

**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

**November 20, 2024**

**NOTICE:** The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, November 20, 2024, at 1:00 p.m. in the City Council Chambers on the first floor of the County-City Building, 555 S. 10<sup>th</sup> 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, November 20, 2024**

Approval of minutes of the regular meeting held [October 16, 2024](#).

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

**ANNEXATION AND RELATED ITEM:**

1.1a ANNEXATION 24010, to annex approximately 45 acres on property generally located west of 98th Street and ½ mile north of Van Dorn Street.

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**Staff recommendation: Conditional Approval**

**Staff Planner:** Steve Dush, 402-441-6361, [sdush@lincoln.ne.gov](mailto:sdush@lincoln.ne.gov)

1.1b CHANGE OF ZONE 17030F, from AG (Agricultural District) to R-3 (Residential) PUD (Planned Unit Development), and associated waivers on property generally located west of 98th Street and ½ mile north of Van Dorn Street.

[Page 16](#)

**Staff recommendation: Conditional Approval**

**Staff Planner:** Steve Dush, 402-441-6361, [sdush@lincoln.ne.gov](mailto:sdush@lincoln.ne.gov)

**CHANGE OF ZONE:**

1.2 CHANGE OF ZONE 05061G, to amend the Southwest Village Planned Unit Development regarding phasing, access and parking layout with waivers on property generally located at 7055 S 1st Street.

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**Staff recommendation: Conditional Approval**

**Staff Planner:** Ben Callahan, 402-441-6360, [bcallahan@lincoln.ne.gov](mailto:bcallahan@lincoln.ne.gov)

**MISCELLANEOUS**

1.3 MISCELLANEOUS 24007, to vacate a final plat, on property generally located at 2100 Magnum Circle and 235 S Coddington Avenue.

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**Staff recommendation: Approval**

**Staff Planner:** George Wesselhoft, 402-441-6366, [gwesselhoft@lincoln.ne.gov](mailto: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**

4.1 TEXT AMENDMENT 24014, to amend the Lincoln Municipal Code 27.69.090 to clarify the language defining the sign areas for Places of Religious Assembly, Schools, and Community Playhouses in residential zoning districts.

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**Staff recommendation: Approval**

**Staff Planner:** Jacob Schlange, 402-441-6362, [jschlange@lincoln.ne.gov](mailto:jschlange@lincoln.ne.gov)

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

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**Adjournment**

**PENDING LIST:** No items

**Planning Department Staff Contacts:**

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**The Planning Commission meeting which is broadcast live at 1:00 p.m. every other  
Wednesday  
will be available for viewing on LNK City TV at  
<https://lnktv.lincoln.ne.gov/CablecastPublicSite/watch/3?channel=1>**

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**The Planning Commission agenda may be accessed on the Internet at  
<https://app.lincoln.ne.gov/city/plan/boards/pc/pc.htm>**

**MEETING RECORD**

*Advanced public notice of the Planning Commission meeting was posted on the County-City bulletin board and the Planning Department’s website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Tuesday, September 24, 2024.*

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, October 16, 2024, 1:00 p.m., Hearing Room 112, on the first floor of the County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska.

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

**STATED PURPOSE OF MEETING:** Regular Planning Commission Hearing

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

**Note:** This is **Final Action** on the following item **Special Permit 11013D, Special Permit 24031 and Use Permit 15015A** unless appealed by filing a Notice of Appeal with the **City Council** or the **County Board within 14 days.**

Ryman Yost requested a motion approving the minutes for the regular meeting held October 2, 2024.

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

Minutes approved 7-0: Campbell, Cruz, Ebert, Eddins, Feit, Joy and Rodenburg voting “yes”; Ball absent. Ryman Yost abstained.

**CONSENT AGENDA**  
**PUBLIC HEARING & ADMINISTRATIVE ACTION**  
**BEFORE PLANNING COMMISSION:**

**October 16, 2024**

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

**The Consent Agenda consisted of the following items: Change of Zone 2304A, Special Permit 11013D, Special Permit 17022C, Special Permit 24031, and Use Permit 15015A.**

There were no ex-parte communications disclosed.

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

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

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

Clerk noted that written communication on behalf of the applicant was received requesting that item 2.1 – Change of Zone 21029B, be placed on hold at this time until further notice.

**CHANGE OF ZONE 21020B**  
**TO AMEND THE SOUTH OF DOWNTOWN PLANNED UNIT DEVELOPMENT**  
**(PUD) TO CREATE A "SUBAREA 2", ALLOWING A NEIGHBORHOOD SUPPORT SERVICE USE**  
**ON PROPERTY GENERALLY LOCATED AT 1145 E STREET.**  
**REQUEST FOR DEFERRAL:** **October 16, 2024**

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

**Staff Recommendation:** Placed on hold

Campbell moved to approve the request for Change of Zone 21020B to be placed on hold, seconded by Joy

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

**ANNEXATION 24009**  
**TO ANNEX APPROXIMATELY 36.59 ACRES; AND**  
**CHANGE OF ZONE 24025**  
**FROM AG AGRICULTURAL TO R-5 RESIDENTIAL PUD (PLANNED UNIT DEVELOPMENT)**  
**AND B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT PUD, CONTAINING A MIX OF**  
**MINI-WAREHOUSE AND RESIDENTIAL USES WITH EXCEPTIONS TO THE ZONING AND**  
**SUBDIVISION ORDINANCES AND DESIGN STANDARDS, ON PROPERTY GENERALLY**  
**LOCATED AT NW 48TH STREET AND W HOLDREGE STREET.**  
**PUBLIC HEARING:** **October 16, 2024**

Members present: Campbell, Cruz, Ebert, Eddins, Feit, Joy, Rodenburg and Ryman Yost; Ball absent. Feit exited hearing at 1:40 p.m.

**Staff Recommendation:** Annexation 24009                      Conditional Approval  
Change of Zone 24025                      Conditional Approval

Ex-parte communications disclosed:

Eddins spoke to the daughter of one of the landowners about the annexation process. Rodenburg interviewed a developer about affordable and smaller homes and this topic came up.

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

**Staff Presentation:**

**Emma Martin, Planning Department, 555 S. 10<sup>th</sup> Street, Lincoln, NE** came forward and stated this is a combined request to approve a Change of Zone from Agricultural zoning to R-5 residential Planned Unit Development (PUD) and B-2 Neighborhood Business District. The PUD is approximately 32 acres and the annexation is approximately 37 acres. The PUD will include 206 dwelling units and up to 280,000 square feet of mini- warehouse space. The applicant has requested waivers to the design standards and land subdivision and zoning ordinances for the R-5 PUD area.

This application is in conformance with the 2050 Comprehensive Plan. The 2050 Comprehensive Plan supports the creation of safe and affordable housing with a variety of housing types and this PUD focuses on the creation of small homes on small lots, which aids in the effort to expand affordable housing options. The development is also within a 15-minute walk of Lincoln Northwest High School, which helps to meet another goal of the Comprehensive Plan of providing complete neighborhoods: residents are within 15 minutes of, among other things, quality public schools.

With this PUD the applicant has requested waivers for the R-5 area of the project, which largely focuses on lot sizes and setback. The waivers to reduce the minimum lot area width and depth are justified due to the reduced lot and dwelling unit size. The waivers to reduce the setbacks within the R-5 area are generally acceptable. However, the increase in the maximum height from 35 to 45 feet is inappropriate and no justification is required. Waivers to parking receive conditional approval so long as parking within the development does not interfere with the public right-of-way, but the request to reduce the width of the private roadways received a recommendation of denial due to emergency response requirements. Several waivers were not required and thus received no recommendation.

Due to the unique layout that has been created to accommodate the single-family lots, further discussion is required to solidify the locations of utilities, sidewalks, water, sanitary, and sewer, along with their corresponding easements. Generally, the PUD will receive sanitary sewer service from the south of the development, which will be built by Lincoln Transportation and Utilities (LTU), to reach the development. Internal services will be discussed further into the process. Water will be extended from the existing line on West Holdrege and access to the PUD will be provided via two public streets off of West Holdrege and one public street off of Northwest 40<sup>th</sup> Street. Internal vehicular circulation will be a mix of public street and private roadways. While there are a number of changes that need to be made to the names of the

public streets and private roads to meet City and emergency response standards, those should have little impact on the actual development and the streets.

Along with this PUD is the annexation request. The annexation includes approximately 37 acres to cover the proposed PUD area, a portion of the Northwest 40<sup>th</sup> Street right of way, and three additional lots added to the proposed annexation by the Planning Department. After a review of the request and due to policy 80 of the Comprehensive Plan, which states that land that is completely surrounded by the city should be annexed and if the PUD area and the Northwest 40<sup>th</sup> Street right of way are annexed the three additional lots will be surrounded by the City of Lincoln.

Additionally, all of the land within the proposed annexation is within tier-one priority of the future service limit map within the Comprehensive Plan. Tier one priority land includes areas that are outside of the city limits that will have immediate infrastructure upon annexation and serve as the future urban areas of the city of Lincoln and is appropriate to annex land within this priority as a tier immediately. If a preliminary plan is approved the annexation of the three additional properties will provide access to future city infrastructure to these properties, including water and sanitary sewer services and remove any potential jurisdictional confusion with emergency services.

To conclude, the development of smaller homes with the accompanying small lots is a positive for the city and county small homes enhance the city of Lincoln stock and give more options to current and future residents. The annexation and PUD do meet the 2050 Comprehensive Plan elements goals and policies and encourage creative solutions to housing in the City of Lincoln.

Campbell asked if the tree grouping in center of annexed area is a ravine.

Martin stated it would be a conservation easement and used for stormwater detention.

Rodenburg asked if the width of private streets issue is resolved.

Martin stated it is still in discussion whether they will be viewed instead as private roads or somewhat similar to alleys that have private roadway standards but have enough space for emergency vehicles to access these properties. The roads will need to meet emergency standards, Lincoln Fire and Rescue standards, and City design standards.

Rodenburg asked if the roads issue would come back to the Planning Commission before being resolved.

Martin stated no.

**Applicant:**

**Tim Gergen, Clark & Enersen, 1010 Lincoln Mall, Suite 200, Lincoln NE,** came forward and stated this is a unique and complicated project. Gergen is proud to have it added to the city. Codes aren't added to the City of Lincoln for small houses in mind. They have a lot of variances

and conditions. They are cooperating with City of Lincoln. There is a PUD because the corner area is a bit green right now for a commercial area or apartments. They will come back later when they have more details.

**Kelly Langer, 15101 Bennet Road, Nebraska Cottage**, stated he is passionate about this. He did 12 houses at Village Gardens. The market is first home buyers and last home buyers. Houses are 1,000 square feet or smaller. Langer has been talking to NeighborWorks to get help in knowing the market, and on the commercial side, what kind of services, stores, etc. The City has been very cooperative.

Gergen stated Emma was talking about flexibility, especially with Lincoln Fire and Rescue. As they continue their discussions, they want to be accommodating to all life safety. They want to propose an amendment to condition 2.38 to add "as required by Lincoln Fire and Rescue" at the end. They want to keep flexibility to work with Lincoln Fire and Rescue.

Joy asked if the height change from 35 feet to 45 feet is one they want to explore in future discussion.

Gergen stated they are ok with 35 feet. The airport zoning may keep it down at that height anyway.

Campbell stated on Block 3, there are Lots 1-7, why not a Lot 8?

Gergen stated they may expand, but may put more spacing between those units. They may not have room for a Lot 8.

Campbell stated Kelly worked with Village Gardens to bring back cottages and did well in that area.

Ryman Yost asked if aside from the 2.38 amendment, all else is agreed upon.

Gergen stated yes.

Campbell asked if the Planning Department has seen the 2.38 amendment and are in support.

Gegen stated he believed the Planning Department is in support

Eddins asked how far the paving will go.

Gergen stated the entrances will be paved. Gergen showed on the map the stopping point for the pavement.

**Proponents:**

No one approached in support.

**Neutral:**

No one approached in neutral.

**Opposition:**

**Barbara Erickson, 3900 W Holdrege Street,** came forward and stated NW 40<sup>th</sup> street is city property. Erickson and her husband bought 10.5 acres in 1980 and abided by airport rules. They have lived there 44 years. The city annexed the road in 2018 which changed maintenance. Erickson stated that she is a nurse and going in to work the roads were difficult to drive. When there was 5 inches of snow the County did well at clearing roads. Northwest 40<sup>th</sup> and W Holdrege is dangerous, and the Department of Roads has been alerted many times. Erickson mentioned that she has a 30 foot by 40-foot building, which is 200 yards from the road and a drunk driver crashed into it and totaled her pickup. There is heavy traffic with 18-wheelers, combines, etc. City road maintenance is less efficient, there will be an increase in traffic, the PUD says the developer is not required to pave, and she would like the road to remain a county road.

**Kelly Libengood, 4201 West Holdrege Street,** came forward and stated the annexation will impact her finances. Libengood stated that she is on a limited income and moved to accommodate her business. The annexation will hit them negatively on taxes and business. Libengood stated that her store is large, and the buildings are larger than their residence. Libengood rehabs furniture and sells décor. It will affect her prices and customer reviews. It will affect her livestock and peaceful setting. Libengood mentioned that her property is self-sustaining, and they don't need city water and can't afford to hookup. Libengood was told connecting to city water would cost \$30-40,000 and they can't afford it. Home equity is not possible, and they don't qualify for low-income housing resources. It will affect family and traffic safety.

**Gary Faust, 1425 NW 40<sup>th</sup>** came forward and stated he has lived in the same spot for last 50 years. In 2019 his house burned down, and he built a new one in same spot, which took care of his retirement Everything he has is in that property. He can't bear cost of sewer and water. He lived in country most of his life, and it is too late for change now. He does not want to be annexed into the city and has the same concerns as other the other two speakers. At his stage of life, it would be too much.

**Ian Moreland, 1445 NW 40<sup>th</sup>** came forward and stated he has the same concerns as the other speakers today. Moreland doesn't reside at 1445 NW 40<sup>th</sup> Street, but uses the property for storage purposes. Moreland owns a sign shop in town and has concerns with the gravel not being paved and concerns of extra traffic around the blind corner, and the extra dust. Moreland bought property because it was on the edge of town. Moreland mentioned that he has no desire for the utilities, though it may not be an issue because there's no house.

Ryman Yost asked Martin about the City's position on the 2.38 proposed amendment.

Martin stated the city is in support. It will allow for flexibility in solution to private roadways that are smaller.

Eddins asked Martin how it works with annexing existing properties for water and sewer.

Martin stated connection is not required for water. It is required for 300 feet within sewer lines and would need to be completed within six months.

Eddins asked if these properties would fall within the 300 feet.

Martin stated the 4201 address would fall within the sewer line, but she is not sure if 1425 would, but she would look into that. No connection is required if there is no residence.

Campbell stated that with the sewer, his understanding is that if they have septic they can stay on the septic system until the rules have changed.

Martin stated the rules have changed.

Campbell stated he thought they could keep animals until they passed away.

Martin stated it would be a question for the Health Department.

Campbell stated it has been the situation in the past.

Rodenburg stated he believes from past discussions. for hookup to water or sewer, a payment plan can be deferred, or something can be worked out.

**Bob Simmering, Lincoln Transportation and Utilities, 555 South 10<sup>th</sup> Street, Suite 208** came forward and stated he is not aware of a financing program.

Ebert asked once they received notice, would they have 6 months to come up with a funding plan.

**Steve Henrichsen, Planning Department, 555 South 10<sup>th</sup> Street, Suite 213,** came forward and stated what may have been discussed in previous annexations is, for instance, there is an annexation of a subdivision and someone wants to connect their house and a new sewer line is going to be going past a bunch of houses. That is often done by an assessment where the cost could be assessed over 15-year period.

In that particular circumstance, the cost that would be involved to the individual on West Holdrege, for example, first the sewer line does have to be built. So, one day upon annexation the development hasn't happened yet there's no sewer line to hook up to either of the two houses that are there, so you have to wait until the sewer line is actually constructed by the

developer. At some point during the course of a year LTU goes to see what were the annexations and to see if there's sewer lines that have been built and houses that qualify. It's not like it's an automatic that there's somebody in the city who immediately notifies the Health Department that a house has come up with in it.

Commissioner Campbell is correct that in the past often Health waited until there was a problem, but the strict reading of the ordinance doesn't say wait until there's a problem. Staff have adjusted their position to say well once its within 300 feet you can physically connect to it. The person does have to pay a plumber to run the sewer lines. It's already probably going out the back of their house over this new sewer line. In the case of the resident on West Holdrege Street, that's a minor cost. The fees are not \$8,000 impact fees. The wastewater impact fee is \$1,300 today. The main cost is that their lot is 300 feet wide. The main cost that was quoted is a connection fee to help pay back that 300 feet. If you were subdividing this 300-foot-wide lot into, let's say, five lots of 50 feet wide, you could spread that cost over your five lots. Kelly Libengood is not proposing, nor does it sound like she has any interest in subdividing her property.

One thing that we have already talked about with Libengood is that, perhaps if an existing house connected to the sewer line, that connection fee would not be required. However, if someone subdivides their property, and certainly the house that's on NW 40<sup>th</sup>, it's a very large property which could be subdivided as shown here into ten lots in the future, when that owner wanted to sell and have that property subdivided. That would only be fair if you have nine or ten new houses, that you help pay for the sewer line. That is one thing we will discuss between now and City Council, is for existing houses, is that something there could be give on. It is only fair that is properties subdivide they help pay the cost of getting the sewer line there.

Joy asked if the area across 48<sup>th</sup> Street is all City of Lincoln.

Martin stated yes and West Holdrege up to NW 40<sup>th</sup> Street, and across the street are all City of Lincoln.

Joy asked if the area to the east could remain in the county until the area on 40<sup>th</sup> becomes City of Lincoln.

Martin stated a portion of NW 40<sup>th</sup> street was requested to be annexed by the engineer. This is looking into the future when a connection to 40<sup>th</sup> street will be needed due to increased traffic, as with the rest of West Holdrege, to meet City standards. The three properties are being annexed because the street is being annexed.

Joy asked if 40<sup>th</sup> Street has to be annexed. Henrichsen stated Lincoln Northwest is in the city limits. The area to the southeast of the school is Falcon Corner, an annexation on hold. The area south of the school between NW 46<sup>th</sup> and NW 48<sup>th</sup> is approved for development and commercial zoning and it would be associated with students probably coming out of school

or other commercial industrial uses. When this area and Falcon Corner come forward, the entire area will be completely surrounded by the city limits, possibly within a year.

We are required to annex part of NW 40<sup>th</sup> Street as required by State law. When you annex the land you are required by law to annex the adjacent county right of way. The intersection of NW 40<sup>th</sup> and W Holdrege is in the city limits, but to the south, you would be out, then in, and then back out of it. It would be complicated for the city and county who is maintaining what, as well as for Lincoln Fire and Rescue, responding to an emergency, to remember those three houses are not City of Lincoln.

It would be well over one month before this would be before the City Council and we will continue to try to work with the developer and the three property owners to help answer questions. There is not a required connection to water, even if the water line comes within 300 feet. The main question is the sewer. We understand, today you are not paying property taxes, tomorrow you would be, that's an increase in cost, but that's a cost of being in the city, and all of the citizens of Lincoln share the same kind of costs. In this case, to get to these properties, you already drive on city streets. There's no way to get to them without being on a city road already.

Joy asked if the area would be enforced with different livestock rules when annexed into the city.

Henrichsen stated he is not aware that the Health Department has changed their rules regarding grandfathering animals Henrichsen will verify that is the case, but he thinks that hasn't changed. The property will remained AG-zoned. This area has been shown for development. Development is coming on all corners of 48<sup>th</sup> and Holdrege, and this area development has been discussed in the past.

### **Applicant rebuttal**

Gergen stated he does not necessarily have a rebuttal, but additional information. They won't see construction until next year and final platting until this time next year. This development will require multiple phases. The sanitary sewer comes from the south so they will be developing from south to north. It may not come to those properties for 4-5 years.

Joy asked where will connection come from? Gergen stated phasing would likely start in the southwest area of the property with phase I and phase II would be the remaining area to the northeast, closer to the three properties.

Eddins asked Gergen if he met with these property owners.

Gergen stated he did not, but he believes the landowner, who is not here today, called the property owners.

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

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

**ANNEXATION 24009**

**ACTION BY PLANNING COMMISSION:**

**October 16, 2024**

Campbell moved to approve Annexation 24009; seconded by Joy.

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

Campbell stated he believes there would be grandfathering in place through the Health Department for the farm animals. It may be 4-5 years down the road before things happen, and there is some potential of the connecting sewer fee being negotiated between applicants and homeowners. Between the Planning Department, applicant, and property owners, some things can be developed before it comes to City Council to aid them when and if they have to connect.

Eddins stated she is excited to see small houses. It’s a missing middle. Eddins likes the project in whole. It is wrong when annexing a property to cost the homeowner thousands of dollars. Eddins recently replaced her sewer line and it cost \$15,000. To say that’s not a lot was devastating to her. These type of people are living in the same economic class as her. How do we right size annexation of a property like these. She is in support of the project as a whole, but not the annexation of two property owners who want city sewer. She will always suggest the developer should reach out to the property owners and have a conversation, so we are not trying to answer questions at the meeting.

Rodenburg stated as realtor he feels the need for affordable housing every day. His first house in Lincoln, he was advised by insurance that if his house burned down, to keep a portion to rebuild because the lot was not the size to build a house on. The requirements have changed to allow smaller houses on smaller lots. This is a perfect example of what can happen to the betterment of our housing shortage. He is in favor of the project.

Joy stated Steve and Emma did a great job of explaining that the county engineer requested for the road to be annexed. It will help with the snow removal and erase some of the issues of road management responsibility. How do we help people as we make this transition with development because this is where Lincoln is going. We will continue to go this direction. We have been told of other developments in the works. We will be building up against the airport. She is in support of the project. She is a big believer in the tiny house concept, and have been for the last 30 years. She wants to look intensely into how to handle livestock in a transition that’s in the city but still zoned AG. She is in support due to the road management issues.

Ryman Yost stated the importance of this development, of new affordable small housing close to a school. She agrees with the concerns around the cost and the communication concern

and opportunity to answer questions and plan with surrounding property owners. It's always easier to get excited about a project when those things have already been addressed. That is the recommendation to do so moving forward in how we manage these transitions.

**CHANGE OF ZONE 24025**

**ACTION BY PLANNING COMMISSION:**

**October 16, 2024**

Campbell moved to approve Change of Zone 24025 with condition of approval 2.3a; seconded by Joy.

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

Campbell moved to adjourn the Planning Commission meeting of October 16, 2024; seconded by Joy.

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

There being no further business the meeting was adjourned at 2:09 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  
Annexation #24010  
Change of Zone #CZ17030F

FINAL ACTION?  
No

DEVELOPER/OWNER  
Matodol, LLC

PLANNING COMMISSION HEARING DATE  
November 20, 2024

RELATED APPLICATIONS  
No

PROPERTY ADDRESS/LOCATION  
S. 98<sup>th</sup> and Van Dorn Street

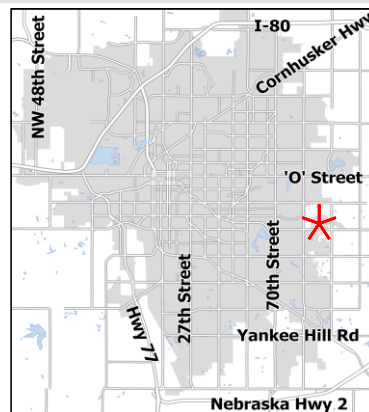
**RECOMMENDATIONS:**

**ANNEXATION 24010  
CHANGE OF ZONE 17030F**

**CONDITIONAL APPROVAL  
CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request to allow for the expansion of the Wandering Creek Planned Unit Development (PUD) by annexation to include approximately 45 acres and change of zone to include approximately 42 acres. This property is located in the northeastern portion of the overall PUD. The change of zone is from AG Agricultural to R-3 PUD and coincides with the area of annexation and in conformance with the original Wandering Creek PUD concept plan. The applicant is also requesting waivers to: 1) allow an additional freestanding sign in lieu of wall signage at the Conoyer Garden Center site; and 2) reduce the internal setbacks for the residential component for one lot (Lot 24, Block 3 of Site Plan).



