

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

October 2, 2024

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, October 2, 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, October 2, 2024

Approval of minutes of the regular meeting held September 18, 2024.

1. CONSENT AGENDA
(Public Hearing and Administrative Action)

COMPREHENSIVE PLAN CONFORMANCE:

- Page 14
- 1.1 COMPREHENSIVE PLAN CONFORMANCE 24018, to review as to conformance with the 2050 Lincoln Lancaster County Comprehensive Plan, a request for a proposed conservation easement, to preserve, protect and maintain flood storage and natural resources within the Jamaica North Use Permit boundary, on property generally located northeast of S 14th and Saltillo Road.
Staff recommendation: In Conformance with the Comprehensive Plan
Staff Planner: Ben Callahan, 402-441-6360, bcallahan@lincoln.ne.gov

CHANGE OF ZONE:

- Page 23
- 1.2 CHANGE OF ZONE 24023, for Diamond Enterprises from H-3 Highway Commercial to I-1 Industrial on property generally located at 3501 W O Street.
Staff recommendation: 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

CHANGE OF ZONE AND ASSOCIATED ITEM:

Page 29 4.1a CHANGE OF ZONE 24018, from AG (Agricultural District) to H-4 (Highway Commercial District), on approximately 15 acres of property generally located north of the intersection of O Street and Anthony Lane.

Staff recommendation: Conditional Approval

Staff Planner: Steve Dush, 402-441-5662, sdush@lincoln.ne.gov

Page 29 4.1b SPECIAL PERMIT 24030, to allow a Planned Service Commercial development and associated waivers with up to 22,500 square feet of auto repair services and 90,000 square feet of mini warehousing in the H-4 district, on approximately 15 acres of property generally located north of the intersection of O Street and Anthony Lane.

Staff recommendation: Conditional Approval

Staff Planner: Steve Dush, 402-441-5662, sdush@lincoln.ne.gov

COMPREHENSIVE PLAN CONFORMANCE:

Page 46 4.2 COMPREHENSIVE PLAN CONFORMANCE 24019, to review as to conformance with the 2050 Lincoln Lancaster County Comprehensive Plan, a proposed one and six-year Lancaster County Road and Bridge Construction Program for Fiscal Years 2025 and 2026-2030.

Staff recommendation: In Conformance with the Comprehensive Plan

Staff Planner: Rachel Christopher, 402-441-7603, rchristopher@lincoln.ne.gov

5. ADMINISTRATIVE ACTION ONLY

COMPREHENSIVE PLAN AMENDMENT AND RELATED ITEMS

Page 66 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: Steve Henrichsen, 402-441-6374, shenrichsen@lincoln.ne.gov

Page 86 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: Steve Henrichsen, 402-441-6374,
shenrichsen@lincoln.ne.gov

Page 106

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: Steve Henrichsen, 402-441-6374,
shenrichsen@lincoln.ne.gov

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

Adjournment

PENDING LIST: No items

Planning Department Staff Contacts:

David Cary, <i>Director</i>	402-441-6364
dcary@lincoln.ne.gov	
Stephen Henrichsen, <i>Development Review Manager</i>	402-441-6374
shenrichsen@lincoln.ne.gov	
Paul Barnes, <i>Long Range Planning Manager</i>	402-441-6372
pbarnes@lincoln.ne.gov	
Benjamin Callahan, <i>Planner</i>	402-441-6360
bcallahan@lincoln.ne.gov	
Collin Christopher, <i>Planner</i>	402-441-6370
cchristopher@lincoln.ne.gov	
Rachel Christopher, <i>Transportation Planner</i>	402-441-7603
rchristopher@lincoln.ne.gov	
Steve Dush, <i>Planner</i>	402-441-5662
sdush@lincoln.ne.gov	
Arvind Gopalakrishnan, <i>Planner</i>	402-441-6361
agopalakrishnan@lincoln.ne.gov	
Emma Martin, <i>Planner</i>	402-441-6369
emartin@lincoln.ne.gov	
Andrew Thierolf, <i>Planner</i>	402-441-6371
athierolf@lincoln.ne.gov	

George Wesselhoft, *County Planner*
gwesselhoft@lincoln.ne.gov

402-441-6366

* * * * *

**The Planning Commission meeting which is broadcast live at 1:00 p.m. every
other Wednesday**

will be available for viewing on LNK City TV at

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

* * * * *

The Planning Commission agenda may be accessed on the Internet at

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

MEETING RECORD

Advanced public notice of the Planning Commission meeting was posted on the County-City bulletin board and the Planning Department’s website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Tuesday, September 10, 2024.

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, September 18, 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, Maribel Cruz, Brett Ebert, Gloria Eddins, Rich Rodenburg and Cristy Joy. Bailey Feit and Cindy Ryman Yost absent. David Cary, Steve Henrichsen, Shelli Reid, Jennifer McDonald, and George Wesselhoft with the Planning Department; media and other interested citizens were present.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

Vice Chair Joy 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 **Pre-Existing Special Permit 28F** and **Special Permit 19006B** unless appealed by filing a Notice of Appeal with the **City Council** or the **County Board** within 14 days.

Joy requested a motion approving the minutes for the regular meeting held September 4, 2024.

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

Minutes approved 6-0: Ball, Campbell, Ebert, Eddins, Rodenburg and Joy voting “yes”; Cruz abstained, Feit and Ryman Yost absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

September 18, 2024

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

The Consent Agenda consisted of the following items: Comprehensive Plan Conformance 24017, Street and Alley Vacation 24009, Pre-Existing Special Permit 28F and Special Permit 19006B.

Joy stated that she will abstain from voting on the consent items due to being associated with Pre-Existing Special Permit 28F.

Eddins stated that SAV24009 is within the borders of the Clinton Neighborhood Association and was discussed at the last meeting.

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

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

Motion carried 6-0: Ball, Campbell, Cruz, Ebert, Eddins, Rodenburg voting “yes”; Joy abstained, Feit and Ryman Yost absent.

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.

PUBLIC HEARING:

September 18, 2024

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

Staff Recommendation: Denial

There were no ex-parte communications disclosed.

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

Staff Presentation:

Steve Henrichsen, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated that he will go over all three applications at one time. Henrichsen stated that all three applications are in the triangle section of the corner of 70th Street and Nebraska Parkway. This property is surrounded by AGR zoning. Henrichsen stated that the site plan submitted showed two future office buildings. The grading plan showed drop off, removal of trees and a proposed retaining wall due to dropping the site as much as 15-20 feet in some places. Henrichsen

stated that Nebraska Parkway has a long history of being treated as an expressway with limited access on it. Henrichsen referenced the City of Lincoln, Access Management map (Exhibit 1). The access points must be streets and at a minimum of half a mile apart. Over the years there has been many questions regarding the redevelopment of the property and having the access to 70th Street. Henrichsen stated that in May, the Nebraska Department of Transportation (NDOT) decided to grant access given certain conditions met by the developer. Henrichsen stated that this access point is not wise or keeping with the long character of trying to develop an expressway in the community. The city is concerned with the changing of the character overall with a driveway. Nebraska Department of Transportation has control over the access and has granted with certain conditions, access approval. In addition to the access, there are also concerns with the land use of the property. This site can be developed with urban residential uses. The Southfork Estates Homeowners Association sent in a letter of approval for this application and is present to discuss that further. Henrichsen stated that there is concern with the amount of traffic that will be going through the neighborhood. Henrichsen showed one example of multiple ways to develop this property (Exhibit 2). The exhibit showed 14 townhomes that would require less grading and retention of retaining walls. Henrichsen stated that multiple houses have been built along Nebraska Parkway with setbacks of 50-60 feet within the price range of \$430,000-\$550,000 have been developed and occupied since. Henrichsen is stating that the Planning Department is recommending denial of the Comprehensive Plan Amendment, Change of Zone and the Use Permit.

Campbell stated that even through the city is recommending denial for access to Nebraska Parkway, the State of Nebraska can grant access to the property from Nebraska Parkway? Henrichsen stated that is correct. The State is in control of the access and the city is in control of the Comprehensive Plan, Zoning, Special Permit and Use Permit that go with it. Henrichsen stated that all three applications were recommended denial but if this is to be approved, there are conditions that were put together for the Use Permit that would be appropriate for how this would be developed.

Ball asked if there was a driveway outlet in place on 69th Street. Henrichsen stated that 69th Street is currently a dead-end and will remain unchanged.

Rodenburg read that in O-3, the proposal is for medical use only, but an O-3 will also allow for future retail. Henrichsen stated that is correct, there is a percentage of retail that can be done in an O-3. What is being encouraged is to have more than solely one use. If this is approved, the recommendation would be to remove the word "medical". It is a term that is no longer used in some requirements.

Applicant:

David Clausen, 129 N. 10th Street, Suite 313, Lincoln, NE came forward and stated that he is representing Glenbrook LLC, which is the developer. Clausen stated that this project represents in support of the proposed medical office complex project which includes an offset turn lane for access off Nebraska Parkway. The design of the medical office will provide viable development of the property. Clausen stated that this proposal represents an investment in the health and well-being of the citizens by increasing the availability of medical office space. Clausen stated that he must express that the Planning Department's recommendation of

denial of the approval of the access request and has found concern over the decision and its potential ramifications. Clausen stated that the Planning Department does not have a strong basis for denial. Clausen is asking that this project move forward and find solutions to the concerns. This will allow improving health care, access and quality in creating jobs.

Robert Otte, Senior Council for the applicant, 129 S. 10th Street, Suite 313, Lincoln, NE, came forward and stated that sometimes change is hard. Otte stated that Nebraska Parkway has changed over the past 40 years. Otte has met with builders, and it was concluded that no builders would take this project due to abutting to Nebraska Parkway and 70th Street. This is not a place where anyone would want to build a house or a townhome because of the noise and traffic from the area. Otte stated that housing will not work for this area. Otte states that the Access Management Policy states that there is not an access, but the State noted that it will work. Otte displayed a map (Exhibit 3, page 12) of the businesses surrounding the Medical Park request. After reexamination, it was stated that Nebraska Department of Transportation (NDOT) endorsed this proposal. Otte stated that eventually the Neighborhood Association will work with the developers and come to a working conclusion.

Rodenburg asked Otte if the updated traffic study was completed. Otte stated that it has been completed.

Nate Burnett, 601 Old Cheney Road, Suite A, Lincoln, NE came forward and stated that REGA engineering has worked with many medical offices and facilities in the past. There have been several letters from the Country Meadows Homeowner's Association. They have voiced their concerns and Burnett stated that they have addressed some of their concerns and visited with Lincoln Transportation and Utilities (LTU) about how to mitigate those concerns. Burnett would like to keep the use of the word "Medical". This will help prevent concerns that the neighbors would have for other uses. Burnett stated that there are conditions and changes that would need to be addressed once there is a final plan.

Campbell stated that the Planning Department is opposed to an entrance off 70th Street. Campbell asked if there are ways to bring traffic off 70th Street rather than Nebraska Parkway and if that has that been looked at? Burnett stated that it difficult with the sight distance. Campbell stated that this is almost directly across from the Berean Church entrance. Burnett stated that there is a decent amount of grade change creating significant issues. Otte approached and stated that there were many conversations about using an entrance/exit on 70th Street by the Berean church, but with the double curve, changing grade and speed would be cataclysmic to that area.

Proponents:

Ann Post, Rembolt Ludtke, 1128 Lincoln Mall, Suite 300, Lincoln, NE came forward representing the Southfork Homeowner's Association in support of this application. Post stated that there is a shortage of housing with multiple policies in place to address the desperate need for housing. Post stated that traffic is the main concern with the neighborhood. The neighborhood currently has patched asphalt streets and does not have curbs and gutters. Post stated that the streets are in poor condition. Given the additional traffic on the streets, the Neighborhood Association voiced their concerns to the developer

and no matter what would arise, the neighborhoods interest would still be addressed. Post stated that a set of covenants would remain in place with the neighborhood. There has been an extensive process of the use restrictions that the neighborhood would be able to enforce.

Sean Barry, President of the Homeowner's Association of Southfork Estates, 6801 Northfork Dr, Lincoln, NE came forward and stated that the project proposed will have the least impact and effect on this neighborhood. Barry stated that they are in favor of proceeding.

Bill Joe Kerr, 6811 Southfork Circle, Lincoln, NE came forward and stated that his property backs up to the development and had worked with the developer for a long time. Kerr approves this development.

Neutral:

No one approached in neutral.

Opposition:

Jeff Woita, President of Country Meadows Homeowner's Association, 6401 S 66th Street, Lincoln, NE came forward and stated that this is a dangerous intersection at 70th and Nebraska Parkway. Woita stated that the current speed limit is 55 and since it is no longer considered a Highway, it should be reduced for public safety. Woita stated that there is not a right turn lane coming off 70th Street and Nebraska Parkway. The traffic tends to get backed up during volume times. The public safety, concern with the traffic, and the U-turns needs to be addressed. Woita stated he is recommending a no U-turn sign and speed limit reduction. Woita stated some of the surrounding neighborhood Homeowner Associations did not receive notice to the change of zoning.

Terry and Cheryl Boulay, 6565 S. 70th Street, Lincoln, NE came forward and stated that this is a speedway. Terry Boulay stated that they own their property and own the property that is to the corner south of the property where they currently live as well. Cheryl Boulay stated that there are fatalities and accidents that happen frequently at the intersection. Cheryl Boulay is also concerned with the zoning potential and how everyone will be affected by this.

Campbell asked where they their house is located compared to the site requested. Terry Boulay stated that they are the property on the south side of Nebraska Parkway. This is to the south of the property being discussed.

Campbell asked Henrichsen what requirements that the Planning Department would be suggested if this was approved by the City Council. Henrichsen stated that the Use Permit 24003 has site specific conditions that is listed with the staff report.

Bob Simmering, Lincoln Transportation and Utilities (LTU), 949 Bond Street, Lincoln, NE came forward and stated that there has been discussion and that a resolution to the issue of

the U-Turn on 70th Street needs to happen. Simmering stated that there are issues that need to be addressed with the traffic study and has conditions that would need to be addressed. There are conditions that Simmering stated that he would like to see addressed in addition to the U-Turn.

Henrichsen stated that the condition of changing the 5-year time to 10 years cannot be waived. It is in the subdivision ordinance and cannot be changed. The rest of the conditions are required items, but in terms of the conditions that are proposed, leave all the conditions because some of them are to protect the neighborhoods.

Ebert asked Henrichsen about the speed limit and who's authority it is. Henrichsen stated that this is an expressway that was built in the city and with the expectation is that you can drive at a higher speed. Henrichsen stated that changing the speed limit will not work because this was designed as a roadway designed to facilitate fast movements. Henrichsen stated that the simplistic of changing the speed limit will not solve the problem because the design of the streets dictate how people feel.

Henrichsen stated that residential involvement and commercial development is supported within the Planning Department and important to the community. Henrichsen stated that Nebraska parkway still has vacant lots east of 84th street that can accommodate a commercial development, a medical office and a medical facility. Henrichsen stated that this is not about supporting health care or not, but does this corridor have adequate commercial development. This is not one of the corridors that lack this type of development.

Ball wanted clarity on the conditions with adding a right turn lane. Henrichsen stated that there are two conditions. The first condition is that the applicant's plan shows a right turn lane in Nebraska Parkway that is being designed to the NDOT standards. The second is that the southbound right turn lane to the west, that the traffic study showed. Henrichsen stated that those improvements are listed as items that need to be addressed as part of a future building permit final plat process.

Rodenburg asked Henrichsen that on 33rd Street to 27th Street, there is a right lane that runs the whole length. Rodenburg asked if there will be something like this on 70th Street for potential access into the commercial development? Simmering approached and stated that you could not drive through 70th Street all the way through the intersection. There would need to be a turning move after the intersection. Campbell asked about the view to the turn lane again. Henrichsen stated that the turn lane would be off set, so the view is not being blocked.

Otte came forward and stated that he agrees with the Country Meadows neighbors and thought that it was far enough away that it would not make a difference. Otte disagrees with Henrichsen about the speed being reduced coming into Lincoln and that the speed could step down as it comes into Lincoln. Otte stated that they met with Traffic with LTU, to determine what could be done to the. Otte stated that this is a long turn lane is separated and not in the

traffic movement. Otte stated that there is not a turn lane coming off 70th Street heading west or a turn lane on Nebraska Parkway turning towards Home Depot. Otte stated that the overall increase in traffic is 2 percent. Otte stated that all the important issues have been addressed. There needs to be a gradual turn lane.

Burnett requested that the landscape buffer be addressed at the time of the building permit.

Otte stated that it took 9 months to negotiate the covenants. Otte stated that they have a more expansive set of covenants with the Neighborhood Association than most developers have.

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

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

Campbell moved to approve Comprehensive Plan Amendment 24004, seconded by Rodenburg.

Campbell stated that he travels this area daily. Campbell does not see that city would not want to help figure out something better on 70th Street and is not sure that 70th Street is the right answer. Campbell thinks that having LTU reduce the speed limit would help the entire situation as the city grows and expands. The turning lane that is being proposed makes the most sense from the safety standpoint for traffic and vehicles in the entire area. Campbell does not see any other solution for that property. Campbell is in support of all three of the items.

Ball asked for a clarification of the motion that Campbell stated. Campbell stated that he is voting to approve.

Cruz stated that this location is a hot dumpster fire. Cruz stated the Highway 2 is the only way to get through town. Commercial developments exist off the major streets. Cruz states that the staff makes the recommendations that are within the best interest in all the citizens. What needs to be thought about is how this space is meant to be used. There is plenty of commercial health care spaces in the city. If this area is to be used for infill, then residential makes sense. Cruz stated regardless of the usage, the turn lane situation and access does need to be figured out. Cruz does not see why an exception needs to be made especially when it's for commercial use and especially when it does not conform to the 2050 Comprehensive Plan. Cruz appreciates Henrichsen and the staff making the expert informed recommendations.

Eddins agrees with Cruz. This is not a bad location for commercial use, but access does need to be considered. There is a shortage of medical offices in north Lincoln, but not south Lincoln. Eddins does think that this intersection needs work. Eddins stated that the access off Nebraska Parkway would be creating more of a troubled intersection.

Rodenburg stated that the city has done a great job, and the traffic lights do regulate the traffic. Rodenburg does agree with Campbell that if the developer is willing to put a turn lane on 70th Street and on Nebraska Parkway that this will help with the traffic. Rodenburg stated that it was determined that the residential aspect is not feasible, but a medical office building is. Rodenburg will vote to approve assuming with all the safety factors.

Ebert stated that Nebraska Parkway is a freeway. Ebert applauds the developer for trying to find a solution and appreciates the time and expense that was put in to get the application to this point. Ebert feels that this does not conform to the comprehensive plan. It is commercial surrounded by residential, and not conformance with the Access Management Policy.

Ball stated that he is in favor of approval like Campbell and Rodenburg stated. As a transportation prospective, this gets us to a better point. Ball stated from a zoning perspective, there is precedent around it for commercial. This will be going to the City Council for review as well and that there are opportunities to evaluate the transportation request and the framework for allowable use. Ball will be supporting this.

Joy stated that she is agreeing with all the fellow commissioners one way or another. Joy asked what the role is based on with the information that is shared. As a planning commission, they are very supportive of infill and the type is not really pushed. The other issue of one access point is very challenging from a sites standpoint and how to help accommodate that. Joy stated that she is leaning towards voting 'no' but is a big proponent of the infill aspect. Joy appreciates the long turn lane that Campbell mentioned seems to be very appropriate to get in and out, but how do you navigate all the pieces of the development from the access management standpoint.

Motion failed for approval due to the lack of not obtaining five affirmative votes: 4-3; Ball, Campbell, Rodenburg and Joy voting "yes": Cruz, Ebert, Eddins voting "no"; Feit and Ryman Yost absent.

David Cary, Director Planning Department, 555 S 10th Street, Lincoln, NE approached and stated that a 4-3 vote is not sufficient vote to move forward, these applications will be held over for two weeks until the next Planning Commission Meeting.

Campbell moved to approve Change of Zone 24003; second Ball

Motion failed for approval due to the lack of not obtaining five affirmative votes: 4-3; Ball, Campbell, Rodenburg and Joy voting "yes": Cruz, Ebert, Eddins voting "no" Feit and Ryman Yost absent.

Campbell moved to approve Use Permit 24003; second Ball.

Motion failed for approval due to the lack of not obtaining five affirmative votes: 4-3; Ball, Campbell, Rodenburg and Joy voting "yes"; Cruz, Ebert, Eddins voting "no" Feit and Ryman Yost absent.

Cary came forward and stated that the public hearing has been closed on these items and there will not be a public hearing on these items at the next Planning Commission Hearing. There will just be a vote on the carried over items, due to not obtaining five affirmative votes.

Campbell moved to adjourn the Planning Commission meeting of September 18, 2024; seconded by Eddins.

Motion to adjourn 7-0: Ball, Campbell, Cruz, Ebert, Eddins, Rodenburg and Joy voting "yes"; Feit and Ryman Yost absent.

There being no further business the meeting was adjourned at 3:10 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 #24018	FINAL ACTION? No	DEVELOPER/OWNER FOG Limited Partnership
PLANNING COMMISSION HEARING DATE October 2, 2024	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION Generally located northeast of S. 14 th Street and Saltillo Road.

RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

The purpose of this application is to find that the acquisition of a permanent conservation easement conforms to the 2050 Comprehensive Plan. The conservation easement is approximately 55.27 acres, generally located on the east side of S. 14th Street, approximately ¼ mile north of Saltillo Road. The easement will be in the Jamaica North Business Park Use Permit #23002 which was approved in April 2024.



JUSTIFICATION FOR RECOMMENDATION

This conservation easement is for the purpose of preserving land within the Jamaica North Business Park Use Permit for open space and to protect and preserve the floodplain area and flood storage within the easement area. The proposed easement will protect the floodplain, and in some cases, delineated wetlands, drainageway, and tree masses and is not an obstacle to any planned action. Acquisition of the conservation easement by the City is in conformance with the Comprehensive Plan and supports several goals of the Plan.

APPLICATION CONTACT

Kent Seacrest, (402) 435-6000 or kent@sk-law.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The conservation easement is in conformance with the Comprehensive Plan and supports several goals and policies of the Plan. The Comprehensive Plan encourages the continued effort to protect environmentally sensitive areas.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

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

Goals Section

G7: Environmental Stewardship and Sustainability

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

G8: Community Resiliency

Lincoln and Lancaster County will be resilient to the climate hazards they will face.

Elements Section

E4: Environmental Resources

Maintaining a balance between the natural and human built environment is always delicate. The policies of PlanForward should strive to incorporate such uses in the full range of urban and rural landscapes. As cities and villages expand, establishing corridors and districts of green should be part of the growth process. This often requires the advance delineation of these areas and the means for securing their ongoing protection and maintenance. Securing the long-term permanence of green space is a basic dilemma in natural resources planning. The use of “green space development incentives” (e.g., setting aside non-buildable areas, creating green space preserves, density bonuses) should be a primary consideration in implementing this plan.

Environmental Resources Categories

As a PlanForward land use category, “environmental resources” represent an important part of today’s urban and rural landscapes. Such features need to be valued and sustained as part of the overall planning process if they are to remain as vital parts of the natural heritage left for succeeding generations. These features help to define the County’s unique sense of place – geographically, culturally, and temporally. The Plan fully recognizes the harmony and connections that exist within and among these features.

E5: Parks, Recreation, and Open Space

Salt Valley Greenway

The Salt Valley Greenway wraps around the City of Lincoln and is fed by tributaries that radiate out into the surrounding rolling hills. The effect is that of a large loop, primarily made of Salt Creek and Stevens Creek, with connecting green corridors linking urban and rural areas. Corridors which generally follow Salt Creek and its tributaries provide multiple benefits; creating connections between urban and rural areas, providing connections to the County’s Salt Valley Lakes, creating green partitions which help to prevent a “wall-to-wall” urban feel, connecting habitat for the movement of wildlife, protecting floodplain, and many others. Implementation of the Salt Valley Greenway and connecting corridor concept will provide an environmental framework upon which a thriving economy can be built.

Figure E5.f: Salt Valley Greenway - This is shown as part of the Salt Valley Greenway.

Policies Section

P21: Floodplains and Riparian Areas - Protect and preserve floodplains and other riparian areas for flood storage,

conveyance and other natural resource benefits.

Action Step 5e: Retain City or County property in the floodplain in public ownership whenever possible, including conservation easements to protect floodplain functions

P23: Salt Valley Greenway and Connecting Green Corridors Concept Implementation - Use the Salt Valley Greenway and Connecting Corridors concept to embody the PlanForward Vision and environmental resource principles.

Action Step 4: Continue to use conservation easements to protect greenway areas where it may be desirable to allow compatible land uses such as row crop farming or pasturing.

P25: Open Space with Development

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

CLIMATE ACTION PLAN SPECIFICATIONS:

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 request is for a conservation easement covering approximately 55.27 acres of land located within the Jamaica North Business Park development on the east side of S. 14th Street, north of Saltillo Road. This request, if approved would find the potential conservation easement to be in Conformance with the Comprehensive Plan. All of the proposed easement is located within the City of Lincoln.
2. The proposed conservation easement is located within the Jamaica North Business Park Use Permit which was approved in April 2024. The use permit will allow for the development of a light industrial park zoned I-3 with approximately 26 individual lots. As part of the conditions of approval for the use permit and Jamaica North Addition final plat, a required conservation easement will be placed over Outlot A & B located on the eastern half of the site, abutting Wilderness Park. As part of the development, the developer will continue ownership of Outlot A but intends to transfer the ownership of Outlot B to the City to serve as an open space buffer to Wilderness Park.
3. The Nebraska Conservation and Preservation Easement Act (Nebraska Revised Statute §§ 76-2,111 to 76-2,118) requires that the acquisition of conservation easements be referred to the local planning commission having jurisdiction over the properties prior to the acquisition. The Planning Commission must provide comments regarding the conformity of the proposed acquisition to comprehensive planning for the area. (NEB. REV. STAT. §76-2,112). This conservation easement agreement will be forwarded to the City Council for their review and action.
4. The proposed conservation easement is in compliance with the 2050 Comprehensive Plan, specifically by providing designated and protect floodplain conveyance and storage, and in some cases protect other natural features such as wetlands. The Comprehensive Plan encourages the continued protection and environmentally sensitive areas. The easement also aligns with elements within the Plan to create and designate unbuildable green space with developing areas.
5. The City of Lincoln or Lancaster County can accept or acquire the conservation easements after the Planning Commission determines the easement conforms to the Comprehensive Plan.
6. The Easement Agreement includes provisions prohibiting specific uses and practices which included activities such

as but not limited to; construction of buildings or structures, filling, excavating, mining, building of roads, dumping of trash, or any commercial or residential development. As part of the initial review, Watershed Management has proposed minor changes related to allowed uses within the easement which will be required to be updated on the easement document before filing.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Vacant, I-3 Industrial

SURROUNDING LAND USE & ZONING

North: State of Nebraska Conservation Area	AG, Agriculture
South: Magellan Pipeline Company / Farmland	I-1, Industrial
East: Jamaica North Trail / Wilderness Park / Farmland	AG, Agriculture & I-1, Industrial
West: Outdoor Landscaping Company / Farmland	AG, Agriculture

APPLICATION HISTORY

April 2024 Annexation #23002, Change of Zone #23014 & Use Permit #23002 were approved by City Council for the first phase of the Jamaica North Business Park, an area totaling approximately 73 acres including up to 26 I-3 lots and associated Outlots A & B for a future conservation easement.

APPROXIMATE LAND AREA: 55.27 acres, more or less

LEGAL DESCRIPTION: A portion of the Northwest Quarter of the Southwest Quarter and a portion of Lot 49 I. T. located in the SW ¼ of 36-9-6, Lincoln, Lancaster County, Nebraska.

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

Date: September 19, 2024

Applicant/
Contact: Kent Seacrest
1128 Lincoln Mall, Suite 105
Lincoln, NE 68508
(402) 435-6000
kent@sk-law.com

Owner: FOG Limited Partnership
CJ Guenzel
11101 N. 78th Street
Omaha, NE 68122
(402) 779-9833
cjguenzel@goupspring.com

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CPC/24000/CPC24018 Jamaica North Conservation Easement.bmc.docx>

CONDITIONS OF APPROVAL - Comprehensive Plan Conformance #24018

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

- 1.1 Revise the easement language to the satisfaction of Lincoln Transportation & Utilities - Watershed Management.



Comp Plan Conformance #: CPC24018
Jamaica North Business Park
Conservation Easement
S 14th St & Saltillo Rd

2020 aerial

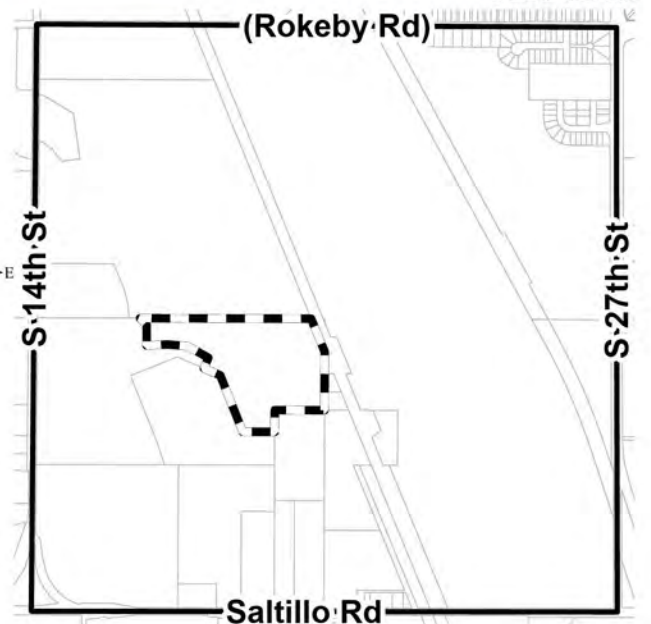
Zoning:

- 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.36 T09N R06E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





SEACREST & KALKOWSKI, PC, LLO
KENT@SK-LAW.COM | DANAY@SK-LAW.COM

August 26, 2024

Mr. David Carey, Director
Lincoln Lancaster Planning Department
County-City Building
555 South 10th Street, Suite 213
Lincoln, NE 68508

RE: Jamaica North Business Park Conservation Easement

Dear David:

Our law firm represents FOG Limited Partnership, a Nebraska limited partnership (“**FOG**”), who is in the final steps of obtaining (with assistance from Olsson) the City’s approval of both the (i) Jamaica North Business Park I-3 Use Permit final conditions; and (ii) Jamaica North Addition Final Plat. Both the Use Permit conditions and Final Plat call for a Conservation Easement to be recorded on the proposed Outlot A and Outlot B, Jamaica North Addition, Lincoln, Lancaster County, Nebraska. Proposed Outlot A and Outlot B, Jamaica North Addition, Lincoln, Lancaster County, Nebraska are currently part of the Northwest Quarter of the Southwest Quarter and Lot 49 of Irregular Tracts in the Southwest Quarter of Section 36, Township 9 North, Range 6 East of the 6th PM, Lancaster County, Nebraska.

