

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

December 4, 2024

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, December 4, 2024, at 1:00 p.m. in the City Council Chambers on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

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

AGENDA

WEDNESDAY, December 4, 2024

Approval of minutes of the regular meeting held [November 20, 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.

[Page 10](#)

Staff recommendation: Conditional Approval

Staff Planner: Steve Dush, 402-441-6361, sdush@lincoln.ne.gov

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

[Page 10](#)

Staff recommendation: Conditional Approval

Staff Planner: Steve Dush, 402-441-6361, sdush@lincoln.ne.gov

CHANGE OF ZONE:

1.2 CHANGE OF ZONE 07060E, to amend the existing Wilderness Heights PUD (Planned Unit Development) to add approximately 0.5 acres, to allow 8 additional single family residential lots, and modify the drainage with an associated waiver to the maximum allowed block length, on property generally located at S 42nd Street and Wilderness Hills Boulevard.

[Page 30](#)

Staff recommendation: Conditional Approval

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

SPECIAL PERMITS:

- 1.3 COUNTY SPECIAL PERMIT 17043B, for the Borgman Borrow Pit to allow continued soil mining and excavation, on property generally located at 11351 West Van Dorn Street. ***FINAL ACTION***
Page 48 **Staff recommendation: Conditional Approval**
Staff Planner: George Wesselhoft, 402-441-6366,
gwesselhoft@lincoln.ne.gov

USE PERMIT:

- 1.5 USE PERMIT 126H, to amend the existing Wilderness Woods Office Park Use Permit to allow free standing signs to be located on any lot or outlot, within the boundary of the use permit, on property generally located at 8700 Executive Woods Drive.
Page 58 **Staff recommendation: Conditional Approval**
Staff Planner: Ben Callahan, 402-441-6360, bcallahan@lincoln.ne.gov

2. REQUESTS FOR DEFERRAL

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

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

SPECIAL PERMITS

- 4.1 SPECIAL PERMIT 24009, for the Landscape Supply Specialist Garden Center, on property generally located on the east side of N. 56th Street between Bluff Road and Waverly Road. ***FINAL ACTION***
Page 69 **Staff recommendation: Conditional Approval**
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov
- 4.2 SPECIAL PERMIT 24035, to allow for a Residential Healthcare Facility for up to 12 residents, on property generally located at 3821 S 42nd Street. ***FINAL ACTION***
Page 78 **Staff recommendation: Conditional Approval**
Staff Planner: Ben Callahan, 402-441-6360, bcallahan@lincoln.ne.gov
- 4.3 COUNTY SPECIAL PERMIT 24036, for the Panama Energy Center to allow for the construction of a large Solar Energy Conversion System, in compliance with Section 13.051 of the Lancaster County Zoning Regulations, on property generally located between W Princeton Road and W Gage Road and from SW 29th Street to Highway 77. ***FINAL ACTION***
Page 86

Staff recommendation: Conditional Approval

Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

5. CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION

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

Adjournment

PENDING LIST: No items

Planning Department Staff Contacts:

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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, December 12, 2023.

NAME OF GROUP: PLANNING COMMISSION

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

MEMBERS AND OTHERS IN ATTENDANCE: Dick Campbell, Maribel Cruz, Brett Ebert, Bailey Feit, Christy Joy, Rich Rodenburg, and Cindy Ryman Yost. Lorenzo Ball and Gloria Eddins absent. David Cary, Steve Henrichsen, Juan Carrasco, Clara McCully, Ben Callahan, Steve Dush, George Wesselhoft, and Jacob Schlange of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

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

Chair Ryman Yost requested a motion approving the minutes for the regular meeting held November 6, 2024.

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

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

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

Clerk stated that Items 1.1a - Annexation 24010 and 1.1b - Change of Zone 17030F will be removed from today's consent agenda for a request for a 2-week deferral.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

November 20, 2024

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

The Consent Agenda consisted of the following items: Change of Zone 05061G, Miscellaneous 24007

There were no ex-parte communications disclosed.

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

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

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

Ryman Yost asked Clerk to call for request for Deferral.

Clerk then read Annexation and Associated Item 1.1a and 1.1b

Cambell moved to defer items 1.1a and 1.1b to December 4th, seconded by Joy.

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

TEXT AMENDMENT 24014

TO AMEND THE EXISTING LINCOLN MUNICIPAL CODE 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. BEFORE PLANNING COMMISSION:

November 20, 2024

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

Staff Recommendation: approval

There were no ex-parte communications disclosed.

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

Staff Presentation:

Steve Henrichsen, Planning Department, 555 S. 10th St. came forward and stated that the item before the commission is not controversial.

Henrichsen wanted to take the opportunity to welcome Jacob Schlange, who will be the new Planner who will be covering the South-East part of Lincoln.

Jacob Schlange, Planning Department, 555 S. 10th St. came forward and stated that he will be the new planner for South-East portion of Lincoln. Schlange also stated that for the past 10 years he had been working for UNL as the Assistant Director of the University's Honors Program. Schlange added that during that time he received his Master's in Community and Regional Planning from the College of Architecture at UNL and he was looking to make a change and get into some more practical planning work.

Schlange then introduced the Text Amendment which is to revise section 27.69.090 regarding signs for places of Religious Assembly, Schools, and Community Playhouses specifically for Residential Zoning Districts. Schlange stated that the reason for the amendment is because the section includes a reference to supporting structures for signs which has allowed an interpretation that support structures should be included when calculating sign area, specifically for places of Religious Assembly, Schools, and Community Playhouses. Schlange mentioned that this is the only place in the code where support structures are referenced in this manner, in terms of calculating sign area. Schlange added that there is a section of the code that details how sign area should be calculated. Schlange stated that as a result sign area is presently being calculated differently for the mentioned use types as it is for all other types of signs. Schlange continued by stating that the applicant, Nolan Graham, represents Nebraska Sign and brought this issue to the Planning Department after applying for a permit for a church sign which was denied by Building and Safety based on section 27.69.090, on the grounds that the proposed sign, when considered with the supporting structure exceeded the allowable sign area. Schlange stated that amending this text will make sure that sign area is calculated uniformly for all different use types and not differently for these specific three types of uses.

Campbell asked Schlange if this amendment would allow digital or electronic signs in these areas because it is known that the playhouse has one and knows of a church that has been denied one.

Schlange stated that this amendment is not changing the types of signs that are allowed. Schlange added that there are provisions for when a digital illuminated sign could be allowed and when it would not, but this amendment does not affect that. This amendment pertains to how the area of the sign is calculated.

Rodenburg asked if they could have a 30-foot structure and then a sign on top of it, or is it still regulated?

Schlange answered by stating that the section pertaining to the places of religious assembly, schools, and community playhouses already has a height limit of six feet and that is not going to be changing with this text amendment.

Applicant:

Nolan Graham, Nebraska Sign, 1140 N 21st St. came forward and stated that there is some interpretation specifically in Section 27.69.090 that is causing some problems with church signs. Graham then mentioned that it is not going to change any of the design that what is now being seen at churches throughout Lincoln. Graham stated that this is a problem that has come up just in the last year where the interpretation is a little “fuzzy” because of the language that is used in this section. Graham added that churches are coming to Nebraska Sign and saying that they are getting denied for signs, but if they go to another church, they have a similar sign. Graham stated that they are trying to go back to the interpretation from years ago and updating the wording to match.

Rodenburg asked Graham to go into more detail regarding the sign that was denied that precipitated this change.

Graham read the current code 27.69.090. Graham then quoted “Playhouses are permitted one on premise internally illuminated free standing sign on each street furnished not exceeding fifty square footage of area or six feet in height for each bulletin board or sign and its supporting structure and one on premise wall sign”. Graham stated that “and it’s supporting structure” is the wording that is causing issues. Graham stated that if the code is not changed, they are allowed 32 square feet of illuminated sign area, and because of the previous mentioned statement, it is now being interpreted as them getting 32 square feet including the supporting structure and the sign. Graham then gave an example of a digital sign that is 24 square feet with a header on top, if the sign was a total of 32 square feet, they would not be allowed to add a brick base or foundation that gets the sign off the ground. Graham stated that the wording of the code indicated that the sign should sit on the ground with nothing else. Graham then mentioned that the six foot height is not in question as it fits well with residential signs for churches and schools. Graham added that essentially, they want to make sure that the supporting structure is not included with the sign area.

No additional questions for the applicant.

Proponents:

No one came forward in support of this application.

Neutral:

No one approached in neutral testimony.

Opposition:

No one came forward in opposition.

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

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

Campbell moved to adjourn the Planning Commission meeting of November 20, 2024, seconded by Joy.

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

There being no further business, the meeting was adjourned at 1:20 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. 98th 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; AG Agricultural to P Public; and R-3 PUD to P Public; coincides with the area of annexation and in conformance with the original Wandering Creek PUD concept plan. The change of zone to P as requested by Lincoln Public Schools (LPS) is also consistent with the PUD and surrounding land use. 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

Brandon Bartek - Olsson
402-474-6311 or Bbartek@olsson.com

STAFF CONTACT

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

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. 98th 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 98th 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. 84th 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

Prepared by: Steve Dush, AICP
(402) 441-5662 or sdush@lincoln.ne.gov
Date: November 6, 2024

Applicant/Owner: Matodol, LLC
601 P Street
Lincoln, NE 68508
(402) 458-5632 or mpalmer@olsson.com

Contact: Brandon Bartek, Olsson
601 P Street
Lincoln, NE 68508
(402)-458-5672 or bbartek@olsson.com

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 st 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 st 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 st 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 th Circle and S. 90 th 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 th 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 th 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. 94th 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 98th 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 14TH ADDITION, AND A PORTION OF S. 98TH 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 14TH ADDITION, A PORTION OF OUTLOT 'A', WANDERING CREEK 11TH ADDITION AND A PORTION OF S. 98TH 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. 98TH 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. 98TH 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:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, FBT 1ST ADDITION SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE, EASTERLY, ON THE SOUTH LINE OF SAID LOT 1, FBT 1ST ADDITION, AN ASSUMED BEARING OF S89°27'39"E, A DISTANCE OF 299.97' TO THE NORTHWEST CORNER OF LOT 1, FBT ADDITION; THENCE S00°13'37"E, ON THE WEST LINE OF SAID LOT 1, FBT ADDITION, A DISTANCE OF 417.15' TO THE SOUTHWEST CORNER OF SAID LOT 1, FBT ADDITION; THENCE S89°27'26"E, ON THE SOUTH LINE OF SAID LOT 1, FBT ADDITION, AND ITS EXTENSION, A DISTANCE OF 577.25' TO A POINT ON THE EAST RIGHT OF WAY OF SOUTH 98TH STREET; THENCE S00°13'02"E, ON AN EAST LINE OF SAID RIGHT OF WAY, A DISTANCE OF 14.84' TO A POINT; THENCE S89°41'17"E, ON A NORTH LINE OF SAID RIGHT OF WAY, A DISTANCE OF 1.84' TO A POINT; THENCE S13°36'14"E, ON AN EAST LINE OF SAID RIGHT OF WAY, A DISTANCE OF 72.89' TO A POINT; THENCE S37°17'22"E, ON AN EAST LINE OF SAID RIGHT OF WAY, A DISTANCE OF 58.73' TO A POINT; THENCE S00°27'14"W, A DISTANCE OF 80.08' TO A POINT; THENCE S41°18'38"W, ON AN EAST LINE OF SAID RIGHT OF WAY, A DISTANCE OF 96.98' TO A POINT; THENCE S02°08'07"W, ON AN EAST LINE OF SAID RIGHT OF WAY, A DISTANCE OF 385.50' TO A POINT; THENCE S00°12'56"E, ON AN EAST LINE OF SAID RIGHT OF WAY, A DISTANCE OF 263.12' TO A POINT; THENCE S89°46'57"W, A DISTANCE OF 124.91' TO A POINT ON THE WEST RIGHT OF WAY OF SOUTH 98TH STREET; THENCE S00°13'03"E, ON A WEST LINE OF SAID RIGHT OF WAY, A DISTANCE OF 365.08' TO A POINT; THENCE S89°51'28"W, A DISTANCE OF 78.91' TO A POINT; THENCE N51°44'47"W, A DISTANCE OF 96.53' TO A POINT; THENCE N71°05'37"W, A DISTANCE OF 215.54' TO A POINT; THENCE S85°49'14"W, A DISTANCE OF 302.52' TO A POINT; THENCE N04°41'56"W, A DISTANCE OF 268.30' TO A POINT; THENCE N13°37'41"E, A DISTANCE OF 387.82' TO A POINT; THENCE N00°03'18"W, A DISTANCE OF 520.60' TO A POINT; THENCE N68°07'45"W, A DISTANCE OF 1,022.76' TO A POINT; THENCE N89°59'24"W, A DISTANCE OF 850.17' TO A POINT; THENCE N00°10'51"W, ON A WEST LINE OF SAID OUTLOT 'A', WANDERING CREEK 14TH ADDITION, A DISTANCE OF 137.77' TO A POINT; THENCE N89°49'09"E, ON A NORTH LINE OF SAID OUTLOT 'A', WANDERING CREEK 14TH ADDITION, A DISTANCE OF 155.06' TO A POINT; THENCE N00°11'45"W, ON A WEST LINE OF SAID OUTLOT 'A', WANDERING CREEK 14TH ADDITION, A DISTANCE OF 209.12' TO A POINT; THENCE N52°46'04"E, ON A NORTHWEST LINE OF SAID OUTLOT 'A', WANDERING CREEK 14TH ADDITION, A DISTANCE OF 71.30' TO A POINT; THENCE N42°14'07"E, ON A NORTHWEST LINE OF SAID OUTLOT 'A', WANDERING CREEK 14TH ADDITION, A DISTANCE OF 96.71' TO A POINT; THENCE N23°59'29"E, ON A NORTHWEST LINE OF SAID OUTLOT 'A', WANDERING CREEK 14TH ADDITION, A DISTANCE OF 96.71' TO A POINT; THENCE N06°36'22"E, ON A WEST LINE OF SAID OUTLOT 'A', WANDERING CREEK 14TH ADDITION, A DISTANCE OF 89.87' TO A POINT; THENCE S89°25'24"E, ON A NORTH LINE OF SAID OUTLOT 'A', WANDERING CREEK 14TH ADDITION, A DISTANCE OF 414.50' TO A POINT; THENCE N00°34'36"E, ON A WEST LINE OF SAID OUTLOT 'A', WANDERING CREEK 14TH ADDITION, A DISTANCE OF 160.00' TO A POINT; THENCE S89°25'24"E, ON A NORTH LINE OF SAID OUTLOT 'A', WANDERING CREEK 14TH ADDITION, A DISTANCE OF 15.00' TO A POINT; THENCE S00°34'36"W, ON AN EAST LINE OF SAID OUTLOT 'A', WANDERING CREEK 14TH ADDITION, A DISTANCE OF 160.00' TO A POINT; THENCE S83°54'58"E, ON A