**JUSTIFICATION FOR RECOMMENDATION**

The proposed annexation and PUD expansion are consistent with the Comprehensive Plan and the overall Wandering Creek PUD. Utilities are readily available and the design, inclusive of the grading and drainage are consistent with the conceptual planning envisioned for the site. The request to modify internal setbacks for a limited residential component is not uncommon and the location would not negatively impact the adjacent uses and the request to modify the signage requirements are not out of character with the existing use and when coupled with the physical limitations of the building, its design, and relinquishment of allowable signage, is supportable.

**APPLICATION CONTACT**

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**STAFF CONTACT**

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**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The site is designated for urban residential, environmental resources and green space on the Future Land Use Map, and these requests comply with the requirements of the Zoning Ordinance and Comprehensive Plan. The proposed change of zone fits with the character of the existing uses and the proposed future uses of the surrounding land.

**WAIVERS**

1. Allow for a freestanding sign with up to 200 square feet of sign area and a height not to exceed 36 feet with no sign area to exceed the structure's roofline. (Recommend Approval)
2. Allow 2-foot internal side yard setbacks within Lot 24, Block 3. (Recommend Approval)

## KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

### Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is designated for future urban residential, environmental resources and greenspace land uses on the 2050 Future Land Use Plan.

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

Environmental Resources. Land and water masses which are of particular importance for maintenance and preservation, such as saline wetlands, native prairie, and some floodway and riparian corridors.

Green Space. Public or privately-owned areas predominantly used for recreation, such as parks, golf courses, soccer or ball fields, and trails. Many green space areas also serve functions such as buffers between incompatible uses and as stormwater management areas. In some cases, privately-owned Green Space such as golf courses may also be appropriate for future Urban Residential development.

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

### **Fundamentals of Growth in Lancaster County**

Multi-directional contiguous growth. Lincoln's future urban growth should generally occur in multiple directions around the existing city. Lincoln will continue to have managed and contiguous growth, including strengthening our Downtown core. Lincoln's sense of community has been based on incremental, compact growth built on the foundations of established neighborhoods. Future growth will continue this traditional pattern and be linked to both the level of demand in the market and to the orderly extension of public improvements and services.

Gravity flow wastewater. The City of Lincoln's wastewater collection system, in general, will continue to be a gravity flow system that is designed to use gravity as the main energy source to convey wastewater from the community to the water resource recovery facilities. This means that drainage basin boundaries are a primary guiding factor when determining availability of urban wastewater services and other infrastructure. This provides for contiguous growth, efficient long range planning, and cost-effective construction and management of the system.

Urban infrastructure availability. The City of Lincoln will provide water and wastewater service only to properties located within the corporate limits of the city.

Natural resource preservation. 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.

One public school district. Lincoln Public Schools is the only public school district within the City of Lincoln, and the Lincoln Public School boundary will continue to expand as the city limits of Lincoln expand.

### **Concurrency**

The key to a successful community is the concurrent development of infrastructure proportionate to the development and need of the community – a balance between the need for infrastructure and the need to conserve resources.

### Policies Section

P80: Annexation - Annexation should be utilized to provide municipal services in a fair and efficient manner.

The City of Lincoln requires that properties receiving municipal services be located within city limits. City annexation should occur before any property is provided with water, sanitary sewer, or other potential City services. In most cases this also means that annexation must occur prior to a property receiving an urban zoning designation. The City routinely annexes land at the request of a developer or landowner as part of the regular development process. This allows properties to be supplied with City services when they are needed, and the City benefits from the property taxes, utilities, and other fees that City residents pay. Some properties along the City's edge may not be interested in further development and thus will not request annexation. In some cases it is necessary for the City to initiate annexation of adjacent properties that are already developed and require a minimal public investment to serve.

#### Action Steps

1. Regularly evaluate for potential annexation all property along the city's edge for which basic infrastructure is generally available or planned for in the near term. The City should annex land in Tier 1 Priorities A and B that is contiguous to city limits and generally urban in character. All land that is engulfed by the City should be annexed.
2. Provide advance notice to properties that may be subject to city-initiated annexation.
3. Properties within the Tier 1 Priority A growth area should be annexed upon approval of final plat.
4. Coordinate the provision of services for areas considered for annexation with the Capital Improvement Program.

#### 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.

#### Fundamentals of Growth in Lancaster County

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

#### Goals Section

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

#### Elements Section

##### E1: Complete Neighborhoods and Housing

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

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

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

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

#### **Developing Neighborhoods**

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

P80 - Annexation: Annexation should be utilized to provide municipal services in a fair and efficient manner.

The City of Lincoln requires that properties receiving municipal services be located within city limits. City annexation should occur before any property is provided with water, sanitary sewer, or other potential City services. In most cases this also means that annexation must occur prior to a property receiving an urban zoning designation. The City routinely annexes land at the request of a developer or landowner as part of the regular development process. This allows properties to be supplied with City services when they are needed, and the City benefits from the property taxes, utilities, and other fees that City residents pay. Some properties along the City’s edge may not be interested in further development and thus will not request annexation. In some cases, it is necessary for the City to initiate annexation of adjacent properties that are already developed and require a minimal public investment to serve.

#### **Action Steps**

1. Regularly evaluate for potential annexation all property along the city’s edge for which basic infrastructure is generally available or planned for in the near term. The City should annex land in Tier 1 Priorities A and B that is contiguous to city limits and generally urban in character. All land that is engulfed by the City should be annexed.
2. Provide advance notice to properties that may be subject to city-initiated annexation.
3. Properties within the Tier 1 Priority A growth area should be annexed upon approval of final plat.
4. Coordinate the provision of services for areas considered for annexation with the Capital Improvement Program.

#### **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.

**UTILITIES & SERVICES:**

- A. Sanitary Sewer: Sanitary Sewer is available by way of connection to infrastructure in the existing PUD.
- B. Water: Water is available by way of connection to infrastructure in the existing PUD.
- C. Roads: The development expansion area includes a connection to S. 98<sup>th</sup> Street at South Street, a roundabout intersection currently in the improvement and construction stages.
- D. Parks and Trails: There is a trail in the southern part of the PUD that will extend along the north side of the creek from near Resort Drive to South 98<sup>th</sup> Street. This creek is part of a minimum flood corridor with an associated conservation easement.
- E. Fire Protection: After annexation, fire protection will be provided by Lincoln Fire & Rescue (LFR). LFR Station 12 located at Pioneers Boulevard and S. 84<sup>th</sup> Street will serve this area. No monies are owed to the SE Rural Fire District.

**ANALYSIS**

1. This request is for an amendment to the Wandering Creek Planned Unit Development (PUD) that will include the annexation of 45.02 acres and a change of zone from AG Agricultural to R-3 PUD including approximately 42.2 acres. This will bring the PUD area in total to 254.39 acres. The expansion property is located in the northeasterly part of the overall PUD and has been previously shown as conceptual.
2. The PUD identifies lots for future development, an outlot for a future school site owned by the school district, and lots for development. The internal road network is planned to reflect the conceptual plan and grading and drainage are not proposed to be modified from the master study.
3. The proposed annexation area is located within Tier 1, Priority B of the Future Growth Tier Map (Figure GF.c) in the 2050 Comprehensive Plan. This includes areas designated for development in the first half of the planning period are generally contiguous to existing development and should be provided with basic infrastructure as they develop. Existing municipal services, including water and sanitary sewer are present in adjacent existing PUD area. As noted in the PlanForward 2050 Growth Framework section, Priority B areas move to Priority A upon approval of development plans. Following approval of this proposed annexation, the 2050 Priority Growth Areas Map will be updated to show this area as Priority A.
4. The PUD expansion area is in accordance with the original conceptual plans that included lot layouts and grading and drainage. The drainage study is not being updated because the proposed drainage plan is in conformance with

the approved drainage study.

5. The applicant has requested two waivers to the standard municipal code requirements associated with this request. The first is to allow an additional freestanding sign on the Canoyer Garden Center lot with up to 200 square feet of sign area and up to 36 feet in height. The sign area may not exceed the structure’s roofline. This request is reasonable as the applicant is relinquishing the wall signage allowance for the southern elevation and the building, as a greenhouse design, does not allow from a structural perspective the ability for a wall sign to be located on the southern wall. The second waiver is to allow 2-foot internal side yard setback for Lot 24 of Block 3 of the Site plan, an area adjacent to a greenspace outlot. This request is routine and customary and will not have a negative impact within the development. The setback reduction is within the multifamily area and will not impact other lots.
6. The site is designated for urban residential, environmental resources and green space on the Future Land Use Map, and these requests subject to the conditions of approval comply with the requirements of the Zoning Ordinance and Comprehensive Plan.

**CONDITIONS OF APPROVAL:** See attached

**EXISTING LAND USE & ZONING:** Vacant, Undeveloped Land; AG

**SURROUNDING LAND USE & ZONING**

North: Agricultural, Vacant/Undeveloped Land; AG  
 South: Vacant/Undeveloped Land; AG  
 East: Agricultural, Single Family Residential; AG  
 West: Open Space, Vacant/Undeveloped Land; R-3

**APPROXIMATE LAND AREA:**

Annexation 24010: 45.02 acres, more or less  
 Change of Zone 17030E: 42.2 acres, more or less

**PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT:** Council District #2

**LEGAL DESCRIPTIONS:** Attached

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 Date: November 6, 2024

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## APPLICATION HISTORY - AN24010, CZ17030F

March, 2017	AN16008 was approved by City Council to annex approximately 5.12 acres of land located at approximately South 91 <sup>st</sup> and Van Dorn Streets.
February, 2018	AN17019 was approved by City Council annexing approximately 73.53 acres, more or less, for the Wandering Creek PUD generally located at South 91 <sup>st</sup> and Van Dorn Streets.
February, 2018	CZ17030 was approved by City Council establishing the Wandering Creek R-3 PUD on approximately 78.66 acres on the north side of Van Dorn Street at approximately 91 <sup>st</sup> Street. The approval permitted up to 104 residential dwelling units as part of R-3 PUD Residential Area, up to 595 multifamily dwelling units or up to 480 persons for healthcare residential or some combination of the two in the R-5 Multi-family area and up to 10,000 square feet or 12 dwellings as part of the R-3 PUD Residential Transition Area.
December, 2018	AN18005 was approved by City Council to annex approximately 9.97 acres of property associated with the Wandering Creek PUD.
December, 2018	City Council approved CZ17030A expanding the R-3 PUD by approximately 55.76 acres and adding 119 dwelling units.
December, 2018	AN18007 was approved by City Council to annex approximately 46.37 acres in associated with Change of Zone 17030A for the expansion of the Wandering Creek PUD.
May, 2019	AA19010 was approved to add grading and drainage information on the property at S. 90 <sup>th</sup> Circle and S. 90 <sup>th</sup> Bay.
March, 2020	AA20011 was approved to shift "Birdwood Rd." approximately 120 feet north of the currently approved location to avoid existing wetlands and for better alignment with existing site features.
August, 2020	City Council approved CZ17030B amending the Wandering Creek PUD for the Multi-Family area to reduce the required parking from 1.75 spaces per dwelling to 1.5 spaces per dwelling unit.
January, 2021	AN20012 was approved by City Council annexing approximately 21.45 acres of land associated with the Wandering Creek PUD near the intersection of S. 94 <sup>th</sup> and Van Dorn Street.
January, 2021	CZ17030C was approved by City Council to change the zoning from AG Agricultural to R-3 PUD for an expansion on approximately 20.3 acres which included additional residential along with a neighborhood commercial area with 40,000 square feet of new commercial and/or 40 dwellings, 50 new multi-family dwellings and adding 12 additional residential dwellings to the PUD.
June, 2021	AA21020 was approved to remove the Long Pine Road crossing which was previously shown as Crossing "E" and revise the lot layout to the property previously identified as the "Lokahi" property along with other street connection adjustments.
July, 2021	AN20014 was approved by City Council which as part of the overall annexation for Fire Ridge to included approximately 6.3 acres of property on the west side of 98 <sup>th</sup> Street in the Wandering Creek PUD.

- April, 2022 AN22002 was approved by City Council which annexed 50.53 acres in the northern part of the Wandering Creek PUD previously shown as conceptual.
- April, 2022 CZ17030D was approved by City Council to change the zoning from AG to R3-PUD to allow for 114 residential dwellings in the north part of the PUD. This amendment also added waivers and adjustments for the RT Residential Transition area on the south side of the PUD near S. 94<sup>th</sup> Street and Van Dorn Street.
- September, 2022 AN22009 and CZ17030E was approved by City Council to annex approximately 0.61 acres and a change of zone on approximately 6 acres and included the extension of Rattlesnake Road to 98<sup>th</sup> Street.

## CONDITIONS OF APPROVAL - ANNEXATION 24010

Before scheduling with the City Council:

1. Revise the legal descriptions to the satisfaction of the County Assessor, County Engineer, and Planning Department.

## CONDITIONS OF APPROVAL - CHANGE OF ZONE 17030F

This approval permits the expansion of the Wandering Creek Planned Unit Development to allow for the inclusion of 42.2 acres to a total of up to 1,027 dwelling units, with the following additional waivers:

### Additional Waivers

1. Allow for a freestanding sign with up to 200 square feet or sign area and a height not to exceed 36 feet, adjacent to the garden center building, provided that no wall signs are allowed on the south side of the building.
2. Allow side yard setbacks within the multi-family area shown as Lot 24 of Block 3 of the Site plan to be 2 feet or greater.

### Site Specific Conditions:

1. Before receiving building permits or before a final plat is approved the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council.
  - 1.1 Revise legal descriptions per County Assessor, County Engineer and County GIS Survey prior to scheduling for City Council.
  - 1.2 Update use table on site to reflect residential and non-residential unit allowances.
  - 1.3 Update title block for date and amendment number information.
  - 1.4 Update Requested Waivers section on cover sheet. Add the sign waiver is contingent on the free standing sign being adjacent to the garden center and that on no wall signs are allowed on the south side of the building.
  - 1.5 Revise plans per LTU-Engineering Services and LTU-Watershed Management comments per ProjectDox Cycle 1 review.

### Standard Conditions:

2. The following conditions are applicable to all requests:
  - 2.1 Before occupying the dwelling units/buildings all development and construction shall substantially comply with the approved plans.

- 2.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
  - 2.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
  - 2.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.
  - 2.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
  - 2.6 The site plan as approved with this ordinance voids and supersedes all previously approved site plans, however all ordinances approving previous permits remain in full force and effect unless specifically amended by this ordinance.
3. Before receiving building permits, the developer shall provide the following documents to the Planning Department:
- 3.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the planned unit development has been recorded.
4. Before issuance of building permits, final plat(s) shall be approved by the City.

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

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

Before a final plat may be approved, Developer agrees, as subdivider, must enter into an agreement with the City whereby Developer agrees:

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

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

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

to construct the sidewalk in the pedestrian way easements at the same time as adjoining streets are paved and to agree that no building permit shall be issued for construction on until such time as the sidewalk in the pedestrian way easement is constructed.

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 installation of private street lights along private roadways within this plat within two (2) years following the approval of the final plat.

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

to complete the planting of street trees along Van Dorn Street shown on the final plat within two (2) years following the approval of this final plat.

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

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

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

to timely complete any other public or private improvement or facility required by the Land Subdivision Ordinance which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Lincoln Transportation and Utilities Department 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 *Planned Unit Development*.

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 preventative 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 sidewalks in the pedestrian way easements in good order and condition, including repair and replacement 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 improvements, 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 constructed within the development and that these additional maintenance issues or costs are the responsibility of the developer.

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

to inform all purchasers and users of land located within the 100 year floodplain and that the grading of the lots and outlots within the 100 year floodplain shall be in conformance with the grading plan approved with the Wandering Creek R-3 PUD change of zone 17030F or as amended by the Director of Planning. The volume of fill material brought into each lot and outlot from outside the floodplain shall not exceed that shown on the approved grading plan accompanying the PUD.

LEGAL DESCRIPTION  
ANNEXATION BOUNDARY

A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT 'A', AND A PORTION OF OUTLOT 'B', WANDERING CREEK 14<sup>TH</sup> ADDITION, AND A PORTION OF S. 98<sup>TH</sup> STREET, ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, A PORTION OF OUTLOT 'B', WANDERING CREEK 14<sup>TH</sup> ADDITION, A PORTION OF OUTLOT 'A', WANDERING CREEK 11TH ADDITION AND A PORTION OF S. 98<sup>TH</sup> STREET, ALL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., AND A PORTION OF S. 98<sup>TH</sup> STREET, LOCATED IN THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., AND A PORTION OF S. 98<sup>TH</sup> STREET, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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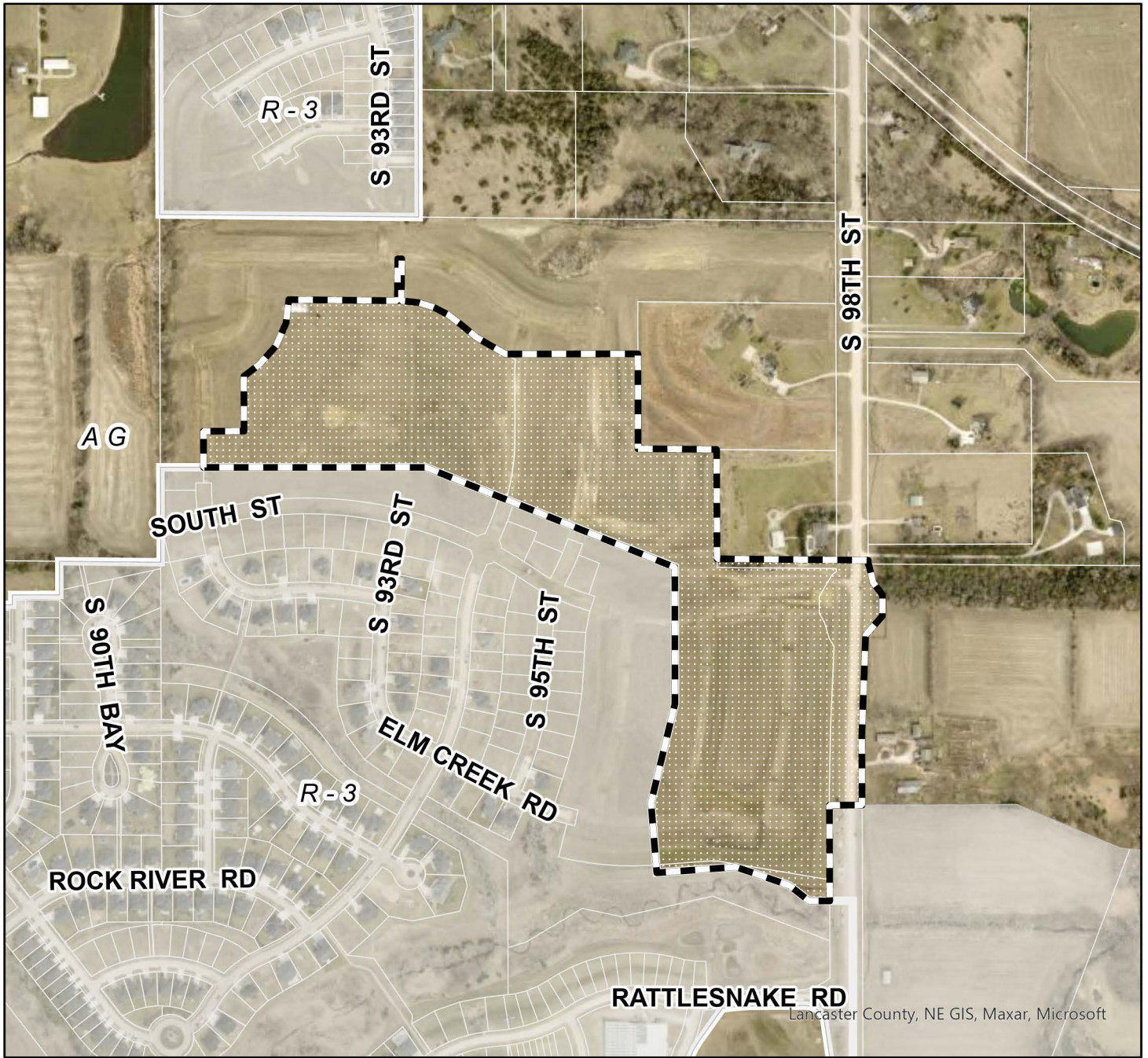
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LEGAL DESCRIPTION  
CHANGE OF ZONE BOUNDARY

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Lancaster County, NE GIS, Maxar, Microsoft

**Annexation #: AN24010**  
**Wandering Creek**  
**S 98th St & Van Dorn St**

2024 aerial

**Zoning:**

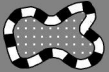


- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

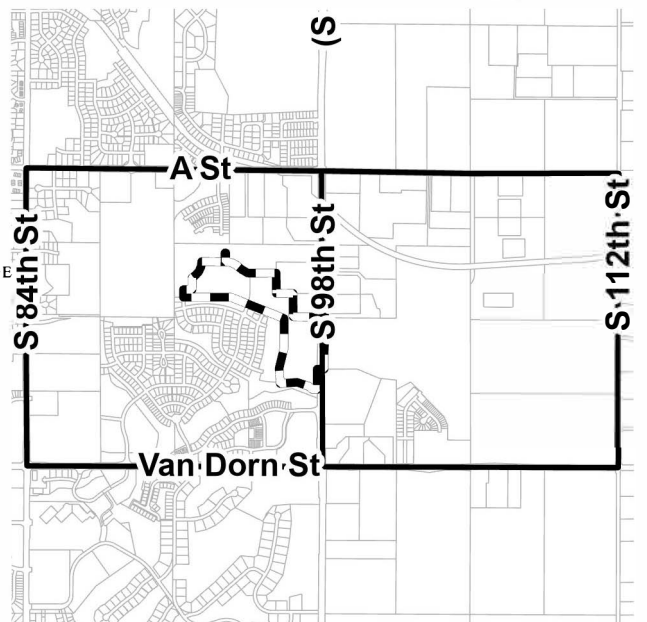
Two Square Miles:

