban residential on the south portion and future commercial on the north. This designation is consistent with the proposed site layout and mix use project providing both multifamily residential dwellings and additional commercial space within an existing neighborhood. The project will provide an infill development and additional affordable housing units within city limits with access to multiple modes of transportation including both bus lines and bicycle routes.

WAIVERS

1. Waiver to the maximum height allowed from 55 feet to 66 feet. (Recommend Approval)
2. Waiver to reduce the lot area per unit to 350 sq. ft. per unit. (Recommend Approval)
3. Waiver to reduce the parking ratio from 1 parking space to .6 stalls per dwelling unit. (Recommend Approval)
4. Waiver to allow parking in the front yard and corner front yard setback. (Recommend Approval)
5. Waiver to reduce the R-7 front yard setback from 20' to 0 feet. (Recommend Approval)
6. Waiver to reduce the corner front yard setback to 0 feet. (Recommend Approval)

7. Waiver to reduce the R-7 side yard setback from 7' to 5 feet. (Recommend Approval)
8. Waiver to eliminate the open space requirement for residential units. (Recommend Approval)
9. Waiver to storm water detention requirements. (Recommend Approval)
10. Waiver to allow one illuminated wall signs on the west façade of the multifamily building following the B-3 zoning standards. (Recommend Approval)

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

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

Fundamentals of Growth in Lancaster County

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

The Community in 2050

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

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

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

Benefits of Well-Planned Growth

Continued investment within the city ensures that our existing neighborhoods and commercial areas remain vibrant and desirable locations. More “rooftops” near existing commercial areas help to support continued commercial investment.

Goals Section

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

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

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

E1: Complete Neighborhoods and Housing

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

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

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

1. Encourage a mix of compatible land uses to develop more complete neighborhoods:
 - a. Similar uses on the same block face: residential faces residential.
 - b. Similar housing densities developed near each other: single-family and “missing middle” residential (3-12 units) scattered throughout with higher density residential (more than 12 units) near the neighborhood edge or clustered near commercial centers.
 - c. Non-residential uses, including parking lots, should be screened from residential areas.
 - d. Locate mixed-use centers so as residents can safely access essential goods and services (i.e. not located across arterial streets) and no more than a 15-minute walk from all residences.
 - e. Support existing Commercial Centers and encourage inclusion of essential goods and services.
 - f. Infill and redevelopment projects should meet or exceed Neighborhood or Commercial Design Standards.
2. Require sidewalks on both sides of all streets or in alternative locations as allowed through design standards or review process.
3. Strive for residences to be located within 1 mile to an existing or planned multi-use trail.
4. Strive for residences to be located within 1/2 mile to an existing or planned neighborhood park.
5. Integrate transit stops into developing neighborhoods and within a 1/2 mile distance from residences.
6. Develop shorter block lengths to provide multiple connections across residential and commercial areas.
7. Encourage locations within neighborhoods to grow local food.
8. Infill development should balance expanding housing options and neighborhood character by complementing the character of the existing neighborhood and providing appropriate transitions, scale and context. Encourage pedestrian orientation with parking at rear of residential and neighborhood commercial uses.
9. Allow non-standard lots to be buildable.
10. Retain and encourage a mix of housing in order to provide a mix of housing types at a variety of price points.
11. Encourage historic preservation and the rehabilitation and maintenance of buildings.
12. Support retention of public and semi-public uses (elementary schools, churches) as centers of neighborhoods.
13. Maintain existing pattern of streets for connectivity.
14. Maintain arterial streets that are compatible with the existing neighborhood character with two through lanes and a center turn lane where applicable.
15. Utilize streets for commercial and residential parking.
16. Encourage shared parking whenever possible: permit minor incursions of accessory parking for public/ semi-public uses into neighborhoods if properly screened.
17. Maintain alley access and encourage shared driveways to parking areas in order to reduce

- interruptions to pedestrian traffic, to preserve on-street parking capacity, and to reduce automobile conflict points.
18. Support the preservation and restoration of natural resources, and limit stream or drainageway crossings.
 19. Encourage additional density of a variety of housing types and price points on open and available land areas.
 20. Encourage middle housing in Neighborhood Edges.

Existing Neighborhoods

The City’s primary strategy for residential infill and redevelopment outside of the Greater Downtown is to encourage the redevelopment and reuse of sites and buildings in commercial areas in order to create new mixed use centers that are compatible and complementary to adjacent neighborhoods. Modest opportunities for redevelopment may also be appropriate along “neighborhood edges.” Neighborhood edges include arterial streets and transition zones between lower density residential and commercial areas.

E2: Infill and Redevelopment

Infill and Redevelopment Approach

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

The Plan envisions an additional 5,000 dwelling units in Greater Downtown by 2050. This area is the main hub of employment, entertainment, and higher education. Over the years, there have been significant public and private investments in new building construction, renovations, and infrastructure. In order to capitalize on these collective investments, further development in the Greater Downtown should be realized.

Mixed Use Redevelopment Nodes and Corridors

The City’s primary strategy for residential infill and redevelopment outside of the Greater Downtown is to encourage the redevelopment and reuse of sites and buildings in underutilized commercial and industrial areas.

Commercial Infill

Figure E3.f: Commercial Infill Design Strategies

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

Policies Section

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

Action Steps

1. Implement the housing and neighborhood strategies as embodied in the Affordable Housing Coordinated Action Plan, City of Lincoln Consolidated and Annual Action Plans and subsequent housing and neighborhood plans. These plans provide the core for affordable housing and neighborhood preservation actions for public and private agencies.
2. Distribute and preserve affordable housing throughout the community to be near job opportunities and public transit and to provide housing choices within existing and developing neighborhoods.

3. Encourage public/private partnerships with housing entities such as Lincoln Housing Authority, Affordable Housing Initiatives, Habitat for Humanity, and NeighborWorks Lincoln.
4. Provide for more education of the public about affordable housing and code enforcement.
5. Promote the preservation, maintenance and renovation of existing housing and neighborhoods throughout the city, with special emphasis on low and moderate income neighborhoods.
6. Preserve the existing affordable housing stock, increase the supply of affordable owner and renter units, and add more variety in housing types.

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

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

A strong downtown is important to the economic future of the community. Downtown is the main hub of employment, entertainment, government agencies and higher education.

Action Steps

1. Support development and implementation of the Downtown Master Plan, South Haymarket Neighborhood Plan, Antelope Valley Redevelopment Plan, Lincoln Center Redevelopment Plan, and South of Downtown Redevelopment & Strategic Plan.
2. Ensure that new development is compatible with the existing Downtown and is pedestrian-oriented.
3. Maintain the urban environment, including a mix of land uses with a major focus on residential uses, including a variety of types and affordable to diverse income levels.
4. Encourage higher density development with parking areas at the rear of buildings, below grade, or on upper floors of multi-use parking structures.
6. Continue to support Downtown as the entertainment center of the community through development of the Music District proposed in the Downtown Master Plan, continued enhancements and programming for public spaces such as the Railyard, Tower Square, Union Plaza and the future South Haymarket Park, along with maintaining Lincoln's successful Theater Policy.
8. Continue to preserve and enhance Downtown's role as the community's major office and employment center.