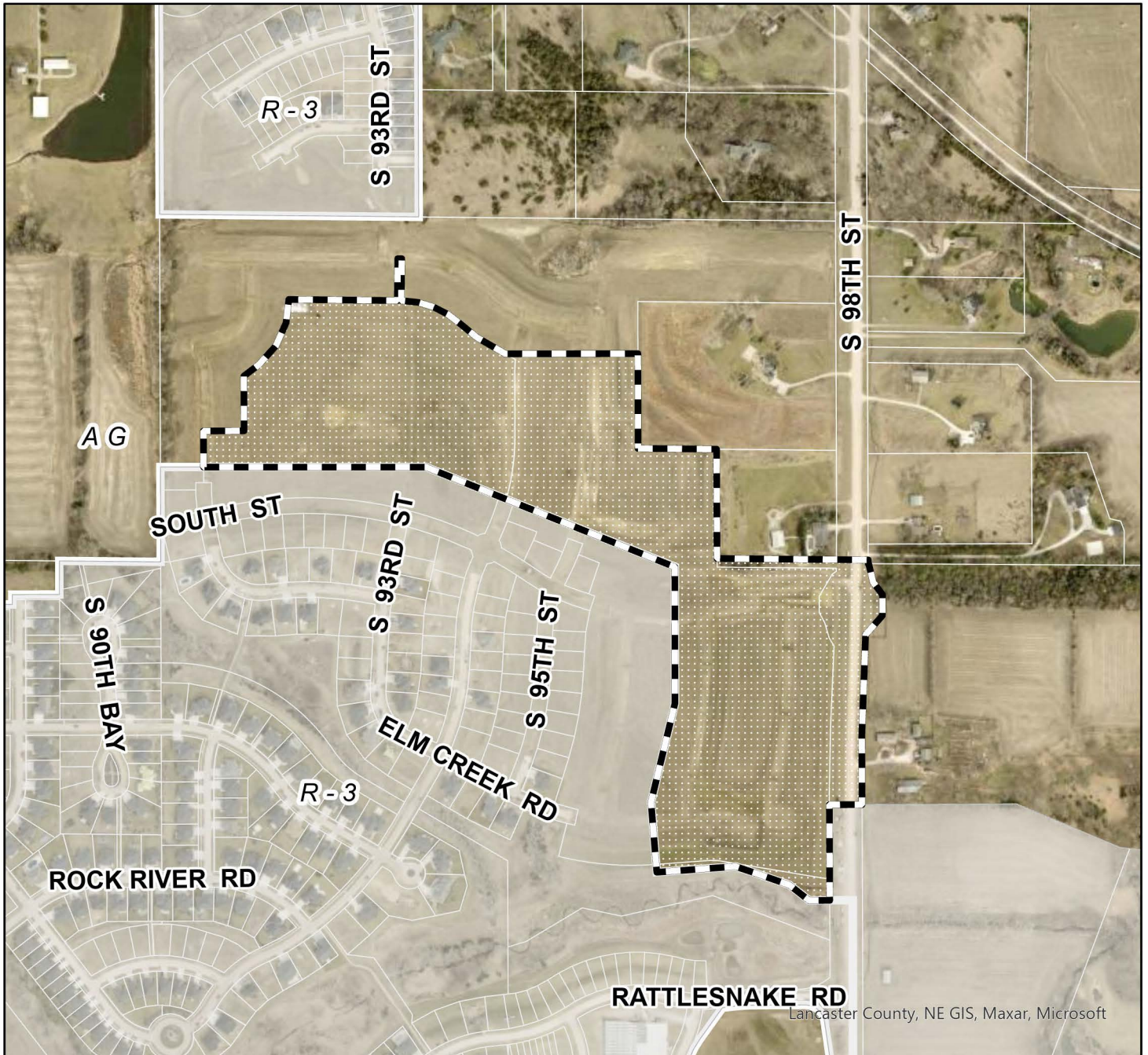
NORTH LINE OF SAID OUTLOT 'A', WANDERING CREEK 14TH ADDITION, A DISTANCE OF 65.26' TO A POINT; THENCE S73°13'15"E, ON A NORTHEAST LINE OF SAID OUTLOT 'A', WANDERING CREEK 14TH ADDITION, A DISTANCE OF 61.49' TO A POINT; THENCE S62°50'41"E, ON A NORTHEAST LINE OF SAID OUTLOT 'A', WANDERING CREEK 14TH ADDITION, A DISTANCE OF 61.49' TO A POINT; THENCE S52°28'06"E, ON A NORTHEAST LINE OF SAID OUTLOT 'A', WANDERING CREEK 14TH ADDITION, A DISTANCE OF 61.49' TO A POINT; THENCE S50°45'52"E, ON A NORTHEAST LINE OF SAID OUTLOT 'A', WANDERING CREEK 14TH ADDITION, A DISTANCE OF 80.22' TO A POINT; THENCE S60°10'01"E, ON A NORTHEAST LINE OF SAID OUTLOT 'A', WANDERING CREEK 14TH ADDITION, A DISTANCE OF 125.28' TO A POINT; THENCE N89°54'36"E, A DISTANCE OF 505.42' TO A POINT; THENCE S00°05'24"E, ON THE WEST LINE OF SAID LOT 1, FBT 1ST ADDITION, A DISTANCE OF 361.69' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 1,960,921.02 SQUARE FEET OR 45.02 ACRES, MORE OR LESS.

LEGAL DESCRIPTION
CHANGE OF ZONE BOUNDARY

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

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, FBT 1ST ADDITION, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE, EASTERLY, ON THE SOUTH LINE OF SAID LOT 1, AN ASSUMED BEARING OF S89°27'39"E, A DISTANCE OF 299.97' TO THE NORTHWEST CORNER OF LOT 1, FBT ADDITION; THENCE S00°13'37"E, ON THE WEST LINE OF SAID LOT 1, FBT ADDITION, A DISTANCE OF 417.15' TO THE SOUTHWEST CORNER OF SAID LOT 1, FBT ADDITION; THENCE S89°27'26"E, ON THE SOUTH LINE OF SAID LOT 1, FBT ADDITION, A DISTANCE OF 455.84' TO A POINT; THENCE S00°18'02"W, ON A WEST RIGHT OF WAY LINE OF SOUTH 98TH STREET, A DISTANCE OF 33.00' TO A POINT; THENCE S01°40'00"W, ON A WEST LINE OF SAID RIGHT OF WAY, A DISTANCE OF 283.48' TO A POINT; THENCE S02°28'51"W, ON A WEST LINE OF SAID RIGHT OF WAY, A DISTANCE OF 324.18' TO A POINT; THENCE S01°07'53"W, ON A WEST LINE OF SAID RIGHT OF WAY, A DISTANCE OF 236.92' TO A POINT; THENCE S00°13'03"E, ON A WEST LINE OF SAID RIGHT OF WAY, A DISTANCE OF 423.29 TO A POINT; THENCE S89°51'28"W, A DISTANCE OF 78.91' TO A POINT; THENCE N51°44'47"W, A DISTANCE OF 96.53' TO A POINT; THENCE N71°05'37"W, A DISTANCE OF 215.54' TO A POINT; THENCE S85°49'14"W, A DISTANCE OF 302.52' TO A POINT; THENCE N04°41'56"W, A DISTANCE OF 268.30' TO A POINT; THENCE N13°37'41"E, A DISTANCE OF 387.82' TO A POINT; THENCE N00°03'18"W, A DISTANCE OF 520.60' TO A POINT; THENCE N68°07'45"W, A DISTANCE OF 1,022.76' TO A POINT; THENCE N89°59'24"W, A DISTANCE OF 850.17' TO A POINT; THENCE N00°10'51"W, ON A WEST LINE OF SAID OUTLOT 'A', WANDERING CREEK 14TH ADDITION, A DISTANCE OF 137.77' TO A POINT; THENCE N89°49'09"E, ON A NORTH LINE OF SAID OUTLOT 'A', WANDERING CREEK 14TH ADDITION, A DISTANCE OF 155.06' TO A POINT; THENCE N00°11'45"W, ON A WEST LINE OF SAID OUTLOT 'A', WANDERING CREEK 14TH ADDITION, A DISTANCE OF 209.12' TO A POINT; THENCE N52°46'04"E, ON A NORTHWEST LINE OF SAID OUTLOT 'A', WANDERING CREEK 14TH ADDITION, A DISTANCE OF 71.30' TO A POINT; THENCE N42°14'07"E, ON A NORTHWEST LINE OF SAID OUTLOT 'A', WANDERING CREEK 14TH ADDITION, A DISTANCE OF 96.71' TO A POINT; THENCE N23°59'29"E, ON A NORTHWEST LINE OF SAID OUTLOT 'A', WANDERING CREEK 14TH ADDITION, A DISTANCE OF 96.71' TO A POINT; THENCE N06°36'22"E, ON A NORTHWEST LINE OF SAID OUTLOT 'A', WANDERING CREEK 14TH ADDITION, A DISTANCE OF 89.87' TO A POINT; THENCE S89°25'24"E, ON A NORTH LINE OF SAID OUTLOT 'A', WANDERING CREEK 14TH ADDITION, A DISTANCE OF 414.50' TO A POINT; THENCE N00°34'36"E, ON A WEST LINE OF SAID OUTLOT 'A', WANDERING CREEK 14TH ADDITION, A DISTANCE OF 160.00' TO A POINT; THENCE S89°25'24"E, ON A NORTH LINE OF SAID OUTLOT 'A', WANDERING CREEK 14TH ADDITION, A DISTANCE OF 15.00' TO A POINT; THENCE S00°34'36"W, ON AN EAST LINE OF SAID OUTLOT 'A', WANDERING CREEK 14TH ADDITION, A DISTANCE OF 160.00' TO A POINT; THENCE S83°54'58"E, ON A NORTH LINE OF SAID OUTLOT 'A', WANDERING CREEK 14TH ADDITION, A DISTANCE OF 65.26' TO A POINT; THENCE S73°13'15"E, ON A NORTHEAST LINE OF SAID, A DISTANCE OF 61.49' TO A POINT; THENCE S62°50'41"E, ON A NORTHEAST LINE OF SAID OUTLOT 'A', WANDERING CREEK 14TH ADDITION, A DISTANCE OF 61.49' TO A POINT; THENCE S52°28'06"E, ON A NORTHEAST LINE OF SAID OUTLOT 'A', WANDERING CREEK 14TH ADDITION, A DISTANCE OF 61.49' TO A POINT; THENCE S50°45'52"E, ON A NORTHEAST LINE OF SAID OUTLOT 'A', WANDERING CREEK 14TH ADDITION, A DISTANCE OF 80.22' TO A POINT; THENCE S60°10'01"E, ON A NORTHEAST LINE OF SAID OUTLOT 'A', WANDERING CREEK 14TH ADDITION, A DISTANCE OF 125.28'

TO A POINT; THENCE N89°54'36"E, A DISTANCE OF 505.42' TO A POINT; THENCE S00°05'24"E, ON THE WEST LINE OF SAID LOT 1, FBT 1ST ADDITION, A DISTANCE OF 361.69' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 1,838,323.83 SQUARE FEET OR 42.20 ACRES, MORE OR LESS.



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

2024 aerial

Zoning:

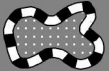


- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

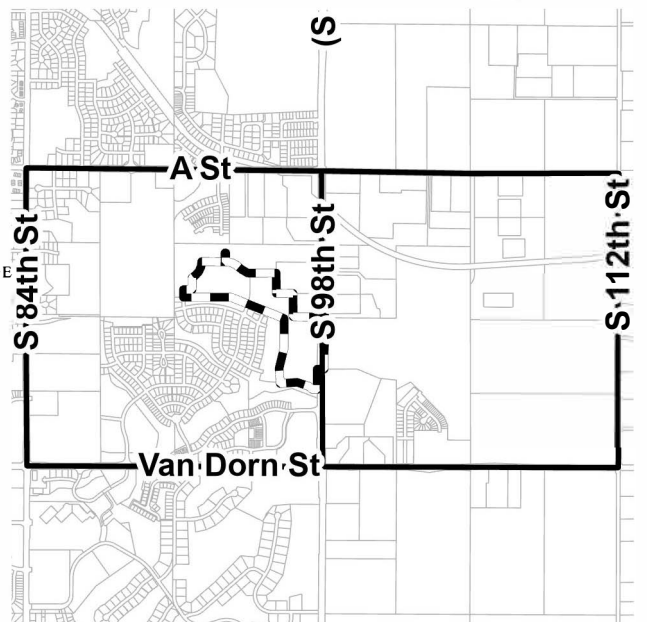
Two Square Miles:

