

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 18, 2023

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, October 18, 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 18, 2023

Approval of minutes of the regular meeting held [October 4, 2023](#).

1. CONSENT AGENDA (Public Hearing and Administrative Action)

COMPREHENSIVE PLAN CONFORMANCE AND RELATED ITEMS:

Page 20 1.1a COMPREHENSIVE PLAN CONFORMANCE 23014, to review as to conformance with the 2050 Lincoln Lancaster County Comprehensive Plan, the Industrial Avenue and Superior Street Redevelopment Plan, with 153 acres, generally located between Industrial Avenue on the west, Superior Street on the north, and Salt Creek on the east and south, Sections 7 10 7 and 6 10 7, and included within the Redevelopment Plan is the Kinney Industrial District Project, to include commercial and industrial uses along with the extension of N 33rd Street, on property generally described as Lots 188 and 189, 7 10 7, Lincoln, Lancaster County, Nebraska, generally located at 33rd & Superior Streets.
Staff recommendation: In Conformance with the Comprehensive Plan Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

Page 28 1.1b PRELIMINARY PLAT 23003, for 2 industrial lots, generally located at 3111 Superior Street. ***FINAL ACTION***
Staff recommendation: Conditional Approval
Staff Planner: Emma Martin, 402-441-6369, emartin@lincoln.ne.gov

Page 50 1.2 COMPREHENSIVE PLAN CONFORMANCE 23015, to review as to conformance with the 2050 Lincoln-Lancaster Comprehensive Plan, for Center Terrace Redevelopment Plan, a proposed guide for redevelopment activities within the Redevelopment Plan Area, including mixed-use commercial and residential uses, on property generally located at 1000 South 13th Street.
Staff recommendation: In Conformance with the Comprehensive Plan Staff Planner: Ben Callahan, 402-441-6360, bcallahan@lincoln.ne.gov

PERMITS:

- Page 71* 1.3 SPECIAL PERMIT 13048B, amending the existing special permit to increase the maximum number of residents at the residential healthcare facility from 18 to 21 people with waivers to the setback requirements for the existing garage, 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

MISCELLANEOUS:

- Page 88* 1.4 MISCELLANEOUS 23006, to review the proposed determination that the College View Redevelopment Area be declared blighted and substandard as defined in the Nebraska Community Development Law. The study area is approximately 73 acres, generally located between S 46th Street on the west, Hillside Street on the north, S 49th Street on the east, and Linden Street on the south, located in Sections 5-9-7 and 8-9-7, Lincoln, Lancaster County, Nebraska.
Staff recommendation: Finding of Substandard and Blighted Conditions
Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

2. REQUESTS FOR DEFERRAL

TEXT AMENDMENT

- 2.1 TEXT AMENDMENT 23012, to amend Article 14 (CUP) Community Unit Plan and Article 19 (BZA) Board of Zoning Appeals of the Lancaster County Zoning Regulations and Chapters 2, 4, 5 and 7 of the Lancaster County Subdivision Regulations.
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

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

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION

CHANGE OF ZONE AND RELATED ITEM:

- Page 94* 4.1a CHANGE OF ZONE NO. 23066, from AG (Agricultural District) to AGR (Agricultural Residential District), on property generally located at SW 40th Street and one-half mile south of W. Denton Road.
Staff recommendation: Approval
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov
- Page 100* 4.1b SPECIAL PERMIT NO. 06068B, to amend The Bridges Community Unit Plan (CUP) to add an additional 160 acres and an additional 62 dwelling units with associated waivers on property generally located at S.W. 27th Street and W. Denton Road. ***FINAL ACTION***
Staff recommendation: Approval
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

SPECIAL PERMIT:

- 4.2 COUNTY SPECIAL PERMIT 23035, for soil excavation on property generally located at N. 27th Street and Agnew Road. ***FINAL ACTION***

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Staff recommendation: Conditional Approval

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

5. CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION

- 5.1 STREET & 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.

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Staff recommendation: Conforms to the Comprehensive Plan

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

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

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Adjournment

PENDING LIST: No items

Planning Department Staff Contacts:

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Emma Martin, <i>Planner</i>	402-441-6369	emartin@lincoln.ne.gov
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Brian Will, <i>Planner</i>	402-441-6362	bwill@lincoln.ne.gov

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The Planning Commission meeting which is broadcast live at 1:00 p.m. every other Wednesday will be available for viewing on LNK City TV at

<https://lnktv.lincoln.ne.gov/CablecastPublicSite/watch/3?channel=1>

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The Planning Commission agenda may be accessed on the Internet at

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

MEETING RECORD

Advanced public notice of the Planning Commission meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Tuesday, September 26, 2023.

NAME OF GROUP:	PLANNING COMMISSION
DATE, TIME AND PLACE OF MEETING:	Wednesday, October 4, 2023, 1:00 p.m., Hearing Room 112, on the first floor of the County-City Building, 555 S. 10 th Street, Lincoln, Nebraska.
MEMBERS AND OTHERS IN ATTENDANCE:	Lorenzo Ball, Dick Campbell, Maribel Cruz, Gloria Eddins, Tracy Edgerton, Bailey Feit, Cristy Joy, Rich Rodenburg and Cindy Ryman Yost. David Cary, Steve Henrichsen, Shelli Reid, Jennifer McDonald, Arvind Gopalakrishnan, Ben Callahan, Emma Martin, and Brian Will 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 requested a motion approving the revised minutes for the regular meeting held September 20, 2023.

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

Minutes approved 9-0: Ball, Campbell, Cruz, Eddins, Edgerton, Feit, Joy, Rodenburg, and Ryman Yost voting "yes".

Clerk announced that items 1.1-Text Amendment 23013 and 1.5-Special Permit 22045A will be removed from the consent agenda to a public hearing.

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

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

October 4, 2023

Members present: Ball, Campbell, Cruz, Eddins, Edgerton, Feit, Joy, Rodenburg, and Ryman Yost voting “yes”.

The Consent Agenda consisted of the following items: Change of Zone 19031C, Change of Zone 23064, Special Permit 23032, and Street and Alley Vacation 23007.

There were no ex-parte communications disclosed.

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

Steve Henrichsen, Planning Department, 555 S. 10th Street, Suite 213, Lincoln, NE approached and stated that a letter of opposition of Change of Zone 23064 was received by the Planning Commission prior to the hearing and was distributed to the Planning Commissioners.

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

Motion carried 9-0: Ball, Campbell, Cruz, Eddins, Edgerton, Feit, Joy, Rodenburg, and Ryman Yost voting “yes”.

Note: This is Final Action on 1.5 - Special Permit 22045A and 1.6 - Special Permit 23032 unless appealed by filing a Notice of Appeal with the City Board within 14 days.

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

Clerk noted that written communication from the Planning Department requesting a two-week deferral, to advertise an added waiver request, until the next Planning Commission Hearing of item 1.4 – Special Permit 13048B, which will delay public hearing and action to the October 18, 2023, Planning Commission hearing.

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. THIS IS FINAL ACTION.

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

Staff Recommendation: Two-week deferral

Edgerton moved to grant the deferral until October 18, 2023, hearing, seconded Campbell.

Motion carried 9-0: Ball, Campbell, Cruz, Eddins, Edgerton, Feit, Joy, Rodenburg, and Ryman Yost voting “yes”.

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.

PUBLIC HEARING:

October 4, 2023

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

Staff Recommendation: Approval

There were no ex-parte communications disclosed.

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

Staff Presentation:

Arvind Gopalakrishnan, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated that the Planning Department is updating the three design view boards. This includes the Urban Design Committee, The Historic Preservation Commission, and the Nebraska Capital Environments Commission. The primary purpose of the text amendment is to increase efficiency by clearly demonstrating the jurisdiction of each part relative to the others. The proposed amendments are consistent with the comprehensive plan as they are intended to clarify areas of the Lincoln Municipal Code. The Text Amendment includes minor and major changes. Gopalakrishnan stated that this will also allow determination as to which board will be responsible to take action and which board provides recommendations.

Proponents:

Peter Katt, 633 Apples Way, Lincoln, NE came forward and stated that this Text Amendment has a connection to the Accessory Dwelling Unit (ADU) and his plan is to find and recruit other ADU fans. Katt stated that there is no tracking for ADU's in Lincoln. The process is impossible to get an ADU approved. Katt wants to create a group that will help and support the ADU chapter and housing solutions. Katt wants to raise awareness of this and is looking for others who want to assist in raising awareness.

Campbell stated to Katt that the Village Gardens Planned Unit Development (PUD) was written with their own city standards. There are many associated dwelling units throughout Village Gardens and would be happy to work with Katt on this project. Katt stated that what Campbell is stating only applies to existing PUD's. Katt stated it is easier to write into new PUD's but harder and more expensive to get written into older neighborhoods.

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 Joy.

Motion carried 9-0: Ball, Campbell, Cruz, Eddins, Edgerton, Feit, Joy, Rodenburg, and Ryman Yost voting "yes".

TEXT AMENDMENT 23013

ACTION BY PLANNING COMMISSION

October 4, 2023

Campbell moved to approve Text Amendment 23013, second by Joy.

Campbell stated that this is a great move to improve, clear up and make City Codes more understandable.

Edgerton stated that anything that adds efficiency and clarity, especially when it comes to the City Codes, makes sense.

Ryman Yost stated that it is always nice when things can be more efficient and lead to more housing.

Motion approved 9-0: Ball, Campbell, Cruz, Eddins, Edgerton, Feit, Joy, Rodenburg, and Ryman Yost voting "yes".

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. THIS IS FINAL ACTION.

PUBLIC HEARING:

October 4, 2023

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

Staff Recommendation: Conditional Approval

There were no ex-parte communications disclosed.

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

Staff Presentation:

Ben Callahan, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated that this request is to amend the existing Hawley Corners Community Unit Plan. Callahan stated that the proposed amendment will allow for a development of 8 townhome units. Currently, there is a single multi-family house on the property, that has now been demolished. This special permit will have an associated waiver. Callahan stated that the associated waivers are mainly related to the setbacks to the property. The density currently in the Community Unit Plan (CUP) is 6 units and this would allow an additional 8 units. The size of the CUP, by the density calculation, it would allow up to 65 dwelling units by density for the code.

Edgerton asked Callahan to clarify the density of 65 dwelling units. Callahan responded that for the CUP, it would cap out at 65 dwelling units.

Ryman Yost asked if the buildings that are close to this are similar to what is being requested. Callahan stated that there will not be any access on to Vine Street anymore.

Rodenburg asked if there will be room for sidewalks. Callahan stated that the sidewalks that are currently there will remain where they are today.

Applicant:

Aaron Burd, 3825 Kilkee Road, Lincoln, NE came forward and stated that Callahan had explained everything well. Burd asked the Commissioners if they had any questions for him.

Eddins asked how many units would be in this townhome. Burd stated that there will be a total of 8 units.

Rodenburg asked if the units would be rentals at market rate or if the units will be for sale. Burd stated that they will be rentals and assumes that they will be at market rate. Burd also stated that they are going to be platted individually so if a person wants to buy and live, they could own a portion and not have to buy it as a whole.

Edgerton asked how this reflects what is in the current CUP and is it the same type of multi-family dwelling. Burd stated that the CUP boundaries is being extended to allow adjustment to some of the setbacks. Burd stated with discussion with Callahan, the intention was to have a three-story higher density R6 and determined that a two-story single family would be a better fit.

Eddins asked how many bedrooms will be in each unit, Burd stated there will be four bedrooms.

Feit asked with the garages in the back, that would be the intent for the garbage service and other services to use that access also? Burd stated the front of the houses will be on Vine Street or U street. The parking and garbage access will be on the alley way.

Proponents:

No one came forward in support of this application.

Neutral:

No one approached in neutral testimony.

Opposition:

Wayne Mortensen, Chief Executive Officer of NeighborWorks, 2530 Q Street, Lincoln, NE came forward to ask if the Commissioners are approving the expansion of the CUP or the site plan and the CUP itself today? Callahan approached it is approving the expansion of the boundary of the CUP and then the associated site plan would be as a preliminary site plan. Mortensen stated he is testifying in opposition of this permit. Mortensen said that time and resources are being exploited by this proposal. Mortensen stated that this is the first time that they have received notice, and the neighbors only became aware of this through the public hearing notice. Mortensen stated that this has not been a successful project so far from an engagement or procedural standpoint. Mortensen asked that he is requesting this to be denied until there is a chance to coordinate the work happening between the two plans.

Edgerton asked Mortensen if this process was the first that Mortensen knew about this project or the expansion of the CUP. Mortensen stated that through the public notice from the Planning Department. Mortensen stated that he originally reached out to the previous owner to see if there was any interest in sale to expand at that time but did not hear anything back.

Campbell asked what type of compromise or negotiation Mortensen is looking for. Mortensen believes in more aggressive treatment of gardens and open space.

Eddins asked if there are other townhomes in this area of these sizes within the area that are rentals. Mortensen stated that he is not aware of any.

Edgerton asked what the status of NeighborWorks current project is. Mortensen stated his project is three single-family homes. The CUP has been approved and they are two to three weeks away for the final permits and demolition of the vacant home that is required for the construction.

Tim Rinne, 605 N. 26th Street, Lincoln, NE approached with a brochure (Exhibit #1) to be distributed to the Planning Commissioners. Rinne stated that Hawley Hamlet was started in 2009. Rinne stated that there is a neighborhood garden that is utilized by over 20 neighbors. This is their 14th growing season. Rinne stated that he has invested over a total of \$1 million into this lot. Rinna stated that Hawley Corners has been in a three-year project with Neighborworks and the Hawley Hamlet. The current project at 645 N. 26th Street is being developed from one domicile into three domiciles. There are no lawns but a common courthouse space that the three units can share. Rinne stated that nice affordable homes and gardening space is what they have been aiming for. It was only 10 days ago that a letter was received about Hawley Corners expanding. Rinne stated that there was not any notice prior given. Rinne stated that this is not what they were hoping for. Rinne stated that there is one step that would make this acceptable would be to have 7 units instead of 8 then there could be a garden space.

Ball asked if the green space is within the CUP where the three houses are. Rinna showed on Exhibit 1 where the houses and garden space are located.

Campbell asked if the concern is more about the project tacking on to the existing zoning. Rinne stated that this has been an expensive and long process. Then to have someone come in and do business as usual, without the consideration of what is being done is his concern. If at least one of the 8 units could be dedicated to garden space, then would have his support.

Kay Walter, 605 N. 26th Street, Lincoln, NE came forward and stated that she would like the designs to fit in to the neighborhood and has not seen the actual designs yet.

Edgerton asked if the current CUP is owned by Rinne and Walter. Walter stated that they own all the property except for one lot that they had sold to Neighborworks so they could develop that lot. Rinne approached to clarify that some of the parcels were sold but that they own the garden space.

Staff Questions:

Campbell asked Callahan if he was aware of Hawley Hamlet and how this will or will not relate to this proposal. Callahan stated that he is familiar with the Hawley Corners CUP and had worked on it previously. Callahan stated in relation to the code, anyone can add on to a PUD. Campbell asked if there is any requirement that the original mandates be followed in the CUP. Callahan stated that there were not any requirements set within the CUP, so they requested waivers for the front and side yard setbacks.

Joy wanted to clarify that this an appropriate way that this can happen in the City of Lincoln. Callahan stated yes.

Ryman Yost asked if this lot was not added, how would the design plans need to change? Callahan stated that multifamily is permitted and that there could be up to 12 multi-family lots by right with increase setbacks.

Applicant Rebuttal:

Ann Post, Rembolt Ludtke, 1128 Lincoln Mall, Suite 300, Lincoln, NE came forward as attorney for the applicant. Post stated that the concept that Neighborworks established is an amazing concept. This concept was approved in January 2023. The applicant only acquired this property about three months ago. Post stated that there is a process on extending the CUP and there is a tool to make this possible to obtain the waivers to make this style of housing possible. Post stated that instead of doing 8 row home units and what is allowable is 12-unit apartment complex. The applicant chose to do the 8 units to keep the character of the neighborhood. This is the concept of the developer to meet the need for additional housing in Lincoln and not change the character and move to multi-style housing.

Eddins asked if there was any outreach to the neighborhood. Post stated that she did not believe that there were. Post stated that there will be ongoing discussions with Urban Development.

Joy asked Post about having the idea of one of the units becoming a garden. Post stated this would have an impact on feasibility if they removed one of the units.

Ryman Yost asked if the target is college students as renters. Ryman Yost stated that there has been a conversation prior to renting out to college students by room which increases to four cars and increase in turnover. Post stated that this is being built to serve whoever wants to live in this area.

Campbell asked Post if behind in the alley to the garage, if there is any distance for an additional car or two. Campbell asked if there is any way to adapt to having more distance between the garage doors. Post stated that the applicant will need to answer that. Post did state that it is a tight space. Burd approached and stated that it is to accommodate traffic in both directions. There are also utilities that will run through this area also. If any adjustment is made, it will affect the dwellings.

Ryman Yost asked if the only way in and out would be on 26th Street. Burd stated that certain areas were expanded to 30 feet in width so cars will have room to turn around.

Feit stated that this is for approving the CUP expansion but wanted to know if this plan is final or could there still be some changes? Burd stated that there is a final plat that is being submitted and everything is based on the layout of the final plat.

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

Motion carried 9-0: Ball, Campbell, Cruz, Eddins, Edgerton, Feit, Joy, Rodenburg, and Ryman Yost voting “yes”.

SPECIAL PERMIT 22045A

ACTION BY PLANNING COMMISSION

October 4, 2023

Campbell moved to approve SP22045A, second by Joy.

Campbell stated that the reasoning behind this is that it would be nice to have a garden and the progress made to the block. Campbell stated that the property has been for sale a long time and it does have the right to have 12 apartments on it. Campbell stated that 8 individual units is what it is already zoned for. Campbell has mixed emotions about this but will be supporting the approval.

Eddins stated that she will not be supporting this. Eddins stated that 8 units and 4 bedrooms in each unit will probably be rented to college students, which is the history of what is put in the neighborhood time and time again. Eddins stated that even with 12 units, there would not be room for four bedrooms. Eddins stated what is appropriate for this area with these waivers is what they are looking at.

Ball stated that he agrees with Commissioner Campbell. There currently is a plan with less units than can currently be there. Ball stated from a zoning perspective it does make sense.

Rodenburg stated that he loves the Hawley Hamlet area and Neighborworks is a great organization. Rodenburg stated that the gardening aspect is brilliant. There has been so much time and money in developing the CUP and now it is being piggybacked on at no cost. Rodenburg will not be supporting this and hopefully there can be a compromise.

Eddins stated that the developer was not asked how much he was planning to charge, and in this area, these units are rented for \$2,000 each unit.

Edgerton stated that she appreciates the clarification of being adjacent to the CUP and a new property owner coming in. Edgerton stated that there is a disconnect and is very disappointed that there was not a conversation to engage with the people who put all the work into the past three years. There could have been more conversation that could have been going into this. Edgerton stated that she is going to vote not to expanding the CUP. Edgerton understands that 12 are allowed by right and thinks there is opportunity to work on this and bring something forward that will work with the neighborhood.

Joy stated that she will be supporting the motion based on the similar discussion of Commissioner Campbell's. Joy stated that there is opportunity to have the discussion and hopes that discussion with the neighbors will have some remedy. Joy stated that she also

agrees with the commissioners that some opportunities have been missed and would be good if there was some type of engagement in the neighborhood.

Ryman Yost stated that she will not be voting in support. Ryman Yost understands it is possible to add on, but it is not required. It does not seem like a great fit, but 12 apartments with some green space may fit better into the area with more options for housing.

Motion failed 6-3: Ball, Campbell, and Joy voting “yes”. Cruz, Eddins, Edgerton, Feit, Rodenburg and Ryman Yost dissenting.

Motion to reconsider main motion for Denial of Special Permit 22045A by Eddins, second Cruz.

Motion to deny 7-2: Campbell, Cruz, Eddins, Edgerton, Feit, Rodenburg, and Ryman Yost voting “yes”. Ball and Joy dissenting.

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

PUBLIC HEARING:

October 4, 2023

Clerk noted that Staff received a Memo dated 10/2/2023 – identifying revisions to the staff report and Conditions of Approval as agreed upon by staff and applicant.

BEFORE PLANNING COMMISSION:

October 4, 2023

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

Staff Recommendation: Conditional Approval

There were no ex-parte communications disclosed.

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

Staff Presentation:

Ben Callahan, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated that this application is to the amendment to the South of Downtown Planned Unit Development. Callahan stated that the project area will be attached to the PUD and referred to as “Subarea 1”. Callahan stated that the proposed area of Subarea 1 to allow a mixed-use multifamily building. With this, multiple waivers are being requested due to the setbacks of two different zoning districts setbacks. There are also additional waivers requested to the height with parking on the main level. The building from the second floor and above will connect with the building across the alley presenting it as one structure. This will allow traffic

to flow east and west by utilizing the alley way. This is compatible with many of the goals of the comprehensive plan. It is an infill affordable housing in the near downtown area.

Feit asked Callahan what is adjacent or up against Subarea 1. Callahan stated that it is R7 and multi-family.

Joy asked if there was anything that came out of the neighborhood meeting that has been adjusted to this proposal. Callahan stated that parking was addressed, and additional parking was added from the applicant and not required.

Rodenburg asked if the business owners will be able to have sign specifying a private parking. Callahan stated that it is strictly public and not a private parking spot.

Eddins asked what number of parking spaces they are gaining on the street parking. Callahan stated that he believes it is 19 spaces.

Joy asked if the 19 spaces that will be added are not in the 91-parking space count. Callahan stated that they are not included in the count because the 91 spaces are on their property.

Edgerton asked if there would be any open space. Callahan stated that there is a waiver to open space and roof top open decks for public areas for residents of the building. Joy asked how large the roof top decks are. Callahan stated that approximately 5,500 square feet will be split between 2 different decks on the second level.

Applicant:

Andrew Willis, Cline Williams, 233 South 13th Street, Lincoln, NE approached and stated that the project is an amendment for approximately 125 affordable housing units and a commercial space. The commercial space is hopefully to be a medical clinic which fits within the Comprehensive Plan and affordable housing. This is on a bus route and close to the downtown area. Wells stated that "Subarea 1" is designed to make this project work and be flexible but not to exceed outside of what is allowed. Willis mentioned that this project is a necessary step in the long list of approvals that will be coming forward and will be worked through.

Mike Eckert, Civil Design Group, 8535 Executive Woods Drive, Suite 200, Lincoln, NE came forward and stated that the right-a-way vacation has a sanitary system routing through the alleyway. This will be maintained by Hoppe & Sons. Eckert stated that the on-street parking was made with modifications were made to add stalls and maintain signage on the stalls. Eckert stated that a balance needed to be met with the city staff and the neighborhood feedback. Eckert stated that on 13th Street, everything will stay the same with the bus stop and bike lanes.

Eddins asked if handicap spots will be added on 13th Street. Eckert stated that is the plan to add handicap spots.

Jake Hoppe, Hoppe Development, 301 S. 57th Street, Omaha, NE approached and stated that this has been a long time coming to bring something forward that would be an investment and serve the neighborhood. Hoppe stated that the clinic is a nonprofit free clinic that serves the neighborhood. Hoppe stated that they have been engaged in the neighborhood from the basic polling, discussion, and survey work. Hoppe stated that some of the key things that were responded to from the engagement was affordable housing, safety and onsite management, lack of gathering spaces, trees, and greenspace. Affordable housing will serve families 60 percent median income or below and a number of units serving the 40 percent income and below. This is in a 45-year affordability period. They will also be pursuing TIF through the City of Lincoln.

Ben Kunz, Hoppe Development, 5631 S. 48th Street, Suite 200, Lincoln, NE approached and stated that the process will provide 125 affordable apartment homes, 6500 square feet for “Clinic with a Heart”, two on-site managers, handicapped accessible with elevator, secured parking and on street parking. Kunz stated that there is still some determining items that are being worked out such as color, design, detailing and a platform for public art. Kunz stated some of the features that will be included is a social “Front Porch” Concept, a community room, a mobile vendor area that could allow a food truck and a resident roof deck. Kunz stated that they are not committed to what activities to plan for in certain space and what improvements need to be made to support this.

Rodenburg asked if bicycle accommodations will be in this plan. Kunz stated that there will be a secured screened area and bike lockers included for the residents. There will also be public bike parking available.

Jay Palu, Alley Poyner Macchietto Architecture, 1516 Cumming Street, Omaha, NE approached as the architect for that this development. Palu stated that this housing will exceed the standards and quality levels based on the funding that they have. In addition, the building has a unique approach to the design of this building. All floors will be accessible and Fair Housing will be met.

Carina McCormick, President of the South of Downtown Community Development Organization, 1502 E Street, Lincoln, NE came forward and stated that she is President of the South of Downtown Community Development Organization. The project was voted on unanimously as a board to sell the property to the Hoppe’s. McCormick stated that they felt safety and affordability was the emphasis of the needs of the advisory board. The advisory board also felt that the parking and the inside of the building should be secured. McCormick stated that the more units, the cheaper the rent. McCormick stated that the Hoppe’s agreed to accept Section 8 vouchers in all the units. This is one of the best things that comes from this project.

Wayne Mortensen, Chief Executive Officer of NeighborWorks, 2530 Q Street, Lincoln, NE came forward and stated that NeighborWorks is the third-party manager of the South of Downtown Community Development Organization. Mortensen is testifying as part of the

applicant. Mortensen stated that the NeighborWorks team facilitated the six-month community outreach and engagement process. Mortensen clarified that the approval today is up to 125 units and could possibly be lowered. He stated that they will continue to focus on things moving forward.

Edgerton asked what the general feedback about waiving the open space or the ideas of the green space and how that will be incorporated into the building itself. McCormick stated that at forum was to get the parking as close to that they thought before it was presented to the residents. McCormick also tried to maximize the green space.

Rodenburg asked Hoppe if the three buildings in one are going to be done together or phased in project. Hoppe stated that technically it is all one building with a street presence of one building. Hoppe stated that it is all one building with one permit.

Edgerton wanted to confirm that on site management of the building is anticipated. Hoppe stated that there may be two managers onsite with 125 units or more.

Proponents:

Colby Woodson, 640 S. 12th Street, Lincoln, NE approached and stated that he lives a few blocks away and has been a renter in that area for a long time. Woodson was surprised that this is a multi-family build with a health clinic. Watson is aware that a mixed use is a big priority in a master plan. Watson stated that he is excited about this project and multi-family is the right tool for the job.

Neutral:

No one approached in neutral testimony.

Opposition:

Jeff Heerspink, 1045 S. 13th Street, Lincoln, NE approached and stated that he is in support to affordable housing, the clinic, and has an appreciation for Hoppe. Heerspink stated that he is in opposition to this project and finds it interesting that the neighborhood was heard from but feels this is incorrect and this became more of a political activist group of some level. One of the biggest complaints was that there were a lot of beautiful historic homes were torn down to allow a slip in and the lack of parking. Heerspink stated the forum that was held on September 6, there was never an opportunity to discuss or oppose this proposal. Heerspink stands in great opposition and believes that the neighborhood needs a place for the kids to play in the neighborhood and there is also the need for more green space. Heerspink stated that there is a need for affordable housing and feels that there is a need to work towards that.

Darlene Mundt, 1035 Garfield Street, Lincoln, NE came forward and stated that she has lived in this neighborhood for over 50 years. Mundt stated that affordable housing is more expensive than rent. Mundt stated that there are times when the police are at the neighbor's complex and

unable to reach anyone because a management company has taken over the property. Mundt stated that she is concerned about parking. Mundt stated that “Clinic with a Heart” is not open during the day and is by appointment only in the evening. Mundt asked if “Clinic with a Heart” will be taking care of people during the daytime hours. Mundt is also concerned with how and where the kids will go to school since there will not be busing available and the schools are overcrowded. Mundt stated that with an ally having an overhead closure, there will be transits there. Mundt asked where the trash will be located, there is not any space or room for that much trash. Mundt stated that she is in opposition to this because there are so many concerns that have not been addressed. Mundt asked how many people would vote to have this facility a few blocks from their home.

Staff Questions:

There were no questions from staff.

Applicant Rebuttal:

Hoppe approached and does not know how to find a balance with all the concerns. Hoppe stated that what they have is a transformative project and a really great investment. Hoppe is very sensitive that this creates impact on the neighborhood and must also think about the people that do not get to live in the neighborhood.

McCormick approached and stated that the South of Downtown Community Organization was created to increase the quality of life for the residents. It will also give people safe and affordable place to live. McCormick stated that there is a bus route that runs along 13th Street which is one of the best bus routes and is by the trolley stop. McCormick stated that Mundt asked if anyone would want this in their neighborhood, McCormick stated that it was asked, and the response was “yes”.

Kunz approached and stated that the building will be supported by a central trash chute with a trash compactor to minimize the space required for dumpsters. Kunz stated that the outdoor space and along Linear Park have some themes that could be a splash park or an edible forest that hope to incorporate.

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

Motion carried 9-0: Ball, Campbell, Cruz, Eddins, Edgerton, Feit, Joy, Rodenburg, and Ryman Yost voting “yes”.

CHANGE OF ZONE 21020A

ACTION BY PLANNING COMMISSION

October 4, 2023

Campbell moved to approve Change of Zone 21020A, second by Joy.

Campbell stated that this is a well put together project that suits the needs of the neighborhood and will be supporting this.

Joy will also be supporting this due to the out-of-the box thinking and has hit all the goals. Joy also loves the roof top terraces and the urban park along the street concept. From a land planning standpoint will be supporting this with all these features.

Cruz stated that she lived in the neighborhood and understands the parking and the lack of a place to play for the kids or greenspace. Cruz also recognized that there is a need for affordable housing in the city. Cruz stated that providing people with safety, green space and affordability will create a less of a divide between the homeowners in the area and the people who chose to make Everett their home.

Eddins will be supporting this and stated that Section 8 matters to her. There is a shortage of affordable housing units, especially with an elevator. Eddins does think that it will create a parking problem in the area and hopes that they will try to mitigate this problem.

Ball stated that there is consideration around parking that was thought out and created. Ball stated that affordable housing is a step forward, getting the community involved and the use of state funds to help make it happen.

Rodenburg stated that home values have doubled in the last five years and interest rates have increased. This makes home ownership extremely difficult. Rodenburg stated that there are a lot of people that need this to make a place a home. Rodenburg will be supporting this project.

Feit stated that she appreciates all the time and effort that was put into trying to grab people's voice and the green space that they are trying to put in. Feit is also in support of the public art that can bring a community together.

Ryman Yost will be voting in support. Ryman Yost agrees with Commissioner Eddins regarding Section 8 and the affordable housing. There is an understanding that there is change and it creates uncertainty in the area. Ryman Yost is appreciative of the team that has been working on this.

Motion carried 9-0: Ball, Campbell, Cruz, Eddins, Edgerton, Feit, Joy, Rodenburg, and Ryman Yost voting "yes".

Edgerton moved to adjourn the Planning Commission meeting of October 6, 2023, seconded by Joy.

Motion carried 9-0: Ball, Campbell, Cruz, Eddins, Edgerton, Feit, Joy, Rodenburg, and Ryman Yost voting "yes".

There being no further business, the meeting was adjourned at 3:23 p.m.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER
Comprehensive Plan Conformance 23014
*Industrial Avenue and Superior Street
Redevelopment Plan*

FINAL ACTION?
No

DEVELOPER
Baby Bull, LLC

PLANNING COMMISSION HEARING DATE
October 18, 2023

RELATED APPLICATIONS
[PP23003](#)

LOCATION
N 33rd & Superior

RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

Review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan, the Industrial Avenue and Superior Street Redevelopment Plan. The Plan includes approximately 153 acres and is generally located near 33rd and Superior Streets. Included within the Plan is the Kinney Industrial District Project. The Project includes development of commercial and industrial buildings along with the extension of 33rd Street south of Superior Street.

The Redevelopment Plan is on file with the Urban Development Department and the Planning Department. The project documents can also be found online on the Planning Application Tracking System (PATS): [CPC23014](#).



JUSTIFICATION FOR RECOMMENDATION

Several elements of the Kinney Industrial Project and the overall Redevelopment Plan conform with the Comprehensive Plan. The Redevelopment Plan acknowledges the possibility for a mix of uses within the Plan area, including residential and commercial. The Redevelopment Plan also includes green space and future trail opportunities as shown in the Comprehensive Plan and 33rd & Cornhusker Plan. The Project is considered light industrial and therefore allows for the future possibility of mixed-use.

Perhaps most importantly, the Kinney Industrial Project, with support from Tax Increment Financing (TIF), will construct the first phase of 33rd Street south of Superior Street, which is a key element to redevelopment of the area as envisioned in the Comprehensive Plan and 33rd & Cornhusker Plan.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

In addition to the items above, the Comprehensive Plan supports business creation, innovation, and expansion, including the retention and expansion of local businesses.

APPLICATION CONTACT

Hallie Salem, (402) 441-7866 or
hsalem@lincoln.ne.gov

STAFF CONTACT

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

COMPREHENSIVE PLAN SPECIFICATIONS:

Introduction Section: Growth Framework

[Figure GF.b: 2050](#) - The area is shown as Commercial on the 2050 Future Land Use Plan.

Goals Section

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

It is important to have an economic environment that supports business creation, innovation, and expansion. Elements that contribute to a successful economic environment include:

- Skilled and educated workforce, including tradespeople
- Strong partnerships between educational institutions, major employers, and other workforce resources such as the American Job Center
- Site and infrastructure availability
- Clear and consistent regulations with a streamlined review process
- Financial incentives, such as Tax Increment Financing (TIF) and technical assistance with grant opportunities

Elements Section

E2: Infill and Redevelopment

Infill and Redevelopment Approach

The Infill and Redevelopment Approach seeks to fulfill the following objectives:

1. To provide flexibility to the marketplace in siting future redevelopment locations;
2. To offer existing neighborhoods, present and future residents, developers, other businesses, and infrastructure providers a level of predictability as to where such redevelopment concentrations might be located; and
3. To promote high-quality, durable design for redevelopment projects, including TIF projects, that enhances the surrounding neighborhood.
4. To encourage and provide incentives for residential mixed use in redeveloping commercial and industrial areas.

E3: Business, Economy and Workforce

Commercial and Industrial Development

Lincoln remains the county's dominant home to both the commercial and industrial sectors of the local economy. Most of the recent growth in commercial and industrial space has occurred within the city limits of Lincoln, with other incorporated communities experiencing some growth as well. This clustering of commercial and industrial activity in the City of Lincoln has been completed in accordance with the goals of previous comprehensive plans, and PlanForward continues this development pattern.

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.

E5: Parks, Recreation, and Open Space

Parks and open space enhance the quality of life of the community's residents and are central to the community's economic development strategy—the community's ability to attract and retain viable businesses, industries, and employees is directly linked to quality of life issues, including indoor and outdoor recreational opportunities.

Policies Section

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

Action Steps:

1. Offer incentives for “primary” employers - that is, for companies where the majority of their business and sales come from outside Lancaster County.
2. Locate all new commercial and industrial development within Lincoln or within the smaller incorporated communities in Lancaster County. Certain commercial uses that are compatible with agriculture and the rural environment, such as commercial wind and solar energy facilities, are allowed in rural areas of the county.
- ...
7. Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.

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

Action Steps:

1. Continue to provide adequate sites with associated infrastructure to serve the community's economic development needs.