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

Action Steps

1. Encourage redevelopment of aging and underutilized commercial centers, along with other large sites in existing areas such as former schools and residential acreages, to add a variety of housing types that are affordable to diverse income levels. A mix of residential and commercial uses is desirable in locations with good visibility and access, such as most existing commercial centers, but in some cases redevelopment sites are more suited for exclusively residential uses.
2. Encourage redeveloped commercial centers to incorporate a variety of medium and high-density housing affordable to diverse income levels that could serve as a transitional use to less intensive residential development and benefit from walkable access to the commercial area and transit.
4. Provide a mechanism for adjustments in older zoning districts to lot area, height, setbacks, and parking standards, similar to the provisions already available for newer districts.
5. Strive for predictability for neighborhoods and developers for residential development and redevelopment.
6. Encourage efforts to find new uses for abandoned, under-utilized or "brownfield" sites that are contaminated, through redevelopment and environmental mitigation.
7. Environmentally sensitive areas (i.e. floodplains, wetlands, native prairie) may not be appropriate for redevelopment. When redevelopment does occur, environmentally sensitive areas need to be considered and incorporated holistically as part of a redevelopment project.

CLIMATE ACTION PLAN SPECIFICATIONS:

p. 14 Key Initiative - Build a Decarbonized and Efficient Transportation System.

- Continue to encourage mixed-use development in the Comprehensive Plan.
- Consider Transit Oriented Development policies in the update of the Comp Plan 2050.

ANALYSIS

1. This application is a request to amend Change of Zone #21020 for the existing South of Downtown Planned Unit Development (PUD) to include a “Subarea 1” related to a proposed project on South 13th Street, between D and E Streets. Subarea 1 would then allow a 5-story mixed-use project including up to 9,200 square feet of commercial space and 125 multifamily dwelling units on a 1.14-acre site, or 46,576 square feet. Today the site consists of a surface parking lot and one structure occupied by the Center Pointe Outpatient Clinic located at the southeast corner of S. 13th Street and E Street which will be demolished for this development.
2. The subject site is located along S. 13th Street with an existing east-west alleyway separating the site today. This location has a mix of both B-3, Commercial and R-7, Residential within the project area. The B-3 zoning is located at the southeast corner of S. 13th Street and E Street, where the existing Center Pointe medical clinic is located. The remainder of the site is zoned R-7, Residential. To the north is an existing commercial space zoned B-3 and multifamily residential zoned R-7. To the south and east of the project area are numerous multifamily buildings zoned R-7. To the west is multifamily residential zoned R-7 and a Casey’s gas station zoned B-3. All property surrounding the site is within the South of Downtown PUD.
3. In 2021, Change of Zone #21020 was approved by the City Council which created the South of Downtown PUD. This PUD includes a wide range of zoning districts spread over a 44-block area spanning from 10th Street to 16th Street, and from A Street to K Street. It was approved with an intent to facilitate a better balance of uses that fit the urban scale and predominantly residential character of the neighborhood. To reach this goal, the PUD allows some uses not currently permitted in the underlying zoning district while encouraging the new mix of uses to foster new employment, infill development projects, live-work opportunities, start-up businesses and entrepreneurship for residents in South of Downtown. One main goal of the PUD is to encourage more affordable housing options within the neighborhood.
4. The proposed amendment to the PUD will be through the addition of a “Subarea 1” that will be related only to the subject property with associated waivers. Subarea 1 will allow for the redevelopment of the site which has split zoning to provide a new mixed-use project including commercial space and multifamily residential. The proposed commercial space will remain at the northwest corner of the site along S. 13th Street and E Street, where the current Center Pointe clinic is located today. The 9,200 square feet of commercial will then serve as the future home of the non-profit or other commercial uses in the future. The site will then be developed as one 5-story structure with a second-floor corridor connection over the existing alleyway which will be vacated and placed under a common access easement for continued future use by the public. This will allow for one continuous structure stretching from E Street to D Street while still keeping the existing alley access open. The project is proposing the use of Tax Increment Financing (TIF) as all of the planned 125 multifamily units will be developed as an affordable housing project including a mix of 1, 2, and 3-bedroom units.
5. The applicant has worked with multiple city departments over the past months on site plan review, proposed waivers, and the use of TIF for the project. Specifically, additional on-street parking spaces will be constructed on S. 13th Street and E Street with the project while saving some existing street trees that were found to be in a good and healthy condition. LTU has reviewed the proposed building layout in relation to the corridor connection over the existing alleyway and supports the future partial vacation of the alleyway which will then remain open to public and maintained by the developer. The proposed on-site parking will serve as resident parking for the multifamily building and will be screened at ground level with controlled entry and exit access from D and E Streets.
6. The applicant is requesting numerous waivers in relation to height, setbacks, detention, and a parking reduction in relation to constructing a mixed-use infill project within an existing city block near the downtown area including:
 - a. A waiver from LMC 27.67.020 and LMC 27.67.030 to exceed the maximum allowed height of 45’ in B-3 & 55’ in R-7 to a maximum of 66 feet. The proposed height exceeds that of the surrounding structures and varies from the character of buildings within surrounding neighborhood. This waiver is supported as it will allow for the proposed 5 story mixed-use structure along S. 13th Street and will help reduce the footprint of the building in relation to available parking space. The site is within blocks of Downtown and near larger multistory apartment buildings. This waiver will meet goals of the SODO PUD by encourage a mixed-use development with varying housing types and goals within the Comprehensive Plan for increasing the number of affordable dwelling units

within the city.