FOG seeks the City’s approval of the Conservation Easement as part of the final approvals of the (i) Jamaica North Business Park I-3 Use Permit; and (ii) Jamaica North Addition Final Plat rather than process the Conservation Easement after the approval of the Use Permit and Final Plat.

As was disclosed during the land use approval processes for Jamaica North Business Park earlier this year, FOG is anticipating the design, construction and operation of a prairie wetlands and/or forested wetlands bank in coordination with the U.S. Army Corps of Engineers. In addition, the Jamaica North wetland bank may seek to coordinate with the State of Nebraska Department of Transportation’s wetland bank located immediately to the north of Outlot A.

The Nebraska Conservation and Preservation Easement Act, Section 76-2,111 to 76-2,118, Neb. Rev. Stat., requires that Conservation Easements be first referred to the Planning Commission for review regarding conformity with the Comprehensive Plan. In turn, the Nebraska Statutes require City Council consideration to determine if the Conservation Easement is in the public’s

interest and finding that the Conservation Easement is in conformance with the Comprehensive Plan.

A. Comprehensive Plan Conformance

The 2050 Comprehensive Plan's Future Land Use Map shows the Conservation Easement property as "Environmental Resources". Thus, a Conservation Easement is in conformance with the Comprehensive Plan's Environmental Resources designation. A request for the City to approve a Conservation Easement is considered a Comprehensive Plan Conformance request, which requires no application fee.

B. Neighborhood Communications

We have communicated to the surrounding neighborhood the proposed Conservation Easement.

C. Submittal Materials

The following documents are submitted as part of this submittal:

- A. A City Application Form for the requested Comprehensive Plan Amendment; and
- B. Draft Conservation Easement.

On behalf of FOG, we look forward to working with the City and stakeholders as the process moves through the review and approval stages. Please call Brad Marshall or me if you have any questions regarding the above requests or the documents enclosed herein.

Very truly yours,



KENT SEACREST
For the Firm

Enclosures

cc (w/ encl.):

Abigail Littrell, Law Department, alittrell@lincoln.ne.gov
Benjamin Callahan, Planning Department, BCallahan@lincoln.ne.gov
Steve Henrichsen, Planning Department, shenrichsen@lincoln.ne.gov
Tim Zach, Transportation and Utilities Department, tzach@lincoln.ne.gov
Jared Nelson, Transportation and Utilities Department, jnelson@lincoln.ne.gov
JJ Yost, Parks and Recreation Department, jyost@lincoln.ne.gov
Councilperson Justin P. Carlson, jpcarlson@lincoln.ne.gov
CJ Gunzel, FOG Limited Partnership, cjgunzel@goupspring.com
Brad Marshall, Olsson, bmarshall@olsson.com



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Change of Zone #24023	FINAL ACTION? No	DEVELOPER/OWNER Diamond Enterprises, LLC
PLANNING COMMISSION HEARING DATE October 2, 2024	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 3501 W O Street

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from H-3 Highway Commercial to I-1 Industrial. The change of zone area comprises 1.96 acres and is located generally south of W O Street between SW 40th and SW 32nd Streets. The total site area is 16.81 acres. The proposed change of zone will allow additional development area for a steel manufacturer on the south part of the property in I-1 zoning. This change of zone is an extension of the previously approved CZ24016 which rezoned approximately 3.95 acres to the south to I-1. The zoning directly along W O Street will remain H-3.



JUSTIFICATION FOR RECOMMENDATION

The proposed change of zone is justified as it will allow for industrial development while still being consistent with the general zoning pattern along W O Street. This new change of zone request will match the extent of the I-1 zoning on the property to the east along W O Street.

APPLICATION CONTACT

Brian Lang, (402) 458-5691 or blang@olsson.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposal is consistent with the Comprehensive Plan as it follows the general future land use designation for the W O Street corridor at this location. It will allow for industrial development in an appropriate location within the City of Lincoln with arterial street access.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

[Figure GF.b: 2050](#) - This site is shown as future commercial and industrial with commercial along W O Street on the 2050 Future Land Use Plan.

Land Use Plan -

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

Light Industrial. Areas for light manufacturing and assembly, warehousing, business trade, research and development, and associated office and retail uses. Proximity to major transportation routes is important. Uses in this category would produce little or no noise, odor, vibration, glare, or other objectionable influences and would have little or no adverse effect on surrounding properties.

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

Fundamentals of Growth in Lancaster County

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.

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

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

2. Locate all new commercial and industrial development within Lincoln or within the smaller incorporated communities in Lancaster County. Certain commercial uses that are compatible with agriculture and the rural environment, such as commercial wind and solar energy facilities, are allowed in rural areas of the county.

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

ANALYSIS

1. This request is for a change of zone from H-3 Highway Commercial to I-1 Industrial on approximately 1.96 acres. The area is located generally to the south of W O Street between SW 40th and SW 32nd Streets. The change of zone area is part of the larger 16.81 development site that will include commercial and industrial development. Access to W O Street will be via the existing access adjacent to the northwest part of the site which also serves as access to the Lancaster County Correctional Facility to the west.
2. The change of zone is requested to extend the I-1 zoning further north to allow additional area for a steel manufacturing facility. The extent of the I-1 zoning line will match the I-1 zoning line on the property to the east. H-3 zoning will remain along the W O Street frontage.
3. CZ24016 was recently approved by City Council for the development in August of 2024. This was a change of zone from H-3 Highway Commercial to I-1 Industrial. The change of zone area comprised 3.95 acres and was located directly to the south of the current proposal. The change of zone was to allow for a steel manufacturer on the south part of the property in I-1 zoning. The current request is an expansion of the prior change of zone area as it was determined after the last change of zone request that additional space is needed for the industrial use.
4. CZ21035 was approved by the City Council in November of 2021 for EDM Industrial for the property to the east. This was a similar request for a change of zone from H-3 (Highway Commercial) to I-1 (Industrial) on approximately 6.56 acres located west of SW 32nd Street on the south side of W O Street. The change of zone adjusted the boundary line between the two districts by extending it 325 feet to the north while keeping approximately 300 feet of H-3 zoning along W O Street. The intent of the proposal was to allow for a proposed building and site for industrial use.
5. The pattern of zoning along W O Street is one of commercial zoning and uses directly along W O Street with industrial zoning further south away from W O Street. This proposal allows adjustment of the I-1/H-3 zoning boundary while still adhering to the overall zoning pattern.
6. The 2050 Comprehensive Plan supports this proposal as far as the change of zone as the industrial use will be contiguous to other industrial zoning, within the existing City limits of Lincoln and still adheres to the Future Land Use Map.

EXISTING LAND USE & ZONING: Vacant (Undeveloped Land); H-3 and I-1 Zoning

SURROUNDING LAND USE & ZONING

North: Construction Supply Business	H-3
South: Wetlands	I-1
East: Light Manufacturing	H-3 and I-1
West: Correctional Facility	H-3 and I-1

APPLICATION HISTORY:

August, 2024	CZ24016 was approved by City Council to rezone 3.95 acres from H-3 Highway Commercial District to I-1 Industrial District.
July, 2024	PP24004 was approved by the Planning Commission for a preliminary plat to develop two H-3 Highway Commercial lots and one I-1 Industrial lot, covering an area of approximately 16.81 acres for Diamond Enterprises, LLC.
July, 1996	SP1623 was approved for a limited landfill for up to 35,000 cubic yards of construction rubble, including concrete, brick, and asphalt. This was for 3501 W O Street property (Lot 71. IT.), the east part of the site.

APPROXIMATE LAND AREA: 1.96 acres (Change of Zone)

LEGAL DESCRIPTION: A tract of land composed of a portion of Lot 71 I.T. and a portion of Lot 114 I.T., located in the northwest quarter of Section 29, Township 10, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska. (see attached)

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

Date: September 19, 2024

Applicant: Kristin Helmerichs
404 Hill Street
Lincoln, NE 68502
(402) 499-8930
diamondsawing@yahoo.com

Contact: Brian Lang
601 P Street, Suite 200
Lincoln, NE 68508
(402) 458-5691
blang@olsson.com

Owner: Diamond Sawing, LLC
404 Hill Street
Lincoln, NE 68502
(402) 499-8930
diamondsawing@yahoo.com

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CZ/24000/CZ24023 Diamond Enterprises.gjw.docx>



Change of Zone #: CZ24023 (H-3 to I-1)
SW 40th St & W O St

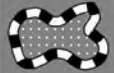




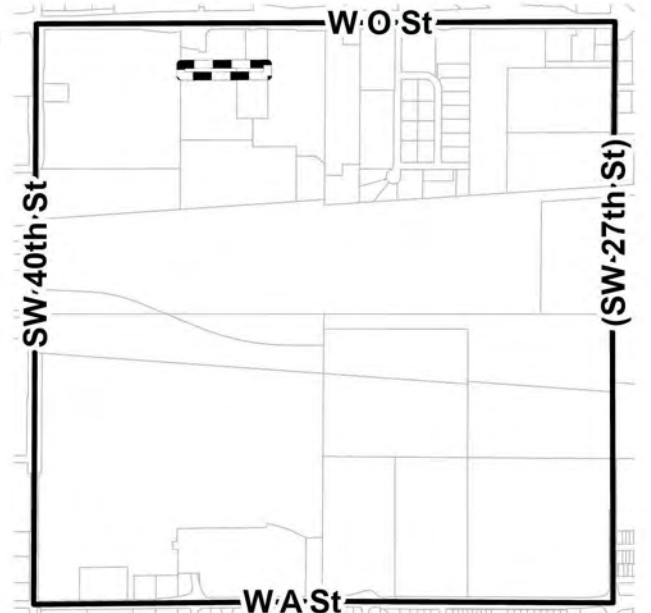
2020 aerial

One Square Mile:
Sec.29 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



A TRACT OF LAND COMPOSED OF A PORTION OF LOT 71 I.T. AND A PORTION OF LOT 114 I.T., LOCATED IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 71 I.T.; THENCE, SOUTHERLY, ON THE EAST LINE OF SAID LOT 71 I.T., ON AN ASSUMED BEARING OF $S00^{\circ}13'50''E$, A DISTANCE OF 320.76'; TO THE TRUE POINT OF BEGINNING; THENCE, CONTINUING, $S00^{\circ}13'50''E$, ON THE EAST LINE OF SAID LOT 71 I.T., A DISTANCE OF 108.00', TO A POINT ON THE EXISTING H-3, I-1 CHANGE OF ZONE LINE TO A POINT; THENCE $S89^{\circ}46'18''W$, ALONG THE EXISTING H-3, I-1 CHANGE OF ZONE LINE, A DISTANCE OF 792.03' TO A POINT ON THE WEST LINE OF SAID LOT 114 I.T.; THENCE $N00^{\circ}17'44''E$, ON THE WEST LINE OF SAID LOT 114 I.T., A DISTANCE OF 108.00', TO A POINT; THENCE $N89^{\circ}46'18''E$, A DISTANCE OF 791.04' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 85,486.09 SQUARE FEET OR 1.96 ACRES, MORE OR LESS.



September 3, 2024

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

Re: Diamond Enterprises
Preliminary Plat
Olsson Project No. 024-02313

Dear Mr. Cary,

On behalf of Diamond Enterprises, LLC ("Diamond Enterprises"), the owner of the real property legally described as S29, T10, R6, 6th Principal Meridian, REM Port Lot 114 NW and S29, T10, R6, 6th Principal Meridian, Oot 71 NW, Lancaster County, Nebraska ("the Property") is proposing a change of zone. The southern lot has a proposed use as a steel manufacture and is being proposed to be rezoned to I-1 zoning, we are proposing to move the zoning line to match the zoning change line on the lot to the east of our property.

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

1. City of Lincoln Application, including:
 - a. Change of Zone from H-3 to I-1
2. Application fee in the amount of \$1,109.00

Plans and other supporting documents will be submitted to ProjectDox upon notification from the Planning Staff. We appreciate your consideration of the above request and look forward to working with the City staff on this proposed Preliminary Plat and change of zone. If you require further information or have any questions, please do not hesitate to contact me at blang@olsson.com or (402) 458-5691.

Sincerely,

A handwritten signature in blue ink that reads "Brian Lang". The signature is fluid and cursive.

Brian Lang

Enclosures.



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Change of Zone #24018 & Special Permit #24030	FINAL ACTION? No	DEVELOPER/OWNER Keller Real Estate LLC/Sesostris Temple Holding Corp.
PLANNING COMMISSION HEARING DATE October 2, 2024	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION North of the O Street & Anthony Lane Intersection

CHANGE OF ZONE RECOMMENDATION: CONDITIONAL APPROVAL
SPECIAL PERMIT RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a combined staff report for a request on approximately 15 acres for a change of zone from AG Agriculture to H-4 General Commercial District and a special permit for a Planned Service Commercial development. The property is located north of the O Street and Anthony Lane intersection and east of Southeast Community College. The Special Permit proposes 22,000 square feet of automotive repair services and 90,000 square feet of mini warehousing with waivers for: 1) reduce setbacks from proposed outlots; 2) a reduction in the setback from the LES substation; 3) a reduction in the front yard setback for signage.



JUSTIFICATION FOR RECOMMENDATION

This area is within the Lincoln city limits and complies with the commercial designation of the Land Use Plan. The proposed H-4 zoning will complement the built environment and land use pattern as envisioned in the comprehensive plan, which when coupled with the Special Permit for a Planned Commercial Center provide additional certainty for the land uses. The waivers requested for setbacks, and signage are typical and do not present a departure from similar developments within the community. The request for reduction of setback from the LTU substation to 5 feet cannot be supported as a minimum of 10 feet is necessary due to the power loads.

APPLICATION CONTACT

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

STAFF CONTACT

Steve Dush, (402) 441-5662 or
sdush@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The change of zone and special permit encourage the goals of economic growth and development, as well as commercial development within Lincoln as outlined in the Comprehensive Plan. The proposed change of zone fits with the character of the existing uses and the proposed future uses of the surrounding land. Describe overall compatibility with the Comprehensive Plan.

WAIVERS

1. Reduce setbacks to proposed Outlots from 6 feet to 0 feet. (Recommend Approval)
2. Reduce the side and rear setbacks to LES substation from 20 feet to 5 feet (Approval of 10 foot setback due to the power loads of the sub-station requires a minimum 10-foot building setback)
3. Reduce front yard setbacks for Center sign to 0 feet. (Recommend Approval if allowed in water and utility easements)

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

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

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

Figure GF.c - This site is shown in Tier I Priority A (Currently Developing) on the 2050 Priority Growth Area Map.

Fundamentals of Growth in Lancaster County

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

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

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

Goals Section

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

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

G13: Community Appearance. Lincoln and Lancaster County will have a high-quality physical environment that creates a strong sense of place and community pride.

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**

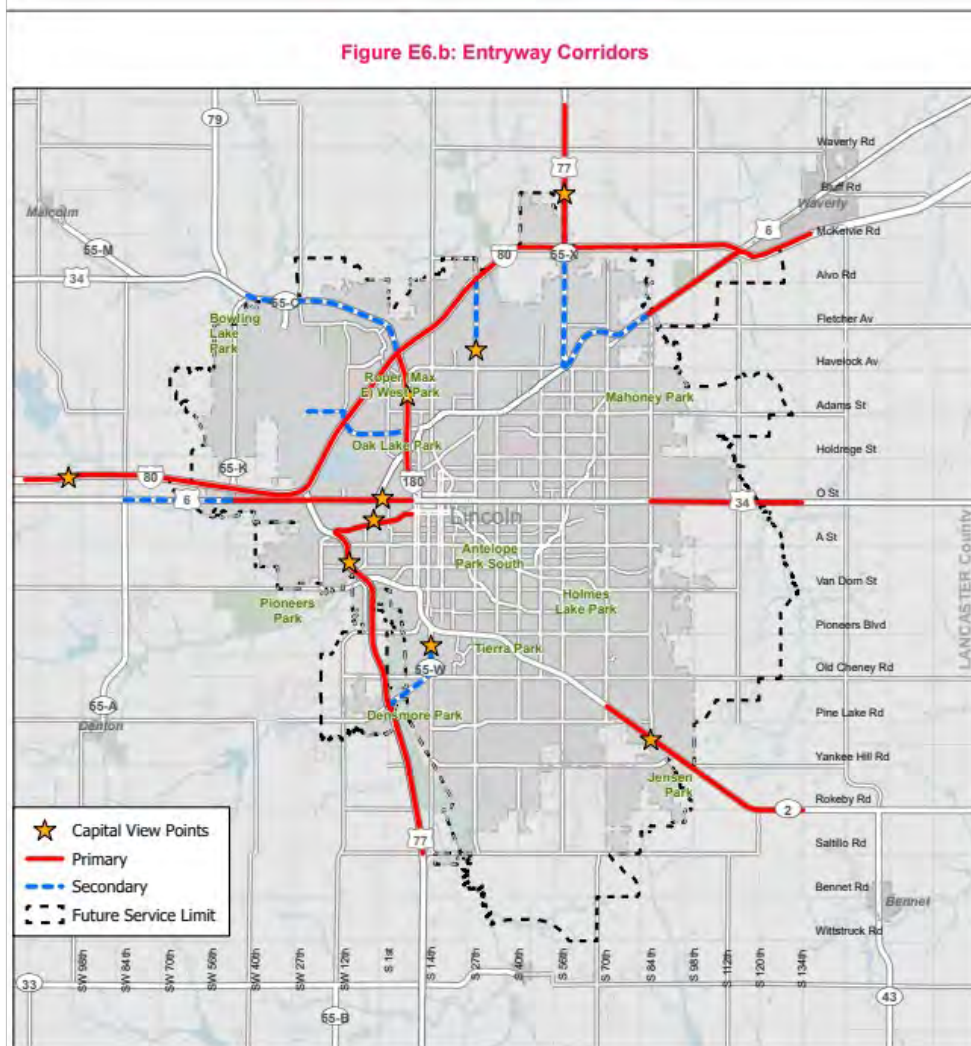
- **Figure E3.d: Commercial Center Design Strategies**

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 ¼ or ½ 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.

E6: Placemaking - This element describes principles and strategies intended to preserve and enhance the community's unique character - its sense of place - through preservation of cultural and historic resources and focused attention to the quality of public and private development.

Corridors - Other important resources for providing community identity and orientation are entryway corridors, parks, trails and open spaces. Key entryways provide indelible "first impressions" of a community. Lincoln and Lancaster County 's Entryway Corridors, as shown in Figure E6.b, have been categorized as primary and secondary entryways. The primary entryways are the corridors identified on this map that are most responsible for managing traffic into Lincoln. As such, their functionality and visual aesthetics go a long way in defining visitors' impression of the community. The secondary entryways carry less traffic but are still vital to perceptions and should be treated as such. For both the primary and secondary entry corridors. There are key points along their routes where views toward the Capital are particularly strong and should be preserved.



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

1. 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.
2. Implement nodes and corridor principles as discussed in the Infill and Redevelopment element.
3. Continue utilizing TIF, and evaluate other incentives, to promote high-quality development in targeted areas.
4. Coordinate transit and other mobility enhancements with nodes and corridor areas.

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

Action Steps

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

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

Action Steps

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

P35: Entry Corridors - Entryways should be studied, protected, and enhanced to create and express community pride.

P61: Industrial Zoning and Pipelines - Discourage residential land uses and buildings with vulnerable populations from locating near high-pressure pipelines and industrial zoning districts. Provide adequate separation between vulnerable populations and hazardous materials to protect and promote the public's health.

Action Steps

1. Land uses with vulnerable populations should not be located within pipeline planning areas. For large high-pressure pipelines, pipeline planning areas are established based upon pipeline metrics or the United States Department of Transportation's Emergency Response Guidebook. Most high-pressure pipelines have a planning area of approximately 150-250 feet from either side of the pipeline.
2. Land uses with vulnerable populations should not be located within 300 feet of an industrially-zoned district or heavy industrial use such as a rail line. Even if a given industrial site does not include hazardous materials at present, a hazardous use could be added in the future.
3. Do not support expansion of existing residential uses currently located within a pipeline planning area or within 300 feet of an industrial zoning district unless the pipeline is decommissioned, or downzoning is planned for the industrial area.
4. Continue strategic re-zonings of legacy industrial districts to less intensive commercial zoning districts when near residential uses.

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

ANALYSIS

1. This is a combined application for a change of zone from AG - Agricultural to H-4 Highway Commercial and a Special Permit for a Planned Service Commercial use proposing 22,500 square feet of Automotive Services and 90,000 square feet of mini warehousing. The proposed zoning is consistent with the Comprehensive Plan and the Special Permit refines the uses for the property and are consistent with the existing and planned uses in the vicinity.
2. The proposed area is in keeping with the Comprehensive Plan and advances the policies of the Pipeline Planning Area (PPA) located parallel to the southern property line. Conditions have been added to ensure that the location is graphically depicted on the plan, and sensitive uses are precluded.
3. The applicant has proposed a number of waivers including a request to reduce setbacks to outlots and reduce setbacks for signage. The waivers requested to the setbacks are consistent and appropriate and will not have a detrimental impact upon the community. The request to reduce the 20 foot setbacks to 5 feet to the LES substations is not supported by LES, but a 10 foot setback is acceptable as 10 feet is the minimum due to the power loads of the substation.
4. A request to reduce the right turn lane distance is a modification to the Access Management Policy standards and will be addressed through the LTU deviation request process.
5. Another traffic design component of this request is the offset right turn lanes at the intersection of O Street and Anthony Lane. This design component is regulated by Nebraska Department of Transportation (NDOT). The initial application materials for the change of zone and preliminary plat (the preliminary plat evolved into the special

permit) were routed to NDOT and they did not have any comments. Noteworthy is the requirement that any development within the ROW will require both an LTU Right-of-way (ROW) work permit, and a NDOT ROW work permit.

6. The requested zone change and special permit are consistent with the Comprehensive Plan and advance multiple goals, policies, and elements. The technical details relating to turn lanes, intersection design, and LES easements may be ratified as final plans are prepared and submitted and the conditions ensuring that proper designs are achieved have been added.
7. A zoning agreement is needed as part of the change of zone approval. The developer has requested to be reimbursed for the impact fee eligible improvements in O Street. The agreement will address the reimbursement from impact fees generated by the development.
8. The applicant provided a trip calculation based upon the proposed uses which yielded 99.7 trips in the PM peak hour and because the trips were under 100, a traffic study was not required. A trip cap is proposed to ensure that in the event uses change in the future resulting in more trips, the opportunity to have a traffic study prepared is preserved.
9. The City's Waterford Trail is proposed on the south side of the future Boathouse Road. The trail project is currently in design. Show a proposed 10-foot trail on the plans south of the future Boat House Road. Design and construction of the connection of Antony Lane to Boathouse Road will need to be coordinated with and accommodate the City's trail project.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Commercial AG Agricultural District

SURROUNDING LAND USE & ZONING

North: Vacant Farmland	P- Public Use District
South: Residential	AG and R-3
East: Vacant	P- Public Use District
West: LES Substation & Southeast CC	AG and P

APPLICATION HISTORY

AN17017: A city-initiated annexation approved in 2017.

APPROXIMATE LAND AREA: 14.5 acres

LEGAL DESCRIPTION: Lot 26 IT located in S23, T10, R7, east of the 6th P.M. Lincoln, Lancaster County, NE.

Prepared by Steve Dush, AICP
(402) 441 5662 or sdush@lincoln.ne.gov

Date: September 23, 2024

Applicant/
Contact: Tim Gergen, Clark & Enersen, 1010 Lincoln Mall suite 200, Lincoln, NE 68508

Owner: Sesostris Temple Holding Corp., 1050 Saltillo Road; Roca, NE 68430

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CZ/24000/CZ24018 & SP24030 staff report .docx>

CONDITIONS OF APPROVAL - CHANGE OF ZONE #24018

1. The Developer signs a zoning agreement before the City Council approves the change of zone.

CONDITIONS OF APPROVAL - Special Permit #24030

Per Section 27.63.470 this approval permits a Planned Service Commercial development with 22,000 square feet of automotive repair services and 90,000 square feet of mini warehousing with waivers to: 1) reduce the setbacks to the proposed Outlots to 0 feet; 2) reduce setbacks to the LES substation to 10 feet; and 3) reduce the front yard setback for a center sign to 0 feet if the sign is allowed in the water and utility easements.

Site Specific Conditions:

1. The City Council Approve associated request Change of Zone #24018.
2. Before receiving building permits before a final plat is approved the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
 - 2.1 Provide the trip generation for each lot to the satisfaction of LTU.
 - 2.2 Add a line for the Total Floor Area and trip generation for peak hour for each use.
 - 2.3 Provide a label for water, sanitary sewer and street paving beyond the limits of the special permit and note to be done by others.
 - 2.4 Delete Note 13 as it is covered by Note 8.
 - 2.5 Reconcile the bearings for the street centerlines to the satisfaction of GIS Survey.
 - 2.6 Provide the required straight tangents at the approach to the intersection of Anthony Lane and O Street.
 - 2.7 Show the ROW Dedication per Figure E9.a of the 2050 LRTP of 140 feet plus an additional 10 feet along all right turn lanes.
 - 2.8 Address comments from LTU - Traffic dated 9/13/2024 in ProjectDox to the satisfaction of Lincoln Transportation and Utilities Department.
 - 2.9 Demonstrate how the proposed grading for Anthony Lane connects to the northern property and meets city standards to the satisfaction of Lincoln Transportation and Utilities Department.
 - 2.10 If overall grading is updated to meet the adjusted grading, revise the drainage memo accordingly to the satisfaction of Lincoln Transportation and Utilities Department. Revisions to the grading impacting adjacent parcels shall require approval of or an agreement by the impacted property owner.
 - 2.11 Show a proposed 10-foot trail on the plans south of the future Boat House Road. .
 - 2.12 Update the waivers on the site plan following City Council approval.
 - 2.13 Provide an exclusive 15 foot LES easement parallel to O street and all other easements per LES's Review #2 in ProjectDox.

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

3. Final plat is approved by the City.

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

Before the approval of a final plat, the public streets, turn lanes, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for sidewalks and street trees along major streets that have not been improved to an urban cross section. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.

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

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

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

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

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

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

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

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

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

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

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

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

to complete the public and private improvements shown on the special permit.

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

to maintain the outlots on a permanent and continuous basis.

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

to maintain the plants in the medians and islands, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

to maintain the street trees along the private roadways and landscape screens, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

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

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

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

- (1) Permittee shall not be relieved of Permittee's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.

- (2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds

to pay all design, engineering, labor, material, inspection, and other improvements:

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

Standard Conditions:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the buildings all development and construction shall substantially comply with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established property owners association approved by the City Attorney.
 - 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 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, 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.

The site plan as approved with this ordinance voids and supersedes all previously approved site plans, however all ordinances approving previous permits remain in full force and effect unless specifically amended by this ordinance.

Legal Description

LOT 26, IRREGULAR TRACT LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOW;

BEGINNING AT SOUTHEAST CORNER OF SAID LOT 26, SAID POINT BEING ON THE NORTH 60' RIGHT OF WAY FOR 'O' STREET, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF OUTLOT A, WATERFORD ESTATES 26TH ADDITION; THENCE WESTERLY ON THE SOUTH LINE OF SAID LOT 26 AND ON SAID NORTH 60' RIGHT OF WAY LINE, ON AN ASSIGNED BEARING OF N 89°24'30"W A DISTANCE OF 728.53', TO THE SOUTH CORNER COMMON TO LOTS 25 AND 26 IRREGULAR TRACTS IN SAID SECTION; THENCE NORTHERLY ON THE EAST LINE OF SAID LOT 25, N 0°02'44"E 516.15', TO THE NORTHEAST CORNER OF SAID LOT 25; THENCE WESTERLY ON THE NORTH LINE OF SAID LOT 25 N 89°24'18"W 400.12', TO THE WEST CORNER COMMON TO SAID LOTS 25 AND 26; THENCE NORTHERLY ON WEST LINE OF SAID LOT 26, N 0°00'24"W 462.15', TO THE NORTHWEST CORNER OF SAID LOT 26; THENCE ON THE NORTHERLY LINE OF SAID LOT 26 FOR THE NEXT NINE (9) COURSES, EASTERLY, S 89°58'39"E 44.33'; THENCE SOUTHERLY, S 19°43'36"E 39.99'; THENCE SOUTHEASTERLY, S 62°31'43"E 61.30'; THENCE SOUTHEASTERLY, S 43°29'54"E 79.00'; THENCE EASTERLY, S 87°57'23"E 262.74', TO A POINT ON A CIRCULAR CURVE, TURNING IN A CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 34°09'30", WITH A RADIUS OF 480.77' AND WITH AN ARC LENGTH OF 286.62'; THENCE EASTERLY ON SAID CURVE HAVING A CHORD BEARING OF S 70°52'38"E 282.40'; THENCE SOUTHEASTERLY, S 30°01'45"E 71.22', TO A POINT ON A CIRCULAR CURVE, TURNING IN A CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 41°08'45", WITH A RADIUS OF 640.44' AND WITH AN ARC LENGTH OF 459.92'; THENCE SOUTHEASTERLY ON SAID CURVE WITH A CHORD BEARING OF S 47°38'05"E 450.10'; THENCE EASTERLY, S 89°09'30"E 69.91', TO THE NORTHEAST CORNER OF SAID LOT 26; THENCE SOUTHERLY ON THE EAST LINE OF SAID LOT 26, S 0°50'30"W 398.91', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 639,133.3 SQUARE FEET OR 14.67 ACRES, MORE OR LESS.