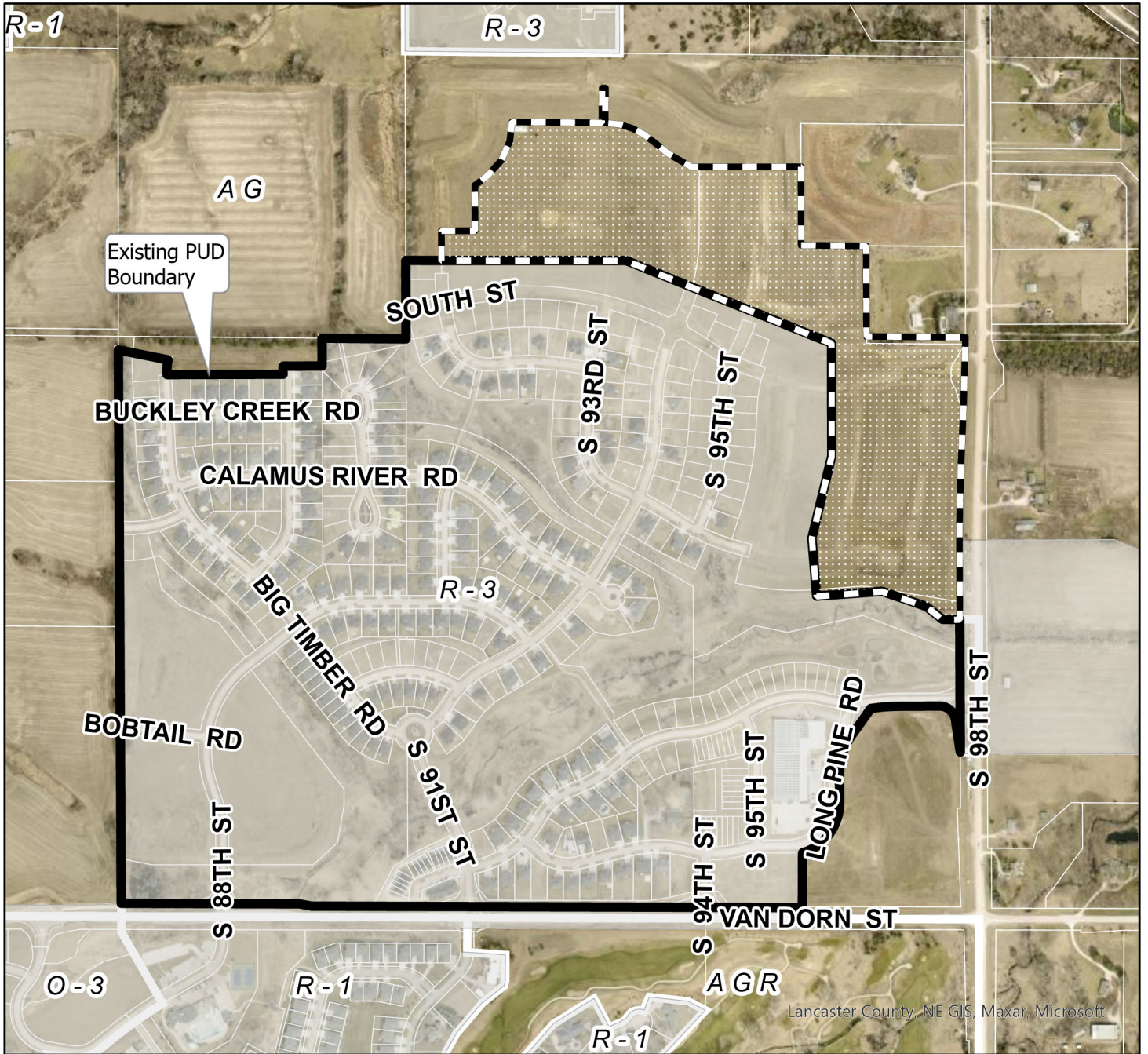
Sec.36 T10N R07E

Sec.35 T10N R07E



	Area of Application
	Zoning Jurisdiction Lines
	Existing Lincoln City Limits





Lancaster County, NE GIS, Maxar, Microsoft

2024 aerial

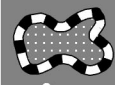


**Change of Zone #: CZ17030F  
Wandering Creek PUD  
S 98th St & Van Dorn St**

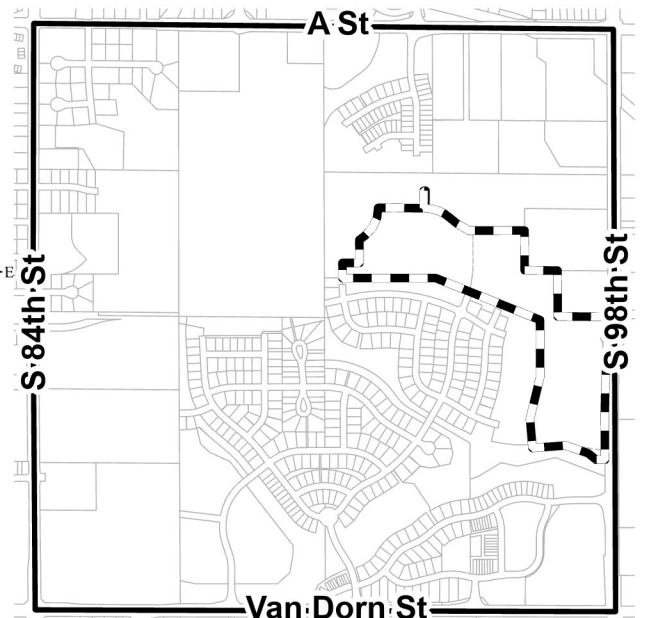
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- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile:  
Sec.35 T10N R07E



	Area of Application
	Zoning Jurisdiction Lines
	Existing Lincoln City Limits







October 22, 2024

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

Re: Amendment to Special Permit CZ17030E  
Wandering Creek R-3 PUD

Dear Mr. Cary,

Olsson is submitting on behalf of Matodol LLC, the developer of Wandering Creek located north of Van Dorn Street and west of S. 98<sup>th</sup> Street, a request for an Amendment to the Wandering Creek R-3 Planned Unit Development CZ17030E to expand the PUD boundary to approximately 254.39 acres ("Property"). The Property was previously shown on the PUD plans conceptually. This Amendment will include the Annexation of approximately 45.02 acres, and a Change of Zone from AG to R-3 on approximately 42.20 acres.

Additionally, we are requesting the following waivers:

- Waiver to the Lincoln Municipal Code signage design standards to allow one additional freestanding sign on the Canoyer Garden Center lot, with allowances for signage up to 200 square feet and up to 36' in height, and not to exceed the structure's roofline. Due to the physical constraints with the existing greenhouse building, it is not possible to install wall signage to the exterior of the building without significant modification to the building structure. We are requesting that this additional freestanding sign be allowed in lieu of the 500 square feet of wall signage currently allowed for the south architectural elevation.
- Waiver to internal setbacks for the multi-family area, shown as Lot 24 of Block 3 on the Site Plan. Setbacks to Public roadways will remain per the zoning code.

The Wandering Creek PUD is continuing to develop in accordance with the original conceptual plans that included lot layouts and grading / drainage. The drainage study is not being updated because the proposed drainage plan is in conformance with the approved drainage study.

Olsson will continue to work with staff as the plans are reviewed to address any comments.

Enclosed please find the following:

1. City of Lincoln Zoning Application for Change of Zone from AG to R-3 PUD
2. PUD site plan (8 ½ x 11)
3. Application Fees in the amount of \$5,254  
PUD: \$1,142 base + \$4,112 max per acres fee

Please contact me if you have any questions or require any additional material. I will upload pdf files to ProjectDox once I've received notification. Please me at ([Bbartek@olsson.com](mailto:Bbartek@olsson.com)) to complete the upload.

Sincerely,

  
Brandon P. Bartek



**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 #05061G	FINAL ACTION? No	DEVELOPER/OWNER Warhorse Casino & Nebraska Horseman's Benevolent & Protective Assoc.
PLANNING COMMISSION HEARING DATE November 20, 2024	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION Generally located at the southwest corner of S. 1 <sup>st</sup> Street and West Denton Road.

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for an amendment to Change of Zone #05061F for the Southwest Village Planned Unit Development (PUD). The PUD was approved in 2006 and is generally located west of Highway 77, both north and south of West Denton Road. The area within this amendment is related to the site of the Warhorse Casino located at the southwest corner of S. 1<sup>st</sup> Street and West Denton Road and located within the B-2 Casino PUD area. This amendment is proposing modifications related to the site layout and access, including Phase 3 of the casino building and on-site parking areas, along with a proposal to increase the number of gaming stations from 1,210 to 1,350. This amendment also includes waivers to parking lot design standards for certain parking areas and to continue with use of the full access intersection on West Denton Road while Phase 3 is completed.



**JUSTIFICATION FOR RECOMMENDATION**

The proposed modifications to the site plan and requested waivers related to parking lot design standards are justified as the site is developing in multiple phases with certain parking areas and site access being changed or relocated in the near future. The applicant is proposing to waive certain parking lot design standards in the event they will be removed or updated with the final phasing of construction. With the request the continued use of the existing full access entrance on West Denton Road is being allowed to be extended with additional requirements of lengthening the existing turn lane.

**APPLICATION CONTACT**  
Erin Bright, Olsson, (402) or [ebright@olsson.com](mailto:ebright@olsson.com)

**STAFF CONTACT**  
Ben Callahan, (402) 441-6360 or [bcallahan@lincoln.ne.gov](mailto:bcallahan@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The 2050 Comprehensive Plan and Future Land Use Map designates this property as future commercial. This area of the PUD is already within city limits and has been developing in phases for a number of years following the approved PUD. The amendment is updating the development of the site but does not propose any new uses and is still consistent with the surrounding area and developing PUD. The Southwest Village PUD offers a mix of commercial and multifamily currently, with this site being used for the casino and horse track.

**WAIVERS**

1. Waiver to Chapter 3.55 Design Standards for Parking Lots to allow Parking Area A to waive the required sidewalk connection for four years or until the construction access is removed, whichever is less; a waiver of

all design standards for areas withing Parking Area B for any areas within the building footprint of the Phase C building expansion; and a waiver of landscape screening and sidewalks for Parking Area C. (Recommend Approval)

## **KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN**

### **Introduction Section:** Growth Framework

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

### **Fundamentals of Growth in Lancaster County**

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

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.

### **Benefits of Well-Planned Growth**

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

### **Goals Section**

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

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

### **Elements Section**

**E3: Business, Economy, and Workforce**

#### **Commercial and Industrial Development**

Commercial and Industrial Centers in Lancaster County should be located:

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

## **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.

## **Potential Large Employer Opportunity Areas**

Listed below items to consider when looking at sites not currently shown on the Future Land Use map for Commercial or Industrial uses:

- The site must be annexed prior to development.
- City infrastructure and services, such as fire and police, should be available.
- The site should have direct access to an arterial street or highway to limit the impact on adjacent local streets. A traffic impact analysis may be required.
- Development of the site should have minimal impact on surrounding residences and sensitive environmental areas.

## **Policies Section**

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

### **Action Steps**

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

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

### **Action Steps**

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

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

### **Action Steps**

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

net metering pricing, tax incentives, height allowances, setback, and area-based incentives, expedited permitting, and others.

#### CLIMATE ACTION PLAN SPECIFICATIONS:

- p. 11 Key Initiative - Transition to Low-Carbon Energy.
- Continue incentive-based (residential, commercial, or industrial) programs promoting the installation of renewable energy systems. Incentives may include offering rebates on purchasing equipment, attractive net metering pricing, tax incentives, height allowances, setback, and area-based incentives, expedited permitting, and others.

#### ANALYSIS

1. This is a request to amend Change of Zone #05061F for the Southwest Village Planned Unit Development (PUD). This PUD located west of Highway 77 along West Denton Road was approved in 2006 now totaling approximately 156 acres. The PUD proposes a mix of uses including office, hotel, retail, multifamily, commercial, industrial and the casino area. This amendment is related to the site of the developing Warhorse Casino at the southwest corner of S. 1<sup>st</sup> Street and West Denton Road. Modifications are proposed relative to the construction phasing of the site, parking, and allowed access to West Denton Road.
2. The B-2 Casino area is surrounded by property mainly within the PUD to the north across West Denton Road including future commercial and an existing gas station and multifamily residential building. To the east across S. 1<sup>st</sup> Street is undeveloped I-3 PUD area and future permanent parking for the casino. To the south and to the west is primarily farmland zoned AG, Agriculture not within the PUD.
3. The Southwest Village PUD has three different development areas, I-3, B-2 and B-2 Casino. The proposed changes within this application relate only to the B-2 Casino area on the south side of Denton Road. In 2021 the City Council approved an amendment to the PUD allowing a proposed 225,000 square foot for a casino and restaurant area, 200 hotel rooms, including a parking garage and surface parking associated with the casino and horse racing facility. Currently both Phase 1 and Phase 2 of the casino are complete and are now open with approximately 900 gaming stations. With this amendment the applicant is proposing an increase of 140 gaming stations from 1,210 approved in 2021 to a maximum of 1,350 gaming positions. During the initial approval in 2021, one parking space was required per gaming station. With the update to the LMC Chapter 27.67 earlier this year there are no longer parking requirements for B-2 zoning, also applying to this PUD. As a minimum parking standard is no longer required, the applicant is intending to still provide 1,369 parking stalls, beyond what was originally required per gaming station.
4. Since 2021 the development of the casino has been divided into phases for expansion with temporary parking lots serving the site while the main facilities are constructed. The site has utilized temporary parking lots which mainly existed west of the existing facility along W. Denton Road. Temporary parking lots are allowed to waived design standards generally required with permanent parking lots, as they are intended to be removed, but are only allowed for a maximum of two years with no option for extension. With the phasing of development and upcoming Phase 3 planned to start construction in the near future, the casino now has areas of temporary parking lots reaching the two-year deadline and construction still active on site. As part of the Phase 3 building footprint which is located mainly on the east side of the existing facility, customers will continue to use the once temporary parking lots on the west side along West Denton Road during this construction. These temporary lots are near or have exceeded the two-year deadline, requiring them to be either removed or improved to meet Chapter 3.55 of the Design Standards for Parking Lots. With this, the applicant has requested the following waivers:
  - a. Waiver to Chapter 3.55 Design Standards for Parking Lots to allow Parking Area A to waive the required sidewalk connection for four years or until the construction access is removed, whichever is less; a waiver of all design standards for areas within Parking Area B for any areas within the building footprint of the Phase C building expansion; and a waiver of landscape screening and sidewalks for Parking Area C.

This waiver is justified as the existing and still active construction access for the casino is located on the south edge of Parking Area A, making it difficult to provide space for an additional and safe pedestrian sidewalk. The remaining improvements required by 3.55 such as screen and parking lot trees will be

required by the summer of 2025. Within Parking Area B, a future building expansion called out as Phase C will cover a majority of the parking lot. This waiver will allow the specified area to continue without meeting parking lot design standards but will require design standards within any area outside the future building footprint that is shown to remain as permanent parking. Parking Area C is located on the far west side of the site and shown to be completely removed by the final phasing of the casino. Area C will have both the requirement for landscaping screening and sidewalks waived as the surface parking lot is shown to be removed for the future extension of S. Folsom Street.

5. The site is currently accessed by two points of entry, one on South Folsom Street and currently one full access intersection on West Denton Road. As part of the original approval, the access point on West Denton Road was required to be modified to a right-in/right-out only access point with the completion of the South 1<sup>st</sup> Street improvements. The South 1<sup>st</sup> Street improvements have been completed as of November 4<sup>th</sup> which would trigger this change to the West Denton Road access. Due to the continuation for constructing the future Phase 3 and access for patrons to the site, the applicant is requesting that with the open S. 1<sup>st</sup> Street access, the West Denton Road access point will still be allowed to remain as a full access point as it will be located closer to the primary parking areas during construction. Lincoln Transportation and Utilities has reviewed this request and is supportive with the condition that the existing westbound left turn lane is extended to match the original design of 300' feet, including a 50' storage area and 250' deceleration lane. As part of this requirement, the westbound left turn lane must be extended to 275 feet. After the completion and opening of Phase 3, the West Denton Road intersection must be modified to a right-in/right-out turning movement as originally agreed upon.
6. With the requested amendment including both waivers and site modifications, updated site plan sheets have been submitted to reflect the phasing of construction, specifically showing the Phase 3 and final Phase 4 layout for the site. With the completion of Phase 4, the permanent parking will exist around the north, west, and east sides of the casino building, with the larger surface parking area on the east and main access from S. 1<sup>st</sup> Street. At this time, the site is no longer showing a future parking garage but will provide all parking spaces within permanent surface parking which will be required to meet all design standards. Phase 4 is shown to include additional permanent parking on the east side of S. 1<sup>st</sup> Street.
7. The 2050 Comprehensive Plan continues to designate this area as future commercial on the Future Land Use Map and is part of a larger, developing PUD with multiple uses allowed from the casino and horse racing facilities, to commercial and multifamily residential. The proposed request to add an additional 140 gaming stations is not expected to cause adverse impacts on traffic as a main full access point will serve the site off S. 1<sup>st</sup> Street and two additional limited access points. A waiver related to the parking lot design standards is consistent with the continuing development and phasing of the site, allowing for flexibility in providing adequate parking areas during the active Phase 3 construction. The exception to waiving specific parking lot design standards is justified, varying for the three parking areas where specific standards such as sidewalks cannot be added due to the active construction access, or the parking area is shown to be removed as part of a future phase. This approval would still require any areas of parking shown to remain within Phase 4 to be brought up to full design standards. Modification to the existing allowance for access on West Denton Roadway is supported by LTU with required additions to the turn lane lengths, and requirement the access point must be limited to a right-in/right-out once Phase 3 is completed.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Casino / Racetrack & B-2 Casino PUD

**SURROUNDING LAND USE & ZONING**

North: Vacant	B-2 PUD
South: Farmland/Acreage	AG Agriculture
East: Undeveloped	B-2 PUD
West: Farmland	AG Agriculture

**APPLICATION HISTORY** See Attached

**APPROXIMATE LAND AREA:** 156.86 acres, more or less

**LEGAL DESCRIPTION: See Attached**

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

Date: November 7, 2024

Owner/  
Applicant: Warhorse Casino & Nebraska  
Horseman's Benevolent &  
Protective Association  
7055 S. 1<sup>st</sup> Street  
Lincoln, NE 68512  
[lmcnally@warhorsegaming.com](mailto:lmcnally@warhorsegaming.com)

Contact: Olsson  
Erin Bright  
601 P Street, Suite 200  
Lincoln, NE 68508  
(402)  
[ebright@olsson.com](mailto:ebright@olsson.com)

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CZ/05000/CZ05061G SW Village PUD.bmc .docx>

## APPLICATION HISTORY - CHANGE OF ZONE 05061G

- Jun. 2006 CZ05061 was approved by City Council for a PUD overlay and for a change of zone from AG and AGR to B-2 Planned Neighborhood Business to allow approximately 160 dwelling units and approximately 1,300,000 square feet of office, retail, commercial and industrial floor area. AN05014 Annexation of 463.8 areas was approved by City Council.
- Sept. 2012 CZ05061A was approved by City Council to amend the PUD to show a horse race course, simulcast facility, barns, and accessory buildings and to allow all B-2 zoning district conditional and special permitted uses as permitted uses; to show a new AG area be eliminating the R-5 area and moving the I-3 area, and to waive the requirement for all of 1<sup>st</sup> Street to be paved.
- Mar. 2015 CZ05061B was approved by City Council to amend the Development Plan, which adjusted regulations regarding the location and height of signs.
- Feb. 2019 CZ05061C was approved by City Council to approve a Phase 2 for construction of a horse racing track and allow excavation as a permitted conditional use.
- Apr. 2021 CZ05061D was approved by City Council to allow a casino, hotel, and related uses with the Lincoln Race Course. Revisions were made to the areas within the PUD to allow dwellings units and waivers for increased heights and signs.
- Nov. 2022 CZ05061E was approved by City Council to approved to allow a flagpole to exceed up to maximum of 150 feet on Lot 1, Block 3, along with clarification to the sign code requirement within PUD for conflicting language.
- Apr. 2023 CZ05061F was approved by City Council along with AN23004 to approve the annexation of approximately 5 acres west of the B-2 Casino PUD area along West Denton Road. This amendment approved the addition of this 5-acre site into the B-2 Casino area to serve as an additional parking area.

## CONDITIONS OF APPROVAL - CHANGE OF ZONE #05061G

This approval permits the amendment to the existing B-2 Casino area to allow an increase in gaming positions from 1,210 to 1,350 gaming positions and modification to the West Denton Road access with the following waivers:

- i. Waiver to Chapter 3.55 Design Standards for Parking Lots to allow Parking Area A to waive the required sidewalk connection for four years or until the construction access is removed, whichever is less; a waiver of all design standards for areas withing Parking Area B for any areas within the building footprint of the Phase C building expansion; and a waiver of landscape screening and sidewalks for Parking Area C.

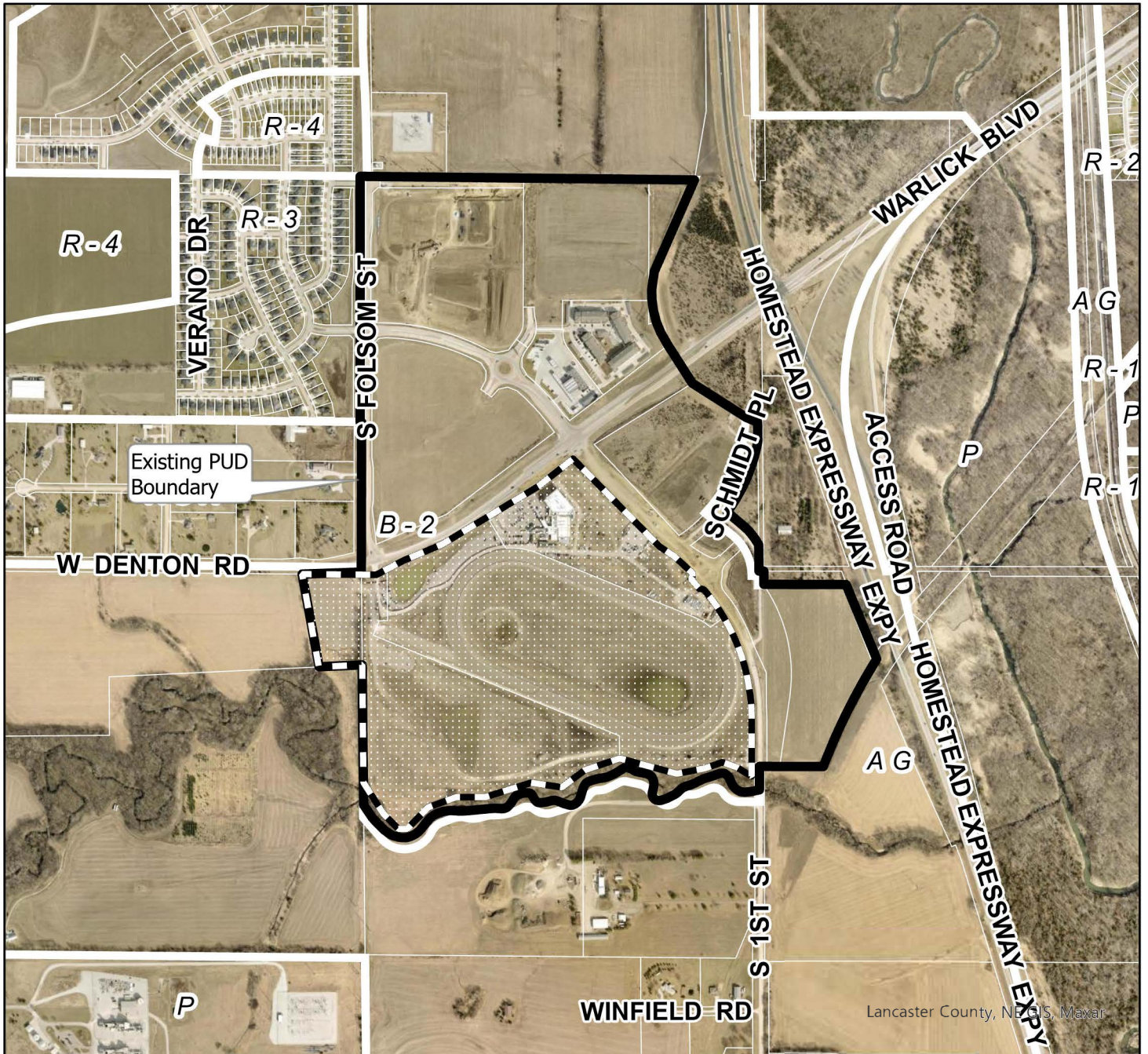
### Site Specific Conditions:

1. Before receiving building permits the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council.
  - 1.1 Update note to call out Parking Area A and to note the parking lot is now permanent parking with a waiver to the required sidewalk connection for four years or until the construction access is removed, whichever is less. All other design standard requirements must be installed by July 1, 2025. (Sheet 4B)
  - 1.2 Update note to call out Parking Area B and to note the parking lot design standards for any parking area shown within the future building footprint of Phase 3 has been waived. Any parking area outside of the building footprint must meet parking lot design standards after a temporary parking lot permit has expired.
  - 1.3 Update note to call out Parking Area C and note both landscape screening and sidewalk requirements are waived for this parking area. (Sheet 4B)
  - 1.4 Removed Phase 2-A B-2 Casino Area Parking Table as parking is no longer required in B-2 zoning. (Sheet 4A)
  - 1.5 Update note related to temporary full access on W. Denton to state "Temporary full access from W. Denton Road shall be allowed to remain until the completion of Phase 3 casino expansion with the extension of both westbound and eastbound turn lanes to the satisfaction of LTU." (Sheet 4A)
  - 1.6 Call out note "Limits of future building expansion" to reference Phase 3. (Sheet 4A)

### Standard Conditions:

2. The following conditions are applicable to all requests:
  - 2.1 Before occupying the buildings all development and construction shall substantially comply with the approved plans.
  - 2.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established property owners association approved by the City Attorney.
  - 2.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
  - 2.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.