- b. A waiver from LMC 27.67.020 and LMC 27.67.030 to reduce the required lot area per unit from 700 square feet in the R-7 and 1,000 square feet in the B-3 to 350 square feet. This waiver is found to be compatible as requested as the project area is approximately 1.14 acres in size and will utilize a taller building to accommodate the requested density on site. This density is higher than the surrounding properties today within the neighborhood, but is found to be compatible with a mixed-use project near the Downtown area. This request is consistent with affordable housing projects and flexibility with providing a mix of smaller dwelling units and effort to provide on-site parking.
- c. A waiver from LMC 27.67.020 and LMC 27.67.030 to reduce the required number of parking spaces from 1 parking space to .6 parking spaces per dwelling unit. The 9,200 square feet of commercial space and 125 dwelling units would require 140 parking spaces. The applicant is proposing 96 parking spaces on site. This waiver is appropriate and consistent with affordable housing projects within the city. The site is located next to the StarTran #13 bus route with north and south connection options to and from the StarTran downtown central bus stop. This neighborhood also has central access for pedestrian and bicycle connection routes nearby. The applicant is proposing an additional 26 on-street parking spaces along with the existing street parking in the neighborhood that will continue to serve the public but will not be designated or regulated by a private owner. The applicant is also requesting a waiver from LMC 27.67.030 to allow parking in the front yard of property zoned R-7. This is consistent as the screened parking area will be located along the property line of D, E, and S. 13th Streets.
- d. A waiver to reduce the front yard from 20' to 0. This waiver is supported as it will allow for the building to have a 0' front yard setback along 13th Street and allow the building footprint to shift farther west, increasing the distance from the existing R-7 multifamily buildings to the east. This requested setback is compatible with the site and surrounding area as it will serve as a mixed-use project with commercial space along S. 13th Street and a screen parking area on the main level on the south side of the building.
- e. A waiver to LMC 27.62.020 and LMC 27.62.030 to reduce the B-3 and R-7 front yard and corner yard setback to 0 feet. This waiver is consistent with a higher density infill project and supported as the footprint of the building will be built along S. 13th Street, with a 0-foot front yard setback along both D and E Streets. The proposed layout will allow for an urban infill project including commercial space along S. 13th Street. This is appropriate as the structure will then maintain the R-7 and B-3 rear yard setback between the structure and existing multifamily structures to the east.
- f. A waiver from LMC 27.72.130 to reduce the required R-7 side yard setback from 7' to 5 feet. This waiver is supported as it will reduce the setback along a small area in the northeast portion of the site as it will have a side yard setback along the existing alleyway. It is not expected to have an adverse impact on the adjacent property owner as the building footprint is not proposed near this location. This waiver will allow for additional flexibility with the proposed surface parking area being built closer to the existing property line along the alleyway.
- g. A waiver from LMC 27.72.130 for required open space within the R-7 and B-3 zoning districts. This project would require 6,090 square feet of open space to be provided. The applicant is requesting a waiver from this requirement but proposes approximately 5,500 square feet of open space located on two separate roof top patios. This waiver is found to be appropriate with a mixed-use infill project that is limited on additional ground floor space due to the reduced and required parking. This flexibility from the waiver will allow for outdoor space to be located on an upper level of the building and split between two patio areas.
- h. A waiver from LMC 27.52.060 to provide required storm water detention on site. The request to waive on site storm water detention has been reviewed and is supported by LTU-Watershed Management. This request is found to be appropriate based on the existing site conditions and provides flexibility as a waiver to detention is commonly granted with infill projects. The waiver will not allow the site to have a significant increase in stormwater runoff onto the neighboring properties.
- i. A waiver from LMC 27.69.030 to allow illuminated wall signs on the west side of the building within the R-7 PUD

zoning district. This waiver will allow wall signs associated with the multifamily complex. Due to the split zoning, wall signs would only be allowed in the northwest corner of the site within the B-3 zoning. This waiver is appropriate as multifamily complexes within the downtown area commonly utilize wall signage on the buildings and limit area for free standing signs along the street frontage.

7. Six of the requested waivers are in relation to providing flexibility with the layout as the building will be utilizing an existing site with an intention to maximize the allowed density while providing as much parking as possible for both the commercial and residential uses. The applicant has met with the South of Downtown CDO, the Near South Neighborhood Association and other stakeholders in the neighborhood for discussion on this development. Comments from these discussions revolved around the density of the site with suggestions to limit the number of dwelling units. Suggestions were made to decrease the number of units from 125 to 90, with additional discussion suggesting 113 units. In relation to this project, the developer is proposing 19 additional public parking spaces that will be added on both S. 13th Street and E Street that will then serve as additional public parking spaces within the neighborhood. This includes 15 proposed parking spaces on E Street, and 4 parallel parking spaces along the east side of S. 13th Street. Since the additional parking spaces will be within the public right-of-way, they will not be designated for private use, but will serve as additional public parking for the neighborhood. The public street parking is not considered in the parking ratio or requirements for this project.
8. The proposed amendment and development project is consistent and compatible with both the goals of the South of Downtown PUD and 2050 Comprehensive Plan. The site will be following the split future land use designation for both future commercial and urban residential. The redevelopment will utilize an existing site near the downtown area and offer new commercial space while providing additional affordable housing units within the community. The project meets many goals of the Comprehensive Plan including redevelopment and infill within an existing neighborhood, affordable dwelling units within the city limits, and providing space for healthcare resources within the neighborhood. The location has multiple options for access to transportation including access to S. 13th Street, an existing city bus stop and nearby bicycle routes, along with a wide range of pedestrian sidewalk connectivity within this neighborhood.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Existing Center Point Outpatient Clinic & B-3 and R-7

SURROUNDING LAND USE & ZONING

North:	Commercial space / multifamily residential	B-3 PUD & R-7 PUD
South:	Multifamily residential	R-7 PUD
East:	Multifamily residential	R-7 PUD
West:	Gas station / multifamily residential	B-3 PUD & R-7 PUD

APPLICATION HISTORY

August 2021 - City Council approved CZ21020 to create the South of Downtown PUD encompassing 44 blocks near the downtown area and designating the area into three separate development districts.

APPROXIMATE LAND AREA: 1.14 acres, more or less

LEGAL DESCRIPTION: Lots 3-8 & West 33' 1/3 of Lot 9, Block 187, Lincoln Original

Prepared by Ben Callahan, Planner
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Date: September 20, 2023

Applicant: Hoppe & Son, LLC
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Contact: Civil Design Group, Inc.
Mike Eckert
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Lincoln, NE 68512
(402) 434-8494
meckert@civildg.com

Owner: South of Downtown Community Development Organization
PO Box 85330
Lincoln, NE 68501

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CZ/21000/CZ21020A SODO PUD.bmc.docx>

CONDITIONS OF APPROVAL - CHANGE OF ZONE #21020A

This approval permits Subarea 1 within the PUD allowing up to 9,200 square feet of commercial and 125 residential units with the following waivers:

1. To allow a maximum height of 66 feet.
2. To reduce the lot area per unit to 350 square feet.
3. To reduce the parking ratio to .6 parking stalls per dwelling unit.
4. To reduce the front and corner front yard setback to 0 feet.
5. To reduce the side yard setback to 5 feet.
6. To allow parking in the front, corner front, and side yard setback.
7. To waive the open space requirement for multifamily dwellings.
8. To waive the requirement to provide storm water detention.
9. To allow wall signs on the west elevation within the B-3 & R-7 PUD zoning district following the B-3 wall sign standards .