Change of Zone #: CZ24018 (AG to H-3)
Special Permit #: SP24030
Eastern Heights
Anthony La & O St



2020 aerial

One Square Mile:
 Sec.23 T10N R07E

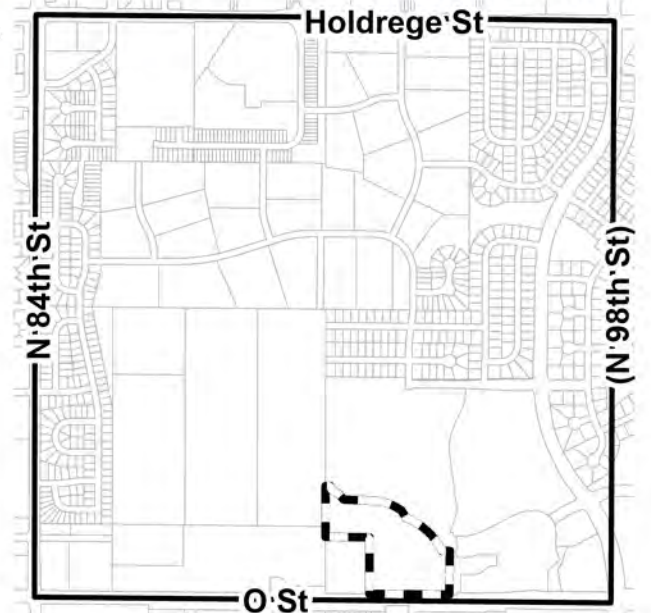
Zoning:

- 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



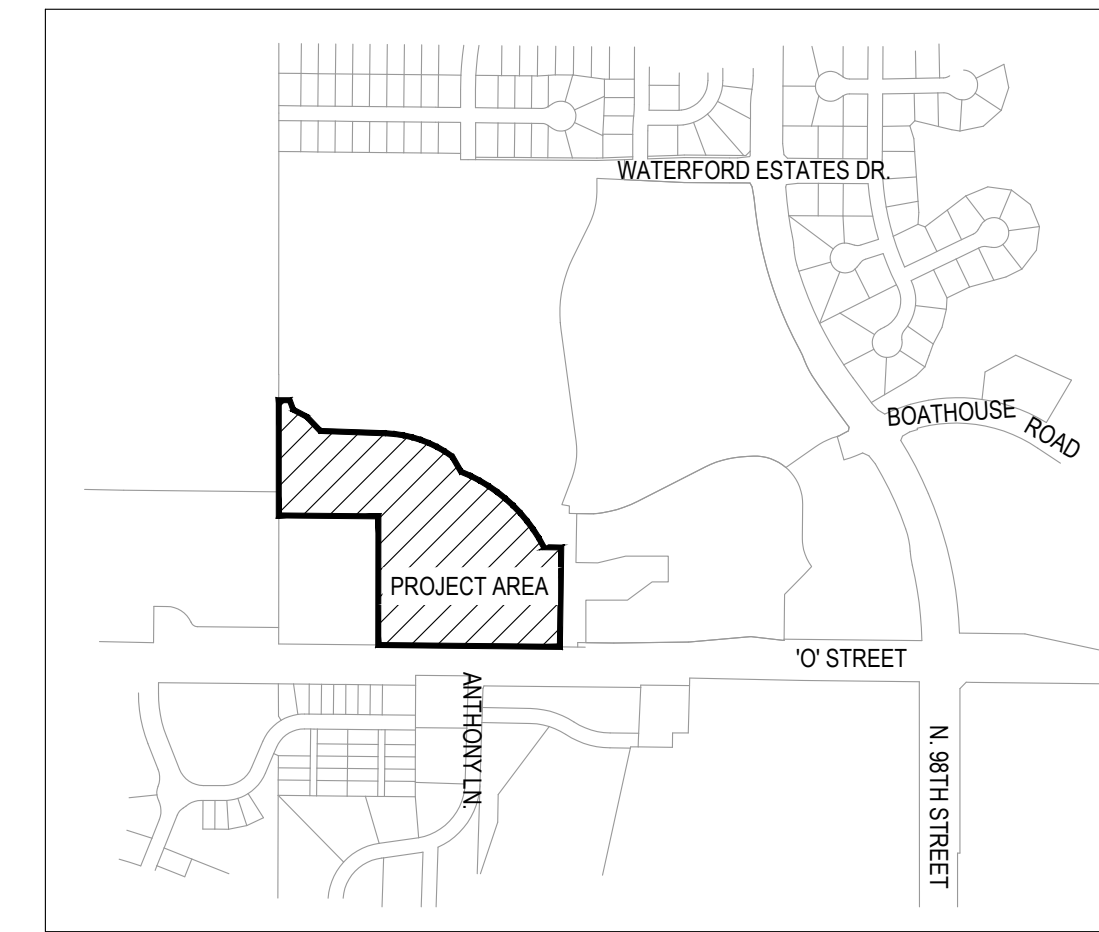
EASTERN HEIGHTS

SPECIAL PERMIT FOR PLANNED SERVICE COMMERCIAL

CLARK & ENERSEN

Architecture \ Engineering \ Interior Design \ Landscape Architecture \ Planning

clarkenersen.com
 Fort Collins, Colorado
 Lawrence, Kansas
 Kansas City, Missouri
 Lincoln, Nebraska
 Omaha, Nebraska
 Portland, Oregon
 Charleston, South Carolina



VICINITY MAP
NO SCALE

GENERAL SITE NOTES

- SANITARY SEWER AND WATER LINES TO BE 8" PIPE UNLESS OTHERWISE SHOWN. STORM SEWER SHALL BE CONSTRUCTED USING APPROVED PIPE MATERIALS OF THE BUILDING AND SAFETY PLUMBING DEPARTMENT. PUBLIC AND PRIVATE UTILITIES TO BE BUILT TO CITY OF LINCOLN SPECIFICATIONS.
- ALL PAVEMENT RETURN RADII TO BE 30' (MIN) UNLESS OTHERWISE NOTED.
- SIDEWALKS SHALL BE CONSTRUCTED ON BOTH SIDES OF THE PUBLIC STREETS.
- ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
- DIRECT VEHICULAR ACCESS TO O' STREET SHALL BE RELINQUISHED EXCEPT AS SHOWN.
- ALL ELEVATIONS ARE TO NAVD 1988.
- ALL OUTLOTS, MEDIANS, LANDSCAPING AND PEDESTRIAN CIRCULATION WITHIN THIS SPECIAL PERMIT TO BE MAINTAINED BY AN ASSOCIATION OF PROPERTY OWNERS.
- THE PROPOSED LOT LINES, BUILDING LAYOUT AND PARKING LOT LAYOUT ARE CONCEPTUAL AND MAY VARY IN THE FINAL PLAT & BUILDING PERMIT.
- ALL EAVES, CANOPIES AND OTHER BUILDING PROJECTIONS MAY EXTEND OVER THE BUILDING SETBACK LINES BUT NOT LOT LINES.
- ALL DRIVES SHALL BE 24' WIDE TYPICAL UNLESS OTHERWISE NOTED.
- FENCES, DECORATIVE STRUCTURES, AND ACCESSORY BUILDINGS ARE NOT SHOWN ON THE SITE PLAN BUT MAY BE CONSTRUCTED IF THEY ARE 25' X 25' OR SMALLER AND ARE CONSTRUCTED OUTSIDE OF SETBACKS, SIGHT TRIANGLES, EASEMENTS, AND REQUIRED MINIMUM PARKING, AND ARE BUILT ACCORDING TO ZONING ORDINANCE PROVISIONS, AND ARE IN CONFORMANCE WITH ALL OTHER APPLICABLE CODES.
- INTERNAL PEDESTRIAN SIDEWALKS TO BE PROVIDED IN COMPLIANCE WITH THE CITY OF LINCOLN DESIGN STANDARDS AT THE TIME OF BUILDING PERMITS.
- FINAL SITE LAYOUT AND INDIVIDUAL LANDSCAPE PLANS FOR BUILDINGS TO BE SUBMITTED AT TIME OF BUILDING PERMIT.
- SETBACKS SHALL BE AS SHOWN ON THE SITE PLAN.
- DWELLINGHOUSING, EARLY CHILDHOOD CARE FACILITIES, SCHOOLS, HEALTHCARE FACILITIES, OR HOSPITALS ARE NOT PERMITTED WITHIN THE PIPELINE PANNING AREA.
- TOTAL USAGE:
 TOTAL BLOCKS - 2
 TOTAL LOTS - 2
 TOTAL OUTLOTS - 4
- PROPERTY IS BEING REQUESTED TO BE REZONED FROM AG TO H-4.

Per Nebraska State Statute 81-3436, section 6.5.3

Required Information on Technical Submissions
 Clark & Enersen, Inc.
 Architecture Contact: Tim Ripp
 Engineering Contact: TJ Schirmer
 1010 Lincoln Mall, Suite 200
 Lincoln, NE 68508
 COA No. CA0029AE
 Note that this information is being provided as required by state statutes for an organization. The individual in responsible charge for design is designated by the professional stamps on individual drawings. Please follow information in the Project Manual for submitting questions during bidding or construction.

Eastern Heights Special Permit for Planned Commercial Use

95th & O Street
 Lincoln, NE

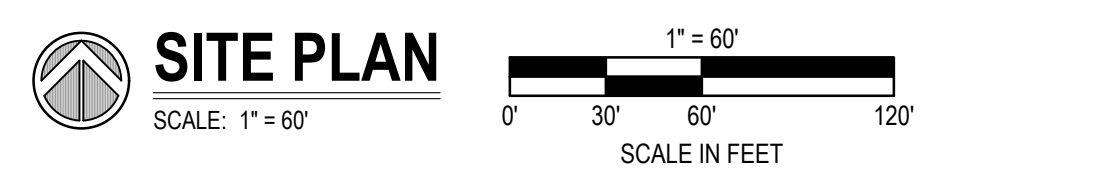
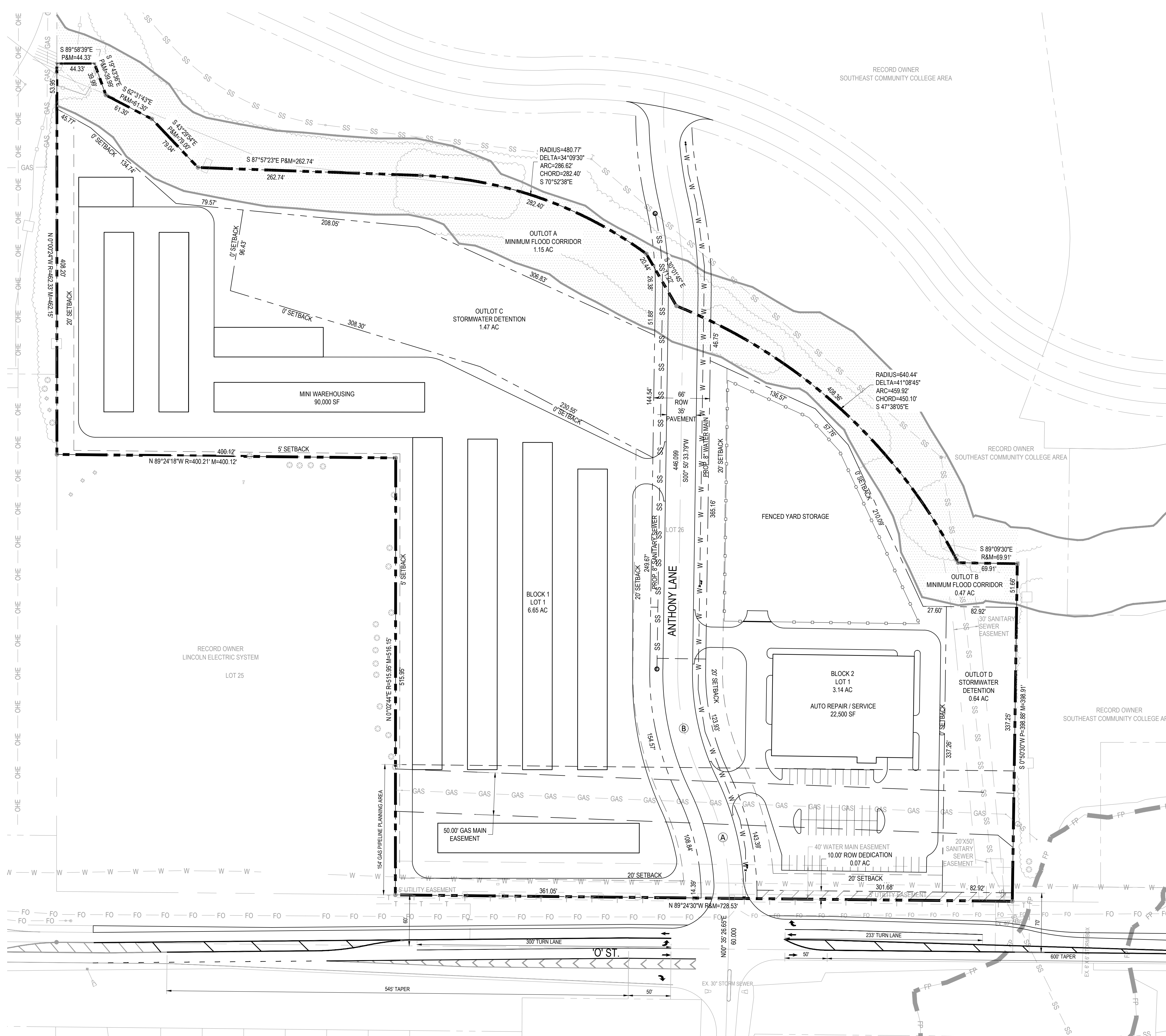
CE No.: 562-001-23

August 28, 2024



Site Plan

1 of 5



ROADWAY CENTERLINE CURVE DATA

A	R = 300.00'	B	R = 300.00'
L = 137.97'	L = 140.53'	L = 140.53'	L = 140.53'
T = 70.88'	T = 71.58'	T = 71.58'	T = 71.58'
CL = 139.21'	CL = 139.25'	CL = 139.25'	CL = 139.25'
Δ = 26° 35' 14"	Δ = 26° 35' 14"	Δ = 26° 35' 14"	Δ = 26° 35' 14"

DEVELOPER
 KELLER REAL ESTATE LLC
 103 JOHNSON PLACE
 EUSTIS, NE 69028

ENGINEER & PREPARER
 CLARK & ENERSEN
 1010 LINCOLN MALL, SUITE 200
 LINCOLN, NE 68508
 CONTACT: TIM GERGER
 PHONE: 402-477-9291

LEGAL DESCRIPTION - SPECIAL PERMIT & CHANGE OF ZONE

LOT 26, IRREGULAR TRACT LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT SOUTHEAST CORNER OF SAID LOT 26, SAID POINT BEING ON THE NORTH 60' RIGHT OF WAY FOR O' STREET, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF OUTLOT A, WATERFORD ESTATES 26TH ADDITION; THENCE WESTERLY ON THE SOUTH LINE OF SAID LOT 26 AND ON SAID NORTH 60' RIGHT OF WAY LINE, ON AN ASSIGNED BEARING OF N 89°24'30"W A DISTANCE OF 728.53'; TO THE SOUTH CORNER COMMON TO LOTS 25 AND 26 IRREGULAR TRACTS IN SAID SECTION; THENCE NORTHERLY ON THE EAST LINE OF SAID LOT 25, N 0°02'44"E 516.15'; TO THE NORTHEAST CORNER OF SAID LOT 25; THENCE WESTERLY ON THE NORTH LINE OF SAID LOT 25 N 89°24'18"W 400.12'; TO THE WEST CORNER COMMON TO SAID LOTS 25 AND 26; THENCE NORTHERLY ON WEST LINE OF SAID LOT 26, N 0°02'24"W 462.15'; TO THE NORTHWEST CORNER OF SAID LOT 26; THENCE ON THE NORTHERLY LINE OF SAID LOT 26 FOR THE NEXT NINE (9) COURSES, EASTERLY, S 89°58'39"E 44.33'; THENCE SOUTHERLY, S 19°43'36"E 39.99'; THENCE SOUTHEASTERLY, S 62°31'43"E 61.30'; THENCE SOUTHEASTERLY, S 43°29'54"E 79.00'; THENCE EASTERLY, S 87°57'23"E 262.74'; TO A POINT ON A CIRCULAR CURVE, TURNING IN A CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 34°09'30", WITH A RADIUS OF 480.77' AND WITH AN ARC LENGTH OF 286.62'; THENCE EASTERLY ON SAID CURVE HAVING A CHORD BEARING OF S 70°52'39"E 282.40'; THENCE SOUTHEASTERLY, S 30°01'45"E 71.22'; TO A POINT ON A CIRCULAR CURVE, TURNING IN A CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 41°08'45", WITH A RADIUS OF 640.44' AND WITH AN ARC LENGTH OF 459.92'; THENCE SOUTHEASTERLY ON SAID CURVE WITH A CHORD BEARING OF S 47°38'05"E 450.10'; THENCE EASTERLY, S 89°09'30"E 69.91'; TO THE NORTHEAST CORNER OF SAID LOT 26; THENCE SOUTHERLY ON THE EAST LINE OF SAID LOT 26, S 0°50'30"W 398.91'; TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 639,133.3 SQUARE FEET OR 14.67 ACRES, MORE OR LESS.

LAND USE TABLE

BLOCK 1, LOT 1	MINI WAREHOUSING	90,000 SF
BLOCK 2, LOT 1	AUTO REPAIR / SERVICE	22,500 SF

WAIVERS

- 0' SETBACKS ALONG OUTLOTS.
- BLOCK LENGTH.
- REDUCE THE FRONT YARD SETBACK TO 0' FOR FREESTANDING AND CENTER SIGNS.
- REDUCE SETBACKS ALONG LES SUBSTATION TO 5'.

ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF NEBRASKA. THESE PLANS MEET THE REQUIREMENTS OF THE CITY ENGINEER'S OFFICE DESIGN REQUIREMENTS.

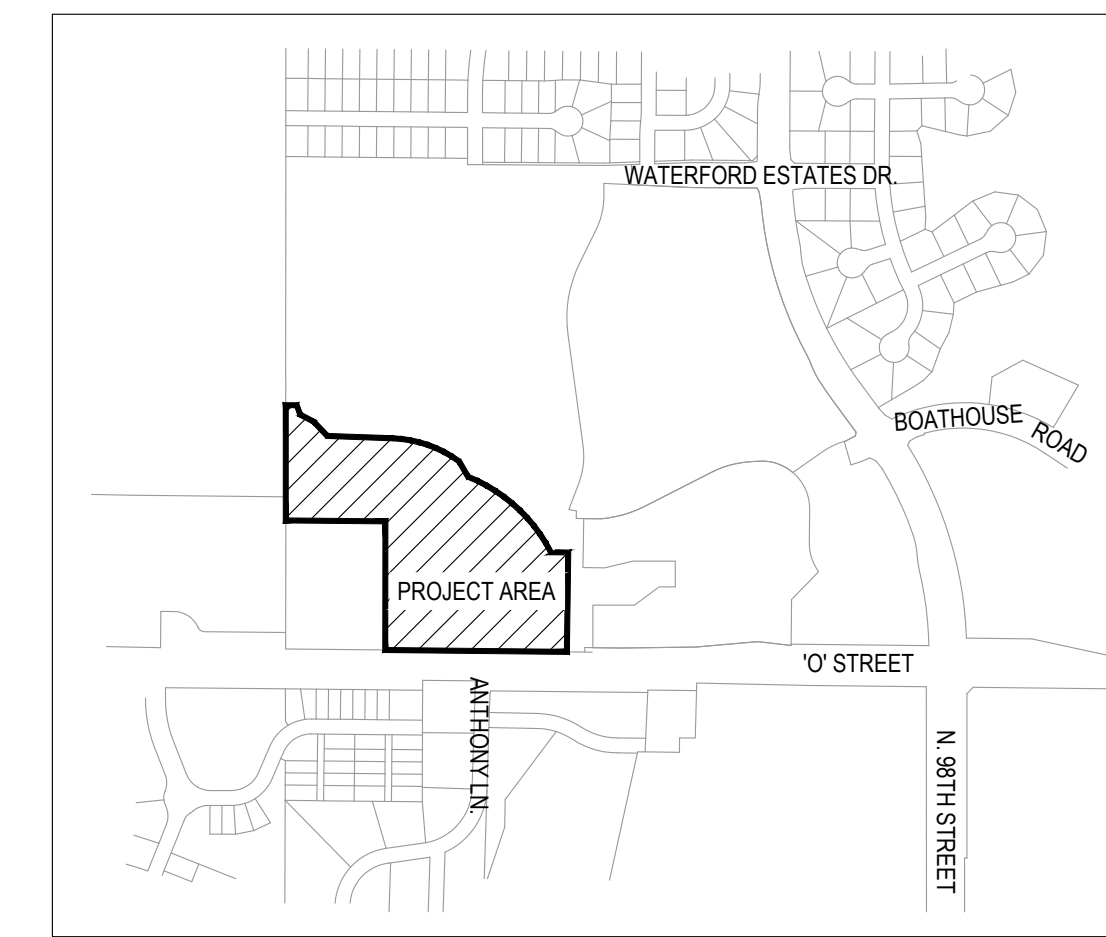
08/28/2024
 DATE
 TIM GERGER E-10344

Plot Time Stamp: 9/03/2024 1:56:45 PM
 File Location/Name: \\tresp-in-srv-004\300-599\562-001-23 Eustis 98th & O Development\03 AutoCAD\562001-Sheet 1.dwg

EASTERN HEIGHTS SPECIAL PERMIT FOR PLANNED SERVICE COMMERCIAL

Architecture \ Engineering \ Interior Design \ Landscape Architecture \ Planning

clarkenersen.com
Fort Collins, Colorado
Lawrence, Kansas
Kansas City, Missouri
Lincoln, Nebraska
Omaha, Nebraska
Portland, Oregon
Charleston, South Carolina



VICINITY MAP
NO SCALE

GENERAL SITE NOTES

- SANITARY SEWER AND WATER LINES TO BE 8" PIPE UNLESS OTHERWISE SHOWN. STORM SEWER SHALL BE CONSTRUCTED USING APPROVED PIPE MATERIALS OF THE BUILDING AND SAFETY PLUMBING DEPARTMENT. PUBLIC AND PRIVATE UTILITIES TO BE BUILT TO CITY OF LINCOLN SPECIFICATIONS.
- ALL PAVEMENT RETURN RADI TO BE 30' (MIN) UNLESS OTHERWISE NOTED.
- SIDEWALKS SHALL BE CONSTRUCTED ON BOTH SIDES OF THE PUBLIC STREETS.
- ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
- DIRECT VEHICULAR ACCESS TO 'O' STREET SHALL BE RELINQUISHED EXCEPT AS SHOWN.
- ALL ELEVATIONS ARE TO NAVD 1988.
- ALL OUTLOTS, MEDIANS, LANDSCAPING AND PEDESTRIAN CIRCULATION WITHIN THIS SPECIAL PERMIT TO BE MAINTAINED BY AN ASSOCIATION OF PROPERTY OWNERS.
- THE PROPOSED LOT LINES, BUILDING LAYOUT AND PARKING LOT LAYOUT ARE CONCEPTUAL AND MAY VARY IN THE FINAL PLAT & BUILDING PERMIT.
- ALL EAVES, CANOPIES AND OTHER BUILDING PROJECTIONS MAY EXTEND OVER THE BUILDING SETBACK LINES BUT NOT LOT LINES.
- ALL DRIVES SHALL BE 24' WIDE TYPICAL UNLESS OTHERWISE NOTED.
- FENCES, DECORATIVE STRUCTURES, AND ACCESSORY BUILDINGS ARE NOT SHOWN ON THE SITE PLAN BUT MAY BE CONSTRUCTED IF THEY ARE 25' X 25' OR SMALLER AND ARE CONSTRUCTED OUTSIDE OF SETBACKS, SIGHT TRIANGLES, EASEMENTS, AND REQUIRED MINIMUM PARKING, AND ARE BUILT ACCORDING TO ZONING ORDINANCE PROVISIONS, AND ARE IN CONFORMANCE WITH ALL OTHER APPLICABLE CODES.
- INTERNAL PEDESTRIAN SIDEWALKS TO BE PROVIDED IN COMPLIANCE WITH THE CITY OF LINCOLN DESIGN STANDARDS AT THE TIME OF BUILDING PERMITS.
- FINAL SITE LAYOUT AND INDIVIDUAL LANDSCAPE PLANS FOR BUILDINGS TO BE SUBMITTED AT TIME OF BUILDING PERMIT.
- SETBACKS SHALL BE AS SHOWN ON THE SITE PLAN.
- DWELLINGHOUSING, EARLY CHILDHOOD CARE FACILITIES, SCHOOLS, HEALTHCARE FACILITIES, OR HOSPITALS ARE NOT PERMITTED WITHIN THE PIPELINE PANNING AREA.
- TOTAL USAGE:
TOTAL BLOCKS - 2
TOTAL LOTS - 2
TOTAL OUTLOTS - 4
- PROPERTY IS BEING REQUESTED TO BE REZONED FROM AG TO H-4.

Per Nebraska State Statute 81-3436, section 6.5.3 Required Information on Technical Submissions

Clark & Enersen, Inc.
Architecture Contact: Tim Ripp
Engineering Contact: TJ Schirmer
1010 Lincoln Mall, Suite 200
Lincoln, NE 68508
COA No. CA0029AE
Note that this information is being provided as required by state statutes for an organization. The individual in responsible charge for design is designated by the professional stamps on individual drawings. Please follow information in the Project Manual for submitting questions during bidding or construction.

Eastern Heights Special Permit for Planned Commercial Use

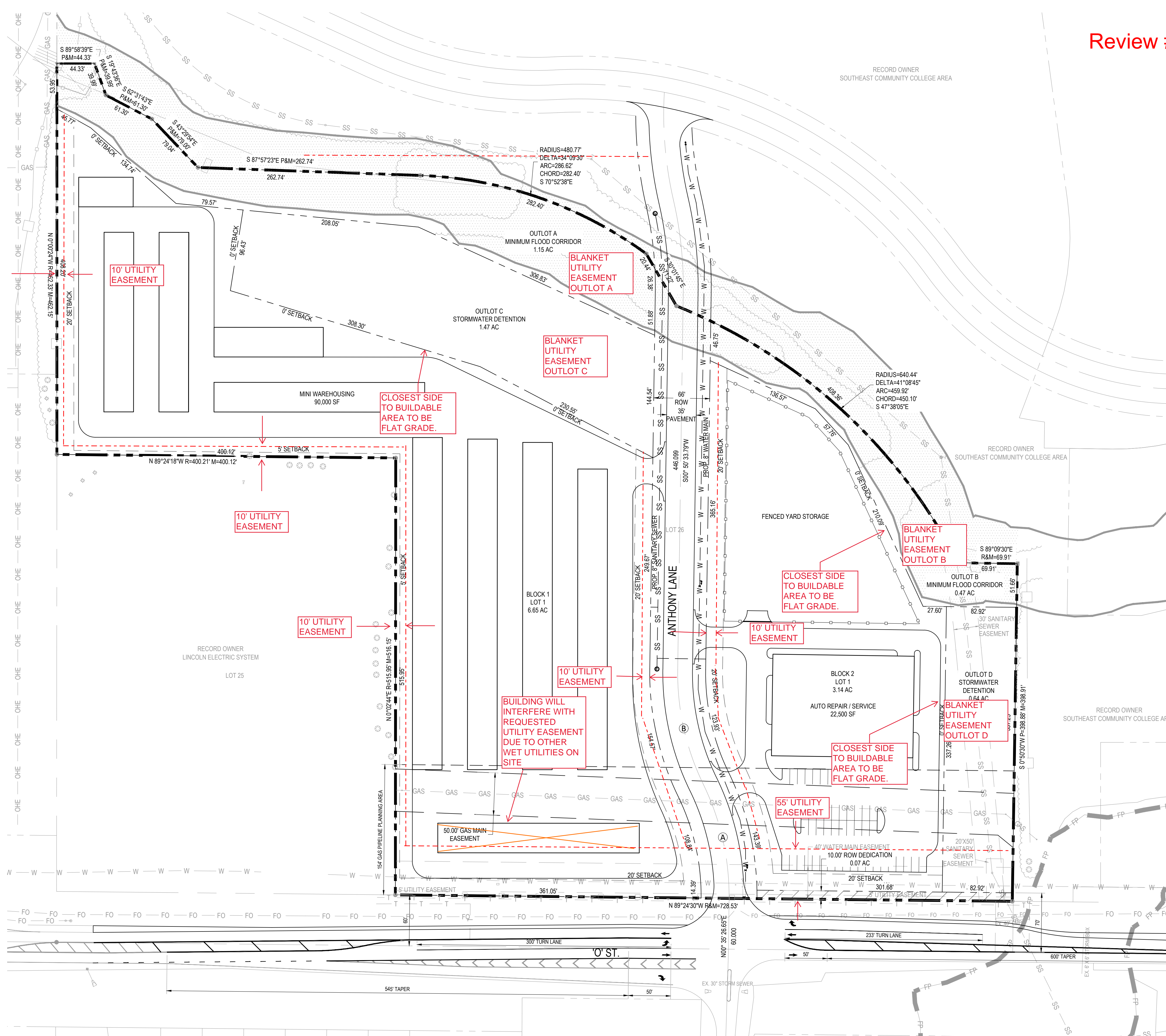
95th & O Street
Lincoln, NE

CE No.: 562-001-23

August 28, 2024



Site Plan



LEGAL DESCRIPTION - SPECIAL PERMIT & CHANGE OF ZONE

LOT 26, IRREGULAR TRACT LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT SOUTHEAST CORNER OF SAID LOT 26, SAID POINT BEING ON THE NORTH 60' RIGHT OF WAY FOR 'O' STREET, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF OUTLOT A, WATERFORD ESTATES 26TH ADDITION; THENCE WESTERLY ON THE SOUTH LINE OF SAID LOT 26 AND ON SAID NORTH 60' RIGHT OF WAY LINE, ON AN ASSIGNED BEARING OF N 89°24'30"W A DISTANCE OF 728.53'; TO THE SOUTH CORNER COMMON TO LOTS 25 AND 26 IRREGULAR TRACTS IN SAID SECTION; THENCE NORTHERLY ON THE EAST LINE OF SAID LOT 25, N 0°02'44"E 516.15'; TO THE NORTHEAST CORNER OF SAID LOT 25; THENCE WESTERLY ON THE NORTH LINE OF SAID LOT 25 N 89°24'18"W 400.12'; TO THE WEST CORNER COMMON TO SAID LOTS 25 AND 26; THENCE NORTHERLY ON WEST LINE OF SAID LOT 26, N 0°02'24"W 462.15'; TO THE NORTHWEST CORNER OF SAID LOT 26; THENCE ON THE NORTHERLY LINE OF SAID LOT 26 FOR THE NEXT NINE (9) COURSES, EASTERLY, S 89°58'39"E 44.33'; THENCE SOUTHERLY, S 19°43'36"E 39.99'; THENCE SOUTHEASTERLY, S 62°31'43"E 61.30'; THENCE SOUTHEASTERLY, S 43°29'54"E 79.00'; THENCE EASTERLY, S 87°57'23"E 262.74'; TO A POINT ON A CIRCULAR CURVE, TURNING IN A CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 34°09'30", WITH A RADIUS OF 480.77' AND WITH AN ARC LENGTH OF 286.62'; THENCE EASTERLY ON SAID CURVE HAVING A CHORD BEARING OF S 70°52'39"E 282.40'; THENCE SOUTHEASTERLY, S 30°01'45"E 71.22'; TO A POINT ON A CIRCULAR CURVE, TURNING IN A CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 41°08'45", WITH A RADIUS OF 640.44' AND WITH AN ARC LENGTH OF 459.92'; THENCE SOUTHEASTERLY ON SAID CURVE WITH A CHORD BEARING OF S 47°38'05"E 450.10'; THENCE EASTERLY, S 89°09'30"E 69.91'; TO THE NORTHEAST CORNER OF SAID LOT 26; THENCE SOUTHERLY ON THE EAST LINE OF SAID LOT 26, S 0°50'30"W 398.91'; TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 639,133.3 SQUARE FEET OR 14.67 ACRES, MORE OR LESS.