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

Action Steps:

1. Designate areas for future urban development outside of the floodplain and floodway to reduce flood risks and to preserve or create floodplain areas.

33RD & CORNHUSKER SUBAREA PLAN SPECIFICATIONS:

- p. 88 The area is primarily shown as a Mixed Use Node on the Future Land Use Plan. Uses within this designation are mixed, and may include a combination of retail, service, office, entertainment, flex space, and residential (on upper stories).
- p. 88 A portion of the site is also shown as Parks, Recreation, Open Space, and Flood Storage. Uses within this designation include natural features, such as wooded areas, greenways, and water bodies. This land use exists to preserve existing environmental assets, provide green connections throughout the subarea, and ensure adequate flood storage.

p. 96 North 33rd Street and Superior Street Node:

The development of this node will also transform the subarea and will activate the northern section of the subarea, but will likely face fewer planning and coordination hurdles, compared to the other node. This is due to two reasons: (1) the site is largely out of the floodplain; and (2) the site is vacant. The development of this site is largely dependent on the new north-south roadway connection to Superior Street from Cornhusker Highway.

In general, this site offers the size and major arterial frontage to support mixed use development. Recommended uses include neighborhood- or community level commercial development along the Superior Street frontage and medium density housing and office space at the southern half of the site. The residential development should be in the form of rowhomes, townhomes, or small-lot single family residences. Office uses should be located within vertically mixed use buildings. Similar to the other mixed use node, restaurants, retail, and service -oriented businesses are appropriate on the ground floors of the developments.

An open space network and park and recreation uses are proposed to the south and east of this node. These uses will be a desirable amenity to the residential and office development. Again, all buildings and sites within the node must represent an elevated and complementary aesthetic. See Figure 5.7 for a visualization of this proposed node development.

CLIMATE ACTION PLAN SPECIFICATIONS:

p. 14 Key Initiatives to Build a Decarbonized and Efficient Transportation Systems

Continue to encourage mixed-use development in the Comprehensive Plan.

Consider Transit Oriented Development policies in the update of the Comp Plan 2050.

p. 17 Align economic development goals with climate realities to ensure a thriving economy.

ANALYSIS

1. This is a request to review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan (PlanForward 2050), the Industrial Avenue and Superior Street Redevelopment Plan. The Redevelopment Plan area boundary is attached and includes approximately 153 acres.
2. Redevelopment activities are guided by the Nebraska Community Development Law (§ 18-2101, et. seq.) which requires that the governing body must first declare the project area substandard and blighted in order to prepare a redevelopment plan. In July 2023 the Redevelopment Area was determined as blighted and substandard with the Industrial Avenue and Superior Street Redevelopment Area Blight and Substandard Study ([MISC23005](#)).
3. The designation of blight and substandard for the redevelopment area, along with creation of this Redevelopment Plan, makes projects within the redevelopment area potentially eligible for Tax Increment Financing (TIF) that can be applied to public improvements.
4. The Redevelopment Area is generally surrounded by development and is zoned for I-1 Industrial uses; however, the site itself has remained in agriculture use and undeveloped, lacking sufficient sanitary and storm sewer, sidewalks, and streets. This is because of the challenges created by the existing floodplain and other existing encumbrances in the area.

5. The Redevelopment Plan uses PlanForward 2050 as a guide for potential redevelopment activities in the area. Concepts for PlanForward 2050 include the Infill and Redevelopment Approach (from Element 2) and the Commercial and Industrial Centers Guiding Principles (from Element 3).

Potential redevelopment activities mentioned in the Redevelopment Plan include:

- a. Constructing streets (starting with 33rd Street), sidewalks, water, and sewer.
 - b. Construction and enhancement of trail connections, along with parks/open space within the floodplain near Salt Creek.
 - c. Support for commercial and industrial redevelopment projects with activities such as environmental testing and remediation, and construction of complementary streets, sidewalks and utilities.
6. The Redevelopment Plan includes one defined project, the Kinney Industrial Project. The Project Site covers approximately 76 acres and is roughly the east half of the Redevelopment Plan area. The Project includes the construction of N 33rd Street south of Superior Street along with commercial and industrial buildings. The primary user of the project site would be a local business, Kinney Manufacturing.
 7. The extension of North 33rd Street south of Superior Street is a key element of the Project's utilization of TIF. The access provided by the extension of North 33rd Street will open the potential for further development south of Superior Street. As future development occurs, the priority for public funding from the Project and any further projects in the Redevelopment Area will be used to construct North 33rd Street and any other needed accesses.
 8. The Project has an associated preliminary plat ([PP23003](#)) scheduled for the same Planning Commission hearing. The site already has I-1 Industrial zoning so a change of zone is not necessary.
 9. A portion of the Project Site is within the floodplain. Per the City's TIF policy, the Project must be designed to cause no increase in the water surface elevation of the 100-year floodplain at any location. Grading details and floodplain impacts are being addressed with the preliminary plat.
 10. As discussed at the beginning of this staff report, elements of this Redevelopment Plan and Project align with the Comprehensive Plan. The Comprehensive Plan supports infill redevelopment and the expansion and retention of existing businesses. The overall Redevelopment Plan area is proposed to include a mix of commercial and industrial uses, which partially aligns with the Future Land Use designation of Commercial in the Comprehensive Plan.
 11. The 33rd & Cornhusker Subarea Plan envisioned a mixed-use node at this location, which is not part of the current proposal. While the proposed land use differs from the 33rd & Cornhusker Plan, a key element of that Plan - 33rd Street south of Superior - would be started with this Redevelopment Plan and Project. The extension of 33rd Street is critical to supporting redevelopment of the larger surrounding area and will help support future projects within the 33rd & Cornhusker Subarea Plan boundaries. The Redevelopment Plan allows for the possibility of commercial and residential uses beyond the Project Site.
 12. The total construction costs for the proposed Kinney Industrial Project are estimated to be \$28 million, which includes approximately \$4.6 million in public financing. The source of public funds for these improvements will be the tax increment generated from the private developments on the Project Site. Funding sources and uses will be negotiated and identified in the redevelopment agreement, subject to approval by the Mayor and the City Council.

EXISTING LAND USE & ZONING:

Vacant/Agriculture, I-1 Industrial

APPROXIMATE LAND AREA: 153 acres (Redevelopment Plan), 76 acres (Project Site)

Prepared by Andrew Thierolf, AICP
October 9, 2023

Applicant: Peter Hind, Urban Development
555 S. 10th Street
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(402) 441-7606
phind@lincoln.ne.gov

Contact: Hallie Salem
555 S. 10th Street
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hsalem@lincoln.ne.gov

Owner: Miller Seed Co
PO Box 81823
Lincoln, NE 68501

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CPC/23000/CPC23014> Industrial Ave and Superior Street Redevelopment Plan.adt.docx

September 19, 2023

Andrew Thierolf, Planning Department
City of Lincoln-Lancaster County Planning Department
555 S. 10th Street, Suite 213
Lincoln, NE 68508

Dear Andrew:

Enclosed is a copy of the Industrial Avenue and Superior Street Redevelopment Plan, including the Kinney Industrial District Project. This redevelopment project proposes construction of an industrial site to relocate an existing Lincoln business as well as prepare for the development of future commercial and industrial development in the Redevelopment Area.

Once submitted through Project Dox, please forward the proposed amendment to the Planning Commission for their consideration for Comprehensive Plan compliance at the October 18, 2023 public hearing. We request that the redevelopment plan also be scheduled at City Council for introduction on November 6, 2023 and public hearing on November 20, 2023.

If you have questions or need additional information, please contact me at 402-441-7857 or jhiatt@lincoln.ne.gov.

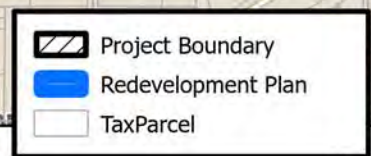
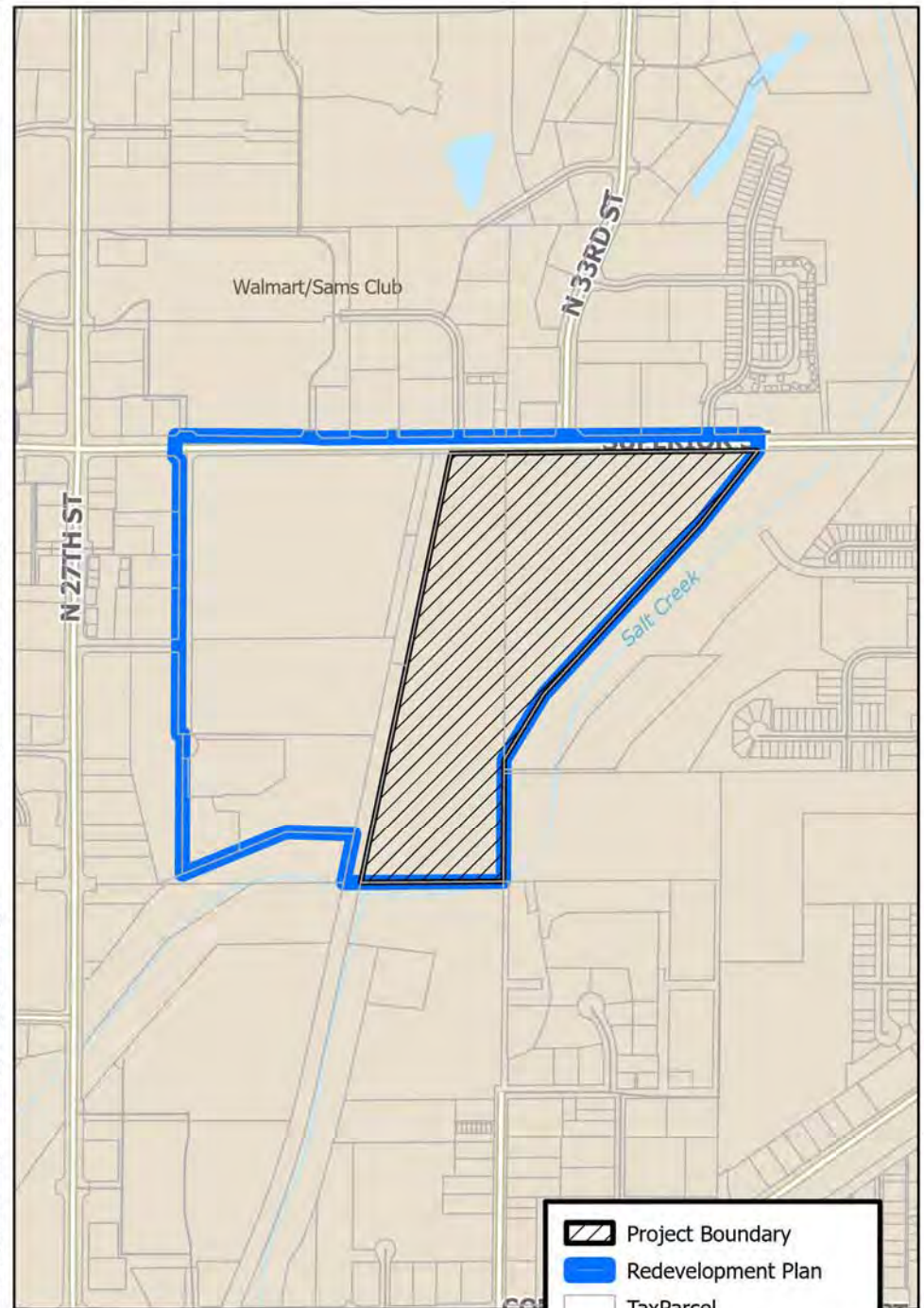
Sincerely,



Jennifer Hiatt
Redevelopment Planner



2022 aerial



Comprehensive Plan Conformance #: CPC23014 **Industrial Ave & Superior St Redevelopment Plan** **including the Kinney Industrial District Project**



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
Preliminary Plat #23003

FINAL ACTION?
Yes

DEVELOPER/OWNER
Miller Seed Company

PLANNING COMMISSION HEARING DATE
October 18, 2023

RELATED APPLICATIONS
CPC #23014

PROPERTY ADDRESS/LOCATION
N 33rd Street & Superior Avenue

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a preliminary plat to create several streets in order to develop 10 industrial lots and 2 outlots on approximately 67.36 acres. The outlots are for detention, drainage, and open space. Nine waivers are requested, detailed below. Comprehensive Plan Conformance #23014, is associated with this project.

CPC #23014 reviews the conformance of the Kinney Industrial District with the 2050 Lincoln-Lancaster County Comprehensive Plan, and recommends approval or denial based on that review.



JUSTIFICATION FOR RECOMMENDATION

The preliminary plat complies with the current zoning and the character of the surrounding area. The conditions of approval cover items needed to bring the application into full conformance with the regulations. Of the requested waivers, two are not required. This request generally complies with the zoning and subdivision ordinance.

APPLICATION CONTACT
Rick Onnen, (402) 420-7217 or
ronnen@eacg.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed preliminary plat is in conformance with the 2050 Comprehensive Plan the 33rd and Cornhusker Sub Area Plan. One of the goals of the Comprehensive Plan is the creation of infill development on underutilized parcels within the City. The Sub Area Plan identifies the project site for future commercial and industrial development. While the 2050 Comprehensive Plan shows the project site as future commercial, the land use plan is not intended to determine the exact boundaries of each designation. Instead, it displays the generalized location of each land use, and Industrial uses are permitted within the existing I-1 Industrial zoning.

WAIVERS

1. Delay the roadway surfacing and sidewalks along Old Dairy Road prior to the construction of N 33rd Street to the Old Dairy Road intersection (Recommend Approval)
2. Waive block length requirements to permit longer blocks (Not Required)
3. Waive pedestrian easement requirements (Not Required)

4. Remove requirement for the water main on the west side of N 33rd Street and the west side of Tailwind Court (Recommend Approval).
5. Delay the installation of the sanitary sewer along Tailwind Court until the installation of the sewer main, prior to pavement construction (Recommend Approval).
6. Allow sanitary sewer to run opposite the street grade (Recommend Approval).
7. Construction of the sidewalk in N 33rd Street south of Tailwind Drive and in Old Dairy Road will occur within two years of final plat (Recommend Approval).
8. Waive the grading of N 33rd Street south of Tailwind Drive and Old Dairy Road (Recommend Approval).
9. Waive the requirement for storm sewer detention (Recommend Conditional Approval).

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

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

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

Fundamentals of Growth in Lancaster County

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

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

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

The Community in 2050

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

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

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

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

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

Benefits of Well-Planned Growth

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

Goals Section

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

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.

Industrial Centers

Industrial

New industrial centers should be distant from existing or planned residential areas. Industrial uses should be located in close proximity to each other. Transitional uses (such as offices or commercial uses) should develop between industrial centers and residential uses.

Light Industrial

The Light Industrial category is for uses that have a minimal impact on surrounding properties. They could include lighter manufacturing uses with some additional office and retail uses.

located within the center, such as the Horizon Business Center located near 14th & Pine Lake Road south of Lincoln Southwest High School. Light industrial centers can be located more closely to residential uses than traditional industrial centers, though residential uses should be buffered through landscaping, setbacks, and transitional uses, such as office or open space.

Policies Section

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

Action Steps

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

P13: Commercial and Industrial Centers - Support high-quality commercial and industrial centers located throughout the community.

Action Steps

1. Implement commercial center location and design principles as discussed in the Business & Economy element.
2. Discourage “four corner commercial development” - with commercial uses at all four corners of an intersection - in order to promote walkability and ease of movement within each commercial center.
3. Implement industrial center principles as discussed in the Business & Economy element.
4. Continue incentive-based programs promoting the installation of renewable energy systems. Incentives may include offering rebates on purchasing equipment, attractive net metering pricing, tax incentives, height allowances, setback, and area-based incentives, expedited permitting, and others.

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

Action Steps

1. Continue to provide adequate sites with associated infrastructure to serve the community’s economic development needs.
2. Continue the County’s support for road improvements that accommodate commercial and other development within the smaller incorporated areas.
4. Continue incentive-based (residential, commercial, or industrial) programs promoting the installation of renewable energy systems. Incentives may include offering rebates on purchasing equipment, attractive net metering pricing, tax incentives, height allowances, setback, and area-based incentives, expedited permitting, and others.

ANALYSIS

1. This preliminary plat proposes 10 lots shown for I-1 Industrial use and 2 outlots reserved for open space on approximately 67.36 acres, located south of North 33rd Street and Superior Street. The southern and southeastern part of the properties are located in the 100-year floodplain and the Lower Platte South Natural Resource District (LPSNRD) Salt Creek Levee 500 Foot Critical Area.
2. All internal streets within the preliminary plat are shown as public streets, and the preliminary plat shows three new streets: Tailwind Drive, Tailwind Court, and Tailwind Circle. As the site develops, streets will connect to Industrial Avenue and Old Dairy Road to the west of the site, and Superior Street to the north. When N 33rd Street is built south, it will connect to Cornhusker Highway.
3. The proposed improvements to N 33rd Street include the construction of a right-turn lane when south access to North 33rd Street is constructed, which will include the relocation of the existing LES transmission pole at the intersection of North 33rd Street and Superior Street. Proposed improvements also include the build-out of N 35th Street, if access is to be taken from N 35th Street from Superior Street. Access to Superior Street for a private driveway, as shown on the original plan, is contrary to Access Management Policy.
4. In discussions with City Staff and the Applicant Team, the applicant agreed to remove the driveway taking access from Superior Street and N 35th Street. The applicant also agreed to the inclusion of the right-turn lane off Superior Street.
5. Related CPC23014 is the Comprehensive Plan Conformance for review of the Industrial Avenue and Superior Street Redevelopment Plan. CPC23014 is a review of the conformance of the Kinney Industrial District with the 2050 Lincoln-Lancaster County Comprehensive Plan. It also reviews the conformance of the Kinney Industrial District with the 33rd and Cornhusker Sub Area Plan.
6. The Comprehensive Plan Future Land Map identifies the property as future commercial. Superior Street is classified as a major arterial street.
7. The LPSNRD has noted that the U.S. Army Corps of Engineers (USACE) considers both banks of Salt Creek in this area as part of the Flood Reduction Project and has designated Federal Project right-of-way. All proposed designs impacting the banks of Salt Creek will need to be reviewed by the LPSNRD. The USACE has also indicated that a technical review of any designs will be required.
8. The traffic study is currently under review, and additional comments may arise from this review.
9. The applicant has requested 9 waivers to the Design Standards and Subdivision Ordinance. These waivers are listed below:
 - i. Delay the roadway surfacing and sidewalks along Old Dairy Road prior to the construction of N 33rd Street to the Old Dairy Road intersection. The roadway surfacing and sidewalks will be delayed until the construction, as there will be no means to access this section of the street until N 33rd Street is built out.
 - ii. Waive block length requirements to permit longer blocks. This waiver is not required due to LMC 26.23.130(a). LMC 26.23.130(a) states that block lengths “shall not exceed 1,320 feet except where a major street, school, park, or other man-made barrier, lake, or other natural barrier forms one boundary of a block”. In this case, the block length may exceed 1,320 feet due to the natural barriers to the east (Salt Creek). The applicant did show two street stubs to the west which are sufficient given the existing development (man-made barriers) to the west.
 - iii. Waive pedestrian easement requirements. This waiver is not required due to LMC 26.23.125. LMC 26.23.125 states that a pedestrian way “shall be required when a block exceeds 1,000 feet in length and where needed for pedestrian traffic”. In this case a pedestrian easement is not required for pedestrian traffic. Sidewalks will be required along Tailwind Drive and Dairy Road, which will allow pedestrians to reach N 33rd Street and the sidewalks along N 33rd and to reach the adjacent north-south oriented bike trail.
 - iv. Remove requirement for the water main on the west side of N 33rd Street and the west side of Tailwind Court. The need for water services on the east side of N 33rd Street south of Tailwind Drive is minimal due to the proximity to Salt Creek. Full width grading for portions of N 33rd Street south of Tailwind Drive is not proposed to be completed until the street is paved. The existing grade on the east side of the street would not provide adequate cover for the pipe prior to that grading. No sanitary sewer is proposed within N 33rd Street to conflict with the proposed location.
 - v. Delay the installation of the sanitary sewer along Tailwind Court until the installation of the sewer main,

prior to pavement construction. Sanitary sewer service laterals along Tailwind Court will be installed with the installation of the main prior to the pavement construction. The buildable lots are on the west side of the street and will eliminate having those services needing to be bored or pavement removed and replaced with the water service installation.

- vi. Allow sanitary sewer to run opposite the street grade. With the design of drainage within the development, some street elevations run opposite of the sanitary sewer. LTU has no objections to the waiver.
- vii. Construction of the sidewalk in N 33rd Street south of Tailwind Drive and in Old Dairy Road will occur within two years of final plat. The sidewalks are proposed to be installed when the full build-out of N 33rd Street is completed. Since the adjacent street is not proposed to be installed at this time, the request is that the sidewalks not be installed until the final plat and the road are installed. LTU - Traffic and Engineering has no objections to the waiver.
- viii. Waive the grading of N 33rd Street south of Tailwind Drive and Old Dairy Road. Grading at the future Salt Creek bridge approach is not practical to be completed at this time. Grading for minor arterial roadways is considered a cost of the overall roadway construction and will be more easily accounted for during final design. Initial subdivision grading will include establishment of the west parkway area to accommodate water main construction and to assure the adjacent lots are at proper elevation for future roadway construction. LTU - Traffic and Engineering has no objections to the waiver.
- ix. Waive the requirement for storm sewer detention. Due to the proximity to Salt Creek, the applicant has noted that it is advantageous to direct peak flow discharges to the Creek prior to higher channel flows arriving from upstream runoff. LTU - Watershed suggests the approval on the condition that the site does not increase runoff into Superior Street.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Open Space, Agricultural Production I-1 Industrial

SURROUNDING LAND USE & ZONING

North: Commercial; Open Space	H-3 Highway Commercial; I-1 Industrial; R-3 Residential
South: Industrial, Open Space	I-1 Industrial
East: Residential, Open Space, Place of Religious Assembly	R-3 Residential; R-5 Residential; I-1 Industrial
West: Industrial	I-1 Industrial

APPROXIMATE LAND AREA: 67.36 acres, more or less

LEGAL DESCRIPTION: Lot 188 I.T., located in the NW 1/4 and Lot 189 I.T., located in the NE 1/4, all located in Section 7-10-7, Lincoln, Lancaster County, Nebraska, generally located at 3111 Superior Street.

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

Date: October 5, 2023

Applicant: Baby Bull, LLC
3340 N 33rd Street
Lincoln, NE 68504

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

Owner: Miller Seed Company
PO Box 81823
Lincoln, NE 68501

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/PP/23000/PP23003 Kinney Industrial District.edm.docx>

CONDITIONS OF APPROVAL - PRELIMINARY PLAT #23003

This approval permits a preliminary plat consisting of ten lots and two outlots and the following waivers:

1. Delay the roadway surfacing and sidewalks along Old Dairy Road prior to the construction of N 33rd Street to the Old Dairy Road intersection.
2. Remove requirement for the water main on the west side of N 33rd Street and the west side of Tailwind Court.
3. Delay the installation of the sanitary sewer along Tailwind Court until the installation of the sewer main, prior to pavement construction.
4. Allow sanitary sewer to run opposite the street grade.
5. Construction of the sidewalk in N 33rd Street south of Tailwind Drive and in Old Dairy Road will occur within two years of final plat.
6. Waive the grading of N 33rd Street south of Tailwind Drive and Old Dairy Road.
7. Waive the requirement for storm sewer detention.

Site Specific Conditions:

1. The subdivider shall complete the following instructions and submit the documents and plans and 2 copies to the Planning Department office:
 - 1.1 Revise the preliminary plat to show:
 - 1.1.1 The right-turn lane from Superior Street to N 33rd Street.
 - 1.1.2 Show the 35th Street access point extended to serve all four lots or show no access at all. (Cover).
 - 1.1.3 Label all cross streets on all profiles.
 - 1.1.4 Amend minimum K values where noted.
 - 1.1.5 List design speed for each horizontal curve.
 - 1.1.6 Amend median design to the satisfaction of Lincoln Transportation and Utilities Department.
 - 1.1.7 Provide two northbound turn lanes to match cross section on north side of Superior Street.
 - 1.1.8 Revise proposed layout to remove southbound lane deflection.
 - 1.1.9 Note missing cord dimensions.
 - 1.1.10 Note missing distance where each street centerline intersects sub boundary.
 - 1.1.11 Realign the trail along Superior Street where the right-turn lane is to be constructed (Site 2).
 - 1.1.12 Updated cross section dimensions to provide for a 5' sidewalk.
 - 1.1.13 Provide a full grading plan of 33rd Street, to verify that the grading will work as intended and that retaining walls, at future City expense, will not be required in order to build 33rd Street.
 - 1.1.14 All corrections required on the Drainage Report to the satisfaction of LTU Watershed Management.
 - 1.1.15 Add a note that all buildings and storage pads are required to be graded and elevated a minimum of 2 feet above the existing (Grading Plan).

- 1.1.16 A table showing the lowest floor elevations for all lots (Grading Plan).
- 1.1.17 Clarify overland flow paths and keep the flow paths within outlots or right-of-way (Grading Plan).
- 1.1.18 Address concerns that overland flow will flow over the bank of Salt Creek (Grading Plan).
- 1.1.19 Clearly label the pre- and post-development runoff locations at the boundary of the plan (Grading Plan).
- 1.1.20 Show improvements to drainage along Dietrich Trail (Grading Plan).
- 1.1.21 Address the 54-foot RCP outfall to Salt Creek to the satisfaction of Watershed Management (Site and Utility Plan).
- 1.1.22 Provide a Water Quality Maintenance Plan.
- 1.1.23 Address all additional comments provided by LTU Watershed Management
- 1.1.24 Follow floodplain development requirements as applicable.
- 1.1.25 Address how the right-of-way along Old Dairy Road will be paved in the future with or without a surety being provided (Cover).
- 1.1.26 Remove lines on Tailwind Circle that give impressions of a private roadway (Cover).
- 1.1.27 Remove setbacks or add note that explains the setbacks are illustrative and are not binding on the lots (Cover).
- 1.1.28 Provide information on the noted "Environmental Covenant" by providing a copy of the full covenant to the Planning Department (Site 1).
- 1.1.29 Add additional requested utility easements for LES.
- 1.1.30 Show the relocation of the LES transmission pole that conflicts with the 33rd Street right-turn lane.

2. Final Plats will be approved by the Planning Director after:

- 2.1 The required improvements are completed or a surety is posted to guarantee the completion of the public streets, sidewalks, sanitary sewer system, 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. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for sidewalks and street trees along major streets that have not been improved to an urban cross section.
 - 2.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
 - to complete the street paving of public streets shown on the final plat within two (2) years following the approval of this final plat.
 - to complete the installation of sidewalks along both sides of streets and along as shown on the final plat within four (4) years following the approval of this final plat.
 - to complete the public water distribution system to serve this plat within two (2) years following the approval of this final plat.
- Remove the dead-end fire hydrant stubs across N 33rd Street

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

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

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

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

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

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

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

to timely complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance which have not been waived but which inadvertently may have been omitted from the above list of required improvements.

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

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

to complete the public and private improvements shown on the preliminary plat.

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

to maintain the outlots in a condition as near as practical to the original construction on a permanent and continuous basis.

to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Subdivider(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) Subdivider shall not be relieved of Subdivider'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 inform all purchasers and users of land located within the 100 year floodplain that said land is located within the 100 year floodplain and that the grading of the lots and outlots shall be in conformance with the grading plan approved with the Kinney Industrial District Preliminary Plat #23003 or as amended by the Director of Planning. The volume of fill material brought into each lot and outlot from outside the floodplain shall not exceed that shown on the approved grading plan accompanying the preliminary plat.



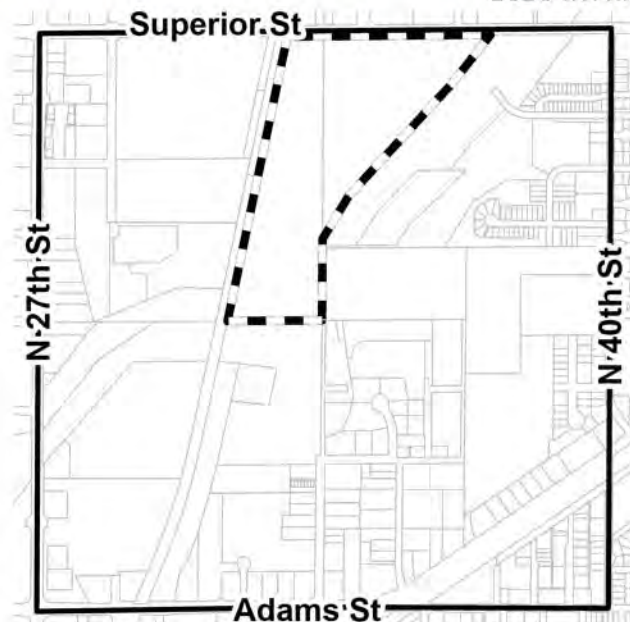
Preliminary Plat #: PP23003
Kinney Industrial District
N 33rd & Superior St

2020 aerial

Zoning:

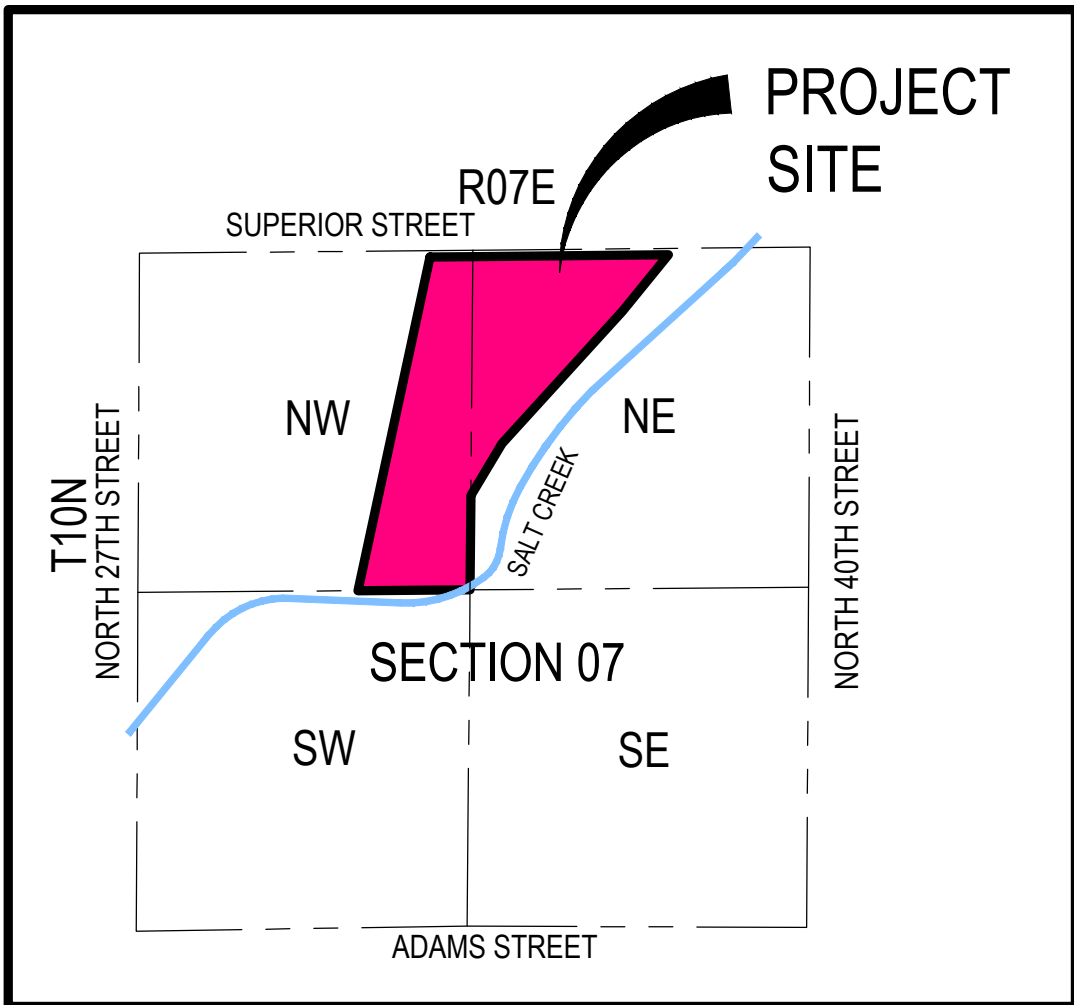
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

One Square Mile:
 Sec.07 T10N R07E



KINNEY INDUSTRIAL DISTRICT

PRELIMINARY PLAT #23003



LEGEND

- BOUNDARY LINE
- RIGHT-OF-WAY LINE
- LOT LINE
- EASEMENTS
- SETBACK LINE
- ADJACENT PROPERTY LINE
- EXIST. MAJOR CONTOURS
- EXIST. MINOR CONTOURS
- GAS LINE
- WATER LINE
- POWER LINE (OVERHEAD)
- POWER LINE (UNDER GROUND)
- COMMUNICATION LINE (TELEPHONE, TV)
- SANITARY SEWER LINE
- STORM SEWER LINE
- FIBER OPTICS LINE
- FEMA FLOODPLAIN LINE 100-YR
- FEMA FLOODWAY
- WETLANDS
- ENVIRONMENTAL COVENANT AREA
- SALT CREEK CHANNEL EASEMENT
- EXISTING TREE MASS
- PROPERTY CORNER FOUND (AS NOTED)
- PROPERTY CORNER SET (AS NOTED)
- RECORD DISTANCE
- MEASURE DISTANCE
- CALCULATED DISTANCE

SHEET LEGEND

- COVER SHEET
- SITE & UTILITY PLAN
- PHASE I DEVELOPMENT PLAN
- GRADING PLAN
- STREET PROFILES
- STREET PROFILES

LEGAL DESCRIPTION:

LOT 188, AN IRREGULAR TRACT OF LAND LOCATED IN THE NW 1/4 AND LOT 189, AN IRREGULAR TRACT OF LAND LOCATED IN THE NE 1/4, ALL LOCATED IN SECTION 7, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NE CORNER OF THE NW 1/4 OF SAID SECTION 7, THENCE S00°28'52"W ALONG THE EAST LINE OF SAID NW 1/4 OF SECTION 7, A DISTANCE OF 49.91 FEET, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SUPERIOR STREET, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID LOT 188, AN IRREGULAR TRACT, LOCATED IN THE NW 1/4 OF SAID SECTION 7, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID LOT 189, AN IRREGULAR TRACT, LOCATED IN THE NE 1/4 OF SAID SECTION 7, SAID POINT ALSO BEING THE POINT OF BEGINNING.
THENCE S89°29'39"E ALONG THE NORTH LINE OF SAID LOT 189, SAID LINE ALSO BEING SAID SOUTHERLY RIGHT-OF-WAY LINE OF SUPERIOR STREET, A DISTANCE OF 1528.03 FEET, TO THE NORTHEAST CORNER OF SAID LOT 189, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THE REMAINING PORTION OF OUTLOT 'A', HANSON-JORDAN ADDITION LOCATED IN THE NE 1/4 OF SAID SECTION 7, THENCE ALONG THE COMMON LINE OF SAID LOT 189 AND SAID REMAINING PORTION OF OUTLOT 'A' FOR THE FOLLOWING THREE (3) COURSES: S31°11'01"W, A DISTANCE OF 68.93 FEET; THENCE S42°21'50"W, A DISTANCE OF 1596.34 FEET; THENCE S30°51'16"W, A DISTANCE OF 474.22 FEET, TO THE SOUTHWEST CORNER OF SAID LOT 189, SAID POINT ALSO BEING THE WEST LINE OF SAID NE 1/4 SECTION 7, SAID POINT ALSO BEING THE EAST LINE OF SAID LOT 188, AN IRREGULAR TRACT LOCATED IN THE NW 1/4 OF SAID SECTION 7, THENCE S00°28'52"W ALONG THE WEST LINE OF SAID LOT 188, SAID LINE ALSO BEING THE EASTERLY LINE OF THE NW 1/4 OF SECTION 7, A DISTANCE OF 735.90 FEET, TO THE SOUTHEAST CORNER OF SAID LOT 188, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID NW 1/4 OF SECTION 7, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 30, AN IRREGULAR TRACT, LOCATED IN SAID NE 1/4 OF SECTION 7, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 162, AN IRREGULAR TRACT, LOCATED IN THE SW 1/4 OF SAID SECTION 7, THENCE S89°34'26"W ALONG THE SOUTH LINE OF SAID LOT 188, SAID LINE ALSO BEING THE NORTHWEST 1/4 OF SAID SECTION 7, SAID LINE ALSO BEING THE NORTH LINE OF SAID LOT 182, A DISTANCE OF 875.90 FEET, TO THE SOUTHWEST CORNER OF SAID LOT 188, SAID POINT ALSO BEING A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE FORMER CHICAGO AND NORTHWESTERN RAILROAD, THENCE N12°15'25"E ALONG THE WEST LINE OF SAID LOT 188, SAID LINE ALSO BEING THE EASTERLY RIGHT-OF-WAY LINE OF SAID FORMER CHICAGO AND NORTHWESTERN RAILROAD, A DISTANCE OF 2665.58 FEET, TO THE NORTHWEST CORNER OF SAID LOT 188, SAID POINT ALSO BEING A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SUPERIOR STREET, THENCE N89°29'39"E ALONG THE NORTH LINE OF SAID LOT 189, SAID LINE ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF SUPERIOR STREET A DISTANCE OF 333.35 FEET, TO THE POINT OF BEGINNING.
SAID TRACT OF LAND CONTAINS 2,934,033.44 SQUARE FEET OR 67.36 ACRES, MORE OR LESS.