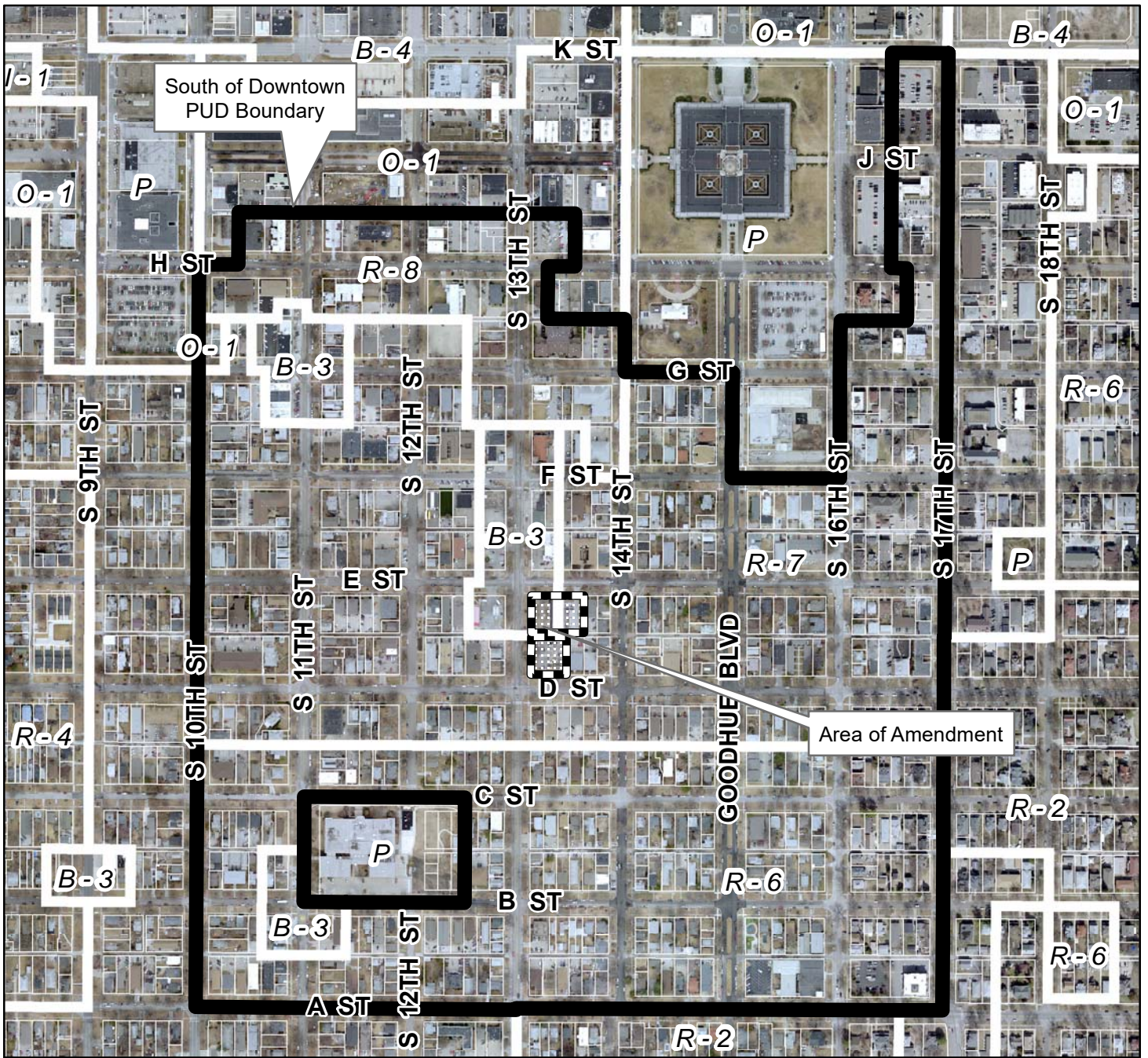
Site Specific Conditions:

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 Revise “a non-profit medical clinic” to state “commercial space” (Page 9)
 - 1.2 Revise (I) with additional text stating the developer shall maintain all stalls including snow removal and maintenance of the pavement and markings. City of Lincoln shall be responsible for all signage. Remove all text following the first sentence of note I. (Page 9)
 - 1.3 Revise (G) to provide the minimum height allowed for the second floor corridor over the vacated alleyway. (Page 9)
 - 1.4 Revise (I) and reference B-3 zoning, not B-1 zoning.
 - 1.5 Add note to Exhibit 2 “Conceptual site plan that may be revised at the time of building permit” (Page 12)
 - 1.6 Identify abutting street names on site plan. (Page 12)
 - 1.7 Identify street trees to remain on site plan. (Page 12)
 - 1.8 Revise minimum lane width shown on S. 13th Street to 11 feet. (Page 12)
 - 1.9 Parking stall length must be 18.5’ unless detail is provided showing all signage will be at 2’ minimum offset from the edge of the stall. (Page 12)
 - 1.10 Remove symbols or clarify markings around building footprint. (Page 12)
 - 1.11 Remove trees identified on the south side of D Street. (Page 12)

- 1.12 Add to the General Notes, "Signs need not be shown on this site plan, but need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation".

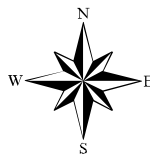
Standard Conditions:

2. The following conditions are applicable to all requests:
 - 2.1 Before a final plat can be approved, a Street and Alley Vacation application must be submitted and approved by City Council for the east-west alleyway between S. 13th Street and S. 14th Street.
 - 2.2 Before occupying the dwelling units/buildings all development and construction shall substantially comply with the approved plans.
 - 2.3 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 2.4 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.
 - 2.5 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.
 - 2.6 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.
 - 2.7 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.



2022 aerial

Change of Zone #: CZ21020A
S 13th St & E St



One Square Mile:
 Sec.26 T10N R06E

Zoning:

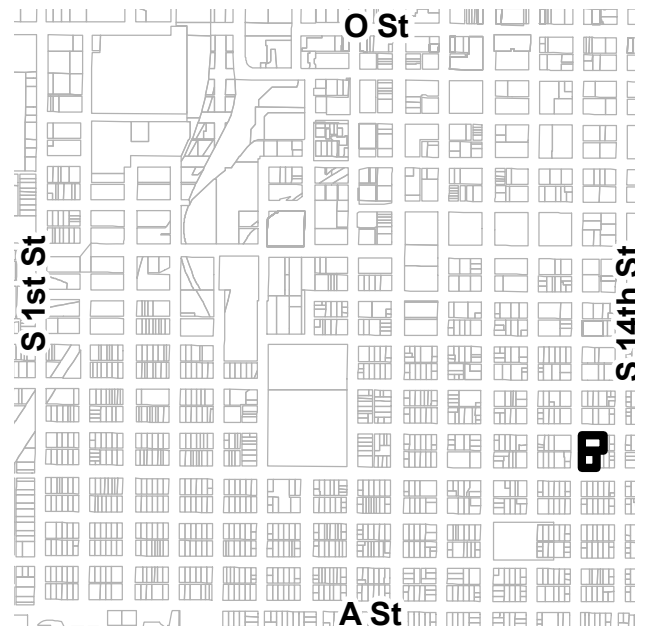
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction

118



SOUTH OF DOWNTOWN INNOVATION PUD

I. Intent.

The South of Downtown Innovation PUD, as shown in *Exhibit 1*, is intended to provide the necessary zoning flexibility to catalyze reinvestment and help transform this downtown-adjacent district into the vibrant, thriving neighborhood that it aims to be. To help direct the development of this PUD, the following guiding principles have been adopted:

- A. Facilitate a better balance of uses that fit the urban scale and predominantly residential character of the neighborhood, with the intent of effectively meeting the needs of its residents and business owners alike.
- B. Increase new employment, work-live opportunities, start-up business and entrepreneurship.
- C. Encourage the establishment of pedestrian-oriented, community-centric spaces that serve to activate the neighborhood, increase social participation, and improve community safety and pride.
- D. Support an increase in private reinvestment and innovative development solutions in the neighborhood, while maintaining affordable housing options.
- E. Build on the neighborhood's unique assets as reflected in both its range of historic buildings and diverse residents with incentives for preservation of existing buildings.
- F. Encourage affordable single- and two-family residential infill and redevelopment by simplifying and easing current zoning regulations for nonstandard residential lots.

