

Lincoln City - Lancaster County

PLANNING COMMISSION

AGENDA

PLANNING COMMISSION

Cindy Ryman Yost: Chair

Cristy Joy: Vice Chair

Lorenzo Ball

Dick Campbell

Maribel Cruz

Brett Ebert

Gloria Eddins

Bailey Feit

Richard Rodenburg

PLANNING STAFF

David R. Cary: Director

Shelli Reid: Administrative Officer

Jennifer McDonald: Administrative Aide

September 18, 2024

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, September 18, 2024, 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, September 18, 2024

Approval of minutes of the regular meeting held [September 4, 2024](#).

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

COMPREHENSIVE PLAN CONFORMANCE:

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- 1.1 COMPREHENSIVE PLAN CONFORMANCE 24017, to review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan, a request to declare City property as a surplus, on property generally located north of and adjacent to the East-West alley, west of 10th Street, between M and N Streets.

Staff recommendation: In Conformance with the Comprehensive Plan

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

STREET AND ALLEY VACATION:

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- 1.2 STREET AND ALLEY VACATION 24009, vacating the remaining 142' portion of the east-west alley, east of N. 24th Street, south of Y Street, adjacent to property generally located at 24th and Y Street.

Staff recommendation: Conforms to the Comprehensive Plan

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

PRE-EXISTING SPECIAL PERMIT:

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- 1.3 PRE-EXISTING SPECIAL PERMIT 28F, amending an existing Special Permit per the Lincoln Municipal Code Chapter 27.63.075, to modify the approved signage plan and increase the size and area allowed for directional and free-standing signs within the permit boundary on property generally located at 3800 South 48th Street. The Planning Commission action is final, unless appealed to the Lincoln City Council.
FINAL ACTION
Staff recommendation: Conditional Approval
Staff Planner: Ben Callahan, 402-441-6360, bcallahan@lincoln.ne.gov

SPECIAL PERMIT:

- Page 33
- 1.4 SPECIAL PERMIT 19006B, to amend the existing Grandview Estates 2nd Addition CUP (Community Unit Plan) by allowing waivers to the minimum lot area and average lot width for single-family dwellings, on property generally located at S 76th Street and Ambrose Drive. The Planning Commission action is final, unless appealed to the Lincoln City Council. ***FINAL ACTION***
Staff recommendation: Conditional Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

2. REQUESTS FOR DEFERRAL

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

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION

5. CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION

COMPREHENSIVE PLAN AMENDMENT AND RELATED ITEMS:

- Page 43
- 5.1a COMPREHENSIVE PLAN AMENDMENT 24004, to amend the Lincoln-Lancaster County 2050 Comprehensive Plan to change the future land use designation from Urban-density Residential to Commercial, on property generally located on the northwest corner of S 70th Street and Nebraska Parkway.
Staff recommendation: Denial
Staff Planner: Stephen Henrichsen, 402-441-6374, shenrichsen@lincoln.ne.gov

5.1b CHANGE OF ZONE 24003, from AGR (Agricultural Residential District) to O-3 (Office District) on property generally located on the northwest corner of S 70th Street and Nebraska Parkway.
Staff recommendation: Denial
Staff Planner: Stephen Henrichsen, 402-441-6374, shenrichsen@lincoln.ne.gov

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5.1c USE PERMIT 24003, to allow a use permit in the O-3 (Office District) zoning district for approximately 51,000 square feet of commercial floor area, with waivers to setbacks, on property generally located on the northwest corner of S 70th Street and Nebraska Parkway.
Staff recommendation: Denial
Staff Planner: Stephen Henrichsen, 402-441-6374, shenrichsen@lincoln.ne.gov

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

Adjournment

PENDING LIST: No items

Planning Department Staff Contacts:

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George Wesselhoft, *County Planner*

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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, August 27, 2024.

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, September 4, 2024, 1:00 p.m., Hearing Room 112, on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska.

MEMBERS AND OTHERS IN ATTENDANCE: Lorenzo Ball, Dick Campbell, Brett Ebert, Gloria Eddins, and Cindy Ryman Yost. Maribel Cruz, Bailey Feit, Cristy Joy and Rich Rodenburg absent. David Cary, Steve Henrichsen, Shelli Reid, Jennifer McDonald, Andrew Thierolf, Emma Martin, and Steve Dush with the Planning Department; media and other interested citizens were present.

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.

Note: This is **Final Action** on the following item **Special Permit 24027** unless appealed by filing a Notice of Appeal with the **City Council** or the **County Board within 14 days**.

Ryman Yost requested a motion approving the minutes for the regular meeting held August 21, 2024.

Motion for approval of the minutes made by Campbell; seconded Eddins.

Minutes approved 5-0: Ball, Campbell, Ebert, Eddins, and Ryman Yost voting "yes"; Cruz, Feit, Joy, and Rodenburg absent.

Clerk stated that Consent Item 1.2 – Special Permit 24026 is being removed from the Consent Agenda and moved to public hearing on today's agenda.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

September 4, 2024

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

The Consent Agenda consisted of the following item: Annexation 24008.

There were no ex-parte communications disclosed.

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

Campbell made a motion for approval of the Consent Agenda Item Annexation 24008; seconded by Eddins.

Motion carried 5-0: Ball, Campbell, Ebert, Eddins, and Ryman Yost voting “yes”; Cruz, Feit, Joy, and Rodenburg absent.

Clerk stated that written communication was received from the applicant requesting a 2-week deferral to September 18, 2024, Planning Commission Hearing for item 2.1a – Comprehensive Plan Amendment 24004, associated item 2.1b – Change of Zone 24003 and associated item 2.1c – Use Permit 24003.

COMPREHENSIVE PLAN AMENDMENT 24004

TO AMEND THE LINCOLN-LANCASTER COUNTY 2050 COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE DESIGNATION FROM URBAN-DENSITY RESIDENTIAL TO COMMERCIAL, and

CHANGE OF ZONE 24003

FROM AGR (AGRICULTURAL RESIDENTIAL DISTRICT) TO O-3 (OFFICE DISTRICT), and USE PERMIT 24003

TO ALLOW A USE PERMIT IN THE O-3 (OFFICE DISTRICT) ZONING DISTRICT FOR APPROXIMATELY 51,000 SQUARE FEET OF COMMERCIAL FLOOR AREA, WITH WAIVERS TO SETBACKS, ON PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF S 70TH STREET AND NEBRASKA PARKWAY.

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

Staff Recommendation: Two-week deferral

Campbell moved to approve the request for deferral to September 18th, 2024; seconded by Eddins.

Motion carried 5-0: Ball, Campbell, Ebert, Eddins, and Ryman Yost voting “yes”; Cruz, Feit, Joy, and Rodenburg absent.

SPECIAL PERMIT 24026

TO ALLOW A PORTION OF THE EXISTING BUILDING TO BE USED FOR AN EARLY CHILDCARE FACILITY WITH UP TO 35 CHILDREN AND A WAIVER TO THE SCREENING REQUIREMENTS OF THE OUTDOOR PLAY AREA ON PROPERTY GENERALLY LOCATED AT 6300 A STREET.

PUBLIC HEARING:

September 4, 2024

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

Staff Recommendation: Conditional Approval

There were no ex-parte communications disclosed.

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

Staff Presentation:

Steve Dush, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated that Special Permit 24026 was originally a consent item, since there is a waiver to the design standards it must be now go to City Council. The site is effectively completed and will remain unchanged. The waiver is for the location of the fence and the proximity of the outdoor play area.

Applicant:

Jean Helms, 6121 S 52nd Street Court, Lincoln, NE came forward and stated that she is the Administrative Director to the Unitarian Church of Lincoln and is asking a waiver for a fence requirement. The existing playground is adjacent to the building. Helms stated that the daycare children will not have access to the wooded areas which was mentioned by a neighbor.

Campbell asked when the previous daycare started in that location. Helms stated that there use to be a Montessori School that operated in the building for 7 years. These were older children and had access to the wooded area at that time.

Proponents:

No one approached in support.

Neutral:

No one approached in neutral.

Opposition:

No one approached in opposition.

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

Motion carried 5-0: Ball, Campbell, Ebert, Eddins, and Ryman Yost voting "yes"; Cruz, Feit, Joy, and Rodenburg absent.

SPECIAL PERMIT 24026

ACTION BY PLANNING COMMISSION:

September 4, 2024

Campbell moved to approve Special Permit 24026 with the requested waivers; seconded by Eddins.

Campbell stated that the only letter received was in concern with the east side of the building, that is not the case in this instance. Campbell stated that the church has addressed this nicely and will be very helpful with the number of daycares.

Ball stated that the waiver is on the interior of the property and is isolated to the building and the parking lot. Ball will be supporting this Special Permit.

Ryman Yost agrees that the need for quality licensed childcare in the city is growing and appreciates the partners working together to meet this need.

Motion carried 5-0: Ball, Campbell, Ebert, Eddins, and Ryman Yost voting "yes"; Cruz, Feit, Joy, and Rodenburg absent.

SPECIAL PERMIT 24027

TO ALLOW THE OPERATION OF A MOBILE ROCK CRUSHER ON SITE DURING THE DEMOLITION OF STRUCTURES, ON PROPERTY GENERALLY LOCATED ON 3001 CORNHUSKER HIGHWAY. THE PLANNING COMMISSION ACTION IS FINAL, UNLESS APPEALED TO THE LINCOLN CITY COUNCIL. **FINAL ACTION**

PUBLIC HEARING:

September 4, 2024

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

Staff Recommendation: Conditional Approval

Eddins stated that this was a topic at the Clinton Neighborhood meeting and that the applicant will be attending the next Clinton Neighborhood meeting for discussion.

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

Staff Presentation:

Emma Martin, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated this is a request for a Special Permit for the temporary operation of a mobile rock crusher to assist in the demolition of a grain elevator located at 3001 Cornhusker Highway. The rock crusher will be used to break down the concrete from the demolished elevator before it is eventually transported off site for reuse and resale. The application was submitted after discussions between the property owner and the City of Lincoln regarding the health and safety of the community and environment while the rock crusher is in use. The discussions included Lincoln Watershed Management and the Lincoln-Lancaster County Health Department and laid out specific requirements that the operation would need to

meet. Grain elevators that are defunct due to wear and tear can be left to deteriorate for years or even decades, causing health concerns, occupying useable land, and becoming a general blight on the community. By operating a rock crusher to render the concrete, CL Construction will be able to offset some of the cost of demolition while recycling the elevator into useful material once again and opening the property for reuse. This application meets the requirements created for this specific I-1 District Special Permit. It is compatible with 2050 Comprehensive Plan policies and goals by encouraging infill and redevelopment and improved community appearance. This will have an overall positive impact on the community of Lincoln.

Applicant:

Andrew Willis, 233 S. 13th Street, Lincoln, NE came forward on behalf of the applicant. Willis stated that this is a large obsolete grain bin. It is an expensive process including the rock crusher that will allow the reuse and recycle the material. The demolition permit will also include a flood plain development permit, a rock crusher permit, air quality permit, demolition permit and manage the dust. This is a positive benefit to the community. Willis stated that this is a temporary permit that may last up to 3 years only as part of the demolition process.

Campbell asked Willis if a dozer and other equipment will be involved in the knocking down the silos, and was wondering why they would not implode like done on other scales. **Chris Lautenschlager, CL Construction, 2700 Fletcher Avenue, Lincoln, NE,** came forward and stated that imploding will create a larger hazardous situation with all the dust going into the air. The rock crusher is the simplest and most cost-effective way to complete the demolition and keep the dust down and from blowing.

Proponents:

No one approached in support.

Neutral:

No one approached in neutral.

Opposition:

Troy Foster, 2959 Cornhusker Highway, Lincoln, Ne came forward and stated he is close to the elevator. Foster is concerned with the dust control that will be coming off the project and concrete. Another concern is with the age of the elevator having the possibility of asbestos within the concrete. Foster stated that his employees are within 200-250 feet and has concerns with this being a safe environment for them.

Campbell asked Foster what the nature of his business is. Foster stated that his employees are inside and outside all day long. They have machines and equipment that can be effective by the concrete dust along with effecting his employees breathing. Campbell asked if these concerns have been discussed with CL Construction? Foster stated that he discussed it with them yesterday. Foster is unsure how the process works or how it is controlled. Campbell asked if there was any discussion to reimburse Foster for the filters, condensers or anything that would need to be replaced. Foster stated there has not been a discussion.

Ball stated regarding the dust and air quality control, is another permit will be required. Martin stated that the permit would be required through the Lancaster County Health Department. There will be health regulations and requirements for controlling the offsite dust emissions. Martin stated that CL Construction will be using dust trapping and misters to control dust.

Willis approached and stated that CL Construction has hired a third-party consulting firm who will do a study on all the issues that may arise. This includes the air and asbestos, then including what needs to be done to not harm the neighbors.

Campbell asked if this was part of the Health Departments requirement or if it is being done on their own. Willis stated that CL Construction is doing this on their own even if it is not a requirement of the Health Department. Lautenschlager approached and stated that there is a mitigation through the water process. This is not a large amount of water, but enough to keep the dust particles from flying. Campbell asked if there was any discussion with the Heating and Air Company, if there would be a good guidance for their employees as what to do or not to do when working inside and outside. Lautenschlager stated that his employees will have monitors on them that will monitor the dust and particle levels. Lautenschlager stated that he is going to provide a safe place for his employees and for the neighbors. Campbell asked if the dust is crossing the line, will they provide a safe environment for the neighbors? Lautenschlager stated that they will provide a safe working environment for all the neighbors surrounding.

Eddins asked what the hours of operation would be of the rock crusher. Lautenschlager stated that he does not know what the time would be, but the plan of business operation is standard normal business hours with 2 days of the week of operation for the rock crusher and 5 days a week for the demolition process.

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

Motion carried 5-0: Ball, Campbell, Eddins, Ebert, and Ryman Yost voting “yes”; Cruz, Feit, Joy, and Rodenburg absent.

SPECIAL PERMIT 24027

ACTION BY PLANNING COMMISSION:

September 4, 2024

Campbell moved to approve Special Permit 24027; seconded by Ball.

Campbell stated that this is thought through and it is only the first step for the applicant. Campbell thinks that it is best to approve and let the applicant proceed for the remaining permits that they will need.

Ball agrees with Campbell and knowing that there is an expectation from the environmental process for the safety and concerns of the employees and surrounding businesses.

Eddins has concerns with this project since it is one of the largest grain elevators in the State of Nebraska. Eddins is disappointed that the applicant did not reach out to the Neighborhood Organization prior to the Planning Commission Hearing. Eddins is concerned with the proximity of the parks and play area for the small children in the area.

Ebert stated that she will be supporting this and understands that there are concerns. This is a complex problem and feels that the steps are being taken to do this safely.

Motion carried 5-0: Ball, Campbell, Eddins, Ebert, and Ryman Yost voting "yes"; Cruz, Feit, Joy, and Rodenburg absent.

Campbell moved to adjourn the Planning Commission meeting of September 4, 2024; seconded by Eddins.

Motion to adjourn 5-0: Ball, Campbell, Eddins, Ebert, and Ryman Yost voting "yes"; Cruz, Feit, Joy, and Rodenburg absent.

There being no further business the meeting was adjourned at 1:40 p.m.



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

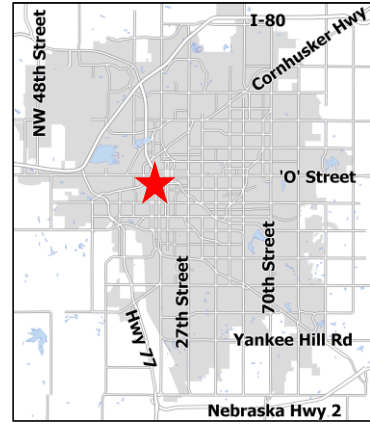
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Comprehensive Plan Conformance #24017	FINAL ACTION? No	DEVELOPER/OWNER City of Lincoln
PLANNING COMMISSION HEARING DATE September 18, 2024	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION Generally located at 205 S. 10 th Street.

RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

This is a request to surplus the City-ownership of the property located on the north side of the east-west alleyway west of S. 10th Street, between N and M Streets. The property is legally described as a part of Lot B of City Real Estate Company Subdivision of Lots 1-3, Block 69 and is approximately 415 square foot area of land on the north side of the existing alleyway. The property surrounding this area to the north at 205 S. 10th Street is under development for a future multifamily building, prompting this surplus request for the small area still owned by the City.



JUSTIFICATION FOR RECOMMENDATION

The subject property is currently vacant and visually appears today as part of the east-west alleyway. The existing alleyway will not be affected as the area of public right-of-way is not included in this application. With the undergoing redevelopment of the property north of the alleyway, the developer intends to purchase this property to serve as part of the overall site. There has been no opposition to the sale of the property by any department or public agencies. The retention of an easement for existing and future LES electrical utilities will be required to be retained.

APPLICATION CONTACT

Michelle Backemeyer
Urban Development Dept
(402) 441-8617 or
mbackemeyer@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This surplus will help facilitate redevelopment of this property under private ownership either with commercial use or residential use consistent with the Comprehensive Plan for neighborhood compatibility.

COMPREHENSIVE PLAN SPECIFICATIONS:

Introduction Section: Growth Framework

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

Land Use Plan - Commercial is intended for areas of retail, office, service and residential mixed uses. Commercial uses may vary widely in their intensity of use and impact.

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.

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.

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.

Location Criteria

Mixed Use Redevelopment Nodes and Corridors should be located based on the following criteria:

- In areas where there is a predominance of commercial or industrial zoning and/or development, focusing on non-residential areas.
- In proximity to planned or existing neighborhoods and community services, to facilitate access to existing community services or to address a deficiency by providing services such as grocery stores, childcare centers, and restaurants.
- Where there is existing or potential for good access to transit, to enhance the public transit system by making it accessible to residents and to facilitate the development of neighborhood multimodal hubs where residents can drive, bike, or walk to a transit stop, go to work, and then shop for their daily needs before they return home.
- On at least one arterial street to help provide for traffic and utility capacity and access to transit.
- Outside of areas with existing or potential industrial use to avoid conflicts with health and safety.
- In areas that minimize floodplain and other environmental impacts. Areas within the floodplain that already have buildings and fill are appropriate for redevelopment; projects that receive public assistance should meet a higher standard to preserve flood storage. This criterion encourages redevelopment while protecting sensitive environmental areas. Preservation or restoration of natural resources within or adjacent to mixed use redevelopment areas should be encouraged.

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 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

ANALYSIS

1. This is a request to find in conformance with the Comprehensive Plan the surplus of City-owned property described as part of Lot B, of City Real Estate Company Subdivision of Lots 1-3, Block 69, Lincoln Original located on the north side of the east-west alleyway on the west of S. 10th Street, between M & N Streets. The property is approximately 415 square feet and abuts the alleyway with no frontage on S. 10th Street. The small area is currently vacant and zoned B-4, Lincoln Center Business, appearing visually as part of the alleyway today. The City owns this small property and is intending to surplus it and allow the property to be sold for the proposed future development abutting this property on the north side of this block.
2. The property surrounding this parcel is zoned B-4, Lincoln Center Business District which allows for a range of uses within the downtown area including commercial, office, and residential. This property has appeared as a small notch within the alleyway for many years, although it is not dedicated public right-of-way, but is City-owned. Due to the size and location of the property, it has appeared as part of the existing alley. This surplus will not affect the existing alleyway as it will remain and continue to be open to traffic.
3. Abutting the subject property to the south is the east-west alleyway and property zoned B-4 also owned by the City. Surrounding the rest of the property is a larger site to the north, zoned B-4 which is proposed for a future redevelopment including a multifamily residential building. Through this surplus, the City intends to sell the property to the developer, allowing it to become part of the larger, planned multifamily site.
4. The Urban Development Department distributed a memo to public agencies on July 30, 2024, asking if there was any opposition to the sale or desire for retaining easements. Multiple departments reviewed the request and did not have any opposition to the request. Lincoln Electric System has requested an easement to be retained over the entire subject area. As part of the ongoing final plat process under Final Plat #24066 for Central Haymarket Addition, an LES Utility Easement will be placed over this area which will be called out as Outlot A.
5. This request is to declare a City-owned property that is unused as surplus. The request is consistent with the Comprehensive Plan and will allow the City to sell a property that is no longer needed for future development and provide infill and future residential dwellings within the downtown area.