LAND SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT, MAP, SURVEY OR REPORT WAS MADE BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

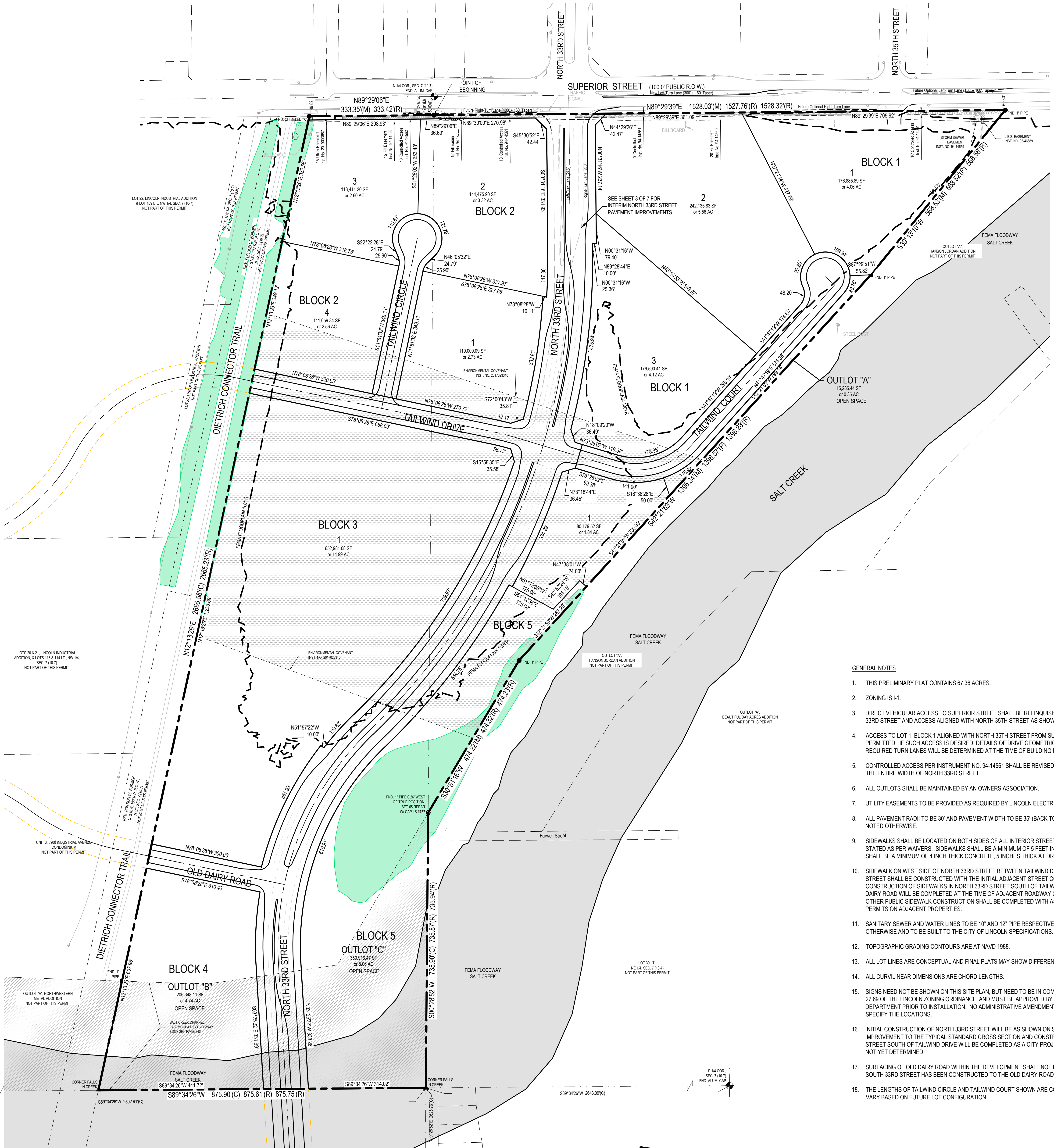
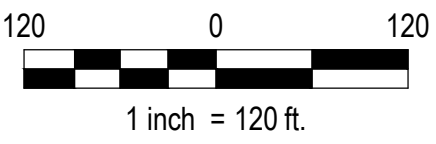
WILLIAM R THOMAS L.S. 757 DATE

WAIVERS

- ROADWAY SURFACING AND SIDEWALKS IN OLD DAIRY ROAD PRIOR TO CONSTRUCTION OF NORTH 33RD STREET TO THE OLD DAIRY ROAD INTERSECTION. (MUNICIPAL CODE, CHAPTER 26.27.010 & 26.11.040.a)
- BLOCK LENGTH (MUNICIPAL CODE, CHAPTER 26.23.130)
- PEDESTRIAN WAY (MUNICIPAL CODE, CHAPTER 26.23.125)
- WATER MAIN LOCATION ON WEST SIDE OF NORTH 33RD STREET AND WEST SIDE OF TAILWIND COURT. (DESIGN STANDARDS, CHAPTER 2.10, SECTION 3.3.2)
- SANITARY SEWER LOCATION ON EAST SIDE OF TAILWIND COURT. (DESIGN STANDARDS, CHAPTER 2.00, SECTION 3.3.4)
- SANITARY SEWER RUNNING OPPOSITE STREET GRADE. (DESIGN STANDARDS, CHAPTER 2.00, SECTION 3.3.5)
- CONSTRUCTION OF SIDEWALK IN NORTH 33RD STREET SOUTH OF TAILWIND DRIVE WITHIN TWO YEARS OF FINAL PLAT. (MUNICIPAL CODE, CHAPTER 26.11.040.d)
- GRADING OF NORTH 33RD STREET SOUTH OF TAILWIND DRIVE AND OLD DAIRY ROAD. (MUNICIPAL CODE, CHAPTER 26.27.010)
- STORM WATER DETENTION. (MUNICIPAL CODE, CHAPTER 26.23.105 & DESIGN STANDARDS, CHAPTER 2.05)

GENERAL NOTES

- THIS PRELIMINARY PLAT CONTAINS 67.36 ACRES.
- ZONING IS I-1.
- DIRECT VEHICULAR ACCESS TO SUPERIOR STREET SHALL BE RELINQUISHED EXCEPT AT NORTH 33RD STREET AND ACCESS ALIGNED WITH NORTH 35TH STREET AS SHOWN.
- ACCESS TO LOT 1, BLOCK 1 ALIGNED WITH NORTH 35TH STREET FROM SUPERIOR STREET SHALL BE PERMITTED. IF SUCH ACCESS IS DESIRED, DETAILS OF DRIVE GEOMETRICS AND ASSOCIATED REQUIRED TURN LINES WILL BE DETERMINED AT THE TIME OF BUILDING PERMIT.
- CONTROLLED ACCESS PER INSTRUMENT NO. 94-14561 SHALL BE REVISED TO PROVIDE ACCESS FOR THE ENTIRE WIDTH OF NORTH 33RD STREET.
- ALL OUTLOTS SHALL BE MAINTAINED BY AN OWNERS ASSOCIATION.
- UTILITY EASEMENTS TO BE PROVIDED AS REQUIRED BY LINCOLN ELECTRIC SYSTEM.
- ALL PAVEMENT RADII TO BE 30' AND PAVEMENT WIDTH TO BE 35' (BACK TO BACK OF CURB) UNLESS NOTED OTHERWISE.
- SIDEWALKS SHALL BE LOCATED ON BOTH SIDES OF ALL INTERIOR STREETS UNLESS OTHERWISE STATED AS PER WAIVERS. SIDEWALKS SHALL BE A MINIMUM OF 5 FEET IN WIDTH. SIDEWALKS SHALL BE A MINIMUM OF 4 INCH THICK CONCRETE, 5 INCHES THICK AT DRIVEWAY LOCATIONS.
- SIDEWALK ON WEST SIDE OF NORTH 33RD STREET BETWEEN TAILWIND DRIVE AND SUPERIOR STREET SHALL BE CONSTRUCTED WITH THE INITIAL ADJACENT STREET CONSTRUCTION. CONSTRUCTION OF SIDEWALKS IN NORTH 33RD STREET SOUTH OF TAILWIND DRIVE AND IN OLD DAIRY ROAD WILL BE COMPLETED AT THE TIME OF ADJACENT ROADWAY CONSTRUCTION. ALL OTHER PUBLIC SIDEWALK CONSTRUCTION SHALL BE COMPLETED WITH ASSOCIATED BUILDING PERMITS ON ADJACENT PROPERTIES.
- SANITARY SEWER AND WATER LINES TO BE 10" AND 12" PIPE RESPECTIVELY UNLESS SHOWN OTHERWISE AND TO BE BUILT TO THE CITY OF LINCOLN SPECIFICATIONS.
- TOPOGRAPHIC GRADING CONTOURS ARE AT NAVD 1988.
- ALL LOT LINES ARE CONCEPTUAL AND FINAL PLATS MAY SHOW DIFFERENT LOT DIMENSIONS.
- ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
- SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE, AND MUST BE APPROVED BY BUILDING & SAFETY DEPARTMENT PRIOR TO INSTALLATION. NO ADMINISTRATIVE AMENDMENTS ARE REQUIRED TO SPECIFY THE LOCATIONS.
- INITIAL CONSTRUCTION OF NORTH 33RD STREET WILL BE AS SHOWN ON SHEET 3 OF 7. IMPROVEMENT TO THE TYPICAL STANDARD CROSS SECTION AND CONSTRUCTION OF NORTH 33RD STREET SOUTH OF TAILWIND DRIVE WILL BE COMPLETED AS A CITY PROJECT AT A FUTURE DATE NOT YET DETERMINED.
- SURFACING OF OLD DAIRY ROAD WITHIN THE DEVELOPMENT SHALL NOT BE REQUIRED UNTIL SOUTH 33RD STREET HAS BEEN CONSTRUCTED TO THE OLD DAIRY ROAD INTERSECTION.
- THE LENGTHS OF TAILWIND CIRCLE AND TAILWIND COURT SHOWN ARE CONCEPTUAL AND MAY VARY BASED ON FUTURE LOT CONFIGURATION.



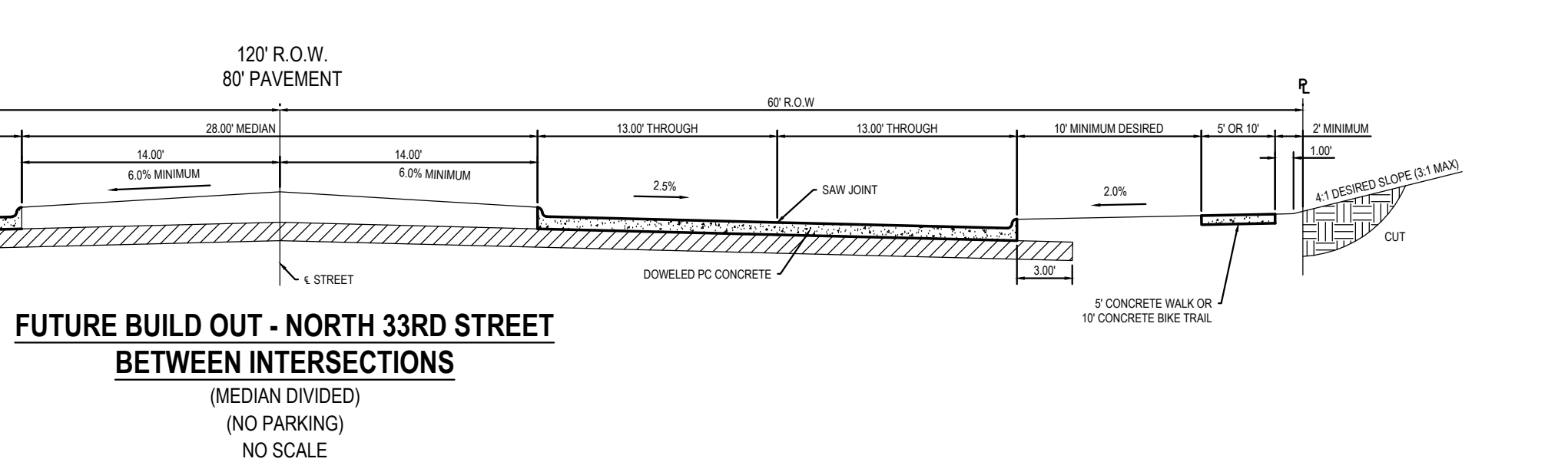
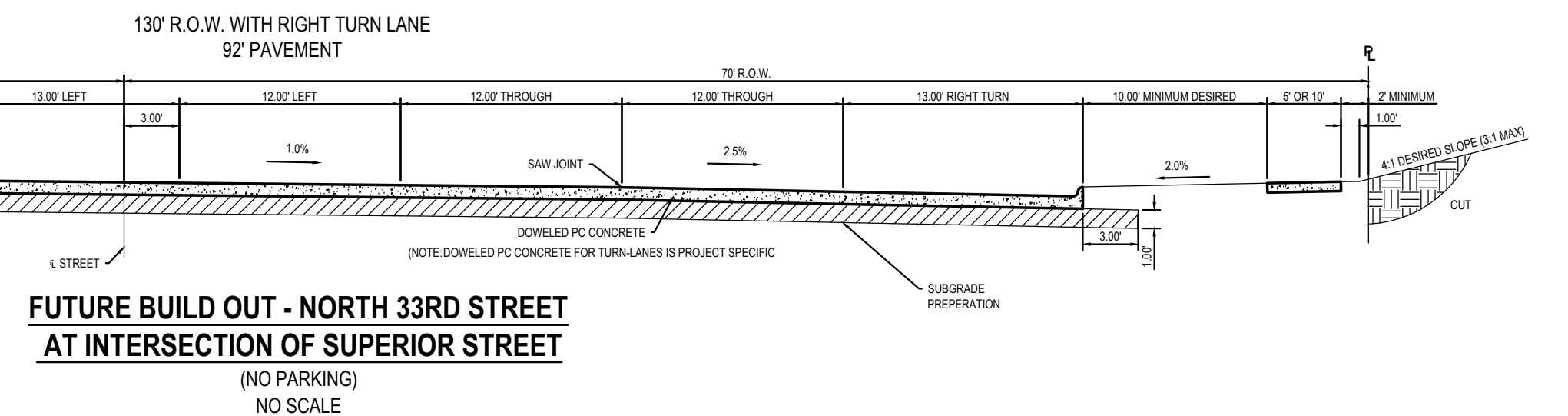
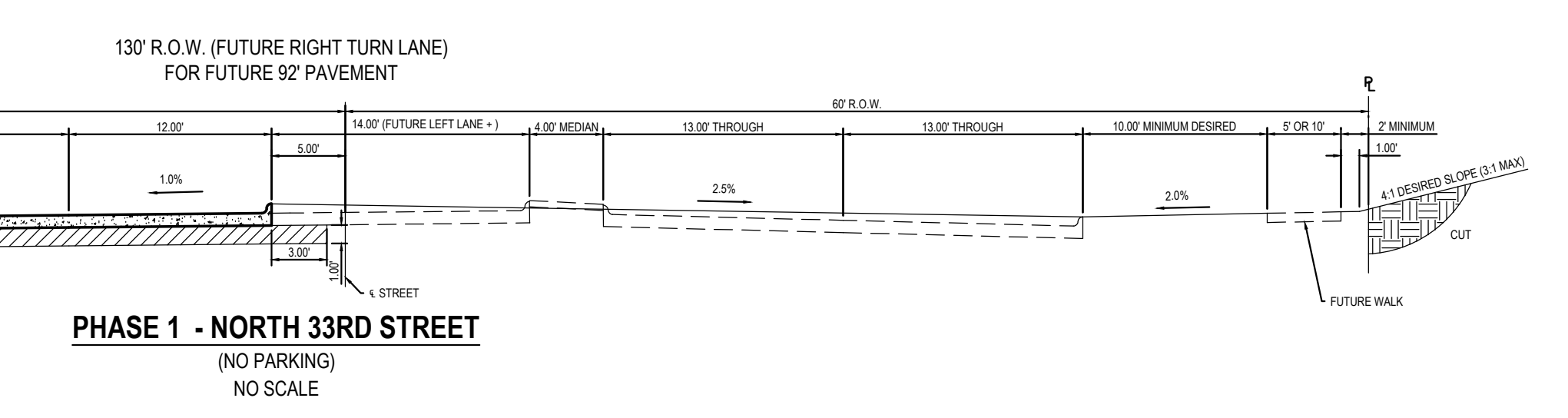
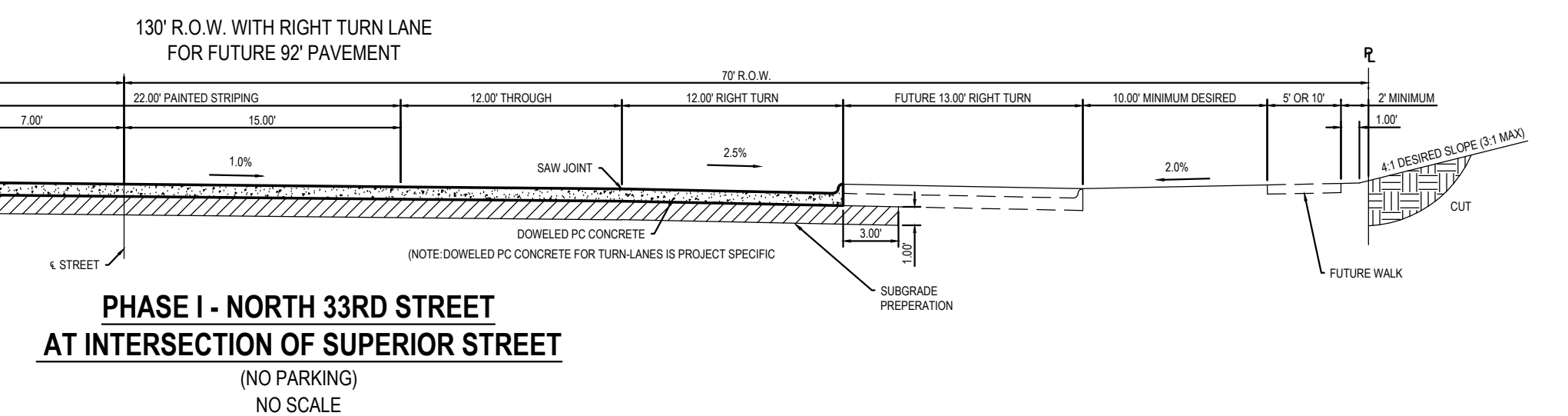
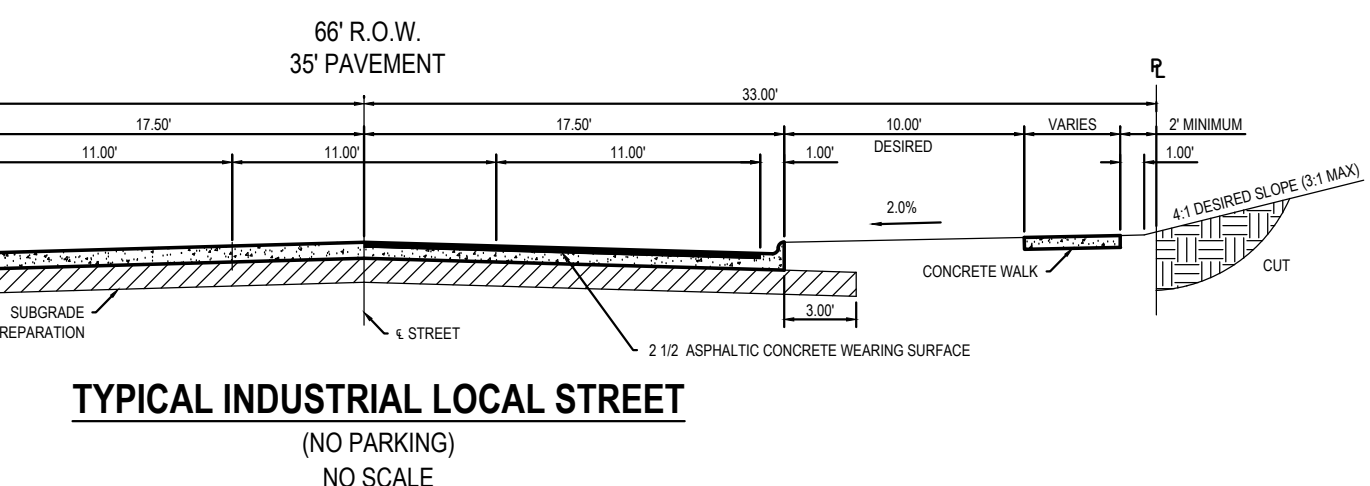
KINNEY INDUSTRIAL DISTRICT

PRELIMINARY PLAT #23003

LEGEND

- BOUNDARY LINE
- RIGHT-OF-WAY LINE
- LOT LINE
- EASEMENTS
- SETBACK LINE
- ADJACENT PROPERTY LINE
- EXIST. MAJOR CONTOURS
- EXIST. MINOR CONTOURS
- G — G GAS LINE
- W — W WATER LINE
- OHP — OHP POWER LINE (OVERHEAD)
- UGP — UGP POWER LINE (UNDER GROUND)
- UTV — UTV COMMUNICATION LINE (TELEPHONE, TV)
- SS — SS SANITARY SEWER LINE
- ST — ST STORM SEWER LINE
- FO — FO FIBER OPTICS LINE
- FEMA FLOODPLAIN LINE 100-YR
- FEMA FLOODWAY
- WETLANDS
- ENVIRONMENTAL COVENANT AREA
- SALT CREEK CHANNEL EASEMENT
- EXISTING TREE MASS
- PROPERTY CORNER FOUND (AS NOTED)
- PROPERTY CORNER SET (AS NOTED)
- (R) RECORDED DISTANCE
- (M) MEASURE DISTANCE
- (C) CALCULATED DISTANCE

CENTERLINE CURVE TABLE						
CURVE	RADIUS	LENGTH	CHORD BEARING	TANGENT	CHORD LENGTH	DELTA
1	1750.00'	522.41'	S08°01'51"W	263.16'	520.48'	17°06'15"
2	1750.00'	901.54'	S31°20'29"W	461.01'	891.61'	29°31'01"
3	800.00'	691.51'	S21°20'13"W	369.02'	670.18'	49°31'31"
4	750.00'	61.84'	N75°46'45"W	30.94'	61.82'	4°43'26"
5	200.00'	226.17'	N74°11'09"E	126.91'	214.31'	64°47'39"



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KINNEY INDUSTRIAL DISTRICT
PRELIMINARY PLAT #23003

SITE & UTILITY PLAN

PRELIMINARY
NOT FOR
CONSTRUCTION

Revisions	Description	Date
1	ISSUED FOR PERMIT	09/06/2023
2	AS SHOWN	09/06/2023

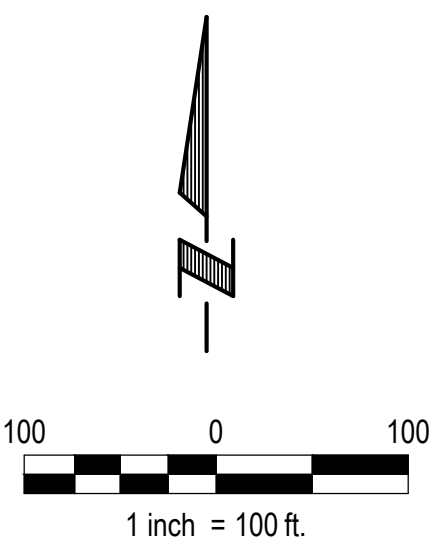
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Date: 09/06/2023
Designed By: RPO, JDB
Drawn By: JDB, MJS
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KINNEY INDUSTRIAL DISTRICT

PRELIMINARY PLAT #23003

LEGEND

- BOUNDARY LINE
- RIGHT-OF-WAY LINE
- LOT LINE
- EASEMENTS
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KINNEY INDUSTRIAL DISTRICT
PRELIMINARY PLAT #23003

LINCOLN, NEBRASKA

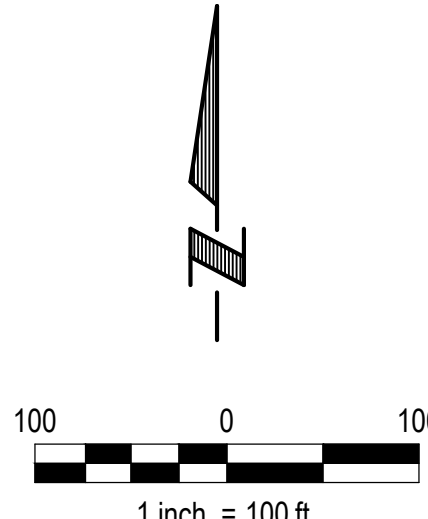
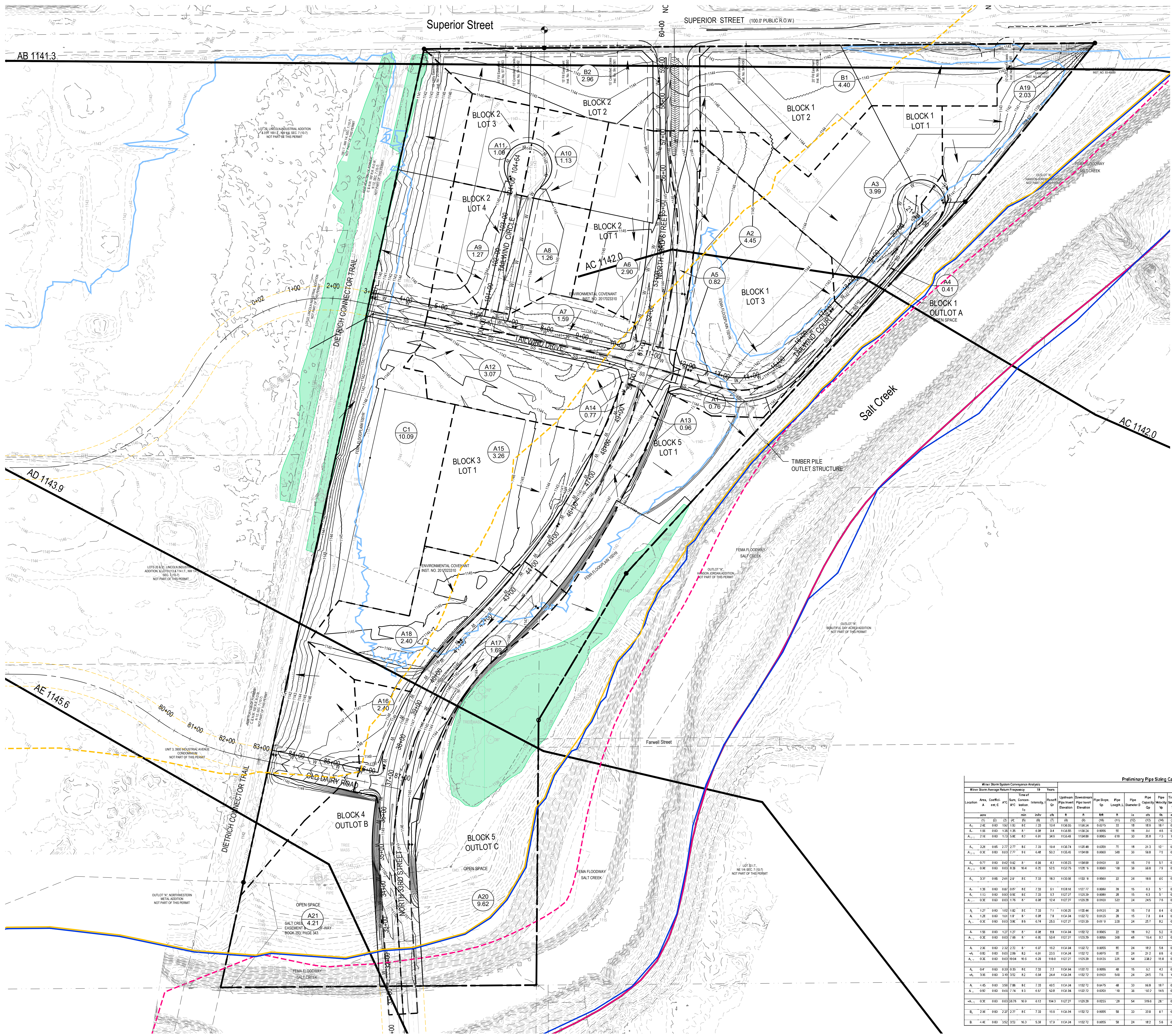
PHASE I DEVELOPMENT PLAN

Revisions	Date	Description
1	09/06/2023	AS SHOWN
2	09/06/2023	AS SHOWN
3	09/06/2023	AS SHOWN

Proj No: 2023-280-003
Date: 09/06/2023
Designed By: RPO, JDE
Drawn By: JDE, MJS
Scale: AS SHOWN
Sheet: 3 of 6