With these principles in mind, a series of zoning adjustments have been identified to encourage development based on the unique urban qualities of the neighborhood. This PUD enables a range of possible projects rather than proposing a specific development plan. To foster innovation while protecting residents and property owners, a set of conditions and approvals have been established. The most intensive uses in this PUD will require either an administrative or full amendment to the PUD with a site plan to ensure the operation and layout are not a detriment to the neighborhood. Less intensive uses will be allowed by-right if they meet specified conditions.

Though separate from the purview of this PUD, another avenue to seek zoning approval of creative projects within the Lincoln zoning code maybe relevant for specific projects within the PUD area. The designation of an individual landmark under 27.53.120 of the code allows a Special Permit for Historic Preservation under 27.63.400, potentially permitting any legal use in any zoning district (if specifically approved). This approach has been used within the PUD area and is consistent with the overall intent and purposes of this PUD. The Foster House at 1021 D Street (offices) and the Hall House at 1039 S. 11th Street (B&B suites) are two existing examples within the PUD area.

II. **Terms and Conditions.**

- A. All new construction or changes in use within the boundaries of the PUD shall adhere to the underlying zoning district of the lot(s) or tract in question except where modified by the PUD.
- B. The Planning Director has the authority to interpret any provisions of this PUD. At their discretion, they may require a Full Amendment where the proposal appears to exceed the intent of the administrative amendment section.

Table 2.1 Land Use Matrix

The uses shown below as allowed for each district are in addition to those that are already allowed by the underlying zoning.

	NEIGHBORHOOD	MIXED USE	DOWNTOWN TRANSITIONAL
New Permitted Uses			
Restaurants			X
On Premise Alcohol Sales			X
Small Scale Food or Beverage Production		X	X
Retail Sales			X
Personal Services		X	X
Offices		X	X
Banks, savings and loan associations, credit unions, and finance companies			X
Theaters			X
Cooperative Housing	X	X	X
Existing Permitted Uses with Altered Conditions			
Home Occupations	X	X	X
Urban Gardens	X	X	X

The uses identified in the Land Use Matrix correspond with the use types listed under CHAPTER 27.06 USE GROUPS in the City’s Municipal Code. The use group tables included in 27.06 are organized by broad use categories like Office, Retail Sales and Services, and Food and Drink Establishments. Within each of those categories, a more specific subset of use types are listed.

The “retail sales” and “personal services” uses identified in the South of Downtown Land Use Matrix correspond to a subset of use types identified within the Retail Sales and Services Use Group Table. The South of Downtown PUD refers specifically and exclusively to two use types within this table: “retail sales” and “personal services”. Therefore, any of the other uses listed in this same table fall outside of the type of retail sales or personal services allowed within the PUD. In addition, the PUD includes other limitations

and prohibitions that further narrow the list of what is allowed – even within the “retail sales” and “personal services” use types. This allows careful and specific enabling of some less intrusive retail sales and personal services within the residentially zoned areas noted in the PUD.

Review Process

1. **Uses marked with an X in Table 2.1** are permitted conditional uses if they comply with the conditions listed in Conditional Uses for that designated use.
2. **Administrative Amendment.** Some uses may meet most, but not all the criteria listed in the Conditional Uses for that designated use and are required to apply for an administrative amendment. This is to ensure the proposed use fits the character of the neighborhood and does not negatively impact adjacent properties.
 1. The Planning Director may add conditions of approval that mitigate any negative impact on the surrounding property including enhanced screening, hours of operation, etc.
3. **Full Amendment.** Uses exceeding the criteria in Conditional Uses but that meet the intent of the PUD have the option to apply for a full amendment to the PUD following the PUD Amendment criteria in Section 27.60.060.

Conditional Uses

The following Conditions apply to all properties except those with an underlying B-3 zoning designation which may operate under the regulations of the B-3 zoning district in Title 27 or the provisions of this PUD. Any proposed development that does not meet the following conditions requires a full amendment to the PUD.

A. Restaurants.

1. Maximum square footage of an existing or new building is 3,000 square feet.
2. Through an administrative amendment, the Planning Director may approve an increase up to 4,000 square feet. New buildings over 3,000 square feet must include a residential use.
3. Outdoor seating associated with a restaurant is allowed within the required yards but must maintain at least a three-foot setback to side and rear property lines when adjacent to a residential use. A six-foot solid fence is required to screen the patio from any adjacent residential use.

B. On-Premise Alcohol Sales.

1. Must be accessory to a restaurant use.
2. Gross sales from the sale of alcoholic beverages shall not exceed forty percent (40%) of the gross sales of food and beverages. Upon request of the City, the license holder/ operator shall provide sales receipts for the past six (6) months for the purpose of demonstrating that no more than 40% of the restaurant’s gross sales are derived from the sale of alcohol.
3. The restaurant shall serve full-course meals as defined by *Neb. Rev. Stat. § 53-123.04(c)(3)* during the hours of operation.
4. The sale of alcohol must not commence prior to 8:00 a.m. and shall end no later than 11:00 p.m.
5. The sale of alcoholic beverages for consumption off the premises shall be prohibited.

6. The above conditions cannot be waived or modified.

C. Small Scale Food or Beverage Production

1. Maximum square footage of an existing or new building is 3,000 square feet.
2. Through an administrative amendment, the Planning Director may approve an increase up to 4,000 square feet. New buildings over 3,000 square feet must include a residential use.
3. Businesses are not required to sell their product on-site.
4. Alcoholic beverage production is only allowed in the Downtown Transitional sub-district.

D. Retail Sales, Personal Services, Office.

1. Maximum square footage of an existing or new building is 3,000 square feet.
2. Through an administrative amendment, the Planning Director may approve an increase up to 4,000 square feet. New buildings over 3,000 square feet must include a residential use.

E. Banks, savings and loan associations, credit unions, and finance companies.

1. Maximum square footage of an existing or new building is 3,000 square feet.

F. Theaters.

1. Maximum square footage of an existing or new building is 3,000 square feet.
2. Movie theaters are not allowed, but live broadcasts and performances are permitted.

G. Cooperative Housing.

1. Cooperative housing is defined as “a multiple-family dwelling owned and maintained by the residents where residents have private bedrooms, but share cooking, dining, and common areas.”
2. Cooperative housing is allowed in either existing or new buildings but must meet the requirements of the building code.