- 2.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
- 2.6 The site plan as approved with this ordinance voids and supersedes all previously approved site plans, however all ordinances approving previous permits remain in full force and effect unless specifically amended by this ordinance.



**Change of Zone #: CZ05061G**  
**Southwest Village PUD**  
**S 1st St & W Denton Rd**

2024 aerial



Two Square Miles:  
 Sec.22 T09N R06E  
 Sec.15 T09N R06E

**Zoning:**

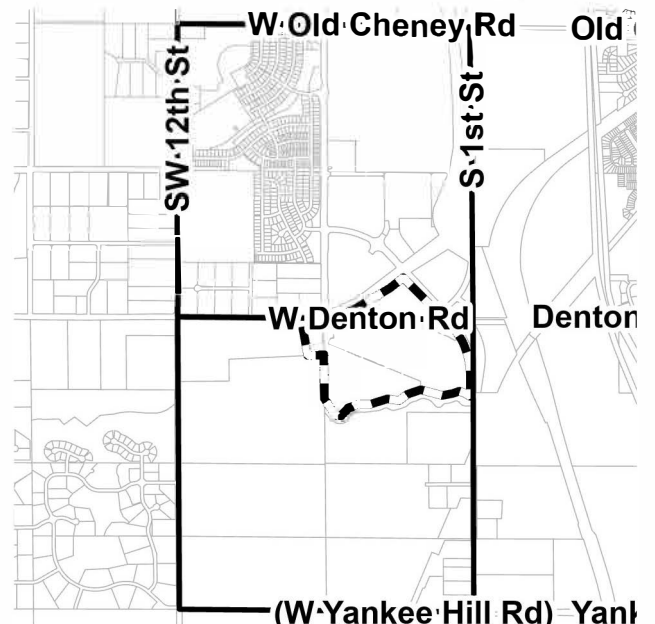
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

Zoning Jurisdiction Lines

Lancaster County Jurisdiction

45



# SOUTHWEST VILLAGE ADMINISTRATIVE AMENDMENT TO THE P.U.D. COVER SHEET

## GENERAL SITE NOTES

1. REFER TO SOUTHWEST VILLAGE DEVELOPMENT PLAN FOR ZONING AND DESIGN STANDARDS.
2. A BUSINESS ASSOCIATION SHALL BE ESTABLISHED TO MAINTAIN ALL OPEN SPACE AREAS INCLUDING THE PRIVATE ROADWAYS AND MEDIANS WITHIN THE LIMITS OF THE P.U.D.
3. LOTS MAY BE CREATED IN PART OR IN WHOLE TO A PUBLIC STREET OR PRIVATE ROADWAY IF THEY HAVE ACCESS TO A PUBLIC ACCESS EASEMENT.
4. LOT DIMENSIONS ARE CONCEPTUAL AND WILL BE FINALIZED AT TIME OF FINAL PLATTING.
5. THE YARD SETBACKS REGULATES STRUCTURAL WALLS ONLY AND DOES NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCRoACHING INTO THE SETBACKS.
6. A COMMON ACCESS EASEMENT WILL BE PROVIDED OVER ALL DRIVES AND PARKING STALLS, AS SUCH DRIVES AND PARKING STALLS MAY EXIST IN THE COMMERCIAL AREAS.
7. DETAILS OF ALL SIGNS, INCLUDING TYPE, HEIGHT AND SIZE WILL BE SUBMITTED SEPARATELY FOR REVIEW AT TIME OF SIGN PERMITS AND ARE NOT REQUIRED TO BE SHOWN ON THE PLAN. ALL SIGNS SHALL BE IN CONFORMANCE WITH THE SOUTHWEST VILLAGE PUD DEVELOPMENT PLAN.
8. FENCES, DUMPSTERS, DECORATIVE STRUCTURES AND ACCESSORY BUILDINGS ARE NOT SHOWN ON THE PLANS IF THEY ARE 1000 SQUARE FEET OR SMALLER AND ARE OUTSIDE OF THE SIGHT TRIANGLES AND SETBACKS AND ARE IN CONFORMANCE WITH ALL APPLICABLE ORDINANCES AND CODES OF THE SOUTHWEST VILLAGE PUD DEVELOPMENT PLAN.
9. ALL BUILDINGS OVER 100,000 SQUARE FEET WITHIN THE P.U.D., EXCEPT IN THE ABA B-2 CASINO AREA, SHALL BE SUBJECT TO THE DESIGN CRITERIA. EACH BUILDING'S ELEVATIONS SHALL BE FIRST SUBMITTED TO THE LANDLORD'S COORDINATING ARCHITECT FOR REVIEW AND APPROVAL. THEN A LETTER OF APPROVAL FROM THE LANDLORD'S COORDINATING ARCHITECT STATING HOW THE BUILDING CONFORMS TO THE DESIGN CRITERIA SHALL BE SUBMITTED ALONG WITH THE ELEVATION TO THE PLANNING DIRECTOR FOR REVIEW AND APPROVAL BY ADMINISTRATIVE AMENDMENT PRIOR TO ISSUANCE OF BUILDING PERMITS.
10. OUTDOOR STORAGE / GARDEN CENTERS SHALL NOT BE PERMITTED ON THE EAST SIDE OF ANY BUILDING IN LOT 1, BLOCK 2 WITHIN 60' OF HIGHWAY 77 RIGHT OF WAY.
11. STORM WATER ENERGY DISSIPATION IN THE FORM OF ROCK RIP RAP OR OTHER SUITABLE MATERIAL SHALL BE INSTALLED AT ALL STORM SEWER OUTLETS.
12. ADDITIONAL RIGHT OF WAY SHALL BE DEDICATED TO THE NDOT TO ALLOW FOR RIGHT TURN LANES AS REQUIRED BY THE TRAFFIC STUDY.
13. RIGHT OF WAY FOR S. 1ST STREET SHALL BE DEDICATED TO THE CITY OF LINCOLN BY DEEDS, OR FINAL PLAT.
14. THE FUTURE BIKE TRAIL CROSSING AT THE INTERSECTION OF WEST DENTON ROAD AND SOUTH 1ST STREET SHALL BE AN AT GRADE CROSSING.
15. ADDITIONAL SIDEWALK CONNECTIONS CONSISTENT WITH THE INCENTIVE CRITERIA OF THE CHAPTER 3.105 SECTION 3 OF THE CITY OF LINCOLN DESIGN STANDARDS TO BE APPROVED BY ADMINISTRATIVE AMENDMENT PRIOR TO APPROVAL OF THE FINAL PLAT.
16. AN INITIAL LETTER OF MAP REVISION BASED ON FILL (LOM-F) WILL BE SUBMITTED TO THE CITY OF LINCOLN AND FEMA FOR APPROVAL TO REMOVE THE CASINO AND PARKING GARAGE SITES FROM THE FLOODPLAIN. ONCE APPROVED BY THE CITY OF LINCOLN AND SUBMITTED TO FEMA, LIMITED BUILDING PERMITS FOR FOOTINGS AND FOUNDATIONS FOR THE CASINO AND PARKING GARAGE CAN BE APPROVED. FULL BUILDING PERMITS FOR THE CASINO AND PARKING GARAGE CANNOT BE APPROVED UNTIL THE INITIAL LOM-F IS APPROVED BY FEMA.
17. THE DEVELOPER SHALL BE PERMITTED TO COMPLETE THE GRADING IN PHASES; PROVIDED THAT ANY FINISHED GRADING SHALL TEMPORARILY MAINTAIN A RATIO OF THREE ACRES FEET OF MITIGATED FLOOD STORAGE VOLUME FOR EVERY ONE ACRE FOOT OF FLOOD STORAGE VOLUME MITIGATED. AT THE TIME ANY PORTION OF THE PROPERTY SOUTH OF WEST DENTON ROAD IS FINAL PLATTED, THE DEVELOPER SHALL SUBMIT A GRADING PLAN SHOWING THE COMPLETION OF A PERCENTAGE OF THE FLOOD STORAGE THAT IS PROPORTIONATE TO THE NUMBER OF DEVELOPABLE ACRES BEING FINAL PLATTED.
18. THE ROUTING OF THE FORCE MAIN ADJACENT TO WILDERNESS PARK SHALL BE APPROVED BY THE PARKS & REC DEPARTMENT.
19. THE B-2 CASINO PUD AREA WILL INCLUDE THE RACE TRACK, GRANDSTAND, CASINO, RESTAURANT FACILITY, HOTELS, CLUBHOUSE, PADDOCK, PARKING, BARNS, CARE TAKERS RESIDENCE, TESTING BUILDING, AND OTHER NECESSARY STRUCTURES ASSOCIATED WITH A HORSE RACE TRACK AND CASINO.
20. THE SITE PLAN FOR THE HORSE TRACK, CASINO, AND ACCESSORY BUILDINGS IS CONCEPTUAL AND MAY VARY AT TIME OF BUILDING PERMIT.
21. THE HORSE PARK SHALL GAIN THE PERMITS NECESSARY FROM THE NDEQ, FOR APPROPRIATE STORAGE, DISCHARGE, AIR QUALITY, ETC. FOR THE EQUESTRIAN WASTE.
22. AN ADDITIONAL 20' OF CONSTRUCTION EASEMENT FOR THE FUTURE TRUNK SEWER WILL BE PROVIDED ALONG THE WEST TRUNK SEWER ALIGNMENT IF THE PROPERTY TO BE WAS NOT BEEN FINAL PLATTED AND THE CITY REQUIRES THE EASEMENT FOR CONSTRUCTION OF THE TRUNK SEWER MAIN.
23. SIDEWALKS ARE TO BE CONSTRUCTED ON WEST DENTON ROAD ALONG SOUTH 1ST STREET. THESE SIDEWALKS SHALL BE GRADED AND CONSTRUCTED TO MATCH FUTURE ROADWAY RIGHT OF WAY GRADES. DRAINAGE FACILITIES MAY BE REQUIRED TO MAINTAIN THE RURAL DITCH SECTION DRAINAGE.
24. SIDEWALKS TO BE CONSTRUCTED ALONG S. 1ST STREET WHEN PUBLIC ROADWAY IMPROVEMENTS ARE INSTALLED. SIDEWALKS ALONG W. DENTON ROAD SHALL BE CONSTRUCTED WHEN S. FOLSOM STREET ROADWAY IMPROVEMENTS ARE INSTALLED. THE ACTUAL LOCATION OF THE SIDEWALKS SHALL BE COORDINATED WITH THE CITY.
25. ALL CONSTRUCTION, GRADE CHANGES, AND OBSTRUCTIONS IN L&S TRANSMISSION CORRIDORS REQUIRE L&S APPROVAL.
26. AN EASEMENT OR ROW WILL BE PROVIDED FOR THE EXISTING SANITARY SEWER BETWEEN GAYLN ROAD AND ROUNDABOUT OF SW 4TH AND AMARANTH LANE TO THE SATISFACTION OF THE PUBLIC WORKS & UTILITIES - WASTEWATER DEPARTMENT.
27. THERE SHALL BE A CORRIDOR WITH EASEMENTS FOR A FUTURE SANITARY SEWER TRUNK LINE AS SHOWN. TO THE SATISFACTION OF THE PUBLIC WORKS & UTILITIES - WASTEWATER DEPARTMENT.
28. TRACK INFIELD TOTE BOARD TO DISPLAY RACE RESULTS AND WILL NOT BE COUNT AS SIGNAGE ON PROPERTY AND THERE WILL BE NO LIMIT TO TOTE BOARD SIZE AS LONG AS ADVERTISING IS NOT VISIBLE FROM PUBLIC RIGHT OF WAY.
29. OUTLOT A AND OUTLOT B (PHASE 2) BLOCK 3 ARE RESERVED FOR RACE TRACK, DETENTION AND FLOODPLAIN STORAGE, SERVICE ROADS, PARKING, UNLICENSED ACCESSORY BUILDINGS FOR HORSES AND UNCONDITIONED MAINTENANCE BUILDING, CARETAKER RESIDENCE OR OTHER CONDITIONED SPACES REQUIRING ELECTRICAL/GAS/SEWER/WATER SERVICE.
30. LOT 3, BLOCK 2 SHALL HAVE DIESEL FUEL SALES, SALE OF TRUCK ACCESSORIES AND TRUCK PARKING AS ALLOWABLE ACCESSORY USES TO THE PRIMARY USE OF PASSENGER VEHICLE L&S AND RETAIL SALES.

**LEGAL DESCRIPTION (PARCELS 1, 2 & 3)**  
A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF OUTLOTS "C" AND "E", SOUTHWEST VILLAGE ADDITION, AND OUTLOTS "A" AND "B" SOUTHWEST VILLAGE 1ST ADDITION, AND A PORTION OF WEST AMARANTH LANE, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6<sup>TH</sup> P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 15, THENCE SOUTH 89 DEGREES 27 MINUTES 24 SECONDS EAST, A DISTANCE OF 99.66 FEET TO A POINT; THENCE NORTH 00 DEGREES 32 MINUTES 36 SECONDS EAST, A DISTANCE OF 156.41 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 08 MINUTES 30 SECONDS WEST, A DISTANCE OF 374.28 FEET TO A POINT LOCATED 60.00 FEET EAST OF THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 07 MINUTES 11 SECONDS EAST ALONG A LINE 80.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2,125.67 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89 DEGREES 22 MINUTES 31 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2,197.02 FEET TO A POINT; THENCE SOUTH 23 DEGREES 40 MINUTES 15 SECONDS WEST, A DISTANCE OF 679.81 FEET TO A POINT OF CURVATURE OF A NON TANGENT CURVE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 48 DEGREES 35 MINUTES 11 SECONDS, A RADIUS OF 618.08 FEET, AN ARC LENGTH OF 524.13 FEET, A CHORD BEARING OF SOUTH 10 DEGREES 38 MINUTES 02 SECONDS EAST, AND A CHORD DISTANCE OF 509.57 FEET TO A POINT; THENCE SOUTH 52 DEGREES 29 MINUTES 22 SECONDS WEST, A DISTANCE OF 600.37 FEET TO A POINT, THENCE SOUTH 52 DEGREES 45 MINUTES 27 SECONDS WEST, A DISTANCE OF 1,294.30 FEET TO A POINT; THENCE SOUTH 66 DEGREES 58 MINUTES 10 SECONDS WEST, A DISTANCE OF 516.92 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 3,784.4002 SQUARE FEET OR 86.8779 ACRES, MORE OR LESS.

**LEGAL DESCRIPTION (ANNEXATION)**  
A TRACT OF LAND COMPOSED OF A PORTION OF LOT 21 I.T. AND A PORTION OF WEST DENTON ROAD, LOCATED IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., A PORTION OF WEST DENTON ROAD, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6<sup>TH</sup> P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE SOUTHEAST CORNER OF THE REMAINING PORTION OF LOT 1, LARSEN ADDITION, THENCE S00°07'01" W, ON A LINE 50.00' WEST OF AND PARALLEL WITH THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 99.23' TO A POINT; THENCE S03°32'02" E, ON A LINE 50.00' WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22, A DISTANCE OF 32.33' TO A POINT; THENCE S89°26'53" E, ON A LINE 33' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 22, A DISTANCE OF 80.00' TO A POINT; THENCE S00°32'02" E, ON THE EAST LINE OF LOT 21 I.T., SAID LINE BEING THE EAST LINE OF SAID NORTHWEST QUARTER OF SAID SECTION 22, A DISTANCE OF 629.29' TO A POINT; THENCE S87°17'50" W, ON A SOUTH LINE OF SAID LOT 21 I.T., A DISTANCE OF 20.75' TO A POINT; THENCE S00°32'02" E, ON THE EAST LINE OF LOT 21 I.T., A DISTANCE OF 10.14' TO A POINT; THENCE S00°32'02" E, ON A LINE 50.00' WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22, A DISTANCE OF 640.35' TO A POINT; THENCE N00°33'07" E, A DISTANCE OF 108.39' TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF WEST DENTON ROAD, SAID LINE BEING THE SOUTHWEST VILLAGE 1ST ADDITION, THENCE S01°18'49" E, ON A SOUTH LINE OF SAID LOT 1, SAID LINE BEING A NORTH RIGHT-OF-WAY LINE OF SAID WEST DENTON ROAD, A DISTANCE OF 34.28' TO A POINT; THENCE S89°26'52" E, ON A SOUTH LINE OF SAID LOT 1, SAID LINE BEING A NORTH RIGHT-OF-WAY LINE OF SAID WEST DENTON ROAD, A DISTANCE OF 64.87' TO A POINT; THENCE N00°33'07" E, ON A SOUTH LINE OF SAID LOT 1, SAID LINE BEING A NORTH RIGHT-OF-WAY LINE OF WEST DENTON ROAD, A DISTANCE OF 97.73' TO A POINT; THENCE N79°56'18" E, ON A SOUTH LINE OF SAID LOT 1, SAID LINE BEING A NORTH RIGHT-OF-WAY LINE OF SAID WEST DENTON ROAD, A DISTANCE OF 126.10' TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 259,780.29 SQUARE FEET OR 5.96 ACRES, MORE OR LESS.