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Marcus Kerring

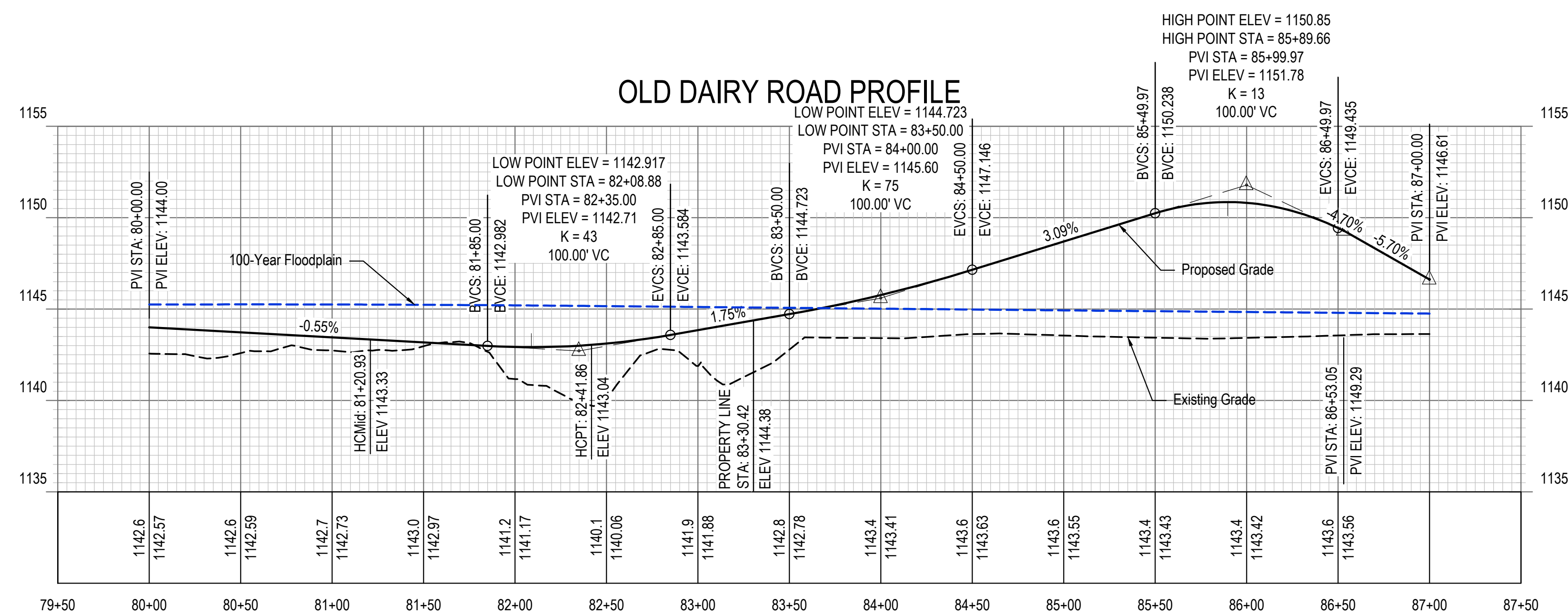
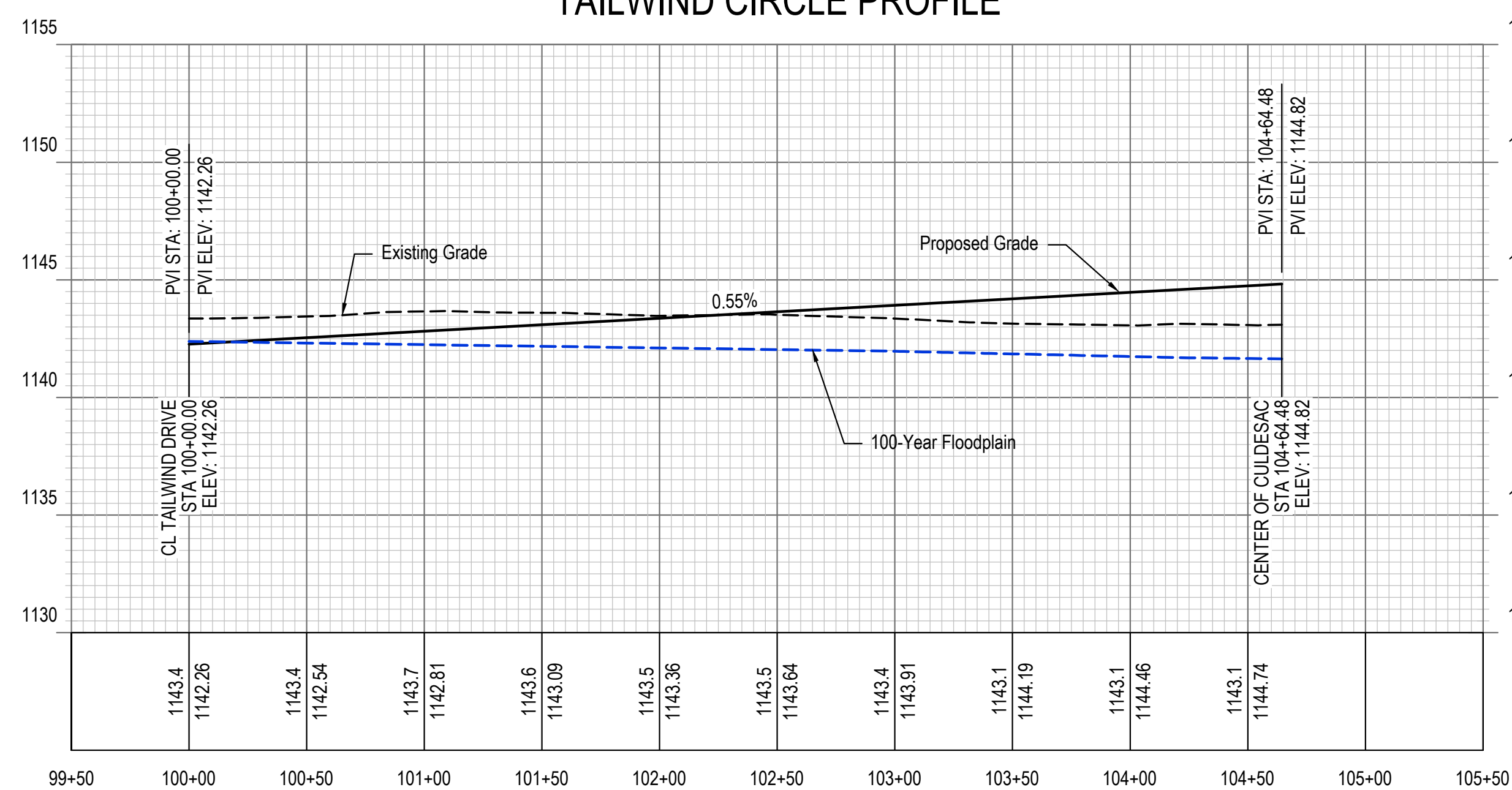
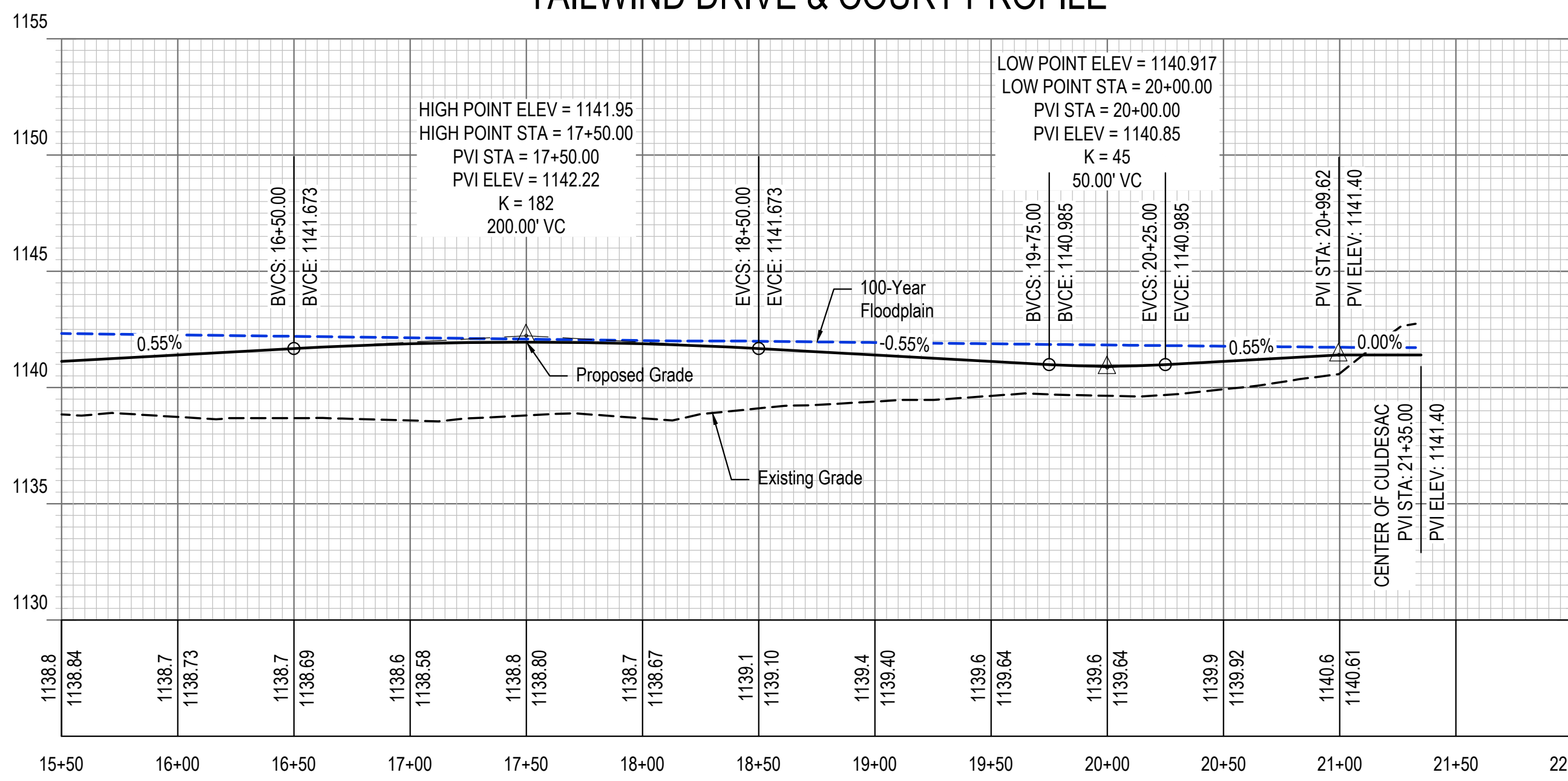
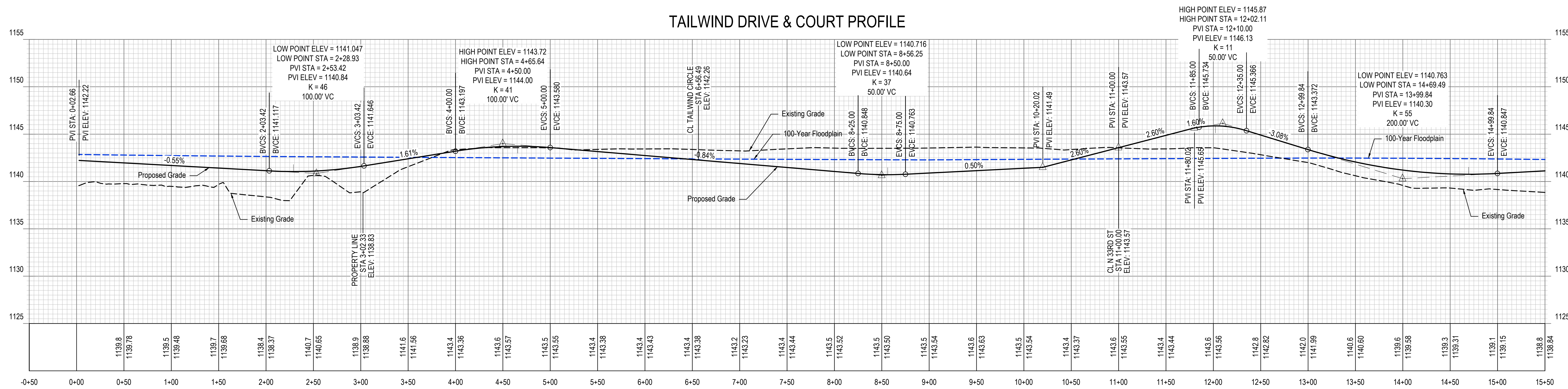


- LEGEND
- Existing Contours
 - Proposed Contours
 - Storm Sewer System
 - Drainage Area
 - Flow Direction
 - FEMA Floodway
 - 100-Year FEMA Floodplain
 - Delineated Wetlands
 - FEMA XS
 - DRAINAGE AREA
 - USACE LEVEE
 - 300 FT USACE INFLUENCE
 - LPSNRD LEVEE
 - 500 FT LEVEE INFLUENCE

35% SALT CREEK STORAGE CALCULATIONS	
89,520 CY	Existing Storage
31,330 CY	35% Allowable Fill
140 CY	Proposed Cut
22,460 CY	Proposed Fill
9,010 CY	Remaining 35% Allowable Fill

*All volumes were calculated using FEMA Floodplain as outer boundary. North 33rd Street right-of-way has been excluded from these calculations.

Minor Storm System Convergence Analysis														Major Storm System Convergence Analysis													
Minor Storm Average Return Frequency														Major Storm Average Return Frequency													
10 Years														100 Years													
Location	Area	Coeff	A/C	Time of Arrival	Intensity	Result	Upstream Elevation	Downstream Elevation	Pipe Size	Pipe Length	Pipes	Pipe Capacity	Pipe Velocity	Intensity	Overflow Rate	Result	Upstream Elevation	Downstream Elevation	Pipe Size	Pipe Length	Pipes	Pipe Capacity	Pipe Velocity				
				hr:min	in/hr		ft	ft	in	ft	in	in	in	in	in	in	ft	ft	in	ft	in	in	in				
A ₁	(1)	61	52	45	65	69	72	68	69	18	(11)	(12)	(12)	(14)	155	(10)	67	69	67	120	67	(12)	(12)	(12)			
A ₂	246	184	132	81	7.23	134	133.60	134.00	0.050	72	18	18	18	18	130	132	130	132	18	18	18	18	18				
A ₃	136	100	136	136	6.98	6.98	6.98	6.98	6.98	6.98	136	136.24	0.056	18	136	136	136	136	136	136	136	136	136				
A ₄	136	136	136	136	6.91	345	133.50	134.00	0.060	419	33	26.8	13	13	130	134	132	138	130	130	130	130	130				
A ₅	136	136	136	136	6.91	345	133.50	134.00	0.060	419	33	26.8	13	13	130	134	132	138	130	130	130	130	130				
A ₆	328	605	277	277	8.1	7.20	134	136.74	136.40	0.050	75	18	13	12	13	132	138	135.8	136.8	136.8	136.8	136.8	136.8				
A ₇	0.36	0.04	0.00	7.77	9.1	6.48	56.2	133.60	134.00	0.060	343	33	56.8	7	0.01	13.2	135	135.6	135.6	135.6	135.6	135.6	135.6				
A ₈	0.77	0.04	0.02	8.02	8.1	6.93	42	136.25	134.00	0.010	32	15	70	7	0.16	13.4	136	136.8	136.7	136.7	136.7	136.7	136.7				
A ₉	0.84	0.04	0.00	8.38	9.0	6.25	53.5	132.75	132.6	0.060	19	18	56.8	7	0.17	13.6	136.1	136.1	136.1	136.1	136.1	136.1	136.1				
A ₁₀	3.36	3.67	246	2.8	6.2	7.33	183	133.56	133.1	6.000	22	44	68.8	6	0.06	13.38	134.8	134.7	134.7	134.7	134.7	134.7	134.7				
A ₁₁	1.36	0.84	0.67	0.87	8.7	7.33	51	133.816	132.77	0.060	76	15	55.3	5	0.07	13.26	134.5	134.5	134.5	134.5	134.5	134.5	134.5				
A ₁₂	1.12	0.80	0.93	0.94	8.7	7.33	57	132.27	132.59	0.060	26	15	63.5	5	0.07	13.28	134.5	134.5	134.5	134.5	134.5	134.5	134.5				
A ₁₃	0.36	0.04	0.00	1.16	8.1	6.98	57.8	132.27	132.59	0.010	321	24	24.5	7.8	0.17	13.1	133.6	133.6	133.6	133.6	133.6	133.6	133.6				
A ₁₄	1.27	0.80	1.02	1.82	8.7	7.33	71	131.25	132.44	0.015	26	15	78	6.4	0.05	13.20	134.1	134.1	134.1	134.1	134.1	134.1	134.1				
A ₁₅	1.28	0.80	1.12	1.12	8.7	6.98	58.8	132.72	132.53	0.06	15	18	64	1.6	0.05	13.11	133.6	133.6	133.6	133.6	133.6	133.6	133.6				
A ₁₆	0.36	0.04	0.00	1.36	8.7	6.94	55.5	122.27	132.59	0.010	228	24	25.7	8	0.07	13.27	134.2	134.2	134.2	134.2	134.2	134.2	134.2				
A ₁₇	1.50	1.02	1.21	1.21	8.7	6.98	58	133.84	132.72	0.065	22	16	52	10.7	0.07	13.34	133.7	133.7	133.7	133.7	133.7	133.7	133.7				
A ₁₈	0.36	0.04	0.00	1.78	8.1	6.96	53.4	122.27	132.59	0.060	309	48	134.4	5.7	0.07	13.17	133.0	133.0	133.0	133.0	133.0	133.0	133.0				
A ₁₉	2.86	0.80	2.30	2.30	8.1	6.97	122	132.84	132.72	0.055	86	24	18.7	5.8	0.04	13.14	133.5	133.5	133.5	133.5	133.5	133.5	133.5				
A ₂₀	0.84	0.80	0.60	2.88	8.2	6.91	255	134.34	132.72	0.015	35	24	21.2	6	0.10	13.04	136.2	136.2	136.2	136.2	136.2	136.2	136.2				
A ₂₁	0.36	0.04	0.00	19.94	9.0	6.98	118.0	132.27	132.59	0.015	125	54	238.2	15.8	0.05	13.06	132.25	134.2	134.2	134.2	134.2	134.2	134.2				
A ₂₂	0.84	0.80	0.30	9.35	8.7	7.33	3	134.34	132.72	0.055	46	15	62	4	0.16	13.26	134.3	134.3	134.3	134.3	134.3	134.3	134.3				
A ₂₃	1.36	1.36	1.36	2.19	13.2	8.24	264	134.34	132.72	0.010	569	24	24.5	7.8	0.15	13.10	134.2	134.2	134.2	134.2	134.2	134.2	134.2				
A ₂₄	1.40	0.80	1.56	1.78	8.7	7.33	435	134.34	132.72	0.045	46	33	16.8	19.7	0.05	13.28	134.7	134.7	134.7	134.7	134.7	134.7	134.7				
A ₂₅	0.84	0.80	0.60	27.4	9.3	6.57	50.8	132.84	132.72	0.020	19	36	10.7	14.3	0.13	13.18	136.2	136.2	136.2	136.2	136.2	136.2	136.2				
A ₂₆	0.36	0.04	0.00	26.78	9.0	6.98	134.3	132.27	132.59	0.025	29	54	399.6	28	0.16	13.55	133.8	134.7	134.7	134.7	134.7	134.7	134.7				
A ₂₇	1.36	2.88	2.37	2.37	8.7	7.33	115	134.34	132.72	0.055	56	33	18.2	8	0.12	13.27	134.7	134.7	134.7	134.7	134.7	134.7	134.7				
A ₂₈	4.46	0.84	3.52	3.52	9.0	5.38	31.9	134.34	132.72	0.055	56	33	18.2	5.8	0.14	9.56	132.5	133.3	133.3	133.3	133.3	133.3	133.3				
A ₂₉																											
A ₃₀																											







E & A CONSULTING GROUP, INC.

Engineering Answers

701 O Street, Suite 400 • Lincoln, NE 68508-1433

P 402.420.7217

www.eacg.com

September 6, 2023

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

NP-3
LFR

RE: KINNEY INDUSTRIAL DISTRICT - Preliminary Plat
E & A File: P2022.298.003

Dear David,

On behalf of our client, Baby Bull, LLC, we are submitting an application for a preliminary plat of the property approximately located at North 33rd Street and Superior Street, south of Superior Street. The property is currently zoned I-1 and is within the city limits of Lincoln. The property abuts Salt Creek to the east and south. Existing industrial uses border to the west. And, Superior Street is adjacent to the north property line.

The preliminary plat consists of two existing parcels totaling 67.36 acres. Some existing features within the property include:

- Existing wetlands located along the west boundary of the development. These are designated to remain largely undisturbed.
- An area of existing wetlands in the southeast portion of the development which are proposed to be preserved within an outlot reserved for open space.
- Salt Creek lies along the southern boundary and just east of the property. Portions of the property lie within the FEMA 100-yr floodplain and designated floodway exists on the extreme southern portion.
- The earth embankment along the west side of Salt Creek is not officially identified as a levee by the US Army Corps of Engineers. However, the Lower Platte South NRD regulates a levee influence zone within 500 feet of top of the embankment. Previous correspondence with the NRD indicated concern for slope stability along this section of channel. Documentation provided to the NRD at that time showed a 3:1 cut slope from the edge of water would daylight within the adjacent NRD owned property - indicating proposed development grading will not impact slope stability. The NRD will be consulted regarding final design details of the proposed storm sewer outfall to Salt Creek.
- An environmental covenant is defined over a portion of the property due to water and soil contaminants migrating from properties to the west.

As requested by LTU, North 33rd Street is shown to extend through the property as a minor arterial. The right-of-way for the full build-out of North 33rd Street will be dedicated with the initial final plat of the area. However, the roadway improvements are requested to be initially waived south of Tailwind Drive and are proposed to be completed with a future City financed project to extend the street to connect with Cornhusker Highway. The first phase of the development will include construction of Tailwind Drive and the northern section of North 33rd Street to provide access to Lot 1, Block 3 which will be utilized for the industrial uses of Kinney Manufacturing.

The public streets identified as Tailwind Circle and Tailwind Court are conceptual and may change in configuration or be omitted depending on future needs of end users of the property. These areas could support large industrial users requiring a single large lot or smaller operators on individual lots as currently shown with this preliminary plat. If desired by the end user, details for an optional drive access to Superior Street at North 35th Street – including turn lane improvements - will be proposed for approval at the time of building permit on the adjacent lot.

An existing sanitary trunk sewer main is located west of the development. And, an existing 8" main extends east approximately 500 feet along the south side of Superior Street. A new 10" sanitary sewer line extending east from the existing main is proposed within Tailwind Drive to provide service to the proposed adjacent lots. Due to the configuration of the development, sanitary sewer will not be installed within North 33rd Street.

A 12" water main is being proposed within the development. Phase I will include the construction of the 12" water main to the farthest south water hydrant that is required to provide fire coverage to Lot 1, Block 3. To minimize the need for initial roadway fill and provide better access to fire hydrants from within the industrial site, the main is proposed to be located on the west side of North 33rd Street.

Based on initial dialog with Watershed Management staff, stormwater detention is not being provided due to the proximity of the development to Salt Creek. Installation of a hydrodynamic separator is proposed to meet stormwater quality requirements for the development to minimize potential exposure of contaminated soils.

The property has been identified as blighted; and, the developer plans to utilize tax increment financing to fund some infrastructure and other site improvements.

Proposed improvements to North 33rd Street, including traffic signal and turn lane modifications at the intersection with Superior Street, have been identified as impact fee eligible. However, LTU has indicated that impact fee funds are not currently available. Therefore, deviation requests to the Access Management Policy will be submitted to the LTU for the following items:

1. East bound right turn lane to North 33rd Street not to be constructed until the North 33rd Street connection to Cornhusker Highway is constructed. Associated costs of relocating an existing overhead electric transmission line (estimated at \$750,000 to \$1,000,000) are not currently

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Engineering Answers

available from City funding sources and are excessive for this development to bear. Traffic study findings indicate the intersection can function without the turn lane installed until 33rd Street is extended to Cornhusker Highway.

2. Right turn lane at North 33rd Street and Tailwind Drive to not be constructed until the connection of North 33rd Street to Cornhusker Highway is constructed. Lack of opposing traffic at the intersection negates the need for such a turn lane at this time.

The following waivers are being requested with this preliminary plat subdivision.

1. Roadway surfacing and sidewalks in Old Dairy Road prior to construction of North 33rd Street to Old Dairy Road intersection. (Municipal Code, Chapter 26.27.010 & 26.11.040.a)
Until North 33rd Street is constructed to this location, there will be no means to access to this section of street.
2. Block length. (Municipal Code, Chapter 26.23.130)
The existing and proposed industrial uses for the area as well as the location to Salt Creek, creates a larger length between streets than the typical block. With the larger blocks, it accommodates those industrial uses which require a larger area for their use.
3. Pedestrian way. (Municipal Code, Chapter 26.23.125)
Public foot traffic through industrial facilities is not appropriate due to safety and security concerns. Sidewalks will be installed within the street right-of-way to accommodate those pedestrians that will be traveling through the development. Proposed connection of the public sidewalk to the adjacent trail system will also provide for pedestrian circulation.
4. Water main location on west side of North 33rd Street and west side of Tailwind Court. (Design Standards, Chapter 2.10, Section 3, 3.2)
The need for water services on the east side of 33rd Street south of Tailwind Drive is minimal due to the proximity to Salt Creek. Full width grading for portions of North 33rd Street south of Tailwind Drive is not proposed to be completed until the street is paved; and, existing grade on the east side of the street would not provide adequate cover for the pipe prior to that grading. No sanitary sewer is proposed within North 33rd Street to conflict with the proposed location.
5. Sanitary Sewer location on east side of Tailwind Court. (Design Standards, Chapter 2.00, Section 3, 3.4)
Sanitary sewer service laterals along Tailwind Court will be installed with the installation of the main prior to the pavement construction. The buildable lots are on the west side of the street. This waiver will allow the water to be located on the west side of the street and will eliminate having those services needing to be bored or pavement removed and replaced with the water service installation.
6. Sanitary sewer running opposite street grade. (Design Standards, Chapter 2.0, Section 3, 3.5)
With the design of drainage within the development, some street elevations due run opposite of the sanitary sewer.

7. Construction of sidewalk in North 33rd Street south of Tailwind Drive and in Old Dairy Road within two years of final plat. (Municipal code 26.11.140.d)

The sidewalks are proposed to be installed when the full build out of North 33rd Street is completed. Since the adjacent street is not being proposed to be installed at this time, we are requesting for the sidewalk not to be installed as well.

8. Grading of North 33rd Street south of Tailwind Drive and Old Dairy Road. (Municipal Code, Chapter 26.27.010)

Grading at the future Salt Creek bridge approach is not practical to be completed at this time. Grading for minor arterial roadways is considered a cost of the overall roadway construction and will therefore be more easily accounted for during final design. Initial subdivision grading will include establishment of the west parkway area to accommodate water main construction and to assure that adjacent lots are at proper elevation for future roadway construction.

9. Storm sewer detention. (Municipal Code, Chapter 26.23.105 & Design Standards, Chapter 2.05)

Due to the proximity to Salt Creek, it is advantageous to direct peak flow discharges to the Creek prior to higher channel flows arriving from upstream runoff. Through previous discussions with LTU, City staff is in support of waiving the detention requirements for this development.

Please contact us if you have questions or require additional information.

Sincerely,

E & A CONSULTING GROUP, INC.



Richard Onnen
Project Manager

Cc: Randy Kinney

Enc: Application Form for Preliminary Plat
Application Fee of \$4,857.00
Legal Description
Waiver List

E & A CONSULTING GROUP, INC.

Engineering Answers

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Comprehensive Plan Conformance 23015 <i>Center Terrace Redevelopment Project</i>	FINAL ACTION? No	DEVELOPER/OWNER South of Downtown CDO
PLANNING COMMISSION HEARING DATE October 18, 2023	RELATED APPLICATIONS Change of Zone #21020A - Amending the SODO PUD	PROPERTY ADDRESS/LOCATION Generally located at the SE corner of S. 13 th Street and E Street

RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

Review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan, the Center Terrace Redevelopment Plan. The plan encompasses 2.5 acres of land comprised of commercial and residentially zoned properties. The project area is located on an existing city block abutting S. 13th Street, between E and D Streets. Redevelopment activities in the Plan are focused on removing blighted and substandard conditions while providing affordable infill residential dwelling units. The Project includes the proposal of approximately 113-125 affordable multifamily residential units and approximately 9,200 square feet of commercial space.

JUSTIFICATION FOR RECOMMENDATION

The project is consistent with the Comprehensive Plan and South of Downtown Redevelopment and Strategic Plan through encouragement of a mixed-use infill redevelopment project that will provide additional affordable dwelling units within city limits. This project site is within the South of Downtown Planned Unit Development (PUD) and has requested an amendment to the PUD (see Change of Zone #21020A) for requested waivers related to the project site layout.



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COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The project is consistent with the goals in the Comprehensive Plan; specifically, the guiding principle for infill development in existing areas of the city and addition of new and affordable residential units within the existing city limits. The property is shown as a mix of both commercial and future urban residential on the Future Land Use Map. This designation of Commercial includes areas of retail, office, service, and residential mixed uses that may vary widely in their intensity. Urban residential designation allows for residential uses with varying densities, and it is appropriate to have more than fifteen dwellings per acre.

COMPREHENSIVE PLAN SPECIFICATIONS:

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.

The Community in 2050

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

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.

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.

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.

Figure E2.b: Design Strategies for Mixed Use Nodes and Corridors

1. Maintain existing vehicular access, relocate drives as needed, share access where possible, and discourage additional vehicular access to an arterial street.
2. Encourage a higher Floor Area Ratio for commercial redevelopment.
3. Encourage a wide variety of commercial tenants.
4. Face existing residential uses with new residential uses rather than the backs of buildings, unless existing residential faces the opposite direction such as along an alley.
5. Align commercial driveways with existing streets where possible.
6. Discourage commercial driveways that interrupt the blockface of a residential street, especially when residences face the street.
7. Encourage shared driveways and interconnected parking lots where possible.
8. Orient buildings to the street, especially corners.
9. Maintain or adaptively reuse existing structures (especially historic structures) where possible.
10. Incorporate a variety of residential price ranges and use types such as rowhouses, apartment buildings, apartments in mixed use buildings, live-work units, and group housing. These buildings could also serve as a transition to the existing neighborhood.
11. Encourage a vertical mix of residential and commercial use types.
12. Encourage shared parking between land uses with different peak demand periods.
13. Create public/semi-public green or open spaces such as parks, plazas, or community gardens.
14. Establish or re-establish an internal public or private street network within the node that has substantial connectivity to adjacent neighborhoods to maximize access and mobility options.
15. Encourage public/semi-public uses.
16. Encourage supermarkets or specialty grocery stores to locate within nodes.

17. Encourage substantial connectivity and convenient access to neighborhood services (stores, schools, parks) from nearby residential areas.
18. Promote activities of daily living within walking distance, and provide sidewalks on both sides of all streets, or in alternative locations as allowed through design standards or review process.

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.

E3: Business, Economy, and Workforce

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

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.

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.

CLIMATE ACTION PLAN SPECIFICATIONS:

p. 11 Key Initiative - Transition to Low-Carbon Energy.

- Continue incentive-based (residential, commercial, or industrial) programs promoting the installation of renewable energy systems. Incentives may include offering rebates on purchasing equipment, attractive net metering pricing, tax incentives, height allowances, setback, and area-based incentives, expedited permitting, and others.

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

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

ANALYSIS

1. This is a request to review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan, the South of Downtown Redevelopment Plan. The plan boundary includes the project site which will span along S. 13th Street, from D to E Streets, and the abutting right-of-way around this block. The site is located within the South of Downtown Planned Unit Development (PUD) which will be amended to include a “Subarea 1” to detail the conceptual layout and waivers requested on the site.
2. The project proposes a mixed-use development with both 9,200 square feet of commercial and approximately 113-125 affordable multifamily residential units. The site will be developed with one continuous, 5-story structure stretching along S. 13th Street with parking on the main level. The development is proposing 91

parking spaces to serve the site. An additional 19 on-street parking spaces will be added as part of this project which will be available as additional public parking spaces within the public right-of-way. Activities identified in the Redevelopment Plan include:

- a. Demolition of the existing commercial building on site.
 - b. Infill and redevelopment of an underutilized property.
 - c. Removal of blighted and substandard conditions with the project area.
 - d. Provide affordable, safe, quality housing in the South Downtown Neighborhood.
 - e. Provide public spaces that will enhance the neighborhood and support future health services.
3. Redevelopment activities are guided by the Nebraska Community Development Law (§ 18-2101, et. seq.) which requires that the governing body must first declare the project area substandard and blighted in order to prepare a redevelopment plan. The Redevelopment Area was determined as blighted and substandard with the Extremely Blighted Determination Study for the City of Lincoln (MISC 19004). The Study identified multiple areas within the City that met the criteria for Extreme Blight. The Blight and Substandard study was approved by the Planning Commission on December 4, 2019 and by the City Council on January 13, 2020.
 4. The designation of blight and substandard for the redevelopment area, along with creation of this Redevelopment Plan, makes projects within the redevelopment area potentially eligible for Tax Increment Financing (TIF) that can be applied to public improvements.
 5. The goal of the project is to revitalize and strengthen the business community in Lincoln by providing affordable infill residential dwelling units as part of the mixed-use redevelopment plan. The future intent is for the project to develop following an amendment to the South of Downtown PUD that will guide this development area known as “Subarea 1” within the PUD. This amendment will allow for the multi-story building to be constructed, housing both multifamily dwelling units, commercial space, and on-site parking. The project will make positive contributions to the continued removal of blight and substandard conditions in the redevelopment area.
 6. The total construction costs for the proposed Center Terrace Redevelopment Project area are estimated to be \$39 million. The final project costs will be determined at the conclusion of the completed project design. The public investments will leverage the private investments \$39 million. Upon completion of the project, the assessed value of the property will increase by an estimated \$10.3 million. This will result in an estimated range of \$2.4 million in Tax Increment Financing (TIF) over 20 years to help fund public improvements.
 7. The project is consistent with goals in the Comprehensive Plan as an infill and redevelopment project on an existing site. The project meets numerous goals including the addition of affordable housing units within city limits and by providing new and various housing options within the Downtown Area. The additional commercial space and multifamily units will be located along S. 13th Street with direct access to Downtown and near multiple modes of transportation within the Downtown Area. The project is consistent with the goals of the South of Downtown Redevelopment Plan and Strategic Plan. Specifically, the development will support the addition of a mixed-use building that will provide affordable housing units within the existing neighborhood. The South of Downtown Redevelopment Plan encourages additional health-related services within this area which is planned to occupy the commercial space within this project.

EXISTING ZONING: B-3, Commercial and R-7, Residential

EXISTING LAND USES: The existing land use within the Center Terrace Redevelopment Plan area is comprised of vacant commercial building and existing surface parking space.

SURROUNDING LAND USE AND 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

Jan 2020	Miscellaneous #19004 for the Extremely Blighted Determination Study for the City of Lincoln, Nebraska was approved by City Council.
Jan 2021	Comprehensive Plan Conformance #20017 for the South of Downtown Redevelopment and Strategic Plan was approved by City Council.

APPROXIMATE LAND AREA: 2.5 acres

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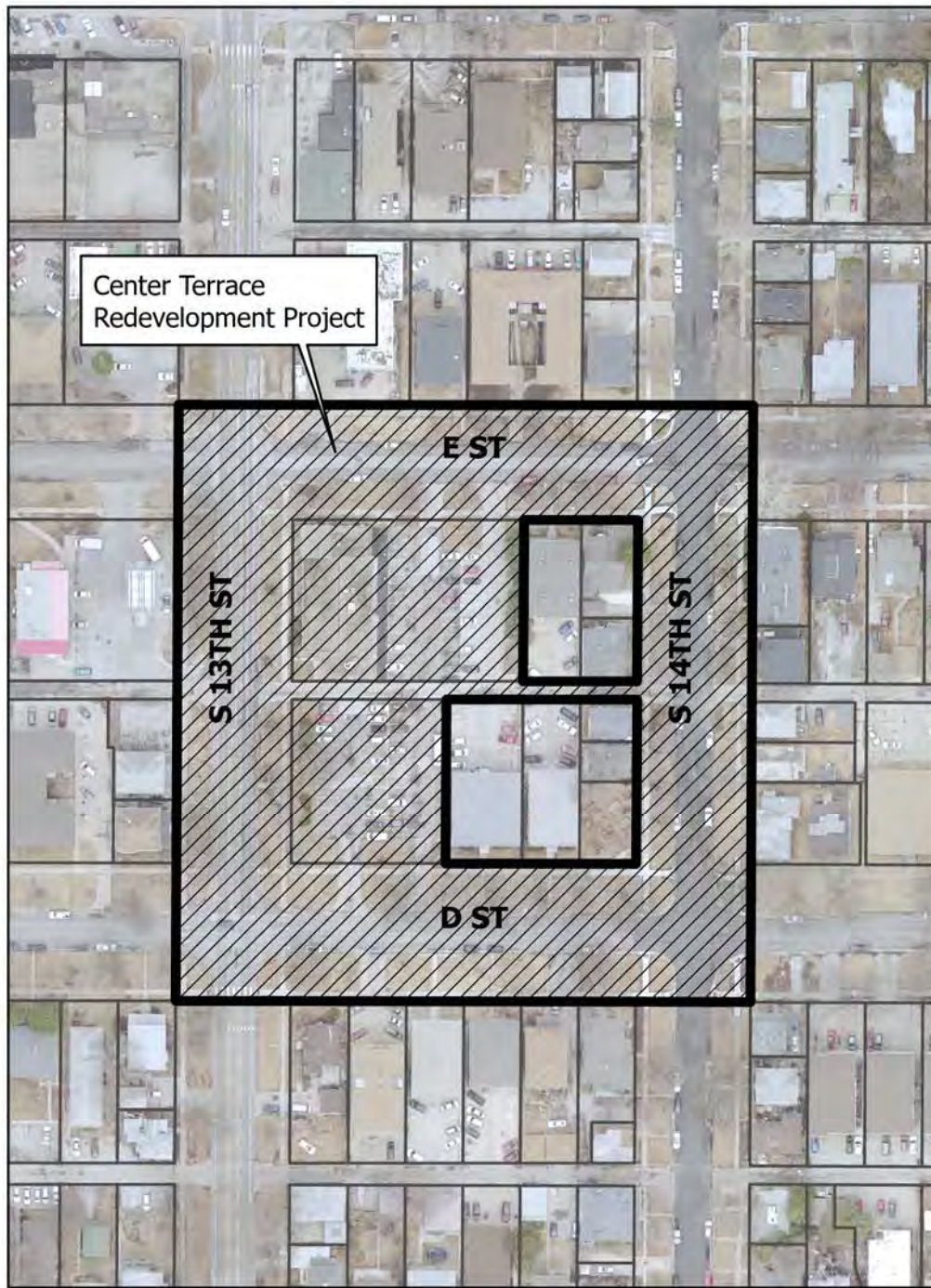
Date: October 5, 2023

Applicant: Peter Hind, Urban Development Department
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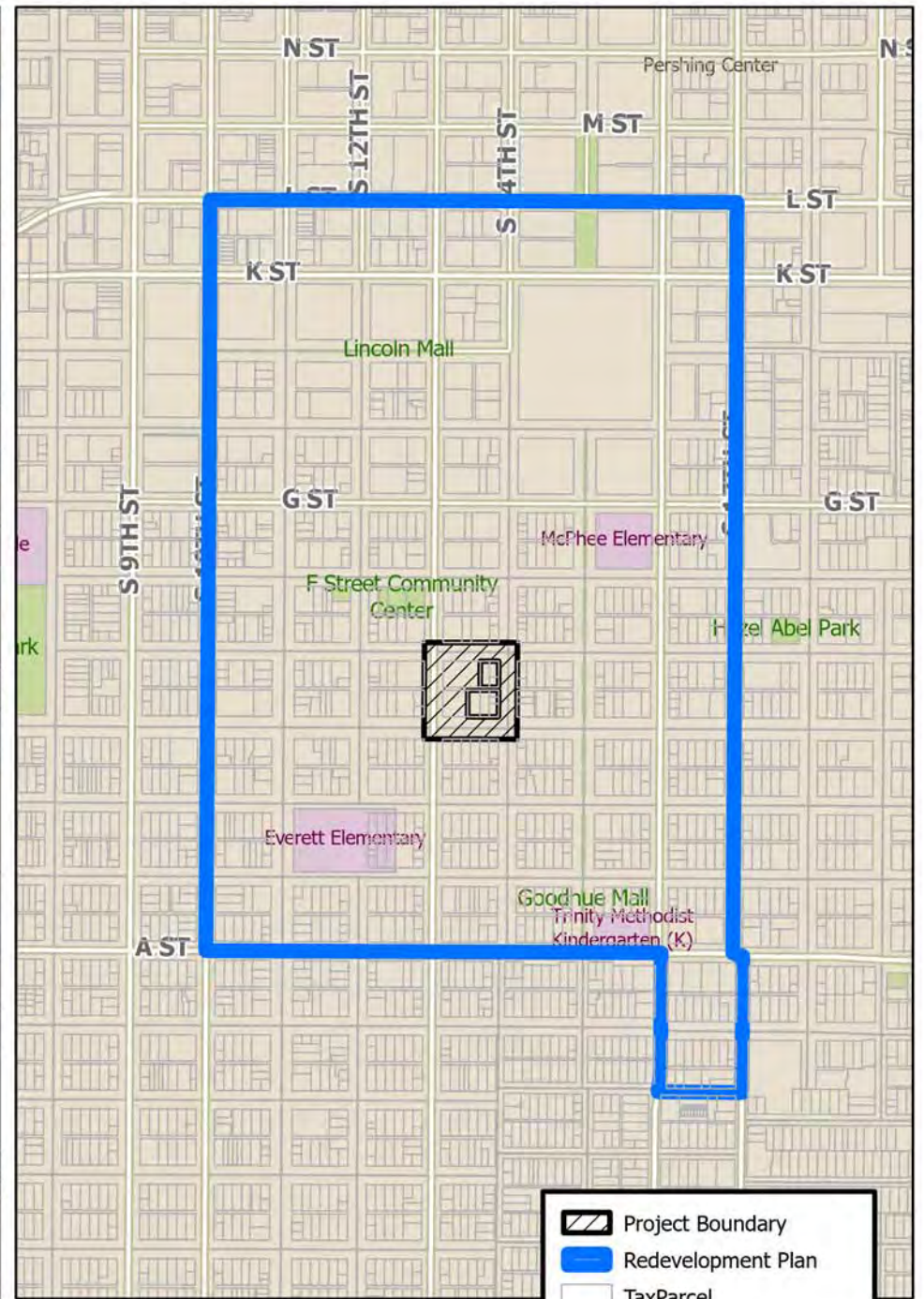
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<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CPC/23000/CPC23015 Center Terrace Redevelopment Plan.docx>



2022 aerial



	Project Boundary
	Redevelopment Plan
	Tax Parcel



Comprehensive Plan Conformance #: CPC23015 **South of Downtown Redevelopment Plan** **Center Terrace Redevelopment Project**

AMENDMENT TO THE SOUTH OF DOWNTOWN REDEVELOPMENT PLAN

Center Terrace Redevelopment Project.