Note: Projects with a cooperative financial structure, but where residents have private rooms with their own cooking and dining areas in the unit are considered a multifamily use and therefore allowed as per the underlying zoning districts.

H. Home Occupations.

The zoning regulations of Chapter 27.70.010 regarding Home Occupations apply except as amended here within:

1. The maximum allowable floor area that maybe utilized for conducting such home occupations shall be fifty(50) percent of the floor area of the dwelling unit.
 - i. Space used by employees less frequently, such as a restroom, kitchen, or living room are not counted towards the total square footage if it is not on the same level as the home occupation.

2. The home occupation may allow up to two (2) nonresident employees in the Neighborhood District and up to five (5) nonresident employees in the Mixed Use and Downtown Transitional Districts to work in the dwelling unit.
3. The home occupation may involve commodities sold upon the premise which werenot prepared on the premise.
4. The use of any outdoor space must be fully screened from view with either a six footsolid masonry wall or fence, or a landscape screen that covers at least 60% of the surface area of a vertical plan extending along the entire length of the area to be screened to a height of 10 feet above the adjacent grade.
5. Permitted home occupations are limited to the following:
 - i. Office and personal services are allowed in the Neighborhood, Mixed-use and Downtown transitional districts.
 - ii. Retail sales and restaurants are also allowed in the Downtown transitional district.

I. Urban Gardens.

The zoning regulations of Chapter 27.62.030 regarding Urban Gardens apply except as amended here within:

1. Urban gardens can include greenhouses under the following conditions:
 - a. The greenhouse must be built using quality construction materials, finishesand design principles that will not negatively impact the visual aesthetic ofthe neighborhood. Construction must be weather resistant and shall not include tarps, plastic, paper, or other materials which would significantly degrade after extended exposure to the elements.
 - b. The greenhouse must be less than 50% of the urban garden area.
 - c. If a greenhouse is proposed as part of the urban garden an administrative amendment is required which allows the Planning Director to review the proposal for conformance with the subjective provisions of Section I (1)(a) above.
2. Urban gardens can only sell on-site produce grown on the premises.
3. Urban gardens must receive approval by the Lincoln Lancaster CountyHealthDepartment.
4. Plants and accessory items for cultivation including trellises, fences, and utilities, butnot structures, are allowed in the front yard.
5. Container Agriculture, defined as growing plants in a portable or modular structure including, but not limited to shipping containers, shall be allowed under the following conditions:

- a. The container agriculture is not required to provide parking but cannot reduce the amount of required parking on site for the primary use.

J. First Floor Residential in the B-3.

1. The provisions of 27.62.040 (a) do not apply, therefore, dwellings are permitted on all floors within the B-3 zoning district.

Prohibited Uses

- A. The following uses shall be prohibited within all underlying zoning districts except the B-3 districts:
 1. Drive Thrus, which are defined as a building opening, including windows or mechanical devices, through which occupants of a motor vehicle receives or obtains a product or service, are prohibited in all districts, including the B-3 underlying zoning district.
 - i. Drive thrus existing on July 26, 2021 are considered nonconforming and may remain. However, if the use is discontinued for a period of more than six (6) months, it is prohibited.
 2. Tobacco specialty store, which is defined as a retail store that (a) derives at least seventy-five percent of its revenue from tobacco products, tobacco-derived products, electronic nicotine delivery systems, or alternative nicotine products and (b) does not permit persons under the age of twenty-one years to enter the premises unless accompanied by a parent or legal guardian, except that until January 1, 2022, a tobacco specialty store may allow an employee who is nineteen or twenty years of age to work in the store.
 3. Delayed deposit services business, which is defined as any person who for a fee (a) accepts a check dated subsequent to the date it was written or (b) accepts a check dated on the date it was written and holds the check for a period of days prior to deposit or presentment pursuant to an agreement with or any representation made to the maker of the check, whether express or implied.
 4. Pawnbroker, which is defined as any person who loans money upon deposit, or pledge of personal property or valuable thing, or any person who loans money upon chattel property for security, and requires possession of the property so mortgaged, on condition of returning the same upon payment of a stipulated amount of money.

Other Modifications

- A. **Temporary uses**
 - i. Food trucks are allowed on private property, with the written consent of the owner or duly authorized tenant, anywhere within the Downtown Transitional and Mixed Use districts provided the food truck does not occupy any required parking stalls.
 2. Temporary retail sales and personal services businesses are allowed on existing parking lots within the Downtown Transitional and Mixed Use districts provided they meet the following regulations:
 - i. The business remains for a period of no more than 6 months.
 - ii. The temporary business does not take up any required parking stalls.

B. Parking.

1. **Building Reuse Reduction:** New non-residential uses in an existing building are exempt from parking requirements up to 1,000 square feet. Any parking existing on site prior to the new use must remain. Beyond 1,000 square feet, new non-residential uses must provide parking at the applicable ratio.
2. **Bicycle Parking Reduction:** For each four bicycle parking stalls provided on-site, one required parking space may be reduced up to two stalls.
 - a. Bicycle parking spaces shall be located in a convenient and within fifty(50) feet of a principal entrance and shall permit the locking of the bicycle frame and one (1) wheel to the rack and shall support a bicycle in a stable position without damage to the wheels, frame or components.
3. **Alternative Transportation Reduction:** One additional required parking stall may be reduced if the site is within 600 feet of a bike share station or bus stop. If the bike share or bus stop moves, the site will be considered non-conforming but does not need to add back the stall.
 - a. The minimum required parking for single and two family residential uses on lots which were existing on July 26, 2021 shall be reduced to 1 space per dwelling unit provided there is at least 22 contiguous feet of uninterrupted street curb space abutting the lot along the face of curb from the edge of the curb return to the lot line.

Table 2.2: Parking Requirements

	Ratio
Restaurants/Food Establishments	1:300
Small Scale Food or Beverage Production	1:600
Retail Sales	1:600
Personal Services	1:600
Office	1:600
Banks, savings and loan associations, credit unions, and finance companies	1:600
Theaters	1:200
Cooperative Housing	1 per bedroom
Home Occupations	1 stall per employee over 3 employees
Urban Gardens	0

C. Signs.

1. Any signs within the B-3 zoning district shall follow Section 27.69.
2. One freestanding sign is permitted per lot under the following conditions:
 - a. Maximum of 20 square feet in area.
 - b. Maximum height is 6 feet.

- c. Signs are allowed in the front yard but must maintain a 5-foot setback from the front property line.
 - d. Except for home occupations and urban gardens, the signs maybe illuminated.
 - e. Pole signs are prohibited.
3. One wall sign is permitted per business under the following conditions:
- a. In multi-tenant buildings, each business is allowed one wall sign which must face a public street. No more than 15% of each architectural elevation can be covered with wall signs.
 - b. If no freestanding sign is present, each wall sign is limited to 20 square feet. If a freestanding sign is located on the property, each wall sign may not exceed 12square feet.
 - c. Illumination is allowed on any wall signs except those promoting a homeoccupation or urban garden.
4. Where allowed, illuminated freestanding signs and wall signs maybe externally illuminated with down lights or individual components maybe illuminated with neon or similar sources, but may not consist of internally illuminated, translucent-faced cabinets.
5. The spacing requirement for signs abutting a residential premise identified in 27.69.030 (a) (9) shall not apply.
6. The Planning Director may waive or modify the sign requirements of 27.69 as part of asign permit to meet the spirit and intent of the planned unit development.