## LEGAL DESCRIPTION (PARCELS 4 & 5)

A TRACT OF LAND COMPOSED OF LOT 21 I.T., A PORTION OF LOT 1, A PORTION OF OUTLOT 'A', A PORTION OF OUTLOT 'D', ALL OF OUTLOT 'C', SW VILLAGE 4<sup>TH</sup> ADDITION, A PORTION OF S. 1<sup>ST</sup> ST., AND A PORTION OF SCHMIDT COURT, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 15, AND COMPOSED OF A PORTION OF LOT 26 I.T., A PORTION OF LOT 1, A PORTION OF OUTLOT 'A', A PORTION OF OUTLOT 'B', A PORTION OF OUTLOT 'D', A PORTION OF SCHMIDT COURT, A PORTION OF S. 1<sup>ST</sup> STREET, LOCATED IN THE NORTHWEST QUARTER OF SECTION 22, AND COMPOSED OF OUTLOT 'B', SOUTHWEST VILLAGE 4<sup>TH</sup> ADDITION, AND A PORTION OF S. 1<sup>ST</sup> STREET, LOCATED IN THE NORTHWEST QUARTER OF SECTION 22, ALL LOCATED IN TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6<sup>TH</sup> P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 22, THENCE SOUTH ALONG THE WEST LINE OF SAID NORTHWEST QUARTER ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 33 MINUTES 20 SECONDS EAST, A DISTANCE OF 49.99 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 27 MINUTES 24 SECONDS EAST, A DISTANCE OF 101.13 FEET TO A POINT; THENCE NORTH 64 DEGREES 18 MINUTES 27 SECONDS EAST, A DISTANCE OF 350.92 FEET TO A POINT; THENCE NORTH 67 DEGREES 18 MINUTES 30 SECONDS EAST, A DISTANCE OF 139.79 FEET TO A POINT; THENCE NORTH 58 DEGREES 52 MINUTES 43 SECONDS EAST, A DISTANCE OF 783.14 FEET TO A POINT; THENCE NORTH 51 DEGREES 35 MINUTES 03 SECONDS EAST, A DISTANCE OF 301.78 FEET TO A POINT; THENCE NORTH 56 DEGREES 08 MINUTES 37 SECONDS EAST, A DISTANCE OF 173.70 FEET TO A POINT; THENCE NORTH 58 DEGREES 08 MINUTES 19 SECONDS EAST, A DISTANCE OF 786.59 FEET TO A POINT; THENCE SOUTH 57 DEGREES 36 MINUTES 54 SECONDS EAST, A DISTANCE OF 431.49 FEET TO A POINT; SAID POINT BEING A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 39 DEGREES 38 MINUTES 05 SECONDS, A RADIUS OF 1,041.35 FEET, AN ARC LENGTH OF 720.36 FEET, A CHORD BEARING OF SOUTH 23 DEGREES 29 SECONDS WEST, AND A CHORD DISTANCE OF 706.08 FEET TO A POINT; THENCE SOUTH 50 DEGREES 32 MINUTES 48 SECONDS EAST, A DISTANCE OF 243.06 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 50 DEGREES 55 MINUTES 34 SECONDS, A RADIUS OF 350.00 FEET, AN ARC LENGTH OF 310.38 FEET, A CHORD BEARING OF SOUTH 25 DEGREES 08 MINUTES 31 SECONDS EAST, AND A CHORD DISTANCE OF 300.31 FEET TO A POINT; THENCE SOUTH 89 DEGREES 27 MINUTES 24 SECONDS EAST, A DISTANCE OF 50.02 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 22; THENCE SOUTH 00 DEGREES 04 MINUTES 06 SECONDS WEST ALONG THE EAST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 57.75 FEET TO A POINT; THENCE SOUTH 89 DEGREES 55 MINUTES 54 SECONDS EAST, A DISTANCE OF 592.08 FEET TO A POINT; THENCE SOUTH 21 DEGREES 05 MINUTES 04 SECONDS EAST, A DISTANCE OF 554.58 FEET TO A POINT; SAID POINT BEING A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 10 DEGREES 30 MINUTES 31 SECONDS, A RADIUS OF 4,372.28 FEET, AN ARC LENGTH OF 801.92 FEET, A CHORD BEARING OF SOUTH 26 DEGREES 22 MINUTES 17 SECONDS WEST, AND A CHORD DISTANCE OF 800.80 FEET TO A POINT; THENCE NORTH 55 DEGREES 55 SECONDS WEST, A DISTANCE OF 432.88 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22; THENCE SOUTH 00 DEGREES 07 MINUTES 47 SECONDS EAST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 241.46 FEET TO A POINT; THENCE SOUTH 89 DEGREES 52 MINUTES 13 SECONDS WEST, A DISTANCE OF 138.53 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 88 DEGREES 31 MINUTES 33 SECONDS, A RADIUS OF 125.28 FEET, AN ARC LENGTH OF 127.96 FEET, A CHORD BEARING OF NORTH 60 DEGREES 52 MINUTES 00 SECONDS WEST, AND A CHORD DISTANCE OF 122.47 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 81 DEGREES 58 MINUTES 38 SECONDS, A RADIUS OF 75.00 FEET, AN ARC LENGTH OF 107.31 FEET, A CHORD BEARING OF NORTH 72 DEGREES 35 MINUTES 33 SECONDS WEST, AND A CHORD DISTANCE OF 89.30 FEET TO A POINT; THENCE SOUTH 68 DEGREES 25 MINUTES 08 SECONDS WEST, A DISTANCE OF 69.12 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 27 DEGREES 16 MINUTES 02 SECONDS, A RADIUS OF 150.00 FEET, AN ARC LENGTH OF 71.47 FEET, A CHORD BEARING OF SOUTH 80 DEGREES 04 MINUTES 09 SECONDS WEST, AND A CHORD DISTANCE OF 70.80 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 57 DEGREES 02 MINUTES 11 SECONDS, A RADIUS OF 97.16 FEET, AN ARC LENGTH OF 96.72 FEET, A CHORD BEARING OF SOUTH 65 DEGREES 12 MINUTES 05 SECONDS WEST, AND A CHORD DISTANCE OF 92.78 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 102 DEGREES 46 MINUTES 49 SECONDS, A RADIUS OF 85.00 FEET, AN ARC LENGTH OF 152.48 FEET, A CHORD BEARING OF SOUTH 88 DEGREES 04 MINUTES 24 SECONDS WEST, AND A CHORD DISTANCE OF 132.84 FEET TO A POINT; THENCE NORTH 40 DEGREES 32 MINUTES 12 SECONDS WEST, A DISTANCE OF 105.48 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 37 DEGREES 30 MINUTES 22 SECONDS WEST, AN ARC LENGTH OF 102.84 FEET, A CHORD BEARING OF NORTH 59 DEGREES 17 MINUTES 23 SECONDS WEST, AND A CHORD DISTANCE OF 64.30 FEET TO A POINT; THENCE NORTH 78 DEGREES 02 MINUTES 33 SECONDS WEST, A DISTANCE OF 90.87 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 43 DEGREES 35 MINUTES 43 SECONDS WEST, A DISTANCE OF 50.22 FEET, A CHORD BEARING OF SOUTH 82 DEGREES 46 MINUTES 35 SECONDS WEST, AND A CHORD DISTANCE OF 49.28 FEET TO A POINT; THENCE SOUTH 63 DEGREES 35 MINUTES 43 SECONDS WEST, A DISTANCE OF 83.82 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 26 DEGREES 35 MINUTES 54 SECONDS, A RADIUS OF 150.00 FEET, AN ARC LENGTH OF 69.43 FEET, A CHORD BEARING OF SOUTH 83 DEGREES 45 MINUTES 40 SECONDS WEST, AND A CHORD DISTANCE OF 69.01 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 53 DEGREES 31 MINUTES 16 SECONDS, A RADIUS OF 95.00 FEET, AN ARC LENGTH OF 70.06 FEET, A CHORD BEARING OF SOUTH 63 DEGREES 25 MINUTES 59 SECONDS WEST, AND A CHORD DISTANCE OF 67.54 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 36 DEGREES 31 MINUTES 51 SECONDS, A RADIUS OF 220.27 FEET, AN ARC LENGTH OF 140.44 FEET, A CHORD BEARING OF SOUTH 54 DEGREES 56 MINUTES 16 SECONDS WEST, AND A CHORD DISTANCE OF 138.07 FEET TO A POINT; THENCE SOUTH 73 DEGREES 12 MINUTES 12 SECONDS WEST, A DISTANCE OF 148.09 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 55 DEGREES 21 MINUTES 16 SECONDS, A RADIUS OF 135.23 FEET, AN ARC LENGTH OF 130.65 FEET, A CHORD BEARING OF NORTH 79 DEGREES 07 MINUTES 10 SECONDS WEST, AND A CHORD DISTANCE OF 126.62 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 67 DEGREES 49 MINUTES 49 SECONDS, A RADIUS OF 75.00 FEET, AN ARC LENGTH OF 86.79 FEET, A CHORD BEARING OF NORTH 85 DEGREES 21 MINUTES 27 SECONDS WEST, AND A CHORD DISTANCE OF 83.69 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 29 DEGREES 59 MINUTES 16 SECONDS, A RADIUS OF 375.00 FEET, AN ARC LENGTH OF 186.27 FEET, A CHORD BEARING OF SOUTH 75 DEGREES 43 MINUTES 18 SECONDS WEST, AND A CHORD DISTANCE OF 184.04 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 18 DEGREES 58 MINUTES 21 SECONDS, A RADIUS OF 290.00 FEET, AN ARC LENGTH OF 82.78 FEET, A CHORD BEARING OF SOUTH 61 DEGREES 13 MINUTES 47 SECONDS WEST, AND A CHORD DISTANCE OF 82.41 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 32 DEGREES 04 MINUTES 32 SECONDS, A RADIUS OF 200.00 FEET, AN ARC LENGTH OF 111.98 FEET, A CHORD BEARING OF SOUTH 87 DEGREES 46 MINUTES 52 SECONDS WEST, AND A CHORD DISTANCE OF 110.51 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 33 DEGREES 18 MINUTES 57 SECONDS, A RADIUS OF 150.00 FEET, AN ARC LENGTH OF 87.22 FEET, A CHORD BEARING OF SOUTH 87 DEGREES 09 MINUTES 40 SECONDS WEST, AND A CHORD DISTANCE OF 86.00 FEET TO A POINT; THENCE SOUTH 70 DEGREES 30 MINUTES 18 SECONDS WEST, A DISTANCE OF 78.72 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 45 DEGREES 15 MINUTES 25 SECONDS, A RADIUS OF 125.00 FEET, AN ARC LENGTH OF 98.74 FEET, A CHORD BEARING OF SOUTH 47 DEGREES 52 MINUTES 28 SECONDS WEST, AND A CHORD DISTANCE OF 98.13 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 112 DEGREES 08 MINUTES 25 SECONDS, A RADIUS OF 205.96 FEET, AN ARC LENGTH OF 402.98 FEET, A CHORD BEARING OF SOUTH 81 DEGREES 17 MINUTES 50 SECONDS WEST, AND A CHORD DISTANCE OF 341.71 FEET TO A POINT; THENCE NORTH 42 DEGREES 38 MINUTES 49 SECONDS WEST, A DISTANCE OF 10.88 FEET TO A POINT; THENCE NORTH 00 DEGREES 00 MINUTES 56 SECONDS WEST, A DISTANCE OF 1,177.00 TO A POINT; THENCE S88°59'20" W, A DISTANCE OF 127.01' TO A POINT ON THE WEST LINE OF SAID OUTLOT 'B', SOUTHWEST VILLAGE 4<sup>TH</sup> ADDITION; THENCE S87°17'50" W, A DISTANCE OF 295.75' TO A POINT; THENCE N10°16'23" W, A DISTANCE OF 640.35' TO A POINT; THENCE S89°27'01" E, A DISTANCE OF 403.70' TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 8,832,707.21 SQUARE FEET OR 156.86 ACRES, MORE OR LESS.

**LEGAL DESCRIPTION (PARCELS 1, 2 & 3)**  
A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF OUTLOTS "C" AND "E", SOUTHWEST VILLAGE ADDITION, AND OUTLOTS "A" AND "B" SOUTHWEST VILLAGE 1ST ADDITION, AND A PORTION OF WEST AMARANTH LANE, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6<sup>TH</sup> P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 15, THENCE SOUTH 89 DEGREES 27 MINUTES 24 SECONDS EAST, A DISTANCE OF 99.66 FEET TO A POINT; THENCE NORTH 00 DEGREES 32 MINUTES 36 SECONDS EAST, A DISTANCE OF 156.41 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 08 MINUTES 30 SECONDS WEST, A DISTANCE OF 374.28 FEET TO A POINT LOCATED 60.00 FEET EAST OF THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 07 MINUTES 11 SECONDS EAST ALONG A LINE 80.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2,125.67 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89 DEGREES 22 MINUTES 31 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2,197.02 FEET TO A POINT; THENCE SOUTH 23 DEGREES 40 MINUTES 15 SECONDS WEST, A DISTANCE OF 679.81 FEET TO A POINT OF CURVATURE OF A NON TANGENT CURVE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 48 DEGREES 35 MINUTES 11 SECONDS, A RADIUS OF 618.08 FEET, AN ARC LENGTH OF 524.13 FEET, A CHORD BEARING OF SOUTH 10 DEGREES 38 MINUTES 02 SECONDS EAST, AND A CHORD DISTANCE OF 509.57 FEET TO A POINT; THENCE SOUTH 52 DEGREES 29 MINUTES 22 SECONDS WEST, A DISTANCE OF 600.37 FEET TO A POINT, THENCE SOUTH 52 DEGREES 45 MINUTES 27 SECONDS WEST, A DISTANCE OF 1,294.30 FEET TO A POINT; THENCE SOUTH 66 DEGREES 58 MINUTES 10 SECONDS WEST, A DISTANCE OF 516.92 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 3,784.4002 SQUARE FEET OR 86.8779 ACRES, MORE OR LESS.

**LEGAL DESCRIPTION (ANNEXATION)**  
A TRACT OF LAND COMPOSED OF A PORTION OF LOT 21 I.T. AND A PORTION OF WEST DENTON ROAD, LOCATED IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., A PORTION OF WEST DENTON ROAD, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6<sup>TH</sup> P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE SOUTHEAST CORNER OF THE REMAINING PORTION OF LOT 1, LARSEN ADDITION, THENCE S00°07'01" W, ON A LINE 50.00' WEST OF AND PARALLEL WITH THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 99.23' TO A POINT; THENCE S03°32'02" E, ON A LINE 50.00' WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22, A DISTANCE OF 32.33' TO A POINT; THENCE S89°26'53" E, ON A LINE 33' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 22, A DISTANCE OF 80.00' TO A POINT; THENCE S00°32'02" E, ON THE EAST LINE OF LOT 21 I.T., SAID LINE BEING THE EAST LINE OF SAID NORTHWEST QUARTER OF SAID SECTION 22, A DISTANCE OF 629.29' TO A POINT; THENCE S87°17'50" W, ON A SOUTH LINE OF SAID LOT 21 I.T., A DISTANCE OF 20.75' TO A POINT; THENCE S00°32'02" E, ON THE EAST LINE OF LOT 21 I.T., A DISTANCE OF 10.14' TO A POINT; THENCE S00°32'02" E, ON A LINE 50.00' WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22, A DISTANCE OF 640.35' TO A POINT; THENCE N00°33'07" E, A DISTANCE OF 108.39' TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF WEST DENTON ROAD, SAID LINE BEING THE SOUTHWEST VILLAGE 1ST ADDITION, THENCE S01°18'49" E, ON A SOUTH LINE OF SAID LOT 1, SAID LINE BEING A NORTH RIGHT-OF-WAY LINE OF SAID WEST DENTON ROAD, A DISTANCE OF 34.28' TO A POINT; THENCE S89°26'52" E, ON A SOUTH LINE OF SAID LOT 1, SAID LINE BEING A NORTH RIGHT-OF-WAY LINE OF SAID WEST DENTON ROAD, A DISTANCE OF 64.87' TO A POINT; THENCE N00°33'07" E, ON A SOUTH LINE OF SAID LOT 1, SAID LINE BEING A NORTH RIGHT-OF-WAY LINE OF WEST DENTON ROAD, A DISTANCE OF 97.73' TO A POINT; THENCE N79°56'18" E, ON A SOUTH LINE OF SAID LOT 1, SAID LINE BEING A NORTH RIGHT-OF-WAY LINE OF SAID WEST DENTON ROAD, A DISTANCE OF 126.10' TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 259,780.29 SQUARE FEET OR 5.96 ACRES, MORE OR LESS.

**LEGAL DESCRIPTION (ANNEXATION)**  
A TRACT OF LAND COMPOSED OF A PORTION OF LOT 21 I.T. AND A PORTION OF WEST DENTON ROAD, LOCATED IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., A PORTION OF WEST DENTON ROAD, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6<sup>TH</sup> P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE SOUTHEAST CORNER OF THE REMAINING PORTION OF LOT 1, LARSEN ADDITION, THENCE S00°07'01" W, ON A LINE 50.00' WEST OF AND PARALLEL WITH THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 99.23' TO A POINT; THENCE S03°32'02" E, ON A LINE 50.00' WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22, A DISTANCE OF 32.33' TO A POINT; THENCE S89°26'53" E, ON A LINE 33' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 22, A DISTANCE OF 80.00' TO A POINT; THENCE S00°32'02" E, ON THE EAST LINE OF LOT 21 I.T., SAID LINE BEING THE EAST LINE OF SAID NORTHWEST QUARTER OF SAID SECTION 22, A DISTANCE OF 629.29' TO A POINT; THENCE S87°17'50" W, ON A SOUTH LINE OF SAID LOT 21 I.T., A DISTANCE OF 20.75' TO A POINT; THENCE S00°32'02" E, ON THE EAST LINE OF LOT 21 I.T., A DISTANCE OF 10.14' TO A POINT; THENCE S00°32'02" E, ON A LINE 50.00' WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22, A DISTANCE OF 640.35' TO A POINT; THENCE N00°33'07" E, A DISTANCE OF 108.39' TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF WEST DENTON ROAD, SAID LINE BEING THE SOUTHWEST VILLAGE 1ST ADDITION, THENCE S01°18'49" E, ON A SOUTH LINE OF SAID LOT 1, SAID LINE BEING A NORTH RIGHT-OF-WAY LINE OF SAID WEST DENTON ROAD, A DISTANCE OF 34.28' TO A POINT; THENCE S89°26'52" E, ON A SOUTH LINE OF SAID LOT 1, SAID LINE BEING A NORTH RIGHT-OF-WAY LINE OF SAID WEST DENTON ROAD, A DISTANCE OF 64.87' TO A POINT; THENCE N00°33'07" E, ON A SOUTH LINE OF SAID LOT 1, SAID LINE BEING A NORTH RIGHT-OF-WAY LINE OF WEST DENTON ROAD, A DISTANCE OF 97.73' TO A POINT; THENCE N79°56'18" E, ON A SOUTH LINE OF SAID LOT 1, SAID LINE BEING A NORTH RIGHT-OF-WAY LINE OF SAID WEST DENTON ROAD, A DISTANCE OF 126.10' TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 259,780.29 SQUARE FEET OR 5.96 ACRES, MORE OR LESS.

## PROPERTY OWNERS

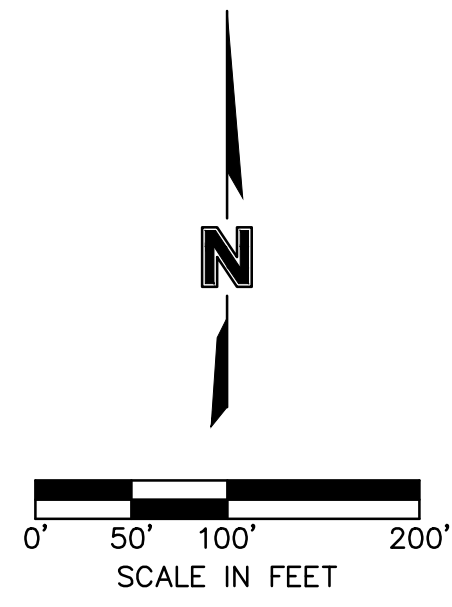
- PARCEL 1 - WAVERLY DEVELOPMENT CO LLC  
440 N 8 ST, STE 140  
LINCOLN, NE
- PARCEL 2 - SOUTHPORT VENTURES CO LLC  
3555 PLANTATION DR, STE 110  
LINCOLN, NE
- PARCEL 3 - DIAL-HWY 77 LLC  
5055 NICHOLAS ST, STE 100  
OMAHA, NE
- PARCEL 4 - COW PROPERTIES LLC  
1555 W SPRAGUE RD  
HALLAM, NE
- PARCEL 5 - NEBRASKA HORSEMAN'S BENEVOLENT & PROTECTIVE ASSOCIATION  
705 S 3<sup>RD</sup> ST  
LINCOLN, NE

CENTERLINE CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	TANGENT	CHORD
A	175.00	35°55'43.01"	109.74	56.74	107.95
B	1500.00	52°21'29.73"	1370.74	737.41	1323.54
C	4000.00	04°17'49.62"	299.10	150.07	299.93
D	1400.00	13°20'42.73"	294.99	156.89	286.33
E	350.00	48°17'25"	485.14	290.67	447.22
F	2000.00	27°27'42.82"	958.61	488.69	949.45
G	4000.00	04°17'49.62"	299.10	150.07	299.93
H	1000.00	16°40'31"	291.01	146.56	290.01
I	1000.00	69°22'50"	1210.92	692.18	1138.28
J	1000.00	87°08'02"	141.96	71.10	141.84

P.U.D. BOUNDARY CURVE DATA					
CURVE	RADIUS	DELTA	LENGTH	TANGENT	CHORD
1	290.80	12°29'35"	63.41	31.83	63.28
2	26.19	44°19'03"	20.25	10.66	19.75
3	377.50	11°11'52"	44.98	22.56	44.91
4	403.50	154°28'04"			



# SOUTHWEST VILLAGE AMENDMENT TO THE P.U.D. 13/B-2 CASINO AREA - PHASE 2A SITE PLAN



PHASE 2A - B-2 CASINO AREA PARKING TABLE	
PHASE 2 CASINO:	
975 GAMING POSITIONS @ 1 STALL/POSITION	TOTAL REQUIRED: 975 STALLS
GRANDSTAND SEATING @ 1 STALL/90 SQ. FT.	REQUIRED: 150 STALLS
	TOTAL REQUIRED: 1125 STALLS
PROPOSED PARKING:	
ON-SITE SURFACE PARKING (INCLUDING INTERIM PARKING)	971 STALLS
	TEMPORARY PARKING: 398 STALLS
	<b>TOTAL PROVIDED: 1369 STALLS</b>

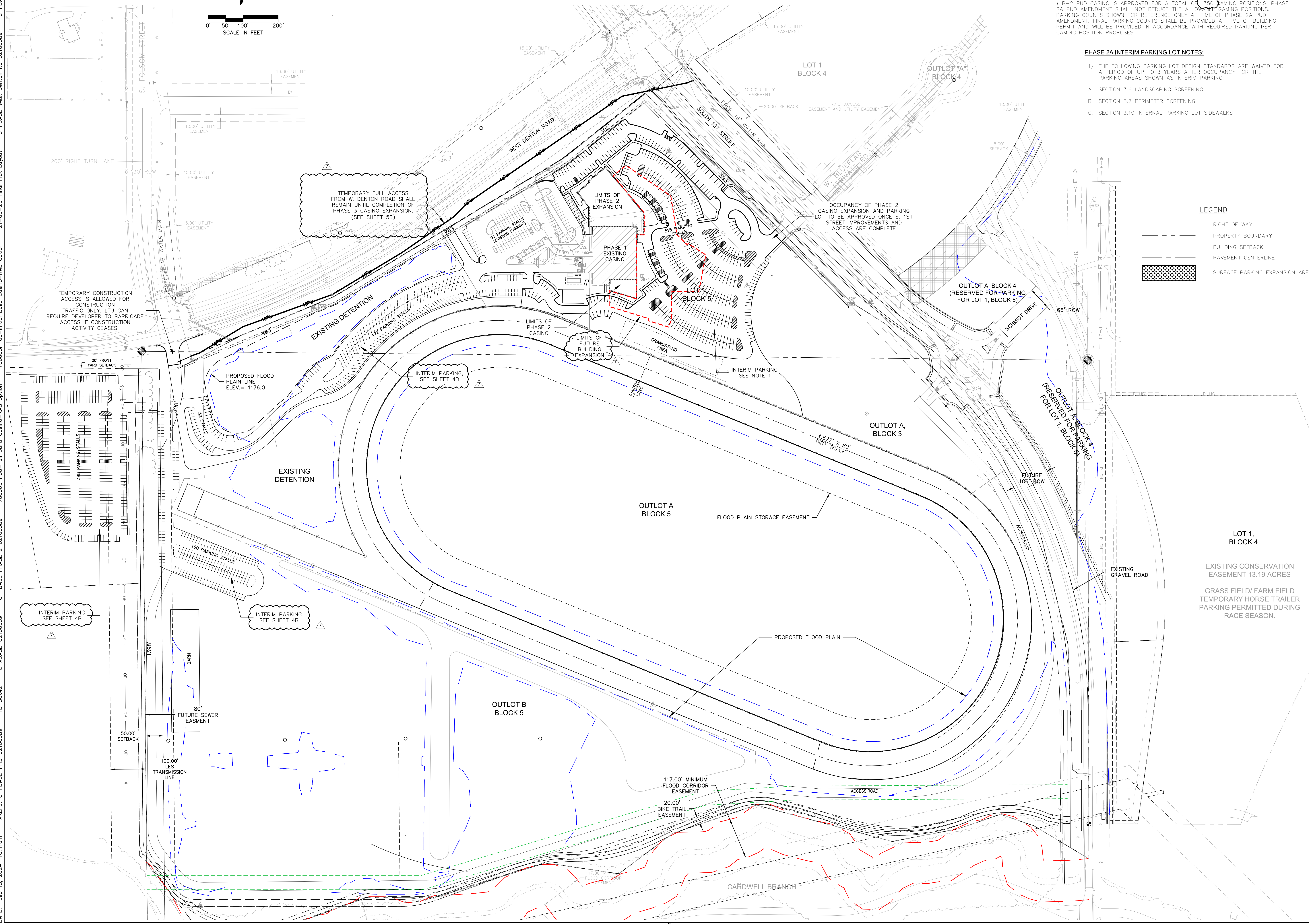
\* B-2 PUD CASINO IS APPROVED FOR A TOTAL OF 1125 GAMING POSITIONS. PHASE 2A PUD AMENDMENT SHALL NOT REDUCE THE ALLOWED GAMING POSITIONS. PARKING COUNTS SHOWN FOR REFERENCE ONLY AT TIME OF PHASE 2A PUD AMENDMENT. FINAL PARKING COUNTS SHALL BE PROVIDED AT TIME OF BUILDING PERMIT AND WILL BE PROVIDED IN ACCORDANCE WITH REQUIRED PARKING PER GAMING POSITION PROPOSALS.

### PHASE 2A INTERIM PARKING LOT NOTES:

- 1) THE FOLLOWING PARKING LOT DESIGN STANDARDS ARE WAIVED FOR A PERIOD OF UP TO 3 YEARS AFTER OCCUPANCY FOR THE PARKING AREAS SHOWN AS INTERIM PARKING:
  - A. SECTION 3.6 LANDSCAPING SCREENING
  - B. SECTION 3.7 PERIMETER SCREENING
  - C. SECTION 3.10 INTERNAL PARKING LOT SIDEWALKS

### LEGEND

- RIGHT OF WAY
- PROPERTY BOUNDARY
- BUILDING SETBACK
- PAVEMENT CENTERLINE
- SURFACE PARKING EXPANSION AREA



TEMPORARY FULL ACCESS FROM W. DENTON ROAD SHALL REMAIN UNTIL COMPLETION OF PHASE 3 CASINO EXPANSION. (SEE SHEET 5B)

TEMPORARY CONSTRUCTION ACCESS IS ALLOWED FOR CONSTRUCTION TRAFFIC ONLY. LTV CAN REQUIRE DEVELOPER TO BARRICADE ACCESS IF CONSTRUCTION ACTIVITY CEASES.