1. Project Description

Center Terrace Redevelopment Project (the “Project”) is located on the site of the former CenterPointe headquarters at 1000 S. 13th Street, located on 13th Street between D Street and E Street and legally described as: Lots Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), and the West 33 1/3 feet of Lot Nine (9), Block One Hundred Eighty-Seven (187), Original Plat of Lincoln, Lancaster County, Nebraska, together with the adjacent rights of way, totaling approximately 2.5 acres (the “Project Area”). The Project Area is depicted on the map, below:



Center Terrace Redevelopment: Project Area

Legend:
Hatched area: Project site

Map Prepared by Kurt Eickert, City of Lincoln Urban Development #02-441-2834

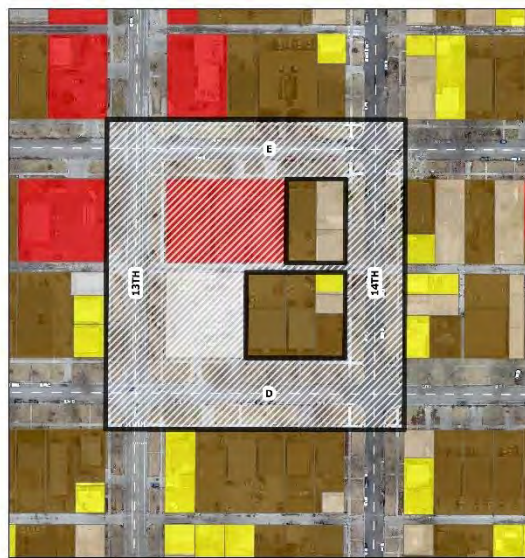


The Project would consist of the development and construction of a mixed-use development with approximately 113 - 125 affordable multifamily residential units, approximately 6,800 square feet of commercial space and enclosed parking on the first floor. The residential unit mix shall consist of approximately 63 one-bedroom, 58 two-bedroom units, and 4 three-bedroom units, along with typical amenities for multi-family residential units. The building will be 5 stories. A preliminary site plan is attached as Exhibit “A”.

The goal of the Project is to strengthen the Lincoln community by providing affordable infill residential dwelling units through the redevelopment of existing underutilized real property. The Project will remove blighted and substandard conditions and will make positive contributions to the Area. The Project will provide safe, quality housing in the South Downtown Neighborhood. The Project is also anticipated to include public spaces that will enhance the neighborhood and supportive health services in the

form of a first-floor clinic. The Project is anticipated to be partially funded with Low Income Housing Tax Credits (LIHTC), and other available state and federal programs intended to support the availability of affordable housing. By meeting the programmatic design of these financing mechanisms, this neighborhood will consist of housing opportunities targeted to households of a restricted income level below 60% of area median income, with approximately 10% of the units targeted to households of a restricted income level below 40% of area median income.

Surrounding land uses include residential and commercial uses. The Project’s location in the South of Downtown Neighborhood makes it an ideal location for a higher density housing project. See the Current Land Use Map and Future Land Use Map below.



Center Terrace Redevelopment: Current Land Use

Center Terrace Area
 Layer
 Single Family Detached
 Duplex
 Apartments
 Commercial
 Parking Lot

Map Prepared by Kurt Ficker City of Lincoln Urban Development 402-441-7874



Center Terrace Redevelopment: Future Land Use

Center Terrace Area
 Layer
 Single Family Detached
 Duplex
 Apartments
 Commercial
 Parking Lot
 Commercial w/
 Residential Units Above

Map Prepared by Kurt Ficker City of Lincoln Urban Development 402-441-7874



The Project Area is currently zoned B-3 and R-7 (see image below) and is located in the South of Downtown Planned Unit Development (“PUD”). The proposed use of the Project Area will require an amendment to the PUD.



Center Terrace Redevelopment: Zoning

Center Terrace Area
 Zoning

Map Prepared by Kurt Ficker City of Lincoln Urban Development 402-441-7874



The Project is consistent with the goals of the South of Downtown Redevelopment and Strategic Plan and is intended to support private sector mixed-use development in the Redevelopment Area. According to the South of Downtown Redevelopment and Strategic Plan, “housing is a principal concern in the area, particularly as it relates to quality and affordability.” In addition to consistency with the goals of the South of Downtown Redevelopment and Strategic Plan, the Project is also consistent with the Lincoln-Lancaster County 2050 Comprehensive Plan.

The Project represents a significant investment in the Redevelopment Area. Publicly funded redevelopment activities may include: site acquisition, site preparation, utility improvements, streetscape/right-of-way, public parking improvements, façade enhancements, energy efficiency enhancements, and other public improvements in the Project Area.

2. Statutory Elements

Property Acquisition, Demolition, and Disposal: The Project Area is currently owned by the South of Downtown Community Development Organization (“SDCDO”). The proposed redeveloper is working with SDCDO on acquiring the Project Area for the Project. Demolition of the existing building will be required as part of the project.

Population Density: The Project will have an impact on and will increase the Project Area’s population density, as approximately 113 - 125 residential units will be constructed on a lot that was formerly used as a commercial site. Construction of new, quality affordable housing units is a desired goal in this area of the city. The South of Downtown Redevelopment and Strategic Plan identifies the following challenges relating to housing quality in the South of Downtown area:

- Building conditions: 43% dilapidated.
- Deteriorating and dilapidated buildings comprised of wood structural components and masonry buildings containing combustible elements and fixtures.
- Approximately 30% of structures/parcels have fair to poor site conditions.

Land coverage: Land coverage and building density will be altered with construction of the Project, which will include the demolition of an existing vacant commercial building and construction of one mixed-use building with commercial space and parking on the first floor and approximately 125 residential units on the second through fifth floors. The building is being designed with several recessed areas to avoid a large, uninterrupted wall for the entire side of the building (see conceptual renderings in Exhibit A). This design will create massing that is more compatible with the surrounding area, even though it is a larger building.

Public Facilities and Utilities: Public infrastructure improvements will be required to implement this project. Additional improvements may be required to implement this project, including but not limited to improvements to the water, sanitary sewer, storm sewer, and rights of way including alleys and streets. As the project is further developed, the Lincoln Transportation and Utilities Department will work with the Developer to ensure that the systems can support the additional capacity requirements of the project.

Traffic Flow, Street Layouts, and Street Grades: It is anticipated that the Project will increase traffic flow generated to the Project Area from an increased number of residents, but the existing streets are anticipated to be sufficient for the Project. 13th street is a minor arterial street, which is meant to serve large traffic volumes, but for shorter distance trips and, as such, provides a higher degree of property access than major arterials. D Street is a collector. Collectors provide for traffic movement between arterials and local streets and carry moderate traffic volumes over moderate distances.

Parking: Parking is a particular challenge in the area, and the Project is seeking solutions to this challenge. The Project will include approximately 100 off-street parking spaces in two off-street garages on the first floor of the building. The redeveloper is currently exploring additional on-street options with LTU, Planning, and Urban Development. The South of Downtown Redevelopment and Strategic Plan states that parking requirements will be evaluated on a project-by-project basis. The South of Downtown Redevelopment and Strategic Plan has identified a need for additional parking.

SECTION 2.2 ZONING:

Parking

The higher density standards allowed by the residential zoning districts can lead to parking issues – both off –street parking requirements for residents and on-street parking for visitors. Generally, the neighborhood currently has a shortage of parking –especially in the north portion of the neighborhood that is closest to the State government buildings (e.g., the State Capitol) and other downtown businesses where the zoning districts they are in do not require parking. The 2019 State of Nebraska Parking Study indicates that there are 364 employees on the State’s parking waiting list. In addition, the State’s Parking Study determined that there were approximately 240 State employees parking their vehicles on the neighborhood’s streets. Employees from downtown businesses also park in the neighborhood and walk to and from downtown businesses.

Together, the State of Nebraska and downtown business employees’ parking patterns negatively compete with the neighborhood residents, visitors and business customers. This not only hurts current businesses and residents, but negatively impacts efforts to improve the neighborhood business opportunities and impedes new and rehabilitated housing stock. A shortage of on street parking can lead to a shortage of available parking for customers, visitors and residents. The on-street parking shortage can generate negative parking and neighborhood perception problems, or if the shortage is addressed, then it increases the cost to provide off-street parking. Negative perceptions and increases in off-street parking costs can hurt both market demand and supply. This past year, the State began to address the large backlog of State employee and visitor parking by providing some additional State parking stalls.

SECTION 2.4 TRANSPORTATION:

Traffic

The plan identifies the 13th Street Project, which includes the following element:

- Adjusted on-street parking to meet residential and business needs

Parking

As discussed in the Zoning section of this Plan, the area currently has a shortage of parking due to lack of parking requirements on State-owned facilities and in downtown. As a result, employees park in the neighborhood and compete with residents for parking.

SECTION 2.11 SUMMARY OF IDENTIFIED ASSETS AND CHALLENGES:

Identified challenges include:

- Parking
 - High residential density standards can lead to parking issues.

- o State of Nebraska and downtown business employees compete with neighborhood residents for parking.

Additionally, strategies recommended by the various subcommittees are set forth in Appendix A of the South of Downtown Redevelopment and Strategic Plan. The Housing Subcommittee's recommendations to promote affordable housing included the following:

- Relax restrictions such as parking requirements that prevent affordable housing.
- Use PUDs to adjust setbacks to allow construction of affordable housing on non-buildable lots, allow mixed uses, and relax parking requirements.
- Restrict on street parking during certain hours to residents of the neighborhood.
- Address parking regulations and requirements that prevent affordable housing.
- Increase parking enforcement and explore a parking and permit program or parking management districts.

The Finance Investment Subcommittee Recommendations included the following strategies:

- Increase angled and parallel on-street parking on both sides of the street in order to maximize available parking.

In order for the Project to be viable, the lack of parking adjacent to the project site will need to be addressed. This will be an ongoing effort between the Redeveloper and the various departments of the City of Lincoln.

Zoning, Building Code, and Ordinances: The Project Area is currently zoned B-3 and R-7 and is located in the South of Downtown Planned Unit Development ("PUD"). The Project is a permitted use in the zoning district, but the PUD will need to be amended to make the Project viable. Redeveloper will work with the Planning Department and will ultimately be responsible to get the necessary change of zone and PUD amendment approved. All applicable building codes will be met.

3. Proposed Cost and Financing

The estimated total cost to implement the Project is approximately \$39,000,000, which includes approximately \$2,430,000 in tax increment financing. The project cost will be finalized as construction costs are determined. The source of public funds for these improvements will be the tax increment generated from the private developments on the Project Site. Funding sources and uses will be negotiated and identified in the redevelopment agreement, subject to approval by the Mayor and the City Council.

4. Cost Benefit Analysis

Even with the anticipated funding sources for affordable housing, housing at the price points intended for workforce and low-income occupants cannot be built without additional financial assistance provided by the use of tax increment financing. As required by the Nebraska Community Development Law (Neb. Rev. Stat. § 18-2113), the City has analyzed the costs and benefits of the proposed Project.

Public Tax Revenues

Tax Increment Financing Analysis

Tax Increment Financing Analysis		
Description		Amount
Base Value	current valuation	\$943,300
Not to Protest Value	Anticipated completed valuation	\$11,270,355
Increment Value	= completed value – base value	\$10,327,055
Annual TIF Increment	= Increment x est. levy (2.012986)	\$217,653
TIF Indebtedness Amount	= TIF Increment x 19 years @ 6%	\$2,430,000

The 2023 assessed value of the Project Site is \$943,300. Upon completion of the Project, the assessed value of the Project Site will increase by an estimated \$10,327,055 as a result of the private investment for the Project. The Project will result in an increase in estimated annual property tax collections during 19 years of the 20-year TIF period of approximately \$2,430,000, which will be available to finance the costs of construction of the public improvements related to the Project. This value reflects a net present valuation at a gross discount rate of 9% net of 3% annual property valuation growth for a net discount rate of 6%. The public investment will leverage approximately \$39,000,000 in private sector financing and state and federal tax credits.

Public Infrastructure and Community Public Service Needs Impacts

It is not anticipated that the Project will have an adverse impact on existing public infrastructure. The Project involves the capture of the incremental tax revenues for public improvements in the Redevelopment Area. Public investment may assist in site acquisition, site preparation, design and construction of utility improvements, design and construction of streetscape and right-of-way improvements, public parking improvements, façade enhancements, energy efficiency enhancements, and other public improvements and enhancements allowed under the Community Development Law.

The Project will encourage additional private investment in the Redevelopment Area by removing blighted and substandard conditions in the Area. It is not anticipated that the Project will have an adverse impact on City services, but instead will generate additional revenue providing support for those services.

Employment within the Project Area

It is not anticipated that the Project will have an adverse impact on employers and employees of firms locating or expanding within the boundaries of the area of the Project. Instead, it is anticipated that the construction of approximately 126 multi-family dwelling units as part of the Project will create additional needed housing for the workforce population in the area of the Project. The Project will provide lower income workers new safe and secure housing. According to the South of Downtown Redevelopment and Strategic Plan, in the South of Downtown area "44% of renters are cost burdened and 21% are extremely cost burdened. People living in census tract 20.01, east of 13th Street are 57% cost burdened and 32% extremely cost burdened," so this project will provide a benefit to the area. Additionally, the Project will support temporary construction jobs during the redevelopment of the Project Site.

Employment in the City outside the Project Area

The anticipated job creation resulting from the construction of the Project is not expected to adversely affect employment in the City outside the area of the Project. The Project should increase the need for services and products from existing business in and around the Redevelopment Area. The Project will help to meet the low-income and affordable housing goals of the City of Lincoln as a whole.

Impacts on Student Populations of School District

It is anticipated that the Project will increase the student population of Lincoln Public Schools. However, the Project will meet the demand for additional housing in the City, and the school district should have the capacity to handle any population increase from the Project.

The Project will create approximately 125 multi-family dwelling units. Certain assumptions can be made about the resulting increase in student population from this Project:

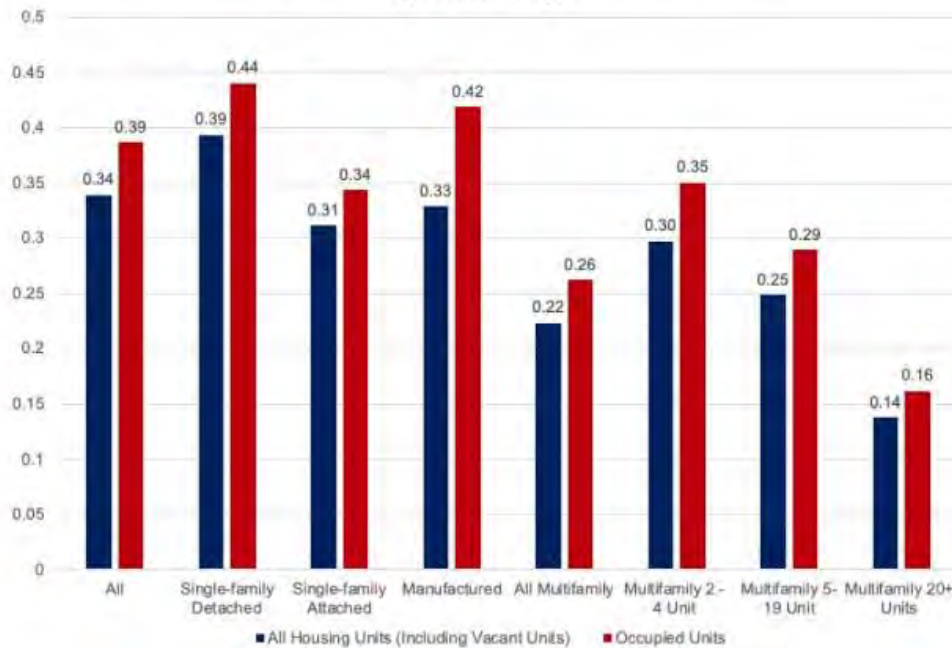
- According to statistics from the National Association of Home Builders, in Nebraska, the average number of public-school children in renter-occupied units for multifamily buildings with 20 or more units is 0.096.
- According to the most recent 2018 American Community Survey (ACS) data of national averages, the average number of public-school children in multifamily buildings with 20 or more units is 0.14.

Table 1: NAHB – Nebraska data

Nebraska								
	All	Single-family Detached	Single-family Attached	Manufactured	All Multifamily	Multifamily 2 to 4 Units	Multifamily 5 to 19 units	Multifamily 20+ Units
All Housing Units	0.385	0.448	0.296	0.521	0.154	0.255	0.158	0.084
New Construction	0.290	0.458	***	***	***	***	***	***
Existing Homes	0.386	0.448	0.303	0.522	0.156	0.255	0.158	0.085
All Occupied Units	0.425	0.488	0.324	0.745	0.172	0.283	0.177	0.093
Recent Movers	0.365	0.562	0.576	***	0.190	0.258	0.177	0.160
Into New construction	0.410	0.583	***	***	***	***	***	***
Into Existing Homes	0.364	0.561	0.611	***	0.191	0.258	0.177	0.163
Non-movers	0.435	0.481	0.262	0.815	0.162	0.296	0.178	0.057
Owner Occupied Units	0.440	0.450	0.050	0.749	0.020	0.045	***	***
Recent Movers	0.492	0.560	0.109	***	0.103	0.180	***	***
Into New construction	0.437	0.488	***	***	***	***	***	***
Into Existing Homes	0.440	0.449	0.051	0.750	0.020	0.045	***	***
Non-movers	0.437	0.443	0.043	0.803	***	***	***	***
Renter Occupied Units	0.401	0.757	0.628	0.778	0.179	0.303	0.184	0.096
Recent Movers	0.321	0.578	0.750	***	0.194	0.267	0.183	0.161
Into New construction	***	***	***	***	***	***	***	***
Into Existing Homes	0.403	0.757	0.647	0.778	0.181	0.304	0.184	0.097
Non-movers	0.439	0.816	0.576	0.946	0.171	0.323	0.184	0.059

Table 2: ACS national data

Figure 1. Number of Public School Children
By Structure Type



Based on the foregoing data, approximately 12 to 18 public school children can be anticipated living in a multifamily building like the Project. It is not anticipated that the Project will have an adverse impact on the school district, but instead will serve the families of its students.

Additionally, it is worth noting that statistically, fewer children are residents of this area of the City. According to the South of Downtown Redevelopment and Strategic Plan, “children under the age of 14 comprise 8% of the population [in the South of Downtown] compared to the city’s 19%.” Therefore, it is likely that the impact on student population in the Project Area would be less than any general statistics applicable to the City as a whole.

Other Impacts

The Project will create additional housing in the City. The Project is consistent with the policy of the *Lincoln-Lancaster County 2050 Comprehensive Plan*. It provides additional safe housing options in the City. Further, the Project provides appropriately placed density.

The development of the Project will eliminate the existence of blight and substandard conditions and will attract residents and businesses to the Redevelopment Area and the City of Lincoln.

The South of Downtown Redevelopment and Strategic Plan identified a need for additional health-related services. In this area, life expectancy is 20 years less than people living in the southeast part of Lincoln and is indicative of health disparities.” The Project intends to create commercial space that will be leased to a clinic or health-care related business that will serve the community.

The Project should have a positive impact on private sector businesses in the Redevelopment Area and in the City. It should attract additional private investment in and around the Redevelopment Area.

The Project include several enhancements to public space for community gathering and public programming that will have a positive impact on the neighborhood in a non-monetary manner.

While the use of tax increment financing will defer receipt of a majority of the incremental ad valorem real property taxes generated by the Project for up to 20 years, there will be additional revenue generated by the Project from, for example, sales tax paid by the resident of the apartment complex. Upon completion of the TIF period, the Project will benefit the community through higher property tax revenue.

Finding the Need for TIF

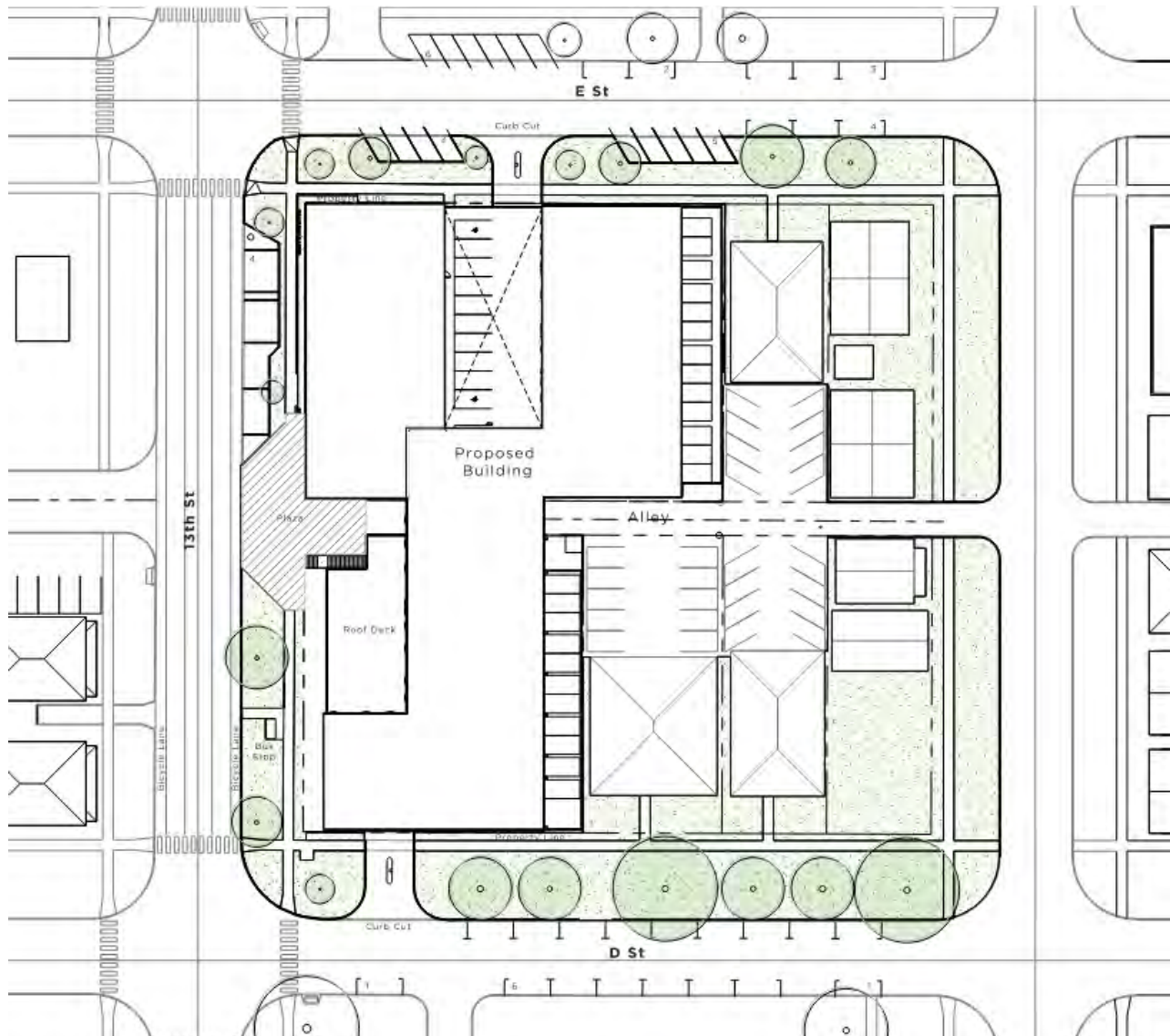
Section 18-2116 of the Community Development Law requires the City Council to make the following findings before authorizing the use of tax increment financing:

- The redevelopment project as proposed would not be economically feasible without the use of tax increment financing; and
- The redevelopment project as proposed would not occur in the community redevelopment area without the use of tax increment financing.

The Urban Development Department believes, based on the representations made by the proposed developer, that the private and public improvements proposed in this plan amendment would not occur “but for” the utilization of tax increment financing in the Redevelopment Area. Further, it would not be economically feasible for the Redeveloper to construct the Project improvements without tax increment financing because the existing site conditions constitute a barrier to development that cannot be adequately remedied without the use of tax increment financing.

Exhibit A

Preliminary Site Plan



Conceptual Renderings



Northwest Corner View

Conceptual Renderings



Mid Block Perspective View

4893-6418-3143, v. 2

September 20, 2023

David Cary, Planning Director
City of Lincoln-Lancaster County Planning Department
555 S. 10th
Lincoln, NE 68508

Dear David:

Enclosed is a copy of the Center Terrace Redevelopment Project plan amendment to the South of Downtown Redevelopment Plan. The project proposes to redevelop this location into 112-125 affordable housing residential units and approximately 6,800 square feet of commercial space on the first floor.

Please forward this plan amendment to the Planning Commission for their earliest consideration for Comprehensive Plan compliance. My understanding is that this should be on the October 18, 2023, agenda.

If you have questions or need additional information, please contact me at 402-441-7855 or at ecastillo@lincoln.ne.gov.

Sincerely,



Ernie Castillo

Cc: Andrew Thierolf, Planning Department
Peter Hind, Director, Urban Development Department
Hallie Salem, Urban Development Department
Steve Henrichsen, Planning Department

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER 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. A new waiver is requested to reduce the side and rear yard setbacks for the garage to allow the residential use within the existing footprint of the building. 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)
2. Reduce the side and rear yard setback requirements of the garage to 1 foot. (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. The side and rear yard setback waiver is to allow the new residential use in the former carriage house in the same location. A dwelling unit requires a greater setback than an accessory building, therefore the waiver allows the reuse in the existing building without modifications.
 - 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 waiver to the side and rear setback requirements are necessary to allow the three additional units above the garage. As an accessory building only, the garage is allowed reduced setbacks of two feet to the side and rear based on various conditions of 27.72.120. With the reuse of the upper floor for the three additional dwelling units the building would be required to meet setbacks of the main building which are five feet on the side and 30 feet on the rear. The waiver would allow reuse of the historic carriage house which was converted to living space by a previous owner without altering the historic character and setting in its original location.
5. 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: October 5, 2023

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

Contact: Same

Owner: Connecting Links Transitional Living LLC

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

CONDITIONS OF APPROVAL – SPECIAL PERMIT #13048B

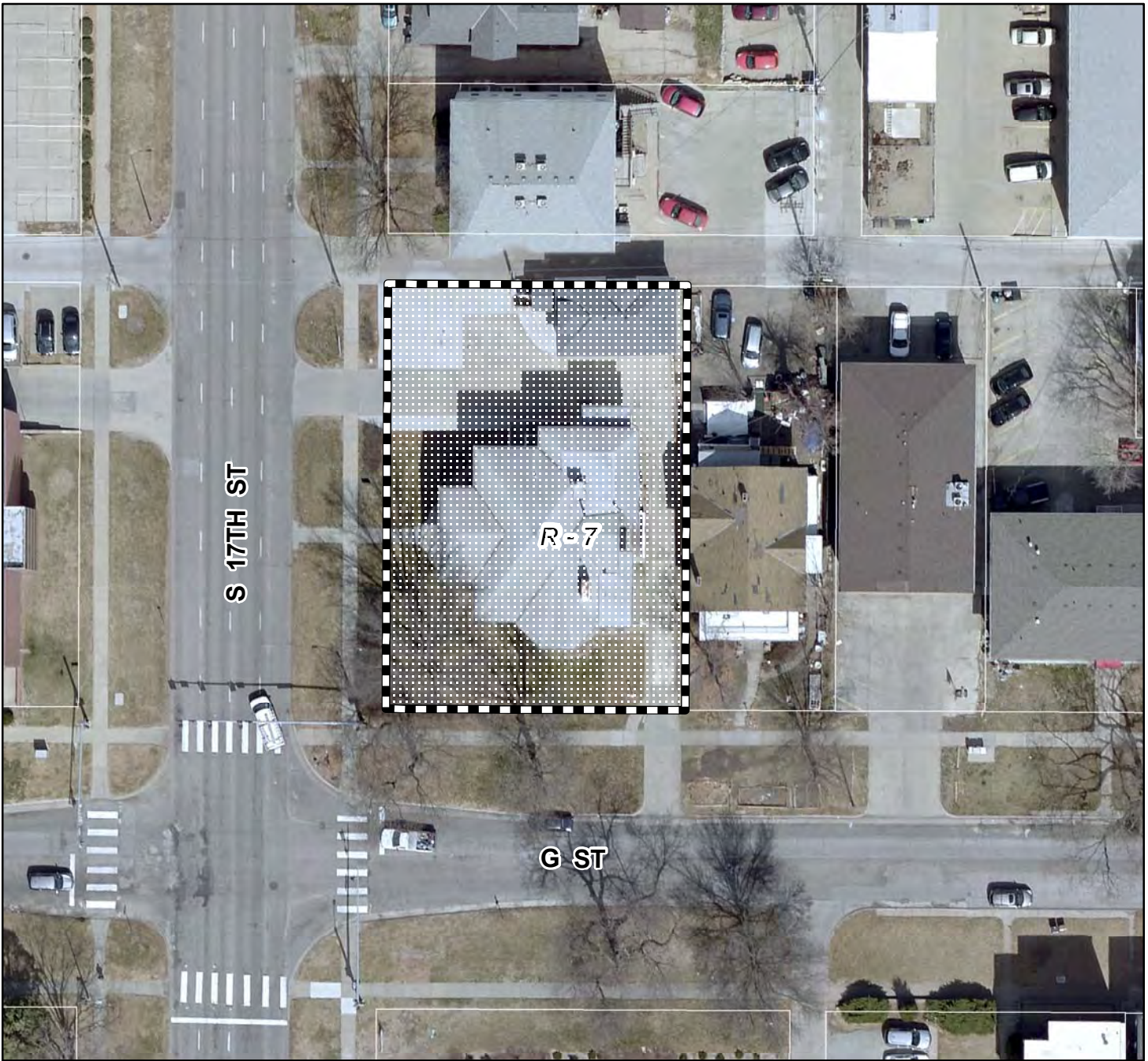
Per Section 27.63.400 this approval permits a Special Permit for Historic Preservation to allow a residential healthcare facility for up to 21 individuals with a waiver of Chapter 27.67 to reduce the required parking to six stalls and the side and rear setbacks for the garage to 1 foot.

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.