LAND USE TABLE

BLOCK 1, LOT 1	MINI WAREHOUSING	90,000 SF
BLOCK 2, LOT 1	AUTO REPAIR / SERVICE	22,500 SF

WAIVERS

- 0' SETBACKS ALONG OUTLOTS.
- BLOCK LENGTH.
- REDUCE THE FRONT YARD SETBACK TO 0' FOR FREESTANDING AND CENTER SIGNS.
- REDUCE SETBACKS ALONG LES SUBSTATION TO 0'.

ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF NEBRASKA. THESE PLANS MEET THE REQUIREMENTS OF THE CITY ENGINEER'S OFFICE DESIGN REQUIREMENTS.

08/28/2024
DATE

TIM GERGER E-10344

SITE PLAN

SCALE: 1" = 60'

ROADWAY CENTERLINE CURVE DATA

A	R = 300.00'	B	R = 300.00'
	L = 137.97'		L = 140.53'
	T = 70.88'		T = 71.58'
	CL = 139.21'		CL = 139.25'
	Δ = 26° 35' 14"		Δ = 26° 50' 22"

DEVELOPER

KELLER REAL ESTATE LLC
103 JOHNSON PLACE
EUSTIS, NE 69028

ENGINEER & PREPARER

CLARK & ENERSEN
1010 LINCOLN MALL, SUITE 200
LINCOLN, NE 68508
CONTACT: TIM GERGER
PHONE: 402-477-9291

September 16, 2024

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

RE: Eastern Heights
Change of Zone and Special Permit for Planned Commercial Use

Dear Mr. Cary:

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

1. Application
2. Application fee = \$4,946.20 (already applied)
3. Sheet 1 of 5 – Special Permit Site Plan
4. Sheet 2 of 5 - Existing Grading and Drainage Plan
5. Sheet 3 of 5 - Proposed Grading & Drainage Plan
6. Sheet 4 of 5 - Grading and Drainage Calculations
7. Sheet 5 of 5 – Street Profile
8. Hydrologic Study

On behalf of the Developer, Keller Real Estate LLC, 103 Johnson Place, Eustis NE 69028, we are requesting a Change of Zone from AG to H-4 and a Special Permit for a Planned Commercial Use for the property located north of the intersection of O street and Anthony Lane owned by the Sesostris Temple Holding Corporation, known as Lot 26 IT located in the SE ¼ of S23, T10, R7.

The change of zone and Special Permit is for a commercial development for an 22,500 sf auto repair service and 90,000 sf mini warehousing. The development will be served by public utilities and a public street that will intersect with O street at the existing intersection of Anthony Lane and will connect to the property north owned by Southeast Community College. There will be outlots for the required stormwater detention and minimum corridor for the existing drainageway. We are asking for waivers on block length due to our adjacency to an arterial street, adjacency to drainage channel minimum corridor and adjacency to LES substation; setbacks reduced to 0' (front, side, rear) to proposed outlots; setbacks reduced to 5' from the LES substation due to its uninhabitable use; and reduction in the front yard setback to 0' for freestanding and center signs to help with visibility of the site along O street.

We are seeking a waiver to the access management policy for the westbound right turn lane on 'O' street due to an existing box culvert. The required right turn lane length is to be 355' in length. A 233' long right turn lane is being shown to avoid the existing box culvert. This box culvert is to be rebuilt by a future NDOT project. The waiver can be adjusted if there is a preference by LTU to lengthen the right turn lane and shorten the tapers.

The minimum flood corridor is measured to be 90' wide. The property line and the centerline of the drainage channel are not parallel thus the irregular shaped outlots for the minimum corridor.

The proposed uses will generate less than 100 trips in the peak hour thus a traffic study was not deemed necessary and will use the minimum requirements from the Access Management Policy for the improvements along O street. Traffic projection below:

22,500 SF Automobile Care Center at 3.38 PM peak trips/1,000 SF = 76.05 PM trips

90,000 SF Mini Warehousing at 0.26 PM peak trips/1,000 SF = 23.4 PM trips

We are seeking reimbursement of the O street turn lane improvements at Anthony Lane. We are proposing to build the turn lanes to urban standards. The estimated costs for the O street turn lanes is \$784,850. The projected impact fees for this Special Permit is \$94,275 based on 22,500 SF of Automobile Care Center and 90,000 SF of Mini-warehousing.

Please contact me if you have any questions or require additional information.

Sincerely,



Tim Gergen



LINCOLN
Planning Department



LANCASTER
COUNTY

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 #24019

FINAL ACTION?
No

PLANNING COMMISSION HEARING DATE
October 2, 2024

RELATED APPLICATIONS
None

RECOMMENDATION: IN GENERAL CONFORMANCE WITH THE COMPREHENSIVE PLAN

PROPOSAL:

The *Lancaster County Road and Bridge Construction Program*, also called the *One and Six-Year Road and Bridge Construction Program*, is a program of road and bridge projects for Lancaster County. The *Program* includes projects that are completed or in progress for the current fiscal year as well as projects planned for the next six years. The *Program* is updated annually.

Pursuant to Resolution 1521, passed by the Board of County Commissioners on December 30, 1958, the Planning Commission is to review the proposed *Lancaster County Road and Bridge Construction Program, Fiscal Years 2025 and 2026-2030* with regard to its conformity with the current 2050 Lincoln-Lancaster County Comprehensive Plan.

CONCLUSION:

Projects within the proposed amendment to the *Lancaster County Road and Bridge Construction Program, Fiscal Years 2025 and 2026-2030* have been reviewed with regard to their compatibility with the Comprehensive Plan.

The proposed *Program* is found to include projects that are explicitly listed or in general conformance with the Comprehensive Plan. The County Engineer and City of Lincoln are encouraged to continue to cooperate in administering all phases of the road and street programs. Coordination of project operations and construction improves efficiencies and economics and results in a better transition from county roads to city streets.

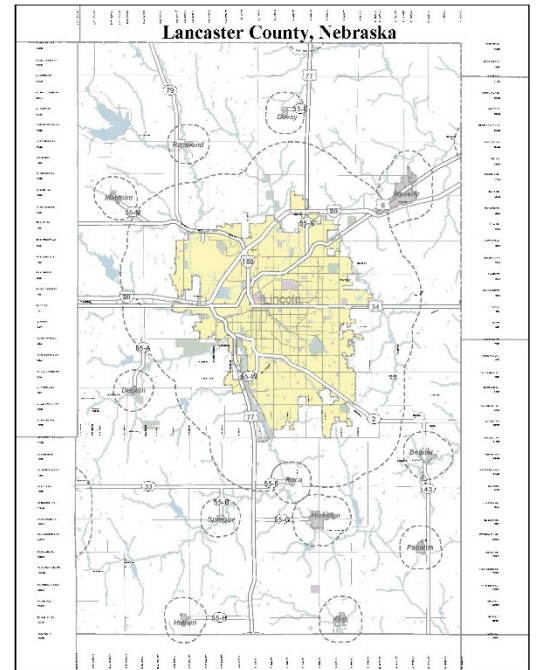
The overall finding and recommendation is that the Planning Commission find the proposed amendment to the *Lancaster County Road and Bridge Construction Program, FY 2025 and 2026-2030*, to be generally in conformance with the Comprehensive Plan.

APPLICATION CONTACT

Pam Dingman, County Engineer
(402) 441-7681
pdingman@lancaster.ne.gov

STAFF CONTACT

Rachel Christopher, Transportation Planner
Lincoln-Lancaster Planning Department and Lincoln MPO
(402) 441-7603
rchristopher@lincoln.ne.gov



COMPATIBILITY WITH THE COMPREHENSIVE PLAN

PlanForward is the Lincoln-Lancaster County [2050 Comprehensive Plan](#). The development of PlanForward was coordinated with the formulation of the Lincoln Metropolitan Planning Organization's (MPO) [2050 Long Range Transportation Plan \(LRTP\)](#). The LRTP supports the Transportation Goal, Element, and Policies of the Comprehensive Plan and is incorporated into the Comprehensive Plan by reference.

“A balanced transportation system that supports the community’s needs and equitable outcomes must include maintenance of the aging infrastructure, efficiencies to allow people to move from place to place without congestion, and availability of a wide variety of safe mobility options such as walking, biking, transit, and driving... The 2050 Lincoln Metropolitan Planning Organization (MPO) Long Range Transportation Plan (LRTP) is one of the primary planning documents that guides the region’s transportation investments to accomplish this goal.” (2050 Comprehensive Plan, Goals Section, G15)

“The County prioritizes street resurfacing work to maintain more heavily traveled roads to receive State funding for street resurfacing. State highways are maintained by NDOT. Approximately 88% of interstate segments and 34% of National Highway System non-interstate segments were rated as Good pavement condition in 2019. The City, County, and State also track condition of more than 600 bridges to prioritize the maintenance and possible replacements that may be necessary. Approximately 69%, 39% and 73% respectively were rated to be in Good condition as of 2020.” (2050 Comprehensive Plan, Elements Section, E9)

The Rural Road Capital Projects on [Figure 5.2](#) (page 5-16) and [Table 5.4](#) (pages 5-17 through 5-20) of the 2050 LRTP show categories of projects which include paving, intersection improvements, bridge replacement and rehabilitation, and two-lane widening projects. County road improvements beyond the current Lincoln Urban Area are considered candidates for the Fiscally Constrained Rural Road & Bridge Capital Projects analysis, [Figure 7.1](#) (page 7-10) and [Table 7.5](#) (pages 7-8 through 7-9).

The emphasis of the *Lancaster County Road and Bridge Construction Program* is placed on the projects identified as funded/committed paving improvements over the life of the plan. While many of the projects in the *Program* are included in the LRTP Rural Road Capital Projects, additional bridge projects may be needed.

The Comprehensive Plan anticipates many changes over the planning period. Changing demographics and employment patterns will create challenges for provision of transportation services and facilities. At the same time, the Lancaster County Engineer faces significant financial challenges in the care and maintenance of an aging system as well as the changing demand for alternative transportation options.

“The County manages 1,383 miles of rural roadways that vary greatly in width, alignment, and surface. Approximately 1,052 miles are gravel surfaced, 286 miles are paved, and 45 miles remain dirt roads. In addition, this program includes box culvert and pipe repair and maintenance, and preventative maintenance for bridges.” (2050 LRTP, page 5-15)

The Comprehensive Plan recognizes that the needs of Lancaster County outweigh the capital resources that are available during the planning horizon. Improvements to the rural road system will occur throughout the County but the amount of new pavement installed will depend upon the growth in traffic and population, and the fiscal resources available in the future to make the improvements.

County roads identified in the LRTP are identified as priority projects based upon a system wide priority setting analysis for the planning period. These roads function as arterials, collectors, or local roads. The program schedule for improvements depend largely upon the availability of funding and the determination of current system needs. Paving is based on daily vehicle counts, planning considerations, functions of roads, and identified deficiencies of roads.

“According to the 2018 Lancaster County Transportation Strategy, Lancaster County crews continually work on pavement preservation countywide throughout the year. The County currently does not specify performance measures for roadway condition. Crews are on the roadways with personnel and equipment evaluating existing roads and bridges for upgraded treatments as needed.” (2050 LRTP, page 4-24)

“Bridges are inspected at least once every 24 months. Bridges are considered to be in Good condition if all major National Bridge Inspection components (bridge deck, bridge superstructure and bridge substructure or culvert) are in good condition or better (9, 8, 7). Bridges are considered to be in Poor condition if one or more of the major components is in Poor condition or worse (4 or less). Bridges that do not meet the criteria for Good or Poor condition are considered to be in Fair condition (5 or 6)... Using structural ratings complies with federal standards and enables County bridge evaluations.” (2050 LRTP, page 4-25)

“Close coordination between the Lancaster County Engineer’s Office and MPO staff occurred during the development of the LRTP update to identify a needs based rural roads program. Safety is always a major concern. Population growth and increased recreational demands in the rural areas add to the volume of traffic. Grain trucks and other commercial vehicles are carrying heavier loads than ever before and create additional problems as roads experience greater transport weights. These pressures lead to increased maintenance demands and the demand for improved pavement and modifications to road foundations. This is also true of the rural bridge needs. The decision to make improvements to the road surface is based on several factors including:

- Role of the road in the overall system
- Number of vehicles traveling the road daily
- Increased maintenance or decreased driver safety
- Type of traffic and weight of vehicles on the roadway
- Spacing or proximity to other paved roads” (2050 LRTP, page 5-14)

“Rural road capital projects include paving projects, intersection improvements, major bridge rehabilitation, road rehabilitation, and two-lane widening projects to repair or rebuild currently paved roadways.” (2050 LRTP, page 5-15)

The Planning staff analysis provides a recommendation of conformance for each project in the amendment with the 2050 Comprehensive Plan using one of the three following categories: Conformance with Plan, General Conformance with Plan, and Not in Conformance with Plan. **Conformance with Plan** means that the project or program is explicitly identified in the Plan. **General Conformance with Plan** means that the project or program is partially in the Plan or meets the intent of the Plan. If a project is not considered regionally significant requiring an individual listing in the LRTP, will not use state or local funds, and is on a local road with moderate traffic then it is not required to be explicitly identified in the LRTP. **Not in Conformance with Plan** means that the project or program is not supporting a policy in the Plan or does not meet the intent of the Plan.

The following 2050 LRTP figures/tables were used for this review:

- Rural Roads Capital Projects, [Figure 5.2](#) (page 5-16) and [Table 5.4](#) (page 5-17 through 5-20) to review needs-based projects;
- Fiscally Constrained Rural Road & Bridge Capital Projects, [Figure 7.1](#) (page 7-10) and [Table 7.5](#) (page 7-8 through 7-9) to review roadway project programming priorities; and
- Fiscally Constrained Urban Roadway Capital Projects, [Figure 7.2](#) (page 7-16) and [Table 7.6](#) (page 7-13 through 7-15) to coordinate with urban area project programming priorities.

Internet Access to Lancaster County Road and Bridge Construction Program

The current program is available at <https://www.lancaster.ne.gov/207/County-Engineer>. The proposed new program is available under the Application Number CPC24019.

Review of Proposed Road Projects

The road projects contained in the *Lancaster County Road and Bridge Construction Program* include engineering, right-of-way and utilities construction, grading, pavement, 2nd-stage pavement, and pavement maintenance. Outside the City of Lincoln, the Comprehensive Plan specifically identifies potential road paving, two lane widening, and intersection improvements.

The first level of review involved reviewing any road projects proposed for pavement, 2nd-stage pavement, pavement

maintenance, and pavement widening. These projects were reviewed with regard to conformity with the Comprehensive Plan.

2nd-stage pavement

Pavement on existing paved roads deteriorates due to use and weathering and requires regular maintenance to extend its life span. A technique County Engineering uses to add new life to older pavement or asphalt is called *2nd-stage pavement*. This process repairs any flaws in the existing surface and adds a new layer of an asphalt overlay to the top. This gives it a brand-new appearance and adds new life to older asphalt for less cost. With an asphalt overlay, the County Engineer is able to get more service out of the existing pavement or asphalt and avoid costly road rebuilding projects.

Second-stage paving projects are focused on existing paved roads that require an asphalt overlay and are maintenance projects. These are not specifically identified in the Comprehensive Plan but are system maintenance projects considered to be in general conformance with the Plan.

The second level of review involved reviewing all road projects that are scheduled for engineering, right-of-way, or grading and structures. This review was done to assure that county projects and city projects are coordinated and to assure that any improvements being proposed are in conformance with the Long Range Transportation Plan as reflected in the Comprehensive Plan.

Lancaster County Bridge Program

The bridge projects contained in the proposed *Lancaster County Road and Bridge Construction Program* include engineering, construction, repair, and maintenance.

One of the major functions of the Lancaster County Engineer is to build and maintain bridges in the county outside of the City of Lincoln incorporated area. The bridge program is responsible for monitoring the functional and structural integrity of all County bridges through regular inspection and reporting. The County Engineer continually seeks local, state and federal-aid funding to rehabilitate and replace deficient county public bridges.

Fourteen (14) bridge projects are identified for improvement in 2025 that include two engineering, two channel repair, four bridge construction, one bridge deck repair, two concrete box culvert, and three bridge and culvert maintenance (pages 8-9 of the One and Six Year Program).

Attached is a summary *Improvement Projects Listing on New and Existing Paved Roads*, which briefly describes the improvements proposed for existing paved roads and new paving projects on existing gravel roads.

Program Funding Summary

Funding Source	Completed or In Progress in FY 2024		FY 2025	
	Roads	Bridges	Roads	Bridges
County	\$ 4,837,700	\$ 8,459,210	\$ 3,823,000	\$ 7,342,215
State	\$ 0	\$ 0	\$ 0	\$ 0
Federal	\$8,613,300	\$ 2,500,000	\$ 4,029,000	\$ 0
Other Sources	\$ 81,000	\$ 615,000	\$ 0	\$ 0
TOTAL	\$ 13,532,000	\$ 11,574,210	\$ 7,852,000	\$ 7,342,215

Program Funding is primarily with Lancaster County funds through the County budgeting process. Other funds are obtained through the Nebraska Department of Transportation (NDOT) federal funds purchase program. In this program, the State purchases federal aid transportation funds from the County which allows the County to tailor projects to better

meet their highway and bridge needs. Bridge replacement projects are costly, and the County Engineer applies for federal-aid funding along with local funds to rehabilitate and replace deficient county bridges. The City of Lincoln contributes funds when projects are being coordinated with the County. The State may provide partial funding for road safety projects, pavement projects, State Recreation Roads and NEMA Hazard Mitigation for county bridges. Lancaster County may apply for federal funding from the Lincoln Metropolitan Planning Organization for road and bridge projects.

Rural to Urban Transition Project Coordination

The City of Lincoln and Lancaster County implement public street right-of-way (ROW) and construction standards necessary to repair, maintain, and construct streets located within the 3-mile zoning jurisdiction of the City of Lincoln. This mutually beneficial approach produces a longer useful life for County road investments while accommodating future growth of the City. Lancaster County capital project funding should be allocated to support the agreed upon standard when paving rural principal arterial, rural minor arterial, rural major collector, and rural minor collector roads in the Lincoln-Lancaster County Comprehensive Plan. The roadway should be graded to accommodate a functional future width and paved with an alignment to accommodate two lanes of rural paving. This approach allows future widening and urban improvements and extends the useful life of the County’s capital investment. The expected result is to improve efficiencies and economics resulting from unified operations and construction and a better transition from county roads to city streets at the time of annexation into the City of Lincoln.

Environmental Compatibility

Environmental reviews need to be considered on all road and bridge projects in the *Lancaster County Road and Bridge Construction Program* to support and promote environmental stewardship. Project development needs to include consultation with local, state and federal environmental regulatory and coordinating agencies to identify potential environmental impacts and consider mitigation measures in the evaluation of alternative system improvements. Federal regulations state that the metropolitan planning organization (MPO) must document in the transportation plan how environmental protection, wildlife management, land management and historic preservation agencies are consulted within the transportation planning process. Agency Consultation needs to include, but not be limited to, the Lancaster County Ecological Advisory Committee, Nebraska Department of Environment and Energy, Nebraska Game and Parks Commission, the Lincoln Watershed Management Division, and the Army Corps of Engineers.

Prepared by:

Rachel Christopher, Transportation Planner
Lincoln MPO / Lincoln-Lancaster Planning Department
402-441-7603
rchristopher@lincoln.ne.gov

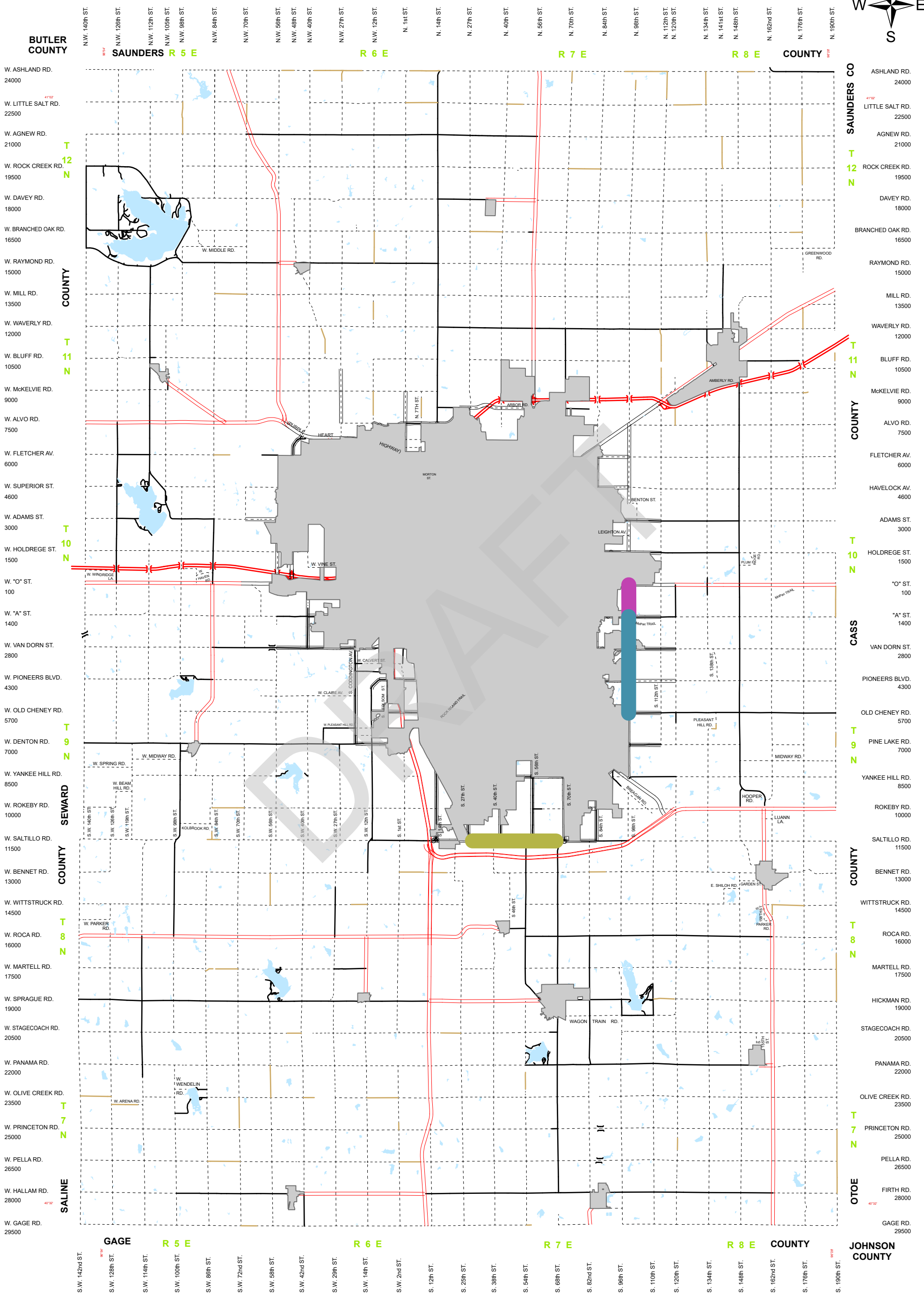
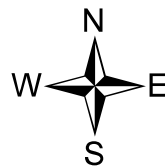
Date: September 27, 2024

Applicant: Pam L. Dingman, P.E.
County Engineer
Lancaster County Engineering
444 Cherry Creek Road, Bldg. C
Lincoln, NE 68528
402-441-7681
pdingman@lancaster.ne.gov

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CPC/24000/CPC24019 County 1&6.rkc County Board Version.docx>

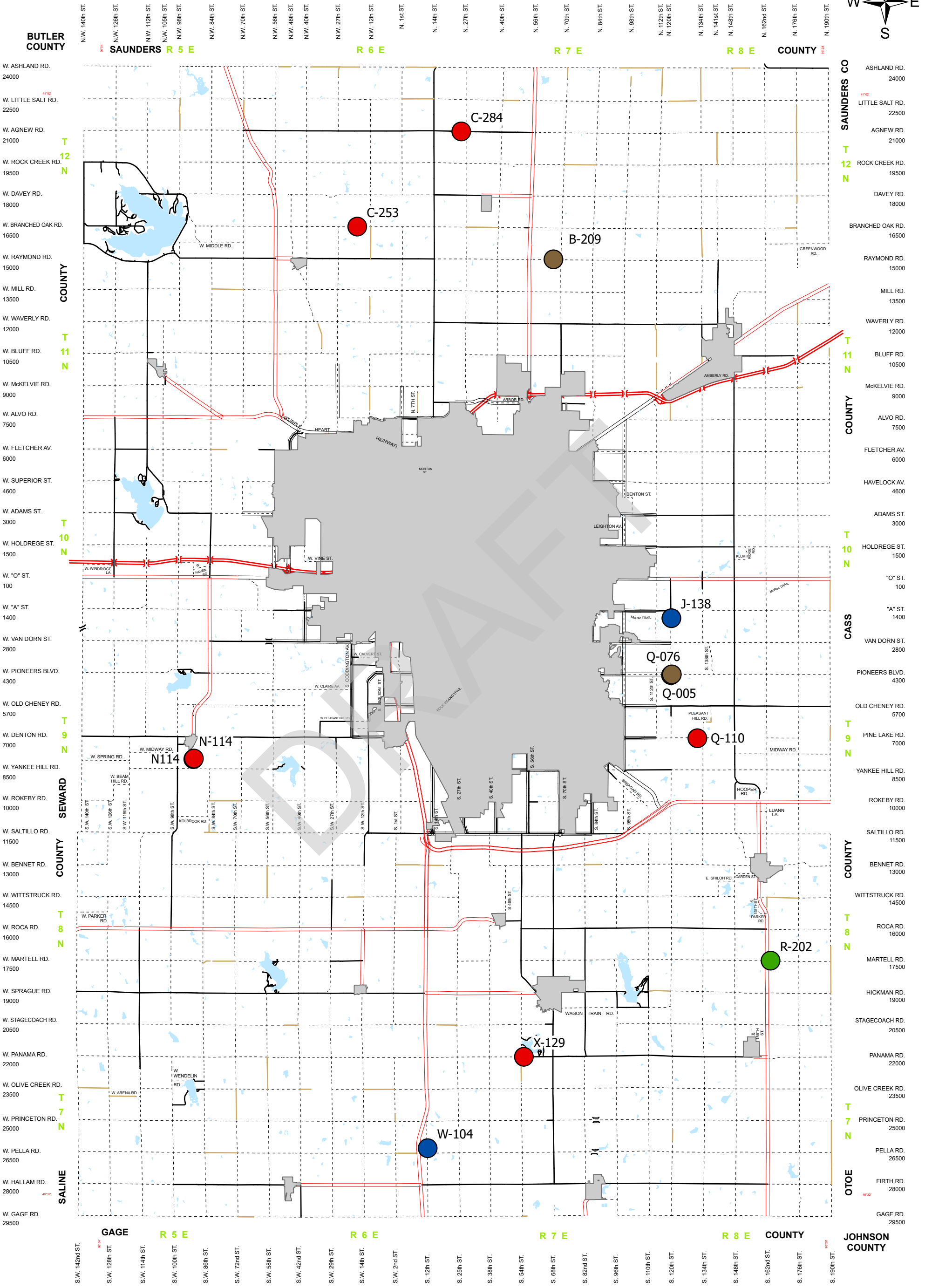
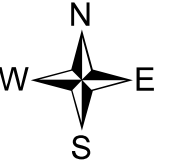
Lancaster County, Nebraska

FY24 Road Projects



Lancaster County, Nebraska

FY24 Bridge Projects



Legend

- Engineering
- Repair
- Erosion Control
- Replacement

Road Projects Completed or In Progress in FY 2024

Engineering for future road improvements. These projects are in Conformance with Plan.