PROPOSED FLOOD PLAIN LINE ELEV. = 1176.0

INTERIM PARKING SEE SHEET 4B

LIMITS OF FUTURE BUILDING EXPANSION

OCCUPANCY OF PHASE 2 CASINO EXPANSION AND PARKING LOT TO BE APPROVED ONCE S. 1ST STREET IMPROVEMENTS AND ACCESS ARE COMPLETE

OUTLOT A, BLOCK 4 (RESERVED FOR PARKING FOR LOT 1, BLOCK 5)

OUTLOT A BLOCK 5

OUTLOT A, BLOCK 3

OUTLOT B, BLOCK 4 (RESERVED FOR PARKING FOR LOT 1, BLOCK 5)

OUTLOT B BLOCK 5

LOT 1, BLOCK 4

EXISTING CONSERVATION EASEMENT 13.19 ACRES

GRASS FIELD/ FARM FIELD TEMPORARY HORSE TRAILER PARKING PERMITTED DURING RACE SEASON.

INTERIM PARKING SEE SHEET 4B

INTERIM PARKING SEE SHEET 4B

117.00' MINIMUM FLOOD CORRIDOR EASEMENT

20.00' BIKE TRAIL EASEMENT

CARDWELL BRANCH

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 21-03-25\_Final\_Plot\_Layout  
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 C:\PBASE\_West\_Denton\_Rd\_02100589  
 C:\PBASE\_02100589

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 TEL: 402.474.8311  
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13/B-2 CASINO AREA - PHASE 2A SITE PLAN

SOUTHWEST VILLAGE  
 ADMINISTRATIVE AMENDMENT TO P.U.D.

LINCINN, NE

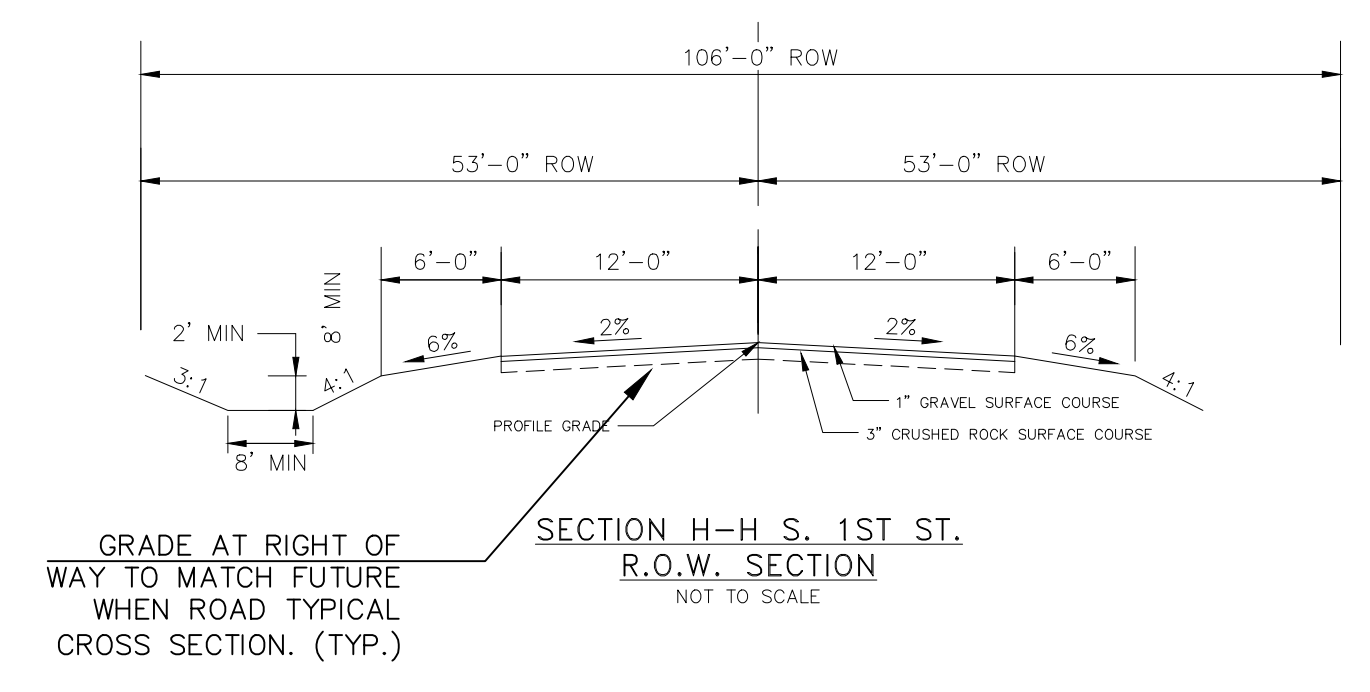
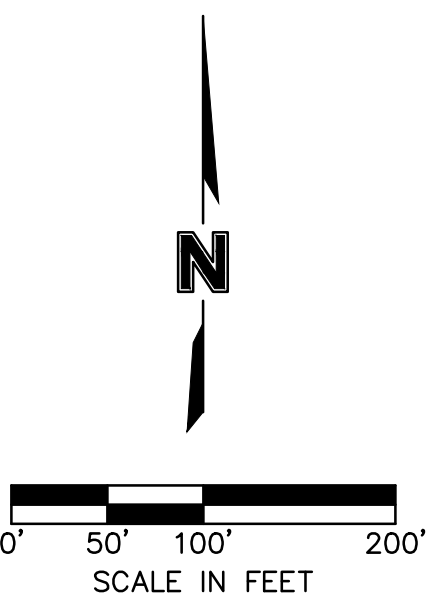
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4A OF 20

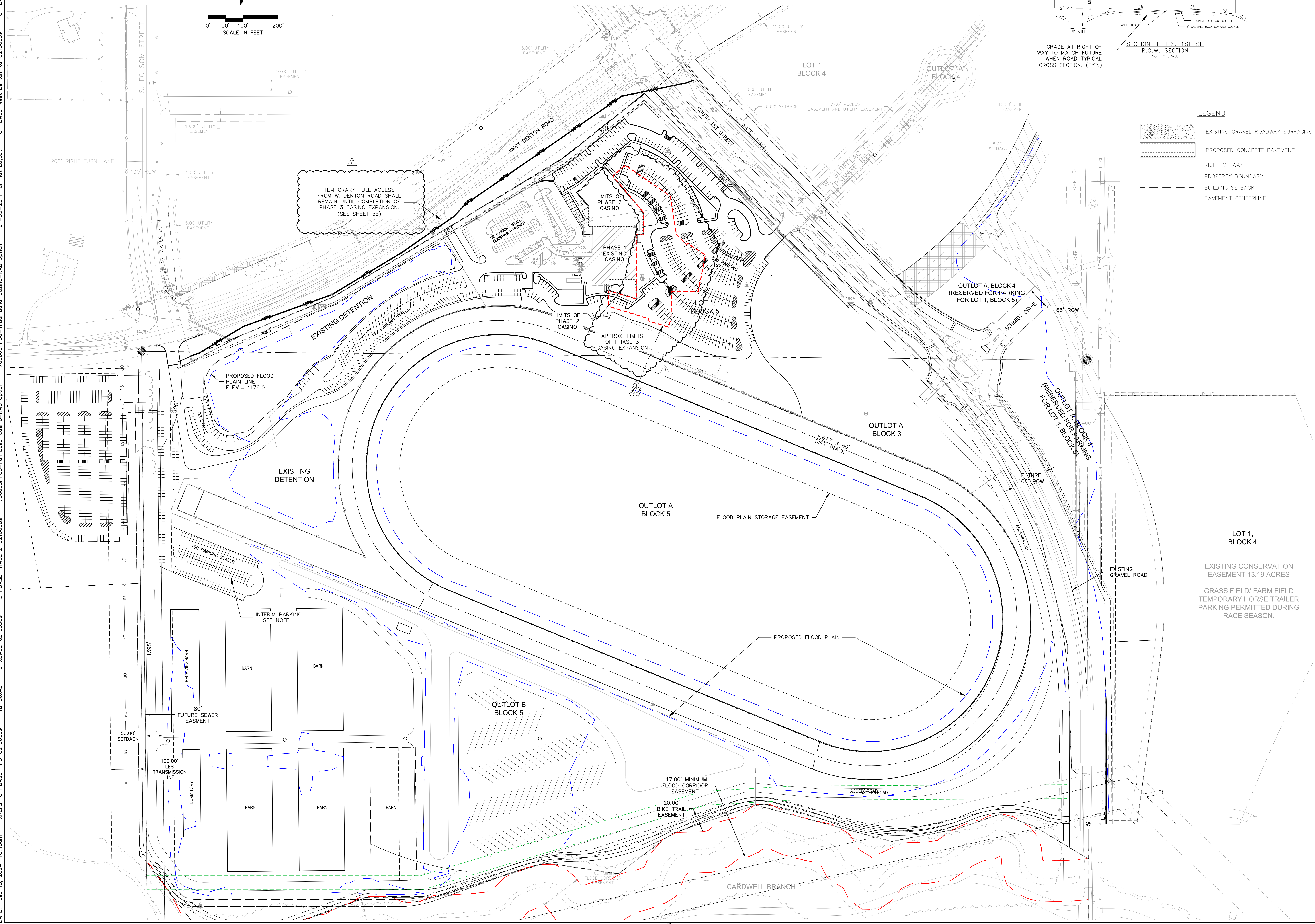
REV. NO.	DATE	REVISIONS DESCRIPTION
6	06/20/2024	AMENDMENT TO THE P.U.D. (AA24027)
7	09/18/2024	AMENDMENT TO THE P.U.D.

drawn by: DSD  
 checked by: ESB  
 approved by: ESB  
 GNCV by: ESB  
 project no.: 021-00589  
 drawing no.:  
 date: 06/20/2024

# SOUTHWEST VILLAGE AMENDMENT TO THE P.U.D. 13/B-2 CASINO AREA - PHASE 3 SITE PLAN



- LEGEND**
- EXISTING GRAVEL ROADWAY SURFACING
  - PROPOSED CONCRETE PAVEMENT
  - RIGHT OF WAY
  - PROPERTY BOUNDARY
  - BUILDING SETBACK
  - PAVEMENT CENTERLINE



REV. NO.	DATE	REVISIONS DESCRIPTION
5	06/20/2024	AMENDMENT TO THE P.U.D. (AA24027)
6	09/19/2024	AMENDMENT TO THE P.U.D.

2024

13/B-2 CASINO AREA - PHASE 3 SITE PLAN

SOUTHWEST VILLAGE  
ADMINISTRATIVE AMENDMENT TO P.U.D.

LINCOLN, NE

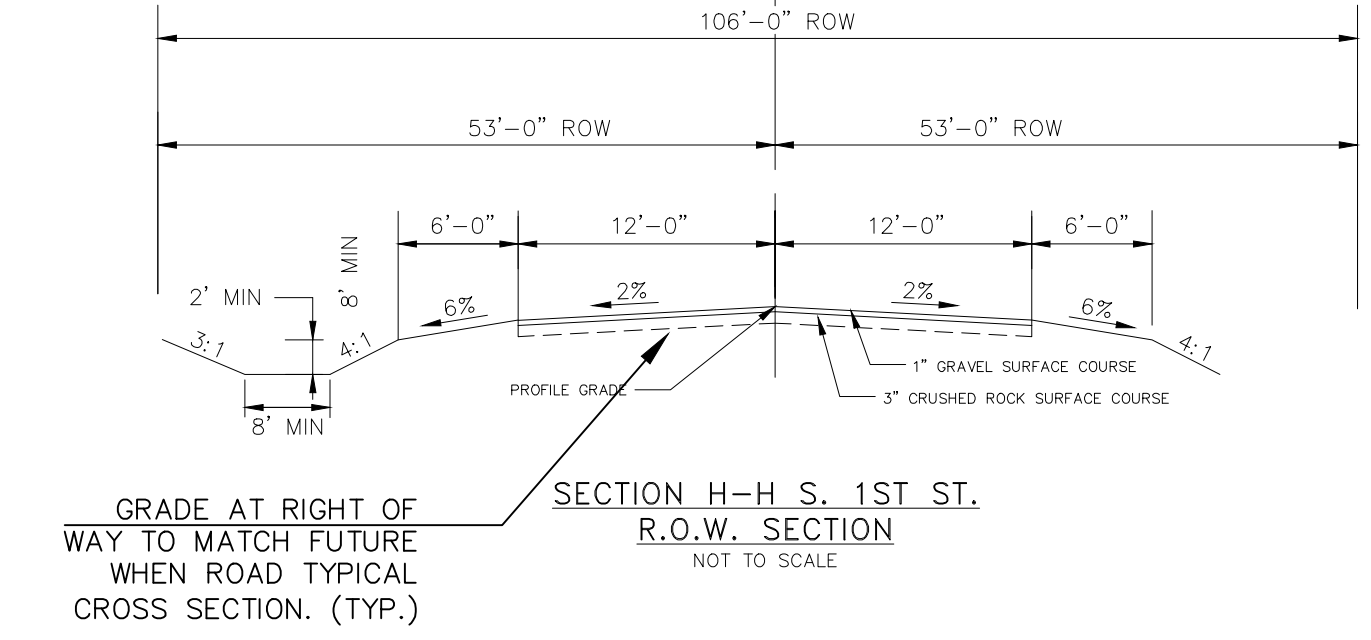
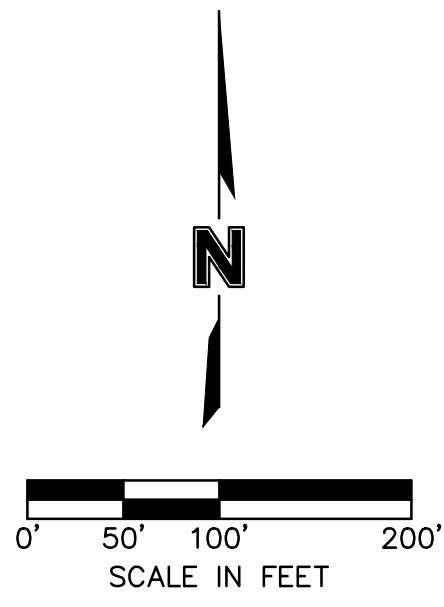
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approved by: ESB	GAOCC by: ESB
project no.: 021-00589	drawing no.:
date: 06/20/2024	

**SHEET  
5 OF 20**

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 21-03-25\_Final Plat Layout  
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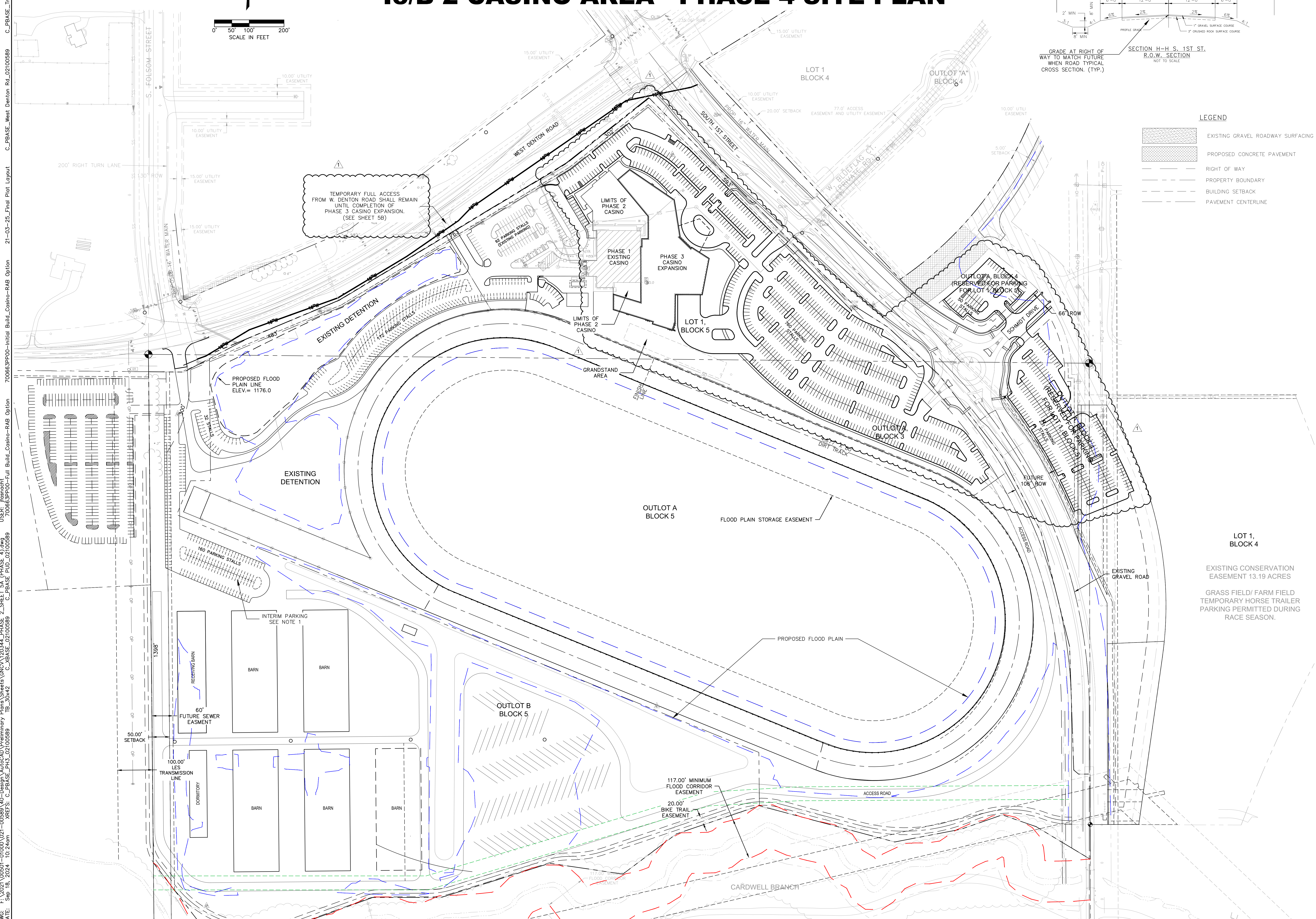
**olsson**  
 601 P Street, Suite 200  
 Lincoln, NE 68508  
 TEL 402.474.8311 www.ollson.com

# SOUTHWEST VILLAGE AMENDMENT TO THE P.U.D. 13/B-2 CASINO AREA - PHASE 4 SITE PLAN



**LEGEND**

	EXISTING GRAVEL ROADWAY SURFACING
	PROPOSED CONCRETE PAVEMENT
	RIGHT OF WAY
	PROPERTY BOUNDARY
	BUILDING SETBACK
	PAVEMENT CENTERLINE



TEMPORARY FULL ACCESS FROM W. DENTON ROAD SHALL REMAIN UNTIL COMPLETION OF PHASE 3 CASINO EXPANSION. (SEE SHEET 5B)

**LOT 1, BLOCK 4**  
EXISTING CONSERVATION EASEMENT 13.19 ACRES  
GRASS FIELD/ FARM FIELD TEMPORARY HORSE TRAILER PARKING PERMITTED DURING RACE SEASON.

601 P Street, Suite 200  
Lincoln, NE 68508  
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REV. NO.	DATE	REVISIONS DESCRIPTION
1	09/19/2024	AMENDMENT TO THE P.U.D.

13/B-2 CASINO AREA - PHASE 4 SITE PLAN

SOUTHWEST VILLAGE ADMINISTRATIVE AMENDMENT TO P.U.D.

LINCOLN, NE

REVISIONS

2024

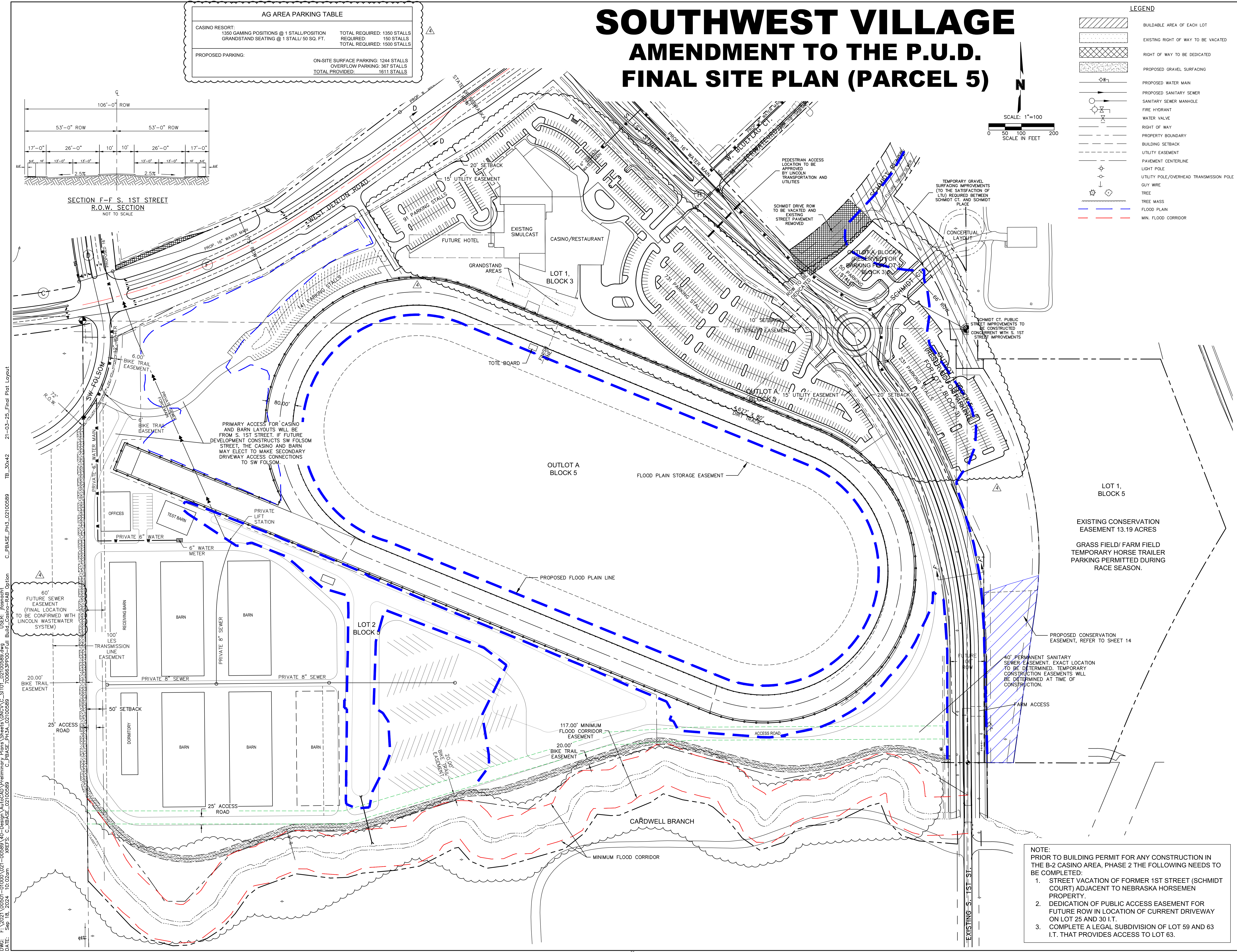
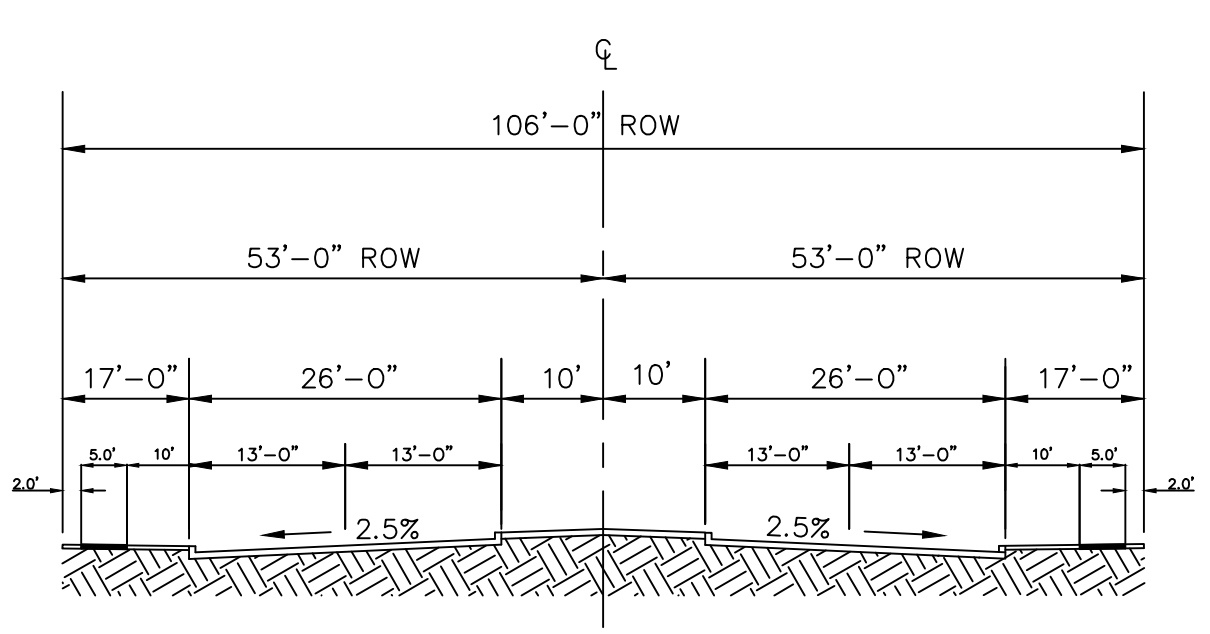
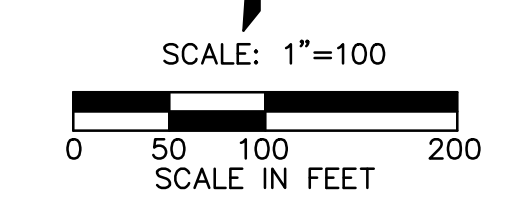
DRAWN BY: DDB	CHECKED BY: ESB	DATE: 06/20/2024
APPROVED BY: ESB	PROJECT NO.: 021-0589	