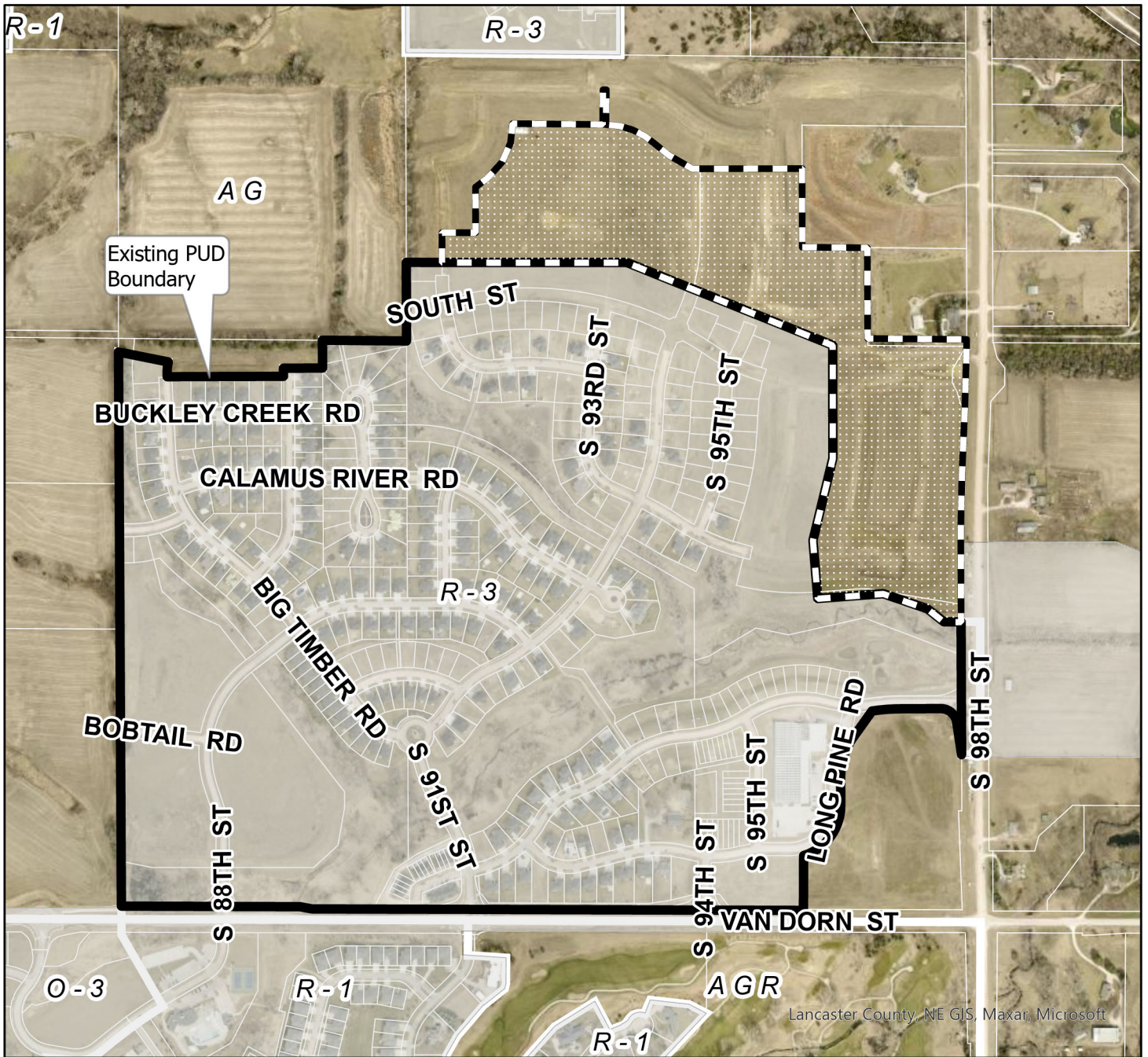
Sec.36 T10N R07E

Sec.35 T10N R07E



	Area of Application
	Zoning Jurisdiction Lines
	Existing Lincoln City Limits





Lancaster County, NE GIS, Maxar, Microsoft

2024 aerial

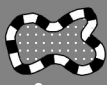


**Change of Zone #: CZ17030F
Wandering Creek PUD
S 98th St & Van Dorn St**

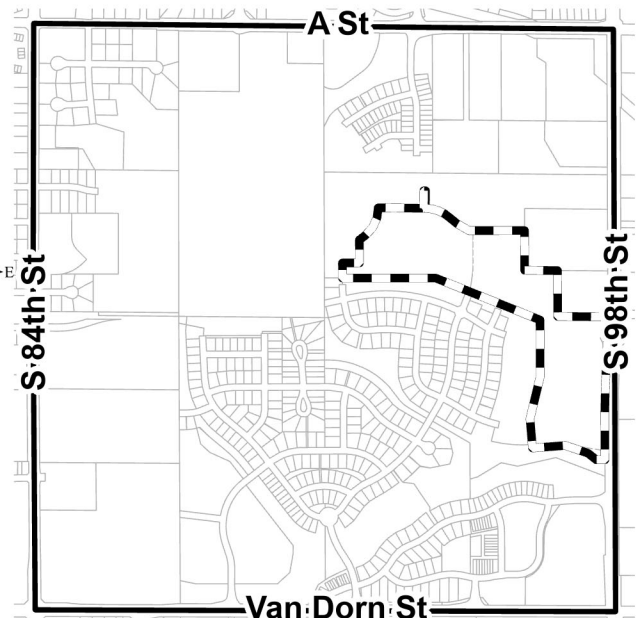
Zoning:

- R-1 to R-8 Residential District
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- 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.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. 98th 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) 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 #07060E

FINAL ACTION?
No

DEVELOPER/OWNER
Lincoln Federal Bancorp, Inc.

PLANNING COMMISSION HEARING DATE
December 4, 2024

RELATED APPLICATIONS
None

PROPERTY ADDRESS/LOCATION
Generally located at the southeast corner of S. 42nd St. and Wilderness Hills Blvd.

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a full amendment to the Wilderness Heights Planned Unit Development (PUD) to change 0.5 acres from existing R-4 Residential to R-3 PUD. The proposed amendment would add land along the southern boundary, allowing for nine new residential lots along Wilderness Hills Boulevard and modification to the existing drainage area within Outlot K. The amendment will increase the allowed single family dwelling units within the R-3 PUD area from 270 to 279 units.



JUSTIFICATION FOR RECOMMENDATION

The proposed amendment and slight expansion to the PUD is compatible with the existing PUD and surrounding property to the south. The additional lots and density are consistent with the surrounding residential lots developing within the PUD as this area is primarily shown for single family residential.

APPLICATION CONTACT

Brad Marshall, (402) or
bmarshall@olsson.com

STAFF CONTACT

YOUR NAME, (402) 441-6360 or
bcallahan@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The 2050 Comprehensive Plan designates this area as future urban residential on the 2050 Future Land Use Map. This designation allows for residential uses with varying densities, and it is appropriate to have more than fifteen dwellings per acre. The proposed addition of nine single family lots is consistent with the existing R-3 PUD area and developing single family lots to the north. The amendment will reconfigure the proposed drainage area and outlot to ensure the proper drainage improvements are in place to serve the development.

WAIVERS

1. Lincoln Municipal Code Chapter 26.23.130 - To allow a block length greater than 1,000 feet without a pedestrian way on Blocks 12 & 18. (Recommend Approval)

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

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

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

Fundamentals of Growth in Lancaster County

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

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

The Community in 2050

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

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

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

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 1/2 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.

Policies Section

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

Action Steps

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

condominiums, accessory dwelling units, multi-family development, and small lot single-family units.

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 the Change of Zone #07060D for the Wilderness Heights Planned Unit Development (PUD) to allow for a slight expansion along the southern border of the existing PUD. As part of this amendment a change of zone is requested for the 0.5 acres of land being brought into the PUD changing from R-4 Residential to R-3 PUD. This modification would allow for an additional nine single family residential lots along Wilderness Hill Boulevard and the relocation of an existing drainage area into a larger and revised Outlot K.
2. The subject area is on the south edge of the PUD, with the existing R-3 PUD developing to the north for single family residential lots. To the south, east, and west of the subject area is R-4 Residential which is part of the larger property owned by Southwood Lutheran Church and not located within the PUD.
3. The proposed amendment would add two small areas to the south boundary of the PUD. The western area of expansion is approximately 8,627 square feet. This small expansion is primarily the rear lot area of Lots 1-5, Block 18. With this expansion nine new lots will be added along the south side of Wilderness Hills Boulevard. South 46th Street is now shown to extend south from Wilderness Hills Boulevard and serve as a future connection for development south of this PUD. This amendment will then increase the approved number of single family dwelling units in the R-3 PUD area from 270 to 279 with 42 unassigned units, for a total of 321. This increase puts the total number of dwelling units including both single family and multifamily within all areas of the PUD at 1,451.
4. In addition, a second area of expansion including approximately 15,543 square feet will be added to the south property line of the existing Outlot K. Currently Outlot K is designated for required drainage and detention. This expansion and modification of Outlot K is included due to the smaller expansion of the new nine residential lots along Wilderness Hill Boulevard, as that area was originally designated for drainage. With the change to new lot, Outlot K will now be expanded to serve for additional drainage with a new Drainage Memo and calculations submitted for review by Watershed Management. As part of this change, the developer will be installing two new drainage culverts on the southside of Outlot K, which will then be in place for the future connection of Acreage Road when developed. The installation of the two 48" culvert will be required to be installed at the time of a future final plat to expand Outlot K.
5. With this amendment the applicant is requesting the following waiver:
 - a. Lincoln Municipal Code Chapter 26.23.130 - To allow a block length greater than 1,000 feet without a pedestrian way on Blocks 12 & 18.

This waiver is consistent as Block 18 is abutting the PUD perimeter boundary on the south. Only half of the block will be final platted and developed as the remaining area is outside of this PUD and would be developed at a later time. Currently the distance around Lots 1-9 is 1,070 feet, which would require a pedestrian way connection in the future. This proposal would waive the requirement for a pedestrian easement, is justified as the block to the north, Block 13 did not require a pedestrian way with a prior approval, meaning a new pedestrian way on Block 18 would not feasibly line up with a mid-block connection to the north as it does not exist.

The request to waive the pedestrian way connection on Block 12 is supported as Outlot K is located in the middle of Block 12 which will serve as the designated detention area. The applicant is requesting this waiver to avoid putting the pedestrian way across an area designated for drainage and detention. This request is consistent with other developments for areas with larger drainage outlots and the feasibility of crossing the drainage area with a sidewalk.

6. The 2050 Comprehensive Plan designates this area for future urban residential, which is consistent with the

developing PUD and surrounding, undeveloped residential zoning. The small expansion will add additional single family residential lots within the existing city limits where city services will be in place. Following the Comprehensive Plan this area east of S. 40th Street is continuing to develop in a urban residential density abutting existing AGR acreage properties to the east. The modification to Outlot K will ensure the proper drainage storage is in place with the addition of future culverts for continued expansion of future roadways to the south.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Undeveloped Land & R-4 Residential

SURROUNDING LAND USE & ZONING

North: Single Family Residential	R-3 PUD
South: Southwood Lutheran Church	R-4 Residential
East: Undeveloped Land	R-3 Residential
West: Southwood Lutheran Church	R-4 Residential

APPLICATION HISTORY See Attached

APPROXIMATE LAND AREA: .5 acres, more or less

LEGAL DESCRIPTION: See Attached

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

Date: November 21, 2024

Applicant/
Owner Lincoln Federal Bancorp, Inc.
 8400 Maddox Drive
 Lincoln, NE 68520
 (402) 474-1400
 Lschumacher@lincolnfed.com

Contact: Olsson
 Elizabeth Potter
 601 P Street, Suite 200
 Lincoln, NE 68508
 (531) 365-4608
 epotter@olsson.com

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CZ/07000/CZ07060E Wilderness Heights Heights PUD.bmc.docx>

APPLICATION HISTORY

- Sept. 2006 Use Permit #06005 for Yankee Hill Plaza was approved by the Planning Commission for 216,000 square feet of office and commercial floor area and change of zone to B-2. The applicant requested the project not be forwarded to City Council and rescinded the application in April 2009.
- Oct. 2007 Special Permit #07046 was approved to allow soil mining on this site for a period of three years.
- Apr. 2008 The City Council approved Annexation #07003 and Change of Zone #07060 from AG to R-3 and B-2 PUD for Wilderness Heights. Preliminary Plat #07004 was approved by the Planning Commission for 309 single family lots and a 225,000 square foot commercial center.
- Jul. 2013 The City Council approved Change of Zone #07060A to rezone a small area from B-2 PUD to R-3 and remove the area from the PUD, and allow vehicle sales and service as a permitted use.
- Nov. 2015 Administrative Amendment #15109 to Change of Zone #07060A approved a change of use from vehicle sales and service to commercial and revised lot layout.
- Aug. 2016 Administrative Amendment #16057 to Change of Zone #07060A established architectural design standards for the commercial blocks.
- Aug. 2018 CZ#07060B to expand the boundary of the PUD and revise the site plan was approved by the City Council.
- Mar. 2021 CZ #07060C was approved to increase to 1,404 dwelling units and up to 214,000 square feet of commercial with associated waivers to block length, pedestrian ways, and maximum building height of 55' for multifamily.
- May. 2024 CZ #07060D was approved to revise two areas within the PUD for townhome lots and increase of 46 lots in the R-3 PUD area. This amendment also included an additional 17,000 square feet of commercial space in the B-2 PUD area.

CONDITIONS OF APPROVAL - CHANGE OF ZONE #07060E

This approval permits the expansion of the Wilderness Heights Planned Unit Development and increase in the number of maximum number of single family detached dwelling units in the R-3 PUD from 270 to 279, units for a total of 1,451 dwelling units within the PUD with the following waiver:

- a. To allow a block length greater than 1,000 feet without a pedestrian way on Blocks 12 & 18.

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 Wavier #4 to include Block 18. (Sheet 1)
 - 1.2 Revise Density Table to reflect 279 units shown on plan and total approved residential units at 321. (Sheet 3)
 - 1.3 Add a note stating: "The two 48" culverts within Outlot K will be installed by the developer when Outlot K is final platted. (Sheet 4)
 - 1.4 Revise Sheet 9 to the satisfaction of LTU-Watershed Management to ensure the pipe from the sump inlet to the detention inlet as the intersection of Wilderness Hills Boulevard and S. 46th Street is sufficient for handling the 100 year flood event.
 - 1.5 Provide written consent from the Southwood Lutheran Church, owner of Lot 1, Block 5, Grandale Addition to confirm the two 48" culverts extending on to their property is acceptable with the expansion of Outlot K.
2. 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.

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, shown on the final plat within two (2) years following the approval of the final plat.

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

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

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

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

to complete the installation of 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 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 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.