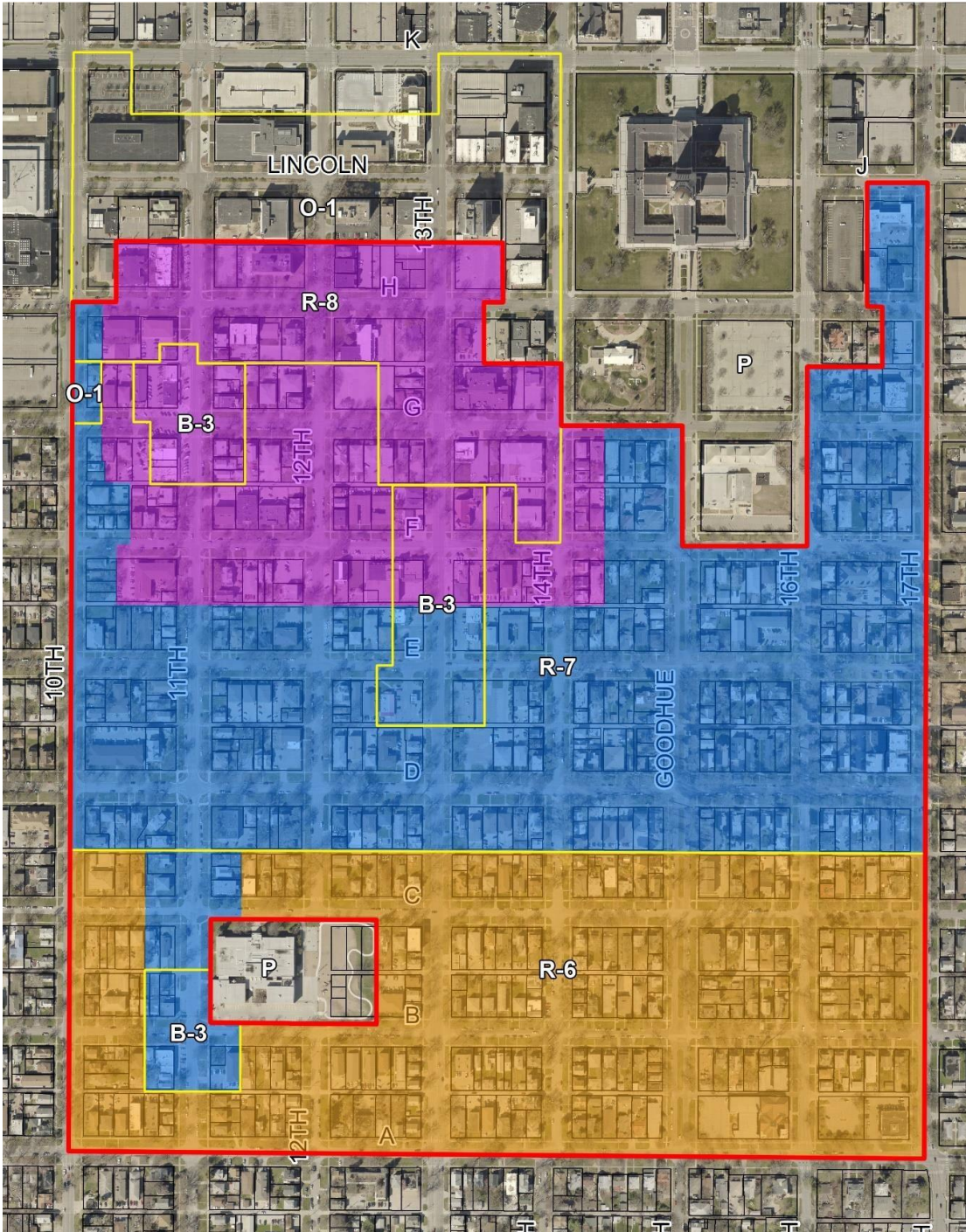
D. Height and Lot Regulations for Single and Two Family Uses.

- 1. On streets with right of way exceeding 100 feet the front setback shall be 3 feet.
- 2. An open, unenclosed porch may project into a required front yard for a distance notto exceed five feet, but no closer than 2 feet to the front property line.
- 3. Reductions to the minimum lot standards and setbacks are as follows:

Table 2.3 Lot Regulations

	Single Family	Two-family
Minimum Lot Area (sq. ft.)	1,500 (reduced from 4,000)	1500 (reduced from 2,500 R6/2,000 R7-8)
Avg. Lot Width (Minimum)	25' (reduced from 50')	25' (no change)
Minimum Front Yard Setback	10' (reduced from 20' R6-7, 10' R8)	10' (reduced from 20' R6-7, 10' R8)
Minimum Side Yard Setback	3' (reduced from 5' in R6-7, 10' R8)	3' (reduced from 5' in R6-7, 10' R8)
Minimum Rear Yard Setback	10' (reduced from 30' or 20% of lot depth R6-7 or 20' R8)	10' (30' or 20% of lot depth R6-7 or 20' R8)

Exhibit 1. PUD Boundary and Subdistrict Map



-  Downtown Transitional District
-  Mixed Use District
-  Neighborhood District

SOUTH OF DOWNTOWN INNOVATION PUD – SUBAREA 1

III. Center Terrace Project.

Subarea 1 of this PUD contains the Center Terrace Project. This redevelopment project contains a multi-family affordable housing development coupled with a non-profit medical clinic. The multi-family area will contain 125 units and the commercial space will occupy 9,200 square feet.