- East Beltway, 13 miles [Engineering]
- S. 98th Street (A Street to O Street), 1 mile [Engineering]

ROW and utilities improvements on an existing paved road. This project is in Conformance with Plan.

- Saltillo Road (27th Street to 68th Street), 2.75 miles, [ROW/Utilities]

Pavement of an existing gravel road. New pavement of existing gravel roads are projects that are specifically programmed in the Comprehensive Plan for paving require a finding of conformance with the Plan. This project is in Conformance with Plan.

- S. 98th Street (Old Cheney Road to A Street), 3 miles [Grading, Paving]

Pavement preservation/maintenance other than an asphalt overlay on an existing paved road are considered maintenance projects. This project is not specifically identified in the Comprehensive Plan but is a system maintenance project and is in General Conformance with Plan.

- Pavement Preservation (Countywide)

Bridge Projects Completed or In Progress in FY 2024

Engineering for future bridge improvements. These projects are in General Conformance with Plan.

- S. 120th Street (J-138) in Stevens Creek Township, W-32 [Engineering]
- S. 12th Street (W-104) in Buda Township, W-24 [Engineering]

Bridge replacement and bridge structures. These projects are in Conformance with Plan.

- SW 91st Street (N-114) in Denton Township, IN-22 [Bridge]
- Pine Lake Road (Q-110) in Stockton Township, S-17 [Bridge]
- Panama Road (X-129) in South Pass Township, S-4 [Bridge]
- W. Branched Oak Road (C-253) in Little Creek Township, S-28 [Bridge]

Concrete box culvert replaced and upgraded. This project is in Conformance with Plan.

- Agnew Road (C-284) in Little Salt Township, S-12 [Concrete Box Culvert]

Concrete box culvert maintenance. These projects are not specifically identified in the Comprehensive Plan but are system maintenance projects and are in General Conformance with Plan.

- General Culvert Maintenance (ARPA Pipes Phases I, II & III), Location Varies [Construction]
- General Culvert Maintenance (Phase I), Location Varies [Construction]

Bridge Maintenance. This project is not specifically identified in the Comprehensive Plan but is a system maintenance project and is in General Conformance with Plan.

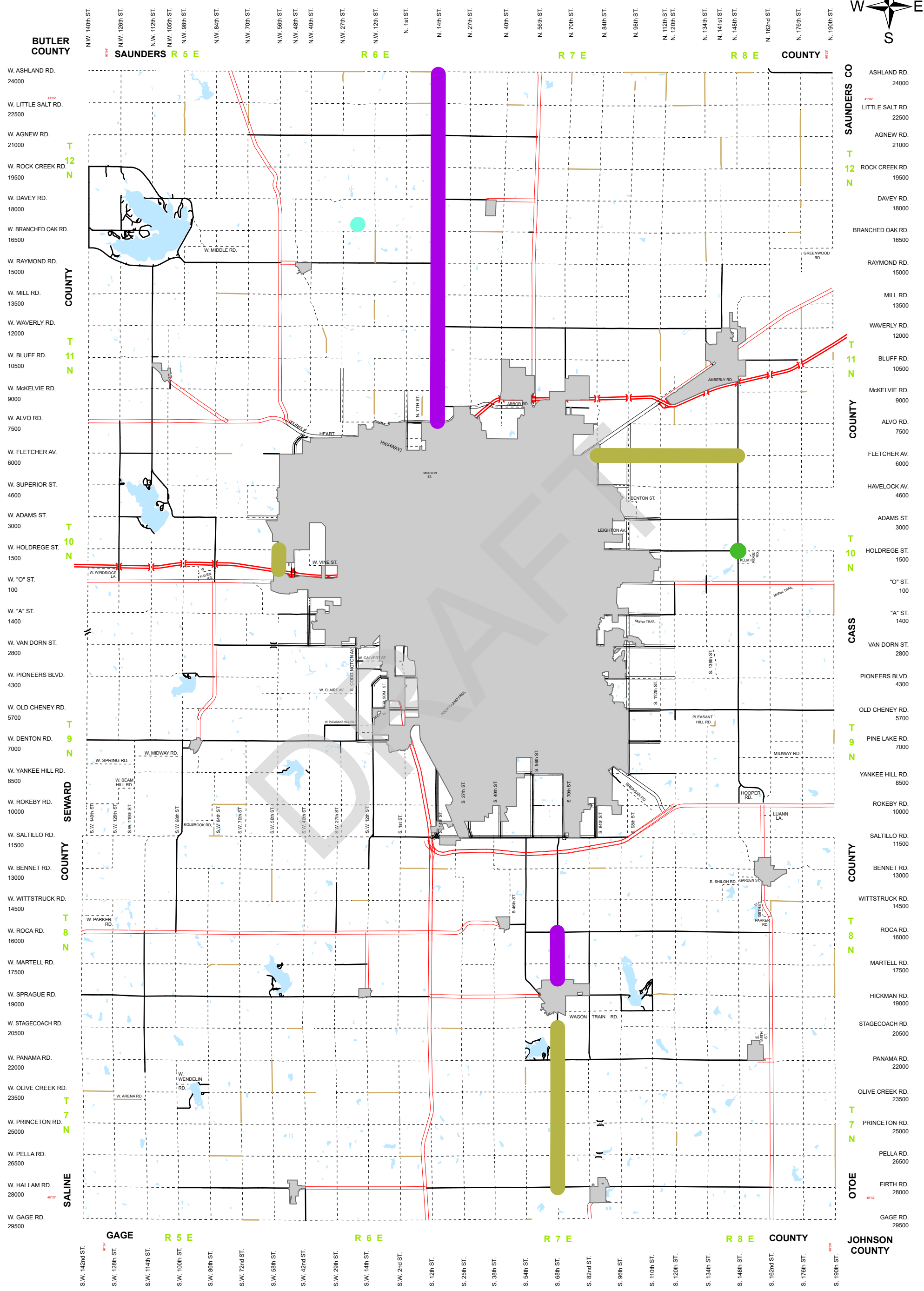
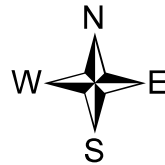
- Martell Road (R-202) in Nemaha Township, S-23 [Bridge Maintenance]

Channel Repair. Bridge structures are maintained with minor and major repairs. These projects are in General Conformance with Plan.

- General Channel Repair (B-209, Q-005, Q-076) [Channel Repair]
- Ash Hollow (Waverly City Limits) in Waverly Township, IN-17 [Channel Repair]

Lancaster County, Nebraska

FY25 Road Projects

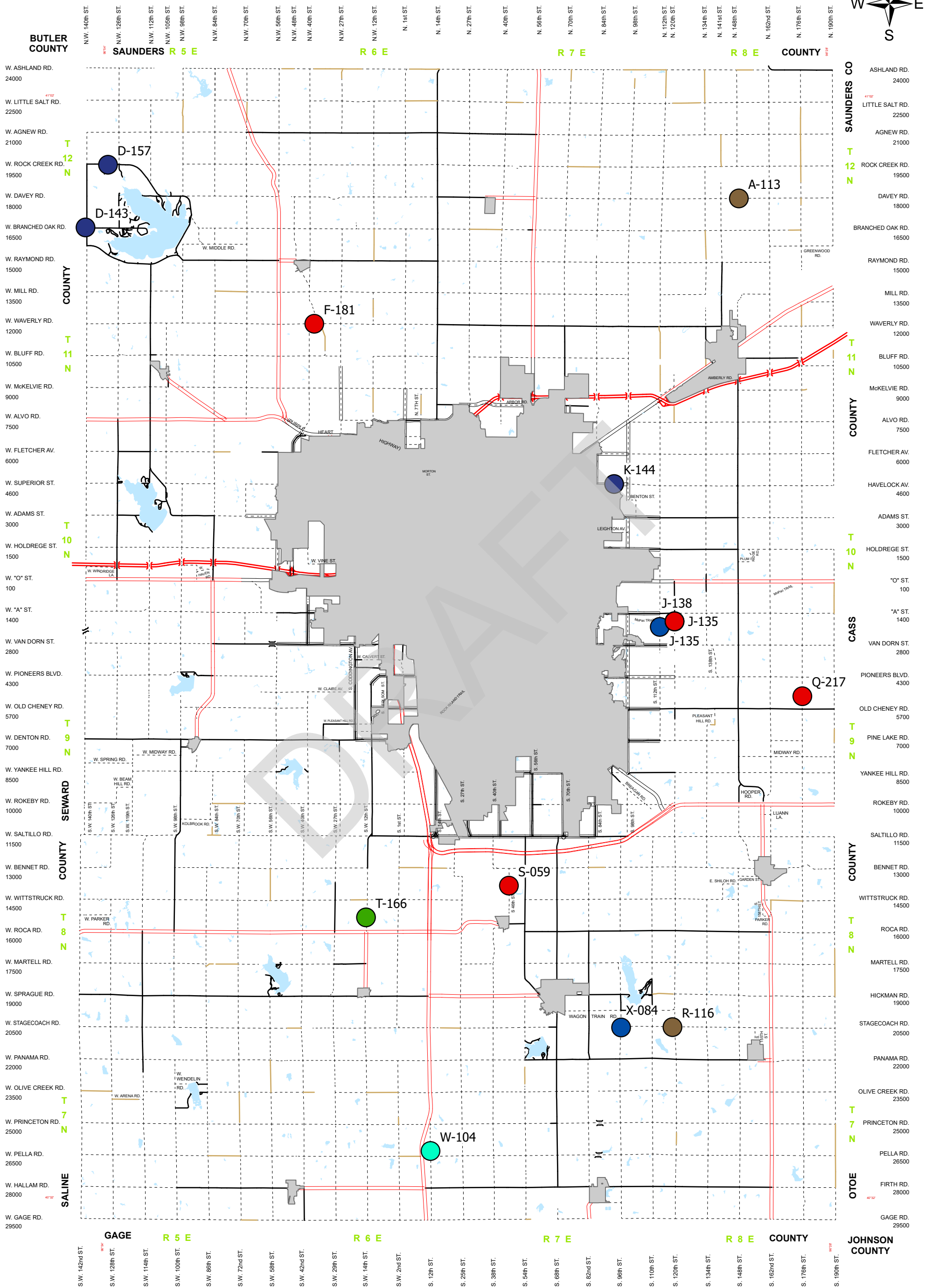
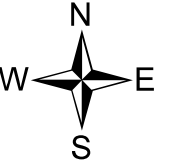


Legend

- Engineering
- ROW / Grading
- ROW / Pavement
- Right of Way

Lancaster County, Nebraska

FY25 Bridge Projects



Legend

- Engineering
- Engineering / Replacement
- Erosion Control
- Redecking
- Repair
- Replacement

Road Projects Programmed for FY 2025

Engineering for future road improvements. These projects are in Conformance with Plan.

- N. 14th Street (Ashland Road to Alvo Road), 11.02 miles [Engineering]
- S. 68th Street (Hickman Village Limits to Roca Road), 1.5 miles [Engineering]

Right-of-way, utilities, grading, and/or paving improvements. These projects are in Conformance with Plan.

- East Beltway, 13 miles [ROW]
- NW 56th Street (Holdrege Street to I-80), 360 feet [ROW]
- S. 68th Street (Firth to Stagecoach), 5 miles, [ROW/Utilities]
- Fletcher Avenue (84th Street to 148th Street), 4.5 miles, [ROW/Utilities]
- 148th and Holdrege Streets (Intersection Improvements), 0.5 miles [ROW/Utilities, Pavement Turn Lanes]
- NW 19th Street (C-262) in Little Salt Township (IN-28) [ROW, Grading]

Pavement preservation/maintenance other than an asphalt overlay on an existing paved road are considered maintenance projects. This project is not specifically identified in the Comprehensive Plan but is a system maintenance project and is in General Conformance with Plan.

- Pavement Preservation (selected sites Countywide)

Bridge Projects Programmed for FY 2025

Engineering for future bridge improvements. This project is in Conformance with Plan.

- S. 112th Street (J-135) in Stevens Creek Township, W-32 [Engineering]

Engineering for future bridge improvements. This project is in General Conformance with Plan.

- S. 96th Street (X-84) in South Pass Township, W-1 [Engineering]

Bridge X-84 was built in 1974 and is located on S 96th Street just north of the intersection with Stagecoach Road. This bridge is listed as Structurally Deficient with a Deck and Superstructure rating of Poor with 113 cars per day. Even though the project is not shown in the Rural Road Capital Projects, it is in General Conformance with Plan because it supports the LRTP goal of maintenance. The project is not considered regionally significant requiring an individual listing in the LRTP as it is on a local road with moderate traffic.

Channel Repair. Bridge structures are maintained with minor and major repairs. These projects are in General Conformance with Plan.

- Davey Road (A-113) in Mill Township, S-22 [Channel Repair]
- Various Locations (B-209, R-116, Q-5, Q-76) [Channel Repair]

Concrete box culvert improvement/replacement. These projects are in General Conformance with Plan.

- SW 14th Street (T-166) in Centerville Township, W-15 [Concrete Box Culvert Improvement]

- S. 176th Street (Q-217) in Stockton Township (W-12) [Box Culvert Replacement]

Bridge/drainage structure construction. These projects are in Conformance with Plan.

- S. 120th Street (J-138) in Stevens Creek Township, W-32 [Construction]
- S. 12th Street (W-104) in Buda Township, W-24 [Engineering, Construction]
- S. 46th Street (S-59) in Saltillo Township, IN-8 [Construction]

Bridge/drainage structure construction. This project is in General Conformance with Plan.

- W. Waverly Road (F-181) in Oak Township, S-8 [Bridge Replacement]

Bridge F-181 was built in 1972 and is located on W Waverly Road between NW 40th Street and NW 33rd Street. This bridge is listed as Structurally Deficient with a Deck and Superstructure rating of Poor and is posted for load with 140 cars per day. Even though the bridge replacement project is not shown in the Rural Road Capital Projects, it is in General Conformance with Plan because it supports the LRTP goal of maintenance. The project is not considered regionally significant requiring an individual listing in the LRTP as it is on a local road with moderate traffic.

Bridge deck repair at various locations. These projects are in General Conformance with Plan.

- Various Locations [Bridge Deck Repair]

Culvert maintenance at various locations. These projects are in General Conformance with Plan.

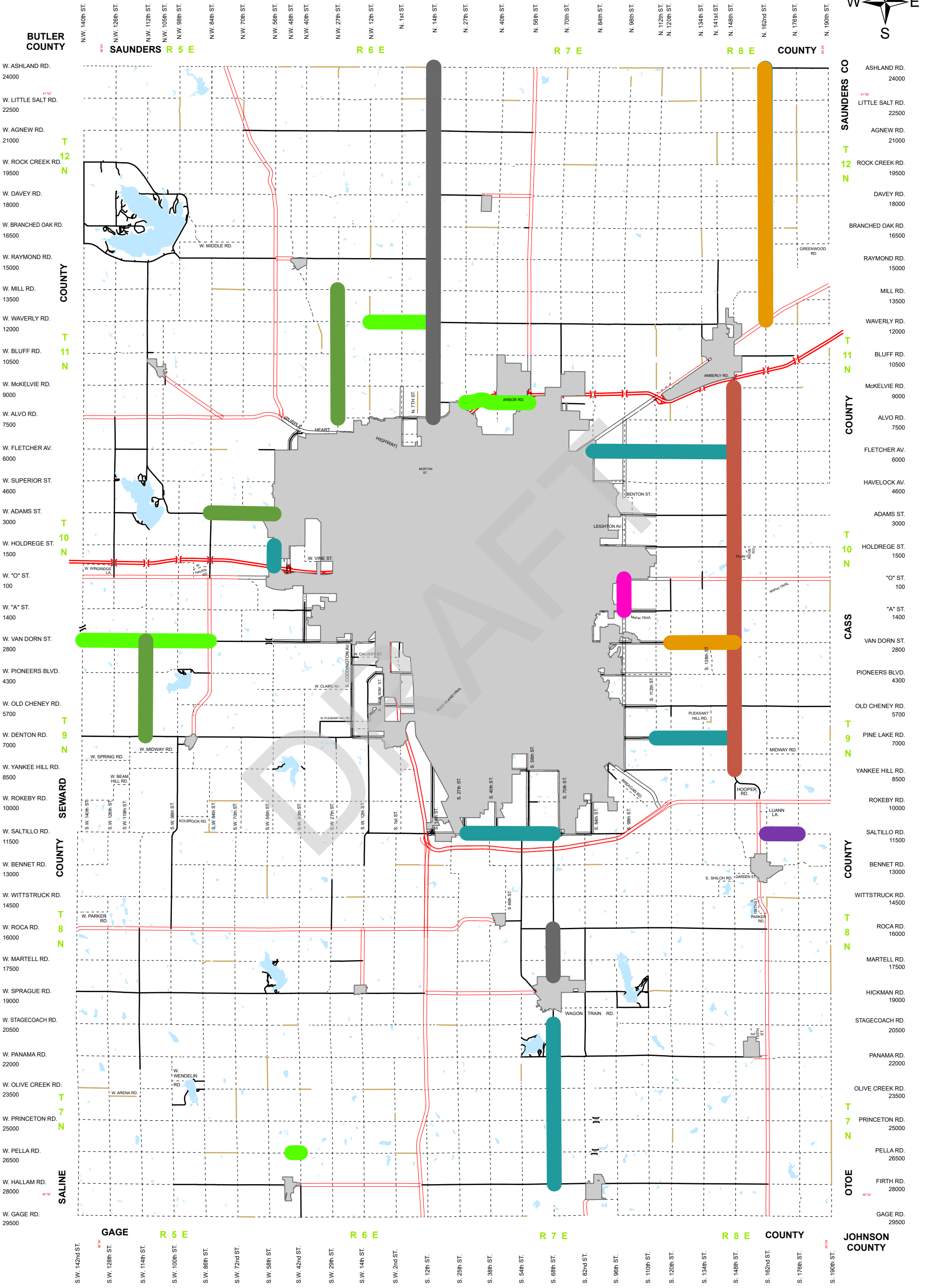
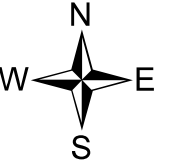
- General Culvert Maintenance (Phase IV), Location Varies [Construction]
- General Culvert Maintenance (Phase II), Location Varies [Construction]

Bridge maintenance at various locations. These projects are in General Conformance with Plan.

- Various Locations [Bridge Maintenance]

Lancaster County, Nebraska

FY26-30 Road Projects

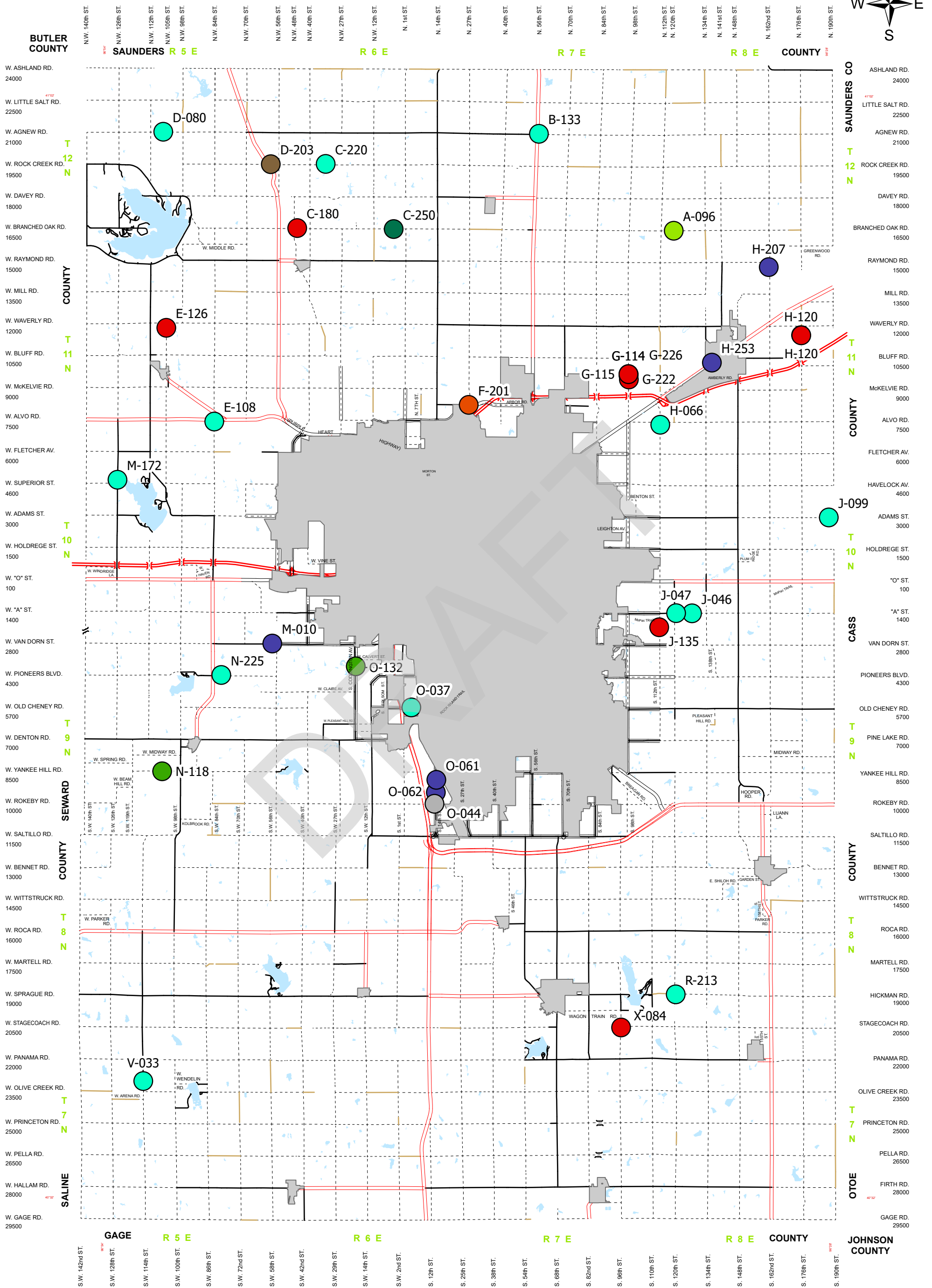


Legend

- New Paving
- Engineering / ROW / Pavement / Grading
- ROW / Pavement
- Grading
- Engineering / Pavement
- ROW / Grading / Shouldering

Lancaster County, Nebraska

FY26-30 Bridge Projects



Legend

- Approach Slabs
- Engineering / Replacement
- Bridge Bypass
- ROW / Replacement
- Engineering
- Erosion Control
- Repair
- Replacement
- Engineering / Repair
- Erosion Control / Repair

Road Projects Programmed for FY 2026-2030

Engineering and right-of-way for future road improvements. This project is in Conformance with Plan.

- East Beltway, 13 miles [Engineering, ROW]

Engineering and pavement of an existing gravel road. New pavement of an existing gravel road are projects that are specifically programmed in the Comprehensive Plan for paving and require a finding of conformance with the Plan. This project is in General Conformance with Plan (see below comments).

- W. Pella Road (S.W. 42nd Street to ¼ mile west), 0.25 miles [Engineering, ROW, Pavement]

The Rural Road Capital Projects shown in [Figure 5.2](#) (page 5-16) and [Table 5.4](#) (page 5-19) of the LRTP lists concrete construction for the S.W 42nd Street (W. Hallam Road to W. Pella Road) segment of the project. Even though the W. Pella Road (1200' West on W. Pella Road) segment of the project is not shown in the Rural Road Capital Projects, this segment of the W. Pella Road is in General Conformance with Plan because the road improvements of this project support the LRTP goal of maintenance.

Pavement of an existing gravel road and pavement on no existing road surface. New pavement of an existing gravel road or on no existing road surface are projects that are specifically programmed in the Comprehensive Plan for paving require a finding of conformance with the Plan. These projects are in Conformance with Plan.

- S. 98th Street (A Street to O Street), 1.0 miles [No Existing Road Surface - ROW/Utilities, Pavement]
- NW 56th Street (I-80 to W. Holdrege Street), 0.7 miles [Pavement]
- N. 162nd Street (US-6 to Ashland Road), 8.79 miles [Engineering, Pavement]
- Pine Lake Road (112th Street to 148th Street), 2.4 miles [Pavement]
- Fletcher Road (N. 84th Street to N. 148th Street), 4.42 miles [Pavement]
- Van Dorn Street (S. 120th Street to S. 148th Street), 5.0 miles [Engineering, Pavement]
- W. Van Dorn Street (SW 84th Street to Seward County Line), 4 miles [Engineering, ROW, Pavement]
- Arbor Road (N. 27th Street to Hwy 77), 2 miles [Engineering, ROW, Pavement]
- W. Adams Street (NW 56th Street to NW 84th Street), 2 miles [Engineering, ROW, Grading, Pavement]
- W. Waverly Road (NW 112th Street to N. 14th Street), 2 miles [Engineering, ROW, Pavement]
- NW 27th Street (W. Alvo Road to W. Mill Road), 4.5 miles [Engineering, ROW, Grading, Pavement]

Pavement of an existing gravel road. This project is on a local road with moderate traffic and is not planned to use state or federal funds; therefore, it is found to be in General Conformance with Plan.

- SW 112th Street (W. Denton Road to W. Van Dorn Street), 3 miles [Engineering, ROW, Grading, Pavement]

Improvements to an existing paved road. These projects are in Conformance with Plan.

- Saltillo Road (S. 27th Street to S. 68th Street), 3 miles [Pavement]
- S. 68th Street (Firth to Stagecoach), 5 miles [Pavement]

- Saltillo Road Channel (162nd Street to 176th Street) [Grading]

Right-of-way/utilities, engineering and/or grading for widened turf shoulders. These projects are in Conformance with Plan.

- N. 14th Street (Alvo Road to Ashland Road), 11.02 miles [ROW/Utilities, Grading, and Widen Turf Shoulders]
- S. 148th Street (Yankee Hill Road to O Street), 6.95 miles [Engineering and Grading, Widen Turf Shoulders]
- N. 148th Street (O Street to McKelvie Road), 5.74 miles [Engineering and Grading, Widen Turf Shoulders]
- S. 68th Street (Hickman Village Limits to Roca Road), 1.5 miles [ROW/Utilities, Grading, Widen Turf Shoulders]

Unidentified road improvements at various locations to be determined. These projects are in General Conformance with Plan.

- Various Locations [Improvements To Be Determined]

Bridge Projects Programmed for FY 2026-2030

Engineering and concrete box culvert replaced and upgraded. These projects are in Conformance with Plan.

- Hickman Road (R-213) in Nemaha Township, S-29 [Engineering, Concrete Box Culvert]
- A Street (J-46) in Stevens Creek Township, S-29 [Engineering, Concrete Box Culvert]

Engineering and concrete box culvert replaced and upgraded. These projects are in General Conformance with Plan.

- W. Pioneers Boulevard (N-225) in Denton Township, S-2 [Engineering, Concrete Box Culvert]

Bridge N-225 was built in 1954 and is located on W Pioneers Blvd east of the intersection with SW 84th Street. This bridge is listed as Structurally Deficient with a Substructure rating of Poor and carries 124 vehicles per day. This is a scour susceptible bridge. Even though the project is not shown in the Rural Road Capital Projects, it is in General Conformance with Plan because it supports the LRTP goal of maintenance. The project is not considered regionally significant requiring an individual listing in the LRTP as it is on a local road with moderate traffic.

- Adams Street (J-99) in Stevens Creek Township, S-12 [Engineering, Concrete Box Culvert]

Bridge J-99 was built in 1938 and is located on Adams Street just west of the intersection with N 190th Street. This bridge is listed as Not Structurally Deficient with a Deck rating of Fair and carries 124 vehicles per day. This is a scour susceptible bridge. Even though the project is not shown in the Rural Road Capital Projects, it is in General Conformance with Plan because it supports the LRTP goal of maintenance. The project is not considered regionally significant requiring an individual listing in the LRTP as it is on a local road with moderate traffic.

Concrete box culvert replaced and upgraded. These projects are in Conformance with Plan.

- N. 98th Street (G-114, G-115, G-226) in North Bluff Township, W-24 [Box Culvert Replacement]

Bridge G-114 (built in 1949), G-115 (built in 1949) and G-226 (built in 1930) are small box culverts. Bridge G-222 is in the County One and Six Plan as being replaced and with these three boxes in close proximity of G-222, it makes the most sense to bundle and let them together for replacement. This corridor has a daily traffic count of 119 cars per day. Even though the project is not shown in the Rural Road Capital Projects, it is in General Conformance with Plan because it supports the LRTP goal of maintenance. The project is not considered regionally significant requiring an individual listing in the LRTP as it is on a local road with moderate traffic.

Bridge and drainage structure replacement. This project is in Conformance with Plan.

- N. 98th Street (G-222) in North Bluff Township, W-24 [Bridge to Box Replacement - replacement of a bridge structure with a concrete box culvert]

Bridge replacement and bridge structures. These projects are in Conformance with Plan.