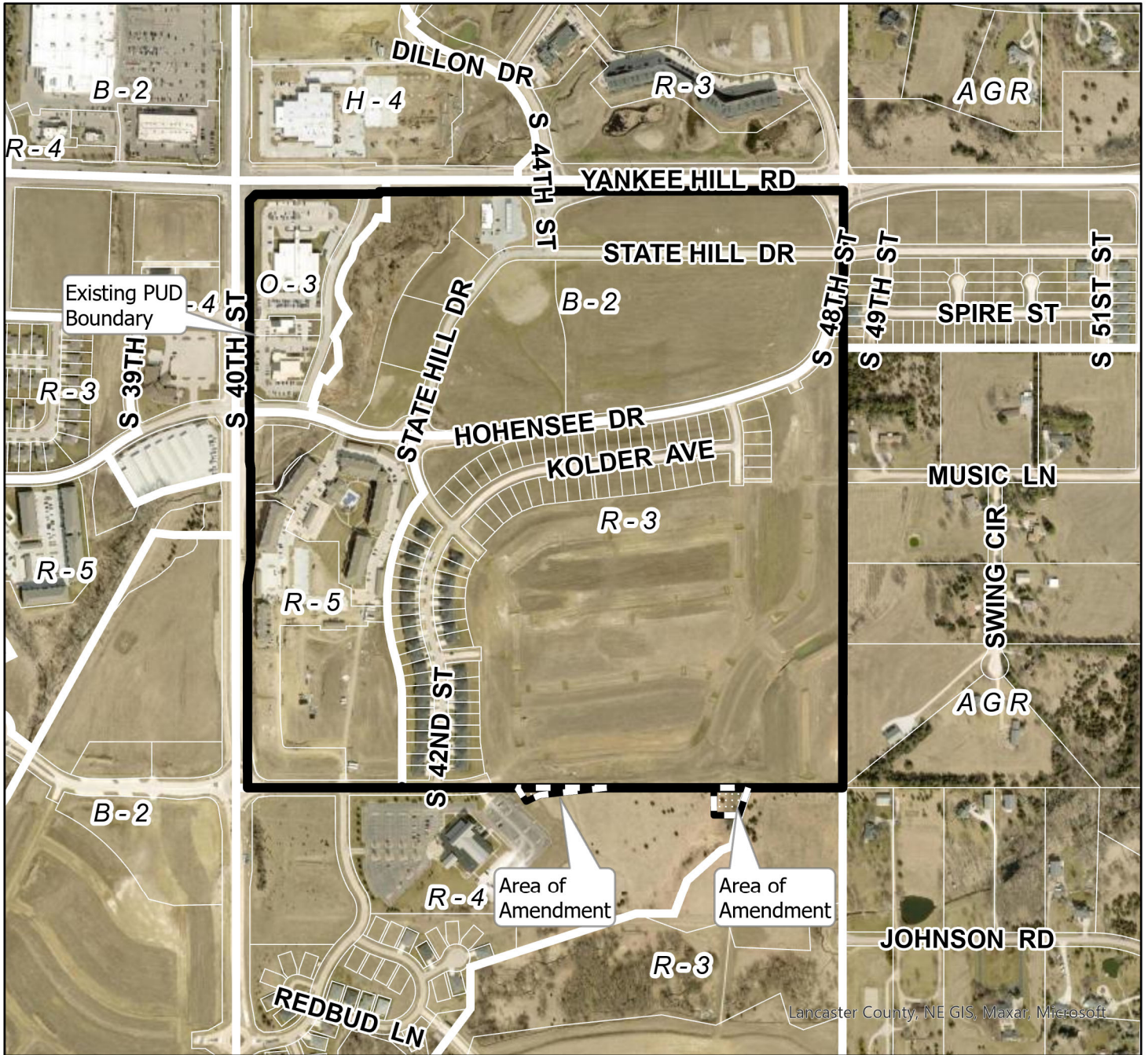
to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Developer(s) may be relieved and discharged of such maintenance obligations upon creating in writing a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

Standard Conditions:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.
 - 3.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 3.3 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.
 - 3.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.
 - 3.5 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.
 - 3.6 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. This approval supersedes Change of Zone #07060D.



Lancaster County, NE GIS, Maxar, Microsoft

2024 aerial

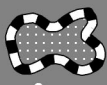


**Change of Zone #: CZ07060E
Wilderness Heights PUD
S 42nd St & Wilderness Hills Blvd**

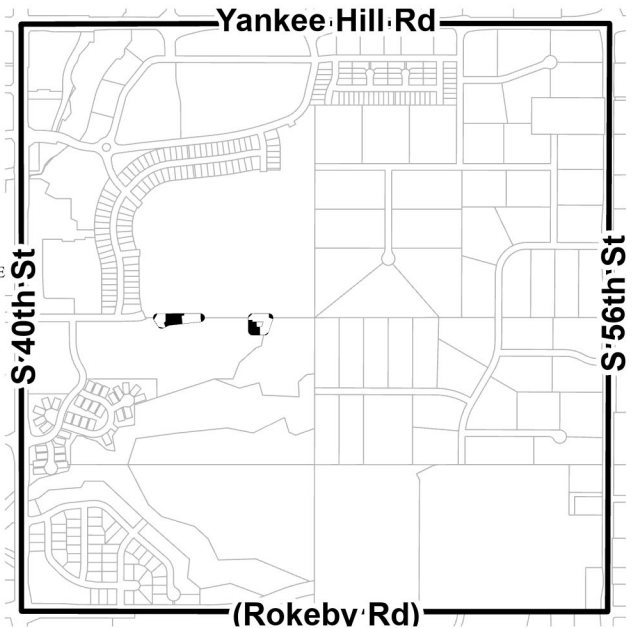
Zoning:

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

One Square Mile:
Sec.29 T09N R07E



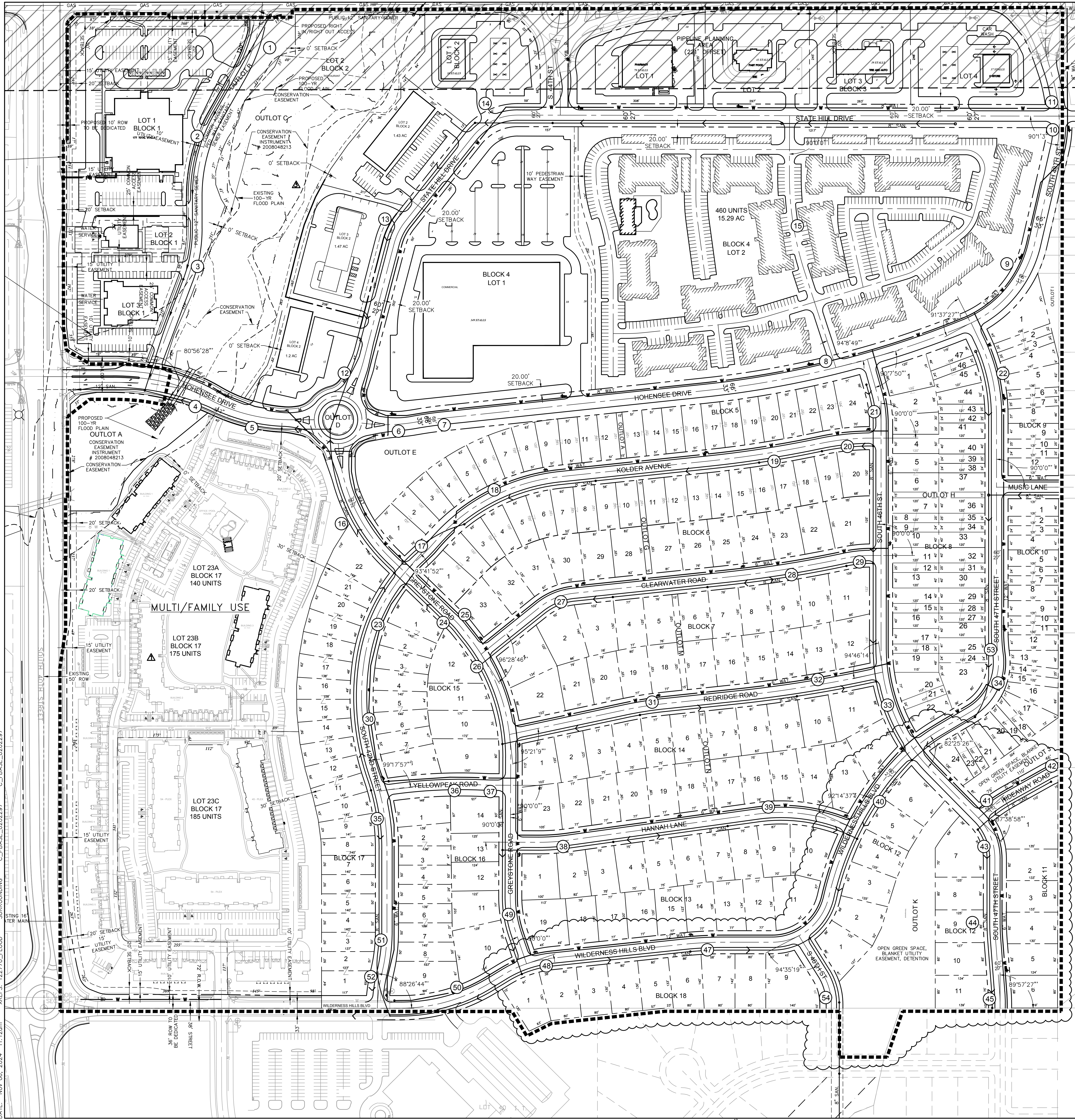
	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdictional Boundary



WILDERNESS HEIGHTS AMENDMENT TO THE PLANNED UNIT DEVELOPMENT SITE PLAN

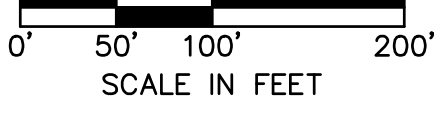
olsson

601 P Street, Suite 200
Lincoln, NE 68508
TEL: 402.474.6311 www.olson.com



CURVE DATA

1	R=50.00' L=114.45' CL=53.56' TL=114.45'	10	R=450.00' L=316.82' CL=291.07' TL=114.45'	19	R=450.00' L=316.82' CL=291.07' TL=114.45'	28	R=450.00' L=316.82' CL=291.07' TL=114.45'	37	R=450.00' L=316.82' CL=291.07' TL=114.45'	46	R=450.00' L=316.82' CL=291.07' TL=114.45'
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6	R=450.00' L=316.82' CL=291.07' TL=114.45'	15	R=450.00' L=316.82' CL=291.07' TL=114.45'	24	R=450.00' L=316.82' CL=291.07' TL=114.45'	33	R=450.00' L=316.82' CL=291.07' TL=114.45'	42	R=450.00' L=316.82' CL=291.07' TL=114.45'	51	R=450.00' L=316.82' CL=291.07' TL=114.45'
7	R=450.00' L=316.82' CL=291.07' TL=114.45'	16	R=450.00' L=316.82' CL=291.07' TL=114.45'	25	R=450.00' L=316.82' CL=291.07' TL=114.45'	34	R=450.00' L=316.82' CL=291.07' TL=114.45'	43	R=450.00' L=316.82' CL=291.07' TL=114.45'	52	R=450.00' L=316.82' CL=291.07' TL=114.45'
8	R=450.00' L=316.82' CL=291.07' TL=114.45'	17	R=450.00' L=316.82' CL=291.07' TL=114.45'	26	R=450.00' L=316.82' CL=291.07' TL=114.45'	35	R=450.00' L=316.82' CL=291.07' TL=114.45'	44	R=450.00' L=316.82' CL=291.07' TL=114.45'	53	R=450.00' L=316.82' CL=291.07' TL=114.45'
9	R=450.00' L=316.82' CL=291.07' TL=114.45'	18	R=450.00' L=316.82' CL=291.07' TL=114.45'	27	R=450.00' L=316.82' CL=291.07' TL=114.45'	36	R=450.00' L=316.82' CL=291.07' TL=114.45'	45	R=450.00' L=316.82' CL=291.07' TL=114.45'	54	R=450.00' L=316.82' CL=291.07' TL=114.45'



COMMERCIAL LAND USE TABLE - O-3 & B-2 USE

LOT/BLOCK	ZONING (USE)	LOT AREA (ACRE)	BUILDING AREA (SQ FT) OPTION PERMITS ORIENTATION
LOT 1/ BLOCK 1	COMMERCIAL	4.50	45,000
LOT 2/ BLOCK 1	COMMERCIAL	0.53	5,000
LOT 3/ BLOCK 1	COMMERCIAL	1.65	13,000
LOT 1/ BLOCK 2	COMMERCIAL	1.70	6,500
LOT 2/ BLOCK 2	COMMERCIAL	1.43	17,500
LOT 3/ BLOCK 2	COMMERCIAL	1.47	13,000
LOT 4/ BLOCK 2	COMMERCIAL	1.20	10,000
LOT 1/ BLOCK 3	COMMERCIAL	1.42	14,000
LOT 2/ BLOCK 3	COMMERCIAL	1.66	5,000
LOT 3/ BLOCK 3	COMMERCIAL	1.48	10,000
LOT 4/ BLOCK 3	COMMERCIAL	1.74	5,000
LOT 1/ BLOCK 4	COMMERCIAL	7.51	87,000
TOTAL O-3 & B-2 LOTS		26.29	231,000

P.U.D. RESIDENTIAL DENSITY ALLOWED

RESIDENTIAL ACRES	72.45 SINGLE FAM (R3)	38.96 MULTI FAM (R5 & B2)
MAX. DENSITY UNITS/ACRE	6.96	29.04
MAXIMUM RESIDENTIAL UNITS	504	1131
P.U.D. RESIDENTIAL DENSITY UTILIZATION AS SHOWN ON PLAN	278	960
SUBTOTAL	278	960
UNASSIGNED	42	171
APPROVED RESIDENTIAL UNITS	320	1131

* 171 UNASSIGNED MULTI-FAMILY UNITS MAY BE BUILT IN THE B-2 AREA OUTSIDE OF THE PIPELINE PLANNING AREA.