EXISTING LAND USE & ZONING: Vacant Property, surrounded by B-4, Lincoln Center Business District

SURROUNDING LAND USE & ZONING

North: Future Multifamily Development

B-4, Lincoln Center Business District

South: City of Lincoln Property
East: Future Multifamily Development
West: Future Multifamily Development

B-4, Lincoln Center Business District
B-4, Lincoln Center Business District
B-4, Lincoln Center Business District

APPROXIMATE LAND AREA: 415 square feet

LEGAL DESCRIPTION: Attached

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

Date: September 5, 2024

Applicant: Michelle Backemeyer
Contact: Urban Development Department
555 S 10th Street, Suite 205
Lincoln, NE 68508
(402) 441-8617 or
mbackemeyer@lincoln.ne.gov

Owner: City of Lincoln

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CPC/24000/CPC24017 Central Haymarket Surplus.bmc.docx>



2020 aerial

Comp Plan Conformance #: CPC24017
S 10th St & M St



One Square Mile:
Sec.26 T10N R06E

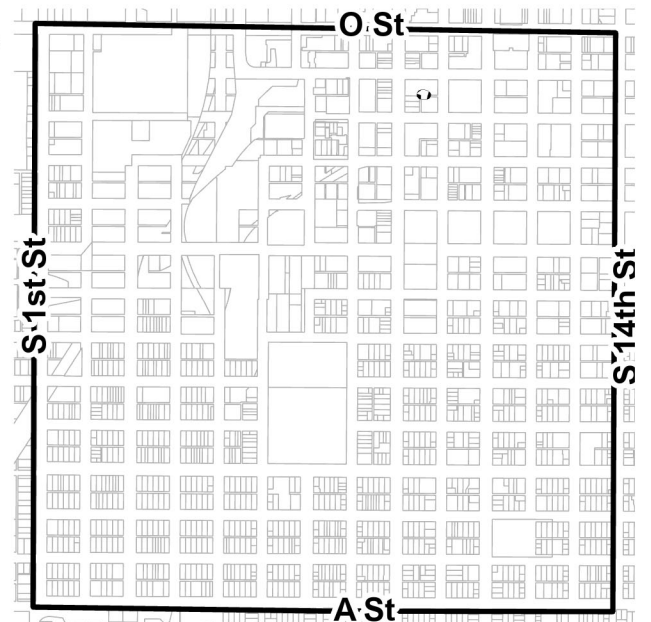
Zoning:

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

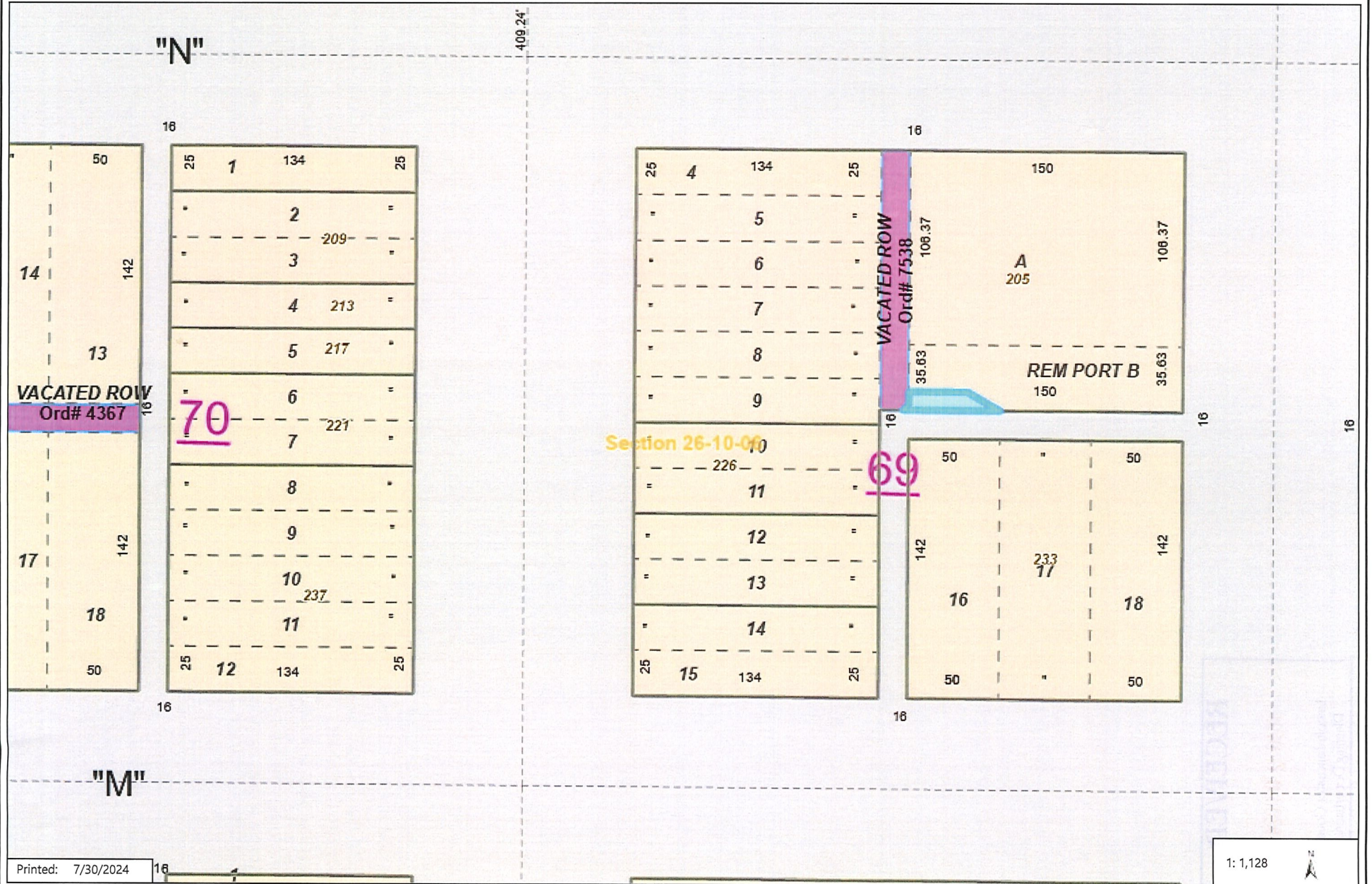
Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



That part of Lot B, City Real Estate Company Subdivision of Lots 1, 2, and 3, in Block 69, Original Plat of the City of Lincoln, commencing at the southwest corner of the said Lot B and running thence north along the west line of Lot B a distance of 10 feet; thence east parallel to the south line of Lot B a distance of 32 feet; thence southeasterly to a point on the south line of Lot B, which is 50 feet east of the southwest corner of Lot B; thence west 50 feet to the point of beginning; and in addition thereto a triangular area of that portion of the vacated alley which is described as follows: Beginning at the southwest corner of the said Lot B of City Real Estate Company Subdivision and running thence north along the west line of said Lot B a distance of 3 feet; thence southwesterly to a point on a prolongation of the south line of the said Lot B which is 3 feet west of the southwest corner of said Lot B; thence east 3 feet to the point of beginning.



Printed: 7/30/2024

1: 1,128



Disclaimer: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email assessor@lancaster.ne.gov and you will be directed to the appropriate department.



LINCOLN
Urban Development

August 20, 2024

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

Dear David:

Enclosed is an application to declare surplus a portion of City property located on the west side of 10th Street, north of the east-west alley, between N and M Streets. The property was purchased years ago for uses associated with the 233 S. 10th Street property and will become part of a new development on the north side of the block. LES plans to use the area for infrastructure related to the new development and will acquire the easements at the time the area is replatted. No other City departments or governmental agencies have expressed any interest in the property so the property can be deemed surplus and sold.

Please forward the request to the Planning Commission for their earliest consideration for Comprehensive Plan conformance. My understanding is that the request should be on the September 18, 2024, agenda.

If you have questions or need additional information, please contact me at 441-8617 or at mbackemeyer@lincoln.ne.gov. Thank you.

Sincerely,

Michelle R. Backemeyer
Real Estate and Relocation
Assistance Agent

Attachments



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 #24009	FINAL ACTION? No	DEVELOPER/OWNER ABC Electric / Mae Witmer
PLANNING COMMISSION HEARING DATE September 18, 2024	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION Generally located on N. 24 th Street, south of Y Street

RECOMMENDATION: CONFORMS TO THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

This is a request to vacate the remaining portion of an existing east-west alley located east of N. 24th Street, south of Y Street. The alley currently exists as a dead-end alley as the public right-of-way does not extend to N. 25th Street. The alley is approximately 3,276 square feet and is unimproved.



JUSTIFICATION FOR RECOMMENDATION

The portion of the alley requested to be vacated has two owners abutting it today, both which have submitted the required petition. Much of the surrounding property is owned by ABC Electric, which would allow the dead-end alley to become part of the site and used privately for the business which has property on both the north and south sides.

APPLICATION CONTACT

John Witmer, (402) 435-3514 or johnw@abcelectric.net

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

Vacation of this portion of 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.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Policies Section

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

ANALYSIS

1. This is a request to vacate the remaining portion of an existing east-west alleyway, east of N. 24th Street, south of Y Street. The alley is approximately 273 feet by 12 feet in width, totaling 3,276 square feet in area. The alley was originally platted in Trester's Addition in 1886. Today the land surrounding the alley is owned by two separate owners, both which have signed and filed the required petition to vacate the alleyway.

2. Vacating the remaining portion of this alleyway will not limit access for any of the existing lots and allow the existing owners to utilize this area internally on the commercial site. All of the abutting property surrounding the vacated area is zoned H-3 Highway Commercial and primarily used as one larger site for ABC Electric. The home at 1020 N. 24th Street, zoned H-3 still shows on the aerial map, but was recently demolished.
3. The only utility located within the existing alleyway is overhead electrical powerlines. LES has requested an easement to be placed over the entire vacated area to maintain the existing electrical utilities in place. There is no existing water or sanitary sewer utilities located within the vacated area.
4. The request to vacate the remaining alleyway is justified as the property surrounding the alley is owned by two owners, both associated with ABC Electric. The alley is unimproved today and the vacation is not expected to have an adverse impact on the abutting property owners or circulation of traffic for this area due to limited use of the alleyway today and one primary owner surrounding the alleyway.
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. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: H-3, Highway Commercial

SURROUNDING LAND USE & ZONING

North: ABC Electric	H-3 Highway Commercial
South: ABC Electric	H-3 Highway Commercial
East: ABC Electric	H-3 Highway Commercial
West: N. 24 th Street/Lincoln Lumber	H-3 Highway Commercial

APPROXIMATE LAND AREA: 3,276 square feet, more or less

LEGAL DESCRIPTION: The remaining portion of the east-west alley adjacent to Lot 1 & 3, Whitmer Addition, Lots 2-7, Block 3, Tresters Addition, located in the NE ¼ of Section 24-10-06, Lincoln, Lancaster County, Nebraska.

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

Date: September 4, 2024

Applicant/
 Contact John Whitmer
 1012 N. 25th Street
 Lincoln, NE 68503
 (402) 435-3514
 johnw@abcelectic.net

Owners: ABC Electric Company
 1012 N. 25th Street
 Lincoln, NE 68503
 (402) 435-3514

Mae L Whitmer Revocable Trust
 4400 S. 80th Street, Apt 105
 Lincoln, NE 68516

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SAV/24000/SAV24009 24th & Y Alleyway Vacation.bmc.docx>

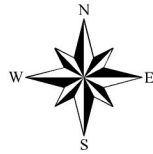
CONDITIONS OF APPROVAL - STREET AND ALLEY VACATION #24009

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

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



Street and Alley Vacation #: SAV24009
N 24th St & Y St

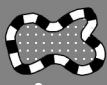




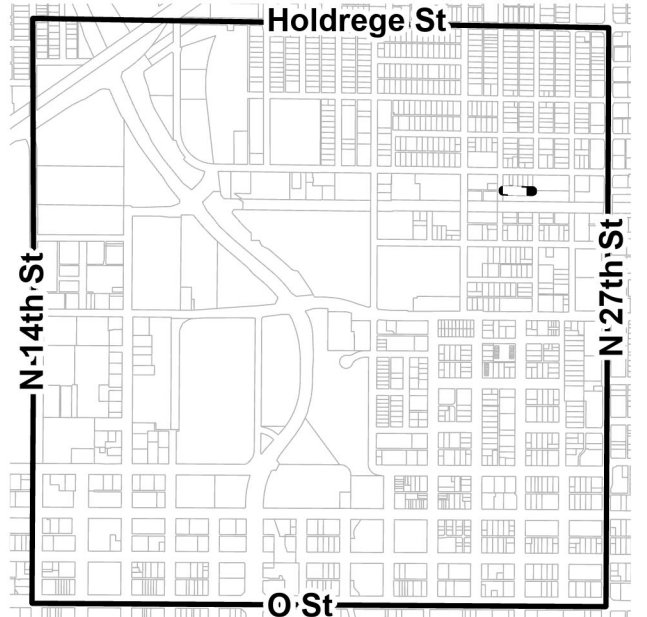
2020 aerial

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.24 T10N R06E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction
23	





1012 North 25th Street
Lincoln, NE 68503
Phone: 402-435-3514
Fax: 402-435-6091

August 16, 2024

City of Lincoln
Planning Department
555 S. 10th St., Ste 213
Lincoln, NE 68508

Dear Ben,

ABC Electric Company, Inc. is seeking to vacate the alley in Block 3 of Tresters Addition running east from North 24th Street. This alley is no longer necessary, and we would like to purchase the land so we can utilize it for our electrical contracting and service operation.

ABC Electric owns the land on all sides of the alley except for one lot which is owned by my Mother Mae Whitmer.

We have included information sheets and petitions to vacate with waivers from ABC Electric and Mae Whitmer.

Please let me know if you have any questions.

Sincerely,

ABC Electric Company, Inc.

A handwritten signature in black ink that reads 'John Whitmer'.

John Whitmer, President



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 Pre-Existing Special Permit #28F	FINAL ACTION? Yes	DEVELOPER/OWNER Union Adventist University
PLANNING COMMISSION HEARING DATE September 18, 2024	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION Generally located at South 48 th Street and Prescott Avenue.

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to amend the Pre-Existing Special Permit #28E for Union Adventist University located at South 48th Street and Prescott Avenue to revise and update the approved sign plan within the permit boundary. Currently the campus is under a Pre-Existing Special Permit that allows a private college. As part of a previous site plan approval in 2016, a sign plan was submitted and approved. This amendment proposes to update the plan as some signs have since been removed, while updating language related to the permitted size and location of future directional signs on campus.



JUSTIFICATION FOR RECOMMENDATION

The request for the amendment to the sign plan is justified as the plan pertains only to the property within the approved permit boundary. Allowing a larger height and flexible location for future directional signs is compatible with the existing use as a private college as it is common for a campus to provide various directional signs. The amendment will also update the existing sign plan by removing old signage and show updated locations for future signs.

APPLICATION CONTACT

Union Adventist University, Paul Jenks, (402) 440-5933 or paul.jenks@uau.edu

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed amendment is in conformance with the Comprehensive Plan as Union College is shown as Public and Semi-Public on the future land use map. The amendment will aid in flexibility with the site continuing as a private college within the permit boundary.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

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

Policies Section

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

Action Steps

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

ANALYSIS

1. This is a request to amend the Pre-Existing Special Permit #28E for Union Adventist University to modify the existing sign plan initially approved under PESP #28D in 2016. The initial sign plan detailed the location of existing and proposed signs on the college campus. Over the last 8 years the college has removed some of the original signs shown and proposes new signs of various size and height for directional signage. The amendment will help update the plan to match the existing conditions while adding text relating to the size and height of future signs.
2. The modified plan will update the numbering and location of signs while adding additional text granting greater flexibility with future directional signs. The existing Pre-Existing Special Permit allows the use of a private school, which the college has operated under with an associated site plan detailing the permit boundary. The campus area within the permit boundary is zoned both R-4 & R-6 Residential. Following Lincoln Municipal Code (LMC) Chapter 27.69 Signs, the campus would be very limited on allowed signage due to the underlying residential zoning which is why a sign plan was adopted in 2016 showing the approved locations of campus signs. Since the desired signs and sizes are not allowed by right in residential zoning, the approved sign plan must be amended before the signage would be permitted.
3. Currently the sign plan shows the future location of the proposed signs, but then reverts back to LMC 27.69 on the height and area allowed. This limits the campus to directional signage no larger than 2 square feet if located in the front yard setback and 6 square feet outside of the setback. Although these provisions are beneficial in a residential setting, larger directional signage is thought to be common and compatible with uses like private schools or hospitals that have larger campuses with multiple buildings. With the updated amendment, a note will be added to the sign plan detailing 15 locations on the campus that will allow directional signs up to 7 feet in height and 19 square feet in area. A separate note will be added which allows the Planning Director to approve minor modifications to the sign plan, allowing greater flexibility with plan revisions in the future if the college wants to relocate or add a proposed sign due to changes on campus.
4. The proposed amendment and added notes to the existing plan is compatible with the original intent of the sign plan as it will update the existing and future locations of signs. This amendment to the plan is only for the Union Adventist University campus and does not include the Seventh Day Adventist Church property located south of Prescott Avenue. The request to allow a larger area and increased height for directional signage is considered to be compatible and beneficial for navigating a college campus.
5. The request is consistent with the future land use on the 2050 Comprehensive Plan as the Union Adventist University campus is shown as P, Public and Semi-Public, which is common with larger educational campuses and facilities across the city. The request aligns with the Comprehensive Plan by providing flexibility related to educational facilities and related to the ongoing infill and redevelopment on an educational campus.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Union Adventist University, R-6 & R-4, Residential

SURROUNDING LAND USE & ZONING

North: Single-family, two-family, and apartment dwellings, elementary school

R-5 & B-3

South: Single-family, two-family, and apartment dwellings, commercial

R-6 & B-3

East: Single-family, two-family, and apartment dwellings
West: Commercial, two-family, and apartment dwellings

R-4
B-3

APPLICATION HISTORY

Pre-1978 Various street and alley rights-of-way within the Union College campus were vacated.

May 1978 Special Permit #814 approved a health education facility (the Health Science Complex) on the Union College campus.

May 1979 The zoning update changed the zoning on the Union College campus from B Two-Family and D Multiple-Family to R-4 Residential and R-6 Residential.

April 1991 Board of Zoning Appeals #1887 approved a reduction of the front yard setback from 25' to 0' on Lots 11 through 16, Block 31, College View (along a portion of the south property line of the College View Seventh-day Adventist Church).

May 2002 Administrative Amendment #02036 to Pre-Existing Special Permit #28 approved a revised parking lot and two new building envelope boundaries.

Aug 2002 Administrative Amendment #02058 to Pre-Existing Special Permit #28 approved the revision of a building envelope boundary.

Jul 2004 Waiver #04008 approved a waiver to the surfacing requirements for a newly added parking lot.

Aug 2004 Administrative Amendment #04036 to Pre-Existing Special Permit #28 approved the addition of a parking lot.

May 2005 Pre-Existing Special Permit #28A was approved allowing an expansion of the permit boundary by adding approximately 1.23 acres near South 52nd and Stockwell Streets to add a building and parking.

Oct 2011 Pre-Existing Special Permit #28B was approved allowing an expansion of the permit boundary by adding approximately 2.6 acres near South 52nd and Bancroft Streets to add a building and parking. 28 Pre-Existing Special Permit #28D Page 3

May 2012 Pre- Existing Special Permit #28C was approved allowing an expansion of the permit boundary to add approximately 1.7 acres to accommodate a new building and associated parking areas.

Mar 2015 Administrative Amendment #15010 to Pre-Existing Special Permit #28C approved nine new signs as part of an overall sign package/plan.

July 2016 Administrative Amendment #16043 for Pre-Existing Special Permit #28C approved a new sign for Union College and a sign to be removed on the northeast corner of South 48th Street and Prescott Avenue.

Aug 2016 Pre-Existing Special Permit #28D was approved to expand the special permit boundary to include the College View Seventh-day Adventist Church and amend campus signing.

July 2022 Administrative Amendment #22045 to Pre-Existing Special Permit #28D approved the site location and parking for a new structure on the northeast corner of the campus.

Nov 2022 Pre-Existing Special Permit #28E was approved allowing a height waiver to increase the maximum height allowed to 80 feet within the special permit boundary of the Union College property.

APPROXIMATE LAND AREA: 39 acres, more or less

LEGAL DESCRIPTION: See Attached

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

Date: September 4, 2024

Applicant/
Contact Architecture Etcetera
 Chisty Joy
 2436 N. 48th Street
 Lincoln, NE 68504
 (402) 464-6600
 Cjoy@archi-etc.com

Owner: Union Adventist University
 3800 S. 48th Street
 Lincoln, NE 68506
 (402) 440-5933
 Paul.jenks@uau.edu

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/PESP/PESP28F Union College Signs.bmc .docx>

CONDITIONS OF APPROVAL - PRE-EXISTING SPECIAL PERMIT #28F

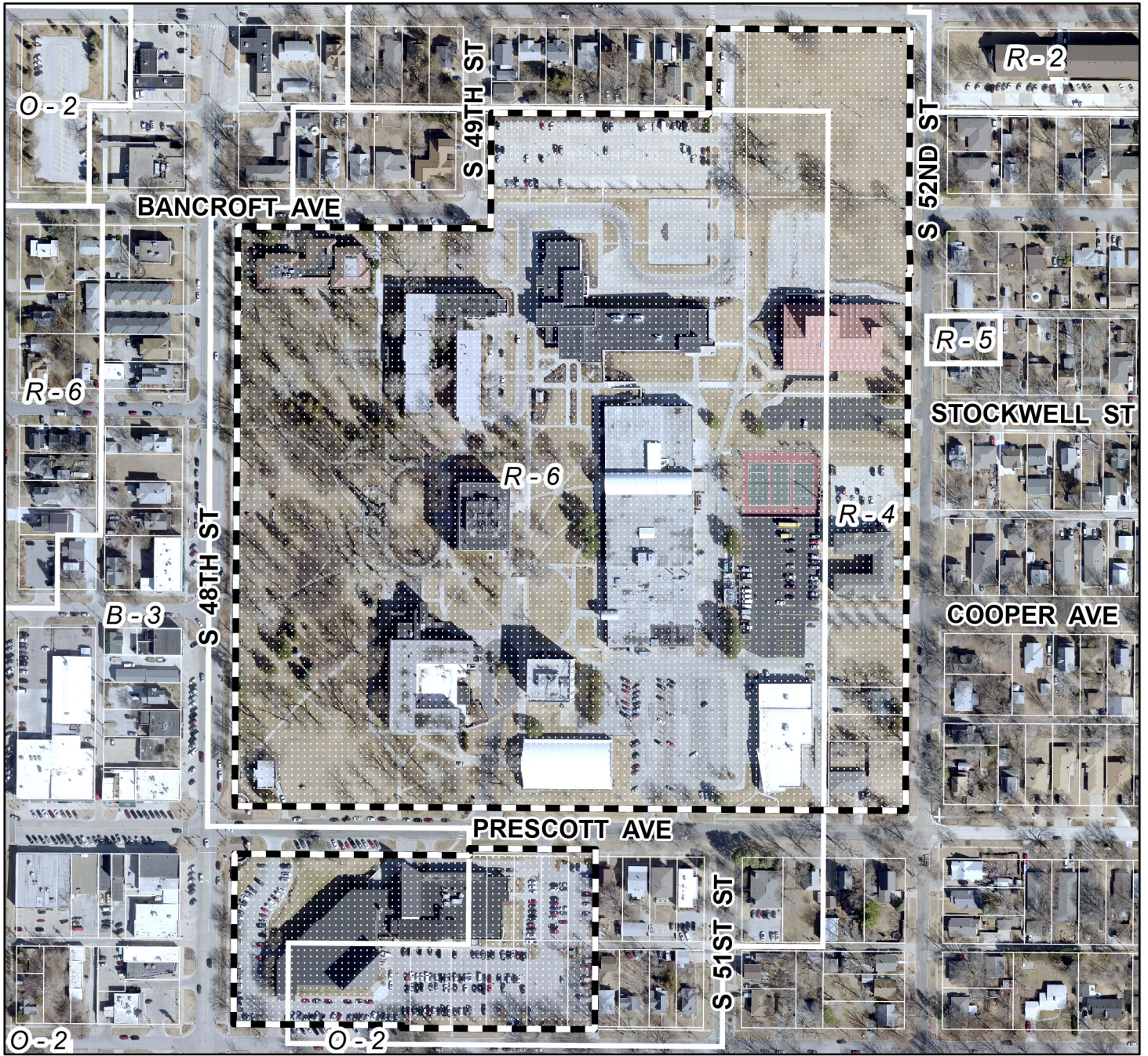
Per Section 27.63.075 this approval permits an amendment to the existing sign plan for the addition of note allowing directional signs up to 7 feet in height and 19 square feet in area. This approval also includes an additional note granting the Planning Director authority to approve minor modifications to the sign plan.

Site Specific Conditions:

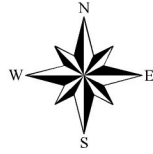
1. Before receiving building permits) the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
 - 1.1 Add a note to the site plan stating, "The Planning Director may administratively approve minor modifications to the sign plan, including sign location, height and area."
 - 1.2 Revise note on the site plan to refer to "Directional" not "Dimensional" signs.

Standard Conditions:

2. The following conditions are applicable to all requests:
 - 2.1 Before applying for building permits 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. 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.