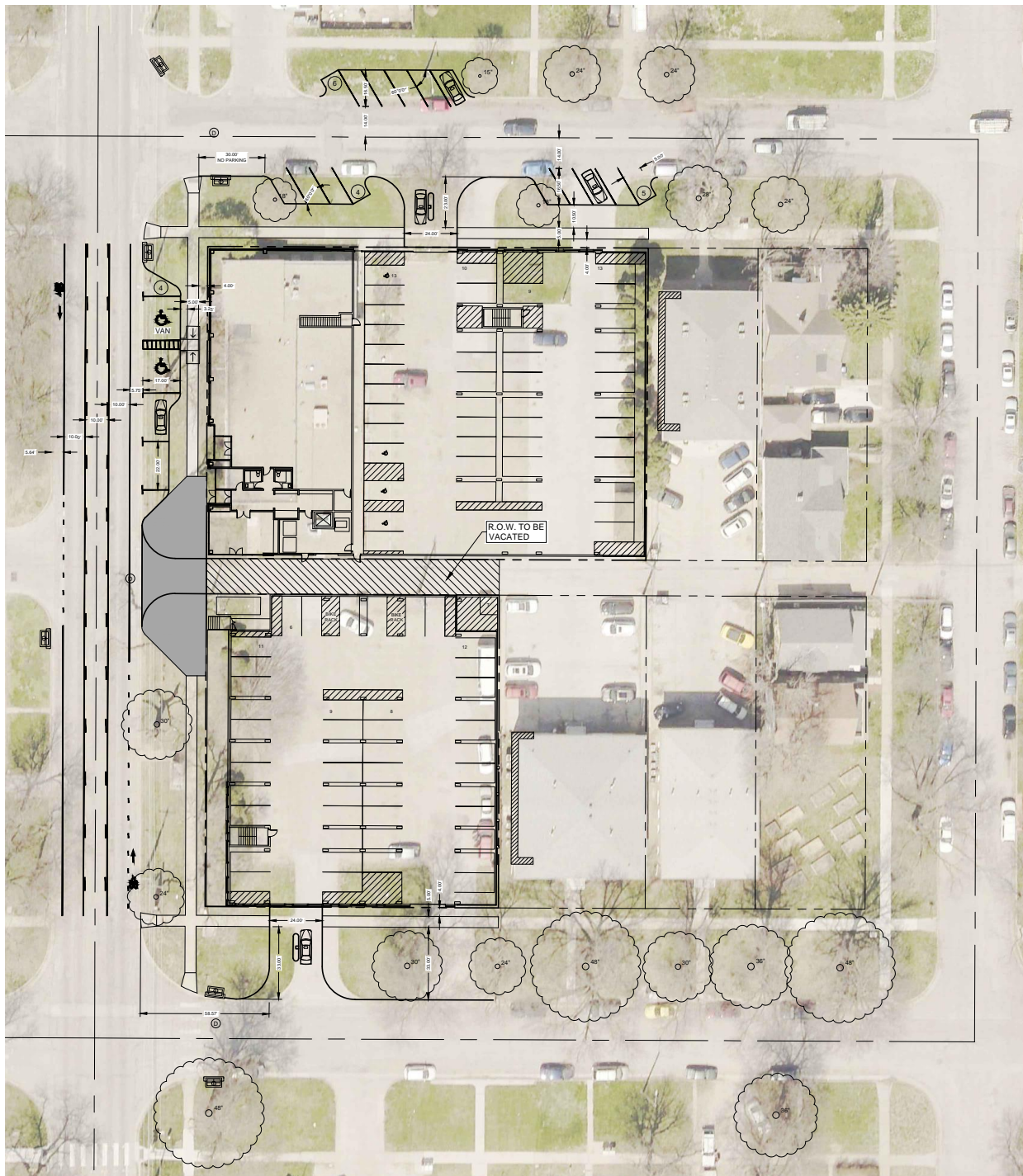
The Center Terrace Project, as shown in concept on *Exhibit 2*, is located east of S. 13th Street between 'E' Street & 'D' Street. A portion of the structure lies within the B-3 zoning district with the remaining area within the R-7 zoning district.

To transform the western half of this block the following development principles will be integrated in the Center Terrace Project:

- A. The permitted height of the structure shall not exceed 66'.
- B. Up to 125 Multi-Family units will be permitted with a minimum parking ratio of .6 stalls per dwelling unit derived from on-site and off-site dedicated parking stalls.
- C. 9,200 square foot of commercial space is permitted with a cross parking easement over the multi-family parking stalls provided.
- D. The building shall maintain a 5' setback to abutting residential lots. All other setbacks for the R-7 and B-3 areas are 0'. Fences and screen walls at ground level may encroach into the side-yard setback. Parking is allowed in all yard setbacks with screening.
- E. LMC Section 27.72.020 shall not apply to the B-3 area. LMC Sections, 27.72.030 and 27.72.130 shall not apply to the R-7 area. This special permit grants a waiver to the stormwater detention standards.
- F. On-site parking access is permitted with two (2) driveways, one off of 'E' Street and one off of 'D' Street as shown on Exhibit 2. Parking lot entry control devices shall be permitted in the ROW via a permit to occupy public ROW. Such control devices shall be constructed at a location that provides a clear space between the front of a vehicle using the device and the sidewalk adjacent to the building.
- G. The Center Terrace Project shall petition for the vacation of the ROW for the alley between S. 13th Street and S. 14th Street for that area that abuts their property lines on both the north and south side of the ROW. A subsequent final plat shall show the vacated alley ROW area as a 16' wide public access and utility easement. The Center Terrace Project assumes maintenance responsibilities for the remaining alley ROW section from S. 14th St to the their east property line.
- H. The Center Terrace Project is permitted to have a structural connection between the North and South portions of their building that spans the vacated alley ROW. The skywalk shall be constructed with a minimum clearance of 13'6". The width of the skywalk shall not exceed 8' from west to east. The clearance above the vacated alley ROW for remainder of the structure shall be a minimum of 21'.
- I. One wall sign for the multi-family building shall be allowed on the western façade which may encroach into the R-7 zoning district. This wall sign may be illuminated and shall comply with signage standard for the B-1 zoning district.

- J. All trees shown on *Exhibit 2* are to remain.
- K. On-street parking stalls as shown on *Exhibit 2*, shall be designed and constructed via the City's Executive Order design process and be maintained by Terrace Center. Terrace Center shall work with the City to establish parking time limits for these parking stalls during the operational hours of the commercial user.

Exhibit 2. Subarea 1 – Center Terrace Conceptual Site Plan





Civil Design Group, Inc.

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

September 6, 2023

Project No. 2023-0024

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

Re: Amendment to the South of Downtown Planned Unit Development (PUD) to create Subarea 1 "Center Terrace Project" containing 125 multi-family residential units and 9,200 sq. ft. of office space, located at 1000 S. 13th Street.

Dear Mr. Cary:

On behalf of Hoppe & Son, LLC we submit the enclosed application for a change of zone to amend the South of Downtown PUD. This amendment would create the first subarea plan within this PUD. The Center Terrace Project proposes a mixed-use project containing 125 affordable residential units and 9,200 square foot of commercial office space for a non-profit medical clinic. This project meaningfully satisfies the goals of the South of Downtown PUD by achieving their guiding principles A, B, C, D, and F as listed in the "Intent" section of the PUD.

The attached amendment to the South of Downtown PUD includes two new pages of text to govern the Center Terrace Project. The text of the amendment, Section III.(A-J), specifies several requirements, conditions, and design standard waivers for Subarea 1. An exhibit of the project limits and its surrounding area, including on-street parking stalls is included on page 14.

With this application we submit the following items:

- Application for a Change of Zone (PUD Amendment)
- Application Fee of \$1,257.78
- Change of Zone Exhibit

I hope that this letter in conjunction with the PUD amendment document assists you in reviewing this application. Please call me with questions at (402) 434-8494.

Sincerely,

Mike Eckert, AICP

cc: Hoppe & Son, LLC