- ### LEGEND
- EASEMENT
 - - - PROPOSED SETBACK (B2, O3, AND R5 AREAS SHOWN)
 - PROPOSED ROW
 - P.U.D. BOUNDARY
 - LIMITS OF CONSERVATION EASEMENT
 - HIGH-PRESSURE GAS PIPELINE
 - EXISTING 100-YR FLOOD PLAIN
 - PROPOSED 100-YR FLOOD PLAIN
 - 8" SAN --- PROPOSED SANITARY SEWER
 - 6" WAT --- PROPOSED WATER MAIN
 - PIPELINE PLANNING AREA

REVISIONS

REV. NO.	DATE	REVISION DESCRIPTION
1	9.13.21	MULTI-FAMILY REVISION
2	10.15.21	REVISION TO BLOCKS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54
3	05.17.24	LOT LAYOUT ON BLOCKS 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54
4	11.06.24	LOT LAYOUT ON BLOCKS 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54

SITE PLAN
WILDERNESS HEIGHTS
AMENDMENT TO THE PLANNED UNIT DEVELOPMENT
LINCOLN, NEBRASKA

2021

drawn by: SUM
checked by: SUM
approved by: SUM
date: 01/29/21

SHEET
3 of 14

DWG: F:\2021\0501-0600\021-06602\40-Design\AutoCAD\Preliminary Plans\Sheets\GNV\Amendment #AC_SIT_0202297.dwg
DATE: Nov 06, 2024 11:12am
USER: j_michalski
XREFS: 122770_FLOOD C_PBASE_0202297

SHEET INDEX

COVER SHEET SHEET 1
USE PLAN SHEET 2
SITE PLAN SHEET 3
GRADING & DRAINAGE PLAN SHEET 4-10
STREET PROFILES SHEET 11-14

DEVELOPER/OWNER

LINCOLN FEDERAL BANCORP, INC.
601 7th STREET, #200
LINCOLN, NEBRASKA 68508
PHONE: (402) 474-1400

ENGINEER & PREPARER

OLSSON, INC.
601 7th STREET, #200
LINCOLN, NE 68508
PHONE: 402-474-6311

WILDERNESS HEIGHTS AMENDMENT TO THE PLANNED UNIT DEVELOPMENT COVER SHEET

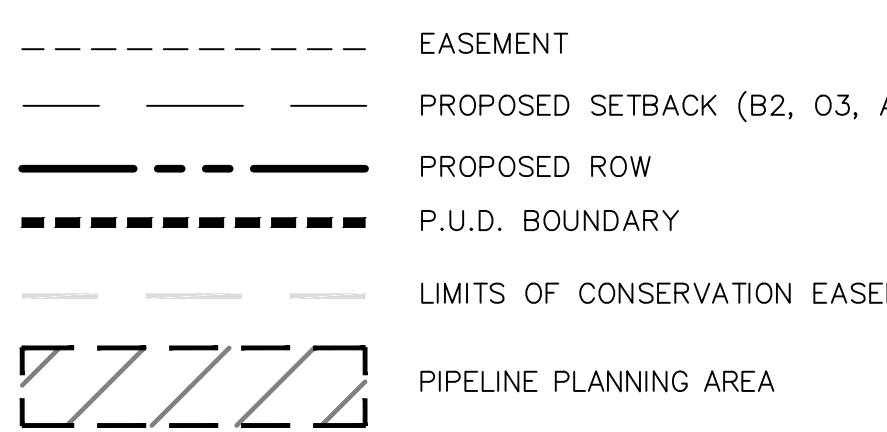
LEGAL DESCRIPTION

A TRACT OF LAND COMPOSED OF OUTLOTS 'A' AND 'B', WILDERNESS HEIGHTS ADDITION, LOT 1, AND OUTLOT 'B' AND THE REMAINING PORTION OF LOT 2, BLOCK 1, AND OUTLOT 'A', WILDERNESS HEIGHTS 2ND ADDITION, OUTLOT 'A', WILDERNESS HEIGHTS 3RD ADDITION, LOT 1, WILDERNESS HEIGHTS 4TH ADDITION, LOTS 1 THROUGH 22, BLOCK 1, LOTS 1 THROUGH 8, BLOCK 2, AND LOTS 1 THROUGH 8, BLOCK 3, WILDERNESS HEIGHTS 5TH ADDITION, LOTS 1 THROUGH 24, BLOCK 1, LOTS 1 THROUGH 20, BLOCK 2, LOTS 1 THROUGH 8, BLOCK 3, LOTS 1 AND 2, BLOCK 4, OUTLOTS 'A', 'B', 'C', 'D', 'E', 'F' AND 'H', WILDERNESS HEIGHTS 7TH ADDITION, LOTS 1 AND 2, WILDERNESS HEIGHTS 8TH ADDITION, OUTLOT 'A', WILDERNESS HEIGHTS 9TH ADDITION, LOTS 1, 2, AND 3, WILDERNESS HEIGHTS 10TH ADDITION, A PORTION OF LOTS 4 THROUGH 8, BLOCK 1, TOWER HEIGHTS ADDITION, ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

GENERAL SITE NOTES

- 1. THE PROPOSED LOT LINES ARE CONCEPTUAL AND MAY VARY IN THE FINAL PLAT.
2. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
3. ALL PAVING RADI ARE TO BE 20 FEET UNLESS OTHERWISE NOTED.
4. ALL INTERSECTION ANGLES SHALL BE 90° UNLESS OTHERWISE NOTED.
5. ALL ELEVATIONS ARE BASED ON NAVD 1988 DATUM.
6. SIGNS NEED NOT BE SHOWN ON THE SITE PLAN, BUT WILL BE SHOWN AT THE TIME OF SIGN PERMIT AND WILL BE PER ZONING ORDINANCE 27-09. SIGNAGE ALLOWED SHALL BE BASED ON THE ZONING DESIGNATION AREAS SHOWN ON SHEET 2 OF 14, "USE PLAN".
7. RIGHT-OF-WAY WIDTHS: REFERENCE TYPICAL STREET CROSS SECTIONS, THIS SHEET.
8. CROSS ACCESS AND PARKING EASEMENTS WILL BE GRANTED IN BLOCKS 1-4, EXCEPT LOT 2 BLOCK 4 (APARTMENT SITE).
9. DIRECT VEHICULAR ACCESS TO PUBLIC STREETS IS RELINQUISHED EXCEPT AS SHOWN. DRIVEWAY LOCATIONS ARE SHOWN AS CONCEPTUAL AND ACTUAL LOCATION MAY VARY.
10. DEVELOPMENT SHALL BE RESTRICTED BY THE CONSERVATION EASEMENT PER THE TERMS AND CONDITIONS OF THE CONSERVATION EASEMENT. DEVELOPMENT SHALL ALSO BE RESTRICTED BY NEW GROWTH AREA STANDARDS PER THE CITY FLOODPLAIN STANDARDS. (NOTE THERE IS NO LONGER A FLOOD PRONE AREA ANYMORE AS THIS CORRIDOR HAS BEEN ADOPTED BY FEMA AS A FLOODPLAIN AREA)
11. ALL SITE IMPROVEMENTS SHALL CONFORM TO THE CONDITIONS OF THE APPROVED LOWER PLATE SOUTH NRD CONSERVATION EASEMENT. THERE WILL BE NO UTILITIES INSTALLED, NOR STRUCTURES, NOR GRADING WITHOUT PRIOR APPROVAL BY THE PUBLIC WORKS AND UTILITIES DIRECTOR AND THE LPSNRD PER THE CONSERVATION EASEMENT.
12. OUTLOTS WILL BE MAINTAINED BY THE DEVELOPER AND/OR FUTURE HOME OWNERS ASSOCIATIONS.
13. INDIVIDUAL LOT AND PARKING LAYOUT, PEDESTRIAN CIRCULATION AND BUILDING ORIENTATION FOR BLOCKS 1-4 IS CONCEPTUAL AND SHALL BE FINALIZED BY ADMINISTRATIVE AMENDMENT. THE PEDESTRIAN WAY EASEMENT THROUGH LOT 1, BLOCK 4 BETWEEN STATE HILL DRIVE AND HONSENSE DRIVE WILL BE COORDINATED AT TIME OF BUILDING PERMIT FOR LOT 1 BLOCK 4.
14. THE DEVELOPER SHALL WORK WITH THE CITY OF LINCOLN ON A LOCATION FOR A TRANSIT STOP IF REQUESTED BY THE CITY.
15. THE OWNER OF LOT 1, BLOCK 1; LOT 1, BLOCK 2; AND LOTS 1-4, BLOCK 3 SHALL NOTIFY PURCHASERS OF LOT ADJACENT TO YANKEE HILL ROAD OF THE APPROXIMATE LOCATION OF THE HIGH PRESSURE GAS PIPELINE UNDER THE EASTBOUND LANES OF YANKEE HILL ROAD.
16. ALL NECESSARY CLOMR (CONDITIONAL LETTER OF MAP REVISION), LOMR (LETTER OF MAP REVISION), LOMA (LETTER OF MAP AMENDMENT) WILL BE OBTAINED FOR MODIFICATIONS TO FLOODPLAIN.
17. A) FOR BUILDING PERMITS IN THE B-2 COMMERCIAL USE AREA ADJACENT TO OUTLOT 'C', AFTER GRADING AND COMPLETION OF THE DRAINAGE STRUCTURES LOCATED WITHIN FLOODPLAIN AND PRIOR TO THE BUILDING PERMIT APPROVALS, A LETTER OF MAP REVISION FROM FEMA NEEDS TO BE OBTAINED AND SUBMITTED TO THE CITY REFLECTING FINAL GRADES AND NEW FLOODPLAIN.
B) IN THE B-5 MULTIFAMILY USE AREA, BUILDING PERMITS MAY NOT BE APPROVED FOR BUILDING 'A' UNTIL THE LETTER OF MAP REVISION IS APPROVED.
18. NO DWELLING UNITS ARE PERMITTED WITHIN THE PIPELINE PLANNING AREA.
19. PRIOR TO FINAL PLATTING OF S. 48TH STREET, PROVIDE THE ADDITIONAL RIGHT-OF-WAY AND HAVE APPLICABLE DISTRICT 11 BLOCK 4 BETWEEN STATE HILL DRIVE AND HONSENSE DRIVE FOR CONSTRUCTION OF PAVING FOR S. 48TH STREET AS SHOWN ON THE SITE PLAN.
20. RIGHT-OF-WAY AND EASEMENTS FOR THE ROUND-ABOUT AT THE INTERSECTION OF SOUTH 40TH STREET AND WILDERNESS HILLS BLVD SHALL BE DEDICATED AT NO COST WHEN REQUESTED BY THE CITY FOR IMPROVEMENTS TO SAID STREETS.
21. THE DEVELOPER AGREES TO RELINQUISH ACCESS TO HONSENSE DRIVE FOR THE DOUBLE FRONTAGE LOTS SHOWN IN BLOCK 5, AND THE DEVELOPER ALSO AGREES TO RELINQUISH ACCESS TO HONSENSE DRIVE FOR LOTS 1 & 47, BLOCK 8, AND LOT 1, BLOCK 9.
22. LIGHT TRESPASS OVER INTERNAL LOT LINES IS PERMITTED FOR LOTS IN BLOCKS 1-4 AND LOTS 23A-23C, BLOCK 17.