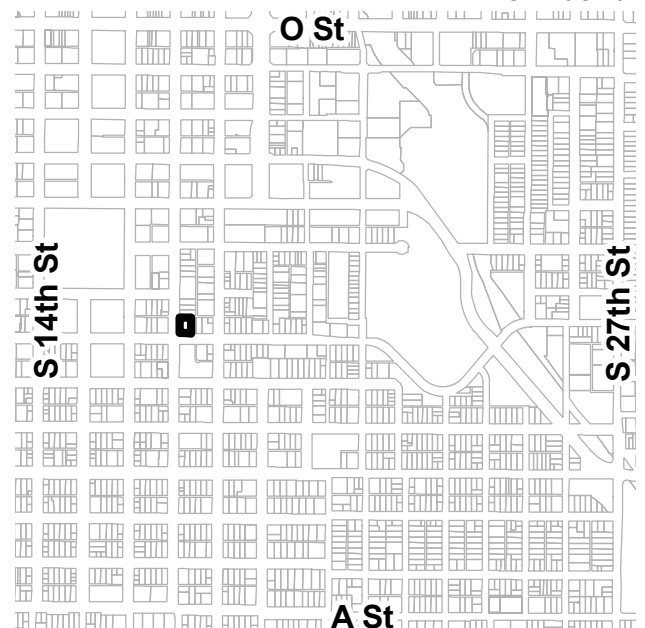
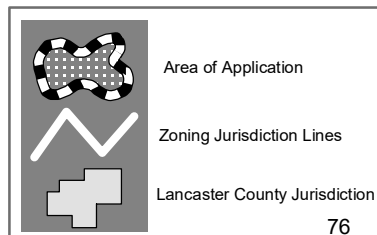
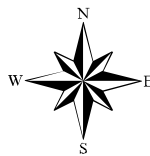
2022 aerial

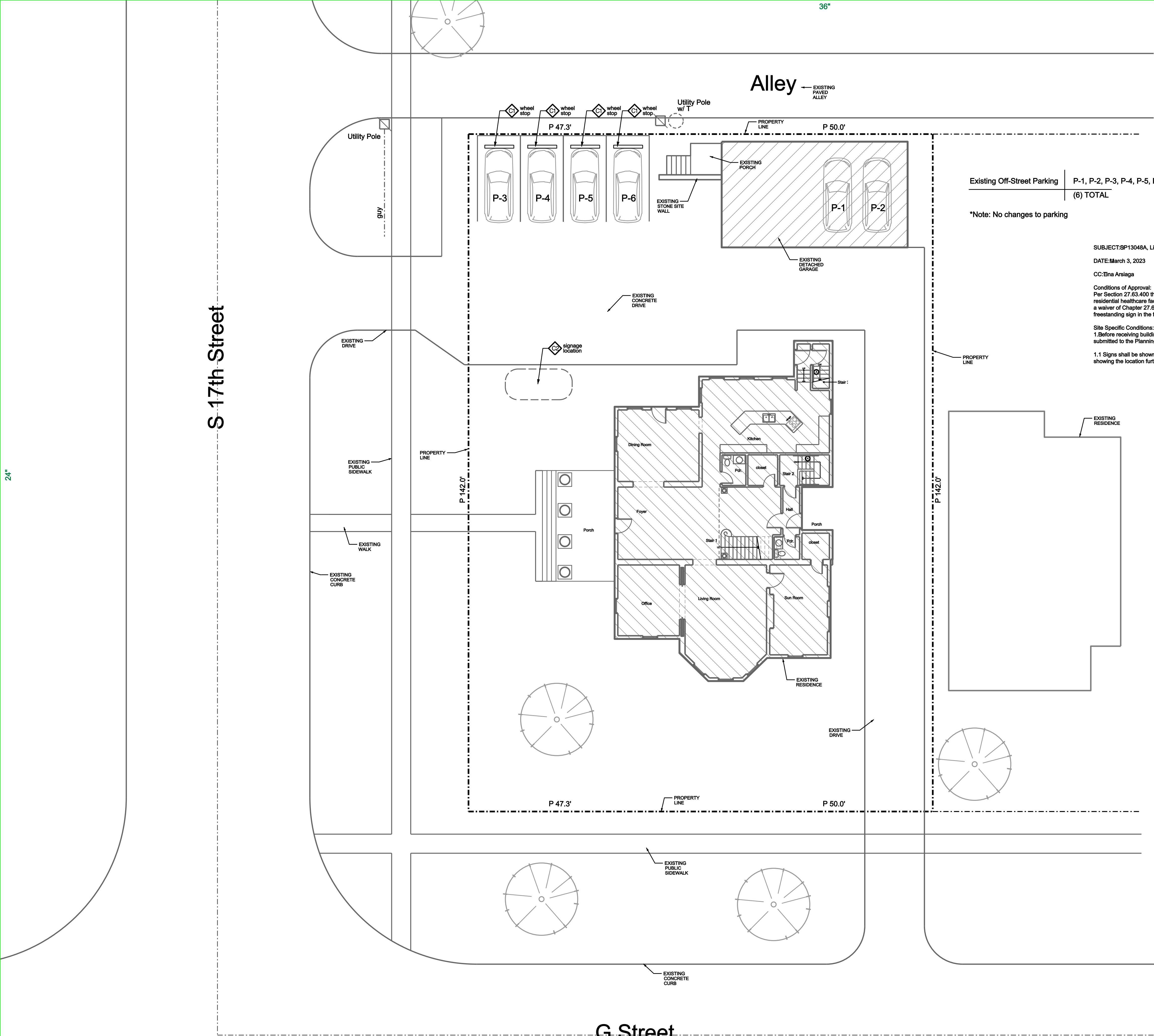
Special Permit #: SP13048B
S 17th St & G St

Zoning:

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

One Square Mile:
Sec.25 T10N R06E





Drawing Index:

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

Notes:

- A. Fire Protection Systems (Existing)
 - 1. Existing Fire Alarm System per: LSC 26.3.4.1.1
 - 2. Existing Automatic Sprinkler System NFPA 13R or 13D per LSC 26.3.6
- B. No Changes to following systems
 - 1. HVAC
 - 2. Plumbing
 - 3. 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

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.

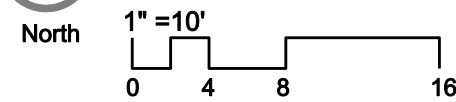
Site Specific Conditions:
1.Before receiving building permits the permittee shall cause to beprepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies.

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



Vicinity Plan

Site Plan



Approx. Lot Size: 13,800sf



Architect
Peace Studio Architects, Inc.
1835 Kings Hwy, Suite B
Lincoln, NE 68502
402. 217. 1830
www.peacestudioarch.com

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

Drawing Symbols

Symbol Indicates Existing Condition/
Equipment typical

EF EXHAUST FAN- FLUSH CEILING INSTALLATION
DUCTED DIRECTLY TO THE EXTERIOR. WHERE
INDICATED ON THE DRAWINGS

S/CO 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.

S SMOKE DETECTOR ONLY WHERE
SYMBOL INDICATES

CO CARBON MONOXIDE DETECTOR ONLY
WHERE SYMBOL INDICATES

HL HARD WIRED EMERGENCY LIGHT W/
BATTERY BACK-UP

FE WALL MOUNTED FIRE EXTINGUISHER
TO MEET CODE. VERIFY EXTINGUISHER
TYPE AT EACH LOCATION LISTED

EXIT EMERGENCY EXIT SIGN

EW Existing Egress Window
INDICATES EXISTING EXTERIOR
WINDOW THAT MEETS EGRESS
CRITERIA

xx INDICATES EXISTING FIRE RATED
DOOR AND FIRE RATING
IN MINUTES

--- EXISTING 1-HOUR FIRE BARRIER

A INDICATES EXISTING CONTINUOUS
HANDRAIL AT EXISTING STAIR
LOCATION

Connecting
Links

740 South 17th Street
Lincoln, NE

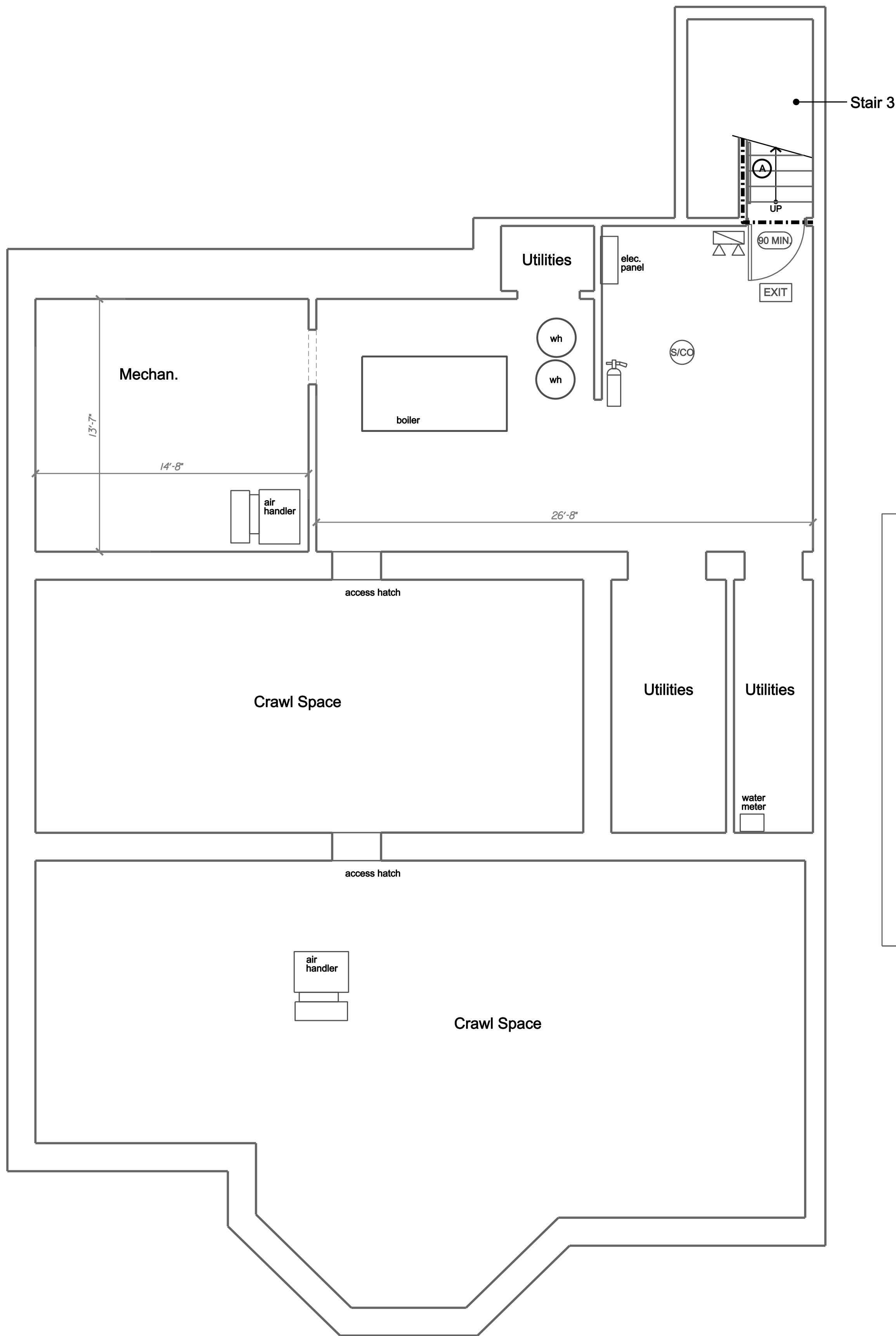
Little- Atwood House

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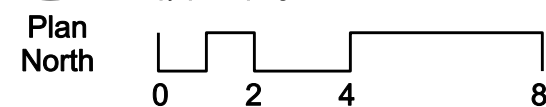
Existing
Conditions

Job Number: 23006.ars
Date: 9 March 2023

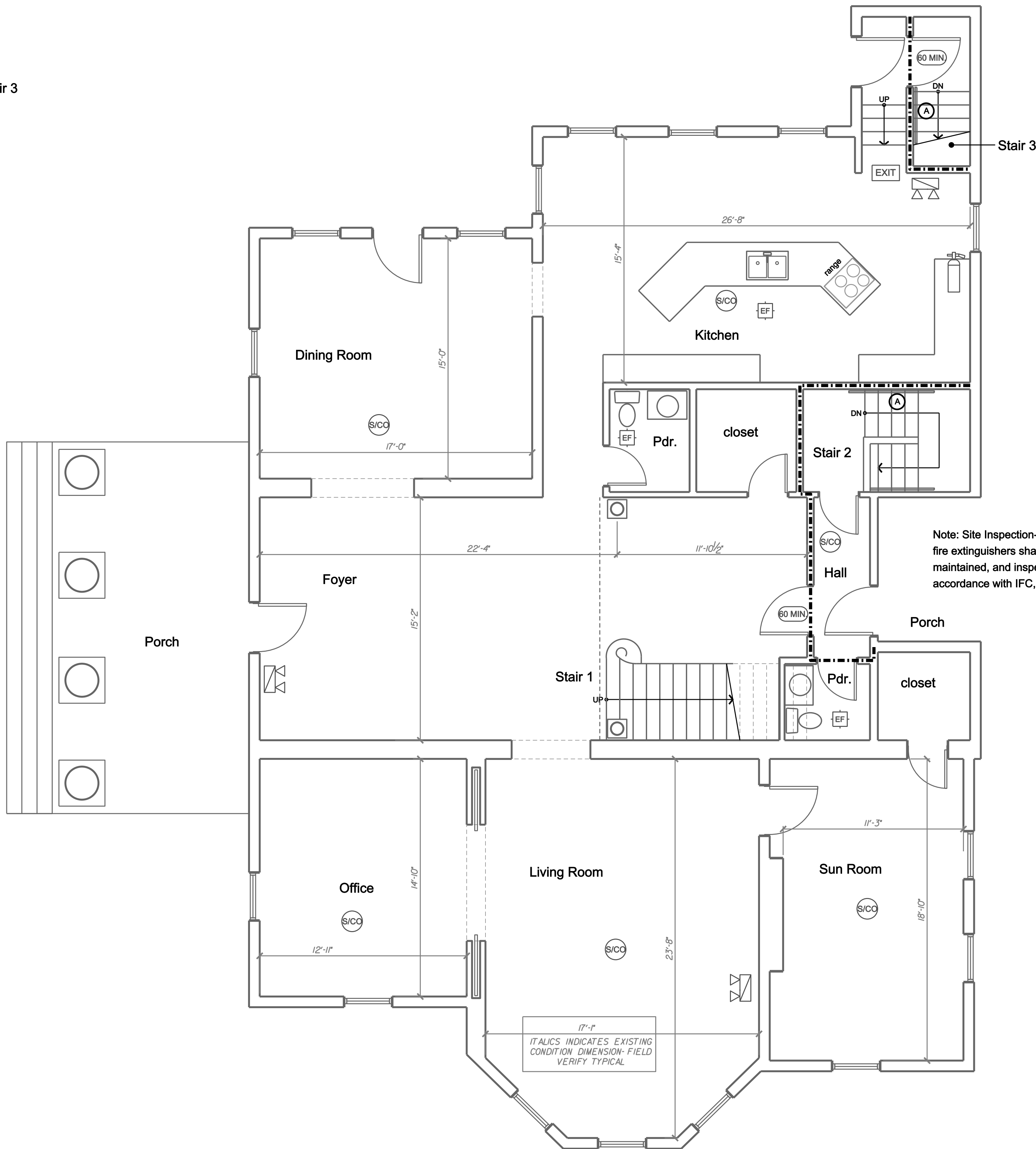
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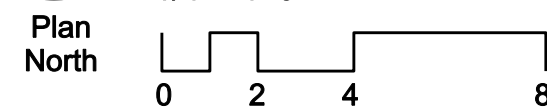
Lower Level Plan
1/4" = 1'-0"



Approximate Useable Floor Area: 800 sf net



First Floor Plan
1/4" = 1'-0"



Approximate Useable Floor Area: 2,425 sf net

Drawing Symbols

Symbol Indicates Existing Condition/
Equipment typical

EF EXHAUST FAN- FLUSH CEILING INSTALLATION
DUCTED DIRECTLY TO THE EXTERIOR. WHERE
INDICATED ON THE DRAWINGS

S/CO COMBINATION CARBON MONOXIDE/
SMOKE DETECTOR, HARD-WIRED SMOKE
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CRITERIA

xx INDICATES EXISTING FIRE RATED
DOOR AND FIRE RATING
IN MINUTES

1-HR EXISTING 1-HOUR FIRE BARRIER

CA INDICATES EXISTING CONTINUOUS

Connecting
Links

740 South 17th Street
Lincoln, NE

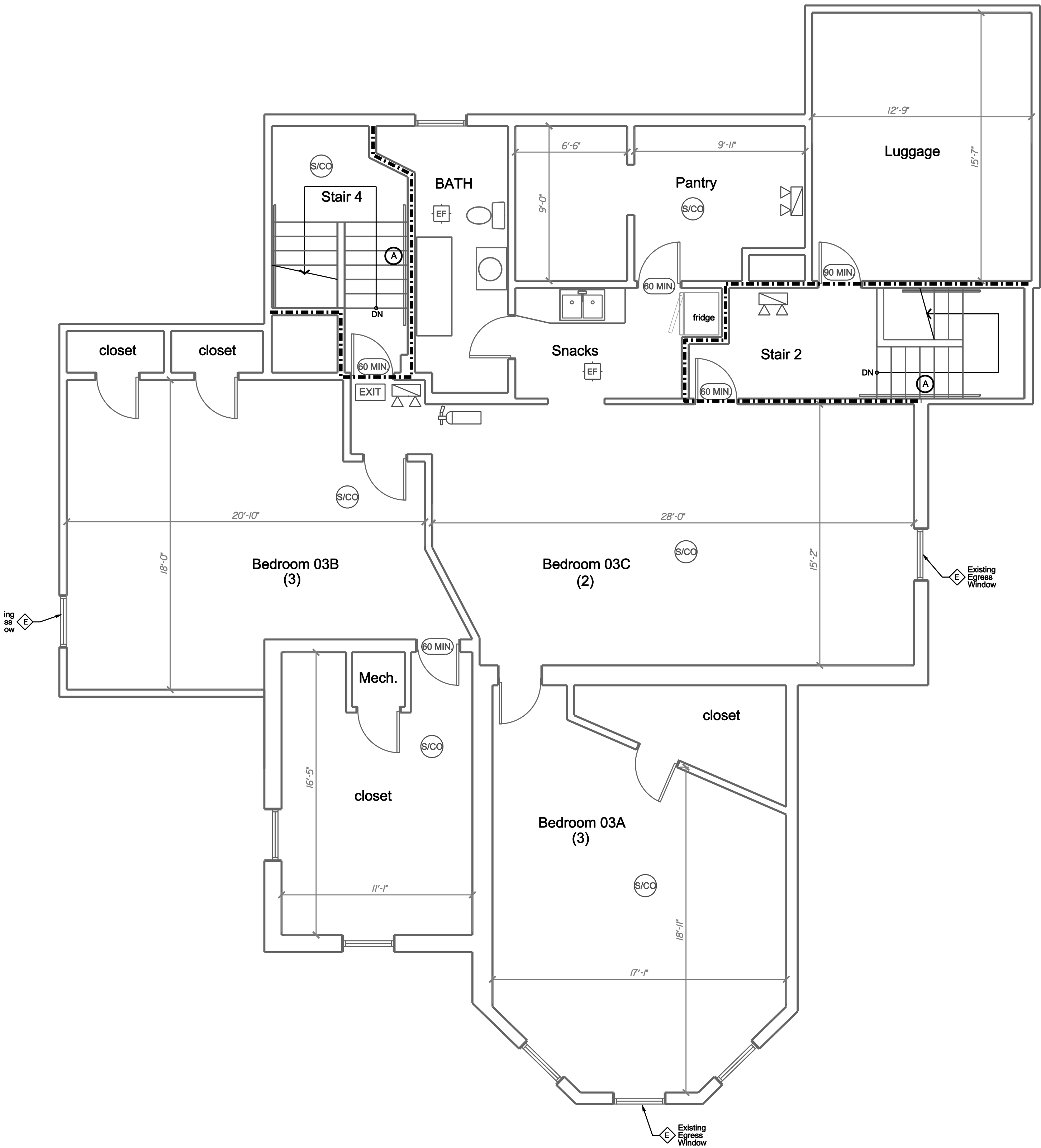
Little- Atwood House

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Existing
Conditions

Job Number: 23006.ars
Date: 9 March 2023

A1.2

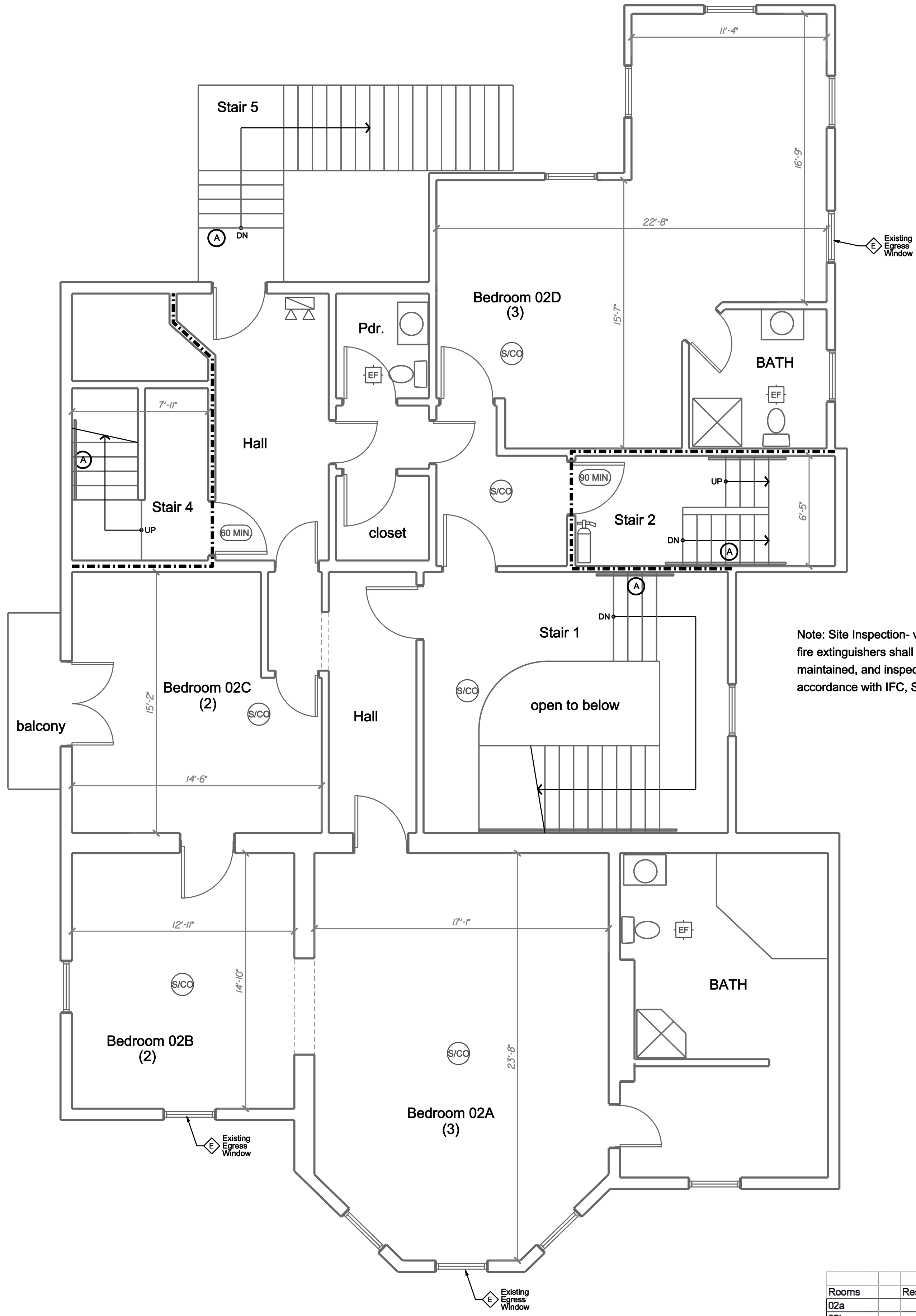


Attic Plan

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

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>

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER
Miscellaneous 23006
College View Redevelopment Area Blight & Substandard Determination Study

FINAL ACTION?
No

PLANNING COMMISSION HEARING DATE
October 18, 2023

RELATED APPLICATIONS
None

LOCATION
Generally 48th & Prescott

RECOMMENDATION: FINDING OF SUBSTANDARD AND BLIGHTED CONDITIONS

BRIEF SUMMARY OF REQUEST

The College View Redevelopment Area is generally bounded by 46th Street on the west, Hillside Street on the north, 49th Street on the east, and Linden Street south. A map of the area is attached.

This request is to determine whether the area qualifies as substandard and blighted within the definition set forth in the Nebraska Community Development Law, Nebraska Revised Statutes ['18-2103](#).

The complete Blight & Substandard Study is on file with the Urban Development Department and the Planning Department. The Study can also be found online on the Planning Application Tracking System (PATS): [MISC23006](#).



JUSTIFICATION FOR RECOMMENDATION

The College View Redevelopment Area qualifies as substandard and blighted within the definition set forth in the Nebraska Community Development Law, NEB REV STAT '18-2103, as determined by the College View Redevelopment Area Blight & Substandard Determination Study.

Nebraska Community Development Law, NEB REV STAT ['18-2109](#) requires the Planning Commission to review whether an area is substandard and blighted. A recommendation of the Planning Commission is required to be provided to the City Council prior to an area being declared blighted and substandard.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan identifies blight designations as part of the strategy to facilitate infill development and revitalization.

APPLICATION CONTACT

Wynn Hjermstad, (402) 441-8211 or whjermstad@lincoln.ne.gov

STAFF CONTACT

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

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Elements Section

E2: Infill and Redevelopment

Redevelopment Incentives

Facilitating infill and redevelopment in the existing city requires both a nuanced understanding of the challenges associated with redevelopment projects and a well-thought out set of strategies to overcome them. Commonly cited challenges to infill and redevelopment include land cost and assembly, access to financing, and zoning requirements.

Tax Increment Financing (TIF), facilitated by redevelopment plans in blighted areas, has been the city's most common tool for incentivizing infill redevelopment. TIF is authorized by Nebraska Community Development Law and has been utilized by the City of Lincoln since 1982. TIF uses the added tax revenue created by the redevelopment to finance project-related costs such as land acquisition, core and shell rehabilitation, and public improvements. Traditionally, the developer takes on the debt of the project, pays their full tax burden, and then is allocated back the increment to pay down the debt on the pre-identified project-related costs.

In 2019 the State legislature revised Nebraska Community Development Law to include an "extremely blighted" designation. Areas meeting the criteria of being extremely blighted are eligible for additional Housing Trust Fund dollars and state tax credits for owner-occupied home purchases.

There are many existing and potential redevelopment incentives beyond blighting and TIF (i.e. tax abatement, land value tax, impact fee exclusions).

Policies Section

P8: Infill and Redevelopment

Infill projects should target existing underdeveloped or redeveloping areas in order to remove blighted conditions and more efficiently utilize existing infrastructure.

ANALYSIS

1. This is a request to determine whether the College View Redevelopment Area should be declared substandard and blighted per ['18-2103](#) (11) Nebraska Revised Statutes. After an area is declared substandard and blighted, the City has the option to proceed with the preparation and approval of a Redevelopment Plan. Redevelopment activities may include utilizing Tax Increment Financing (TIF) from private development to pay for public infrastructure and improvements. The Redevelopment Plan will be submitted for review at a future date and needs a finding of Comprehensive Plan Conformance by the Planning Commission and City Council.
2. The Urban Development Department hired a consultant who conducted the study to determine whether there was a presence of substandard or blighting conditions in the study area per ['18-2103](#) Nebraska Revised Statutes.
3. The Urban Development Department requests the determination study be reviewed by the Planning Commission for conformance with the Comprehensive Plan.
4. The College View Redevelopment Area includes approximately 73.4 acres. According to the land use categories identified in the Blight Study, approximately 28.1% of the land (20.6 acres) is commercial, 20.7% (15.2 acres) is single family/duplex, 9.1% (6.7 acres) is multifamily, 0.3% (0.2 acres) is public/quasi-public, and 40.6% (29.8 acres) is public streets/alleys (page 3).
5. A **substandard** area is defined in the Nebraska Revised Statutes as containing a predominance of buildings or

improvements with at least one of four conditions present:

1. Dilapidation/deterioration
2. Age or obsolescence
3. Inadequate provision for ventilation, light, air, sanitation or open spaces
4.
 - a) High density of population and overcrowding; or
 - b) The existence of conditions which endanger life or property by fire and other causes; or
 - c) Any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, and is detrimental to the public health, safety, morals or welfare.

6. The area qualifies as **substandard** because according to the Blight study **two substandard** factors were found to have a strong presence in the study area. Two factors were found to have a reasonable presence. The strong factors are summarized below.

- A) Based on field evaluation, 170 of the 191 structures (89%) are over 40 years of age. The average age of all structures in the study area is 79.9 years (Page 23).
- B) The inadequate provision for ventilation, light, air, sanitation, or open spaces is a strong presence. Fifty-one of the 191 structures in the area (26.7%) were rated as deteriorating with either “minor” or “major” defects. The deteriorating buildings can pose health, safety, and sanitary problems. Water and sanitary mains are aging and described in condition from “replace” to “excellent” (Page 25).

7. A **blighted** area is defined in the Nebraska Revised Statutes as having the presence of one or more of the twelve following conditions:

1. A substantial number of deteriorated or deteriorating structures;
2. Existence of defective or inadequate street layout;
3. Faulty lot layout in relation to size, adequacy, accessibility or usefulness;
4. Insanitary or unsafe conditions;
5. Deterioration of site or other improvements;
6. Diversity of ownership;
7. Tax or special assessment delinquency exceeding the fair value of the land;
8. Defective or unusual conditions of title;
9. Improper subdivision or obsolete platting;
10. The existence of conditions which endanger life or property by fire or other causes;
11. Any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or constitutes an economic or social liability;
12. Is detrimental to the public health, safety, morals, or welfare in its present condition and use; and in which there is at least one of the following conditions:
 - a) Unemployment in the designated blighted area is at least one hundred twenty percent of the state or national average;
 - b) The average age of the residential or commercial units in the area is at least 40 years;
 - c) More than half of the plotted and subdivided property in the area is unimproved land that has been within the City for 40 years and has remained unimproved during that time;
 - d) The per capita income of the designated blighted area is lower than the average per capita income of the city or City in which the area is designated; or
 - e) The area has had either stable or decreasing population based on the last two decennial censuses.

8. The study found **two blighting** factors to be present to a strong extent in the study area. Seven factors were

demonstrated to have a reasonable presence, one little to no presence, and one factor was not reviewed. The strong factors are listed below:

- A) Diversity of Ownership - A total of 146 individuals or ownership groups own property. The number of owners within a designated block ranges from 1-16, and only five blocks have less than five owners. Land assemblage of larger proportions is necessary for major developments to be economically feasible and attract financial support. Public patronage is also required to repay such financial support. Such assemblage is difficult without public intervention (Page 41).
- B) One of the Required Five Additional Blight Factors - Estimated average age of structures in the area is 79.9 years, exceeding the blight criteria of 40+ years of age (Page 47).

9. The study finds there are two strong factors (out of four) that constitute an area as substandard within the study area, and out of 12 possible factors that constitute an area blighted, two are strongly present in the area. Therefore it is the conclusion of the study that sufficient conditions and factors meet the criteria of substandard and blight as evidenced in the Blight Study. These factors present a serious barrier to the planned and coordinated development of the area, have created an environment that negatively impacts private sector investment in the area, and serve as a detriment to the overall healthy economic growth and physical development of the community.

EXISTING LAND USE: Primarily residential and commercial (page 4)

EXISTING ZONING: A mix of “B” and “O commercial districts and “R” residential districts (page 5)

APPROXIMATE LAND AREA: 73.4 acres

Prepared by Andrew Thierolf, AICP
October 9, 2023

Applicant: Peter Hind, Director
Urban Development Department
555 S. 10th Street
Lincoln, NE 68508
(402) 441-7606
phind@lincoln.ne.gov

Contact: Wynn Hjermstad
Urban Development Department
(402) 441-8211
whjermstad@lincoln.ne.gov

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/MISC/23000/MISC23006 College View Redevelopment Area Blight & Substandard Determination Study.adt.docx>



URBAN DEVELOPMENT

684-8000 or 684-8001

September 19, 2023

David Cary, Director
City of Lincoln-Lancaster County Planning Department
555 S. 10th
Lincoln, NE 68508

Dear David:

Enclosed is the *College View Redevelopment Area Blight and Substandard Determination Study*. The Study was completed in May 2023 by Hanna:Keelan Associates, P.C.

Please forward the Study to the Planning Commission for their earliest consideration and review for conformity with the Comprehensive Plan. My understanding is that it should be on the October 18, 2023 Planning Commission agenda.

If you have questions or need additional information, please contact me at 441-8211 or by e-mail at whjermstad@lincoln.ne.gov. Thank you.

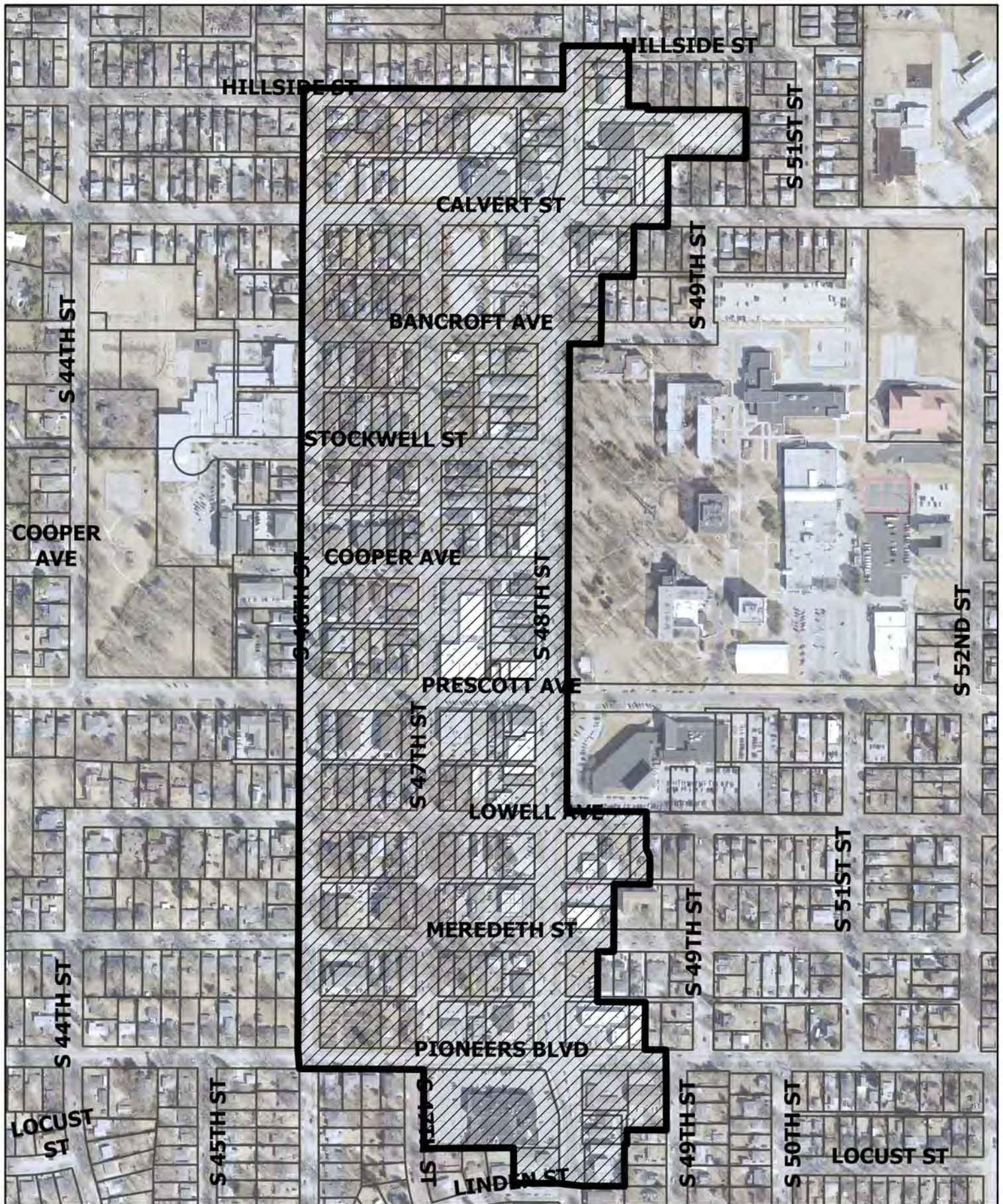
Sincerely,

A handwritten signature in blue ink that reads "Wynn S. Hjermstad".