Special Permit #: PESP28F
Union College
S 48th St & Prescott Ave

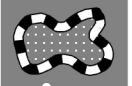




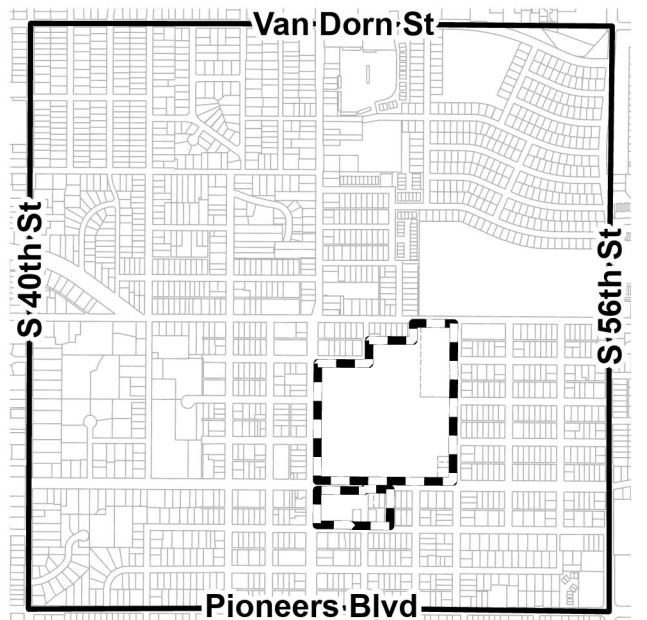
2020 aerial

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.05 T09N R07E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



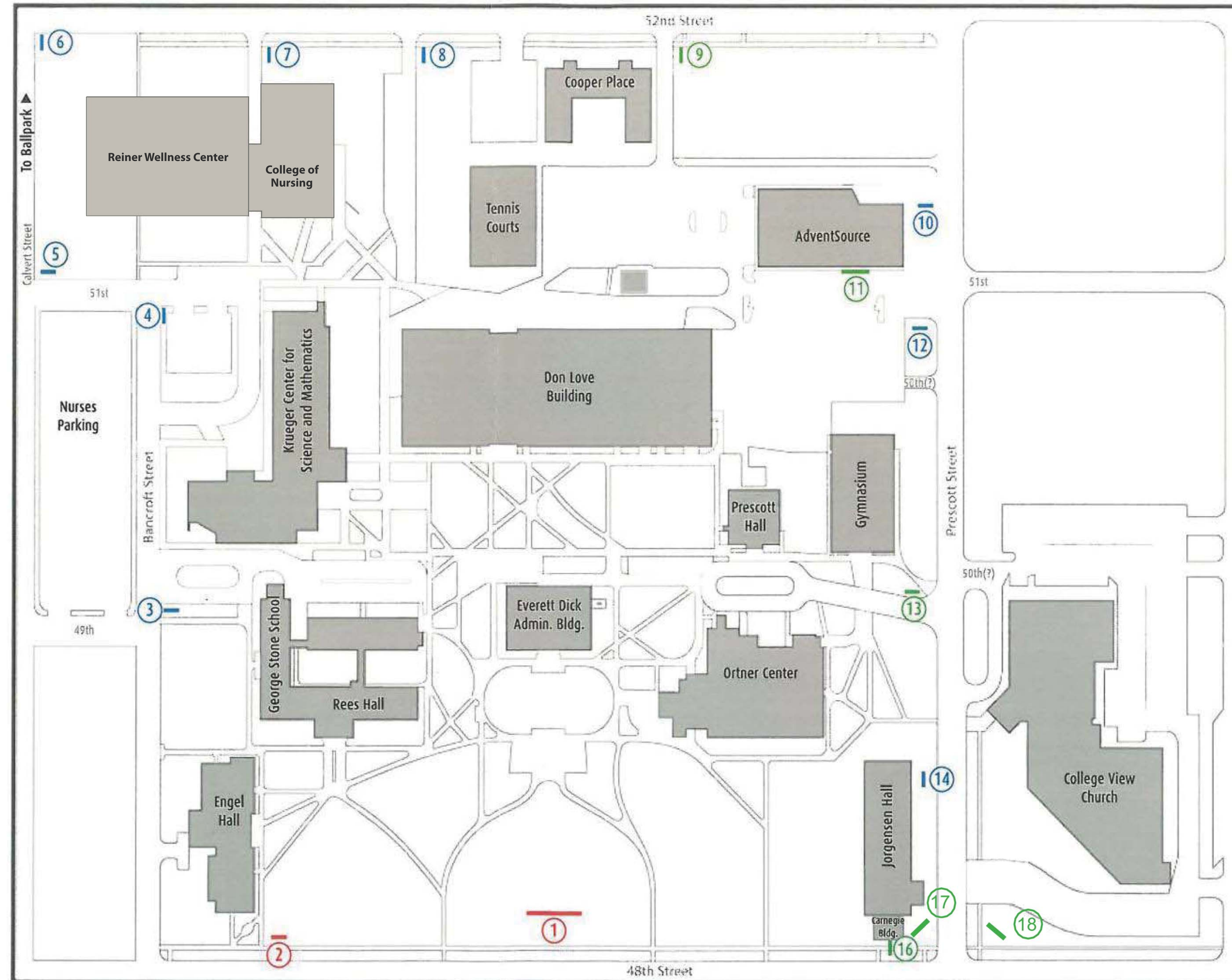
NOTE: Sign sizes and their locations are conceptual and all new proposed signs must be located outside the right-of-way and be in conformance with Chapter 27.69, except for dimensional signs 3-5, 7-8, & 10-14 which are allowed up to 7 feet in height and 19 SF in area.

NOTE: Sign #18 will have two faces; one face will advertise Union College and the other will advertise the College View Church Seventh-Day Adventist Church


SIGNAGE LOCATIONS

- █ Existing Conforming Sign
- █ Existing Nonconforming Sign
- █ New Proposed Sign

NOTE: Sign #15 Has been removed from this plan.



Union College
 Exterior Sign Locations For Permitting
 August 2024 - Sheet 3 of 4

 <p style="font-size: 8px;">Ayars & Ayars, Inc. 2426 North 48th Street Lincoln, Nebraska 68504 ph: 402-464-6600 www.ayarsgroup.com</p>	<p style="font-size: 8px;">ARCHITECTURE ETCETERA 2426 North 48th Street Lincoln, Nebraska 68504 ph: 402-464-6600 fx: 402-464-6610</p> <p style="font-size: 8px;">ARCHI+ETC. ARCHITECTURE ETCETERA</p>
<p style="font-size: 8px;">Union College 3800 South 48th Street Lincoln, Nebraska 68506</p>	
<p style="font-size: 8px;">Date Started: 8-20-24</p>	
<p style="font-size: 8px;">18-155</p>	
<p style="font-size: 8px;">© Arch+etc. LLC. This drawing and associated specifications is copyright as dated and shall remain in the property of the Architect. No part of these documents shall be reproduced in any form or by any means without written permission from the Architect.</p>	

NOTICE OUR ETCETERA + BE INSPIRED BY OUR ARCHITECTURE

August 20, 2024

Mr. David Cary Planning Director
Attn: Mr. Ben Callahan, Planner
Lincoln-Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508

RE: Amendment to the PESP28E Special Permit

Dear David,

On behalf of Union Adventist University (formally Union College), we are submitting an application for an amendment to the PESP28E Special Permit to allow for signage, additional wayfinding and directional signage at the address area of 3800 South 48th Street & 3733 South 52nd Street; noted as parcel ID numbers 16005440004000 and 1605444001000 in the City of Lincoln Nebraska . The University has had an educational presence in our community since 1890 and continues to serve and grow to meet the educational needs for many people. The Owner has made excellent Campus facility improvements and this will allow for stress-free travel on Campus. The approval of the amendment to the special permit will complete the step in the process to grant the additional necessary signage on Campus.

Thank you for taking the time to review and consider this request for the amendment to the PESP28E special permit. Please feel free to contact me or our team with any questions or comments.

Best regards,

Cristy K Joy

Cristy K Joy, AIA NCARB LEED AP
Architect of Record: NE A-2535
Coordinating Professional: NE A-2535
CELL: (402) 429-7150
EMAIL: cjoy@archi-etc.com

Enclosed:
Application Form



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

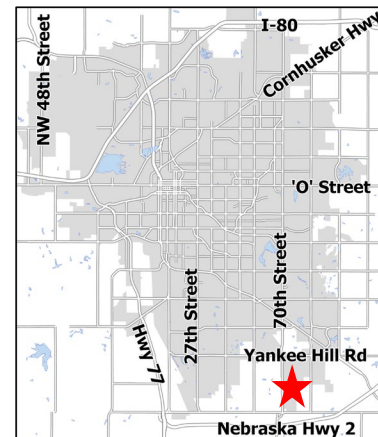
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #SP19006B	FINAL ACTION? Yes	DEVELOPER/OWNER Remington Homes, LLC/Rokeby Holdings, LTD
PLANNING COMMISSION HEARING DATE September 18, 2024	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION S. 76 th Street and Ambrose Drive

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to amend Special Permit #19006 Grandview Estates 2nd Addition Community Unit Plan (CUP) to allow a reduction in the minimum lot area and average lot width for single family dwellings in the R-3 Residential District. This request includes 22 lots as part of the already platted Grandview Estates 14th Addition. This area is located generally to the northeast of Lincoln Standing Bear High School at S. 76th Street and Ambrose Drive. The basis for the request is to allow for detached single-family homes instead of only attached single family homes.



JUSTIFICATION FOR RECOMMENDATION

The request is justified in that the request allows the developer the flexibility to have the option for smaller, more affordable detached single-family homes instead of attached single family homes. The number of dwelling units will not change.

APPLICATION CONTACT

Bob Benes, (402) 423-6811 or bob@aspenbuildersinc.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This request is consistent with the Comprehensive Plan as the use is still urban residential, which is the general land use designation for this area. In addition, the approval of this request allows an additional option for residential development.

WAIVERS

1. Zoning Ordinance 27.72.020(a) to reduce the minimum lot size for single family dwellings from 6,000 square feet to 5,000 square feet for Block 21, Lots 8-17 and Block 22, Lots 1-12 of the Community Unit Plan. (Recommend Approval)
2. Zoning Ordinance 27.72.020(a) to reduce the average lot width for single family dwellings from 50 feet to 45 feet for Block 21, Lots 8-17 and Block 22, Lots 1-12 of the Community Unit Plan. (Recommend Approval)

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

[Figure GF.b: 2050](#) - This site is shown as urban density residential on the 2050 Future Land Use Plan.

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

Fundamentals of Growth in Lancaster County

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

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.

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

Elements Section

E1: Complete Neighborhoods and Housing

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

A complete neighborhood is one where residents have safe and convenient access to goods and services needed

for daily life activities.

Policies Section

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

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

Action Steps

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

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

ANALYSIS

1. This is a request for an amendment to SP19006 Grandview Estates 2nd Addition Community Unit Plan (CUP). This CUP is generally located east of S 70th Street and south of Rokeby Road. The request is to amend the minimum lot area for single family dwellings and average lot width per the R-3 Zoning District requirements by reducing the minimum lot area from 6,000 to 5,000 square feet and average lot width from 50 feet to 45 feet. The request would affect 22 lots that have already been platted as part of Grandview Estates 14th Addition.
2. Per Table 27.72.020(a) The R-3 Zoning District requires 6,000 square feet minimum lot area for single family detached versus 5,000 square feet for single family attached (two family dwelling). The minimum average lot width required for single family dwelling is 50 feet compared to 40 feet for single family attached.
3. The applicant is requesting the amendment to allow for smaller, more affordable single family detached homes on the lots. No increase in the number of dwellings is requested, rather this is to allow for small, detached homes instead of attached homes.
4. The Grandview Estates 2nd Addition Community Unit Plan overall includes 475 single family lots, 42 single family attached lots, and 2 apartment lots which would be located on the east side of S. 70th Street north and south of Ambrose Drive. The total CUP area is 241 acres with 1,681 dwelling units allowed and 1,428 units used with 253

unassigned units. The CUP already allows for lots which are single family lots (detached) may be used as an attached single-family lot provided that the lot meets the minimum lot area requirement including a minimum width of 40 feet and setbacks for a two-family lot located in the R-3 zone. This amendment would provide for the reverse option for the lots in question with the approval of the waivers.

5. The requested waivers are appropriate. The smallest existing lot size is 5,873 square feet, so slightly below the 6,000 square foot lot size for single family detached homes. The smallest lot width is 45 feet or 5 feet below the minimum 50 foot required for single family detached homes. These waiver requests are typical of other CUPs which have allowed for lot size and width reductions for residential development while still in keeping with the intent of the Zoning Ordinance and Comprehensive Plan.
6. This request is consistent with the Comprehensive Plan by allowing for flexibility and smaller single-family homes which will be more affordable.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Vacant, undeveloped R3 Residential

SURROUNDING LAND USE & ZONING

North: Vacant/undeveloped	R3 Residential
South: Vacant/undeveloped	R3 Residential
East: Vacant/undeveloped, Utility Facility	R3 Residential, AG Agriculture
West: Vacant/undeveloped	R3 Residential

APPLICATION HISTORY

- | | |
|--------------|--|
| May, 2024 | Grandview Estates 14 th Addition final plat was approved which included 43 lots for single family detached and single family attached dwellings. |
| August, 2022 | AA22044 was approved to substitute attached single-family lots for detached single-family lots in Blocks 6, 23 and 25; and to substitute single-family lots for attached single-family lots in the east one-half of Block 21; create an outlot in Block 10 for open space to allow for a small neighborhood park; and to update the density/land use table. |
| March, 2022 | AN22001 and related CZ22003 were approved by City Council which annexed 42.35 acres and allowed for a 33 acre expansion of the Grandview Estates 2 nd Addition CUP and a 10 acre expansion of the Planned Unit Development. AN22001 annexed the void between the new Standing Bear High School and that portion of the CUP annexed previously. CZ22003 was the change of zoned from AG to R-3 to allow for the 33-acre expansion of the CUP. It generally consisted of what is shown as Phase II of the phasing plan for the CUP. |
| March, 2021 | AA20065 was approved which revised the phasing plan, to delete Hemingway Avenue, and to show alternate traffic calming measures. |
| April 2019 | SP19006 was approved by the Planning Commission which authorized up to 1,681 dwelling units as part of the Grandview Estates 2 nd Addition Community Unit Plan on approximately 241 acres southeast of the intersection of South 70 th Street and Rokeby Road. |

APPROXIMATE LAND AREA OF AMENDMENT: 3.45 acres

LEGAL DESCRIPTION:

Lots 1-10, Block 2 and Lots 1-12, Block 4, Grandview Estates 14th Addition

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

Date: September 5, 2024

Applicant: Remington Homes, LLC
1640 Normandy Court, Suite A
Lincoln, NE 68512
(402) 423-6811
bob@aspbuildersinc.com

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

Owner: Rokeby Holdings, LTD
7211 S. 27th Street
Lincoln, NE 68512

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/19000/SP19006B Grandview Estates 2nd.gjw.docx>

CONDITIONS OF APPROVAL - SPECIAL PERMIT #19006B

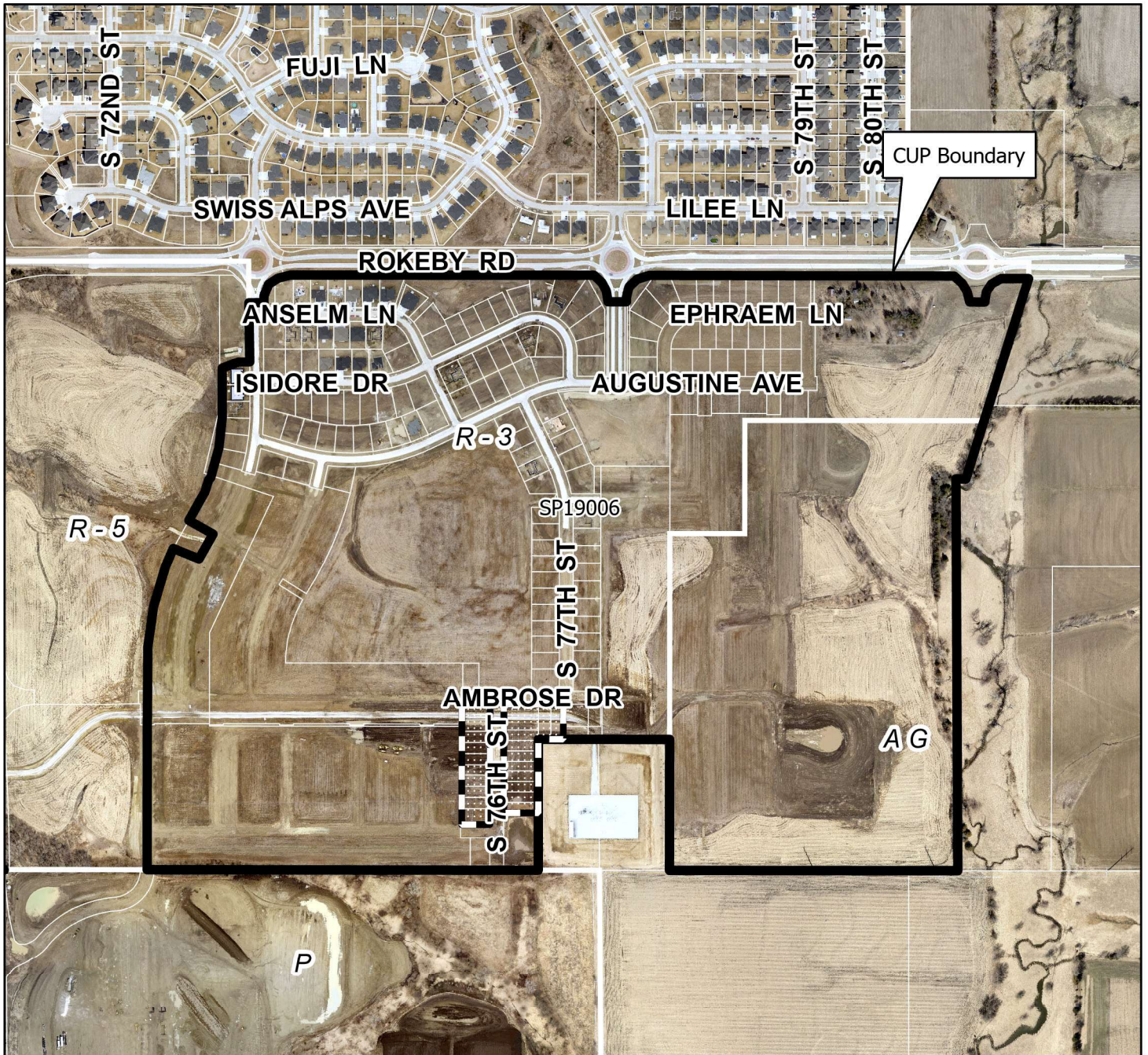
Per Section 27.63.320 this approval amends the existing SP19006 Grandview Estates 2nd Addition by reducing the R-3 District minimum lot size from 6,000 square feet to 5,000 square feet and the average lot width from 50 feet to 45 feet for single family dwellings for Block 21, Lots 8-17 and Block 22, Lots 1-12 of the Community Unit Plan.

Site Specific Conditions:

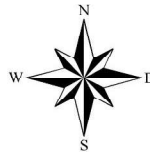
1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
 - 1.1 Update the title information to reference Special Permit 19006B.
 - 1.2 Revise Note 19 to change the word "Shall" to "Are Allowed To".

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



Special Permit #: SP19006B
Grandview Estates CUP
S 76th St & Ambrose Dr



2020 aerial

One Square Mile:
 Sec.34 T09N R07E

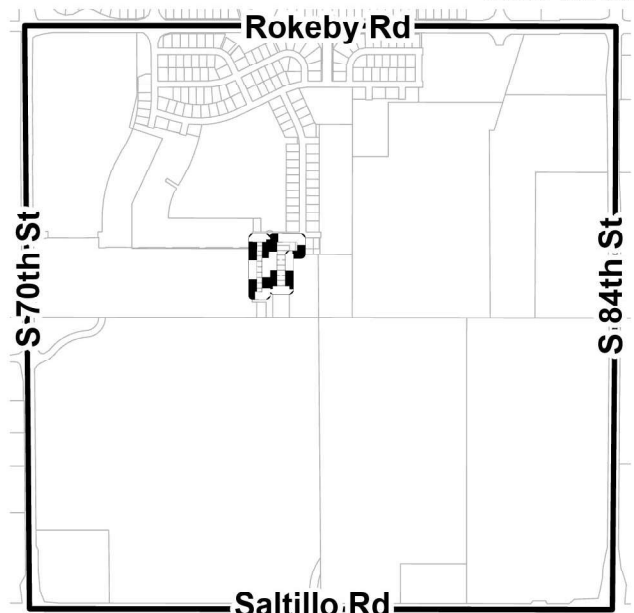
Zoning:

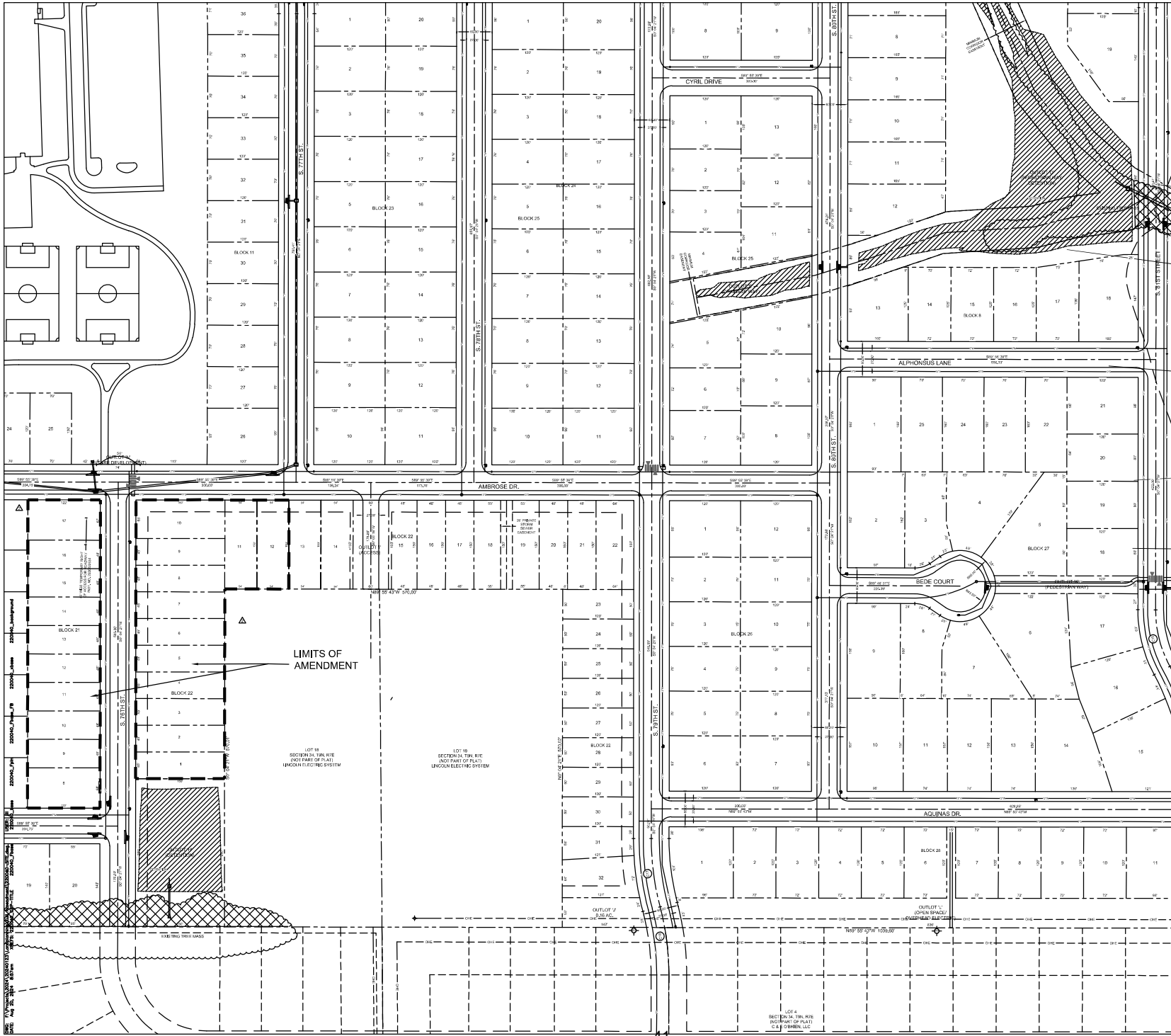
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction





- LEGEND**
- C.U.P. BOUNDARY
 - RIGHT OF WAY DEDICATION
 - PROPOSED R.O.W.
 - PROPOSED LOT LINE
 - PROPOSED STREET CENTERLINE
 - PROPOSED EASEMENTS
 - EXISTING WATER MAIN
 - EXISTING SAN, SEWER
 - PROPOSED WATER MAIN
 - PROPOSED SANITARY SEWER
 - PROPOSED FIRE HYDRANT
 - PROPOSED SANITARY MANHOLE
 - EXISTING TREE MASS
 - EXISTING TREE MASS TO BE REMOVED
 - LIMITS OF DETENTION CELL
 - FLOODPLAIN BASED ON APPROVED UPPER WAGON TRUSS WATERSHED MASTER PLAN
 - FEMA MAPPED 100 YEAR FLOODPLAIN

REVISIONS

NO.	DATE	DESCRIPTION
1	11/14/2023	ISSUED FOR PERMIT
2	04/23/2024	REVISED PER PERMIT COMMENTS

Civil Design Group, Inc.
 1800 S. UNIVERSITY AVENUE, SUITE 200
 LINCOLN, NEBRASKA 68502
 PH: 402.441.1111 FAX: 402.441.1127
 www.civil-design.com

CONSULTING ENGINEER • ARCHITECT • PLANNING • ANALYSIS

2024

**GRANDVIEW ESTATES AND ADDITION
 AMENDMENT TO COMMUNITY LIMIT PLAN #1902B**

SITE UTILITY PLAN

LINCOLN, NEBRASKA

Drawn by: JSA
 Checked by: JSA
 Approved by: JSA
 Project No.: 2304123
 Issue No.: 02
 Date: 08/23/2024

**SHEET
 6 OF 26**



Civil Design Group, Inc.