LEGEND



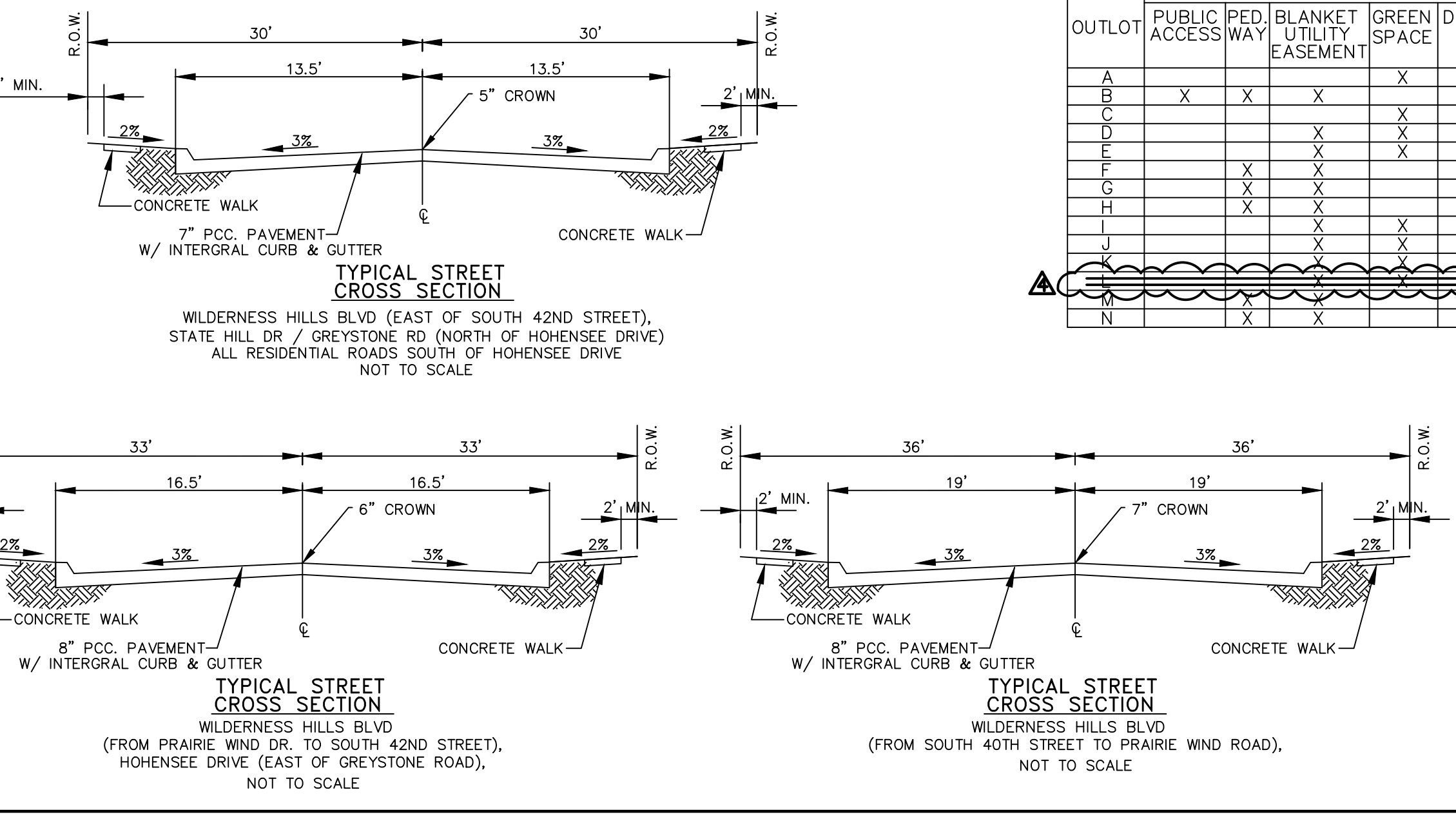
BUILDING DESIGN CRITERIA

- 1. THE FOLLOWING BUILDING DESIGN CRITERIA SHALL BE CERTIFIED BY A REGISTERED ARCHITECT IN WRITING THAT THE BUILDING DESIGN COMPLIES WITH THE DESIGN CRITERIA CONTAINED HEREIN AT THE TIME OF BUILDING PERMIT. EXCEPTIONS WILL REQUIRE APPROVAL FROM THE PLANNING DIRECTOR AT THE TIME OF BUILDING PERMIT.
2. ALL BUILDINGS WITHIN THE B-2 AND O-3 DESIGNATED AREAS SHALL BE SUBJECT TO THESE DESIGN CRITERIA.
3. BUILDING FOOTPRINTS (SINGLE OR MULTI-STORY) 25,000 SQUARE FEET OR LESS, A MINIMUM OF 35% OF THE EXTERIOR FACADE AREA OF THE BUILDING SHALL BE BRICK, STONE, OR CULTURED STONE.
4. BUILDING FOOTPRINTS (SINGLE OR MULTI-STORY) OVER 25,000 SQUARE FEET, A MINIMUM OF 40% OF THE EXTERIOR FACADE AREA OF THE BUILDING SHALL BE BRICK, STONE, CULTURED STONE, STEEL MASONRY, OR A COMBINATION THEREOF.
5. EXPOSED CONCRETE UNIT MASONRY, WHETHER GRAY, INTEGRALLY COLORED, OR BURNISHED, SHALL NOT BE USED, EXCEPT SPLIT-FACE CONCRETE MASONRY OR CONCRETE MASONRY WITH A BRICK MASONRY OR STONE VENEER MAY BE USED IF COMPATIBLE WITH THE OVERALL EXTERIOR COLOR PALETTE.
6. SYNTHETIC STUCCO AND EXTERIOR INSULATION AND FINISH SYSTEMS OR STUCCO WALL SYSTEMS MAY BE USED BUT SHALL NOT BE THE MAIN EXTERIOR FIELD MATERIAL AND SHALL ONLY BE USED AS AN ACCENT. COLORS FOR EIFS OR STUCCO SHALL BE COMPATIBLE WITH THE BRICK AND STONE COLORS.
7. ACCENTS OF ARCHITECTURAL PRE-CAST MAY BE USED PROVIDED THAT THE STYLE AND COLOR ARE COMPATIBLE WITH THE DESIGN PALETTE AND COMPLEMENTARY TO THE BRICK AND STONE COLOR RANGE. EXPOSED STRUCTURAL PRE-CAST CONCRETE SHALL NOT BE USED, BUT STRUCTURAL PRE-CAST CONCRETE MAY BE USED WITH A BRICK MASONRY VENEER COMPATIBLE WITH THE OVERALL EXTERIOR COLOR PALETTE.
8. EXPOSED CAST-IN-PLACE CONCRETE SHALL NOT BE USED. CAST-IN-PLACE CONCRETE WITH A BRICK MASONRY VENEER COMPATIBLE WITH THE OVERALL EXTERIOR COLOR PALETTE MAY BE USED.
9. WINDOWS AND STOREFRONT SYSTEMS SHALL BE CONSTRUCTED OF EXTRUDED ALUMINUM. ALUMINUM STOREFRONT FRAMES SHALL BE THERMALLY BROKEN. FINISH FOR THE WINDOW SYSTEM SHALL BE COMPATIBLE WITH THE OVERALL EXTERIOR COLOR PALETTE.
10. GLAZING SHALL BE 1" INSULATING GLASS WITH LOW-E COATING. GLASS SHALL BE SELECTED TO PROVIDE PROPER THERMAL PERFORMANCE TO MEET BUILDING CODE REQUIREMENTS. COLOR SHALL BE "CLEAR" AND/OR GRAY.
11. GLAZED IN METAL INSULATED WALL PANELS OR INSULATED METAL WALL PANELS THAT ARE INTEGRAL TO THE ALUMINUM WINDOW FRAMING SYSTEM SHALL BE PERMITTED. THE FINISH AND COLOR OF THE INSULATED WALL PANELS SHALL BE COMPATIBLE WITH THE OVERALL EXTERIOR COLOR PALETTE FOR THE ALUMINUM WINDOW SYSTEMS.
12. METAL FLASHING, GUTTERS AND DOWNSPOUTS SHALL BE PRE-FINISHED AND SHALL BE COMPATIBLE WITH THE OVERALL EXTERIOR COLOR PALETTE AND SHALL CLOSELY MATCH THE COLOR OF THE ALUMINUM WINDOW SYSTEM COLOR.
13. ROOFS FOR ONE STORY BUILDINGS SHALL BE SLOPED OR COMBINATION OF SLOPED AND "FLAT". ROOFS FOR BUILDINGS OF MORE THAN ONE STORY SHALL BE SLOPED AND FLAT OR FLAT ROOFS WITH SLOPES SHALL HAVE A MAXIMUM SLOPE OF 5:12. ROOF ELEMENTS MAKING UP NOT MORE THAN 25% OF THE TOTAL ROOF AREA MAY BE OF ANY PITCH.
14. ALL ROOF-MOUNTED EQUIPMENT SHALL BE ADEQUATELY AND COMPLETELY SCREENED FROM ANY PROPERTY ADJACENT TO PUBLIC RIGHT OF WAYS AND/OR PEDESTRIANS' VIEWS BY MEANS OF EXTERIOR BUILDING WALLS OR SCREEN WALLS. ALL ROOF-SCREENING SHALL BE INTEGRALLY DESIGNED INTO THE BUILDING BY USE OF ROOF PARAPETS AND WALLS.
15. FOLLOWING ITEMS SHALL BE EITHER LOCATED OUT OF DIRECT PUBLIC VIEW OR ADEQUATELY SCREENED BY A SCREEN WALL.
- GAS METERS AND ANY ASSOCIATED PIPING
- ELECTRIC METERS AND ANY ASSOCIATED CONDUITS
- TRANSFORMERS
- TRASH COMPACTORS
- ANY GROUND-INSTALLED EQUIPMENT
- TRASH DUMPSTERS, SERVICE AREAS AND RECYCLING BINS AND GREASE INTERCEPTORS.

ANTICIPATED USE FOR OUTLOTS

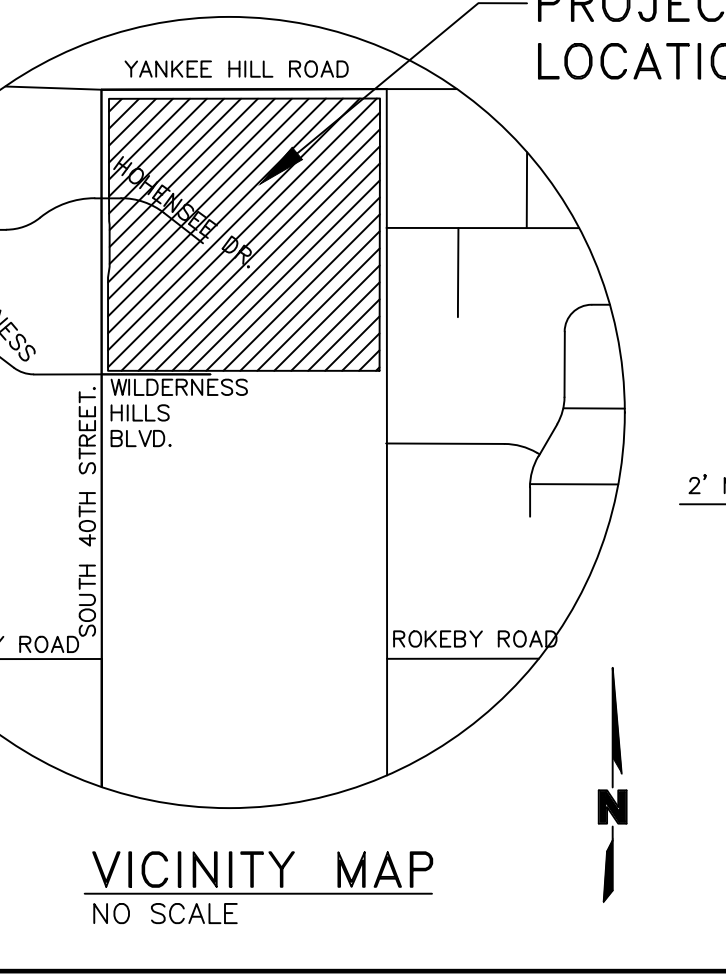
Table with columns: OUTLOT, PUBLIC ACCESS, PED. WAY, BLANK UTILITY EASEMENT, GREEN SPACE, DRAINAGE WAY, PUBLIC UTILITY EASEMENT, CONSERVATION EASEMENT, RESERVED FOR FUTURE DEVELOPMENT. Rows A through N.

100 YR NWT-SEUSC PROFILE ELEVATIONS. Table with columns: STATION, WATER SURFACE ELEVATION. Rows 5582.809 to 3875.



BOUNDARY CURVE DATA

A: A=131°3'09", R=594.00', L=137.05', CL=136.74', T=68.83', CB=583°26'06"E
B: A=131°3'09", R=702.00', L=161.97', CL=161.61', T=81.34', CB=108°32'26"06"W



Olsson logo and contact information: 601 P Street, Suite 200, Lincoln, NE 68508. TEL: 402-474-6311. WILDERNESS HEIGHTS AMENDMENT TO THE PLANNED UNIT DEVELOPMENT. LINCOLN, NEBRASKA. SHEET 1 of 14.

Vertical text on the left margin: DWG: F:\2021\05010-06000\021-06002\40-Design\AutoCAD\Preliminary Plans\Sheets\GNVC\Amendment #4\AC_COV_0202297.dwg, USER: jmicchalski, DATE: Nov 06, 2024, 10:24am, XREFS: 122770, FLOOD SURROUNDING EASEMENT, C:\FBASE_0202297

LEGAL DESCRIPTION

A TRACT OF LAND COMPOSED OF OUTLOTS "A" AND "B", WILDERNESS HEIGHTS ADDITION; LOT 1, AND OUTLOT "B", WILDERNESS HEIGHTS 1ST ADDITION; LOT 1 AND THE REMAINING PORTION OF LOT 2, BLOCK 1, AND OUTLOT 'A', WILDERNESS HEIGHTS 2ND ADDITION; OUTLOT 'A', WILDERNESS HEIGHTS 3RD ADDITION; LOT 1, WILDERNESS HEIGHTS 4TH ADDITION; LOTS 1 THROUGH 22, BLOCK 1, LOTS 1 THROUGH 8, BLOCK 2, AND LOTS 1 THROUGH 9, BLOCK 3, WILDERNESS HEIGHTS 6TH ADDITION; LOTS 1 THROUGH 24, BLOCK 1, LOTS 1 THROUGH 20, BLOCK 2, LOTS 1 THROUGH 6, BLOCK 3, LOTS 1 AND 2, BLOCK 4, OUTLOTS 'A', 'B', 'C', 'D', 'E', 'F' AND 'H', WILDERNESS HEIGHTS 7TH ADDITION; LOTS 1 AND 2, WILDERNESS HEIGHTS 8TH ADDITION; OUTLOT 'A', WILDERNESS HEIGHTS 9TH ADDITION, LOTS 1, 2, AND 3, WILDERNESS HEIGHT 10TH ADDITION; A PORTION OF LOTS 4 THROUGH 8, BLOCK 1, TOWER HEIGHTS ADDITION; ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., AND COMPOSED OF A PORTION OF LOT 1 BLOCK 5, GRANDALE ADDITION, LOCATED IN THE SOUTHWEST QUARTER ALL IN SECTION 29, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M.; THENCE, EASTERLY, ON THE NORTH LINE OF SAID NORTHWEST QUARTER, ON AN ASSUMED BEARING OF N89°51'06"E, A DISTANCE OF 87.90' TO A POINT; THENCE S00°08'54"E, A DISTANCE OF 60.00' TO THE NORTHWEST CORNER OF OUTLOT "A", WILDERNESS HEIGHTS 1ST ADDITION, SAID POINT BEING ON A SOUTH RIGHT-OF-WAY LINE OF YANKEE HILL ROAD, SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE N89°51'06"E, ON A LINE 60.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 230.62' TO A POINT; THENCE S00°08'54"E, A DISTANCE OF 10.00' TO A POINT; THENCE N89°51'06"E, ON A SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 70.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 336.49' TO A POINT, THENCE N00°08'54"W, A DISTANCE OF 20.00' TO A POINT; THENCE N89°51'06"E, ON A LINE 50.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1,985.76' TO A POINT; THENCE S00°04'33"W, ON THE EAST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 2,592.30' TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE S89°59'32"W, ON THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 410.18' TO A POINT; THENCE S18°48'28"W, ON AN EAST LINE OF SAID LOT 1, BLOCK 5, GRANDALE ADDITION, A DISTANCE OF 122.37' TO A POINT; THENCE S12°20'27"W, ON AN EAST LINE OF SAID LOT 1, A DISTANCE OF 3.86' TO A POINT; THENCE S89°51'24"W, A DISTANCE OF 108.77' TO A POINT; THENCE N00°00'54"W, A DISTANCE OF 119.86' TO A POINT; THENCE S89°59'32"W, ON THE SOUTH LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 463.60' TO A POINT; THENCE S83°59'24"W, A DISTANCE OF 216.80' TO A POINT; THENCE S83°00'15"W, A DISTANCE OF 79.82' TO A POINT; THENCE S64°24'40"W, A DISTANCE OF 63.13' TO A POINT; THENCE N32°47'19"W, A DISTANCE OF 70.94' TO A POINT; THENCE S89°59'32"W, ON THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1,172.37' TO A