Wynn S. Hjermstad, AICP
Community Development Manager

cc: Peter Hind, Director, Urban Development Department

enc.



MISC23006
College View Redevelopment Area
Blight & Substandard Study

2022 aerial



Project: GIS\Projects\DevReview\CPC\RedevelopmentArea\Drawings.aprx
PDF: I:\boards\PC\Internet\OUT

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 #23066

FINAL ACTION?
No

DEVELOPER
Rezac-Pickering-Willimas, LLC

PLANNING COMMISSION HEARING DATE
October 18, 2023

RELATED APPLICATIONS
SP#06068B The Bridges

PROPERTY ADDRESS/LOCATION
SW 40th St. and W. Denton Rd.

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from AG-Agriculture to AGR-Agricultural Residential on approximately 160 acres. The AGR zoning will allow 62 lots to be developed when combined with The Bridges Community Unit Plan (CUP) to the north. The proposed lots are generally less than an acre and are more urban in size. The lots will be developed as an amendment to The Bridges CUP Special Permit #06068B.



JUSTIFICATION FOR RECOMMENDATION

The change of zone is in conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan. The site is shown as low density residential in the Comprehensive Plan and The Bridges development to the northeast is also zoned AGR. The undeveloped land to the north and east of this proposal is also shown for low density residential development in the Plan. The layout and community sewer system is compatible with future urbanization and inclusion in the Lincoln city limits.

APPLICATION CONTACT

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

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed AGR Agricultural Residential zoning is compatible with the surrounding land use. The area is shown for Low-Density Residential in the 2050 Lancaster County Future Land Use Plan. It is a Tier III growth area for the City of Lincoln and the urban layout will be better able to be integrated within the city limits in the long term.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

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

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.

Figure GF.c" 2050 - This site is in Tier III.

Tier III provides an approximately 129.6 square mile area for Lincoln's longer term growth potential, beyond 50 years.

Fundamentals of Growth in Lancaster County

The Rural Environment

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

The Community in 2050

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

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

Goals Section

G11: Rural Environment

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

Elements Section

Rural Housing

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

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

Policies Section

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

Action Steps

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

Require applicants seeking plan designation or rezoning for acreages to provide information on water quality and quantity if planning to use on-site wells.

ANALYSIS

1. This request is for a change of zone from AG-Agricultural to AGR-Agricultural Residential on approximately 160 acres. Special Permit 06068B for The Bridges 1st Addition Community Unit Plan for 62 additional lots is associated with the change of zone.

2. The area of the requested change of zone is shown as Future Low Density Residential on the 2050 Future Land Use Plan in the Lincoln/Lancaster County Comprehensive Plan. It is outside the 2050 Future Service Limit and is in Tier III. Any urban development would not likely take place until after 2050.
3. There is a large AGR development, The Bridges, to the northeast of this parcel. The 2050 Future Land use Plan identifies the area to the north and east of the subject parcel as low density residential. The density created from this parcel will be used to add lots adjacent and integrated within The Bridges development.
4. The Comprehensive Plan encourages acreages to be located together into specific areas. This property is part of a larger area along both sides of West Denton Road that is designated for low density residential development. Most of the area designated for acreage development is already zoned AGR Residential. There are existing acreages adjacent to this parcel.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Farm ground AG-Agriculture

SURROUNDING LAND USE & ZONING

North:	Farm ground and residential development.	AG-Agriculture and AGR-Agricultural Residential
South:	Farm Ground	AG-Agriculture
East:	Farm Ground	AG-Agriculture
West:	Farm Ground and Yankee Hill Lake	AG-Agriculture

APPROXIMATE LAND AREA: 160 acres, more or less.

LEGAL DESCRIPTION: SW ¼ of Section 20-9-6, Lancaster County, NE.

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

Date: October 3, 2023

Applicant: Rezac-Pickering-Willimas, LLC
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Contact: Civil Design Group
Mike Eckert
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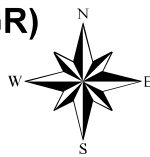
Owner: Charles and Debra Reddish
9900 SW 40th St.
Lincoln, NE 68523

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CZ/23000/CZ23066 AG to AGR The Bridges.tjc.docx>



2022 aerial

Change of Zone #: CZ23066 (AG to AGR) SW 40th St & W Denton Rd

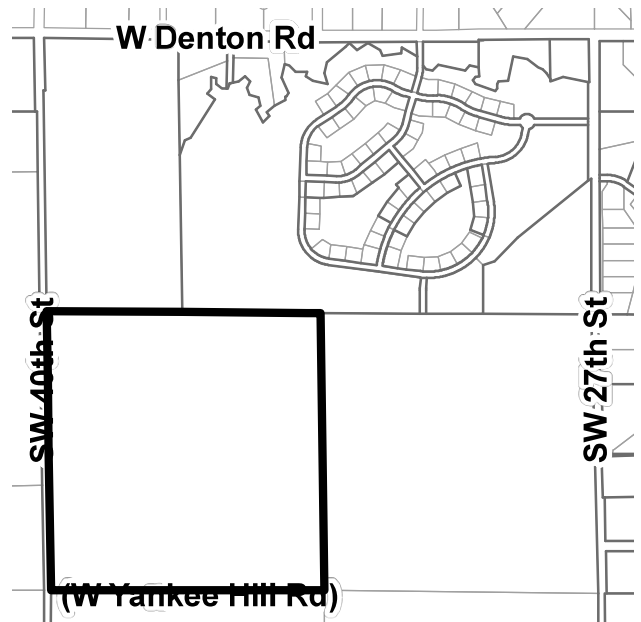
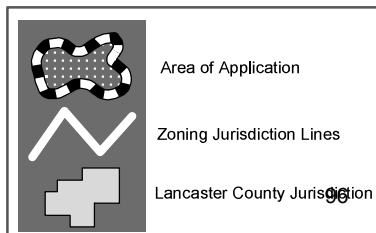


Zoning:

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

One Square Mile:

Sec.20 T09N R06E





Civil Design Group, Inc.

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

September 20, 2023

Project No. 2021-0295

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

Re: The Bridges 1st Addition – Application to Amended Community Unit Plan (CUP) #06068B & Associated Change of Zone Request for land generally located at S.W. 33RD Street & W. Rustic Bridge Rd, Lancaster County.

Dear Mr. Cary:

On behalf of Rezac-Pickering-Williams, L.L.C., we submit the above-mentioned application, "The Bridges First Addition" for your review. Currently, The Bridges is approved for 70 dwelling units. With this amendment we are requesting to add 160.12 acre of contiguous land to the existing CUP that is shown in the Comprehensive Plan to be AGR zoning. The addition of this land the change of zone from AG to AGR would permit us to add an additional 62 dwelling units.

Potable water for all lots will be provided by individual wells. The attached groundwater report details the high availability of ground water resources in this area and the ability to provide for domestic water uses for the addition 62 lots shown on the CUP amendment. A community wastewater treatment plant currently serves the existing homes and it will be expanded as needed to serve the additional lots.

The roadways will be constructed to meet Lancaster County BTA design standards with concrete paving and roll-over curbs in lieu of curb and gutter. A concept plan for the Urban Reserve Component is shown on Outlot 'P'.

With this application we are requesting the following waivers:

- To waive sidewalks and street trees abutting the Urban Reserve Outlots 'P' & 'L'. These elements will completed when these lots are developed.
- To adjust the following AGR yard setbacks: front yards to 30', rear yards to 20% of the depth or 30', side yard to 7.5', and for the lots in Block 3 (Lots 12-28), Blocks 8, 9 & 10 to have setbacks per the LMC R-3 zoning code. This request is typical for urban style lots in AGR subdivisions with community sewer systems.
- To waive block length for Block 3 as it abuts FEMA floodplain.
- For rollover curbs in lieu of curb and gutter. This will match the street design in the original phase.
- To the BTA grading requirement for the Urban Reserve streets in Outlot 'P'. This waiver is typical for the urban reserve area so it may remaining agricultural crop production.

- To allow sanitary sewer grades to run opposite of street grades. This is a typical design waiver due to topographic constraints.
- To waive Pedestrian Way easements on Blocks 8-12. Block 8 waiver is due the floodplain on the north and west that will not be developed, Blocks 9-12 is needed due to the extreme grade changes from the south property line to the developed road network (W. Rustic Bridge Rd).
- For street lights to be placed at intersections only. This is request to preserve the rural nature of the subdivision

In conjunction with this submittal letter we submit the following information:

- Application for a Special Permit & Change of Zone – City of Lincoln
- Community Unit Plan Application Fee - \$4,857.00
- Change of Zone Application Fee - \$ 1,056.00
- Groundwater Report
- Technical Memorandum for No Net Rise and Compensatory Storage by The Flatwater Group, Inc.
- Change of Zone Exhibit and legal description.

I trust that this letter and the submittal documents provide you with enough information to review our requests. To facilitate the review process, please feel free to call me at (402) 434-8494 so that I can address any questions you may have.

Sincerely,



Mike Eckert, AICP

Encl

cc: Rezac-Pickering-Williams, L.L.C.



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 #06068B	FINAL ACTION? Yes	DEVELOPER/OWNER Rezac-Pickering-Williams, LLC
PLANNING COMMISSION HEARING DATE October 18, 2023	RELATED APPLICATIONS Change of Zone #23066	PROPERTY ADDRESS/LOCATION SW 27 th Street and W. Denton Road

RECOMMENDATION:

BRIEF SUMMARY OF REQUEST

This is a request to amend The Bridges Community Unit Plan (CUP) to add approximately 160 acres and 62 dwelling units. With the addition, the overall CUP is 341.77 acres and 132 dwelling units. Most of the new lots range in size from approximately one-half acre to one-quarter acre. Associated with this application is Change of Zone #23066 from AG to AGR on approximately 160 acres.



JUSTIFICATION FOR RECOMMENDATION

The proposal meets the intent of a rural cluster subdivision under the AG zoning. The preservation of open space and clustering of lots meet the goals of development in the agricultural area of the County. While the lots are slightly smaller than adjacent lots in The Bridges, they are still single family detached lots and very compatible. The waivers requested are compatible with the adjacent lots in The Bridges.

APPLICATION CONTACT

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

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The special permit for a Community Unit Plan is in conformance with the 2050 Comprehensive Plan. The clustering of lots to preserve open space and provide land for future urban development is a goal of the Comprehensive Plan. The more urban lot sizes will allow for better inclusion in the city limits in the long term. This area is in the Tier III growth area for the City of Lincoln.

WAIVERS

- | | |
|--|----------------------|
| 1. LMC 27.72.010 Front yard setback from 50 feet to 30 feet. | (Recommend Approval) |
| 2. LMC 27.72.010 Rear yard setback from 50 feet or 20% of depth to 30 feet. | (Recommend Approval) |
| 3. LMC 27.72.010 Side yard setback from 15 feet to 7.5 feet. | (Recommend Approval) |
| 4. LMC 27.72.010 Setbacks for Block 3, Lots 12-28, Blocks 8-10 per R-3 District. | (Recommend Approval) |
| 5. Section 26.23.130 of Land Subdivision for Block length for Block 3. | (Recommend Approval) |
| 6. Chapter 2.00, Section 3.6 Design Standards Sanitary sewer lines to run | |

- opposite street grades. (Recommend Approval)
7. Rollover curb in lieu of typical curb and gutter. (Recommend Approval)
8. BTA grading requirements for future roadways on Outlot P. (Recommend Approval)
9. Section 26.23.125 of Land Subdivision for a Pedestrian Way for Blocks 8-12. (Recommend Approval)
10. Chapter 3.100 Design Standards Street lights to be placed at street intersections. (Recommend Approval)
11. Section 27.65.020(b)(3)(ii) that all lots do not exceed one acre in size for Lots 9-11, Block 3. (Recommend Approval)
12. Section 27.65.075 C to provide a master plan for an urban framework for future development of the Urban Reserve Component that includes stormwater plan, infrastructure lines, easements, and street profile. (Recommend Approval)

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

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

Land Use Plan - Residential-Low Density. 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.

Fundamentals of Growth in Lancaster County

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

The Community in 2050

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

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

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

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

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

Goals Section

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

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

Rural Lancaster County has approximately 20,000 residents living on a mix of farms and acreages. Demand remains for additional acreage development in rural areas. The Future Land Use Plan currently includes areas for about 23 years of additional acreage development.

Elements Section

Rural Housing

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

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

Policies Section

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.

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

Action Steps

1. Preserve agricultural land within Tier I, II, and III growth areas, both to reduce conflicts in the future growth of Lincoln and to ensure available land for the production of food products that are important to the health and economic vitality of the community.
2. Support acreage development within areas with development approvals, on areas designated as low-density residential in the County, and on areas designated as low-density residential in the village and smaller city jurisdictions.

ANALYSIS

1. This is a request to amend The Bridges CUP by expanding the boundary by approximately 160 acres. The area of

expansion is located southwest of the current development along SW 40th Street one-half mile south of W. Denton Road. The area of expansion is the same as the associated requests for change of zone. Note that none of the new lots will actually be in the new AGR zoning area. The new lots will be within the existing The Bridges CUP boundary and adjacent to the existing lots on land held for future development.

2. With the additional land the overall density allowed is 132 dwelling units. The development is currently approved for 70 dwelling units. The expansion will allow an additional 62 dwelling units.
3. This site is within the Build-Through overlay district. Build-through is not required on lots of approximately one acre in size. The site plan also has an “urban reserve” area. The urban reserve component can be further subdivided at such time as the property is annexed and can be served by the full range of City services.
4. This area is shown in Tier III in the 2050 Comprehensive Plan. Tier III is for Lincoln’s longer term growth potential, beyond 44 years. Little active planning of utilities or service delivery is likely to occur in the near term in Tier III.
5. Each lot will have its own well. The applicant submitted well information on 10 existing wells in the immediate area. Five of the wells are in The Bridges development and 5 in Cardwell Woods development to the east. Lincoln-Lancaster County Health Department (LLCHD) has reviewed the well information submitted by the applicant. Their conclusion is that it appears that there is adequate quantity of groundwater for this development. With treatment technologies available today, water quality should not be an issue.
6. The development will be served by the expansion of the existing community lagoon for wastewater in The Bridges. The community lagoon expansion must be approved by the Nebraska Department of Environment and Energy.
7. A waiver to reduce setbacks for Block 3, Lots 12-28, and Blocks 8-10 per R-3 District is requested. The majority of the lots range in size from approximately 8,700 sq. ft. to 10,800 sq. ft. These lot sizes are similar to other urban type lots. Setbacks for the R-3 district are 20’ front, 20’ rear, and 5’ side. The waiver to use R-3 district setbacks is acceptable.
8. A waiver to block length for Block 3 is requested. Section 26.23.130 Land Subdivision Regulations states that no block shall be longer than 1,320 feet between cross streets. Due to the flood plain on the west side of Block 3, and a large LES easement in the front yard of these lots, this waiver is acceptable. The lots need to be larger to accommodate the LES easement and still have enough buildable area for the future houses and outbuildings.
9. A waiver to pedestrian way for Blocks 8-12 is requested. Pedestrian ways are required for blocks in excess of 1,000 feet. Blocks 8,11, and 12 have detention ponds and open space in the center of the block. Although there is not a pedestrian way sidewalk, there is access to the open space. A pedestrian way in Blocks 9 and 10 are not needed as it would lead to farm ground.
10. A waiver for Lots 9-11, Block 3 to exceed one acre in size is requested. Per Section 27.65.020(b)(3)(ii) Lincoln Zoning the maximum lot size is one acre when using a community wastewater system. For these 3 lots there is a 100’ wide LES utility easement in the front of the lots. The larger lots are needed due to the unbuildable area. The overall plan meets the goal of having lots one acre or less in size.
11. The applicant is requesting several waivers for the new area that were previously approved under SP06068. These waivers include reducing the front, rear and side setbacks; sanitary sewer running opposite street grades; rollover curb in lieu of curb and gutter; and streetlights only at street intersections. These waivers will allow the new area to be consistent with the existing area.
12. The urban reserve area, Outlot L and P on the site plan, is for future development. The waivers related to the urban reserve area are acceptable as this land is in Tier III and detailed plans would be submitted with a future development once the area can be annexed. A new CUP or preliminary plat would be required prior to any development of the urban reserve area. The layout of these lots will easily allow the urban reserve area to be developed in the future.
13. In the southeast portion of the newly developing area the extension of West Midge Lane is important to connect this development to the few lots in Osage Hills Farm CUP. As any lot in this corner is platted the street needs to be extended to the east.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Undeveloped land zoned AG Agricultural

SURROUNDING LAND USE & ZONING

North:	Farm ground/undeveloped	AG and AGR-Agriculture/Agriculture Residential
South:	Farm ground	AG-Agriculture
East:	Farm ground and Cardwell Woods acreage development	AG and AGR-Agriculture/Agriculture Residential
West:	Farm ground & Yankee Hill Lake	AG-Agriculture

APPLICATION HISTORY

December 2006. Special Permit #06068 for The Bridges CUP was approved by the Planning Commission to allow 70 single family lots.

September 2014. Special Permit #06068A to amend The Bridges CUP was approved by the Planning Commission to expand the area to include SW 31st St. south of W. Denton Rd.

APPROXIMATE LAND AREA: 341.77 acres, more or less.

LEGAL DESCRIPTION: See attached

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

Date: October 3, 2023

Applicant: Rezac-Pickering-Williams, LLC
140 N. 1st St, Suite A
Lincoln, NE 68508
402-477-8844
hayley@rezacconstruction.com

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

Owner: Charles & Debra Reddish (owner of 160 acres to be added to the CUP)
9900 SW 40th St.
Lincoln, NE 68523

Rezac-Pickering-Williams, LLC
140 N. 1st St, Suite A
Lincoln, NE 68508
402-477-8844
hayley@rezacconstruction.com

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/06000/SP06068B The Bridges CUP.tjc.docx>

CONDITIONS OF APPROVAL - SPECIAL PERMIT #06068B

Per Section 27.63.320 this approval permits a Community Unit Plan for up to 132 dwelling units with waivers to reduce the front yard setback from 50 feet to 30 feet; to reduce the rear yard setback from 50 feet or 20% of depth to 30 feet; to reduce the side yard setback from 15 feet to 7.5 feet; to allow setbacks for Block 3, Lots 12-28, Blocks 8-10 per R-3 District; to allow block length greater than 1,320 feet for Block 3; to allow sewer lines to run opposite street grades; to allow rollover curb in lieu of typical curb and gutter; to the BTA grading requirements for future roadways on Outlot for a Pedestrian Way for Blocks 8-12; to allow street lights to be placed at street intersections only; that all lots do not exceed one acre in size for Lots 9-11, Block 3; and to provide a master plan for an urban framework for future development of the Urban Reserve Component that includes stormwater plan, infrastructure lines, easements, and street profile.

Site Specific Conditions:

1. The City Council approves associated request:
 - 1.1 Change of Zone #23066
2. Before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
 - 2.1 Delete general notes 9, 14, 15, 17, 18, 26, and 27.
 - 2.2 In note 19 change "pass" to "past."
 - 2.3 In Note 21 change "is hereby" to "has been."
 - 2.4 Correct the overlapping text on W. Rustic Bridge Road.
 - 2.5 Delete the first sentence of waiver #1. No waiver is needed.
 - 2.6 Add common access easement on Lots 9, 10, and 11, Block 3 to each outlot.
 - 2.7 Add the following note for Outlot G, "open space and floodplain conservation easement. For the sole use of the owner of Lot 9. Not to be sold separately from Lot 9." Repeat for Outlots H and I.
 - 2.8 Add a note that the platting of any of the following lots: Lots 7-9, Block 12; Lot 1, Block 13; or Lots 1-2, Block 14, shall require the construction of SW 30th St and W. Midge Lane.
 - 2.9 On Sheet 5 show the overflow path for the retention cells.
 - 2.10 Show current FEMA floodplain boundaries on all sheets. The revised floodplain limits may require additional information on drainage to be submitted to Watershed Management.
 - 2.11 Provide no net fill calculations for Sheet 4.
 - 2.12 Show additional areas for drainage south of Blocks 11 and 12 on adjacent property and show the storm pipe stub outs for future drainage.
 - 2.13 Provide a 5' utility easement along all 4 property lines for the new lots.
 - 2.14 The bearings in the description do match the bearings shown in the Parcel Tables.
 - 2.15 In the description and on the plat, the current westerly right of way along SW. 27th Street is 60' not 50' as called out in the description. Update all drawings to show the current right of way widths in the area of the survey. This will also affect the distances called out in the description.

- 2.16 In general note 7, change the road thickness to 8" to match Resolution R-19-0051 as approved by the Lancaster County Board.
- 2.17 On all profile sheets, change the typical section to match the correct roadway design including roadway thicknesses as specified in Resolution R-19-0051.
- 2.18 A 30' radius surfaced temporary turnaround shall be constructed at the end of all temporary dead-end streets and roads which extend more than 150' beyond the nearest intersection with another street, road, or private roadway. Please revise the plans to show these turnarounds.

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

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 sidewalks and street trees along major streets that have not been improved to an urban cross section. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.**

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

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

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

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

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

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

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

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

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

to submit to the Director of 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 maintain County roads in good order and condition, including repair and replacement of paving as reasonably necessary, until the County Board specifically accepts the maintenance.

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 submit to all potential purchasers of lots, a copy of the ground water report.

to notify all potential purchasers of lots that Outlot P and L shown and identified on the final plat as “Reserved for Future Development” is subject to future urban residential development when (a) the sanitary sewer and water mains have been extended to serve the final plat; (b) the Outlot has been annexed; and c) the Outlot has been rezoned to a district allowing for higher urban density.

to install water mains to serve lots at Permittees own cost and expense within twelve (12) months following annexation of said Lots into the City of Lincoln, unless a water district is created by the City Council for the water mains and water mains are finally ordered constructed within six (6) months following said annexation

to install all other infrastructure for conversion of the lots and Outlot P and L at Permittee’s own cost and expense when said Lots are replatted as buildable lots unless a special improvement district is created by the City Council for the installation of infrastructure improvements and the improvements are finally ordered constructed. Permittee understands that a special assessment district for the installation of a local public street and for the installation of public ornamental lights may not be finally ordered constructed by the City Council until a petition signed by the owners of record title, representing a majority of feet frontage of property directly abutting upon the street or streets to be improved shall be presented and filed with the City Clerk petitioning therefor. Permittee agrees that in the event a street or streets within the final plat are embraced within a street paving district, and/or ornamental lighting district, Permittee shall, within thirty (30) days following creation of the district, petition the City Council to order the final construction of said street paving and/or ornamental lighting.

in the event any infrastructure improvements including but not limited to water mains, street paving, sidewalks, street trees, stormwater and ornamental street lights are ordered constructed pursuant to a special assessment district Permittee (1) agrees and consents that the cost thereof shall be assessed and levied together with assessment and equalization costs, against the benefitted properties in The Bridges First Addition, waiving all objections to the sufficiency of the petitions therefor, to the proceedings creating said districts, to the making of the assessments and to the equalization thereof; and (2) agrees to pay to the City of Lincoln said costs as thus assessed and levied against said property.

to and hereby waives, as against the City of Lincoln, any and all damages and any claim or right of action for any and all damages, of every nature, which may accrue to Permittee, or which may result to Permittee’s property or interest therein, by reason of said infrastructure improvements or the construction thereof.

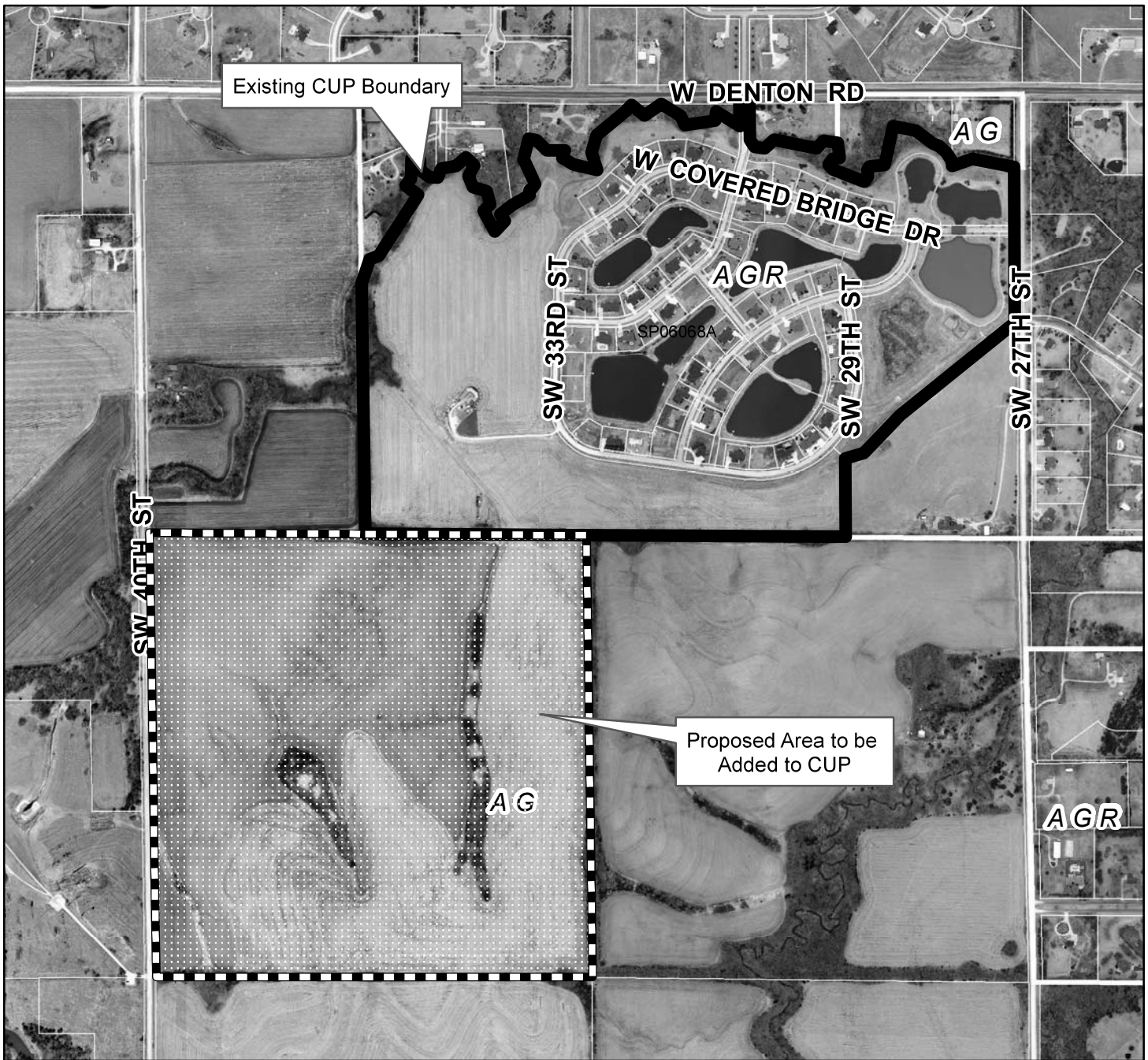
not to protest annexation of the property within The Bridges First Addition into the City of Lincoln.

that the obligations of Permittee as subdivider under a BTA Subdivision Agreement shall constitute a covenant running with the land and shall be binding on Permittee and Permittees, administrators, successors and assigns.

Standard Conditions:

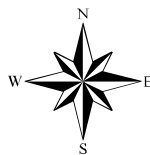
4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.
 - 4.2 All privately-owned improvements, including landscaping, shall be permanently maintained by the Permittee 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

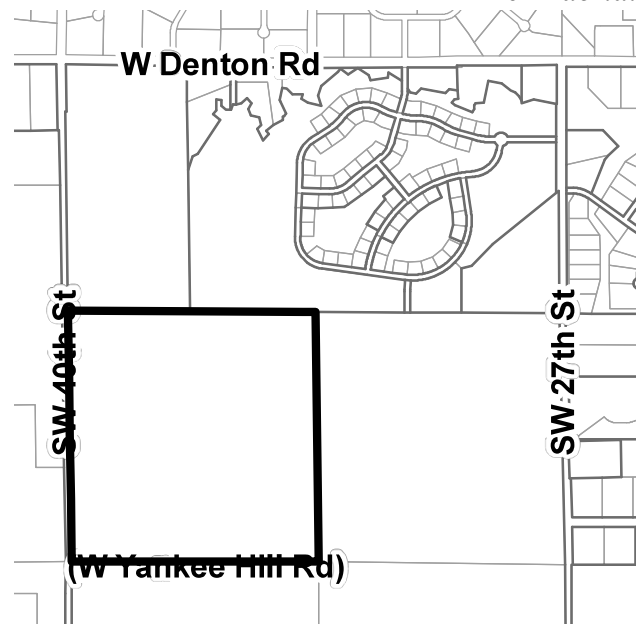
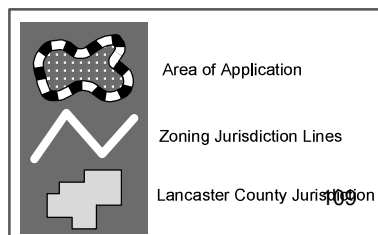
Special Permit #: SP06068B
The Bridges First Addition
SW40th St & W Denton Rd

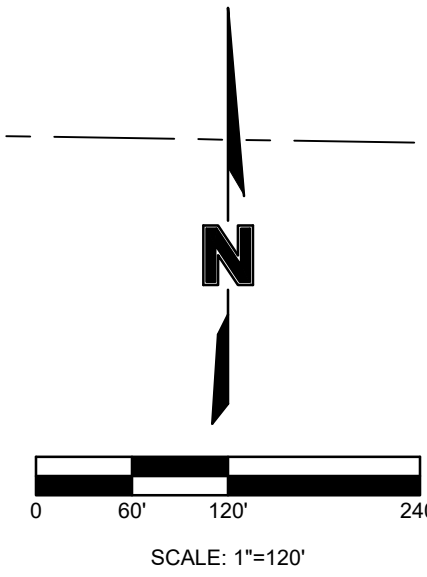


Zoning:

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

One Square Mile:
 Sec.20 T09N R06E





NW CORNER E 12 N 1/4

NE CORNER SEC. 20 T 19 N R 6 E

POTENTIAL FUTURE
LOT LAYOUT

SEE C.U.P. #06068A
FOR DETAILS OF THIS AREA.

REVISIONS

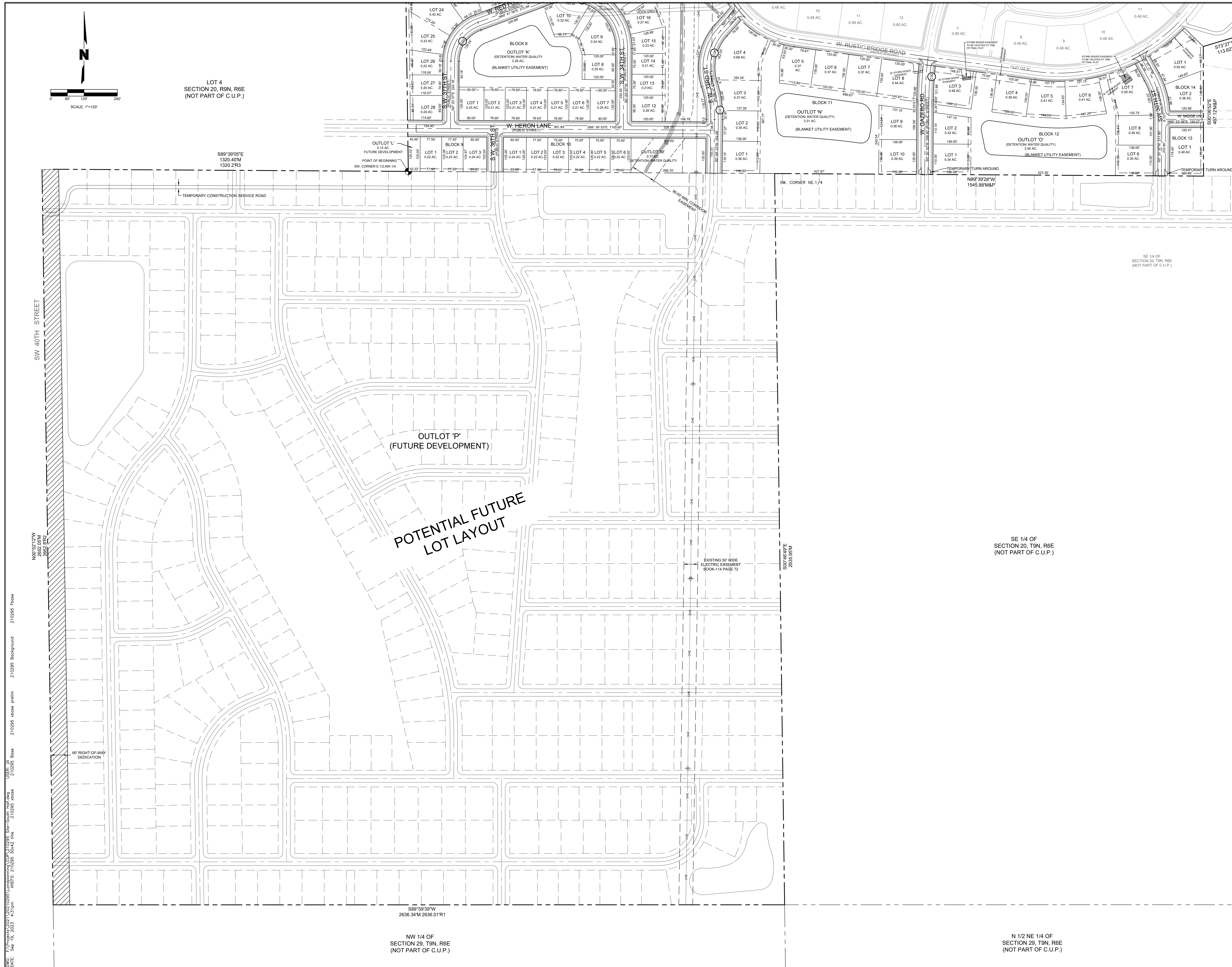
DATE	DESCRIPTION

SITE PLAN - NORTH

THE BRIDGES FIRST ADDITION
AMENDED C.U.P. #06068B CHANGE OF ZONE #23XXX

LINCOLN, NEBRASKA

drawn by: JDS
checked by: MTE
approved by: DJR
project no.: 2021-0295
drawing no.:
date: 09/20/2023



THE BRIDGES 1ST ADDITION
AMENDED COMMUNITY UNIT PLAN

The Bridges Addition

Block 1, Lots 1-6

Block 2, Lots 1-11

Block 3, Lots 1-7

Block 4, Lots 1-13

Outlot 'A'

Outlot 'B'

Outlot 'C'

Outlot 'E'

Outlot 'F'

Outlot 'G'

Outlot 'H'

Outlot 'I', except that portion described in Inst.
#2015-19383

Outlot 'J'

The Bridges 1st Addition

Lots 1-6

Outlot 'B'

The Bridges 2nd Addition

Block 1, Lots 1-3

Block 2, Lots 1-9

Outlot 'B'

Outlot 'C'

The Bridges 3rd Addition

Outlot 'A'

The Bridges 4th Addition

Block 1, Lots 1-8

Block 2, Lots 1-7

Outlot 'A'

Outlot 'B'

Outlot 'C'

Southwest Quarter of Section 20, Township 9
North, Range 6 East, Lancaster County, NE



Civil Design Group, Inc.