- Arbor Road (F-201) in Oak Township, IN-25 [ROW/Utilities and Bridge Replacement]
- A Street (J-47) in Stevens Creek Township, S-29 [Engineering, Bridge]
- S. 112th Street (J-135) in Stevens Creek Township, W-32 [Bridge]
- Rokeby Road (O-44) in Yankee Hill Township, S-26 [Bridge Bypass]
- Old Cheney Road (O-37) in Yankee Hill Township, S-11 [Engineering, Construction]

Bridge replacement and bridge structures. These projects are in General Conformance with Plan.

- SW 114th Street (V-33) in Olive Branch township, W-9 [Engineering, Bridge]

Bridge V-33 was built in 1929 and is located on SW 114th Street just north of the intersection with Olive Creek Road. This bridge is listed as Not Structurally Deficient with a Deck rating of Fair and carries 268 vehicles per day. This is a scour susceptible bridge. Even though the project is not shown in the Rural Road Capital Projects, it is in General Conformance with Plan because it supports the LRTP goal of maintenance. The project is not considered regionally significant requiring an individual listing in the LRTP as it is on a local road with moderate traffic.

- W. Agnew Road (D-80) in West Oak Township, S-9 [Engineering, Bridge]

Bridge D-80 was built in 1936 and is located on West Agnew Road east of the intersection with NW 112th Street. This bridge is listed as Structurally Deficient with a Substructure rating of Poor and carries 102 vehicles per day. This is a scour susceptible bridge. Even though the project is not shown in the Rural Road Capital Projects, it is in General Conformance with Plan because it supports the LRTP goal of maintenance. The project is not considered regionally significant requiring an individual listing in the LRTP as it is on another arterial road with moderate traffic.

- W. Agnew Road (B-133) in Rock Creek Township, S-9 [Engineering, Bridge]

Bridge B-133 was built in 1937 and is located on Agnew Road just east of Highway 77. This bridge is listed as Scour Critical, and the deck is rated as Fair due to delamination and spalling on the underside of the deck with a daily traffic count of 144 cars per day. Even though the project is not shown in the Rural Road Capital Projects, it is in General Conformance with Plan because it supports the LRTP goal of maintenance. Deferring maintenance funding in the short term can lead to higher costs in the future, particularly if there is risk of undermining the structure. The project is not considered regionally significant requiring an individual listing in the LRTP as it is on a local road with moderate traffic.

- S. 96th Street (X-84) in South Pass Township, W-1 [Bridge]

Bridge X-84 was built in 1974 and is located on S 96th Street just north of the intersection with Stagecoach Road. This bridge is listed as Structurally Deficient with a Deck and Superstructure rating of Poor with 113 cars per day. Even though the project is not shown in the Rural Road Capital Projects, it is in General Conformance with Plan because it supports the LRTP goal of maintenance. The project is not considered regionally significant requiring an individual listing in the LRTP as it is on a local road with moderate traffic.

- N. 112th Street (H-66) in Waverly Township, W-31 [Engineering, Bridge]

Bridge H-66 was built in 1964 and is located on N 112th Street just south of the intersection with Alvo Road. This bridge is listed as Not Structurally Deficient with a Substructure rating of fair and carries 224 vehicles per day. This is not a scour susceptible bridge. Even though the project is not shown in the Rural Road Capital Projects, it is in General Conformance with Plan because it supports the LRTP goal of maintenance. The project is not considered regionally significant requiring an individual listing in the LRTP as it is on a local road with moderate traffic.

- W. Rock Creek Road (C-220) in Little Salt Township [Engineering, Bridge]

Bridge C-220 was built in 1978 and is located on W Rock Creek Road east of the intersection with NW 40th Street. This bridge is listed as Not Structurally Deficient with a Superstructure rating of fair and carries 32 vehicles per day. This is not a scour susceptible bridge. Even though the project is not shown in the Rural Road Capital Projects, it is in General Conformance with Plan because it supports the LRTP goal of maintenance. The project is not considered regionally significant requiring an individual listing in the LRTP as it is on a local road with moderate traffic.

- NW 84th Street (E-108 in Elk Township) W-35 [Engineering, Bridge]

Bridge E-108 was built in 1932 and is located on NW 84th Street just south of the intersection with US 34. This bridge is listed as Not Structurally Deficient with a Deck rating of fair and carries 187 vehicles per day. This is not a scour susceptible bridge. Even though the project is not shown in the Rural Road Capital Projects, it is in General Conformance with Plan because it supports the LRTP goal of maintenance. The project is not considered regionally significant requiring an individual listing in the LRTP as it is on a collector road with moderate traffic.

- 120th Street (M-172) in Middle Creek Township, W-5 [Engineering, Bridge]

Bridge M-172 was built in 1964 and is located on NW 126th Street just north of the intersection with W Superior Street. This bridge is listed as Not Structurally Deficient with a Deck, Superstructure and Substructure rating of fair and carries 579 vehicles per day. This is a scour susceptible bridge. Even though the project is not shown in the Rural Road Capital Projects, it is in General Conformance with Plan because it supports the LRTP goal of maintenance. The project is not considered regionally significant requiring an individual listing in the LRTP as it is on a local road with moderate traffic.

Engineering and repair of existing bridge structures. This project is in General Conformance with Plan.

- W. Branched Oak Road (C-250) in Little Salt Township, S-27 [Engineering, Repair]

Bridge C-250 was built in 1954 and is located on W Branched Oak Road between NW 12th Street and N 1st Street. This bridge is listed as Scour Critical, has timber backwalls, and is posted for load with 137 cars per day. Even though the project is not shown in the Rural Road Capital Projects, it is in General Conformance with Plan because it supports the LRTP goal of maintenance. The project is not considered regionally significant requiring an individual listing in the LRTP as it is on a local road with moderate traffic.

Approach slabs. This project is in General Conformance with Plan.

- Approach Slabs (H-207, H-253, M-010, O-61, O-62) [Approach Slabs]

Channel Repair. Bridge structures are maintained with minor and major repairs. These projects are in General Conformance with Plan.

- W. Rock Creek Road (D-203) in West Oak Township, S-13 [Channel Repair]

- Branched Oak Road (A-96) [Channel Repair/Extension]

Concrete box culvert replacement/repair at various locations. These projects are in General Conformance with Plan.

- Various Locations [Concrete Box Culvert Replacement and Repair]
- Various Locations (C-180, E-126) [Concrete Box Culvert Replacement/Repair]

Bridge maintenance at various locations. These projects are in General Conformance with Plan.

- Various Locations (N-118, O-132) [Bridge Maintenance]



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 Street 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 than 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

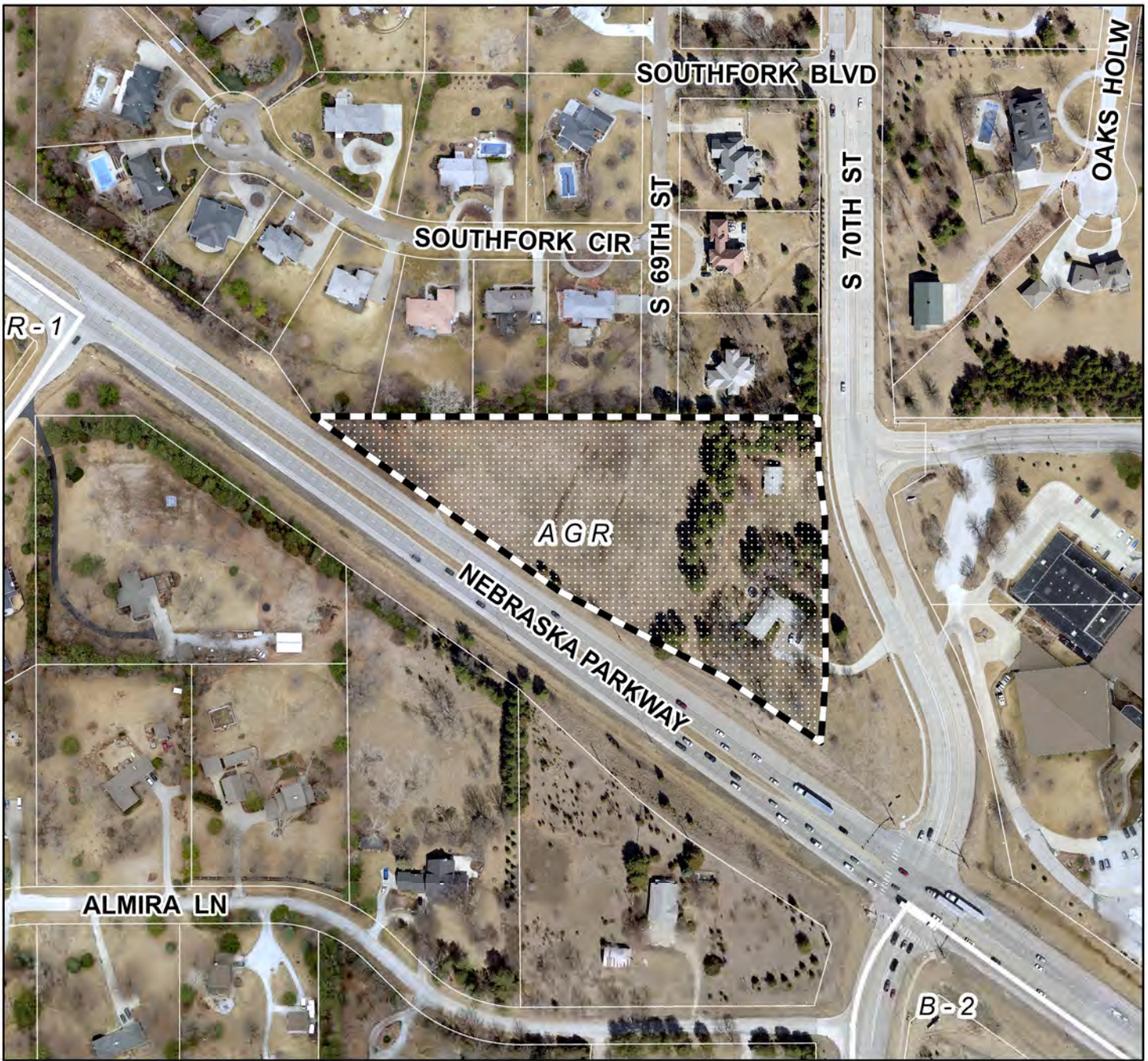
Owner: Glenbrook LLC
129 N 10th Street, Suite Capitol Hall
Lincoln, NE 68508

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:

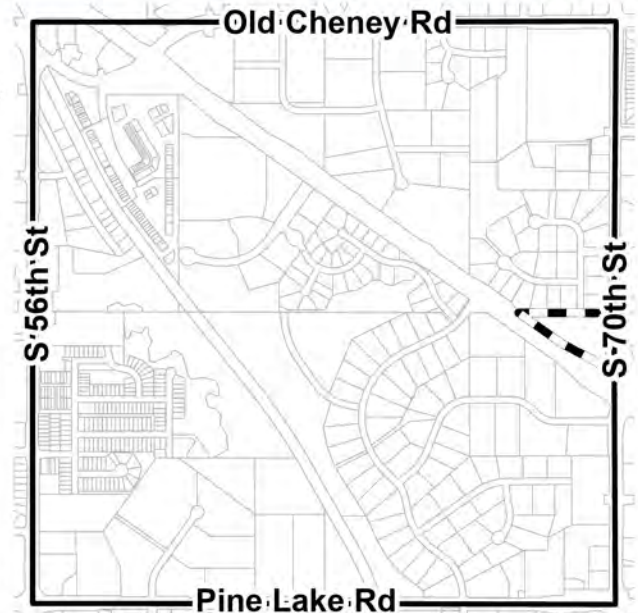
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

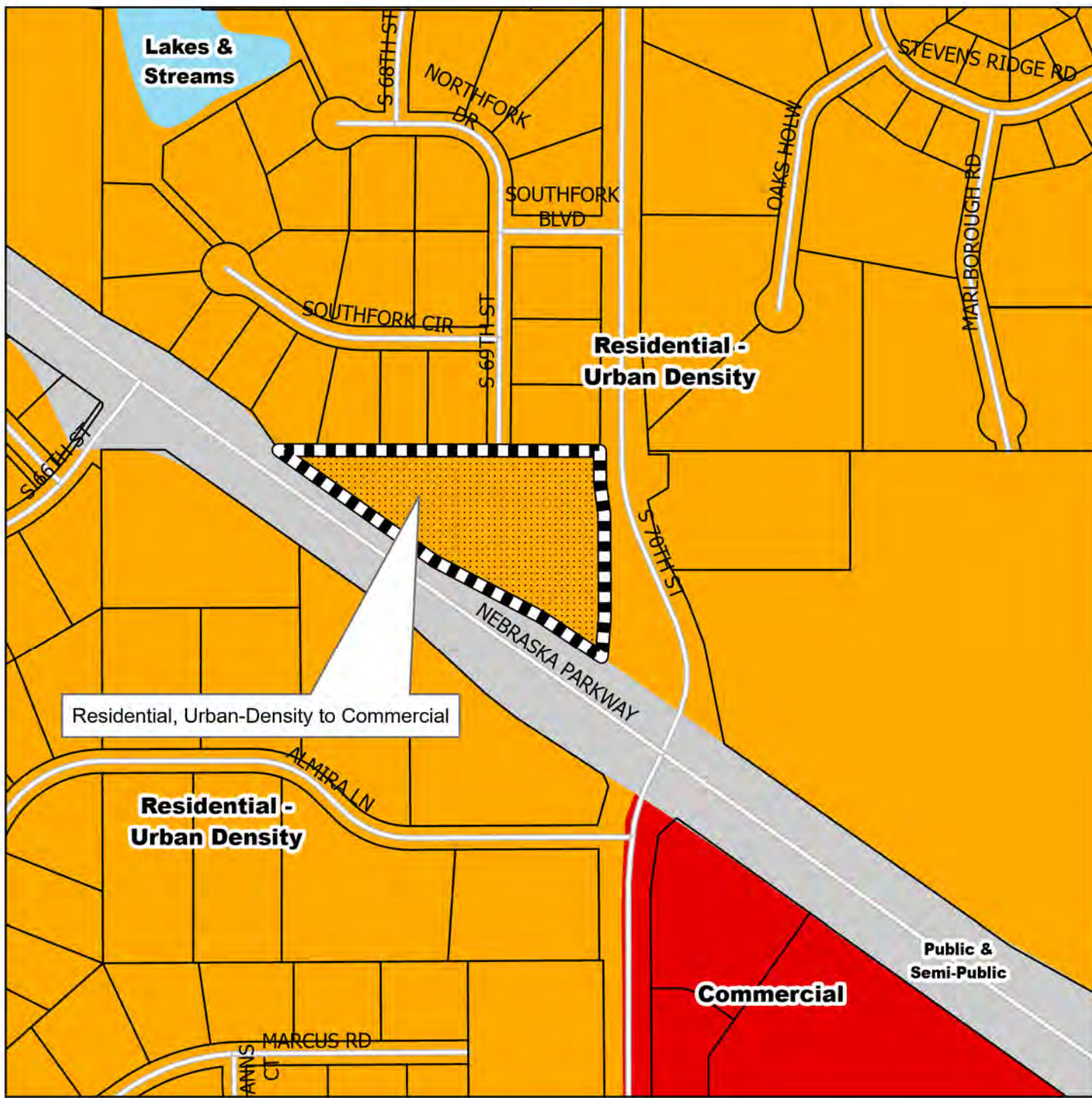
76



Proposed Land Use Change

Legend

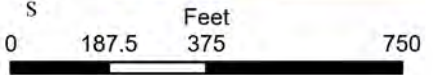
-  Application Area(s)
-  TaxParcel
-  Agricultural
-  Agricultural Stream Corridor
-  Commercial
-  Environmental Resources
-  Green Space
-  Industrial
-  Light Industrial
-  Public/Semi-Public
-  Residential - Low Density
-  Residential - Urban Density
-  Lakes & Streams

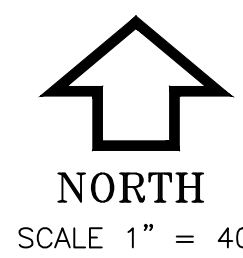


Residential, Urban-Density to Commercial



LINCOLN - LANCASTER COUNTY
 PLANNING DEPARTMENT
 Information Technology Services
 203 South 10th Street
 Lincoln, Nebraska 68508
 Ph: 402.441.2191 Fax: 402.441.6377





40 0 40 80 120 Feet

SOUTH 70TH AND NEBRASKA PARKWAY MEDICAL PARK

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

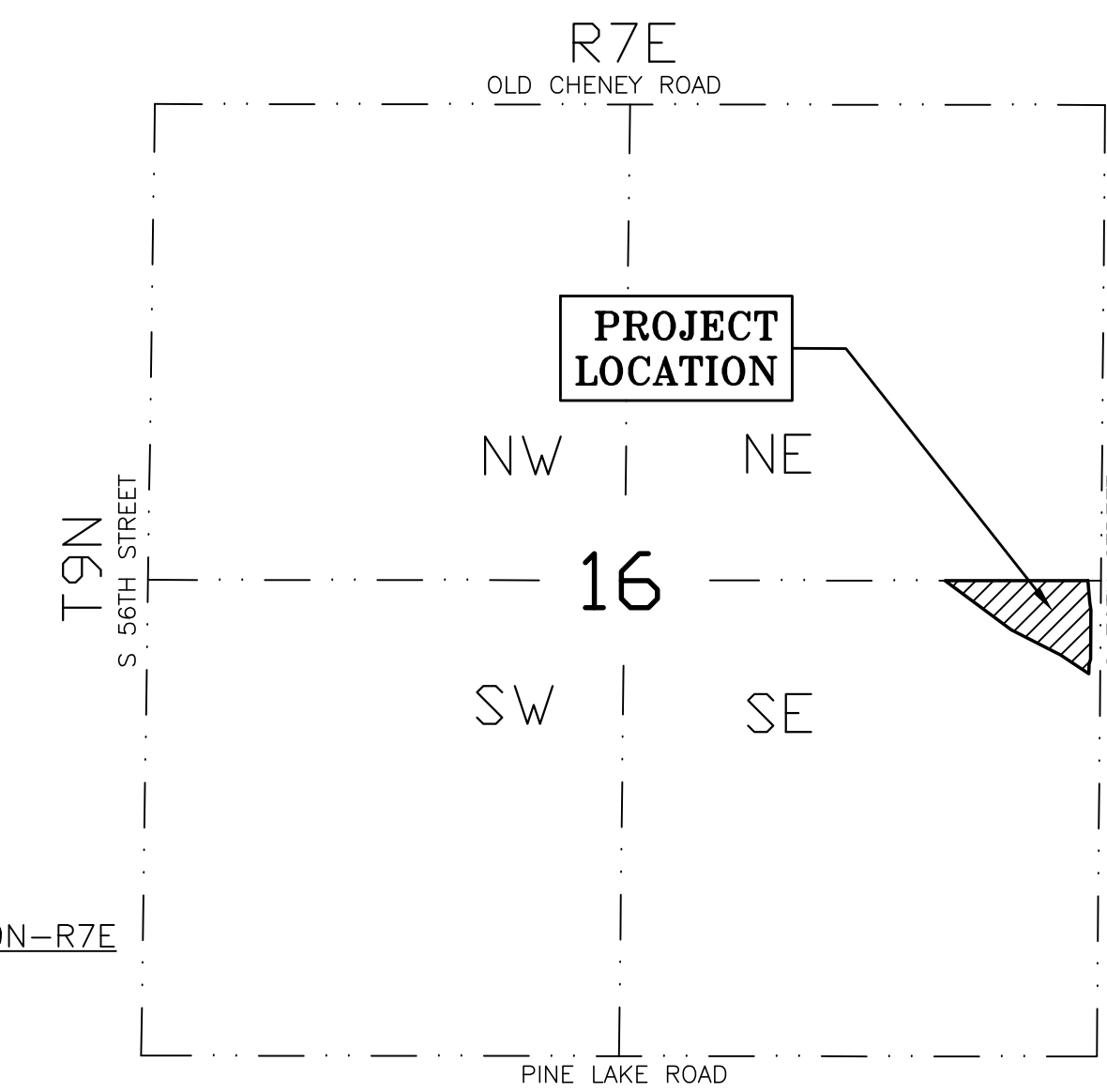
OWNER:
GLENBROOK LLC
129 N 10 STE CAPITOL HALL
LINCOLN, NE 68508

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

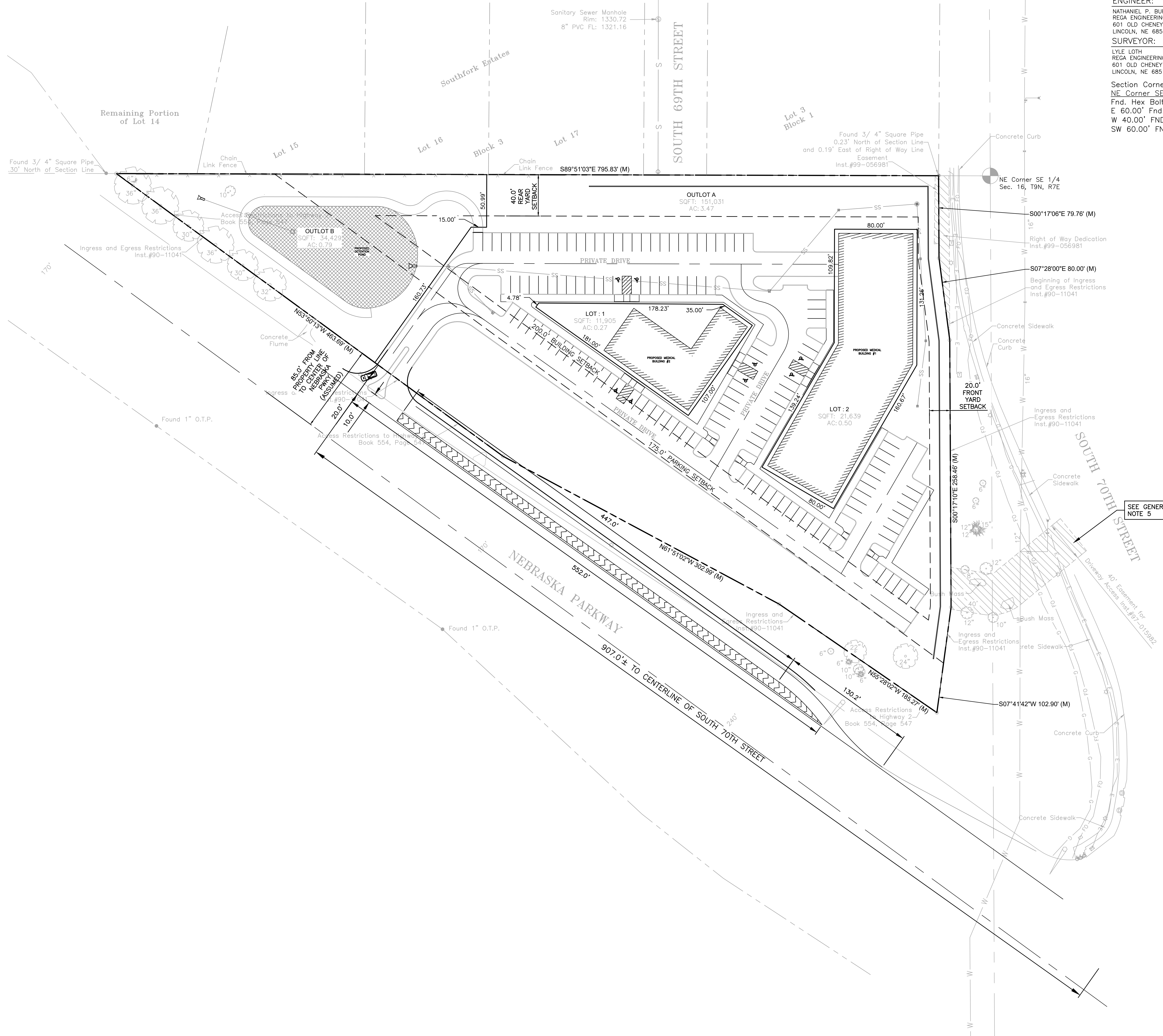
COVER SHEET	1
SITE & UTILITY PLAN	2
PRE DEVELOPMENT DRAINAGE PLAN	3
POST DEVELOPMENT DRAINAGE PLAN AND GRADING PLAN	4

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



SOUTH 70TH AND NEBRASKA PARKWAY MEDICAL PARK

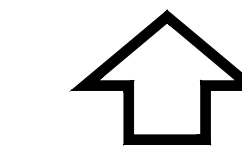
USE PERMIT #24003, CHANGE OF ZONE #24003
LINCOLN, NEBRASKA

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



NORTH
SCALE 1" = 40'

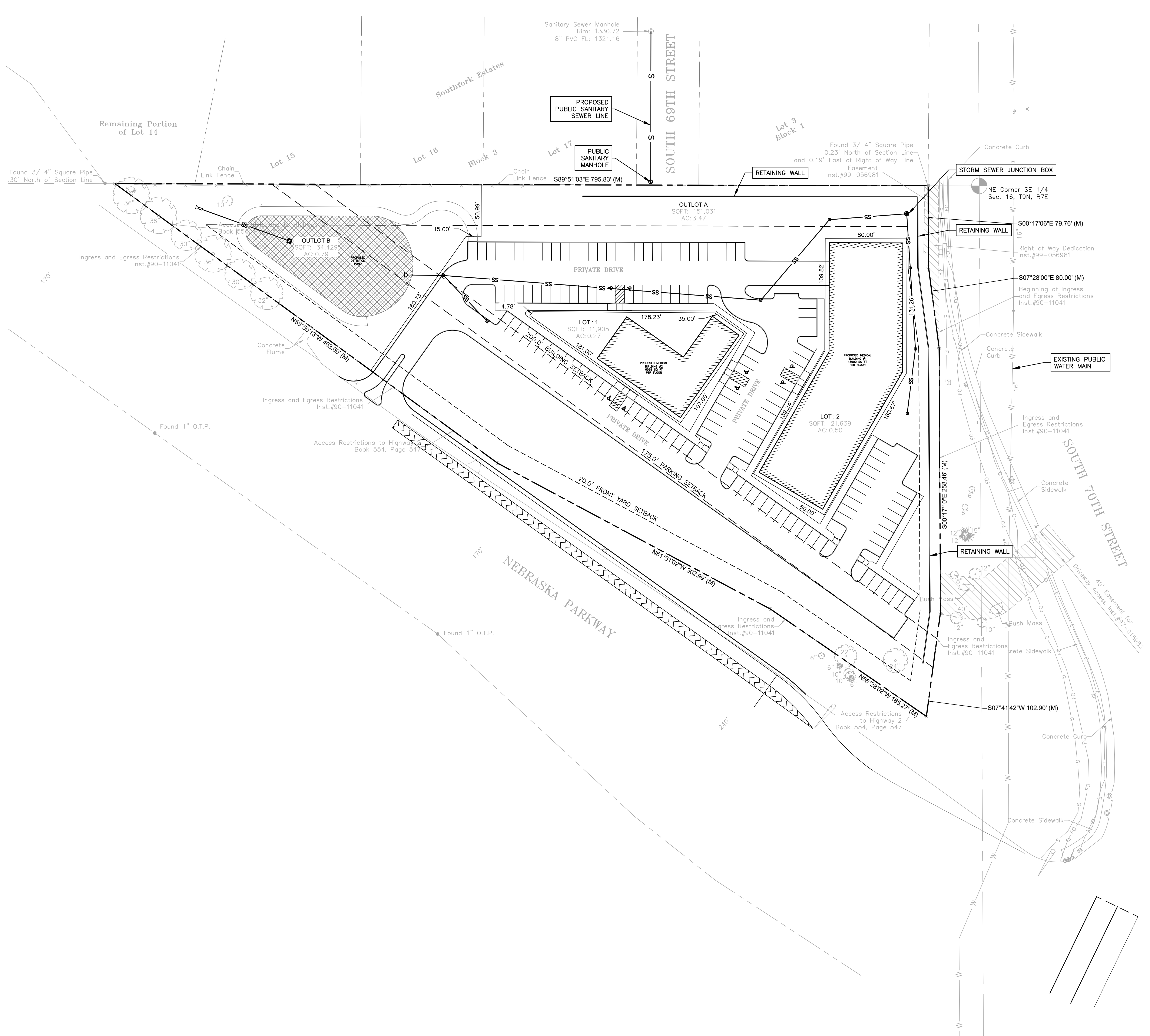


LEGEND

- BOUNDARY LINE
- - - RIGHT-OF-WAY LINE
- LOT LINE
- - - SETBACK/BUILDING ENVELOPE
- - - ADJACENT PROPERTY LINE
- - - PROPOSED SANITARY MAIN EXTENSION
- - - EXISTING WATER LINE
- - - PROPOSED STORM SEWER LINE
- PROPOSED STORM SEWER MANHOLE
- PROPOSED STORM SEWER INLET
- PROPOSED AREA INLET
- SANITARY MANHOLE
- EXISTING TREE MASS
- CORNER FOUND AS NOTED
- PROPERTY CORNER SET AS NOTED

UTILITY NOTES

1. WATER TO BE PROVIDED BY THE 16" WATER MAIN TO THE EAST OF THE PROPERTY RUNNING ALONG SOUTH 70TH STREET. CONNECTION TO THE MAIN AND EXACT LOCATIONS REQUIRED FOR CONNECTIONS TO BE DETERMINED AT TIME OF BUILDING PERMITS.
2. SANITARY SEWER CONNECTIONS AND LOCATIONS TO BE DETERMINED AT TIME OF BUILDING PERMITS.