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# SOUTHWEST VILLAGE AMENDMENT TO THE P.U.D. FINAL SITE PLAN (PARCEL 5)

AG AREA PARKING TABLE		
CASINO RESORT: 1350 GAMING POSITIONS @ 1 STALL/POSITION GRANDSTAND SEATING @ 1 STALL/ 50 SQ. FT.	TOTAL REQUIRED: 1350 STALLS REQUIRED: 150 STALLS TOTAL REQUIRED: 1500 STALLS	
PROPOSED PARKING: ON-SITE SURFACE PARKING: 1244 STALLS OVERFLOW PARKING: 367 STALLS TOTAL PROVIDED: 1611 STALLS		

LEGEND	
	BUILDABLE AREA OF EACH LOT
	EXISTING RIGHT OF WAY TO BE VACATED
	RIGHT OF WAY TO BE DEDICATED
	PROPOSED GRAVEL SURFACING
	PROPOSED WATER MAIN
	PROPOSED SANITARY SEWER
	SANITARY SEWER MANHOLE
	FIRE HYDRANT
	WATER VALVE
	RIGHT OF WAY BOUNDARY
	PROPERTY BOUNDARY
	BUILDING SETBACK
	UTILITY EASEMENT
	PAVEMENT CENTERLINE
	LIGHT POLE
	UTILITY POLE/OVERHEAD TRANSMISSION POLE
	GLY WIRE
	TREE
	TREE MASS
	FLOOD PLAIN
	MIN. FLOOD CORRIDOR



**olsson**  
601 P Street, Suite 200  
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Lincoln, NE 68508  
TEL 402.474.8311  
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REV. NO.	DATE	REVISION DESCRIPTION
1	08/20/2024	AMENDMENT TO THE P.U.D. (A04007)
2	08/20/2024	AMENDMENT TO THE P.U.D.
3	08/20/2024	AMENDMENT TO THE P.U.D.
4	08/20/2024	AMENDMENT TO THE P.U.D.

2024

REVISIONS

SITE PLAN (PARCEL 5)  
(NORTH OF W. DENTON RD.)  
SOUTHWEST VILLAGE  
ADMINISTRATIVE AMENDMENT TO P.U.D.  
LINCOLN, NE

NOTE:  
PRIOR TO BUILDING PERMIT FOR ANY CONSTRUCTION IN THE B-2 CASINO AREA, PHASE 2 THE FOLLOWING NEEDS TO BE COMPLETED:

1. STREET VACATION OF FORMER 1ST STREET (SCHMIDT COURT) ADJACENT TO NEBRASKA HORSEMEN PROPERTY.
2. DEDICATION OF PUBLIC ACCESS EASEMENT FOR FUTURE ROW IN LOCATION OF CURRENT DRIVEWAY ON LOT 25 AND 30 I.T.
3. COMPLETE A LEGAL SUBDIVISION OF LOT 59 AND 63 I.T. THAT PROVIDES ACCESS TO LOT 63.

USER: jramochti  
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 TB\_30442 21-03-25\_Final\_Plot\_Layout

drawn by: DCS  
checked by: ESS  
approved by: ESS  
GNCV by: ESS  
project no.: 021-00589  
drawing no.:  
date: 08/20/2024

SHEET  
3 OF 20

SOUTHWEST VILLAGE PUD AMENDMENT  
PARCEL 4 - 5 LEGAL DESCRIPTION

A TRACT OF LAND COMPOSED OF LOT 21 I.T., A PORTION OF LOT 1, A PORTION OF OUTLOT 'A', A PORTION OF OUTLOT 'D', ALL OF OUTLOT 'C', SW VILLAGE 4<sup>TH</sup> ADDITION, A PORTION OF S. 1<sup>ST</sup> ST., AND A PORTIOIN OF SCHMIDT COURT, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 15, AND COMPOSED OF A PORTION OF LOT 26 I.T., A PORTION OF LOT 1, A PORTION OF OUTLOT 'A', A PORTION OF OUTLOT 'B', A PORTION OF OUTLOT 'D', A PORTION OF SCHMIDT COURT, A PORTION OF S. 1<sup>ST</sup> STREET, LOCATED IN THE NORTHWEST QUARTER OF SECTION 22; AND COMPOSED OF OUTLOT 'B', SOUTHWEST VILLAGE 4<sup>TH</sup> ADDITION, AND A PORTION OF S. 1<sup>ST</sup> STREET, LOCATED IN THE NORTHEAST QUARTER OF SECTION 22, ALL LOCATED IN TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6<sup>TH</sup> P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 22, THENCE SOUTH ALONG THE WEST LINE OF SAID SNORTHEAST QUARTER ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 33 MINUTES 20 SECONDS EAST, A DISTANCE OF 49.99 FEET TO **THE TRUE POINT OF BEGINNING**; THENCE SOUTH 89 DEGREES 27 MINUTES 01 SECONDS EAST, A DISTANCE OF 101.13 FEET TO A POINT, THENCE NORTH 64 DEGREES 18 MINUTES 27 SECONDS EAST, A DISTANCE OF 350.92 FEET TO A POINT, THENCE NORTH 67 DEGREES 18 MINUTES 30 SECONDS EAST, A DISTANCE OF 139.79 FEET TO A POINT, THENCE NORTH 58 DEGREES 52 MINUTES 43 SECONDS EAST, A DISTANCE OF 763.14 FEET TO A POINT, THENCE NORTH 51 DEGREES 35 MINUTES 03 SECINDS EAST, A DISTANCE OF 301.76 FEET TO A POINT, THENCE NORTH 56 DEGREES 08 MINUTES 37 SECONDS EAST, A DISTANCE OF 173.70 FEET TO A POINT, THENCE NORTH 58 DEGREES 08 MINUTES 19 SECONDS EAST, A DISTANCE OF 786.59 FEET TO A POINT, THENCE SOUTH 57 DEGREES 36 MINUTES 54 SECONDS EAST, A DISTANCE OF 431.49 FEET TO A POINT, SAID POINT BEING A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 39 DEGREES 38 MINUTES 05 SECONDS, A RADIUS OF 1,041.35 FEET, AN ARC LENGTH OF 720.36 FEET, A CHORD BEARING OF SOUTH 23 DEGREES 02 MINUTES 29 SECONDS, AND A CHORD DISTANCE OF 706.08 FEET TO A POINT, THENCE SOUTH 50 DEGREES 32 MINUTES 48 SECONDS EAST, A DISTANCE OF 243.06 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 50 DEGREES 48 MINUTES 34 SECONDS, A RADIUS OF 350.00 FEET, AN ARC LENGTH OF 310.38 FEET, A CHORD BEARING OF SOUTH 25 DEGREES 08 MINUTES 31 SECONDS EAST, AND A CHORD DISTANCE OF 300.31 FEET TO A POINT, THENCE SOUTH 89 DEGREES 27 MINUTES 24 SECONDS EAST, A DISTANCE OF 50.02 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 22, THENCE SOUTH 00 DEGREES 04 MINUTES 06 SECONDS WEST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 57.75 FEET TO A POINT, THENCE SOUTH 89 DEGREES 55 MINUTES 54 SECONDS EAST, A DISTANCE OF 592.08 FEET TO A POINT, THENCE SOUTH 21 DEGREES 05 MINUTES 04 SECONDS EAST, A DISTANCE OF 554.58 FEET TO A POINT, SAID POINT BEING A POINT OF CURVATURE OF A NON TANGENT CURVE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 10 DEGREES 30 MINUTES 31 SECONDS, A RADIUS OF 4,372.28 FEET, AN ARC LENGTH OF 801.92 FEET, A CHORD BEARING OF SOUTH 26 DEGREES 22 MINUTES 17 SECONDS WEST, AND A CHORD DISTANCE OF 800.80 FEET TO A POINT, THENCE NORTH 89 DEGREES 49 MINUTES 56

SECONDS WEST, A DISTANCE OF 432.88 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22, THENCE SOUTH 00 DEGREES 07 MINUTES 47 SECONDS EAST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 241.46 FEET TO A POINT, THENCE SOUTH 89 DEGREES 52 MINUTES 13 SECONDS WEST, A DISTANCE OF 138.53 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 58 DEGREES 31 MINUTES 33 SECONDS, A RADIUS OF 125.28 FEET, AN ARC LENGTH OF 127.96 FEET, A CHORD BEARING OF NORTH 60 DEGREES 52 MINUTES 00 SECONDS WEST, AND A CHORD DISTANCE OF 122.47 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 81 DEGREES 58 MINUTES 38 SECONDS, A RADIUS OF 75.00 FEET, AN ARC LENGTH OF 107.31 FEET, A CHORD BEARING OF NORTH 72 DEGREES 35 MINUTES 33 SECONDS WEST, AND A CHORD DISTANCE OF 98.39 FEET TO A POINT, THENCE SOUTH 66 DEGREES 25 MINUTES 08 SECONDS WEST, A DISTANCE OF 69.12 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 27 DEGREES 18 MINUTES 02 SECONDS, A RADIUS OF 150.00 FEET, AN ARC LENGTH OF 71.47 FEET, A CHORD BEARING OF SOUTH 80 DEGREES 04 MINUTES 09 SECONDS WEST, AND A CHORD DISTANCE OF 70.80 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 57 DEGREES 02 MINUTES 11 SECONDS, A RADIUS OF 97.16 FEET, AN ARC LENGTH OF 96.72 FEET, A CHORD BEARING OF SOUTH 65 DEGREES 12 MINUTES 05 SECONDS WEST, AND A CHORD DISTANCE OF 92.78 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 102 DEGREES 46 MINUTES 49 SECONDS, A RADIUS OF 85.00 FEET, AN ARC LENGTH OF 152.48 FEET, A CHORD BEARING OF SOUTH 88 DEGREES 04 MINUTES 24 SECONDS WEST, AND A CHORD DISTANCE OF 132.84 FEET TO A POINT, THENCE NORTH 40 DEGREES 32 MINUTES 12 SECONDS WEST, A DISTANCE OF 105.48 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 37 DEGREES 30 MINUTES 22 SECONDS, A RADIUS OF 100.00 FEET, AN ARC LENGTH OF 65.46 FEET, A CHORD BEARING OF NORTH 59 DEGREES 17 MINUTES 23 SECONDS WEST, AND A CHORD DISTANCE OF 64.30 FEET TO A POINT, THENCE NORTH 78 DEGREES 02 MINUTES 33 SECONDS WEST, A DISTANCE OF 90.87 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 38 DEGREES 21 MINUTES 43 SECONDS, A RADIUS OF 75.00 FEET, AN ARC LENGTH OF 50.22 FEET, A CHORD BEARING OF SOUTH 82 DEGREES 46 MINUTES 35 SECONDS WEST, AND A CHORD DISTANCE OF 49.28 FEET TO A POINT; THENCE SOUTH 63 DEGREES 35 MINUTES 43 SECONDS WEST, A DISTANCE OF 83.82 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 26 DEGREES 35 MINUTES 54 SECONDS, A RADIUS OF 150.00 FEET, AN ARC LENGTH OF 69.63 FEET, A CHORD BEARING OF SOUTH 76 DEGREES 53 MINUTES 40 SECONDS WEST, AND A CHORD DISTANCE OF 69.01 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 53 DEGREES 31 MINUTES 16 SECONDS, A RADIUS OF 75.00 FEET, AN ARC LENGTH OF 70.06 FEET, A CHORD BEARING OF SOUTH 63 DEGREES 25 MINUTES 59 SECONDS WEST, AND A CHORD DISTANCE OF 67.54 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 36 DEGREES 31 MINUTES 51 SECONDS, A RADIUS OF 220.27 FEET, AN ARC LENGTH OF 140.44 FEET,

A CHORD BEARING OF SOUTH 54 DEGREES 56 MINUTES 16 SECONDS WEST, AND A CHORD DISTANCE OF 138.07 FEET TO A POINT, THENCE SOUTH 73 DEGREES 12 MINUTES 12 SECONDS WEST, A DISTANCE OF 148.09 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 55 DEGREES 21 MINUTES 16 SECONDS, A RADIUS OF 135.23 FEET, AN ARC LENGTH OF 130.65 FEET, A CHORD BEARING OF NORTH 79 DEGREES 07 MINUTES 10 SECONDS WEST, AND A CHORD DISTANCE OF 125.62 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 67 DEGREES 49 MINUTES 49 SECONDS, A RADIUS OF 75.00 FEET, AN ARC LENGTH OF 88.79 FEET, A CHORD BEARING OF NORTH 85 DEGREES 21 MINUTES 27 SECONDS WEST, AND A CHORD DISTANCE OF 83.69 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 29 DEGREES 59 MINUTES 18 SECONDS, A RADIUS OF 375.00 FEET, AN ARC LENGTH OF 196.27 FEET, A CHORD BEARING OF SOUTH 75 DEGREES 43 MINUTES 18 SECONDS WEST, AND A CHORD DISTANCE OF 194.04 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 18 DEGREES 58 MINUTES 21 SECONDS, A RADIUS OF 250.00 FEET, AN ARC LENGTH OF 82.78 FEET, A CHORD BEARING OF SOUTH 81 DEGREES 13 MINUTES 47 SECONDS WEST, AND A CHORD DISTANCE OF 82.41 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 32 DEGREES 04 MINUTES 32 SECONDS, A RADIUS OF 200.00 FEET, AN ARC LENGTH OF 111.96 FEET, A CHORD BEARING OF SOUTH 87 DEGREES 46 MINUTES 52 SECONDS WEST, AND A CHORD DISTANCE OF 110.51 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 33 DEGREES 18 MINUTES 57 SECONDS, A RADIUS OF 150.00 FEET, AN ARC LENGTH OF 87.22 FEET, A CHORD BEARING OF SOUTH 87 DEGREES 09 MINUTES 40 SECONDS WEST, AND A CHORD DISTANCE OF 86.00 FEET TO A POINT; THENCE SOUTH 70 DEGREES 30 MINUTES 11 SECONDS WEST, A DISTANCE OF 78.72 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 45 DEGREES 15 MINUTES 25 SECONDS, A RADIUS OF 125.00 FEET, AN ARC LENGTH OF 98.74 FEET, A CHORD BEARING OF SOUTH 47 DEGREES 52 MINUTES 28 SECONDS WEST, AND A CHORD DISTANCE OF 96.19 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 112 DEGREES 06 MINUTES 25 SECONDS, A RADIUS OF 205.96 FEET, AN ARC LENGTH OF 402.98 FEET, A CHORD BEARING OF SOUTH 81 DEGREES 17 MINUTES 58 SECONDS WEST, AND A CHORD DISTANCE OF 341.71 FEET TO A POINT, THENCE NORTH 42 DEGREES 38 MINUTES 49 SECONDS WEST, A DISTANCE OF 10.88 FEET TO A POINT; THENCE NORTH 00 DEGREES 00 MINUTES 58 SECONDS WEST, A DISTANCE OF 1,177.00' TO A POINT; THENCE S89°59'02"W, A DISTANCE OF 127.01' TO A POINT ON THE WEST LINE OF SAID OUTLOT 'B', SOUTHWEST VILLAGE 4<sup>TH</sup> ADDITION; THENCE S87°17'50"W, A DISTANCE OF 295.75' TO A POINT; THENCE N10°16'23"W, A DISTANCE OF 640.35' TO A POINT; THENCE S89°27'01"E, A DISTANCE OF 403.70' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 6,832,707.21 SQUARE FEET OR 156.86 ACRES, MORE OR LESS.



September 18, 2024

Benjamin Callahan  
City of Lincoln Planning Department  
555 South 10<sup>th</sup> St., Suite 213  
Lincoln, NE 68508

RE: Southwest Village PUD Administrative Amendment

Dear Ben:

On behalf of property owner, Horsemen's Benevolent & Protective Association, Olsson is submitting application for an amendment to the Southwest Village PUD. The proposed amendment includes:

1. Site layout updates to Parcel 5, B-2 Casino Resort, to revise the proposed site plan to incorporate the Phase 3 casino expansion. The revision for Phase 3 casino expansion proposes the elimination of the on-site parking garage and includes site layout revisions for additional on-site surface parking to accommodate required parking counts.
2. Request to increase the approved number of gaming positions to 1350 from the current approved 1210 gaming positions.
3. Request for waiver of the parking lot design standards for a period of four years for the interim parking lots as identified on the site plans.
4. Request for full traffic access on W. Denton Road during the construction of the Phase 3 casino expansion, as indicated on the site plans.

The proposed changes above have been shown on the revised site plan drawings as contained in this amendment.

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

1. City Application Form (PUD administrative amendment)
2. Application fees in the amount of \$1109.00
3. Southwest Village PUD Revised Sheets: (via ProjectDox)

Olsson will submit the site plan documentation to ProjectDox upon notification from the Planning Staff.

If you require further information or have any questions, please contact me at 402.458.5608 or [ebright@olsson.com](mailto:ebright@olsson.com).

Thank you,

Erin Bright, PE  
Olsson



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

APPLICATION NUMBER  
Miscellaneous #24007

FINAL ACTION?  
No

DEVELOPER/OWNER  
Magnum Properties LLC

PLANNING COMMISSION HEARING DATE  
November 20, 2024

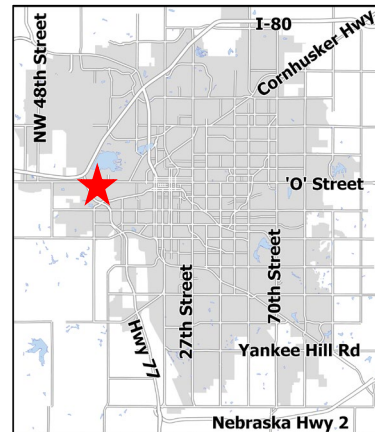
RELATED APPLICATIONS  
None

PROPERTY ADDRESS/LOCATION  
2100 Magnum Circle, 235 S. Coddington Ave

**RECOMMENDATION: APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This request is to vacate the plat of G & C 3<sup>rd</sup> Addition, generally located south of W O Street at the northwest corner of S. Coddington Ave and Magnum Circle. The property is zoned I-1 Industrial. The plat vacation is to undo the lot adjustments in the final plat. The purpose of the final plat was to accommodate the plans of a tenant to expand, which is no longer proposed.



**JUSTIFICATION FOR RECOMMENDATION**

Vacating the final plat will allow the owner to revert the lots to what they were in G & C Addition before the 3<sup>rd</sup> Addition. Since the utility easements required with the 3<sup>rd</sup> Addition were the same as the prior plat, no additional utility easements are needed. They will remain the same as before.

**APPLICATION CONTACT**

David Kasemen, (402) 617-6692 or dkaseman1943@gmail.com

**STAFF CONTACT**

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

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The plat vacation is in conformance with the Comprehensive Plan.

## KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

### Introduction Section: Growth Framework

[Figure GF.b: 2050](#) - This site is shown as future industrial and commercial on the 2050 Future Land Use Plan. The south half of the property is identified as industrial with the north half as commercial, reflecting the transition from industrial to the south to commercial toward W O Street.

### Land Use Plan -

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

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.