POINT BEING 50.00' EAST OF THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE N00°02'40"W, ON A LINE BEING 50.00' EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 884.77' TO A POINT; THENCE N08°33'29"E, A DISTANCE OF 100.28' TO A POINT BEING 65.00' EAST OF THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE N00°02'40"W, ON A LINE BEING 65.00' EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 334.05' TO A POINT; THENCE N89°55'19"E, A DISTANCE OF 5.00' TO THE SOUTHWEST CORNER OF SAID OUTLOT "A", WILDERNESS HEIGHTS ADDITION; THENCE N00°02'40"W, ON A WEST LINE OF SAID OUTLOT "A", SAID LINE BEING AN EAST LINE OF SOUTH 40TH STREET RIGHT-OF-WAY, SAID LINE ALSO BEING 70.00' EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 215.37' TO A WEST CORNER OF SAID OUTLOT "A"; THENCE N52°11'02"E, ON A NORTHWEST LINE OF SAID OUTLOT "A", A DISTANCE OF 67.00' TO A NORTHWEST CORNER OF SAID OUTLOT "A", SAID POINT BEING ON A SOUTH RIGHT-OF-WAY LINE OF HOHENSEE DRIVE; THENCE N89°57'20"E, ON A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 57.98' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 13°13'09", A RADIUS OF 594.00', AN ARC LENGTH OF 137.05' ON A SOUTH LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 136.74', A TANGENT LENGTH OF 68.83', AND A CHORD BEARING OF S83°26'06"E, TO A POINT; THENCE N13°10'29"E, A DISTANCE OF 108.00' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 13°13'09", A RADIUS OF 702.00', AN ARC LENGTH OF 161.97', ON A NORTH LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 161.61', A TANGENT LENGTH OF 81.34', AND A CHORD BEARING OF N83°26'06"W TO A SOUTH CORNER OF SAID LOT 1, WILDERNESS HEIGHTS 1ST ADDITION ; THENCE S89°57'20"W, ON A SOUTH LINE OF SAID LOT 1, WILDERNESS HEIGHTS 1ST ADDITION, SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 57.98' TO A SOUTHWEST CORNER OF SAID LOT 1, WILDERNESS HEIGHTS 1ST ADDITION, SAID POINT BEING ON A EAST RIGHT-OF-WAY LINE OF SOUTH 40TH STREET; THENCE N59°23'49"W, ON A SOUTHWEST LINE OF SAID LOT 1, WILDERNESS HEIGHTS 1ST ADDITION, SAID LINE BEING A NORTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 65.58' TO A WEST CORNER OF SAID LOT 1, WILDERNESS HEIGHTS 1ST ADDITION , SAID POINT BEING 66.55' EAST OF THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE N06°53'14"W, ON A WEST LINE OF SAID LOT 1, WILDERNESS HEIGHTS 1ST ADDITION , SAID LINE BEING AN EAST LINE OF SOUTH 40TH STREET RIGHT-OF-WAY, A DISTANCE OF 54.95' TO A WEST CORNER OF SAID LOT 1, WILDERNESS HEIGHTS 1ST ADDITION, SAID POINT BEING 60.00' EAST OF THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE N00°02'40"W, ON A WEST LINE OF SAID LOT 1, AND ON AN EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 60.00' EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 477.56' TO A POINT; THENCE N89°57'20"E, ON A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 10.00' TO A POINT; THENCE N00°02'40"W, ON AN EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 70.00' EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 310.02' TO A POINT; THENCE N44°53'23"E, ON A SOUTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 25.49' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED

AREA 6,659,381.11 SQUARE FEET OR 152.87 ACRES, MORE OR LESS.

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LEGAL DESCRIPTION
CHANGE OF ZONE
PARCEL 1

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 1, BLOCK 5, GRANDALE ADDITION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1,; THENCE, SOUTHWESTERLY, ON AN EAST LINE OF SAID LOT 1, ON AN ASSUMED BEARING OF S18°48'28"W, A DISTANCE OF 122.37' TO A POINT; THENCE S12°20'27"W, ON AN EAST LINE OF SAID LOT 1, A DISTANCE OF 3.86' TO A POINT; THENCE S89°51'24"W, A DISTANCE OF 108.77' TO A POINT; THENCE N00°00'54"W, A DISTANCE OF 119.86' TO A POINT; THENCE N89°59'32"E, ON A NORTH LINE OF SAID LOT 1, SAID LINE BEING THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 149.07' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 15,406.24 SQUARE FEET OR 0.35 ACRES, MORE OR LESS.

CHANGE OF ZONE
PARCEL 2

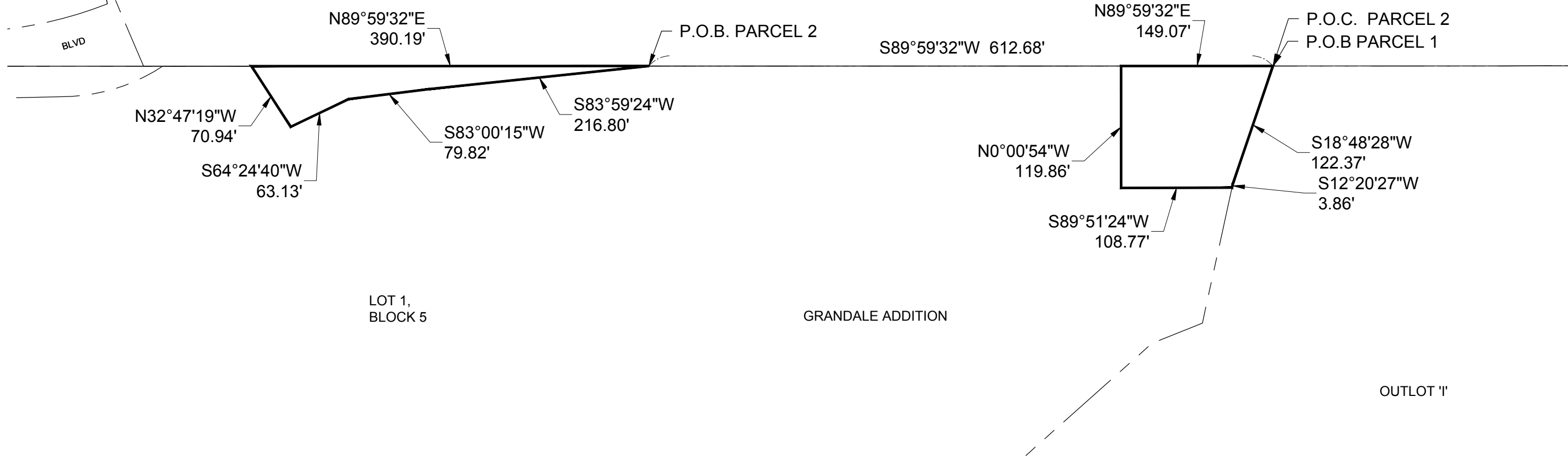
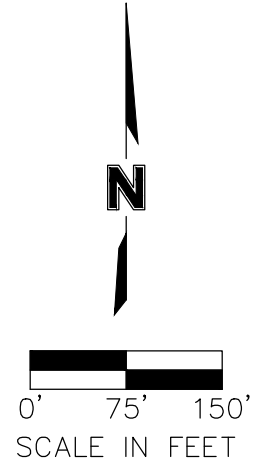
A TRACT OF LAND COMPOSED OF A PORTION OF LOT 1, BLOCK 5, GRANDALE ADDITION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE, WESTERLY ON THE NORTH LINE OF SAID LOT 1, SAID LINE BEING THE NORTH LINE OF SAID SOUTHWEST QUARTER, ON AN ASSUMED BEARING OF S89°59'32"W, A DISTANCE OF 612.68' TO THE TRUE POINT OF BEGINNING; THENCE S83°59'24"W, A DISTANCE OF 216.80' TO A POINT; THENCE S83°00'15"W, A DISTANCE OF 79.82' TO A POINT; THENCE S64°24'40"W, A DISTANCE OF 63.13' TO A POINT; THENCE N32°47'19"W, A DISTANCE OF 70.94' TO A POINT; THENCE N89°59'32"E, ON A NORTH LINE OF SAID LOT 1, SAID LINE BEING THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 390.19' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 8,390.12 SQUARE FEET OR 0.19 ACRES, MORE OR LESS.

WITH A COMBINED TOTAL CALCULATED AREA OF 23,796.36 SQUARE FEET OR 0.54 ACRES, MORE OR LESS.

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 DATE: Nov 22, 2024 8:17am USER: abroeker

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BLOCK 3
WILDERNESS HEIGHTS 6TH ADDITION



PROJECT NO: 024-00050
 DRAWN BY: ALB
 DATE: 11-20-2024

CHANGE OF ZONE R4 TO R3 LOT 1, BLOCK5, GRANDALE ADDITION



601 P Street, Suite 200
 P.O. Box 84608
 Lincoln, NE 68508
 olsson.com
 TEL 402.474.6311

EXHIBIT
1



November 6, 2024

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

RE: Amendment to the Wilderness Heights PUD

Dear David:

On behalf of Lincoln Federal Bancorp, Inc. we are requesting a Full Amendment to the Wilderness Heights PUD CZ07060D located in the Southeast Quarter of the Northwest Quarter of Section 29, Township 9, Range 7 East of the 6th P.M., Lancaster, County, Nebraska.

We are requesting a change to the lot configurations of blocks 12 and 18 as a result of combining detention cell 2 into detention cell 3 in Outlot K. Detention calculations have been updated in the drainage memo dated November 6, 2024. The total lot count in the R-3 area increases from 270 to 278 leaving 42 unassigned single family units.

The following waivers are being requested with this application:

1. Allow block length greater than 1,000 feet without a pedestrian way for block 12.

Attached please find the following:

1. Application.
2. Application fee in the amount of \$1,238.00
3. Site Plan

The revised plans will be uploaded when the ProjectDox folder has been created.
Feel free to give me a call or email if you have any questions or need any additional information.

Elizabeth Potter, PE
531.365.4608
epotter@olsson.com

Enclosures

CC: File

F:\2021\05501-06000\021-05602\20-Management\Communication\LCary 11-06-24.docx

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

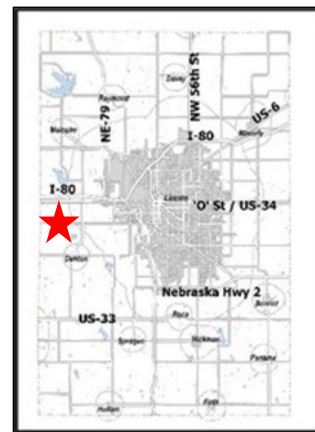
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #17043B	FINAL ACTION? Yes	DEVELOPER/OWNER Dennis and Donna Borgman
PLANNING COMMISSION HEARING DATE December 4, 2024	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION SW 112 th Street and West Van Dorn Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request per Article 13.019 for soil excavation which limits to no more than 20 acres of the site allowed to be open for operations at any one time. The area of proposed excavation is 9.86 acres. Special Permits were approved in 2018 and 2021 for soil excavation for the same site. There is a maximum time limit of three years for such permits. The applicant is therefore requesting approval of a Special Permit for another three years.



JUSTIFICATION FOR RECOMMENDATION

This application, with the conditions listed in this report, meets the requirements for the Excavation Special Permit.

APPLICATION CONTACT
Nick Borgman, (402) 450-8753

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Special Permit for excavation of soil is in conformance with the 2050 Comprehensive Plan. There are few houses nearby. There is no significant impact on adjacent properties with proposed conditions.

WAIVERS

None

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

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

Land Use Plan - Agricultural- Land principally in use for agricultural production and compatible industries like solar and wind energy production. Agricultural land may be in transition to more diversified agribusiness ventures such as growing and marketing of products (e.g., horticulture, silvaculture, aquaculture) on site. Some land in the Agricultural category may be enrolled in voluntary preservation programs such as the USDA Conservation Reserve Program (CRP).

Growth Framework: The Rural Environment

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

ANALYSIS

1. This request is for soil excavation which includes 9.86 acres in the area of disturbance under the provisions of Article 13.019 Excavation in the "AG" District. Special Permits were approved in 2018 and 2021 for soil excavation on the same site. Per Article 13.019 a Special Permit for soil excavation may be approved for a maximum of three years. This request is therefore for a new Special Permit as the prior one has expired.
2. This application involves the excavation/mining of soil to be used for fill in and around Lancaster County. Cuts are expected to range from 8' deepest cut along the western edge with 5' cut in the middle just west of the vehicle staging area and 2' across the rest of the area to the east edge. 47,735 cubic yards have been previously excavated with 62,525 cubic yards remaining to excavate.
3. During the soil mining process, the landowner is responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but are not limited to, application of water or other dust suppression chemicals.
4. A groundwater report is required when there are wells within 1,000 feet of the proposed mining operation. There are 2 wells within 1,000 feet of this site. The report from 2017 and included in the last 2021 amendment shows that the soil mining operation will not negatively impact the nearby wells.
5. Lincoln-Lancaster County Health Department has no objections to this special permit.
6. As a condition of approval, the County Engineer is requiring an updated truck route map exhibit which upon review may necessitate a new Road Maintenance Agreement.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: AG Agricultural Soil excavation, farm ground and one single family house

SURROUNDING LAND USE & ZONING

North: AG Agricultural	Farm ground and houses on acreages
South: AG Agricultural	Farm ground and houses on acreages
East: AG Agricultural	Farm ground and one house
West: AG Agricultural	Farm ground and houses on acreages

APPROXIMATE LAND AREA: 29.6 acres

LEGAL DESCRIPTION: North 1,000 Feet of Lot 25 Irregular Tracts located in the NE Quarter of Section 5, Township 9 North, Range 5 East of the 6th P.M., Lancaster County, Nebraska.