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

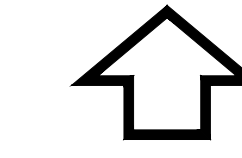
SITE AND
UTILITY PLAN

PRELIMINARY
PLAN
NOT FOR
CONSTRUCTION

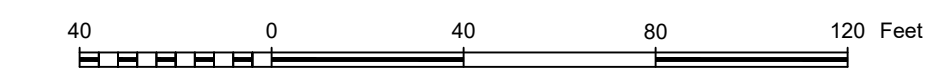
SHEET NO.
2 of 4

70TH AND NEBRASKA PARKWAY MEDICAL PARK

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



SCALE 1" = 40'

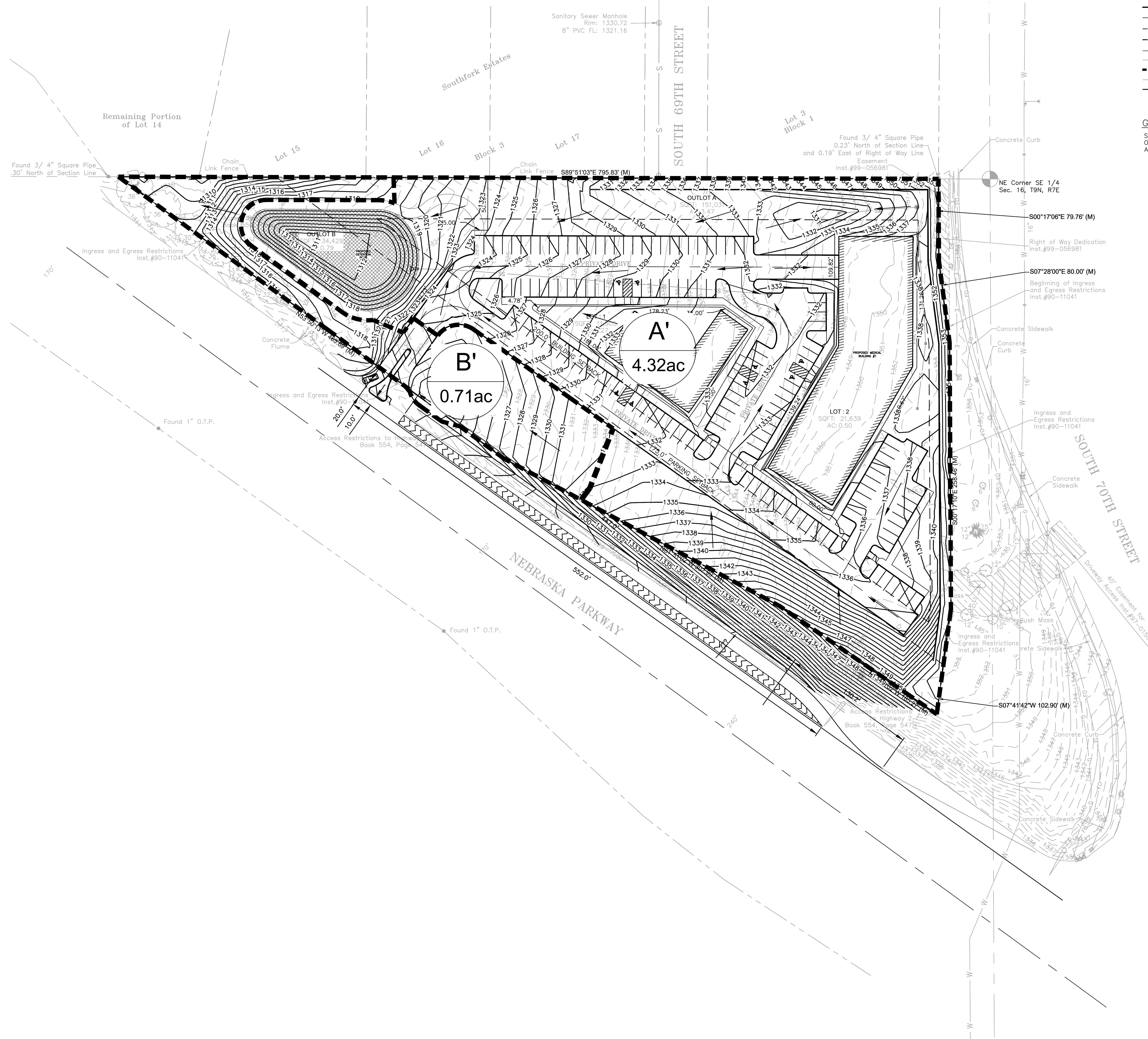


LEGEND

- 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
----------------------	--	-------	------------

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

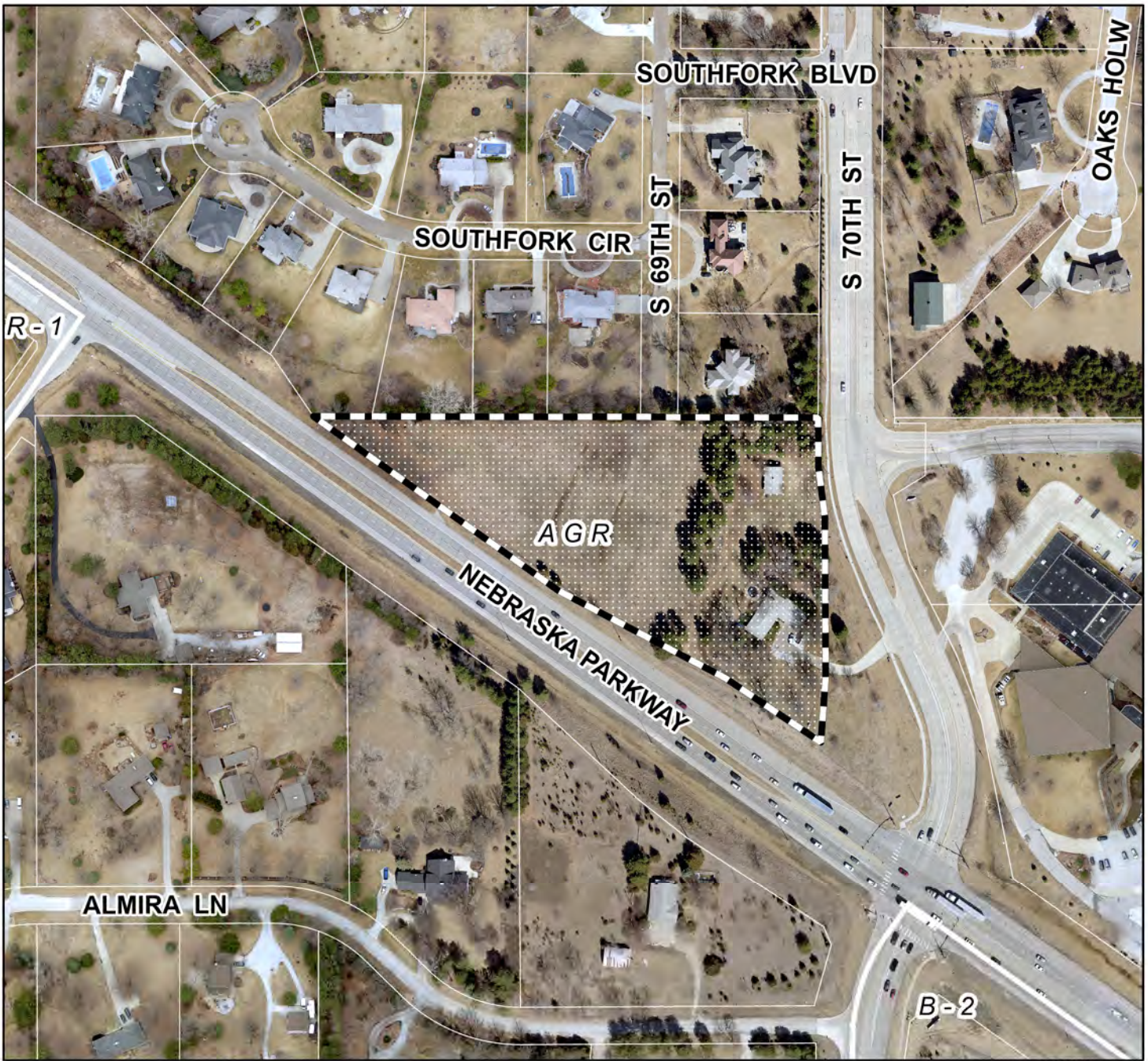
Owner: Glenbrook LLC
129 N 10th Street, Suite Capitol Hall
Lincoln, NE 68508

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**

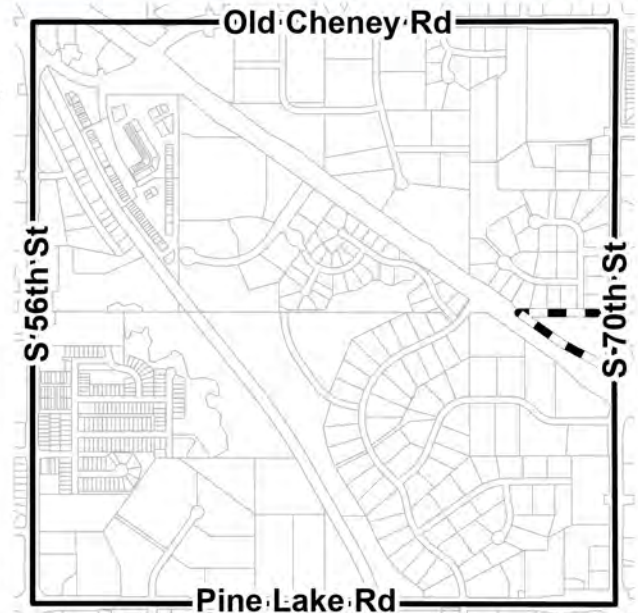


**One Square Mile:
Sec. 16 T09N R07E**

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

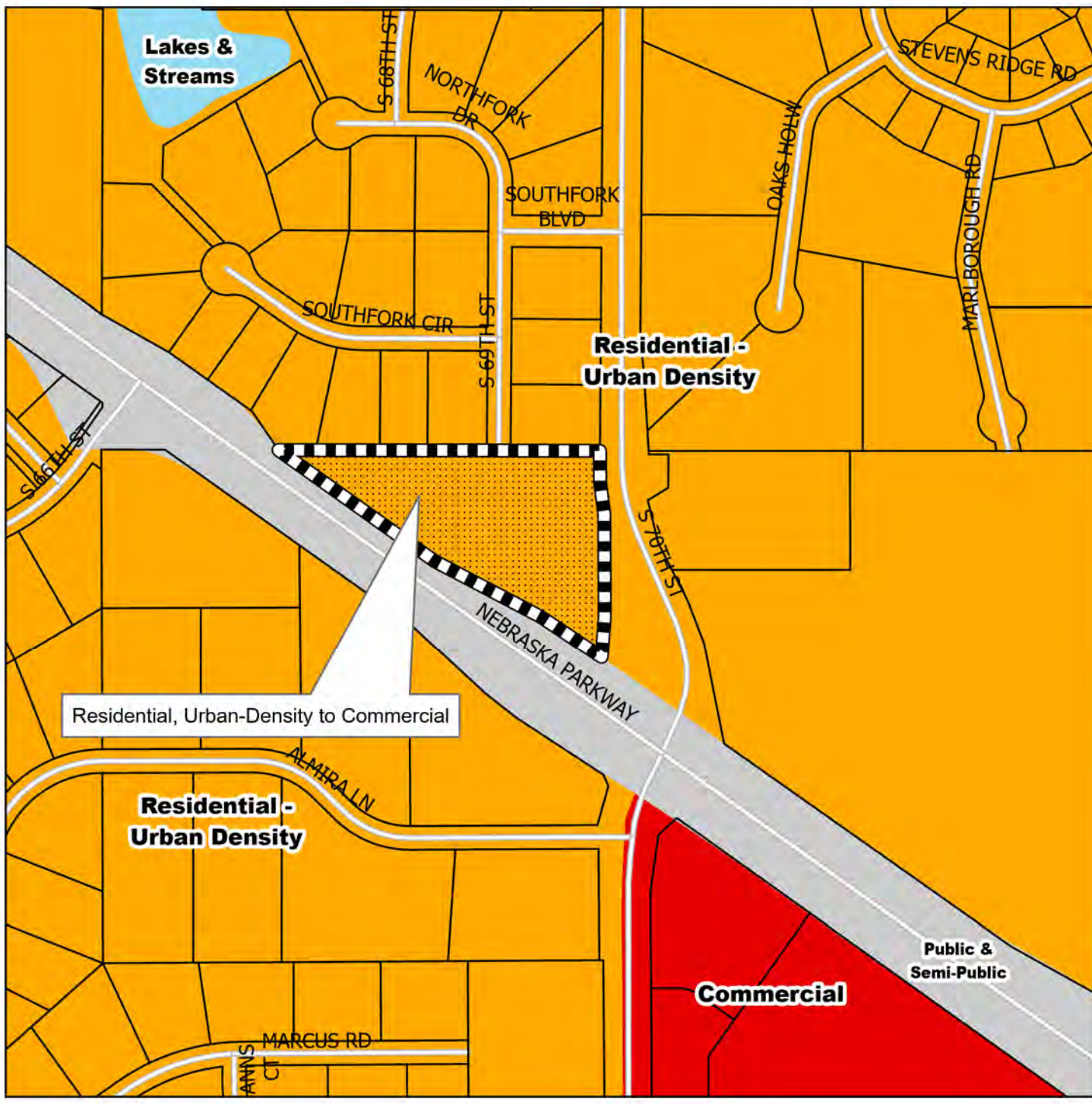
 Area of Application
 Zoning Jurisdiction Lines
 Lancaster County Jurisdiction



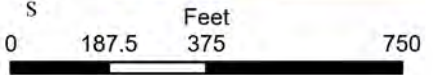
Proposed Land Use Change

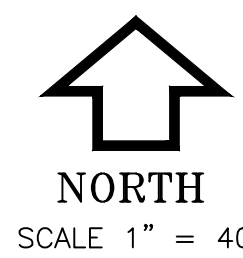
Legend

-  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

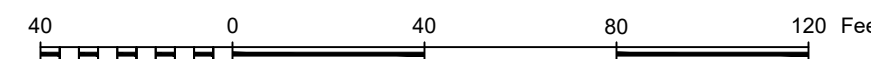


Residential, Urban-Density to Commercial





SCALE 1" = 40'



SOUTH 70TH AND NEBRASKA PARKWAY MEDICAL PARK

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

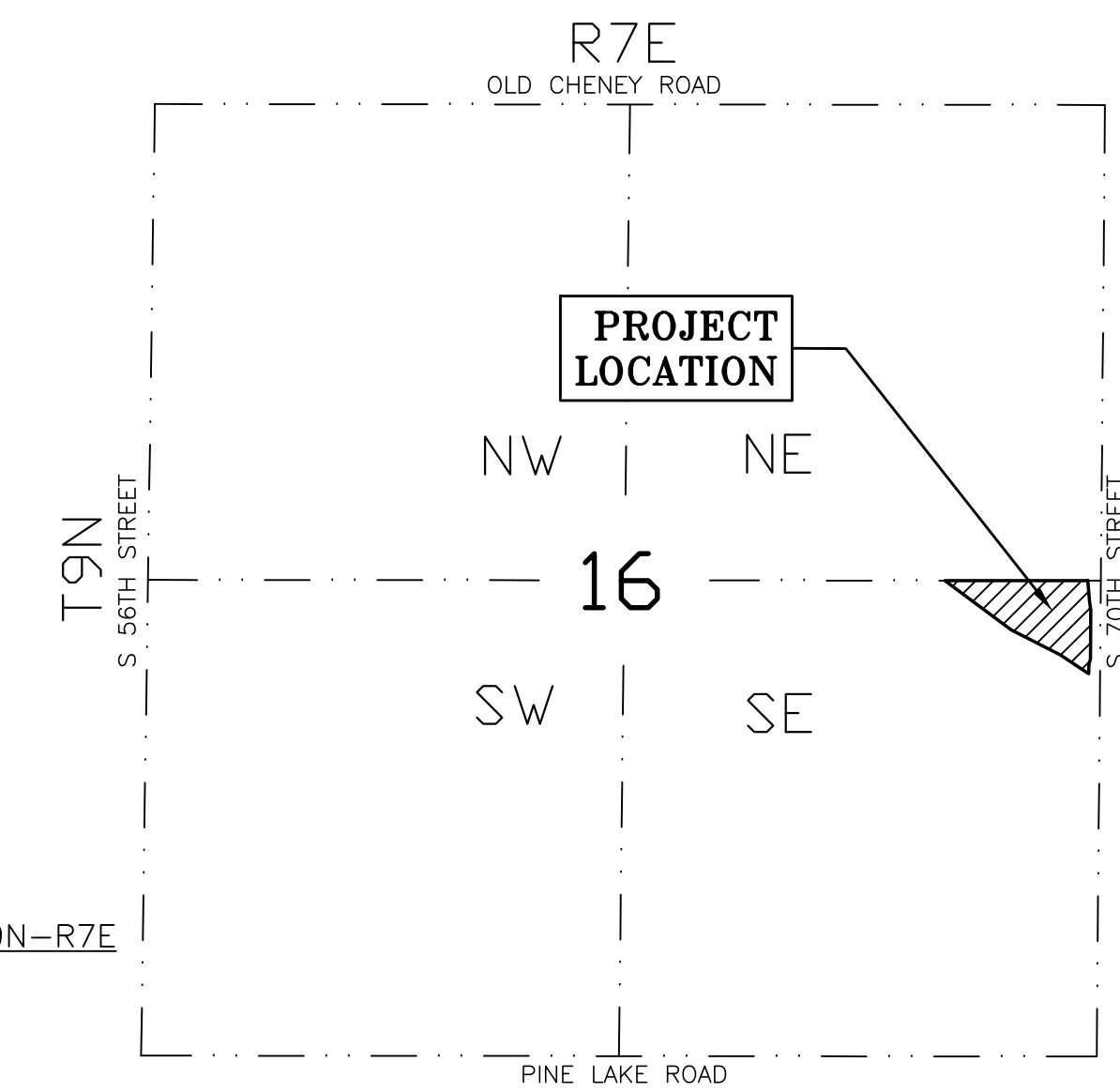
OWNER:
GLENBROOK LLC
129 N 10 STE CAPITOL HALL
LINCOLN, NE 68508

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

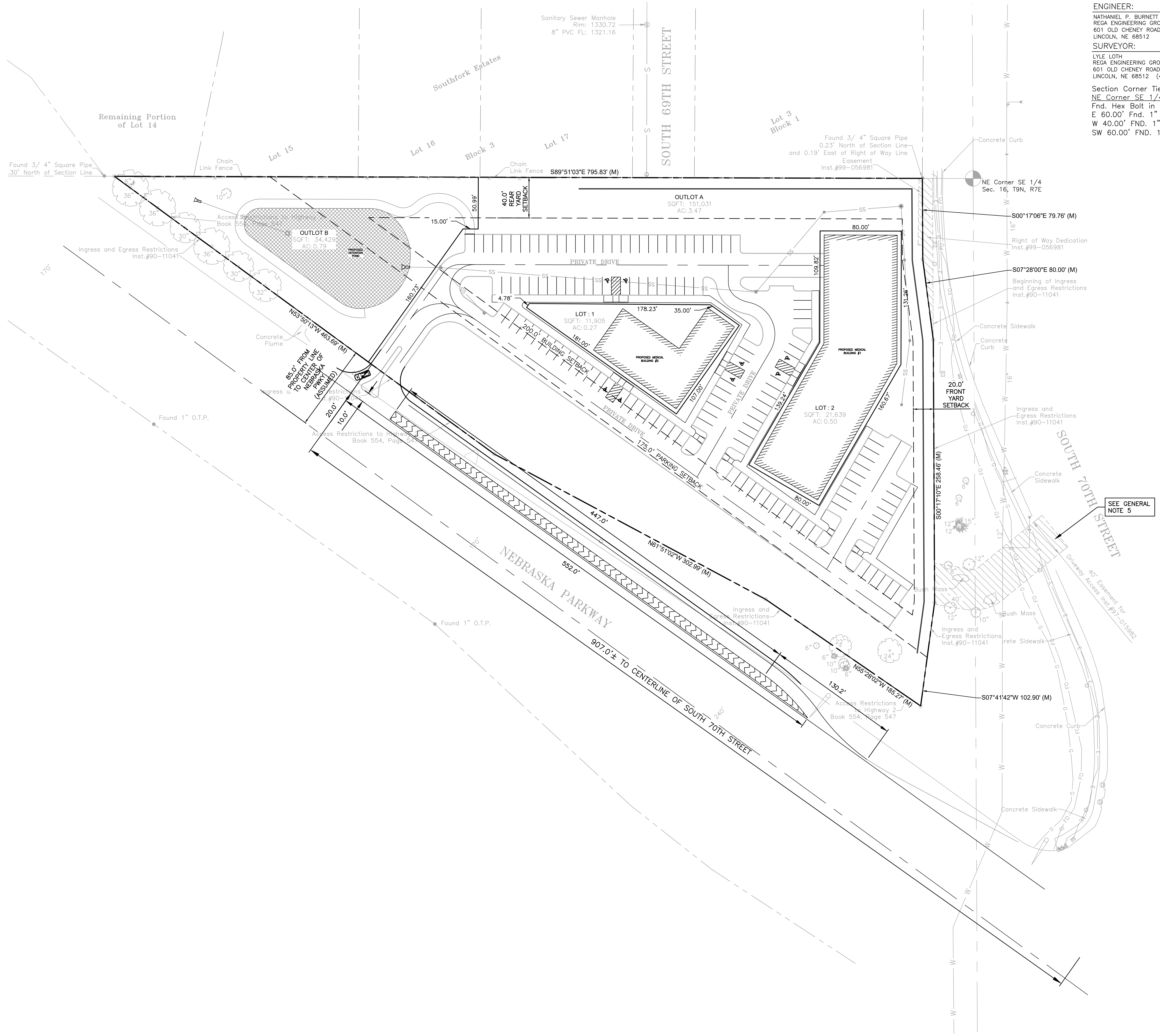
COVER SHEET	1
SITE & UTILITY PLAN	2
PRE DEVELOPMENT DRAINAGE PLAN	3
POST DEVELOPMENT DRAINAGE PLAN AND GRADING PLAN	4

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



SOUTH 70TH AND NEBRASKA PARKWAY MEDICAL PARK

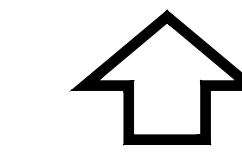
USE PERMIT #24003, CHANGE OF ZONE #24003
LINCOLN, NEBRASKA

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



NORTH
SCALE 1" = 40'

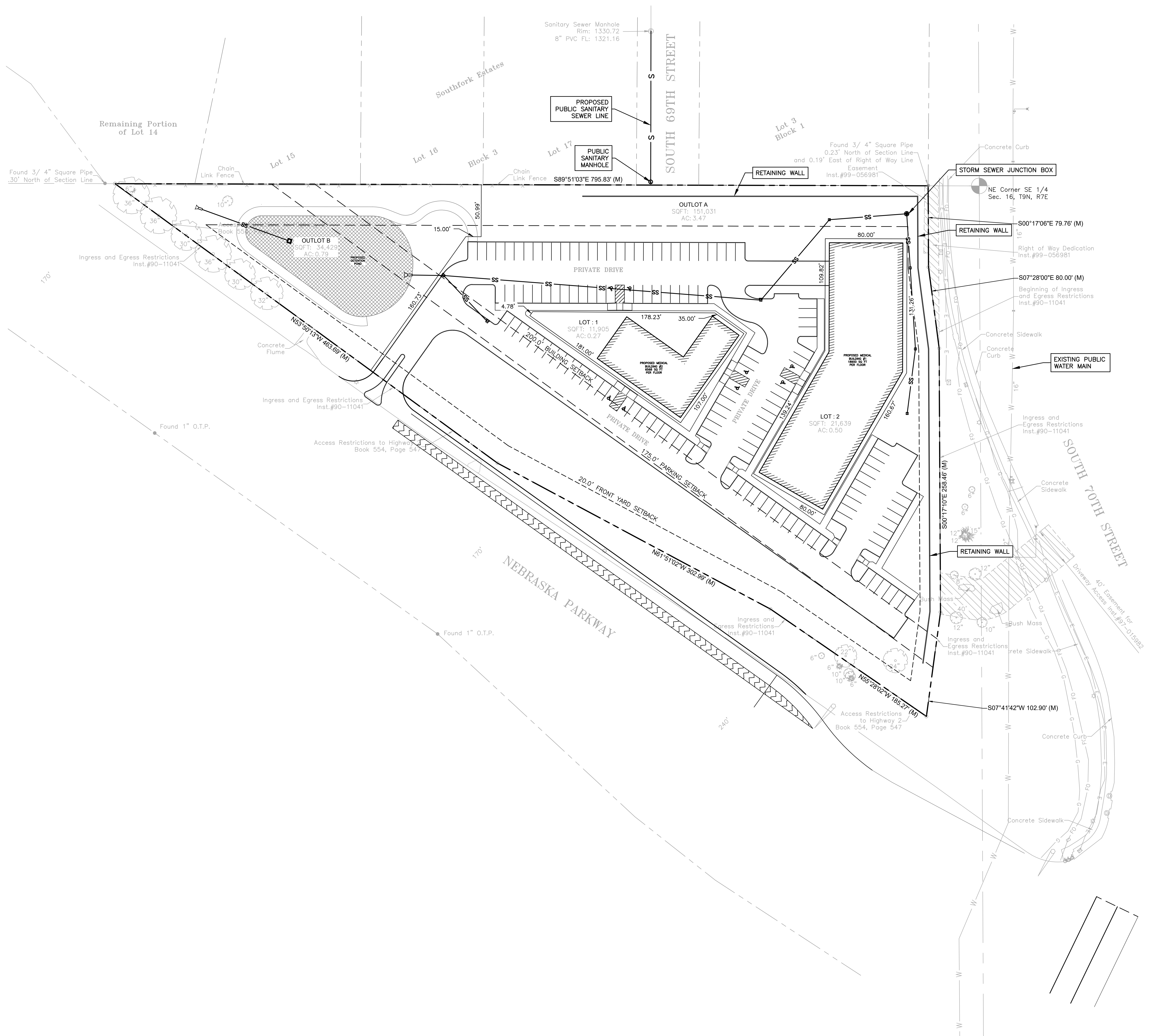


LEGEND

- BOUNDARY LINE
- - - RIGHT-OF-WAY LINE
- LOT LINE
- - - SETBACK/BUILDING ENVELOPE
- - - ADJACENT PROPERTY LINE
- - - PROPOSED SANITARY MAIN EXTENSION
- - - EXISTING WATER LINE
- - - PROPOSED STORM SEWER LINE
- PROPOSED STORM SEWER MANHOLE
- PROPOSED STORM SEWER INLET
- PROPOSED AREA INLET
- SANITARY MANHOLE
- EXISTING TREE MASS
- CORNER FOUND AS NOTED
- PROPERTY CORNER SET AS NOTED

UTILITY NOTES

1. WATER TO BE PROVIDED BY THE 16" WATER MAIN TO THE EAST OF THE PROPERTY RUNNING ALONG SOUTH 70TH STREET. CONNECTION TO THE MAIN AND EXACT LOCATIONS REQUIRED FOR CONNECTIONS TO BE DETERMINED AT TIME OF BUILDING PERMITS.
2. SANITARY SEWER CONNECTIONS AND LOCATIONS TO BE DETERMINED AT TIME OF BUILDING PERMITS.