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

August 20, 2024

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

Re: Application for an Amendment to the Grandview Estates CUP, CDG Project #2024-0123.

Dear Mr. Cary:

On behalf of Remington Homes, LLC we submit the above mentioned application for an amendment to the Grandview Estates CUP. This amendment is to request a waiver of the average lot width and the minimum lot area for "Single-Family Dwellings" per the R-3 zoning code for the specific lots that have been platted as Grandview Estates 15th Addition. This waiver, which is prevalent in other R-3 CUPs will allow for smaller more affordable single family detached home on these lots.

Waiver:

Table 27.72.020(a) R-3, Single-Family Dwellings –
Average Lot Width reduced from 50' to 45'
Minimum Lot Area from 6,000 SF to 5,000 SF

In conjunction with this submittal we have included the following:

City of Lincoln CUP Amendment Fee: \$1,109.00
Amendment Community Unit Plan Application
Plans uploaded via Project Dox

I hope that this letter and associated plans provide you with enough information to review this application. Please call me at (402) 434-8494 if you have questions.

Sincerely,

Mike Eckert, AICP

Encl

cc: Remington Homes, LLC

/Volumes/Public/F/Projects/2024/20240123/Landplanning/Doc/240123 Full CUP Amendment 08-20-24.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 Comp. Plan Amendment #24004, Change of Zone #24003	FINAL ACTION? No	DEVELOPER/OWNER Glenbrook LLC
PLANNING COMMISSION HEARING DATE September 18, 2024	RELATED APPLICATIONS Use Permit #24003	PROPERTY ADDRESS/LOCATION Northwest corner of S 70 th & Nebraska Parkway

RECOMMENDATION: CPA #4004 and CZ #24003 DENIAL

BRIEF SUMMARY OF REQUEST

This combined staff report for a Change of Zone from AGR Agricultural Residential to O-3 Office Park district and Comprehensive Plan Amendment from Urban Residential to Commercial on the northwest corner of S 70th Street and Nebraska Parkway. It is associate with a request for a Use Permit to develop approximately 51,000 square feet of office space with access to Nebraska Parkway.



JUSTIFICATION FOR RECOMMENDATION

This application is incompatible with the Comprehensive Plan which calls for urban residential use on this site. It also is contrary to the City’s Access Management Policy related to expressway access and the long history of the City and Nebraska Department of Transportation actions to limit access to Nebraska Parkway. This site can be developed residentially and there is more than adequate commercial and office development along Nebraska Parkway.

APPLICATION CONTACT

Nate Burnett, 402-484-7342

STAFF CONTACT

Stephen Henrichsen, (402) 441-6374 or shenrichsen@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This proposal does not conform with the Comprehensive Plan for several reasons. It is designated for Urban Residential use and is surrounded by urban residential uses except for a large church to the east. The City and State have supported the development of Nebraska Parkway as an expressway for over 40 years. Nebraska Parkway is the lone expressway well within the city limits to help with traffic movement within the city. Driveways are incompatible with an expressway and are not allowed by the City’s Access Management Policy. Efficient and safe traffic flow is a goal of the Comprehensive Plan and the proposed commercial driveway off Nebraska Parkway to serve this project degrades the expressway function. The site is appropriate for residential development in conformance with the Land Use map of the Comprehensive Plan.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

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

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

Fundamentals of Growth in Lancaster County

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

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.

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.

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.

Commercial Centers

Figure E3.d: Commercial Center Design Strategies

1. Encourage a mix of office, retail, service, and residential uses. The center may include mixed-use buildings with residential or office above a first-floor retail or service use.
2. Discourage auto-oriented strip commercial development. Commercial Centers should not be developed

- in a linear strip along a roadway or be completely auto-oriented. Design new Commercial Centers in a manner that facilitates future development and intensification of land uses on the site.
3. Develop Commercial Centers as compact clusters or mixed-use nodes with appropriate site design features to accommodate shared parking in the rear of buildings and ease of pedestrian movement to minimize impacts on adjacent areas, and to encourage a unique character.
 4. Locate the most intensive commercial uses, such as restaurants, car washes, grocery stores, gas stations/ convenience stores and drive through facilities nearer to the major street or roadway and furthest from the residential area (unless contained within a mixed use center). Lighting, dumpsters, loading docks and other service areas should be screened from residences.
 5. Design buildings and land uses at the edge of the center to be an appropriate transition to lower density residential uses. Examples of appropriate edge land uses include apartments, mixed use residential buildings, offices, assisted living facilities, or child care centers. Transitional elements such as greater setbacks and enhanced screening should be required for buildings that are out of character with the adjacent residential district, such as buildings that exceed the maximum allowed height of the adjacent district.
 6. Develop smaller stores next to larger anchor stores in centers to encourage small businesses and to provide a variety of goods and services for customers utilizing the centers.
 7. Encourage multiple street connections to adjacent residential neighborhoods to allow convenient access for neighboring residences and pedestrians without the use of arterial streets, but exercise care in designing the street network to minimize undesirable traffic impacts.
 8. Encourage commercial development at $\frac{1}{4}$ or $\frac{1}{2}$ mile between major intersections in order to create centers that are centrally-located within each square mile to facilitate easier pedestrian access and also allow for vehicular access points that meet the city's Access Management Policy.
 9. 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.
 10. Design streets, and public spaces, buildings, and parking areas to enhance pedestrian activity and support multiple modes of transportation, including transit.
 11. Provide public amenities such as recreational facilities, plazas, squares and other types of green spaces and meeting areas open to public.
 12. Provide for a variety of housing opportunities, including higher-density housing, within and adjacent to the Commercial Center.
 13. Elevate building design for centers.

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

P6: Nodes and Corridors - Facilitate the redevelopment of prioritized Nodes and Corridors to create high-quality mobility-focused neighborhoods. Focus efforts on supporting additional jobs and residential development, including a

variety of housing types and price points.

Action Steps

2. Develop design standards to be utilized across all Mixed Use Redevelopment Nodes and Corridors. Design standards should be clearly written and allow for an efficient, expeditious review process, while especially focusing on the interface with residential neighborhoods, attractive streetscapes, and safe and comfortable movement of people - whatever their mode of travel.
3. Implement nodes and corridor principles as discussed in the Infill and Redevelopment element.
4. Continue utilizing TIF, and evaluate other incentives, to promote high-quality development in targeted areas.
6. Coordinate transit and other mobility enhancements with nodes and corridor areas.

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.

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

Action Steps

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

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

Action Steps

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

CLIMATE ACTION PLAN SPECIFICATIONS:

p. 8 Strategic Vision - Lincoln will reduce net greenhouse gas emissions 80% by 2050 (relative to 2011 levels). This ambitious goal will serve as a guiding target for municipal operations, the Lincoln Electric System, local businesses and institutions, and our entire community in the years to come. Lincoln joins scores of cities across

the country who have set a similar “80x50” goal to reduce emissions. A myriad of strategies in the plan speak to achieving this target, from increasing energy efficiency, generating more electricity from renewable energy, switching to electric vehicles and active commuting modes, and employing natural climate solutions.

- p. 11 Key Initiative - Transition to Low-Carbon Energy.
- Continue incentive-based (residential, commercial, or industrial) programs promoting the installation of renewable energy systems. Incentives may include offering rebates on purchasing equipment, attractive net metering pricing, tax incentives, height allowances, setback, and area-based incentives, expedited permitting, and others.
- p. 14 Key Initiative - Build a Decarbonized and Efficient Transportation System.
- Continue to encourage mixed-use development in the Comprehensive Plan.
 - Consider Transit Oriented Development policies in the update of the Comp Plan 2050.
- p. 19 Key Initiative - Improve Protections for and with Lincoln Residents
- Maintain the Community Rating System (CRS) rating that allows for a 25% reduction in flood insurance premiums for property owners in floodplains.
 - Continue to encourage installation of green infrastructure strategies where appropriate, to include grants and incentives. Examples of green infrastructure strategies include rain gardens, bioswales, and permeable pavement to reduce stormwater runoff.
- p. 25 Key Initiative - Maximize Natural Climate Solutions
- Continue to support prairie restoration and protection of natural resources.
 - Continue to use a Rain-to-Recreation model to utilize floodplain for appropriate recreational activities.

ANALYSIS

1. This is a request for a use permit as part of three applications to allow 51,000 square feet of commercial space on the northwest corner of S 70th Street and Nebraska Parkway.

Background

2. The application was originally received on February 29, 2024. The applicant requested internal setbacks be zero and a deviation to the Access Management Policy to allow a driveway on Nebraska Parkway. Since the completion of the South Beltway (new Highway 2) and transfer of the former Highway 2 (now Nebraska Parkway) to the City of Lincoln, it was thought that the City controlled the access as well.
3. Nebraska Parkway is designated as a Freeway/Expressway in the Access Management Policy. This is the highest category in the Access Management Policy which states:
“Five levels of access management have been defined for streets within the City of Lincoln:
A. Access Category A: Freeways and Expressways
These roads serve high volumes of traffic traveling long distances. Their function is to provide mobility of through traffic. Access is limited and controlled to reduce interference and facilitate through movements. Access management for this road category is controlled by the Nebraska Department of Roads (NDOR).”
4. Throughout the history of Nebraska Parkway, the Nebraska Department of Transportation (NDOT) and the City of Lincoln have limited access to Nebraska Parkway. Neither have allowed any driveways and access points have generally been a ½ mile apart. The lone exceptions are: 1) the cement plant east of S 48th Street, and 2) The Fort shopping center west of 56th Street. Air photos show access to the cement plant has existed since 1941 on this site. The rail line on the south side of Nebraska Parkway and the commercial use on the cement plant pre-exist Highway 2/ Nebraska Parkway itself. The Fort was built in the mid 1980’s.
5. The Access Management Policy does not permit driveway access to arterial streets or expressways. While there are many examples that are contrary to the adoption of the Access Management Policy, the history along Nebraska Parkway has been very consistent to limit access to streets spaced a half a mile apart. As commercial development along Nebraska Parkway occurred from 14th Street to 98th Street, not a single driveway has been approved in the

past 40 years. In many cases there is over a ½ mile without any street or driveway access, such as from 33rd to 40th Street and 40th to 48th Street. As development proceeded east of 56th Street, NDOT and the City consistently limited access for any new development and did not permit driveways.

6. In the review of the application, it was determined that NDOT had purchased access rights to Highway 2 in the past to this property. It was then determined that NDOT still had access review over Nebraska Parkway. The proposal was then routed to NDOT for review.
7. On April 10th, the NDOT notified the City that the “NDOT Access Control Team has determined that the proposed right-in, right-out access to Nebraska Parkway does not meet the NDOT or City of Lincoln’s access control policies regarding intersection spacing requirements and therefore recommend denial of the access at this location.”
8. The City let the applicant know that since access to Nebraska Parkway was not permitted by NDOT, and that such an access was contrary to the Access Management Policy and therefore not supported by the City, the application should be withdrawn. The applicant asked for the application to be put on hold.
9. On May 20th, NDOT let the applicant know they had changed their determination and would allow access. NDOT noted that a right turn lane would need to meet State standards and that access would have to be purchased from the State.
10. The City requested that NDOT explain the reversal in the access and the long standing limitation on driveway access on a freeway/expressway. Nathan Saban, NDOT Right of Way Division Engineer, responded on August 15th that:

“After the initial denial of the access break, the state was contacted by the applicant to provide an additional review of the site based on the urban context of the site in relationship to the intersection of 70th & Nebraska Parkway. As part of the requested review, NDOT determined that there could be an opportunity for the applicant to gain an access break that conforms to NDOT’s policy, and if certain conditions are met by the developer. The conditions that NDOT provided for the applicant’s concept included stipulations and updates, such as, revised traffic study, updated site plan, “Right-in/right-out” access, offset turn lane, and an appraisal. From this review, NDOT concluded the applicant’s concept for access is consistent with the urban context for the classification of roadway, and approved the concept.”
11. This determination by NDOT to allow this access on an expressway is not consistent with decades of NDOT limiting access to Highway 2 in the Lincoln urban area where half mile spacing has been the norm. Regardless of the NDOT determination, the access does not conform to the City’s Access Management Policy. However, the City does not control the access; NDOT has control over the access. It is also unclear if NDOT now supports driveway access for other commercial developments along Nebraska Parkway or other designated expressways such as Highway 77 or Highway 2 in the Lincoln urban area.
12. The applicant submitted a deviation request to the City of Lincoln to permit the driveway. Previously, the City let the applicant know a deviation request would be denied. However, it was then determined that NDOT still had control of access and then NDOT subsequently approved of access. The City couldn’t deny access so the deviation request had to be approved acknowledging the NDOT authority. Despite the deviation request approval due to lack of authority, the access does not abide by the City’s Access Management Policy and therefore the City still opposes the driveway on an expressway.
13. The City of Lincoln does have authority over the Comprehensive Plan, zoning and use permit applications.

Adequate and Safe Access is Provided

14. Street access to this property is provided by 69th Street to the north. When Southfork Estates was approved to the north, S 69th Street was extended to this property to provide access. It was known then that access to Nebraska Parkway was not allowed and access to S 70th Street would not meet standards and was not necessary for residential development. South 69th Street was extended to this lot so that it would have access consistent with other urban residential developments.

15. Southfork Estates has 24 dwelling units using the Southfork Boulevard access point to 70th Street. Residential development, on the proposed site of five acres, with R-1 zoning would permit 3.87 units per acre through a Community Unit Plan. At that density, up to 19 units would be allowed, for a total of 43 units. The property is currently zoned AGR Agricultural Residential but is shown as Urban Residential in the Comprehensive Plan. Any rezoning of the site would address the number of units allowed. Even if 43 units used this one access, that is a limited number of units that does not create any traffic safety problems.
16. The level of local traffic generated by 40 to 45 dwelling units is far below other neighborhoods across the City. Any local street may have the traffic from hundreds of homes going back and forth on the local streets past any single dwelling. Residential development on the proposed lot would actually result in traffic levels far below other residential streets in Lincoln.

Approval of Residential Infill is Compatible with Southfork Estates

17. The addition of up to 19 units on this property is compatible with the existing neighborhood. The Comprehensive Plan encourages infill and redevelopment. The City has approved infill development across the community at much higher density levels than R-1 zoning would allow here.
18. Redevelopment within an existing neighborhood, includes, for example, in 2021 the City approved Gatehouse Rows for up to 98 units with the access from only N 35th Steet through the existing Hartley neighborhood. Sunrise Villas was approved in 2022 next to Sunrise Estates with 24 units with access from Linwood Lane. While apartments are not appropriate on this site, the examples show that R-1 zoning on this site would result in a number of units well below other neighborhoods.
19. There are also other neighborhoods, that due to unique circumstances have only one way in and out. For example, Yankee Hill Townhomes, south of Warlick Blvd., was approved in 2021 for 45 units with access solely from Maple View Drive. The adjacent Wilderness View Townhomes also have well over 100 units with only one way in and out.
20. The Southfork Estates Homeowners Association (HOA) in an August 18, 2024 letter (see attached) supports the commercial development having access to Nebraska Parkway and not having access to S 69th Street. Their support is conditioned upon several building and landscaping aspects of the development. A separate agreement between the developer and HOA is underway. While the recommendation for this application is for denial, conditions of approval have been drafted that incorporate some of the provisions of the agreement. These conditions were drafted in case the City Council chooses to approve the Comprehensive Plan Amendment, Change of Zone and Use Permit.
21. Several items mentioned by neighbors in calls or in the letter from the HOA are not reflected in the site plan at this time. For example, the site plans has a 40' Rear Yard Setback, which would allow parking. The neighbors said the agreement was for a 50' setback for parking, buildings and accessory buildings was proposed. The HOA letter also notes a landscape screen, but the Use Permit does not reflect any screening since that is often handled at time of building permit. The HOA letter also notes their agreement is contingent on prohibiting retail uses. No uses allowed in the O-3 are prohibited in the use permit. The O-3 zoning district does not require screening to the residential uses. The screening requirements along require a certain amount of trees, but they can be placed throughout the site.
22. In regard to access, residents have expressed concerned about residential development on the five acre lot increasing traffic through the neighborhood. Over the years there have been inquiries about developing the site with a higher density rowhouse or multi-family development. But given the existing AGR zoning of Southfork Estates and the one way access, it is not appropriate to approve a higher density that R-1 zoning, and apartments are incompatible with the adjacent neighborhood.
23. The project is labeled as "medical office." However, the O-3 zoning does not prohibit general office uses, and conditionally allows retail and services uses. The use permit doesn't limit future tenants to medical offices. So if approved, any notations in the Use Permit to the contrary will cause confusion and delays at time of building permit and should be eliminated with approval.

Property is Appropriate and Possible for Residential Development along Nebraska Parkway

24. Residential development along Nebraska Parkway is appropriate and has been done successfully. To the northwest of this lot is Artisan Meadows, approved in 2005. Six new single family homes have been built with setbacks of about 50 to 60 feet to Nebraska Parkway. The homes have a 2024 assessed value of \$430,000 to \$550,000. Many of the homes have the same owners for 7 or more years.
25. Southfork Estates has four homes that are adjacent to Nebraska Parkway with home values from \$610,000 to \$945,000 and have been in place for over 25 years. To the south are also larger acreage lots in Lee's Summit which date back to the 1970s. In addition, Country Meadows neighborhood is to the southwest, which doesn't have houses next to Nebraska Parkway, but does have their primary access to the expressway.
26. The high point of the site is on the east and slopes to the west. This would permit dwelling units to be clustered on the north end of the site at a higher elevation than Nebraska Parkway and set significantly back from the expressway. They would be further back than the recent single family detached homes in Artisan Meadows. The City has also permitted small cul-de-sacs and a variety of street configurations to assist with infill development.
27. The proposed O-3 Office Park zoning district allows residential, including multi-family residential uses. The letter from the HOA did not address if residential uses in the O-3 zoning district is prohibited in their separate agreement. The O-3 zoning district allows residential and commercial uses to be up to 55 feet in height. For each foot above 35 feet, 1 foot is added to the required setback.
28. The proposed O-3 Office zoning is surrounded by AGR zoning in all directions. The nearest commercial zoning is B-2 zoning to the southeast across Nebraska Parkway in the Willowbrook development that currently includes Home Depot.
29. The Lincoln area has a significant amount of vacant land that is either zoned for commercial use or for future commercial zoning. In the past number of years many commercial sites have been developed with residential uses due to the lack of demand for space. There is not a pressing need for more commercial space community wide.
30. Along Nebraska Parkway there is also a significant amount of commercial space. Residents in this neighborhood and larger area are well served by a variety of commercial sites and uses. Additional commercial space is not needed to serve the residents in this area.

Further Transportation Improvements (pertinent to Use Permit, but included here for information)

31. The revised traffic study identified a significant increase in the volume of southbound to westbound right turns at S 70th Street and Nebraska Parkway. As a result of the higher trip generation, traffic volumes require a right turn lane in S 70th Street, north of Nebraska Parkway. This is in addition to the right turn lane that would be required by NDOT in Nebraska Parkway to serve the right-in/ right-out (RIRO) access at the proposed driveway.
32. Lincoln Transportation & Utilities (LTU) noted the right turn lane in S 70th Street is in conformance with City's Access Management Policy.
33. LTU explained that the need for this turn lane is justified based on the volumes generated by the site. For reference, the existing morning/evening southbound right turns (SBRT) are 25 in the AM peak hour and 78 in the PM peak hour per the traffic study. In the original traffic study, site related morning/evening SBRT's were 47 AM/23 PM. These volumes are comparatively low and would typically not justify the addition of a turn lane at an existing intersection. However, in the **revised** traffic study, site related morning/evening SBRT's are now 94 in the AM and 45 in the PM. So the overall volume is now 119 trips in the AM and 123 in the PM peak hour. The majority of these trips come from the new development. The study estimates that approximately 75% of the trips will come from the north to this site, since it has only right-in/right-out access.
34. These revised volumes indicate that the site related trips will be doubling this existing movement which resulted in the requiring a southbound right turn lane as a part of this development. The traffic study also indicates a poor Level of Service (LOS) of D-E for the southbound movement. The required addition of the right turn lane is anticipated to improve operations. Additionally, there are southbound crashes that are anticipated to be mitigated/reduced with the addition of the right turn lane.