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

September 20, 2023

Project No. 2021-0295

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

Re: The Bridges 1st Addition – Application to Amended Community Unit Plan (CUP) #06068B & Associated Change of Zone Request for land generally located at S.W. 33RD Street & W. Rustic Bridge Rd, Lancaster County.

Dear Mr. Cary:

On behalf of Rezac-Pickering-Williams, L.L.C., we submit the above-mentioned application, "The Bridges First Addition" for your review. Currently, The Bridges is approved for 70 dwelling units. With this amendment we are requesting to add 160.12 acre of contiguous land to the existing CUP that is shown in the Comprehensive Plan to be AGR zoning. The addition of this land the change of zone from AG to AGR would permit us to add an additional 62 dwelling units.

Potable water for all lots will be provided by individual wells. The attached groundwater report details the high availability of ground water resources in this area and the ability to provide for domestic water uses for the addition 62 lots shown on the CUP amendment. A community wastewater treatment plant currently serves the existing homes and it will be expanded as needed to serve the additional lots.

The roadways will be constructed to meet Lancaster County BTA design standards with concrete paving and roll-over curbs in lieu of curb and gutter. A concept plan for the Urban Reserve Component is shown on Outlot 'P'.

With this application we are requesting the following waivers:

- To waive sidewalks and street trees abutting the Urban Reserve Outlots 'P' & 'L'. These elements will completed when these lots are developed.
- To adjust the following AGR yard setbacks: front yards to 30', rear yards to 20% of the depth or 30', side yard to 7.5', and for the lots in Block 3 (Lots 12-28), Blocks 8, 9 & 10 to have setbacks per the LMC R-3 zoning code. This request is typical for urban style lots in AGR subdivisions with community sewer systems.
- To waive block length for Block 3 as it is abuts FEMA floodplain.
- For rollover curbs in lieu of curb and gutter. This will match the street design in the original phase.
- To the BTA grading requirement for the Urban Reserve streets in Outlot 'P'. This waiver is typical for the urban reserve area so it may remaining agricultural crop production.

- To Section 27.65.075(c) to provide a master plan for an urban framework for future development of the Urban Reserve Component that includes stormwater plans, infrastructure lines, easement and street profiles. These details are typically not need when the urban reserve area is a large isolated area.
- To Section 27.65.020(B)(3)(ii) to allow Lots 9-11 of Block 8 to exceed one acre in size. This is due the 100' wide LES easement that encroaches on the front of these lots.
- To allow sanitary sewer grades to run opposite of street grades. This is a typical design waiver due topographic constraints.
- To waive Pedestrian Way easements on Blocks 8-12. Block 8 waiver is due the floodplain on the north and west that will not be developed, Blocks 9-12 is needed due to the extreme grade changes from the south property line to the developed road network (W. Rustic Bridge Rd).
- For street lights to be placed at intersections only. This is request to preserve the rural nature of the subdivision

In conjunction with this submittal letter we submit the following information:

- Application for a Special Permit & Change of Zone – City of Lincoln
- Community Unit Plan Application Fee - \$4,857.00
- Change of Zone Application Fee - \$ 1,056.00
- Groundwater Report
- Technical Memorandum for No Net Rise and Compensatory Storage by The Flatwater Group, Inc.
- Change of Zone Exhibit and legal description.

I trust that this letter and the submittal documents provide you with enough information to review our requests. To facilitate the review process, please feel free to call me at (402) 434-8494 so that I can address any questions you may have.

Sincerely,



Mike Eckert, AICP

Encl

cc: Rezac-Pickering-Williams, L.L.C.

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 #23035

FINAL ACTION?
Yes

DEVELOPER
James Fowler, Ash Gove, CRH

PLANNING COMMISSION HEARING DATE
October 18, 2023

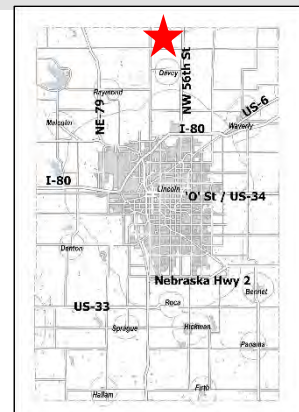
RELATED APPLICATIONS
None

PROPERTY ADDRESS/LOCATION
N. 27th St. and Agnew Rd.

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request per Article 13.019 of the Lancaster County Zoning Regulations for Excavation. The property is currently in the AG Agricultural zoning district. The boundary of the special permit is approximately 112 acres. The area of excavation for the first phase is approximately 20 acres. The clay will be removed and trucked to another County to be used for processing the raw material in the cement manufacturing process.



JUSTIFICATION FOR RECOMMENDATION

This application with the conditions of approval meet the requirements for an Excavation special permit. Agnew Road is paved. There are few houses nearby. There is no significant impact on adjacent properties with proposed conditions. Any improvements or maintenance needs to the road network will be subject to a Road Maintenance Agreement approved by the County Engineer.

APPLICATION CONTACT
Eric Beiermann, Olsson
ebeiermann@olsson.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The special permit for excavation of soil, with the conditions of the special permit, is in conformance with the 2050 Comprehensive Plan. It helps support road and development projects that support the growth of the community.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

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

Fundamentals of Growth in Lancaster County

The Rural Environment

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

Policies Section

P. 16: Rural Economy: Support agriculture as the primary driver of the rural economy but recognize that some compatible land uses are also appropriate for these areas.

ANALYSIS:

1. This request is for soil excavation on a 112-acre site under the provisions of Article 13.019 Excavation. Approximately 13 million tons of excavating clay is possible for the entire site over 30 to 40 years. The special permit is for three years. After three years an amendment to the special permit will be required. The operations impact on the street system, adjacent properties and the community would be reviewed after 3 years before an extension of the special permit would be approved.
2. Approximately 200,000 tons of material is anticipated to be extracted over the next 2 years with an increase to 400,000 tons per year in 2026.
3. The site plan shows an access drive off of Agnew Road, approximately 700 feet east of N. 27th Street. Agnew Road is a paved county line section road. U.S. Highway 77 is approximately 2 miles east of this site.
4. There are 3 private wells within 1,000 feet of the operation. Two of the wells are domestic and the other is a heat pump well. One domestic well is not active. A water report was submitted. A water report is required if there is to be any excavation within 1,000 feet of a private well or 2,000 feet of a community well or designated to result in an excavated area that does not drain to a lower area.

The report concludes that contamination of the registered wells is highly unlikely due to the mining operation. The extraction process involves the removal of clay and there are no chemical substances or pollutants inherent to the clay that would pose a contamination risk to the underlying aquifer of nearby wells. The report also surmises that any potential source of contamination would be from the equipment used on site. This risk is no greater than other farm equipment used on fields.

The Lincoln-Lancaster County Health Department reviewed the report and had no concerns.

5. There are two houses near the site; one to the east and the other on the west side of N. 27th Street. The house to the east is approximately 65 feet from the east boundary of the special permit. The site plan proposes construction of a berm along the entire east boundary. The berm then continues essentially all around the site.
6. Operating hours shall be limited to daylight hours, Monday through Saturday.
7. The County Engineer requires a Road Maintenance Agreement for adjacent county roads. The County Engineer also requires that warning signs be posted along the adjacent roads warning traffic of entering/exiting trucks.
8. The access drives into the site must be approved by the Lancaster County Engineering Department.
9. During the soil mining process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but are not limited to, application of water or other dust suppression chemicals.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Farm ground and one house. AG-Agriculture

SURROUNDING LAND USE & ZONING

North: Farm ground	AG-Agriculture
South: Farm ground and 4 acreage lots.	AG-Agriculture
East: Farm ground	AG-Agriculture
West: Farm ground	AG-Agriculture

APPROXIMATE LAND AREA: 112 acres.

LEGAL DESCRIPTION: Lot 14 in the NW1/4 of Section 18-12-7, Lancaster County, NE

Prepared by
Tom Cajka, Planner

Date: October 3, 2023

Applicant: James Fowler
Ash Grove, CRH
16215 Highway 50
Louisville, NE 68037
402-227-9676
James.fowler@ashgrove.com

Contact: Eric Beiermann
Olsson
601 "P" Street, Suite 200
Lincoln, NE 68508
402-570-9032
ebeiermann@olsson.com

Owner: Frank Jacobs
2901 Agnew Road
Ceresco, NE 68017

CONDITIONS OF APPROVAL - SPECIAL PERMIT #23035

Per Article 13.019 this approval permits soil excavation for a period of three (3) years from the date of approval of this special permit.

Site Specific Conditions:

1. Before initiating excavation operations, the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below:
 - 1.1 Remove Sheet 1. It is not needed for the special permit. Renumber the other 2 sheets.
 - 1.2 Add legal description to Site Plan.
 - 1.3 Identify where topsoil is to be stored.
 - 1.4 Identify where the 20 acres to be excavated is located on both sheets.
 - 1.5 Note excavated volume for the 20 acres.
 - 1.6 Provide minimum height of the berm.
 - 1.7 Show the berm and elevation on the grading plan. Add a note that the berm will be constructed when any excavation is within 300 feet of the proposed berm. The construction of the berm may be phased with the phased excavation, if shown on the site plan and approved by the Director of Planning.
 - 1.8 Submit additional details for the sediment basin and other control measures to the satisfaction of Lower Platte South Natural Resource District.
 - 1.9 Provide an erosion and sediment control plan to the satisfaction of Lancaster County engineering Department. Include areas in which best management practices, such as silt fence, will be used for erosion control to protect Lancaster County culverts.
 - 1.10 Add the entrance sign detail with all information required by Article 13.019h of the Lancaster County Zoning regulations.
 - 1.11 Add the following notes:
 - a. Operating hours shall be limited to daylight hours Monday through Saturday.
 - b. Proper erosion control and drainage shall be maintained at all times to prevent damage to Agnew Road.
 - c. Access to Agnew Road shall be limited to one location only.
 - d. No more than twenty (20) acres of the site shall be open at any time.
 - e. Contractor shall collect and store topsoil for redistribution to be used at termination of grading.
 - f. Contractor shall post warning signs during hauling operations along Agnew Road warning traffic of trucks entering.
 - g. Contractor shall enter into a road maintenance agreement with Lancaster County for Agnew road and S. 27th Street throughout the operation of the permit.
 - h. This special permit is approved for three years from the date the special permit is approved.

2. Before receiving building permits 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. Before beginning the excavation operation,
 - 3.1 The Permittee shall have
 - 3.1.1 Received review and permits, in required for the Federal NPDES and 404 Permits.
 - 3.1.2 Post performance bond in the amount of \$10,500.00 (\$525.00 per acre intended to be disturbed) to assure compliance with the final reclamation plan, including but not limited to regrading, topsoil conditioning, and re-vegetation. A registered professional engineer must certify at closure of operations that grading and final reclamation has been completed in accordance with the approved plans before the bond may be released.
 - 3.1.3 Upon completion of all terms, conditions and requirements of the special permit that are to be completed before beginning operations, the Permittee shall request the Director of Building and Safety to issue a certificate of operation. Permittee shall not begin operation until it has received said certificate of operation.
 - 3.1.4 Applicant shall submit traffic impact information regarding anticipated use of County roads along with anticipated hauling routes to the County Engineer for review.
 - 3.1.5 Applicant shall enter into a Road Maintenance Agreement with Lancaster County for adjacent county roads throughout the operation of the permit.
 - 3.1.6 A sign shall be posted and maintained at the entrance to the site. The sign shall be:
 - 3.1.4.1 Clearly visible from the adjacent road;
 - 3.1.4.2 At least 32 square feet in area;
 - 3.1.4.3 Lettering shall be at least two inches in heights, black on a white background;
 - 3.1.4.4 The sign shall list:
 - (a) The approved Special Permit Number;
 - (b) The name, contact phone and email address for the land owner;
 - (c) The name, contact phone and email address for the operator/contractor;
 - (d) The Building and Safety Department contact number.
 - 3.2 After beginning the excavation operations, the Permittee shall have
 - 3.2.1 Erosion controls, including retention and sediment basins shall be provided during excavation in conformance with state and federal standards and County land erosion and sediment control regulations to prevent a change in the character of runoff onto adjacent land.
 - 3.2.2 No more than twenty (20) acres of the site shall be open for operations at any one time. The surface shall be maintained in such a manner that surface waters do not collect and pond,

unless specifically approved by the County. Underground drainage may be supplied if it connects to an existing drainage facility and is satisfactory to the County.

- 3.2.3 Topsoil shall be collected and stored for redistribution on the site at the termination of the operation or termination of each phase.
 - 3.2.4 Excavation shall be conducted in such a way as not to constitute a hazard to any person, nor to the adjoining properties. Dust shall be controlled on-site to meet Lincoln-Lancaster County Air Pollution Control Program regulations. In addition, the Health Department may require dust control on unpaved perimeter roads.
 - 3.2.5 Safety screening may be required at the outer boundary of the site.
 - 3.2.6 Operating hours shall be limited to daylight hours, Monday through Saturday.
 - 3.2.7 The applicant will take appropriate measures, such as street sweeping or “rumble bars” as specified by the County Engineer to minimize mud or dirt tracking onto streets and roads on a continuing (daily) basis during operation.
 - 3.2.8 Operations shall commence within one year from the date the special permit is approved or the special permit will automatically terminate and be considered null and void. All existing certificates of operation shall automatically terminate on the same date.
 - 3.2.9 Within nine months after the completion of excavation on any portion of the site, all cuts shall be returned to a slope of less than three to one, the topography and soils shall be restored and stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public.
 - 3.2.10 A special permit may be approved for a maximum of three-years from the date the special permit is issued.
 - 3.2.11 Permittee shall prepare and submit an annual report to the Director of Building and Safety addressing the status and extent of operations and each condition of the special permit. Failure to submit the annual report shall constitute just cause for the City Council to revoke the special permit.
 - 3.2.12 Permittee shall be subject to an annual site inspection by the Director of Building and Safety. The cost of such inspection shall be paid for by the applicant. Cost shall be based upon the Department of Building and Safety’s hourly rate in effect on the date of the application. Building and Safety shall:
 - 3.2.12.1 Inspect the site to determine whether terms, special conditions and requirements imposed by the City in the approval of the special permit have been met and complied with; and
 - 3.2.12.2 Review all complaints from public and other departments/agencies and report to the Planning Director.
 - 3.2.13 The County Engineer may require installation of traffic signs to warn motorists of excavation or stone milling operations and truck traffic.
 - 3.2.14 The construction plans shall generally comply with the approved plans.
4. At the conclusion of the operation, the permittee shall provide to Lincoln Transportation and Utilities Department Watershed Management a certificate from an engineer stating that the final grading substantially reflects the finish contours shown on the approved site plan and request a release of the performance bond.

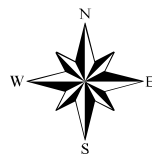
Standard Conditions:

5. The following conditions are applicable to all requests:
 - 5.1 Before starting the operation, all development and construction shall substantially comply with the approved plans.
 - 5.2 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.
 - 5.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 5.4 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 #: SP23035 N 27th St & Agnew Rd

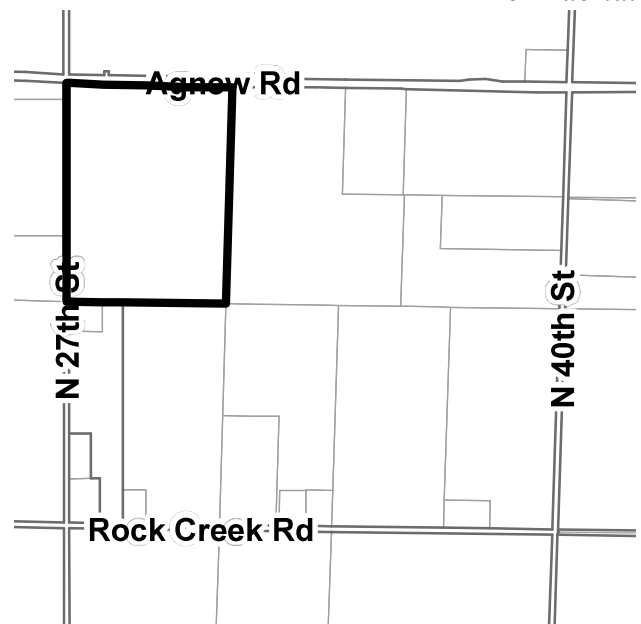
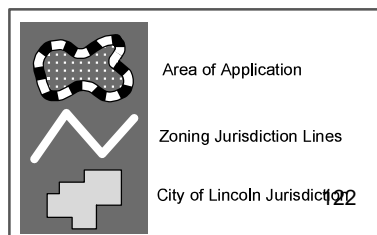


Zoning:

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

One Square Mile:

Sec.18 T12N R07E



September 19, 2023

To Lancaster County Planning Commission:

I am writing to provide an assessment of the proposed excavation operation and its potential impact on nearby registered groundwater wells, as part of the application for an excavation permit for the Agnew Ash Grove clay pit located north of Davey Nebraska. This report aims to demonstrate that the excavation operation and ultimate grading will not negatively affect the nearby registered wells by draw-down or contamination.

Impacts to groundwater levels in nearby wells.

The Proposed clay pit excavation operation is intended for the extraction of clay materials. It is important to note that the excavation will cease before encountering the aquifer materials nearby wells are screened in located below the clay. This excavation plan ensures that there will be no direct interference with the aquifer, thereby eliminating the risk of draw-down in the neighboring registered wells.

Map 1 shows the nearby registered wells with labels indicating the screened interval. There are no municipal wells within 2,000 feet and three other registered wells within 1,000 feet. Two of these wells are domestic, and the third is a heat exchange well.

Contamination Assessment.

Contamination of the registered wells is highly unlikely due to the nature of the mining operation. The extraction process involves the removal of clay material, and there are no chemical substances or pollutants inherent to the clay that would pose a contamination risk to the underlying aquifer or nearby wells.

The primary potential sources of contamination would be the equipment used during the mining process. However, it is important to emphasize that the equipment employed in this operation, including excavation machinery and associated vehicles, will adhere to strict maintenance and fuel storage protocols to prevent leaks or spills. The risk of contamination from this equipment is comparable to that of standard farming equipment currently operation on the property.

Groundwater Modeling.

Despite the risk of contamination being very low, the regional Lower Platte Missouri Tributaries groundwater flow model was utilized to estimate particle flow direction and rate of travel. Time-of-travel paths were computed using open source United States Geological Survey modeling software products MODFLOW and MODPATH. The Nebraska Department of Natural Resources (NeDNR) developed the Lower Platte Missouri Tributaries (LPMT) groundwater flow model in 2018 and was used to simulate the groundwater flow field in and around the proposed mine. The LPMT groundwater model was calibrated to the basin water supply, historic

streamflow, and historic water levels. Documentation and a version of the calibrated model is publicly available and can be downloaded from the NeDNR's website. Then MODPATH used the flow data computed by the LPMT model to construct a groundwater velocity distribution that forms the basis of the particle tracing calculation.

Results.

The outcome of the aforementioned calculations is the depiction of time-of-travel routes for all pumping wells situated within 1,000 feet of the site, as visually represented on Map 2. It is worth noting that the heat exchange well was excluded from the simulation due to its closed-loop system, which does not rely on aquifer water. The map traces the trajectories of particles along distinct time intervals, spanning 0-1 year, 1-2 years, 2-10 years, and 10-25 years, within the groundwater flow field established by the LPMT groundwater model. Notably, the tracked particles indicate that the primary source of water for all wells originates from the western direction rather than from the vicinity of the mine.

Conclusions.

The risk of drawdown affecting nearby groundwater wells has been effectively mitigated by limiting excavation to non-aquifer materials above the primary aquifer in the area. Moreover, the potential for groundwater contamination resulting from mining activities is minimal. In the unlikely event of contamination, there are no groundwater extraction wells within 1,000 feet drawing water from the vicinity of the mining site. This means any necessary remediation measures could be promptly executed long before nearby wells are at risk of contamination.

Sincerely,

Colby Osborn, PG

Olsson Project Manager



September 20, 2023

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

RE: Proposed Agnew Borrow Pit

Dear Mr. Cary,

On behalf of Ash Grove, CRH, we are submitting a use permit for a proposed borrow pit in Lancaster County, Nebraska. The legal description of the site is Irregular Lot 14 in the northwest quarter of section 18, township 12 north, range 7 east of the 6th p.m., Lincoln, Lancaster County, Nebraska. The site is currently zoned AG – AG-Agricultural District with a property ID of 19-18-100-001-000, and is 112.45 acres.

The excavation and mining of Dakota formation clay will be used for processing raw material in the cement manufacturing process with a total of 13 million tons of excavating clay possible for the entire site over 30 to 40 years. Approximately 200,000 tons of material is used in the cement manufacturing process annually. A similar total is anticipated to be extracted over the next two-year period with an increase to 400,000 tons per year in 2026. Prior to excavation of the clay, overburden will be collected to create a perimeter berm around the site. There will be no explosives used in the extraction of material. Upon completion of mining activities, the overburden will be redistributed across the site. After reserves are extracted and mining activities are completed in an area, the property will be filled, graded, and seeded. All final grading will have a maximum 3:1 slope and have a minimum of 2% fall for drainage.

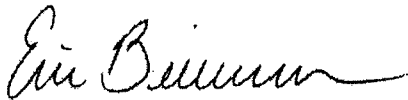
The proposed excavation will be limited to 20 acres of disturbed area at one time. It is anticipated excavation will commence at the north end of the site and continue south. A standard excavator will be utilized on site to extract the material, alongside a bulldozer, to load the dump trucks. A sediment basin will be implemented on site at the north end to collect runoff from excavation activities and discharged at an allowable rate per the industrial storm water discharge permit. A portion of the property is located in a floodplain designated as Zone 'A' with no Base Flood Elevations (BFE), and another portion located in Zone 'X' designated as areas determined to be outside the 0.2% annual change. There will be no excavation or land disturbance within these areas.

A proposed site entrance will be located at the north end off Agnew Road. Near the entrance will be a staging area with a job trailer, vehicle parking, wheel wash, scale, and material crusher. Dump trucks will haul the material from the site onto Agnew Road and continue east to Highway 77 enroute to the Ash Grove facility in Louisville, NE. It is anticipated operating hours will be Monday through Friday from 7:00 am to 5:00 pm.

Erosion control measures will be installed as per plan. Dust control will be a priority, with measures including vegetative ground cover, application of water on haul roads and the excavation of the site as needed. All necessary permitting will accompany the project such as NPDES permit, air-permitting, wetland, Lancaster County highway permit, and industrial storm water discharge. A groundwater report has been completed and has been included in this application.

If you have any questions regarding the application, please contact me at 402-570-9032 or by email at ebeiermann@olsson.com

Sincerely,



Olsson
Eric Beiermann

Cc: Ash Grove, CRH

Enclosed: Application Form
Application Fee of \$1,056.00
Legal Description & Site Exhibits

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

APPLICATION NUMBER Street and Alley Vacation #23005	FINAL ACTION? No	DEVELOPER/OWNER Wilderness Crossing, LLC / Lancaster County
PLANNING COMMISSION HEARING DATE July 26, 2023	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION Portion of South 1 st Street between Pioneers Blvd. and Old Cheney Road.

RECOMMENDATION: CONFORMS TO THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

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



JUSTIFICATION FOR RECOMMENDATION

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

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

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

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

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Elements Section

Transportation Element

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

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

Policies Section

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

Action Steps

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

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

ANALYSIS

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

within the PUD by final plat.

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

CONDITIONS OF APPROVAL: See attached.

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

SURROUNDING LAND USE & ZONING

North: S. 1st St., Pioneers Blvd., Single family, landscaping business

South: S. 1st St., City Church, Wilderness Park

East: Wilderness Park

West: Wilderness Crossing PUD

R-3, Residential & AG, Agriculture

AG, Agriculture & P, Public

P, Public

R-3 PUD

APPLICATION HISTORY

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

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

APPROXIMATE LAND AREA: Approximately 5.34 acres, more or less

LEGAL DESCRIPTION: See Attached

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

Date: July 13, 2023

Applicant/

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

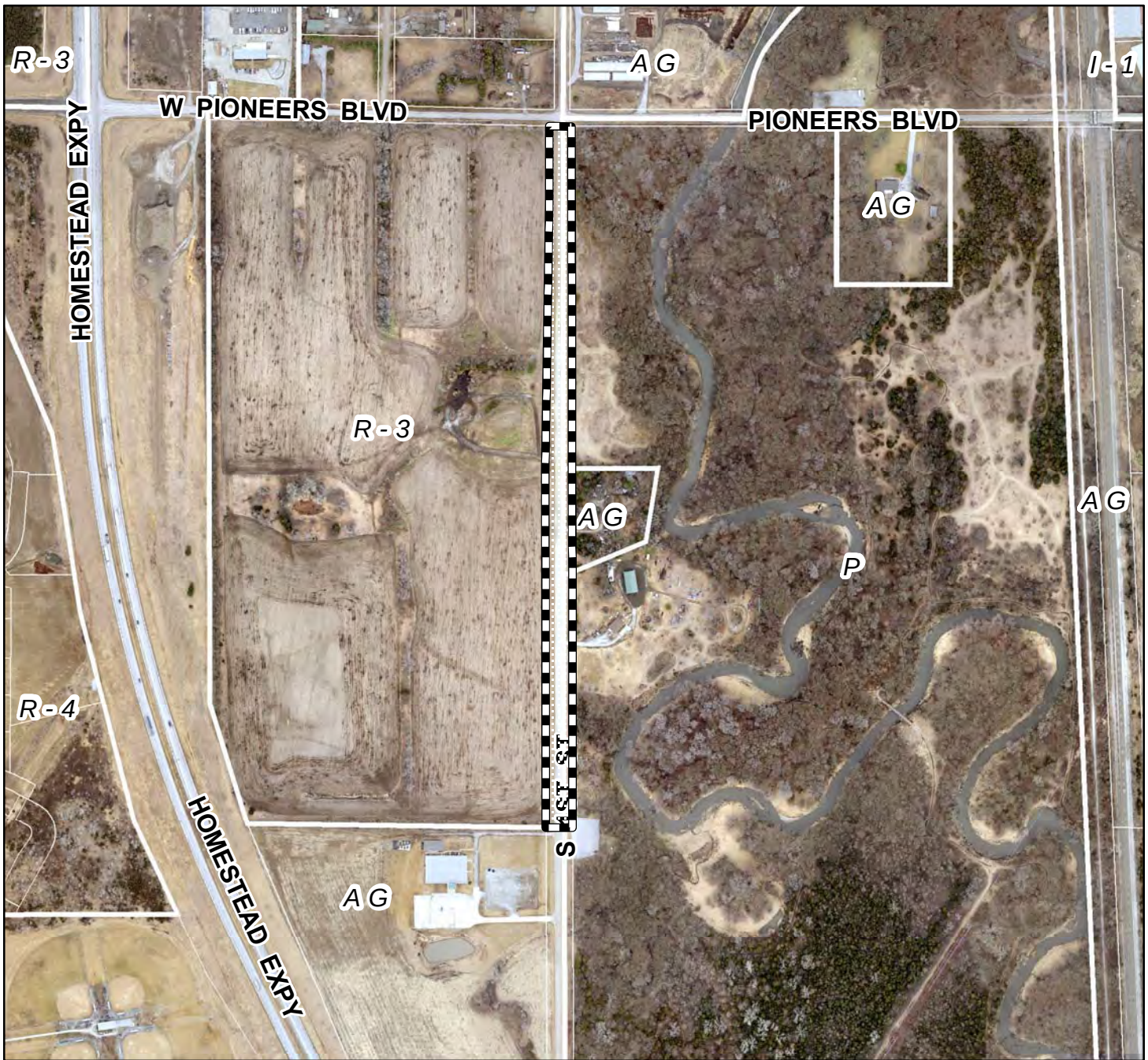
Contact: Civil Design Group, Inc
 8535 Executive Woods Drive
 Suite 200
 Lincoln, NE 68512
 (402) 434-8494

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

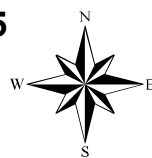
CONDITIONS OF APPROVAL - STREET AND ALLEY VACATION #23005

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

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



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



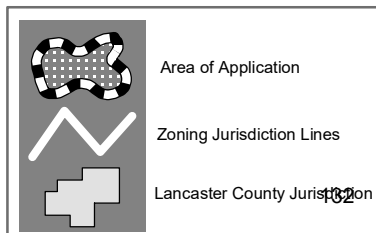
Zoning:

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

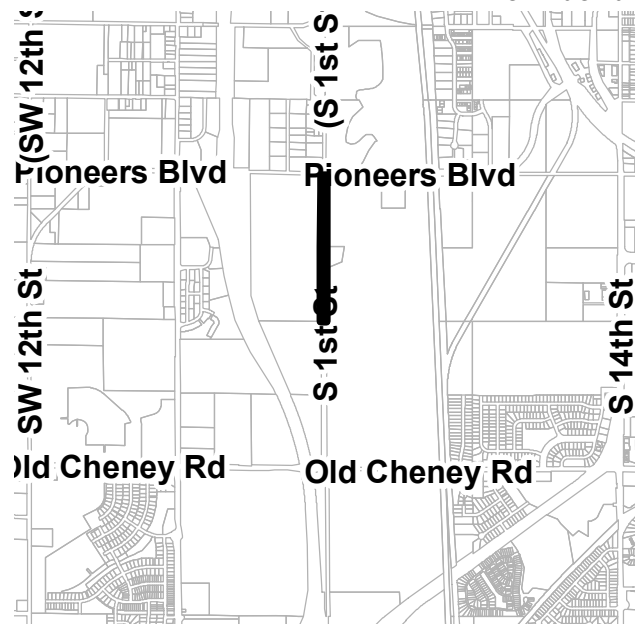
Two Square Miles:

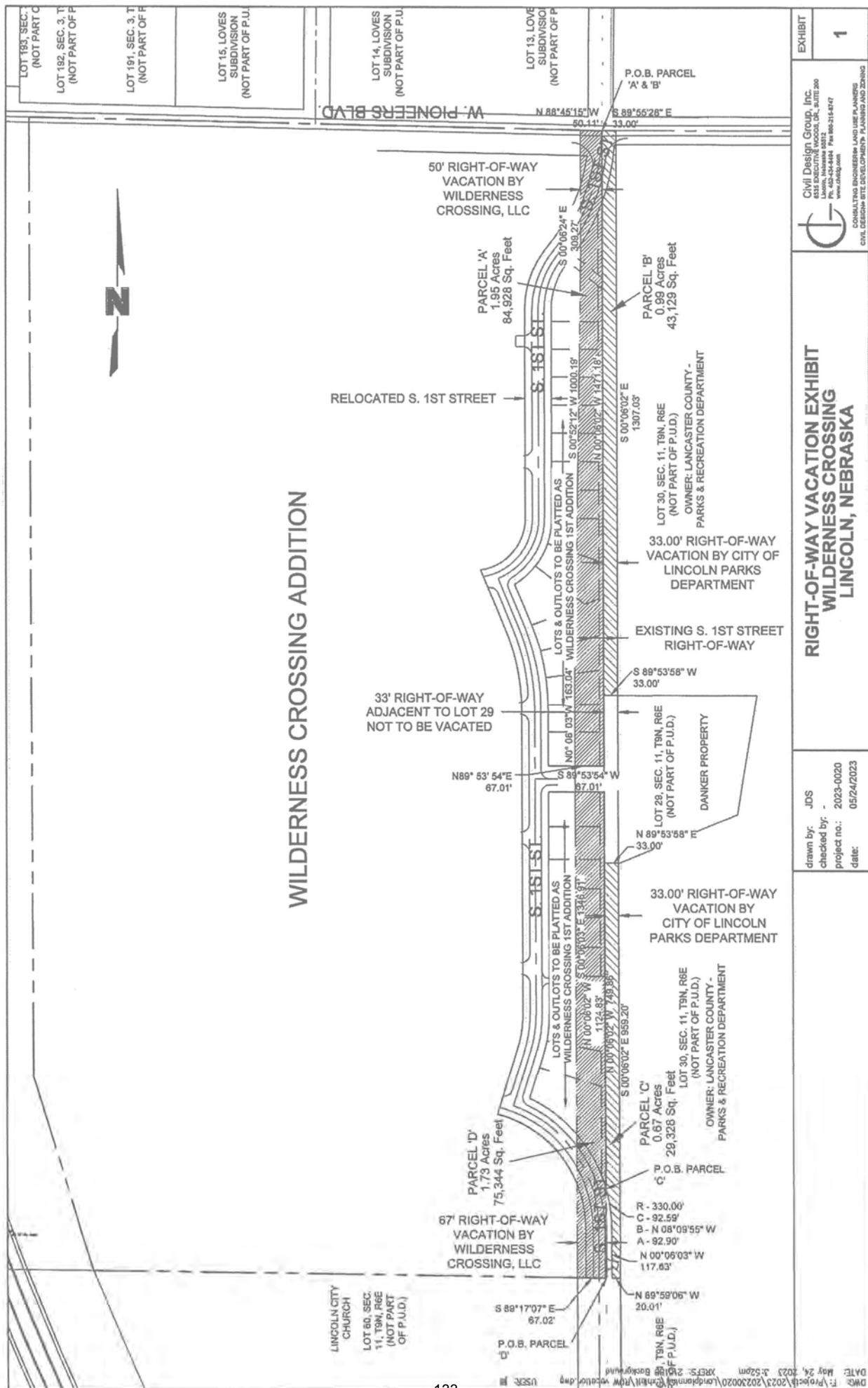
Sec.10 T09N R06E

Sec.11 T09N R06E



2022 aerial





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

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

Beginning at the Northeast Corner of the Northeast Quarter of said Section 10;

Thence N 88°45'15" W, on the North Line of the Northeast Quarter, for a distance of 50.11'; Thence Southerly, on the existing Westerly Right-of-way Line of 1st Street, the following 3 courses:

S 00°06'24" E for a distance of 309.27';

Thence S 00°52'12" W for a distance of 1000.19';

Thence S 00°06'03" E for a distance of 163.04';

Thence N 89°53'54" E for a distance of 67.01' to a point on the East Line of the Northeast Quarter;

Thence N 00°06'02" W, on the East Line of the Northeast Quarter, for a distance of 1471.18'

to the Point of Beginning, and having a calculated area of 1.95 acres or 84928 square feet more or less.

Subject to any and all easements and restrictions of record.

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

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

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

Subject to any and all easements and restrictions of record.

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

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

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

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

Subject to any and all easements and restrictions of record.

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

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

Beginning at the Southeast Corner of the Northeast Quarter of said Section 10;

Thence N 00°06'02" W, on the East Line of the Northeast Quarter, for a distance of 1124.83';

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

Subject to any and all easements and restrictions of record.



Civil Design Group, Inc.

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

July 13, 2023

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

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

Dear Mr. Cary:

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

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

With this application we submit the following items:

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

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

Sincerely,

Mike Eckert, AICP

cc: Wilderness Crossing, LLC