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

SITE AND
UTILITY PLAN

PRELIMINARY
PLAN
NOT FOR
CONSTRUCTION

SHEET NO.
2 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

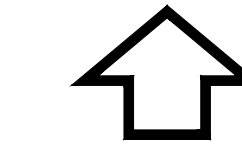
ISSUED FOR	DATE
PLANNING SUBMISSION	02/28/24
PLANNING SUBMISSION	07/31/24

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

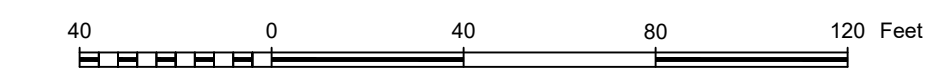
POST DEVELOPMENT
DRAINAGE AND
GRADING PLAN

PRELIMINARY
PLAN
NOT FOR
CONSTRUCTION

SHEET NO.
4 of 4



NORTH
SCALE 1" = 40'

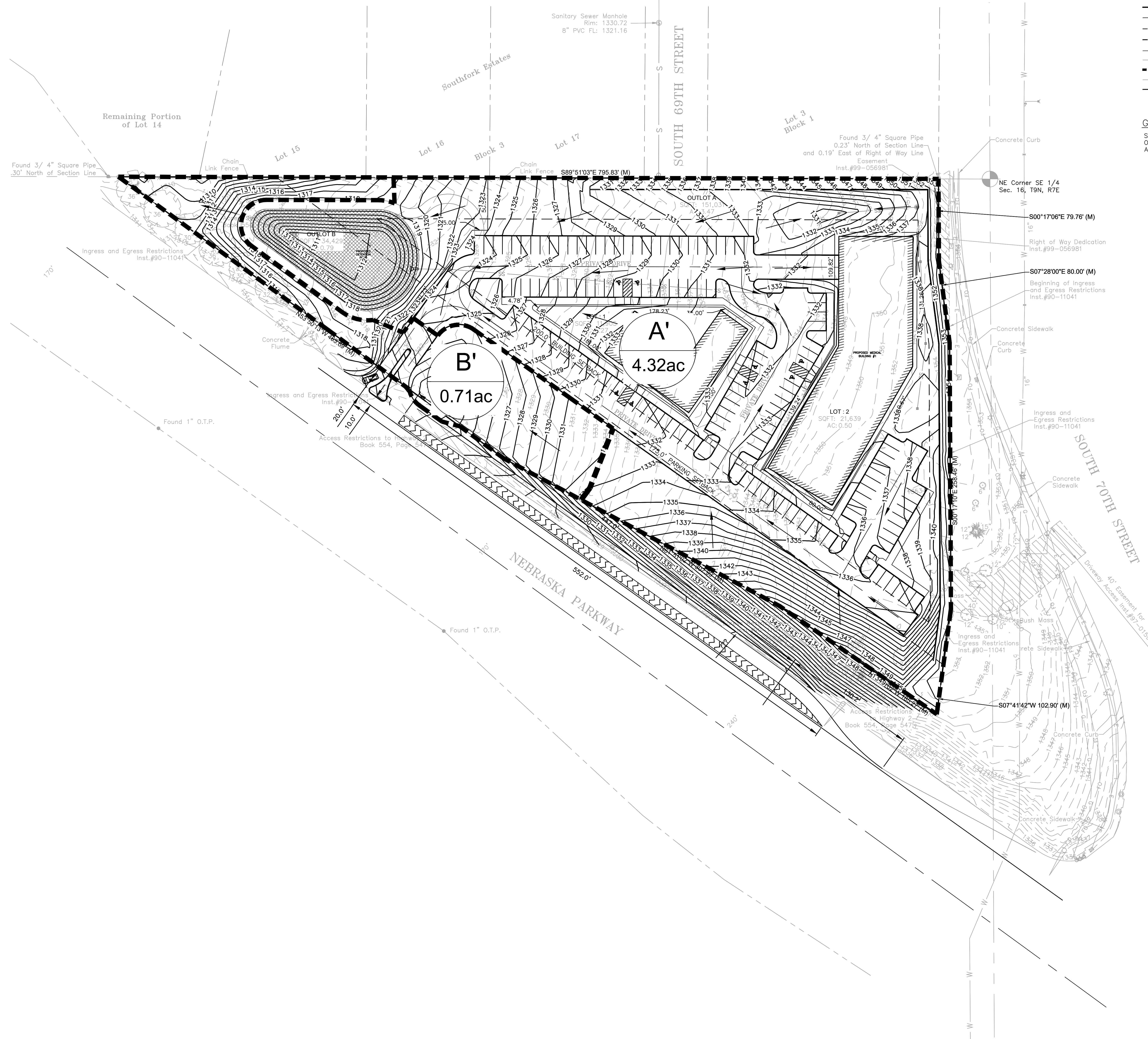


LEGEND

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

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
----------------------	--	-------	------------

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:

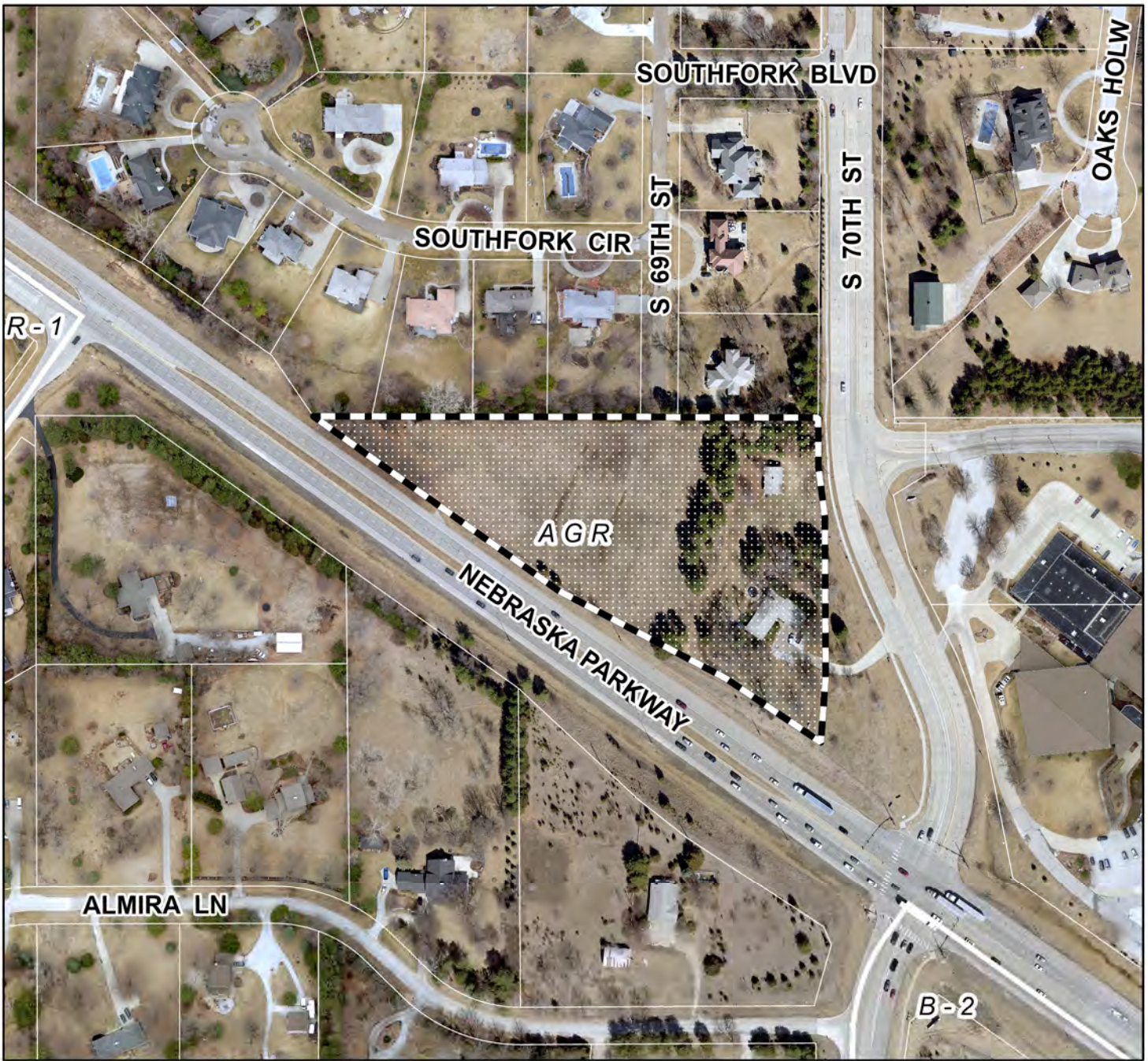
- (1) Permittee shall not be relieved of Permittee's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance 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**

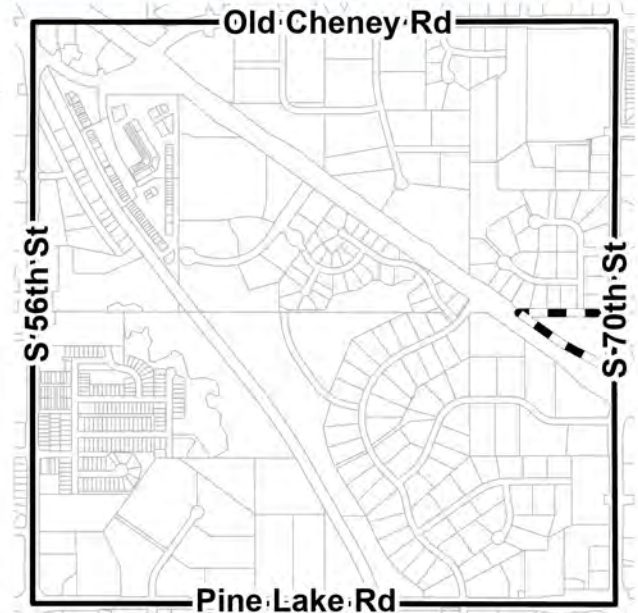


**One Square Mile:
Sec. 16 T09N R07E**

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

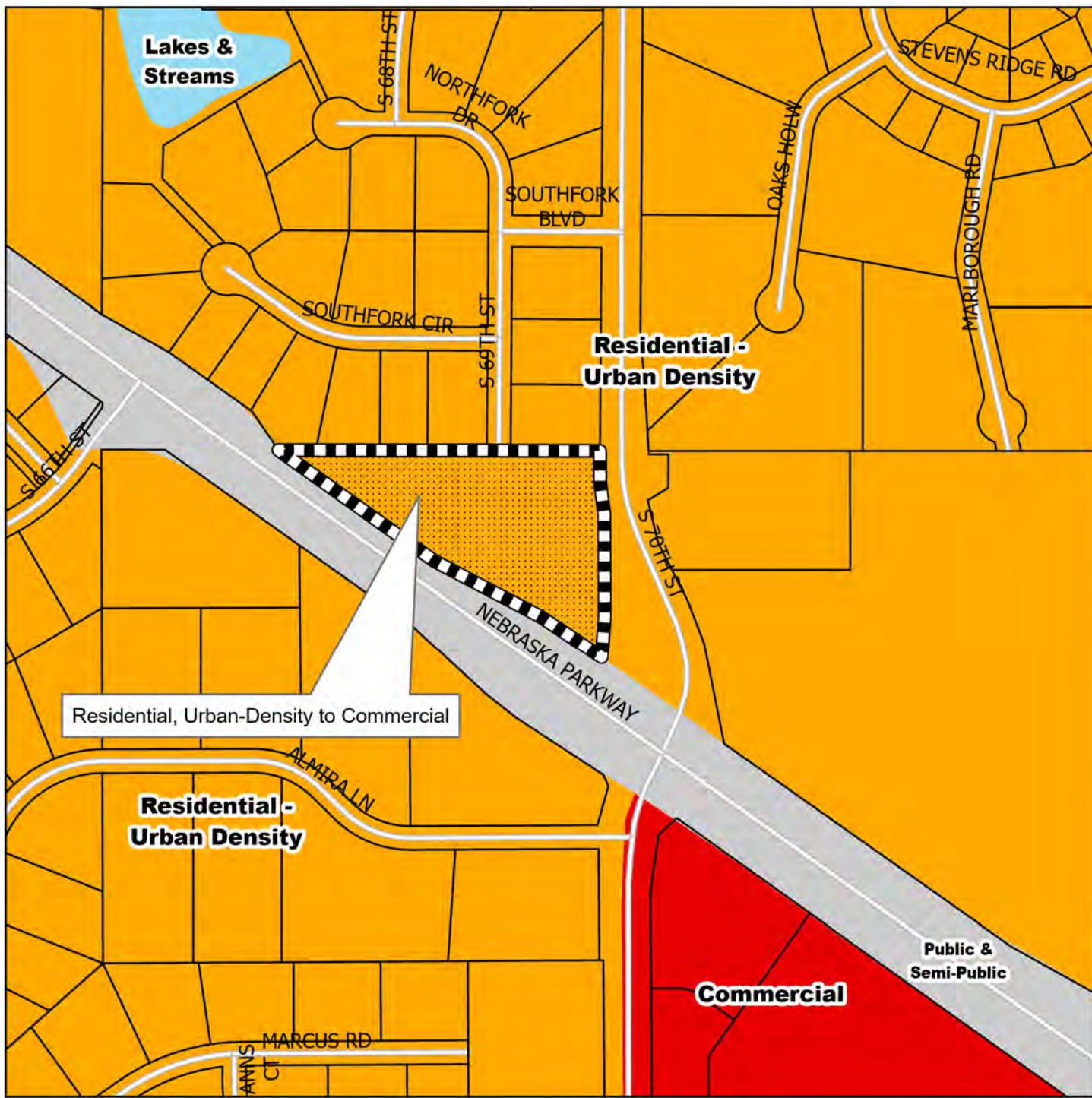
 Area of Application
 Zoning Jurisdiction Lines
 Lancaster County Jurisdiction



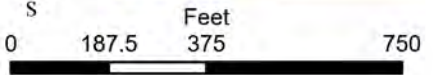
Proposed Land Use Change

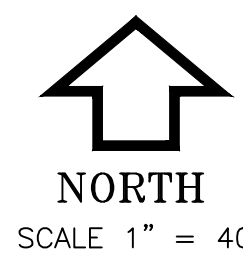
Legend

-  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

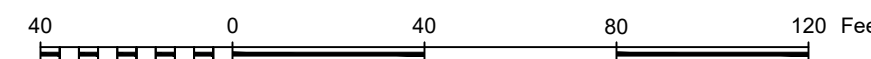


LINCOLN - LANCASTER COUNTY
 PLANNING DEPARTMENT
 Information Technology Services
 202 South 10th Street
 Lincoln, Nebraska 68508
 Ph: 402.441.2191 Fax: 402.441.6377





SCALE 1" = 40'



SOUTH 70TH AND NEBRASKA PARKWAY MEDICAL PARK

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

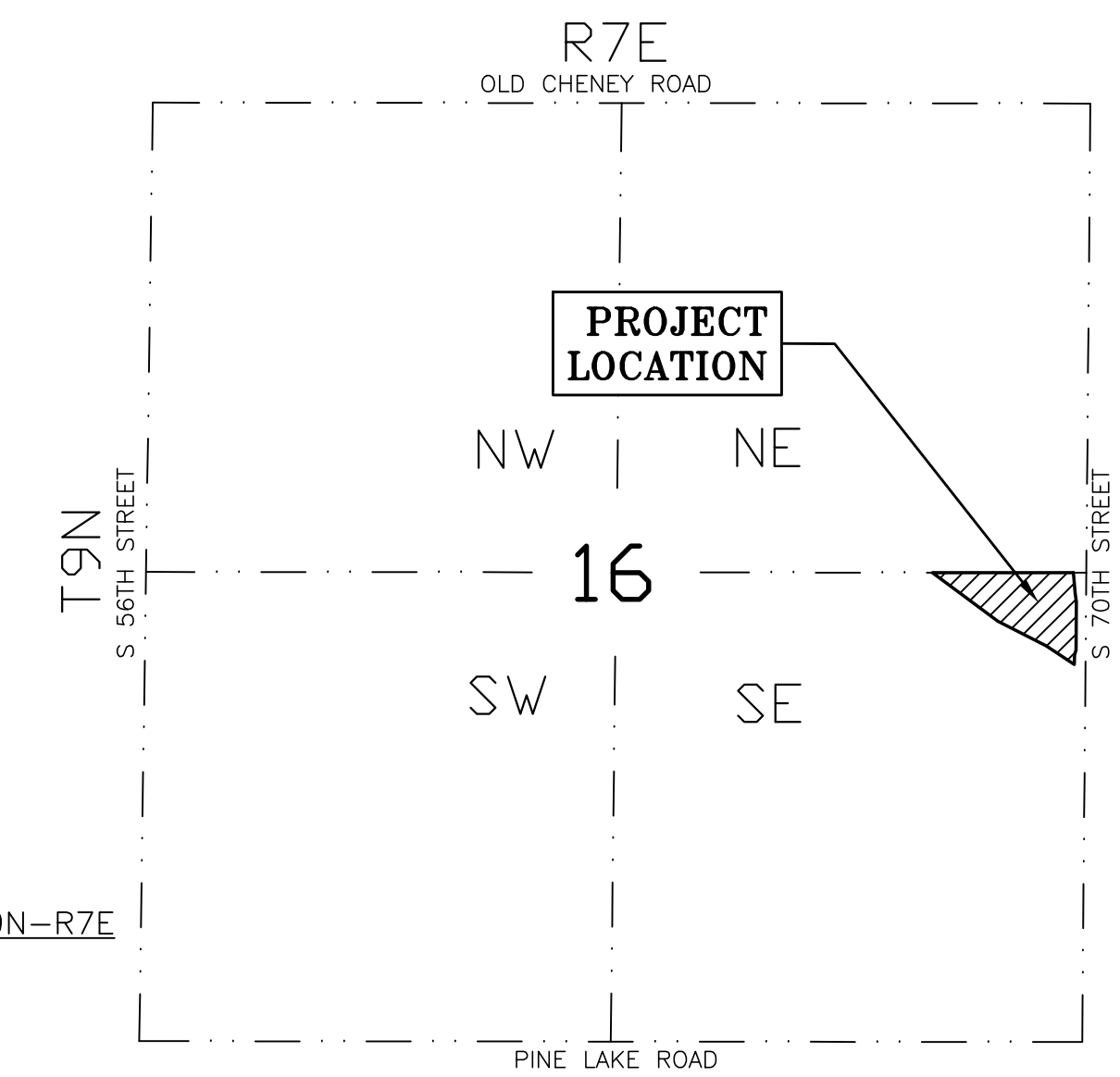
OWNER:
GLENBROOK LLC
129 N 10 STE CAPITOL HALL
LINCOLN, NE 68508

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

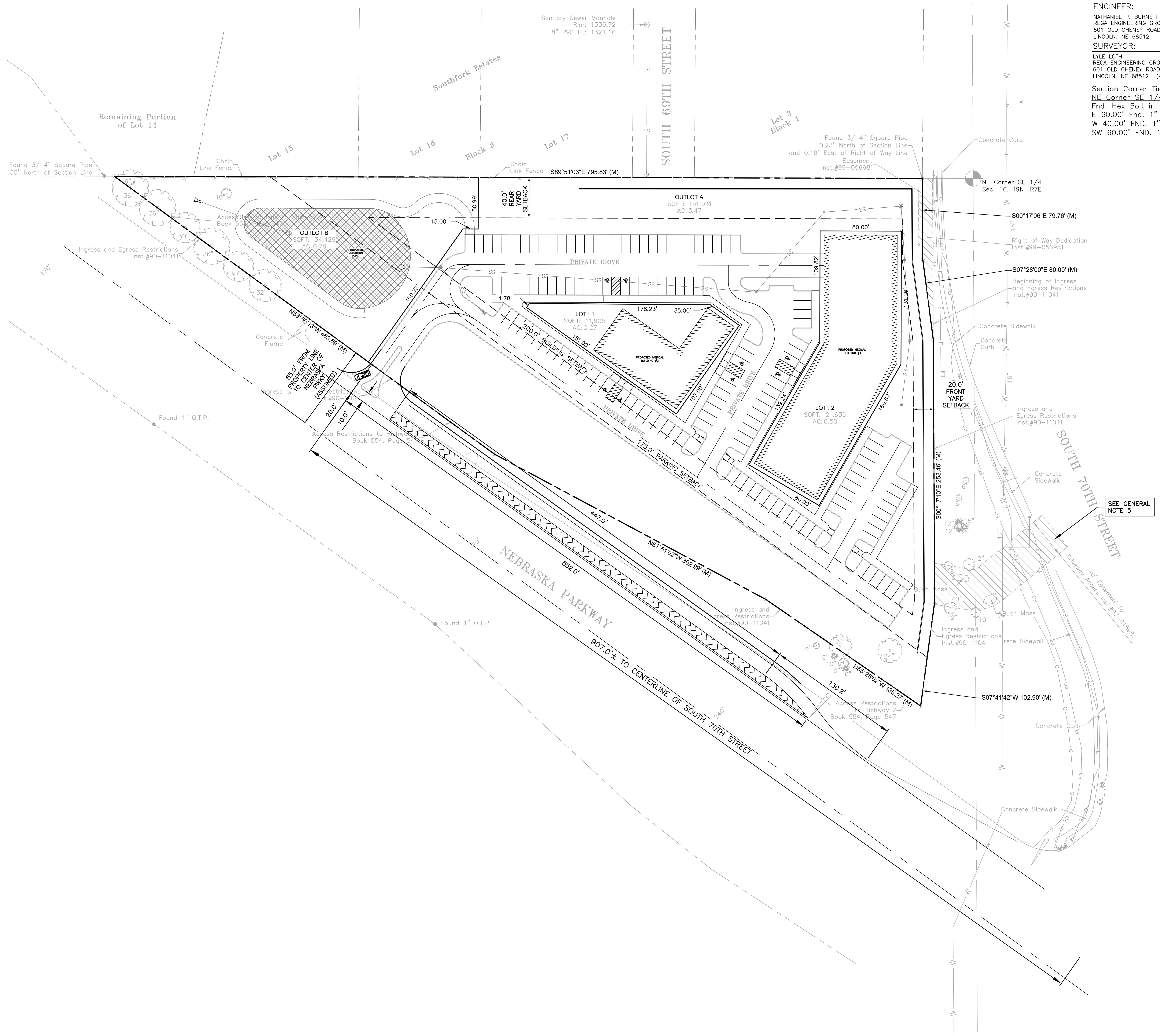
COVER SHEET	1
SITE & UTILITY PLAN	2
PRE DEVELOPMENT DRAINAGE PLAN	3
POST DEVELOPMENT DRAINAGE PLAN AND GRADING PLAN	4

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



SOUTH 70TH AND NEBRASKA PARKWAY MEDICAL PARK

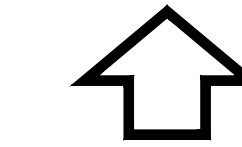
USE PERMIT #24003, CHANGE OF ZONE #24003
LINCOLN, NEBRASKA

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



NORTH
SCALE 1" = 40'

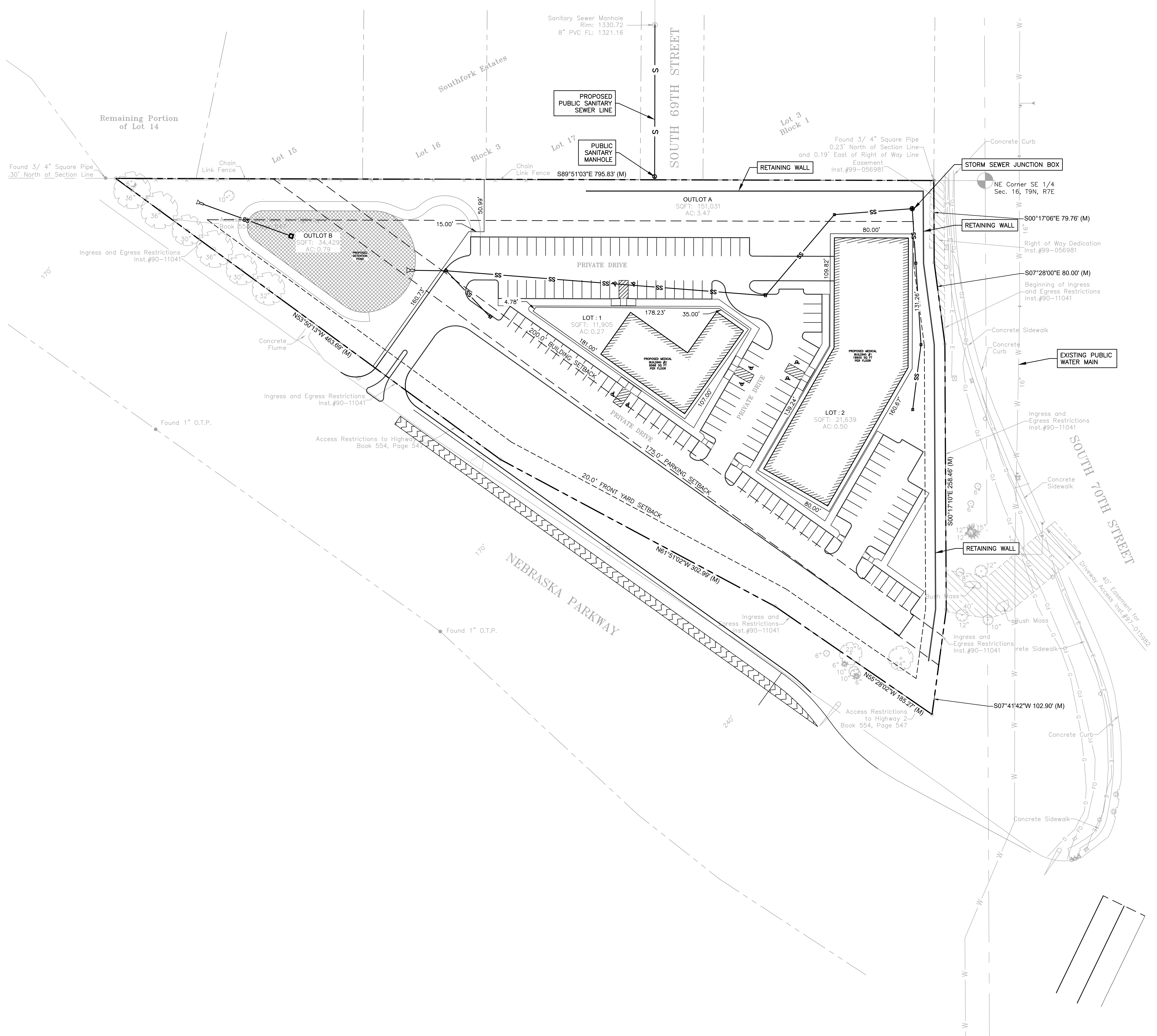


LEGEND

- BOUNDARY LINE
- - - RIGHT-OF-WAY LINE
- LOT LINE
- - - SETBACK/BUILDING ENVELOPE
- - - ADJACENT PROPERTY LINE
- - - PROPOSED SANITARY MAIN EXTENSION
- - - EXISTING WATER LINE
- - - PROPOSED STORM SEWER LINE
- PROPOSED STORM SEWER MANHOLE
- PROPOSED STORM SEWER INLET
- PROPOSED AREA INLET
- SANITARY MANHOLE
- EXISTING TREE MASS
- CORNER FOUND AS NOTED
- PROPERTY CORNER SET AS NOTED

UTILITY NOTES

- WATER TO BE PROVIDED BY THE 16" WATER MAIN TO THE EAST OF THE PROPERTY RUNNING ALONG SOUTH 70TH STREET. CONNECTION TO THE MAIN AND EXACT LOCATIONS REQUIRED FOR CONNECTIONS TO BE DETERMINED AT TIME OF BUILDING PERMITS.
- SANITARY SEWER CONNECTIONS AND LOCATIONS TO BE DETERMINED AT TIME OF BUILDING PERMITS.



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

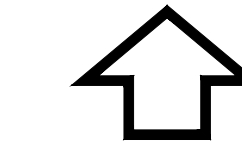
SITE AND
UTILITY PLAN

PRELIMINARY
PLAN
NOT FOR
CONSTRUCTION

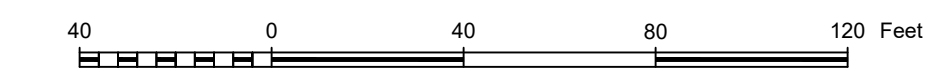
SHEET NO.
2 of 4

70TH AND NEBRASKA PARKWAY MEDICAL PARK

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



SCALE 1" = 40'

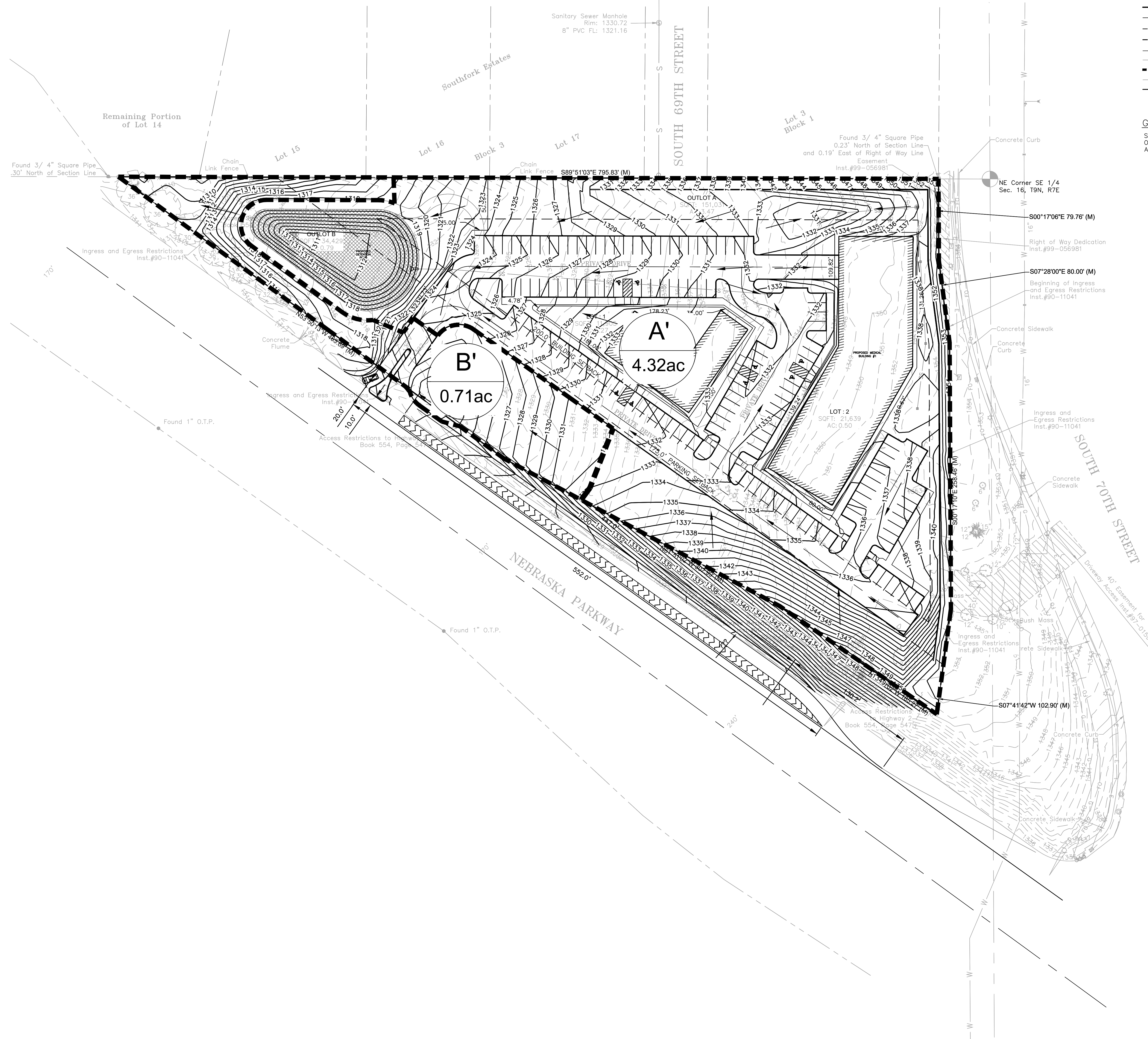


LEGEND

- 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

SHEET NO.
4 of 4

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
----------------------	--	-------	------------

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