- 35. As recommended by the developer’s traffic study, if approved, the developer will need to extend the northbound to westbound left turn lane in S 70th Street. This northbound left turn lane will need to be in conformance with Lincoln Design Standards and Access Management Policy.
- 36. There is also concern about the impact of the new development on east bound trips in Nebraska Parkway. Since the access on Nebraska Parkway is right-in only, eastbound trips will likely want to make a U-turn at S 70th and Nebraska Parkway. LTU noted extending the eastbound left turn lane would mitigate anticipated U-Turn movement related to proposed site. This is justified based on similar locations with right-in/ right-out (RIRO) access, where U-turn movements are frequently observed. Given the existing 55mph speed limit, LTU has previously provided comments requesting discussion with the developer to safely accommodate this anticipated movement at both 66th and 70th. LTU has found signage prohibiting U-turns is minimally effective and thus recommends improvements specifically adding turn lane storage to support the protected left/U-turn movement.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Single family dwelling and AGR Agricultural Residential

SURROUNDING LAND USE & ZONING

North:	Southfork Estates single family detached dwellings	AGR Agricultural Residential
South:	Lee’s Summit single family detached dwellings	AGR Agricultural Residential
East:	Berean Church	AGR Agricultural Residential
West:	Country Meadows/ Artisan Meadows single family detached dwellings	AGR Agricultural Residential

APPLICATION HISTORY -- No prior zoning or subdivision applications.

APPROXIMATE LAND AREA: 5.03 acres

LEGAL DESCRIPTION: Lot 161 Irregular Tract in the southeast quarter of Section 16, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska.

Prepared by Stephen Henrichsen, Development Review Manager
(402) 441-6374 or shenrichsen@lincoln.ne.gov

Date: September 10, 2024

Applicant: Nate Burnett,
& Contact REGA Engineering Group
601 Old Cheney Road, Suite A
Lincoln, NE 68512

Owner: Glenbrook LLC
129 N 10th Street, Suite Capitol Hall
Lincoln, NE 68508

CONDITIONS OF APPROVAL -COMPREHENSIVE PLAN AMENDMENT #24004

The recommendation is for denial of the Change of Zone and Comp Plan Amendment. However, should the City Council want to approve both, the following condition is included for the CPA #24004:

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

1. Figure GF.b: 2050 Future Land Use to change the site from Urban Residential to Commercial as shown on the attached exhibit.



2020 aerial

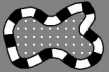


**Change of Zone #: CZ24003 (AGR to O-3) and
Use Permit #: UP24003
S 70th St & Nebraska Pkwy**

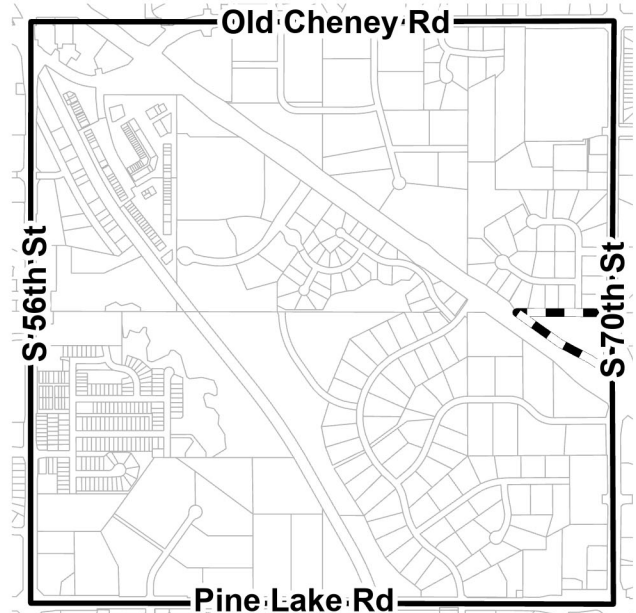


**One Square Mile:
Sec. 16 T09N R07E**

Zoning:

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

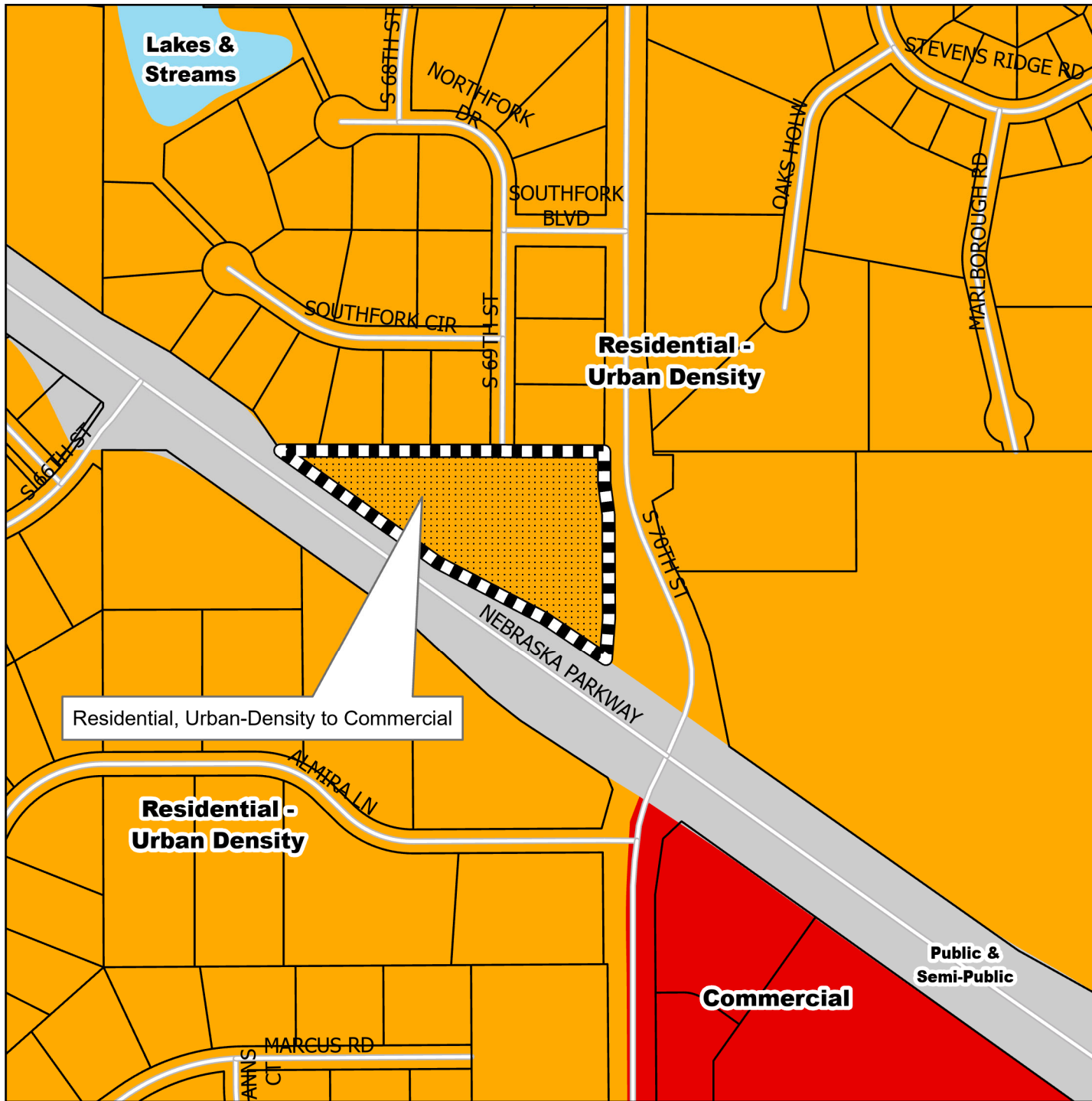
	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction
53	



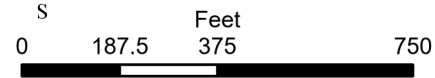
Proposed Land Use Change

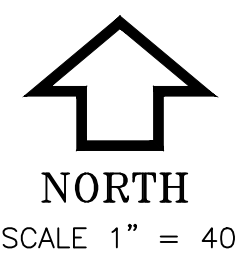
Legend

-  Application Area(s)
-  TaxParcel
-  Agricultural
-  Agricultural Stream Corridor
-  Commercial
-  Environmental Resources
-  Green Space
-  Industrial
-  Light Industrial
-  Public/Semi-Public
-  Residential - Low Density
-  Residential - Urban Density
-  Lakes & Streams

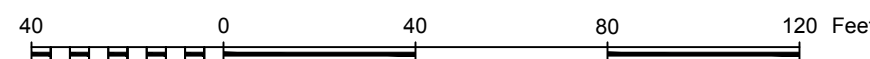


LINCOLN - LANCASTER COUNTY
PLANNING DEPARTMENT
Information Technology Services
355 South 10th Street
Lincoln, Nebraska 68508
Ph: 402.441.7109 Fax: 402.441.6377



SCALE 1" = 40'



SOUTH 70TH AND NEBRASKA PARKWAY MEDICAL PARK

USE PERMIT #24003, CHANGE OF ZONE #24003 LINCOLN, NEBRASKA

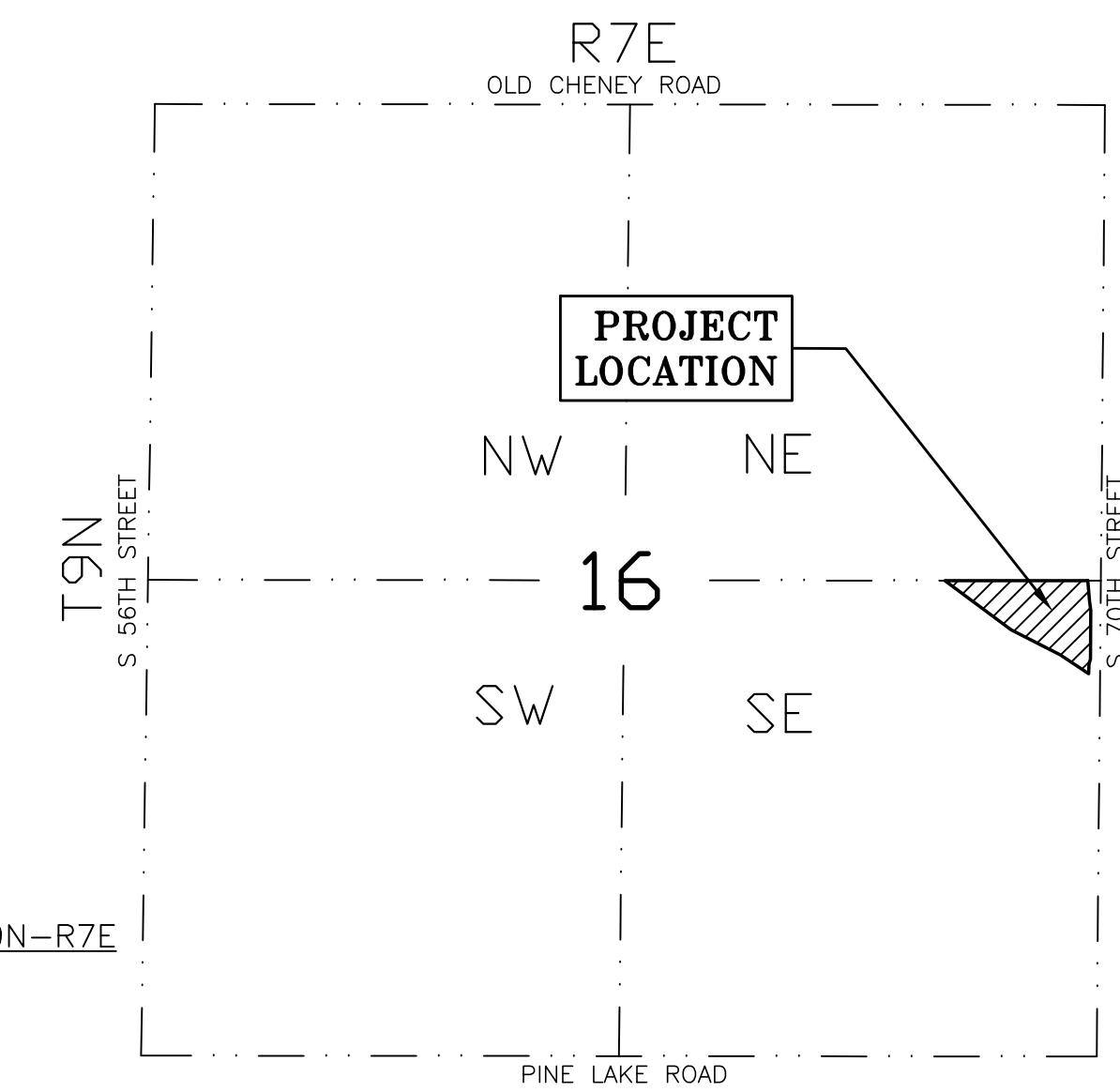
OWNER:
GLENBROOK LLC
129 N 10 STE CAPITOL HALL
LINCOLN, NE 68508

DEVELOPER:
GLENBROOK LLC
129 N 10 STE CAPITOL HALL
LINCOLN, NE 68508

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

SURVEYOR:
LYLE E. LOTH
REGA ENGINEERING GROUP, INC.
601 OLD CHENEY ROAD, SUITE 'A'
LINCOLN, NE 68512 (402)484-7342

Section Corner Ties
NE Corner SE 1/4 CORNER Sec. 16-T9N-R7E
Fnd. Hex Bolt in Oil Mat
E 60.00' Fnd. 1" Pipe
W 40.00' FND. 1" Pipe
SW 60.00' FND. 1" Pipe



PROJECT
171135

REGA ENGINEERING

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

- ENGINEERING
- PLANNING
- LANDSCAPE ARCHITECTURE
- LAND SURVEYING
- IRRIGATION

ISSUED FOR	DATE
PLANNING SUBMISSION	02/28/24
PLANNING SUBMISSION	07/31/24

LEGAL DESCRIPTION:
LOT 161, IRREGULAR TRACT LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA.

LAND SURVEYOR'S CERTIFICATE:
THIS IS TO CERTIFY THAT THIS SURVEY WAS DONE UNDER MY SUPERVISION, THAT THE SURVEY WAS DONE ON THE GROUND IN ACCORDANCE WITH THE MOST RECENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS, AS SET FORTH BY THE NEBRASKA STATE BOARD OF EXAMINERS FOR REGISTERED LAND SURVEYORS AND THAT THE ACCURACY SPECIFICATION AND POSITION TOLERANCE ARE IN ACCORDANCE WITH RURAL AREA SURVEYS.

DATE: _____ LYLE E. LOTH LS - 314

WAIVERS

- ZERO FEET INTERNAL LOT SETBACKS

SITE STATISTICS:

LOT	PROPOSED TENANT TYPES (SEE SCHEDULE BELOW)	FLOOR AREA (S.F.)
1	2 STORY MEDICAL OFFICE BUILDING	13,130
2	2 STORY MEDICAL OFFICE BUILDING	37,800

LOT	PROPOSED PROPOSED USE	AREA (S.F.)	AREA (A.C.)
OUTLOT A	PRIVATE DRIVE AND PARKING	151,031	3.47
OUTLOT B	DRAINAGE DETENTION CELL	34,429	.79

GENERAL NOTES

- THIS USE PERMIT CONTAINS 5.03 ACRES
- ZONING IS TO BE O-3.
- THE SITE IS PROPOSED TO HAVE 2 MEDICAL OFFICE BUILDINGS (LOT 1 AND 2) WITH A MAXIMUM OF 51,000 S.F. OF FLOOR AREA.
- OUTLOT A SHALL HAVE A BLANKET PERMANENT EASEMENT FOR GAS, POWER, CABLE, AND TELEPHONE WILL BE PROVIDED EXCLUDING BUSINESS ENVIRONS. ANY RELOCATION OF EXISTING UTILITIES SHALL BE DONE AT THE OWNER'S EXPENSE.
- THE 40 FOOT EASEMENT FOR DRIVEWAY ACCESS (INST. #97-015982) IS HEREBY RELINQUISHED.
- THE OWNER/DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE SETBACKS AS PER O-3 ZONING DISTRICT WITH EXCEPTION OF APPROVED WAIVERS.
- ALL LOT LINES ARE CONCEPTUAL AND FINAL PLATS MAY SHOW DIFFERENT LOT DIMENSIONS.
- PROPOSED DECELERATION LANE SHALL BE 440 FEET LONG, 12 FEET WIDE AND HAVE A 130 FOOT REVERSE CURVE LENGTH (200' BACK TO BACK) MINIMUM.
- TOPOGRAPHIC GRADING CONTOURS AT NAVD 1988
- ALL OUTLOTS SHALL BE MAINTAINED BY PROPERTY OWNERS ASSOCIATION.
- ON ALL OUTLOTS CONTAINING DETENTION FACILITIES AND STRUCTURES, WHERE A BLANKET UTILITY EASEMENT IS GRANTED, ALL UTILITIES DESIRING TO LOCATE UTILITY LINES OR OTHER SHALL HAVE SUCH IMPROVEMENTS APPROVED BY THE CITY PRIOR TO CONSTRUCTION.
- THE WATER QUALITY MAINTENANCE AGREEMENT SHALL BE SUBMITTED AND FILED WITH THE FINAL PLAT OF THIS DEVELOPMENT.

SHEET LEGEND

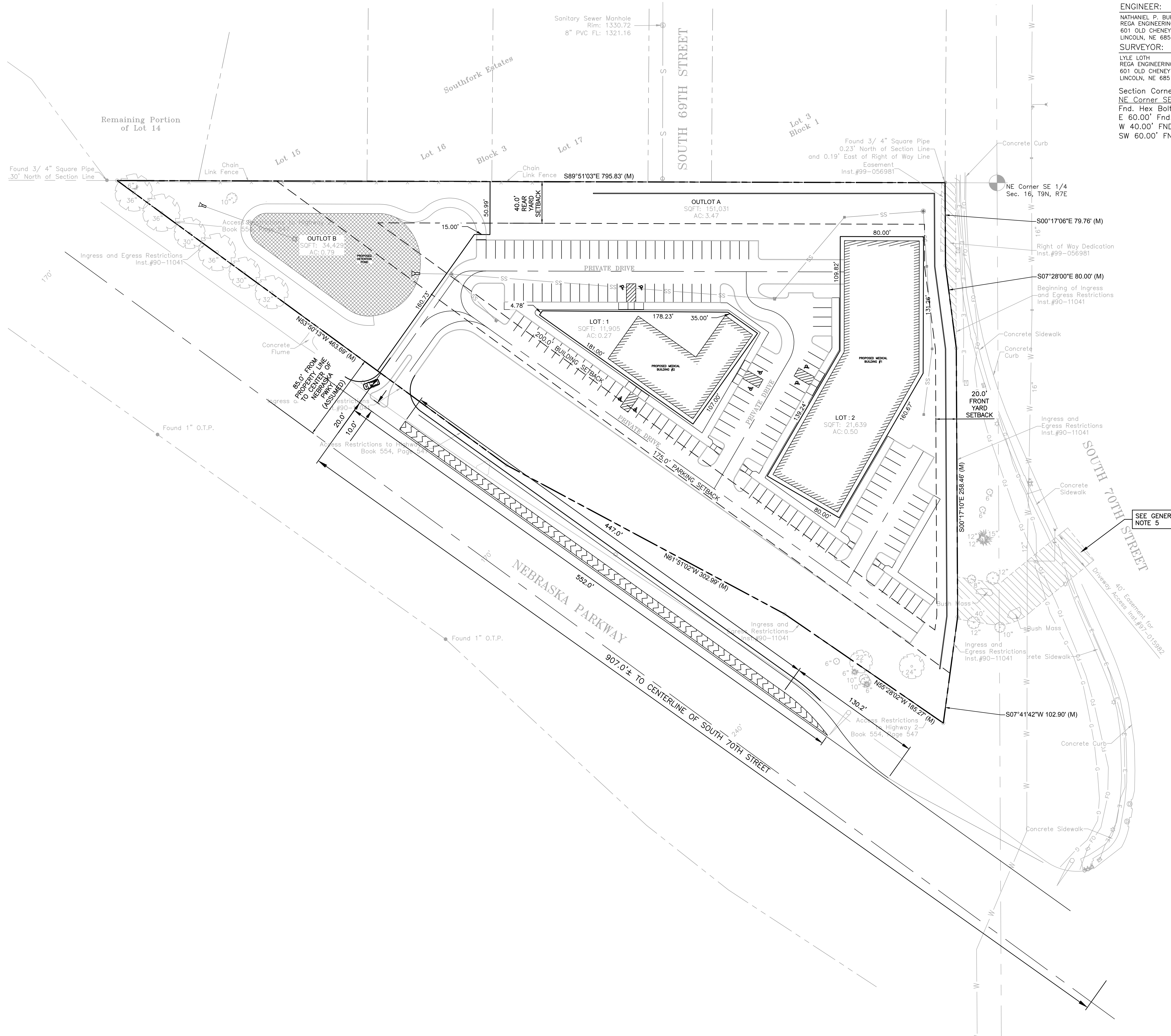
COVER SHEET	1
SITE & UTILITY PLAN	2
PRE DEVELOPMENT DRAINAGE PLAN	3
POST DEVELOPMENT DRAINAGE PLAN AND GRADING PLAN	4

S. 70TH AND NEBRASKA PARKWAY MEDICAL PARK
USE PERMIT #24003
CHANGE OF ZONE #24003
LINCOLN, NEBRASKA
68516

COVER SHEET

PRELIMINARY
PLAN
NOT FOR
CONSTRUCTION

SHEET NO.
1 of 4



70TH AND NEBRASKA PARKWAY MEDICAL PARK

USE PERMIT #24003, CHANGE OF ZONE #24003
LINCOLN, NEBRASKA

PROJECT
171135

REGA
ENGINEERING

- 601 OLD CHENEY RD., SUITE A
LINCOLN, NEBRASKA 68512
(402) 484-7342
- ENGINEERING
 - PLANNING
 - LANDSCAPE ARCHITECTURE
 - LAND SURVEYING
 - IRRIGATION

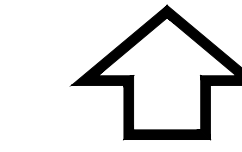
ISSUED FOR	DATE
PLANNING SUBMISSION	02/28/24
PLANNING SUBMISSION	07/31/24

S. 70TH AND NEBRASKA PARKWAY MEDICAL PARK
USE PERMIT #24003
CHANGE OF ZONE #24003
LINCOLN, NEBRASKA
68516

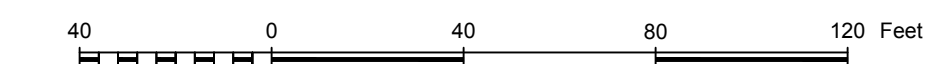
POST DEVELOPMENT
DRAINAGE AND
GRADING PLAN