## ANALYSIS

1. This request is to vacate the plat of G & C 3<sup>rd</sup> Addition. The applicant's letter states the reason for the plat vacation is to undo the lot adjustments that were done to accommodate the plans of a tenant to expand, which is no longer proposed. This plat vacation includes two lots, generally located south of W O Street at the northwest corner of S. Coddington Ave and Magnum Circle. The property is zoned I-1 Industrial. Each lot has an existing building on it.
2. G & C 3<sup>rd</sup> Addition final plat was approved in July of 2023. This was a final plat that changed the platting from G & C Addition which included 3 lots into 2 lots and adjusted the lot boundary of the north lot for a proposed silo for Zipline Brewery.
3. If this final plat is vacated, the lots will revert to G & C Addition. This final plat was approved in 2003 and included 15 lots and one outlot, generally located to the west of S Coddington Avenue between W O Street and the Burlington Northern Railroad. The 1<sup>st</sup> and 2<sup>nd</sup> Additions and a corrective plat did not involve the area of the lots in question. Therefore, that is why the lots would revert to the original plat.
4. The original G & C Addition final plat had 10-foot utility easements along the property perimeter adjacent to Magnum Circle, S. Coddington Avenue and the north property line of the north lot. This was the same for the G & C 3<sup>rd</sup> Addition final plat.
5. Section 26.11.140 of the Lincoln Subdivision Regulations allows that the owner of any subdivision or plat may file a request to vacate all or a portion of such subdivision or plat. The Planning Commission shall review the request and make a recommendation to the City Council. The City Council may then set forth conditions, it deems appropriate and approve the vacation.
6. Utility easements are vacated when a final plat is vacated. However, in this case the prior plat easements are the same as the current plat. Therefore, the utility easements would remain the same.
7. The applicant does not gain anything by creating a final plat and then vacating it other than reverting to the prior lots and lot lines. The plat vacation simply returns the lots to their original state.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** I-Industrial

## SURROUNDING LAND USE & ZONING

North:	H-3 Commercial	Commercial
South:	I-1 Industrial	Commercial, Industrial
East:	H-3 Commercial/I-1 Industrial	Industrial
West:	I-1 Industrial	Commercial, Industrial

**APPROXIMATE LAND AREA:** 2 acres, more or less

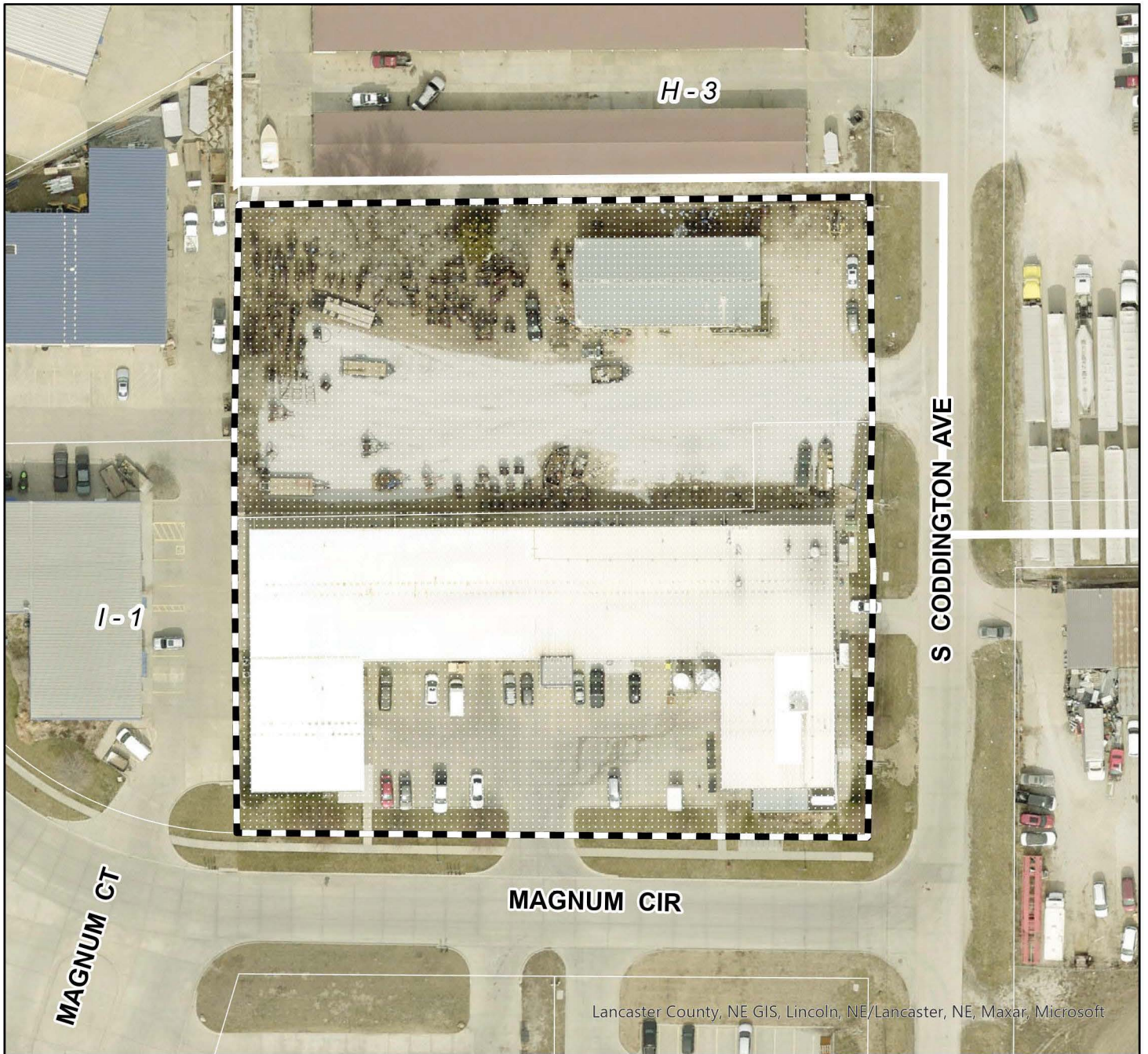
**LEGAL DESCRIPTION:** Lots 1 and 2, G & C 3rd Addition located in the NW 1/4 of Section of 28-10-6 Lincoln, Lancaster County, Nebraska

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

Date: November 7, 2024

Applicant/  
Contact: David Kaseman  
3401 S. 30<sup>th</sup> Street  
Lincoln, NE 68502  
(402) 617-6692  
dkaseman1943@gmail.com

Owner: Magnum Properties LLC  
2636 High Street  
Lincoln, NE 68502  
(402) 617-6692



Lancaster County, NE GIS, Lincoln, NE/Lancaster, NE, Maxar, Microsoft

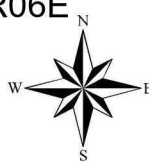
**Miscellaneous #: MISC24007**  
**S Coddington Av & Magnum Cir**

2024 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.28 T10N R06E

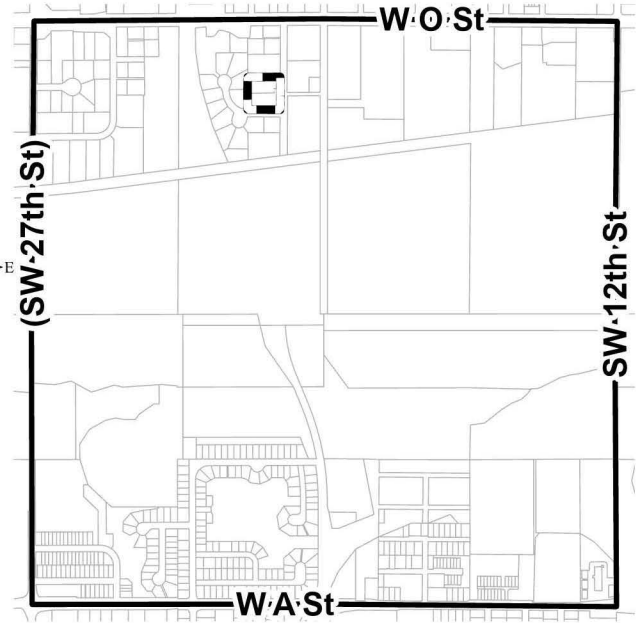


Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction

59



# G & C 3RD ADDITION

FINAL PLAT

Inst # 2023021734 Wed Jul 26 10:03:15 CDT 2023  
 Filing Fee: \$29.00  
 Lancaster County, NE Assessor/Register of Deeds Office PLAT  
 Pages: 1



G/C3

26220

## FINAL PLAT DEDICATION

THE FOREGOING PLAT, TO BE KNOWN AS G & C 3RD ADDITION, AS DESCRIBED IN THE SURVEYOR'S CERTIFICATE IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED, THE SOLE OWNER(S), AND THE EASEMENTS SHOWN THEREON ARE HEREBY GRANTED IN PERPETUITY TO THE CITY OF LINCOLN, NEBRASKA, A MUNICIPAL CORPORATION, THEIR SUCCESSORS, ASSIGNS, AND PERMITTEES, TO ALLOW ENTRY FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, OPERATION AND MAINTENANCE OF WIRES, CABLES, CONDUITS, FIXTURES, POLES, TOWERS, PIPES, AND EQUIPMENT FOR THE DISTRIBUTION OF ELECTRICITY AND GAS; TELEPHONE AND CABLE TELEVISION; WASTEWATER COLLECTORS; STORM DRAINS; WATER MAINS AND ALL APPURTENANCES THERETO, OVER, UPON, OR UNDER THE EASEMENTS AS SHOWN ON THE FOREGOING PLAT.

THE CONSTRUCTION OR LOCATION OF ANY BUILDING OR STRUCTURE, EXCLUDING FENCES, OVER, UPON, OR UNDER ANY EASEMENT SHOWN THEREON SHALL BE PROHIBITED.

THE CITY OF LINCOLN, NEBRASKA, IS SUCCESSORS, ASSIGNS AND PERMITTEES ARE HEREBY HELD HARMLESS FOR THE COST OF REPLACEMENT OR DAMAGE TO ANY IMPROVEMENT OR VEGETATION OVER, UPON, OR UNDER ANY EASEMENT SHOWN THEREON.

THE COMMON ACCESS EASEMENT SHOWN HEREON IS FOR THE BENEFIT OF THE OWNERS OF LOTS 1 AND 2, AND THEY ARE HEREBY GRANTED THE RIGHT OF SUCH USE.

WITNESS MY HAND

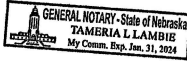
*David Kaseman*  
 DAVID KASEMAN, MANAGING PARTNER  
 MAGNUM PROPERTIES LLC, A NEBRASKA CORPORATION

## ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA } S.S.  
 COUNTY OF LINCOLN }

ON THIS 17<sup>th</sup> DAY OF July, 2023, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, PERSONALLY CAME DAVID KASEMAN, WHO IS PERSONALLY KNOWN TO ME TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THIS PLAT AS MANAGING PARTNER, AND HE ACKNOWLEDGES THE SAME TO BE HIS VOLUNTARY ACT AND DEED AND THE VOLUNTARY ACT AND DEED OF SAID COMPANY.

*Tamera L Lambie*  
 NOTARY PUBLIC



## SURVEYOR'S CERTIFICATE

I, CORY L. REINKE, A REGISTERED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA, CERTIFY THAT THE SURVEY REPRESENTED ON THIS PLAT WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I HAVE ACCURATELY SURVEYED THE FOREGOING PLAT, KNOWN AS G & C 3RD ADDITION, A SUBDIVISION COMPOSED OF LOTS 13 THROUGH 15, BLOCK 1, G & C ADDITION, A PLATTED AND RECORDED SUBDIVISION LOCATED IN THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE S.E. CORNER OF SAID LOT 15; THENCE N89°09'57"W (ASSUMED BEARING) ON THE SOUTH LINE OF SAID LOTS 14 & 15, 294.90 FEET TO THE SOUTHWEST CORNER OF SAID LOT 14; THENCE N00°03'54"W ON THE WEST LINE OF SAID LOT 14, 146.80 FEET TO THE NORTHWEST CORNER OF SAID LOT 14; THENCE N00°00'58"E ON THE WEST LINE OF SAID LOT 13, 144.06 FEET TO THE NORTHWEST CORNER OF SAID LOT 13; THENCE N89°31'23"E ON THE NORTH LINE OF SAID LOT 13, 298.10 FEET TO THE NORTHEAST CORNER OF SAID LOT 13; THENCE S00°25'14"W ON THE EAST LINE OF SAID LOTS 13 & 15, 173.87 FEET; THENCE S00°50'29"W ON SAID EAST LINE OF LOT 15, 123.78 FEET TO THE POINT OF BEGINNING, CONTAINING 2.00 ACRES (87,331.80 SQ. FT.), MORE OR LESS.

PERMANENT MONUMENTS HAVE BEEN FOUND OR SET AT ALL BOUNDARY CORNERS, LOT CORNERS, POINTS OF TANGENCY AND CURVATURE AS SHOWN ON THIS FINAL PLAT IN ACCORDANCE WITH TITLE 26 OF THE LINCOLN MUNICIPAL CODE. ALL DIMENSIONS ARE CHORD MEASUREMENTS UNLESS OTHERWISE SHOWN, AND ARE IN FEET AND DECIMALS OF A FOOT. SIGNED THIS 16<sup>th</sup> DAY OF July 2023

CORY L. REINKE, L.S. #713  
 BENESCH  
 825 M STREET, SUITE 100  
 LINCOLN, NE 68508

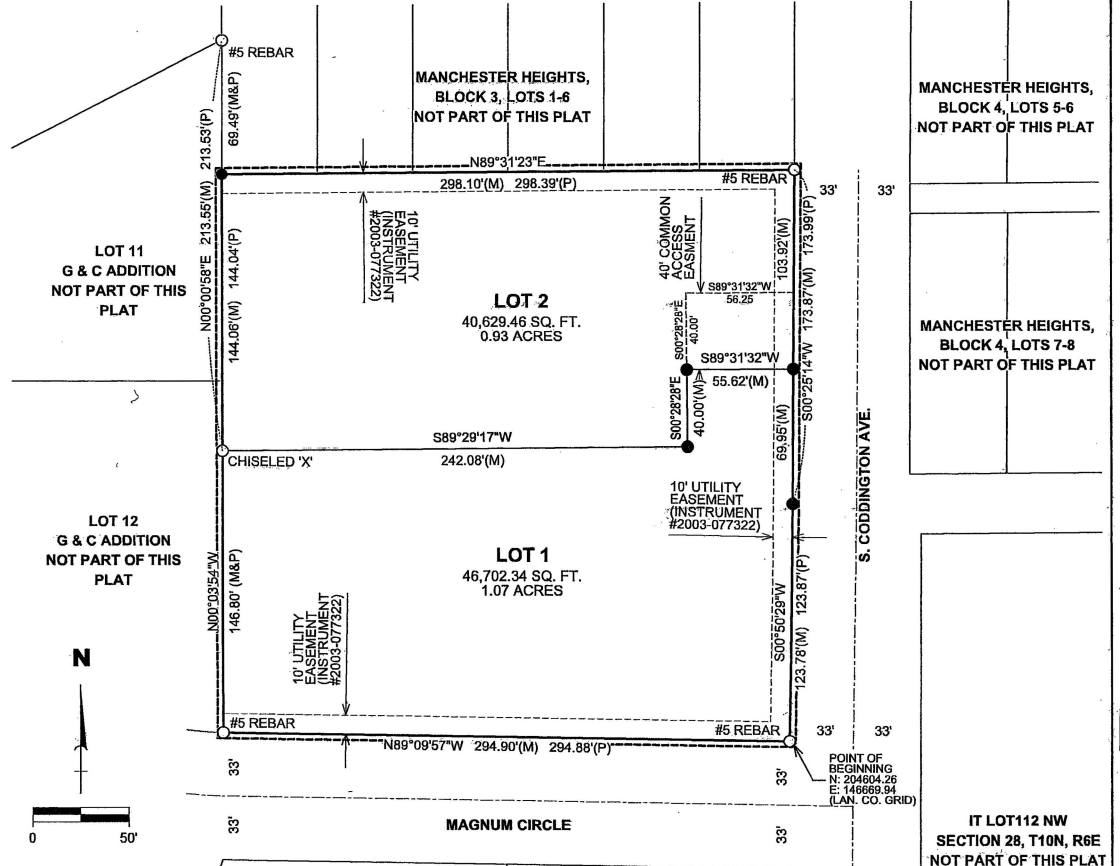


## PLANNING DIRECTOR'S APPROVAL

THE PLANNING DIRECTOR PURSUANT TO SECTION 26.11.006 OF THE L.M.C., HEREBY APPROVES THIS PLAT.

*David Kaseman*  
 PLANNING DIRECTOR

JULY 25, 2023  
 DATE



To: City of Lincoln Planning Department  
From: Magnum Properties, LLC

**Purpose of Application**

We want to abandon the change that was done last year to the lot lines of two adjacent properties that we own, 2100 Magnum Circle and 235 S Coddington. The change was made to enable a tenant to expand . They have now abandoned their plans to do so.

No waivers are requested.

David Kaseman



Managing Partner



## LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER  
Text Amendment #24014

FINAL ACTION?  
No

PLANNING COMMISSION HEARING DATE  
November 20, 2024

RELATED APPLICATIONS  
None

### RECOMMENDATION: APPROVAL

#### BRIEF SUMMARY OF REQUEST

This text amendment is to revise Lincoln Municipal Code Chapter 27.69.090 Signs, Places of Religious Assembly, Schools, and Community Playhouses. The amendment clarifies that rules pertaining to sign area and height are to be applied for places of religious assembly, schools, and community playhouses in the same way as they are currently applied for other use types.

The current text may be interpreted in multiple ways, because it specifically references supporting structures, but does not clearly specify whether a supporting structure should be included in the calculation of sign area, height, or both. The section pertaining to signs for places of religious assembly, schools, and community playhouses is the only instance in this chapter where supporting structures are referenced in this manner. When calculating allowable sign area and height for all other uses, the supporting structure is not included.

This section has historically been interpreted to exclude the sign structure from the sign area for places of religious assembly, schools, and community playhouses. However, recently it has been interpreted to include the sign structure, which is more restrictive to the allowed sign area. In response, the applicant has proposed this text change to clarify how the sign area and height should be calculated while eliminating the reference to supporting structure, thus bringing signs for places of religious assembly, schools, and community playhouses in line with signs for other uses.

#### JUSTIFICATION FOR RECOMMENDATION

This text amendment ensures that the application of the code regulating sign area is applied consistently across all uses, and does not include supporting structures for these specific uses.

#### APPLICATION CONTACT

Nolan Graham, (402) 476-6563 or  
nolan@nebraskasign.com

#### STAFF CONTACT

Jacob Schlange, (402) 441-6362 or  
jschlange@lincoln.ne.gov

#### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan strives to provide consistency and predictability to developers, business owners, and community organizations.

#### KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

##### Policies Section

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

Action Steps

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

## ANALYSIS

1. The text amendment, by clarifying the process for calculating allowable sign area and height for places of religious assembly, schools, and community theaters, and bringing that process in line with signs for other uses, advances the comprehensive plan by streamlining the zoning and building permitting processes for signs.
2. The proposed update is as follows:

### 27.69.090 Places of Religious Assembly, Schools, and Community Playhouses.

In any residential zoning district, places of religious assembly, schools, and community playhouses are permitted one on premises internally illuminated freestanding sign on each street frontage, **Freestanding signs shall** not exceeding fifty square feet of **sign** area or six feet in height, ~~for each bulletin board or sign and its supporting structure, and.~~ **Each premises is also permitted** one on-premises wall sign on each building facade, not exceeding twenty square feet in sign area. When the permitted wall sign on the building façade of a school, place of religious assembly, or community playhouse is located a minimum of 100 feet from any abutting street frontage, said wall sign shall be a maximum of 50 square feet in area.

3. The text of this amendment was discussed with the City Attorney, Building and Safety, and Planning Department. All concluded that a text amendment was beneficial to clarify the meaning as it has historically been interpreted.

Prepared by Jacob Schlange, Planner  
(402) 441-6362 or [jschlange@lincoln.ne.gov](mailto:jschlange@lincoln.ne.gov)

Date: November 20, 2024

Applicant: Nolan Graham  
1140 N 21<sup>st</sup> St  
Lincoln, NE 68503

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE amending Lincoln Municipal Code Section 27.69.090 Places of  
2 Religious Assembly, Schools, and Community Playhouses to clarify the language defining the  
3 permissible freestanding signage allowed for Places of Religious Assembly, Schools, and  
4 Community Playhouses in residential zoning districts; and repealing Section 27.69.090 as hitherto  
5 existing.

6 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

7 Section 1. That Section 27.69.090 of the Lincoln Municipal Code be amended to read  
8 as follows:

9 **27.69.090 Places of Religious Assembly, Schools, and Community Playhouses.**

10 In any residential zoning district, places of religious assembly, schools, and community playhouses are  
11 permitted one on-premises internally illuminated freestanding sign on each street frontage,  
12 Freestanding signs shall not exceeding fifty square feet of area or six feet in height, ~~for each bulletin board~~  
13 ~~or sign and its supporting structure, and~~ Each premises is also permitted one on-premises wall sign on  
14 each building façade, not exceeding twenty square feet in sign area. When the permitted wall sign on the  
15 building façade of a school, place of religious assembly, or community playhouse is located a minimum of  
16 100 feet from any abutting street frontage, said wall sign shall be a maximum of 50 square feet in area.

17 a. A permitted freestanding sign may be located in the required front yard if it meets the following  
18 conditions and requirements:

1 1. Signs may contain a maximum of fifty square feet in sign area if non-illuminated. If illuminated,  
2 such sign shall contain a maximum of thirty-two square feet in sign area, and shall be internally  
3 illuminated only;

4 2. Has a setback from the front lot line at least one-half the distance of the required front yard;

5 3. Has a setback from the side lot line at least 100 feet if abutting residential lots; and

6 4. One temporary sign of up to thirty-two square feet may be allowed on-premises for up to ten  
7 days.

8 b. A permitted freestanding sign fronting on an arterial street may include electronic changeable  
9 copy if it meets the following conditions and requirements:

10 1. Total area of the electronic changeable copy sign shall not exceed 75% of the total allowed  
11 freestanding sign area;

12 2. The electronic changeable copy sign shall have a setback from the side and rear lot lines of at least  
13 150 feet if abutting residential lots and shall have a setback from a front lot line of at least 150 feet  
14 if the sign copy is parallel to the front lot line;

15 3. The electronic changeable copy sign message shall hold for at least three seconds and transition  
16 to a new message shall not exceed a duration of one second; and

17 4. The electronic changeable copy sign shall be turned off between 10:00 p.m. and 7:00 a.m.

18 Section 2. That Section 27.69.090 of the Lincoln Municipal Code as hitherto existing  
19 be and the same is hereby repealed.

20 Section 3. This ordinance shall be published, within fifteen days after the passage  
21 hereof, in one issue of a daily or weekly newspaper of general circulation in the City, or posted on  
22 the official bulletin board of the City, located on the wall across from the City Clerk's office at  
23 555 S. 10<sup>th</sup> Street, in lieu and in place of the foregoing newspaper publication with notice of  
24 passage and such posting to be given by publication one time in the official newspaper by the City

1 Clerk. This ordinance shall take effect and be in force from and after its passage and publication  
2 or after its posting and notice of such posting given by publication as herein and in the City Charter  
3 provided.

Introduced by:

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Approved as to Form & Legality:

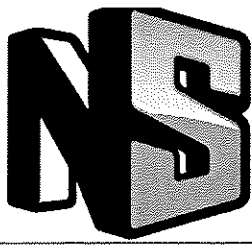
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City Attorney

Approved this \_\_\_\_ day of \_\_\_\_\_, 2024:

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Mayor



# NEBRASKASIGN

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October 25, 2024

Planning Dept, City of Lincoln  
Count-City Building  
555 S. 10<sup>th</sup> Street  
Lincoln, NE, 68508

RE: Text Amendment to clarify LMC Sec. 27.69.090

To whom it may concern,

I am seeking amendment to the existing Lincoln Municipal Code Section 27.69.090 to clarify the language defining the permissible freestanding signage allowed for Places of Religious Assembly, Schools, and Community Playhouses in residential zoning districts. The current language of this code section leaves room for interpretation that the supporting structure of a freestanding sign also counts against the total permissible area of their allotted sign, whereas all other sections of the code refer to the defined term of *sign area*.

The recommended text amendment for 27.69.090 is as follows:

"In any residential zoning district, places of religious assembly, schools, and community playhouses are permitted one on premises internally illuminated freestanding sign on each street frontage, not exceeding fifty square feet of sign area, or six feet in overall height. They are also permitted one on-premises wall sign on each building facade, not exceeding twenty square feet in sign area. When the permitted wall sign on the building façade of a school, place of religious assembly, or community playhouse is located a minimum of 100 feet from any abutting street frontage, said wall sign shall be a maximum of 50 square feet in area."

Please let me know if there are any questions or additional context that can be provided.

Sincerely,

Nolan Graham  
Sales Manager, Nebraska Sign Company