PRELIMINARY
PLAN
NOT FOR
CONSTRUCTION

SHEET NO.
4 of 4



NORTH
SCALE 1" = 40'

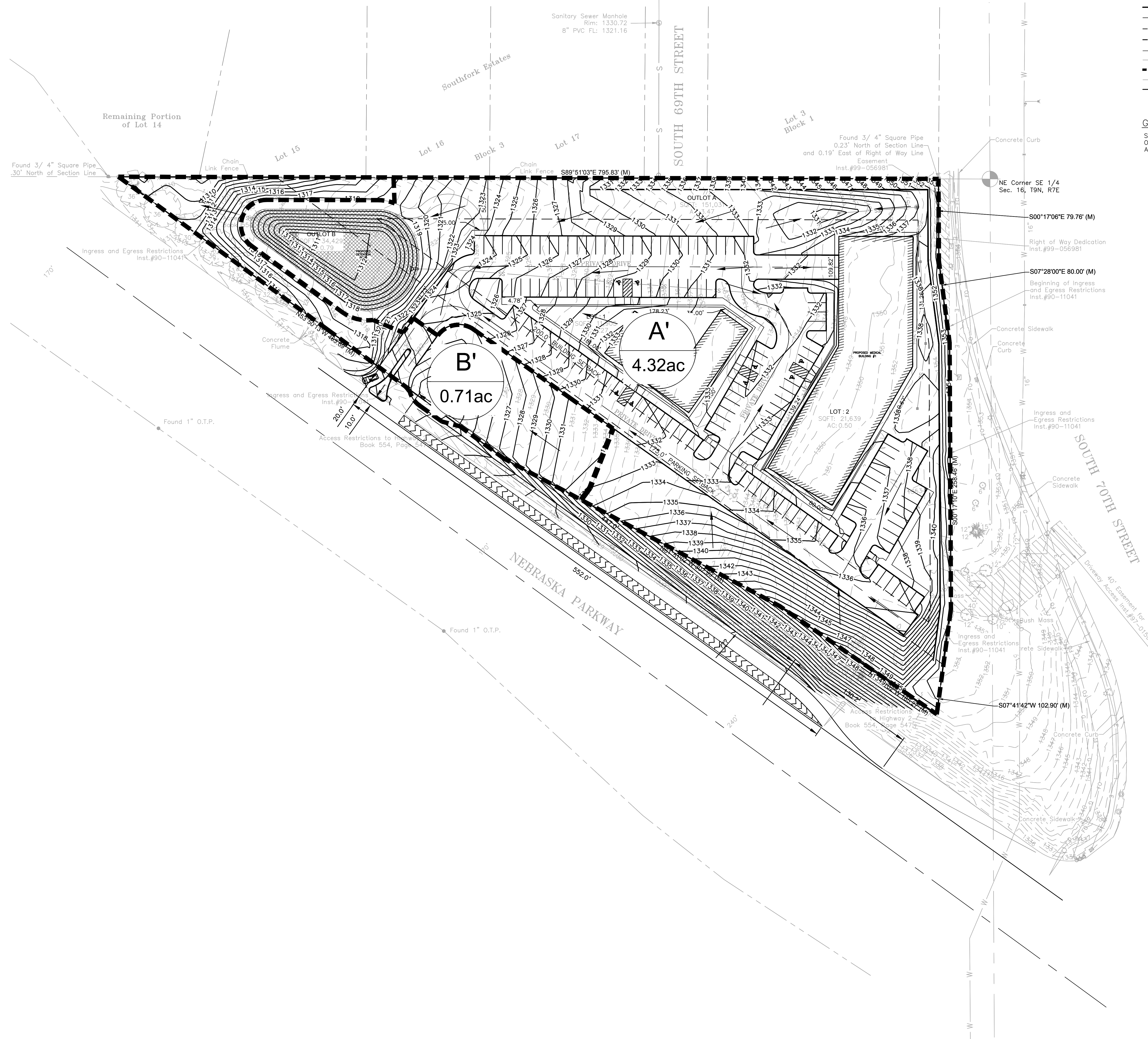


LEGEND

- BOUNDARY OF PRELIMINARY PLAT
- PROPOSED LOT LINE
- SETBACK/BUILDING ENVELOPE
- EASEMENT
- CENTERLINE
- ADJACENT PROPERTY LINE
- DRAINAGE BASIN
- 1.365 --- EXISTING CONTOURS
- 1.365 --- PROPOSED CONTOURS
- DRAINAGE PATTERN

GENERAL NOTES

SEE DRAINAGE STUDY FOR FURTHER DETAILS
ON PRE AND POST DEVELOPMENT DRAINAGE
AREAS AND REQUIREMENTS.



File No. 171135
February 28, 2024

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

RE: SOUTH 70TH AND NEBRASKA PARKWAY MEDICAL PARK
USE PERMIT/PRELIMINARY PLAT
CHANGE OF ZONE FROM AGR TO O-3
SOUTH 70TH AND NEBRASKA PARKWAY

Dear David,

On behalf of Glenbrook LLC, the developer, we are submitting an application for South 70th and Nebraska Parkway Medical Park, a Use Permit / Preliminary Plat with a change of zone from AG to O-3. The proposed Use Permit includes 5.03 acres which is surrounded by AGR zoning on all sides. An associated change of zone request will be over the whole property. The neighboring property on the north side is a part of the Southfork Estates subdivision. East of the property is the S. 70th Street and Lincoln Berean Church. To the immediate south of the property are Nebraska Parkway and Acreage Lots. B-2 Zoning is located to the SE of the property at the southeast corner of S. 70th Street and Nebraska Parkway.

We believe the O-3 zoning would be an appropriate zoning classification due to the location off of Nebraska Parkway and the transition to Residential to the north. REGA and Glenbrook LLC, has worked extensively with the neighboring property owners (Southfork HOA) over the past 12 months to develop a proposed plan that benefits all parties. Through multiple discussions with the HOA's attorney, Ann Post, Southfork HOA was against access from S. 69th Street into our property. A letter from the Ann Post is attached to this application letter stating the support of the proposed medical office usage for the property. The development includes 2 lots intended for medical office buildings, 2 out lots for parking, open space, and detention. Utilities are adjacent to the site and will be able to be tapped per discussions with LWWS and LWS Staff.

A traffic impact study was performed by Kimley-Horn for access to the site from Nebraska Parkway. In addition, Kimley-Horn reviewed the signalization at the intersection of S. 70th Street and Nebraska Parkway. A proposed right-in/right-out is being requested approximately 765 west of S. 70th Street, which will require a deviation request to the City of Lincoln's Access Management Policy. Per the traffic study, an offset westbound turn-lane is being proposed which we believe will allow for safe access into the site for vehicles. The proposed offset turn-lane is almost identical to the existing eastbound turn-

lane located at S. 66th Street and Nebraska Parkway. The precedence of the existing turn lane near our site and the proposed traffic improvements based on the traffic study should provide the access to be warranted.

The following waivers are being requested as follows:

1. Deviation Request for access off Nebraska Parkway. (Access Management Policy)

In balancing the needs of the proposed usage with the desires of the neighboring properties, we believe that access from Nebraska Parkway should be allowed. The proposed right in/out is in agreement with the Traffic Study. The proposed off-set turn lane will provide safe access into the site and is similar to the existing off-set turn lane at S. 66th Street and Nebraska Parkway.

2. Zero Feet Internal Lot Setbacks (Table 27.72.030(a))

We are requesting that each internal lot have a zero-foot setback on internal abutting lot lines. We are also requesting that a perimeter setback following O-3 setbacks for other allowed uses be approved for the overall site. This will allow the development to ensure green space is provided for the development and ensure the flow of the site can be achieved for traffic.

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

Sincerely,

A handwritten signature in black ink that reads 'Nathaniel Burnett'.

Nathaniel P. Burnett, P.E.

Cc: Rob Otte
Monte Froehlich

Enclosed: Application Form
Application Fee – COZ of \$1,109.00
Application Fee – Use Permit of \$2,039.00
Use Permit and COZ Legal Description
Waiver List
Lot List
Traffic Study by Kimley-Horn

August 18, 2023

VIA EMAIL

Lincoln Lancaster County Planning Department
c/o Brian Will
555 S 10th Street, Ste 213
Lincoln, NE 68508

RE: Proposed Development of Medical Office Uses at S 70th St. and Nebraska Parkway

Mr. Will:

Rembolt Ludtke LLP represents the Southfork Homeowners Association (“Association”) in matters relating to the development of the property located at 6363 S 70th St. in Lincoln, Nebraska, which is situated adjacent to the Southfork neighborhood.

The proposed developer has met with the neighborhood on multiple occasions to discuss the development potential of this property. The Association is appreciative of the high level of communication between the developer and the Association, and the developer’s efforts to find a mutually acceptable use for the property.

To this point the developer has provided the following to the Association for review:

- Conceptual site plans dated 6/29/2023.
- Conceptual profiles of the proposed project, demonstrating the height of the proposed project relative to the existing homes.

The Association supports the concept of the use of this site for medical offices with access from Nebraska Parkway. However, support for this project is conditioned upon the Association’s receipt and review of the following information:

- Proposed elevations showing the exterior appearance of the facility including building height, landscaping, lighting, drainage, screening, proposed exterior colors and materials and a view from all directions;
- The specific colors and materials proposed for each building;
- The landscaping plan for the site;
- Specific and detailed plans for the proposed screening on the north side of the site, between the neighborhood and the project;

- Proposed height and dimensions of the single and multi-story buildings; and
- A use restriction agreement between the Association and the property owner limiting the use of the property to medical office use, and specifically prohibiting retail uses.

Again, the Association genuinely appreciates the developer and their work to engage in an interactive and productive dialogue regarding this development. We look forward to continued communication and collaboration as this project moves forward.

You are welcome to contact me with any questions.

Sincerely,



Ann K. Post
apost@remboltlawfirm.com

CC: Sean Barry, Rob Otte, Steve Henrichsen

4869-2490-4054, v. 3

Transportation and Utilities Request for Deviation



LINCOLN
Transportation and Utilities

A Request for Deviation must be completed and submitted in writing to the Director of Lincoln Transportation and Utilities (LTU) at ltu@lincoln.ne.gov and may be approved if it meets the requirements set forth in the City of Lincoln Access Management Policy. The Director of LTU has five (5) working days from receipt of a completed form to approve or deny such request. The Director of LTU reserves the right to request additional information from the Applicant in order to make a determination.

Attach maps, drawings and other information to aid in understanding the Request for Deviation.

Property Owner:	Glenbrook LLC		
Applicant Name:	REGA Engineering Group (Nathaniel Burnett)		
Contact Phone:	402-413-1041	Email:	nate@regaeng.com
Property Address/Location:	South 70th and Nebraska Parkway, Lincoln, Nebraska Physical Address is currently 6363 S. 70th Street		

Deviation(s) Requested:

Applicant requests a deviation from VI. Access and Design, Section A. Connection Points. We are requesting access be granted from Nebraska Parkway into our property.

Justification for Deviation(s):

In response to the city's request, the owner and applicant has diligently sought and obtained approval from the Nebraska Department of Transportation (NDOT) for access to the site. REGA Engineering designed an offset right-turn lane based on research by NDOT to facilitate safe access to the site. This design was necessitated by the unique challenges posed by the existing traffic conditions on South 70th Street, where direct access could not be safely accommodated. By integrating this offset right-turn lane, we are addressing potential traffic safety concerns and ensuring a smoother, more controlled flow of vehicles into the site.

The proposed deceleration lane, as detailed in the attached exhibit, has been engineered to mirror the design and functionality of a similar offset deceleration lane located at South 66th Street and Nebraska Parkway. This comparison is not incidental; it reflects the commitment to utilizing proven, effective design strategies that align with NDOT's standards and the specific needs of the area. By adopting a design that has already demonstrated success in a nearby location, we are enhancing the overall safety and efficiency of the site's access plan.

We with approval from NDOT, we are requesting the City of Lincoln approve direct vehicle access into the property as well.

Applicant Signature:		Date:	08/13/2024
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For LTU Use Only

Date Received:		Comments:	
Deviation Approved			
Deviation Denied			

Elizabeth Elliott Digitally signed by Elizabeth Elliott
Date: 2024.08.14 14:12:17 -05'00'

Director, Lincoln Transportation and Utilities

cc: Building and Safety (if request involves a single or two-family residential unit)
Nebraska Department of Transportation (if involving a State Highway)
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
Use Permit #24003

FINAL ACTION?
No

DEVELOPER/OWNER
Glenbrook LLC

PLANNING COMMISSION HEARING DATE
September 18, 2024

RELATED APPLICATIONS
Comp. Plan Amendment #24004,
Change of Zone #24003

PROPERTY ADDRESS/LOCATION
Northwest corner of S 70th & Nebraska
Parkway

RECOMMENDATION: DENIAL

BRIEF SUMMARY OF REQUEST

This is a request for a Use Permit to develop approximately 51,000 square feet of office space on the northwest corner of S 70th Street and Nebraska Parkway. The proposal requests internal setbacks be reduced to zero feet. It is associated with a Comprehensive Plan Amendment to change the designation from Urban Residential to Commercial and a change of zone from AGR Agricultural Residential to O-3 Office Park district.



JUSTIFICATION FOR RECOMMENDATION

This application is incompatible with the Comprehensive Plan which calls for urban residential use on this site. It also is contrary to the City's Access Management Policy related to expressway access and the long history of the City and Nebraska Department of Transportation actions to limit access to Nebraska Parkway. This site can be developed residentially and there is more than adequate commercial and office development along Nebraska Parkway.

APPLICATION CONTACT

Nate Burnett, 402-484-7342

STAFF CONTACT

Stephen Henrichsen, (402) 441-6374 or
shenrichsen@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This proposal does not conform with the Comprehensive Plan for several reasons. It is designated for Urban Residential use and is surrounded by urban residential uses except for a large church to the east. The City and State have supported the development of Nebraska Parkway as an expressway for over 40 years. Nebraska Parkway is the lone expressway well within the city limits to help with traffic movement within the city. Driveways are incompatible with an expressway and are not allowed by the City's Access Management Policy. Efficient and safe traffic flow is a goal of the Comprehensive Plan and the proposed commercial driveway off Nebraska Parkway to serve this project degrades the expressway function. The site is appropriate for residential development in conformance with the Land Use map of the Comprehensive Plan.

WAIVERS

1. Waiver to allow internal setbacks to be zero. (Recommend Approval if the Use Permit is approved)

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

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

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

Fundamentals of Growth in Lancaster County

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

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.

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.

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.

Commercial Centers

Figure E3.d: Commercial Center Design Strategies

1. Encourage a mix of office, retail, service, and residential uses. The center may include mixed-use buildings with residential or office above a first-floor retail or service use.
2. Discourage auto-oriented strip commercial development. Commercial Centers should not be developed

- in a linear strip along a roadway or be completely auto-oriented. Design new Commercial Centers in a manner that facilitates future development and intensification of land uses on the site.
3. Develop Commercial Centers as compact clusters or mixed-use nodes with appropriate site design features to accommodate shared parking in the rear of buildings and ease of pedestrian movement to minimize impacts on adjacent areas, and to encourage a unique character.
 4. Locate the most intensive commercial uses, such as restaurants, car washes, grocery stores, gas stations/ convenience stores and drive through facilities nearer to the major street or roadway and furthest from the residential area (unless contained within a mixed use center). Lighting, dumpsters, loading docks and other service areas should be screened from residences.
 5. Design buildings and land uses at the edge of the center to be an appropriate transition to lower density residential uses. Examples of appropriate edge land uses include apartments, mixed use residential buildings, offices, assisted living facilities, or child care centers. Transitional elements such as greater setbacks and enhanced screening should be required for buildings that are out of character with the adjacent residential district, such as buildings that exceed the maximum allowed height of the adjacent district.
 6. Develop smaller stores next to larger anchor stores in centers to encourage small businesses and to provide a variety of goods and services for customers utilizing the centers.
 7. Encourage multiple street connections to adjacent residential neighborhoods to allow convenient access for neighboring residences and pedestrians without the use of arterial streets, but exercise care in designing the street network to minimize undesirable traffic impacts.
 8. Encourage commercial development at $\frac{1}{4}$ or $\frac{1}{2}$ mile between major intersections in order to create centers that are centrally-located within each square mile to facilitate easier pedestrian access and also allow for vehicular access points that meet the city's Access Management Policy.
 9. 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.
 10. Design streets, and public spaces, buildings, and parking areas to enhance pedestrian activity and support multiple modes of transportation, including transit.
 11. Provide public amenities such as recreational facilities, plazas, squares and other types of green spaces and meeting areas open to public.
 12. Provide for a variety of housing opportunities, including higher-density housing, within and adjacent to the Commercial Center.
 13. Elevate building design for centers.

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

P6: Nodes and Corridors - Facilitate the redevelopment of prioritized Nodes and Corridors to create high-quality mobility-focused neighborhoods. Focus efforts on supporting additional jobs and residential development, including a

variety of housing types and price points.

Action Steps

2. Develop design standards to be utilized across all Mixed Use Redevelopment Nodes and Corridors. Design standards should be clearly written and allow for an efficient, expeditious review process, while especially focusing on the interface with residential neighborhoods, attractive streetscapes, and safe and comfortable movement of people - whatever their mode of travel.
3. Implement nodes and corridor principles as discussed in the Infill and Redevelopment element.
4. Continue utilizing TIF, and evaluate other incentives, to promote high-quality development in targeted areas.
6. Coordinate transit and other mobility enhancements with nodes and corridor areas.

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.

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

Action Steps

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

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

Action Steps

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

CLIMATE ACTION PLAN SPECIFICATIONS:

- p. 8 Strategic Vision - Lincoln will reduce net greenhouse gas emissions 80% by 2050 (relative to 2011 levels). This ambitious goal will serve as a guiding target for municipal operations, the Lincoln Electric System, local businesses and institutions, and our entire community in the years to come. Lincoln joins scores of cities across

the country who have set a similar “80x50” goal to reduce emissions. A myriad of strategies in the plan speak to achieving this target, from increasing energy efficiency, generating more electricity from renewable energy, switching to electric vehicles and active commuting modes, and employing natural climate solutions.

- p. 11 Key Initiative - Transition to Low-Carbon Energy.
- Continue incentive-based (residential, commercial, or industrial) programs promoting the installation of renewable energy systems. Incentives may include offering rebates on purchasing equipment, attractive net metering pricing, tax incentives, height allowances, setback, and area-based incentives, expedited permitting, and others.
- p. 14 Key Initiative - Build a Decarbonized and Efficient Transportation System.
- Continue to encourage mixed-use development in the Comprehensive Plan.
 - Consider Transit Oriented Development policies in the update of the Comp Plan 2050.
- p. 19 Key Initiative - Improve Protections for and with Lincoln Residents
- Maintain the Community Rating System (CRS) rating that allows for a 25% reduction in flood insurance premiums for property owners in floodplains.
 - Continue to encourage installation of green infrastructure strategies where appropriate, to include grants and incentives. Examples of green infrastructure strategies include rain gardens, bioswales, and permeable pavement to reduce stormwater runoff.
- p. 25 Key Initiative - Maximize Natural Climate Solutions
- Continue to support prairie restoration and protection of natural resources.
 - Continue to use a Rain-to-Recreation model to utilize floodplain for appropriate recreational activities.

ANALYSIS

1. This is a request for a use permit as part of three applications to allow 51,000 square feet of commercial space on the northwest corner of S 70th Street and Nebraska Parkway.

Background

2. The application was originally received on February 29, 2024. The applicant requested internal setbacks be zero and a deviation to the Access Management Policy to allow a driveway on Nebraska Parkway. Since the completion of the South Beltway (new Highway 2) and transfer of the former Highway 2 (now Nebraska Parkway) to the City of Lincoln, it was thought that the City controlled the access as well.
3. Nebraska Parkway is designated as a Freeway/Expressway in the Access Management Policy. This is the highest category in the Access Management Policy which states:

“Five levels of access management have been defined for streets within the City of Lincoln:

A. Access Category A: Freeways and Expressways

These roads serve high volumes of traffic traveling long distances. Their function is to provide mobility of through traffic. Access is limited and controlled to reduce interference and facilitate through movements. Access management for this road category is controlled by the Nebraska Department of Roads (NDOR).”
4. Throughout the history of Nebraska Parkway, the Nebraska Department of Transportation (NDOT) and the City of Lincoln have limited access to Nebraska Parkway. Neither have allowed any driveways and access points have generally been a ½ mile apart. The lone exceptions are: 1) the cement plant east of S 48th Street, and 2) The Fort shopping center west of 56th Street. Air photos show access to the cement plant has existed since 1941 on this site. The rail line on the south side of Nebraska Parkway and the commercial use on the cement plant pre-exist Highway 2/ Nebraska Parkway itself. The Fort was built in the mid 1980’s.
5. The Access Management Policy does not permit driveway access to arterial streets or expressways. While there are many examples that are contrary to the adoption of the Access Management Policy, the history along Nebraska Parkway has been very consistent to limit access to streets spaced a half a mile apart. As commercial development along Nebraska Parkway occurred from 14th Street to 98th Street, not a single driveway has been approved in the

past 40 years. In many cases there is over a ½ mile without any street or driveway access, such as from 33rd to 40th Street and 40th to 48th Street. As development proceeded east of 56th Street, NDOT and the City consistently limited access for any new development and did not permit driveways.

6. In the review of the application, it was determined that NDOT had purchased access rights to Highway 2 in the past to this property. It was then determined that NDOT still had access review over Nebraska Parkway. The proposal was then routed to NDOT for review.
7. On April 10th, the NDOT notified the City that the “NDOT Access Control Team has determined that the proposed right-in, right-out access to Nebraska Parkway does not meet the NDOT or City of Lincoln’s access control policies regarding intersection spacing requirements and therefore recommend denial of the access at this location.”
8. The City let the applicant know that since access to Nebraska Parkway was not permitted by NDOT, and that such an access was contrary to the Access Management Policy and therefore not supported by the City, the application should be withdrawn. The applicant asked for the application to be put on hold.
9. On May 20th, NDOT let the applicant know they had changed their determination and would allow access. NDOT noted that a right turn lane would need to meet State standards and that access would have to be purchased from the State.
10. The City requested that NDOT explain the reversal in the access and the long standing limitation on driveway access on a freeway/expressway. Nathan Saban, NDOT Right of Way Division Engineer, responded on August 15th that:

“After the initial denial of the access break, the state was contacted by the applicant to provide an additional review of the site based on the urban context of the site in relationship to the intersection of 70th & Nebraska Parkway. As part of the requested review, NDOT determined that there could be an opportunity for the applicant to gain an access break that conforms to NDOT’s policy, and if certain conditions are met by the developer. The conditions that NDOT provided for the applicant’s concept included stipulations and updates, such as, revised traffic study, updated site plan, “Right-in/right-out” access, offset turn lane, and an appraisal. From this review, NDOT concluded the applicant’s concept for access is consistent with the urban context for the classification of roadway, and approved the concept.”
11. This determination by NDOT to allow this access on an expressway is not consistent with decades of NDOT limiting access to Highway 2 in the Lincoln urban area where half mile spacing has been the norm. Regardless of the NDOT determination, the access does not conform to the City’s Access Management Policy. However, the City does not control the access; NDOT has control over the access. It is also unclear if NDOT now supports driveway access for other commercial developments along Nebraska Parkway or other designated expressways such as Highway 77 or Highway 2 in the Lincoln urban area.
12. The applicant submitted a deviation request to the City of Lincoln to permit the driveway. Previously, the City let the applicant know a deviation request would be denied. However, it was then determined that NDOT still had control of access and then NDOT subsequently approved of access. The City couldn’t deny access so the deviation request had to be approved acknowledging the NDOT authority. Despite the deviation request approval due to lack of authority, the access does not abide by the City’s Access Management Policy and therefore the City still opposes the driveway on an expressway.
13. The City of Lincoln does have authority over the Comprehensive Plan, zoning and use permit applications.

Adequate and Safe Access is Provided

14. Street access to this property is provided by 69th Street to the north. When Southfork Estates was approved to the north, S 69th Street was extended to this property to provide access. It was known then that access to Nebraska Parkway was not allowed and access to S 70th Street would not meet standards and was not necessary for residential development. South 69th Street was extended to this lot so that it would have access consistent with other urban residential developments.

15. Southfork Estates has 24 dwelling units using the Southfork Boulevard access point to 70th Street. Residential development, on the proposed site of five acres, with R-1 zoning would permit 3.87 units per acre through a Community Unit Plan. At that density, up to 19 units would be allowed, for a total of 43 units. The property is currently zoned AGR Agricultural Residential but is shown as Urban Residential in the Comprehensive Plan. Any rezoning of the site would address the number of units allowed. Even if 43 units used this one access, that is a limited number of units that does not create any traffic safety problems.
16. The level of local traffic generated by 40 to 45 dwelling units is far below other neighborhoods across the City. Any local street may have the traffic from hundreds of homes going back and forth on the local streets past any single dwelling. Residential development on the proposed lot would actually result in traffic levels far below other residential streets in Lincoln.

Approval of Residential Infill is Compatible with Southfork Estates

17. The addition of up to 19 units on this property is compatible with the existing neighborhood. The Comprehensive Plan encourages infill and redevelopment. The City has approved infill development across the community at much higher density levels than R-1 zoning would allow here.
18. Redevelopment within an existing neighborhood, includes, for example, in 2021 the City approved Gatehouse Rows for up to 98 units with the access from only N 35th Steet through the existing Hartley neighborhood. Sunrise Villas was approved in 2022 next to Sunrise Estates with 24 units with access from Linwood Lane. While apartments are not appropriate on this site, the examples show that R-1 zoning on this site would result in a number of units well below other neighborhoods.
19. There are also other neighborhoods, that due to unique circumstances have only one way in and out. For example, Yankee Hill Townhomes, south of Warlick Blvd., was approved in 2021 for 45 units with access solely from Maple View Drive. The adjacent Wilderness View Townhomes also have well over 100 units with only one way in and out.
20. The Southfork Estates Homeowners Association (HOA) in an August 18, 2024 letter (see attached) supports the commercial development having access to Nebraska Parkway and not having access to S 69th Street. Their support is conditioned upon several building and landscaping aspects of the development. A separate agreement between the developer and HOA is underway. While the recommendation for this application is for denial, conditions of approval have been drafted that incorporate some of the provisions of the agreement. These conditions were drafted in case the City Council chooses to approve the Comprehensive Plan Amendment, Change of Zone and Use Permit.
21. Several items mentioned by neighbors in calls or in the letter from the HOA are not reflected in the site plan at this time. For example, the site plans has a 40' Rear Yard Setback, which would allow parking. The neighbors said the agreement was for a 50' setback for parking, buildings and accessory buildings was proposed. The HOA letter also notes a landscape screen, but the Use Permit does not reflect any screening since that is often handled at time of building permit. The HOA letter also notes their agreement is contingent on prohibiting retail uses. No uses allowed in the O-3 are prohibited in the use permit. The O-3 zoning district does not require screening to the residential uses. The screening requirements along require a certain amount of trees, but they can be placed throughout the site.
22. In regard to access, residents have expressed concerned about residential development on the five acre lot increasing traffic through the neighborhood. Over the years there have been inquiries about developing the site with a higher density rowhouse or multi-family development. But given the existing AGR zoning of Southfork Estates and the one way access, it is not appropriate to approve a higher density that R-1 zoning, and apartments are incompatible with the adjacent neighborhood.
23. The project is labeled as "medical office." However, the O-3 zoning does not prohibit general office uses, and conditionally allows retail and services uses. The use permit doesn't limit future tenants to medical offices. So if approved, any notations in the Use Permit to the contrary will cause confusion and delays at time of building permit and should be eliminated with approval.

Property is Appropriate and Possible for Residential Development along Nebraska Parkway

24. Residential development along Nebraska Parkway is appropriate and has been done successfully. To the northwest of this lot is Artisan Meadows, approved in 2005. Six new single family homes have been built with setbacks of about 50 to 60 feet to Nebraska Parkway. The homes have a 2024 assessed value of \$430,000 to \$550,000. Many of the homes have the same owners for 7 or more years.
25. Southfork Estates has four homes that are adjacent to Nebraska Parkway with home values from \$610,000 to \$945,000 and have been in place for over 25 years. To the south are also larger acreage lots in Lee's Summit which date back to the 1970s. In addition, Country Meadows neighborhood is to the southwest, which doesn't have houses next to Nebraska Parkway, but does have their primary access to the expressway.
26. The high point of the site is on the east and slopes to the west. This would permit dwelling units to be clustered on the north end of the site at a higher elevation than Nebraska Parkway and set significantly back from the expressway. They would be further back than the recent single family detached homes in Artisan Meadows. The City has also permitted small cul-de-sacs and a variety of street configurations to assist with infill development.
27. The proposed O-3 Office Park zoning district allows residential, including multi-family residential uses. The letter from the HOA did not address if residential uses in the O-3 zoning district is prohibited in their separate agreement. The O-3 zoning district allows residential and commercial uses to be up to 55 feet in height. For each foot above 35 feet, 1 foot is added to the required setback.
28. The proposed O-3 Office zoning is surrounded by AGR zoning in all directions. The nearest commercial zoning is B-2 zoning to the southeast across Nebraska Parkway in the Willowbrook development that currently includes Home Depot.
29. The Lincoln area has a significant amount of vacant land that is either zoned for commercial use or for future commercial zoning. In the past number of years many commercial sites have been developed with residential uses due to the lack of demand for space. There is not a pressing need for more commercial space community wide.
30. Along Nebraska Parkway there is also a significant amount of commercial space. Residents in this neighborhood and larger area are well served by a variety of commercial sites and uses. Additional commercial space is not needed to serve the residents in this area.

Further Transportation Improvements

31. The revised traffic study identified a significant increase in the volume of southbound to westbound right turns at S 70th Street and Nebraska Parkway. As a result of the higher trip generation, traffic volumes require a right turn lane in S 70th Street, north of Nebraska Parkway. This is in addition to the right turn lane that would be required by NDOT in Nebraska Parkway to serve the right-in/ right-out (RIRO) access at the proposed driveway.
32. Lincoln Transportation & Utilities (LTU) noted the right turn lane in S 70th Street is in conformance with City's Access Management Policy.
33. LTU explained that the need for this turn lane is justified based on the volumes generated by the site. For reference, the existing morning/evening southbound right turns (SBRT) are 25 in the AM peak hour and 78 in the PM peak hour per the traffic study. In the original traffic study, site related morning/evening SBRT's were 47 AM/23 PM. These volumes are comparatively low and would typically not justify the addition of a turn lane at an existing intersection. However, in the **revised** traffic study, site related morning/evening SBRT's are now 94 in the AM and 45 in the PM. So the overall volume is now 119 trips in the AM and 123 in the PM peak hour. The majority of these trips come from the new development. The study estimates that approximately 75% of the trips will come from the north to this site, since it has only right-in/right-out access.
34. These revised volumes indicate that the site related trips will be doubling this existing movement which resulted in the requiring a southbound right turn lane as a part of this development. The traffic study also indicates a poor Level of Service (LOS) of D-E for the southbound movement. The required addition of the right turn lane is anticipated to improve operations. Additionally, there are southbound crashes that are anticipated to be mitigated/reduced with the addition of the right turn lane.

35. As recommended by the developer’s traffic study, if approved, the developer will need to extend the northbound to westbound left turn lane in S 70th Street. This northbound left turn lane will need to be in conformance with Lincoln Design Standards and Access Management Policy.
36. There is also concern about the impact of the new development on east bound trips in Nebraska Parkway. Since the access on Nebraska Parkway is right-in only, eastbound trips will likely want to make a U-turn at S 70th and Nebraska Parkway. LTU noted extending the eastbound left turn lane would mitigate anticipated U-Turn movement related to proposed site. This is justified based on similar locations with right-in/ right-out (RIRO) access, where U-turn movements are frequently observed. Given the existing 55mph speed limit, LTU has previously provided comments requesting discussion with the developer to safely accommodate this anticipated movement at both 66th and 70th. LTU has found signage prohibiting U-turns is minimally effective and thus recommends improvements specifically adding turn lane storage to support the protected left/U-turn movement.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Single family dwelling and AGR Agricultural Residential

SURROUNDING LAND USE & ZONING

North:	Southfork Estates single family detached dwellings	AGR Agricultural Residential
South:	Lee’s Summit single family detached dwellings	AGR Agricultural Residential
East:	Berean Church	AGR Agricultural Residential
West:	Country Meadows/ Artisan Meadows single family detached dwellings	AGR Agricultural Residential

APPLICATION HISTORY -- No prior zoning or subdivision applications.

APPROXIMATE LAND AREA: 5.03 acres

LEGAL DESCRIPTION: Lot 161 Irregular Tract in the southeast quarter of Section 16, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska.

Prepared by Stephen Henrichsen, Development Review Manager
(402) 441-6374 or shenrichsen@lincoln.ne.gov

Date: September 10, 2024

Applicant: Nate Burnett,
& Contact REGA Engineering Group
601 Old Cheney Road, Suite A
Lincoln, NE 68512

Owner: Glenbrook LLC
129 N 10th Street, Suite Capitol Hall
Lincoln, NE 68508

CONDITIONS OF APPROVAL - USE PERMIT #24003

The recommendation is for denial of the Use Permit. However, should the City Council want to approve the Use Permit, the following conditions are included:

This approval permits 51,000 square feet of office space with a waiver of internal setbacks to zero.

Site Specific Conditions:

1. The City Council approves associated request:
 - 1.1 Change of Zone #24003
 - 1.2 Comprehensive Plan Amendment #24004
2. 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 before a final plat is approved:
 - 2.1 Clearly identify the lot lines on the cover sheet.
 - 2.2 Delete notes 2, 3, 4, 8 and 11.
 - 2.3 Add a note that "Utility easements will be identified at the time of final plat."
 - 2.4 Delete "Medical" from all buildings, tables and titles on the plans.
 - 2.5 Add a note that: "Trip generation is limited to 1,834 daily trips. Revisions to the floor area or land uses which generate more than 1,834 daily trips will require submittal of a traffic study, including but not limited to, southbound to westbound turning movements, at S 70th and Nebraska Parkway and northbound left turns in S 70th Street."
 - 2.6 Revise the grading plan to show a sufficient area north of the retaining wall, if landscape screening is proposed by the developer, to the satisfaction of the Planning Director. (While screening is not addressed in the use permit, the grading is shown and needs to be addressed at time of the use permit if the applicant is providing screening.)
 - 2.7 Update the Utility plan to reflect all the changes on the other sheets. Revise the sanitary sewer line, if required, to the satisfaction of Lincoln Transportation and Utilities (LTU).
 - 2.8 Revise the traffic study to the satisfaction of Lincoln Transportation and Utilities.
 - 2.9 Revise the site plan to show a southbound to westbound right turn lane in S 70th Street, to the satisfaction of Lincoln Transportation and Utilities.
 - 2.10 Revise the site plan to show the extension of the northbound to westbound left turn lane, (the need for the extension is noted in the traffic study) to the satisfaction of Lincoln Transportation and Utilities.
 - 2.11 Revise the site plan to mitigate the increase in U-turns in Nebraska Parkway generated by the development to the satisfaction of Lincoln Transportation and Utilities.
3. No building permits shall be issued until a final plat is approved by the City.

If any final plat on all or a portion of the approved use permit is submitted five (5) years or more after the approval of the use permit, the city may require that a new use permit be submitted, pursuant to all the provisions of section 26.31.015. A new use permit 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 use permit as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the streets 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.

Permittee agrees:

to complete the right turn lane in Nebraska Parkway and S 70th Street, southbound to westbound to right turn lane in S 70th Street, extension of the northbound turn lane in S 70th Street, as required by Lincoln Transportation and Utilities, prior to any occupancy permit on site.

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

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

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

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

to complete 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 planting of the street trees along S 70th Street within two (2) years following the approval of the final plat.

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

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

to submit to the Director of Lincoln Transportation 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 use permit.

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

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

to maintain and supervise the private facilities which have common use or benefit in a condition as near as practical to the original construction on a permanent and continuous basis, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development and that these are the responsibility of the land owner.

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

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

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

to relinquish the right of direct vehicular access to S 69th Street and S 70th Street.

Standard Conditions:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the buildings, all development and construction is to substantially comply with the approved plans.
 - 4.2 All privately-owned improvements, including landscaping, are to be permanently maintained by the Permittee or an appropriately established property owners association approved by the City.
 - 4.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate 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 therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.



2020 aerial

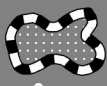


**Change of Zone #: CZ24003 (AGR to O-3) and
Use Permit #: UP24003
S 70th St & Nebraska Pkwy**

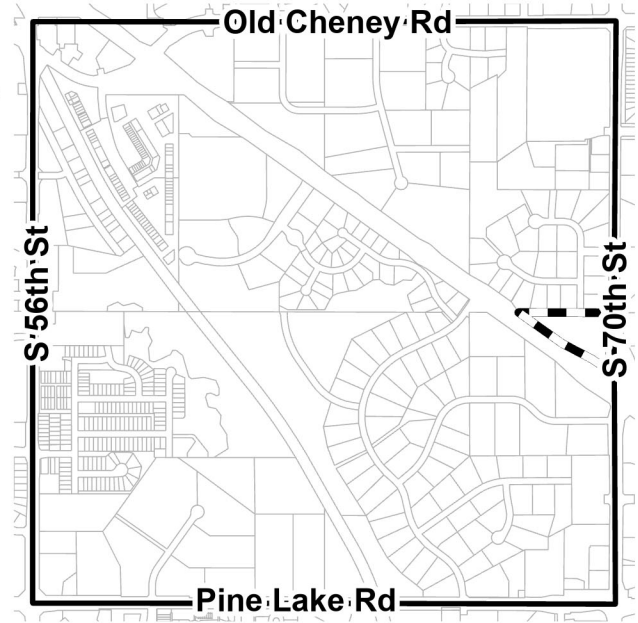


**One Square Mile:
Sec. 16 T09N R07E**

Zoning:

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

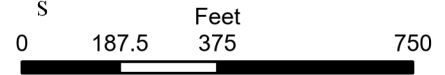
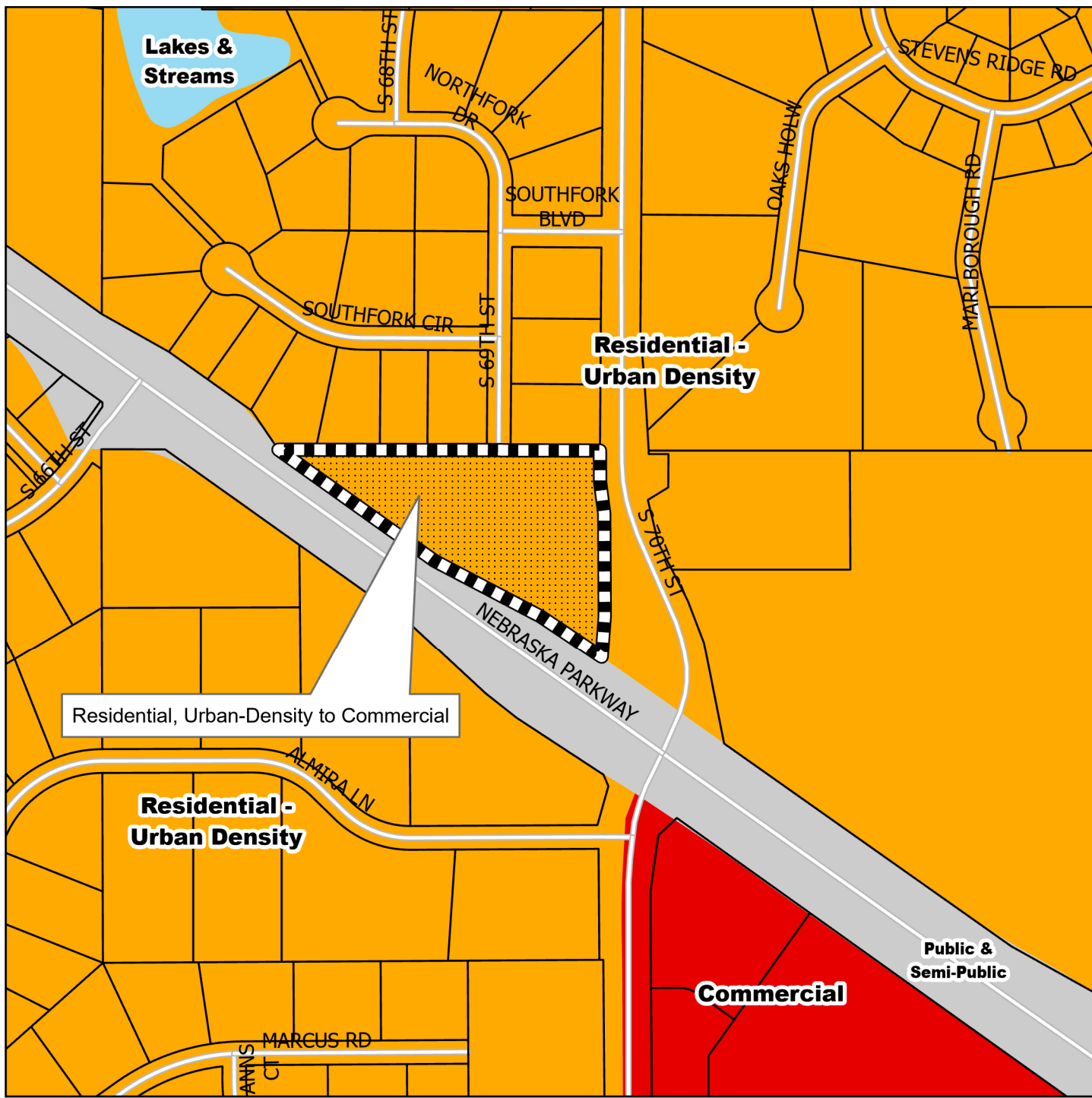
	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction

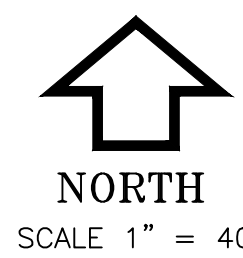


Proposed Land Use Change

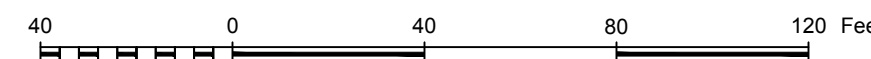
Legend

-  Application Area(s)
-  TaxParcel
-  Agricultural
-  Agricultural Stream Corridor
-  Commercial
-  Environmental Resources
-  Green Space
-  Industrial
-  Light Industrial
-  Public/Semi-Public
-  Residential - Low Density
-  Residential - Urban Density
-  Lakes & Streams





SCALE 1" = 40'



SOUTH 70TH AND NEBRASKA PARKWAY MEDICAL PARK

USE PERMIT #24003, CHANGE OF ZONE #24003 LINCOLN, NEBRASKA

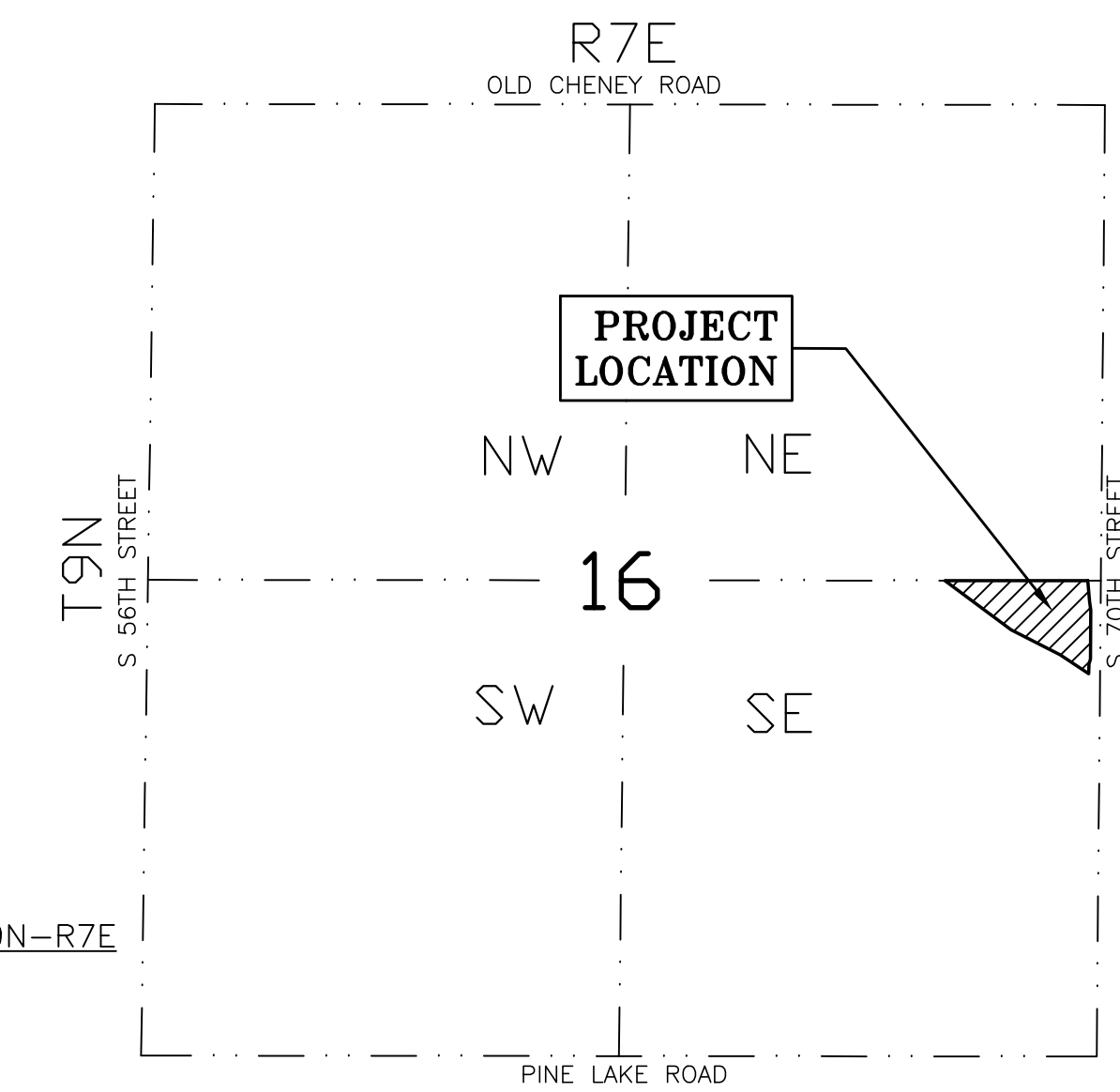
OWNER:
GLENBROOK LLC
129 N 10 STE CAPITOL HALL
LINCOLN, NE 68508

DEVELOPER:
GLENBROOK LLC
129 N 10 STE CAPITOL HALL
LINCOLN, NE 68508

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

SURVEYOR:
LYLE E. LOTH
REGA ENGINEERING GROUP, INC.
601 OLD CHENEY ROAD, SUITE 'A'
LINCOLN, NE 68512 (402)484-7342

Section Corner Ties
NE Corner SE 1/4 CORNER Sec. 16-T9N-R7E
Fnd. Hex Bolt in Oil Mat
E 60.00' Fnd. 1" Pipe
W 40.00' FND. 1" Pipe
SW 60.00' FND. 1" Pipe



PROJECT
171135

REGA ENGINEERING

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

- ENGINEERING
- PLANNING
- LANDSCAPE ARCHITECTURE
- LAND SURVEYING
- IRRIGATION

ISSUED FOR	DATE
PLANNING SUBMISSION	02/28/24
PLANNING SUBMISSION	07/31/24

LEGAL DESCRIPTION:
LOT 161, IRREGULAR TRACT LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA.

LAND SURVEYOR'S CERTIFICATE:
THIS IS TO CERTIFY THAT THIS SURVEY WAS DONE UNDER MY SUPERVISION, THAT THE SURVEY WAS DONE ON THE GROUND IN ACCORDANCE WITH THE MOST RECENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS, AS SET FORTH BY THE NEBRASKA STATE BOARD OF EXAMINERS FOR REGISTERED LAND SURVEYORS AND THAT THE ACCURACY SPECIFICATION AND POSITION TOLERANCE ARE IN ACCORDANCE WITH RURAL AREA SURVEYS.

DATE: _____ LYLE E. LOTH LS - 314

WAIVERS

- ZERO FEET INTERNAL LOT SETBACKS

SITE STATISTICS:

LOT	PROPOSED TENANT TYPES (SEE SCHEDULE BELOW)	FLOOR AREA (S.F.)
1	2 STORY MEDICAL OFFICE BUILDING	13,130
2	2 STORY MEDICAL OFFICE BUILDING	37,800

LOT	PROPOSED PROPOSED USE	AREA (S.F.)	AREA (A.C.)
OUTLOT A	PRIVATE DRIVE AND PARKING	151,031	3.47
OUTLOT B	DRAINAGE DETENTION CELL	34,429	.79

GENERAL NOTES

- THIS USE PERMIT CONTAINS 5.03 ACRES
- ZONING IS TO BE O-3.
- THE SITE IS PROPOSED TO HAVE 2 MEDICAL OFFICE BUILDINGS (LOT 1 AND 2) WITH A MAXIMUM OF 51,000 S.F. OF FLOOR AREA.
- OUTLOT A SHALL HAVE A BLANKET PERMANENT EASEMENT FOR GAS, POWER, CABLE, AND TELEPHONE WILL BE PROVIDED EXCLUDING BUSINESS ENVIRONS. ANY RELOCATION OF EXISTING UTILITIES SHALL BE DONE AT THE OWNER'S EXPENSE.
- THE 40 FOOT EASEMENT FOR DRIVEWAY ACCESS (INST. #97-015982) IS HEREBY RELINQUISHED.
- THE OWNER/DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE SETBACKS AS PER O-3 ZONING DISTRICT WITH EXCEPTION OF APPROVED WAIVERS.
- ALL LOT LINES ARE CONCEPTUAL AND FINAL PLATS MAY SHOW DIFFERENT LOT DIMENSIONS.
- PROPOSED DECELERATION LANE SHALL BE 440 FEET LONG, 12 FEET WIDE AND HAVE A 130 FOOT REVERSE CURVE LENGTH (200' BACK TO BACK) MINIMUM.
- TOPOGRAPHIC GRADING CONTOURS AT NAVD 1988
- ALL OUTLOTS SHALL BE MAINTAINED BY PROPERTY OWNERS ASSOCIATION.
- ON ALL OUTLOTS CONTAINING DETENTION FACILITIES AND STRUCTURES, WHERE A BLANKET UTILITY EASEMENT IS GRANTED, ALL UTILITIES DESIRING TO LOCATE UTILITY LINES OR OTHER SHALL HAVE SUCH IMPROVEMENTS APPROVED BY THE CITY PRIOR TO CONSTRUCTION.
- THE WATER QUALITY MAINTENANCE AGREEMENT SHALL BE SUBMITTED AND FILED WITH THE FINAL PLAT OF THIS DEVELOPMENT.

SHEET LEGEND

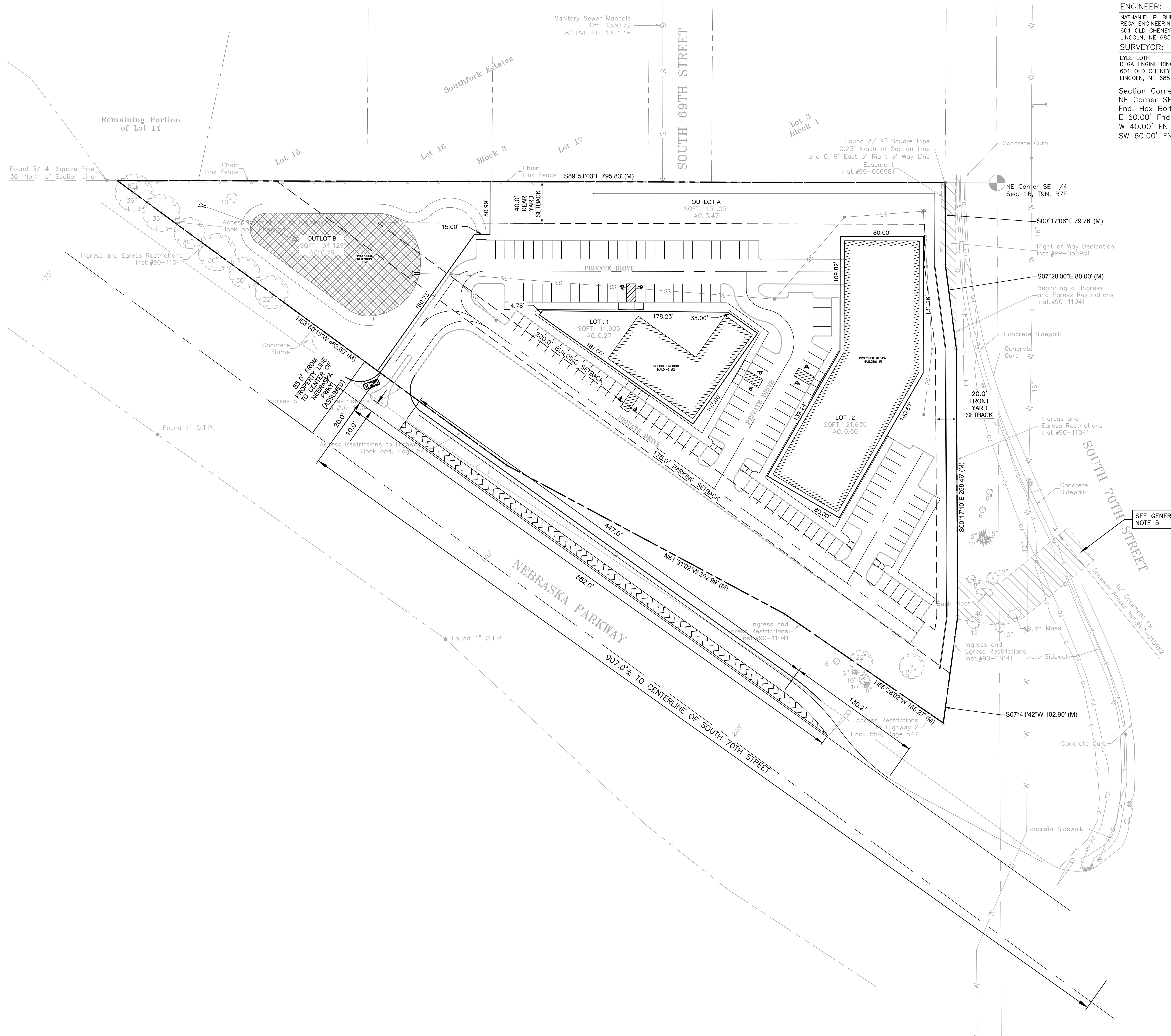
COVER SHEET	1
SITE & UTILITY PLAN	2
PRE DEVELOPMENT DRAINAGE PLAN	3
POST DEVELOPMENT DRAINAGE PLAN AND GRADING PLAN	4

S. 70TH AND NEBRASKA PARKWAY MEDICAL PARK
USE PERMIT #24003
CHANGE OF ZONE #24003
LINCOLN, NEBRASKA
68516

COVER SHEET

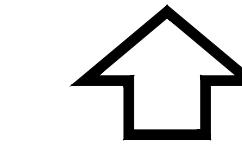
PRELIMINARY
PLAN
NOT FOR
CONSTRUCTION

SHEET NO.
1 of 4

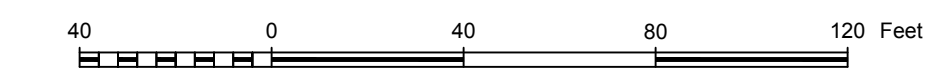


70TH AND NEBRASKA PARKWAY MEDICAL PARK

USE PERMIT #24003, CHANGE OF ZONE #24003
LINCOLN, NEBRASKA



SCALE 1" = 40'

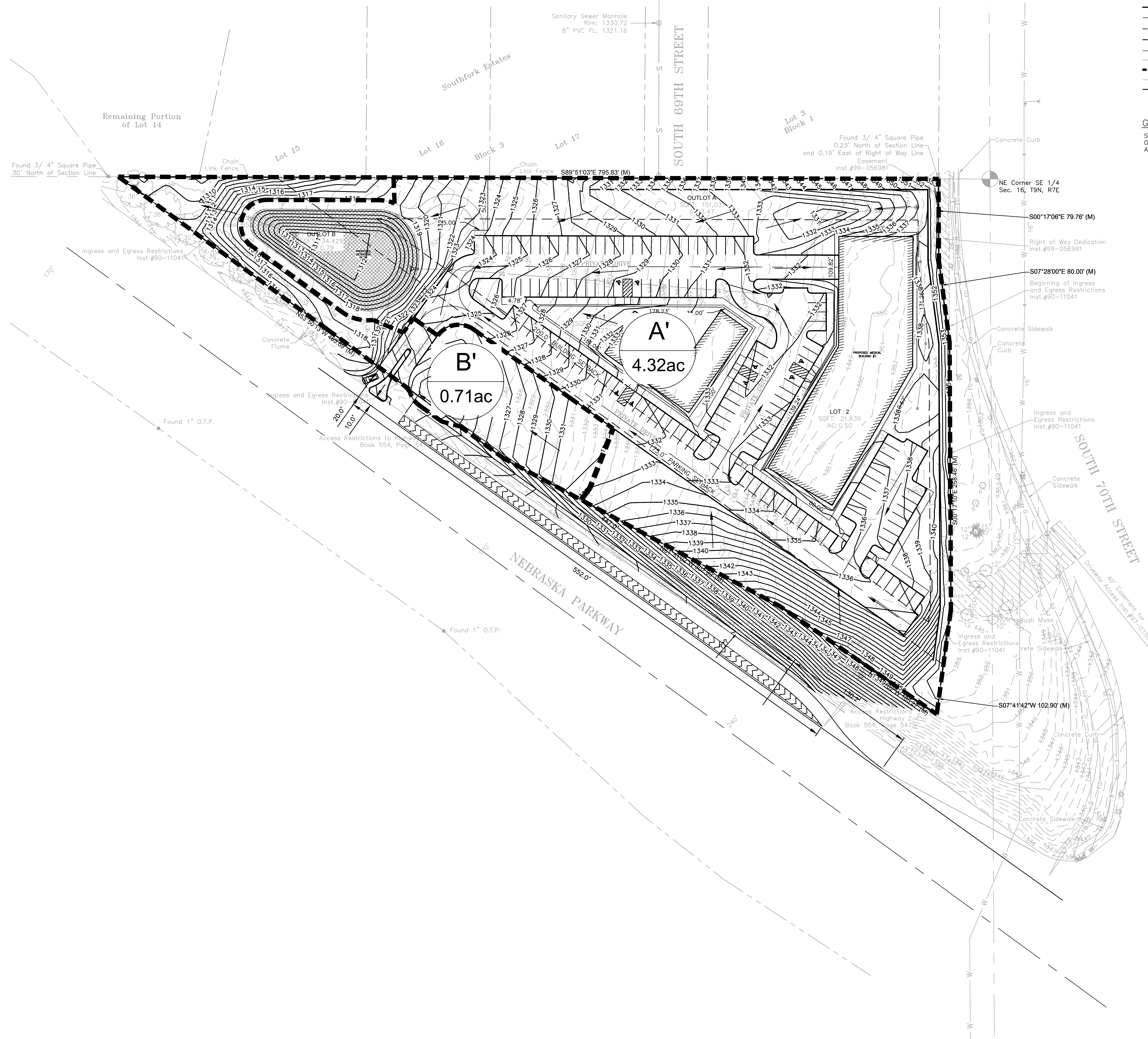


LEGEND

- BOUNDARY OF PRELIMINARY PLAT
- - - - PROPOSED LOT LINE
- - - - SETBACK/BUILDING ENVELOPE
- - - - EASEMENT
- - - - CENTERLINE
- - - - ADJACENT PROPERTY LINE
- - - - DRAINAGE BASIN
- - - - EXISTING CONTOURS
- - - - PROPOSED CONTOURS
- - - - DRAINAGE PATTERN

GENERAL NOTES

SEE DRAINAGE STUDY FOR FURTHER DETAILS ON PRE AND POST DEVELOPMENT DRAINAGE AREAS AND REQUIREMENTS.



PROJECT
171135

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

- ENGINEERING
- PLANNING
- LANDSCAPE ARCHITECTURE
- LAND SURVEYING
- IRRIGATION

ISSUED FOR	DATE
PLANNING SUBMISSION	02/28/24
PLANNING SUBMISSION	07/31/24

S. 70TH AND NEBRASKA PARKWAY MEDICAL PARK
USE PERMIT #24003
CHANGE OF ZONE #24003
LINCOLN, NEBRASKA
68516

POST DEVELOPMENT
DRAINAGE AND
GRADING PLAN

PRELIMINARY
PLAN
NOT FOR
CONSTRUCTION

File No. 171135
February 28, 2024

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

RE: SOUTH 70TH AND NEBRASKA PARKWAY MEDICAL PARK
USE PERMIT/PRELIMINARY PLAT
CHANGE OF ZONE FROM AGR TO O-3
SOUTH 70TH AND NEBRASKA PARKWAY

Dear David,

On behalf of Glenbrook LLC, the developer, we are submitting an application for South 70th and Nebraska Parkway Medical Park, a Use Permit / Preliminary Plat with a change of zone from AG to O-3. The proposed Use Permit includes 5.03 acres which is surrounded by AGR zoning on all sides. An associated change of zone request will be over the whole property. The neighboring property on the north side is a part of the Southfork Estates subdivision. East of the property is the S. 70th Street and Lincoln Berean Church. To the immediate south of the property are Nebraska Parkway and Acreage Lots. B-2 Zoning is located to the SE of the property at the southeast corner of S. 70th Street and Nebraska Parkway.

We believe the O-3 zoning would be an appropriate zoning classification due to the location off of Nebraska Parkway and the transition to Residential to the north. REGA and Glenbrook LLC, has worked extensively with the neighboring property owners (Southfork HOA) over the past 12 months to develop a proposed plan that benefits all parties. Through multiple discussions with the HOA's attorney, Ann Post, Southfork HOA was against access from S. 69th Street into our property. A letter from the Ann Post is attached to this application letter stating the support of the proposed medical office usage for the property. The development includes 2 lots intended for medical office buildings, 2 out lots for parking, open space, and detention. Utilities are adjacent to the site and will be able to be tapped per discussions with LWWS and LWS Staff.

A traffic impact study was performed by Kimley-Horn for access to the site from Nebraska Parkway. In addition, Kimley-Horn reviewed the signalization at the intersection of S. 70th Street and Nebraska Parkway. A proposed right-in/right-out is being requested approximately 765 west of S. 70th Street, which will require a deviation request to the City of Lincoln's Access Management Policy. Per the traffic study, an offset westbound turn-lane is being proposed which we believe will allow for safe access into the site for vehicles. The proposed offset turn-lane is almost identical to the existing eastbound turn-

lane located at S. 66th Street and Nebraska Parkway. The precedence of the existing turn lane near our site and the proposed traffic improvements based on the traffic study should provide the access to be warranted.

The following waivers are being requested as follows:

1. Deviation Request for access off Nebraska Parkway. (Access Management Policy)

In balancing the needs of the proposed usage with the desires of the neighboring properties, we believe that access from Nebraska Parkway should be allowed. The proposed right in/out is in agreement with the Traffic Study. The proposed off-set turn lane will provide safe access into the site and is similar to the existing off-set turn lane at S. 66th Street and Nebraska Parkway.

2. Zero Feet Internal Lot Setbacks (Table 27.72.030(a))

We are requesting that each internal lot have a zero-foot setback on internal abutting lot lines. We are also requesting that a perimeter setback following O-3 setbacks for other allowed uses be approved for the overall site. This will allow the development to ensure green space is provided for the development and ensure the flow of the site can be achieved for traffic.

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

Sincerely,

A handwritten signature in black ink that reads 'Nathaniel Burnett'.

Nathaniel P. Burnett, P.E.

Cc: Rob Otte
Monte Froehlich

Enclosed: Application Form
Application Fee – COZ of \$1,109.00
Application Fee – Use Permit of \$2,039.00
Use Permit and COZ Legal Description
Waiver List
Lot List
Traffic Study by Kimley-Horn

August 18, 2023

VIA EMAIL

Lincoln Lancaster County Planning Department
c/o Brian Will
555 S 10th Street, Ste 213
Lincoln, NE 68508

RE: Proposed Development of Medical Office Uses at S 70th St. and Nebraska Parkway

Mr. Will:

Rembolt Ludtke LLP represents the Southfork Homeowners Association (“Association”) in matters relating to the development of the property located at 6363 S 70th St. in Lincoln, Nebraska, which is situated adjacent to the Southfork neighborhood.

The proposed developer has met with the neighborhood on multiple occasions to discuss the development potential of this property. The Association is appreciative of the high level of communication between the developer and the Association, and the developer’s efforts to find a mutually acceptable use for the property.

To this point the developer has provided the following to the Association for review:

- Conceptual site plans dated 6/29/2023.
- Conceptual profiles of the proposed project, demonstrating the height of the proposed project relative to the existing homes.

The Association supports the concept of the use of this site for medical offices with access from Nebraska Parkway. However, support for this project is conditioned upon the Association’s receipt and review of the following information:

- Proposed elevations showing the exterior appearance of the facility including building height, landscaping, lighting, drainage, screening, proposed exterior colors and materials and a view from all directions;
- The specific colors and materials proposed for each building;
- The landscaping plan for the site;
- Specific and detailed plans for the proposed screening on the north side of the site, between the neighborhood and the project;

Rembolt Ludtke LLP

3 Landmark Centre • 1128 Lincoln Mall, Suite 300 • Lincoln, NE 68508
Phone: +1.402.475.5100 • Fax: +1.402.475.5087

- Proposed height and dimensions of the single and multi-story buildings; and
- A use restriction agreement between the Association and the property owner limiting the use of the property to medical office use, and specifically prohibiting retail uses.

Again, the Association genuinely appreciates the developer and their work to engage in an interactive and productive dialogue regarding this development. We look forward to continued communication and collaboration as this project moves forward.

You are welcome to contact me with any questions.

Sincerely,



Ann K. Post
apost@remboltlawfirm.com

CC: Sean Barry, Rob Otte, Steve Henrichsen

4869-2490-4054, v. 3

Transportation and Utilities Request for Deviation



LINCOLN
Transportation and Utilities

A Request for Deviation must be completed and submitted in writing to the Director of Lincoln Transportation and Utilities (LTU) at ltu@lincoln.ne.gov and may be approved if it meets the requirements set forth in the City of Lincoln Access Management Policy. The Director of LTU has five (5) working days from receipt of a completed form to approve or deny such request. The Director of LTU reserves the right to request additional information from the Applicant in order to make a determination.

Attach maps, drawings and other information to aid in understanding the Request for Deviation.

Property Owner:	Glenbrook LLC		
Applicant Name:	REGA Engineering Group (Nathaniel Burnett)		
Contact Phone:	402-413-1041	Email:	nate@regaeng.com
Property Address/Location:	South 70th and Nebraska Parkway, Lincoln, Nebraska Physical Address is currently 6363 S. 70th Street		

Deviation(s) Requested:

Applicant requests a deviation from VI. Access and Design, Section A. Connection Points. We are requesting access be granted from Nebraska Parkway into our property.

Justification for Deviation(s):

In response to the city's request, the owner and applicant has diligently sought and obtained approval from the Nebraska Department of Transportation (NDOT) for access to the site. REGA Engineering designed an offset right-turn lane based on research by NDOT to facilitate safe access to the site. This design was necessitated by the unique challenges posed by the existing traffic conditions on South 70th Street, where direct access could not be safely accommodated. By integrating this offset right-turn lane, we are addressing potential traffic safety concerns and ensuring a smoother, more controlled flow of vehicles into the site.

The proposed deceleration lane, as detailed in the attached exhibit, has been engineered to mirror the design and functionality of a similar offset deceleration lane located at South 66th Street and Nebraska Parkway. This comparison is not incidental; it reflects the commitment to utilizing proven, effective design strategies that align with NDOT's standards and the specific needs of the area. By adopting a design that has already demonstrated success in a nearby location, we are enhancing the overall safety and efficiency of the site's access plan.

We with approval from NDOT, we are requesting the City of Lincoln approve direct vehicle access into the property as well.

Applicant Signature:		Date:	08/13/2024
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For LTU Use Only

Date Received:		Comments:	
Deviation Approved			
Deviation Denied			

Elizabeth Elliott Digitally signed by Elizabeth Elliott
Date: 2024.08.14 14:12:17 -05'00'

Director, Lincoln Transportation and Utilities

cc: Building and Safety (if request involves a single or two-family residential unit)
Nebraska Department of Transportation (if involving a State Highway)
Planning Department