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

Date: November 21, 2024

Applicant/
Contact: Nick Borgman
11351 W Van Dorn Street
Denton, NE 68339
(402) 525-1212

Owner: Dennis and Donna Borgman
11351 West Van Dorn St.
Denton, NE 68339

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/17000/SP17043B Borgman Borrow Pit.gjw.docx>

CONDITIONS OF APPROVAL - SPECIAL PERMIT #17043B

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

Site Specific Conditions:

1. Before initiating excavation operation the permittee shall cause to be prepared and submitted to the Planning Department a reproducible final plot plan including 3 copies with all required revisions and documents as listed below:
 - 1.1. Update application number to SP17043B for all sheets.
 - 1.2. Update the legal description for the Special Permit area for Lot 25 I.T. instead of Lot 8 I.T.
 - 1.3. Add area of disturbance in acres to the plan sheet information.
 - 1.4. Provide an updated Truck Route map as an exhibit. Upon completion of review of the truck route map, the County Engineer may require a new Road Maintenance Agreement.
 - 1.5. Correct entrance location label on Sheet 2 so it matches the plan view label on Sheet 1.
 - 1.6. Add to the General Notes: "Topsoil shall be collected and stored for redistribution on the site at the termination of the operation of each phase of operation."
 - 1.7. Add to the General Notes: "Within nine months after the completion of excavation on any portion of the site, all cuts shall be returned to a slope of less than three to one, the topography and soils shall be restored and stabilized, and the land shall be graded, seeded and sodded so as to prevent erosion and siltation, and to protect the health, safety and general welfare of the public."
 - 1.8. Include the proposed 24' culvert under the construction entrance in the construction profile.
 - 1.9. Applicant/Owner shall remove easternmost driveway so there is only one drive access to the site.
2. Before beginning the excavation operations,
 - 2.1 The Permittee shall have
 - 2.1.1 Received review and permits, if required for the Federal NPDES and 404 Permits.
 - 2.1.2 Post performance bond in the amount of \$5,176.50 (\$525.00 per acre) intended to be disturbed to assure compliance with the final reclamation plan, including but not limited to regrading, topsoil conditioning, and re-vegetation. A registered professional engineer must certify at closure of operations that grading and final reclamation has been completed in accordance with the approved plans before the bond may be released.
 - 2.1.3 Upon completion of all terms, conditions and requirements of the special permit that are to be completed before beginning operations, the Permittee shall request the Director of Building and Safety to issue a certificate of operation. Permittee shall not begin operation until it has received said certificate of operation.
 - 2.1.4 Applicant/Owner shall make a Commercial Access permit application with Lancaster County Engineering Department to change Accessory Drive to Commercial Permit.

- 2.1.5 Applicant shall enter into a revised “Road Maintenance Agreement” with Lancaster County if it is determined this is necessary after review of the updated Truck Route Map.
- 2.2 After beginning the excavation operations, the Permittee shall have
- 2.2.1 Erosion controls, including retention and sediment basins shall be provided during excavation in conformance with state and federal standards and County land erosion and sediment control regulations to prevent a change in the character of runoff onto adjacent land.
- 2.2.2 No more than twenty (20) acres of the site shall be open for operations at any one time. The surface shall be maintained in such a manner that surface waters do not collect and pond, unless specifically approved by the County. Underground drainage may be supplied if it connects to an existing drainage facility and is satisfactory to the County.
- 2.2.3 Topsoil shall be collected and stored for redistribution on the site at the termination of the operation or termination of each phase.
- 2.2.4 Excavation shall be conducted in such a way as not to constitute a hazard to any person, not to the adjoining properties. Dust shall be controlled on-site to meet Lincoln-Lancaster County Air Pollution Control program Regulations. In addition, the Health Department may require dust control on unpaved perimeter roads.
- 2.2.5 Operating hours shall be limited to daylight hours, Monday through Saturday.
- 2.2.6 A sign shall be posted and maintained at the entrance to the site. The sign shall be:
- 2.2.6.1 Clearly visible from the adjacent road;
- 2.2.6.2 At least 32 square feet in area;
- 2.2.6.3 Lettering shall be at least two inches in heights, black on a white background;
- 2.2.6.4 The sign shall list:
- (a) The approved Special Permit Number;
 - (b) The name, contact phone and email address for the land owner;
 - (c) The name, contact phone and email address for the operator/contractor;
 - (d) The Building and Safety Department contact number.
- 2.2.7 The applicant will take appropriate measures, such as street sweeping or “rumble bars” as specified by the County or City Engineer to minimize mud or dirt tracking onto streets and roads on a continuing (daily) basis during operation.
- 2.2.8 Operations shall commence within one year from the date the special permit is approved or the special permit will automatically terminate and be considered null and void. All existing certificates of operation shall automatically terminate on the same date.
- 2.2.9 Within nine months after the completion of excavation on any portion of the site, all cuts shall be returned to a slope of less than three to one, the topography and soils shall be restored and stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public.
- 2.2.10 Permittee shall prepare and submit an annual report to the Director of Building and Safety addressing the status and extent of operations and each condition of the special permit. Failure

to submit the annual report shall constitute just cause for the County Board to revoke the special permit.

2.2.11 Permittee shall be subject to an annual site inspection by the Director of Building and Safety. The cost of such inspection shall be paid for by the applicant. Cost shall be based upon the Department of Building and Safety's hourly rate in effect on the date of the application. Building and Safety shall:

2.2.11.1 Inspect the site to determine whether terms, special conditions and requirements imposed by the County in the approval of the special permit have been met and complied with; and

2.2.11.2 Review all complaints from public and other departments/agencies and report to the Planning Director.

3. At the conclusion of the operation, the permittee shall provide to the Building & Safety Department a certificate from an engineer stating that the final grading substantially reflects the finish contours shown on the approved site plan and request a release of the performance bond.

Standard Conditions:

4. The following conditions are applicable to all requests:

4.1 Before starting the operation all development and construction shall substantially comply with the approved plans.

4.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.

4.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

4.4 The applicant shall sign and return the letter of acceptance to the County Clerk. This step should be completed within 60 days following the approval of the special permit. The Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.



2024 aerial

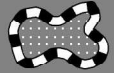


Special Permit #: SP17043B
SW 112th St & W Van Dorn St

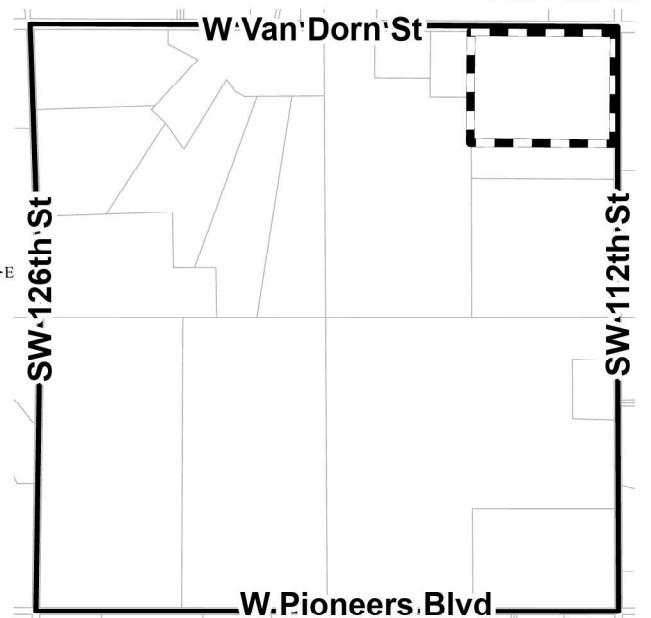
Zoning:

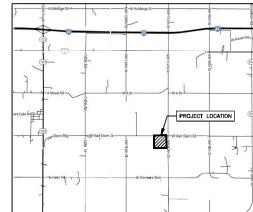
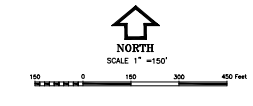
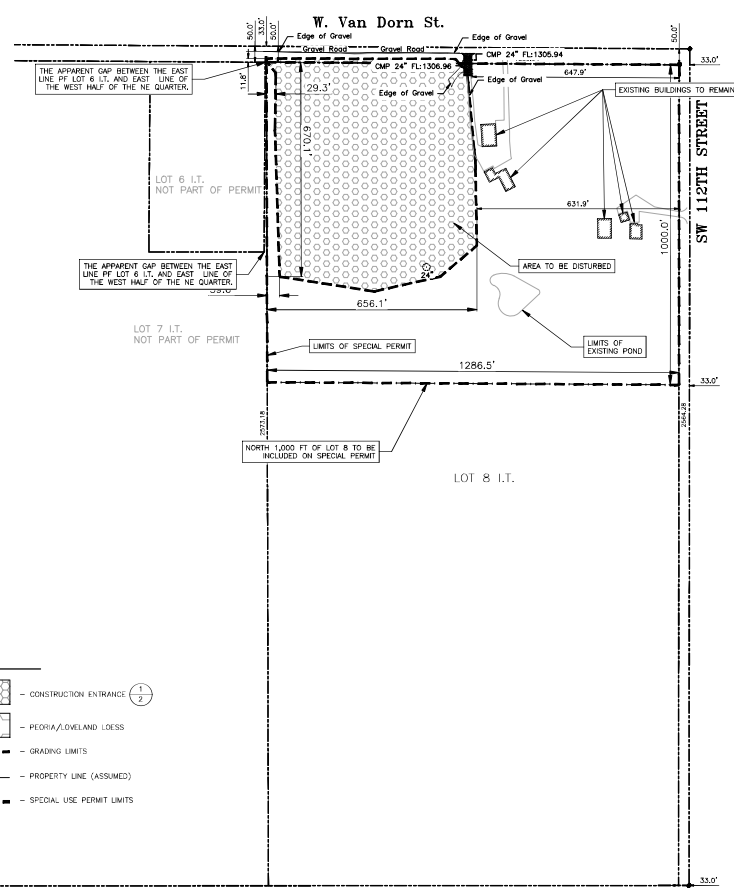
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

One Square Mile:
 Sec.05 T09N R05E



	Area of Application
	Zoning Jurisdiction Lines
	Lincoln City Limits





VICINITY MAP
 REGA PROJECT NO.171265
 SPECIAL PERMIT AREA: 29.6 ACRES

LEGAL DESCRIPTION
 NORTH 1,000 FEET OF LOT 8 IRREGULAR TRACTS
 LOCATED IN THE NE QUARTER OF SECTION 5, TOWNSHIP
 9 NORTH, RANGE 5 EAST OF THE 6TH P.M., LANCASTER
 COUNTY, NEBRASKA

OWNER
 DENNIS & DONNA BORGMAN
 3005 SW 112TH ST
 RURAL, NE 68339
 P: (402) 430-6980

CONTRACTOR
 MARK SMITH
 HIGH PLAINS ENTERPRISES INC.
 2200 W MARTELL RD.
 MARTELL, NE 68404
 P: (402) 421-6316
 mark@highplainsnebraska.com

ENGINEER
 NATE BURNETT
 REGA ENGINEERING GROUP INC.
 601 OLD CHENEY RD, SUITE A
 LINCOLN, NE 68512
 P: 402-484-7342
 F: 402-484-7344
 nate@regagroup.com

- GENERAL NOTES**
- OPERATING HOURS SHALL BE LIMITED TO DAYLIGHT HOURS MONDAY THROUGH SATURDAY
 - WEST VAN DORN STREET SHALL BE MAINTAINED INCLUDING WATERING AND VERGES FOR DUST CONTROL ON A REGULAR BASIS DURING OPERATIONS AND BE FREE OF MUD AND/OR SOILS OF SITE.
 - PROFFS EROSION CONTROL AND DRAINAGE SHALL BE MAINTAINED AT ALL TIMES TO PREVENT DAMAGE TO WEST VAN DORN STREET. THE DITCHES SHOULD BE MAINTAINED FOR PROPER DRAINAGE THROUGH THE EXISTING 24-INCH CORRUGATED METAL PIPE DITCH UNDER THE PROPOSED CONSTRUCTION ENTRANCE. DRAINAGE SHALL ALSO BE MAINTAINED IN THE DITCH FROM THE CMP OUTLET EAST TO THE OUTLET OF THE CONCRETE BOX CULVERT UNDER WEST VAN DORN STREET.
 - ACCESS TO WEST VAN DORN STREET SHALL BE LIMITED TO ONE LOCATION ONLY
 - THE LAND WILL BE RECLAIMED IN CONFORMANCE WITH USDA "NANN BELL COMPLIANCE"
 - NO MORE THAN TWENTY (20) ACRES OF THE SITE SHALL BE OPEN AT ANY TIME.
 - DUST CONTROL TO MEET LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL PROGRAM REGULATIONS.
 - CONTRACTOR SHALL COLLECT AND STORE TOPSOIL FOR REDISTRIBUTION TO BE USED AT TERMINATION OF GRADING.
 - CONTRACTOR SHALL POST WARNING SIGNS DURING HAULING OPERATIONS ALONG WEST VAN DORN STREET WARNING TRAFFIC OF TRUCKS ENTERING.
 - CONTRACTOR SHALL ENTER INTO A ROAD MAINTENANCE AGREEMENT WITH LANCASTER COUNTY FOR WEST VAN DORN THROUGHOUT THE DURATION OF THE PERMIT.
 - ACCESS AND USE OF THE EXCAVATION AND STONE HAULING PERMIT IS ONLY VIA WEST VAN DORN.
 - IF THE SPECIAL PERMIT IS APPROVED FOR THREE YEARS FROM THE DATE THE SPECIAL PERMIT IS APPROVED.
 - WORK DONE WITHIN LANCASTER COUNTY RIGHT-OF-WAY WILL BE COMPLETED IN ACCORDANCE WITH LANCASTER COUNTY EROSION STANDARDS. THE SLOPES OF THE DITCH ON THE SOUTH SIDE OF WEST VAN DORN STREET SHALL PROVIDE PROOF OF STABILITY, A MINIMUM DITCH WIDTH OF 24 INCHES, A MINIMUM 8 FOOT FLAT BOTTOM, AND A MAXIMUM SLOPE OF 4:1 FOR THE SHOULDER.

LEGEND

	CONSTRUCTION ENTRANCE
	PEORIA/OVELAND LOSS
	GRADING LIMITS
	PROPERTY LINE (ASSUMED)
	SPECIAL USE PERMIT LIMITS

PROJECT
241240

NO.	REVISIONS	DATE	BY

REGA ENGINEERING
 601 OLD CHENEY RD., SUITE A
 LINCOLN, NEBRASKA 68502
 (402) 484-7342

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

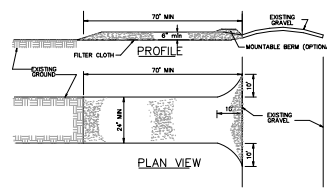
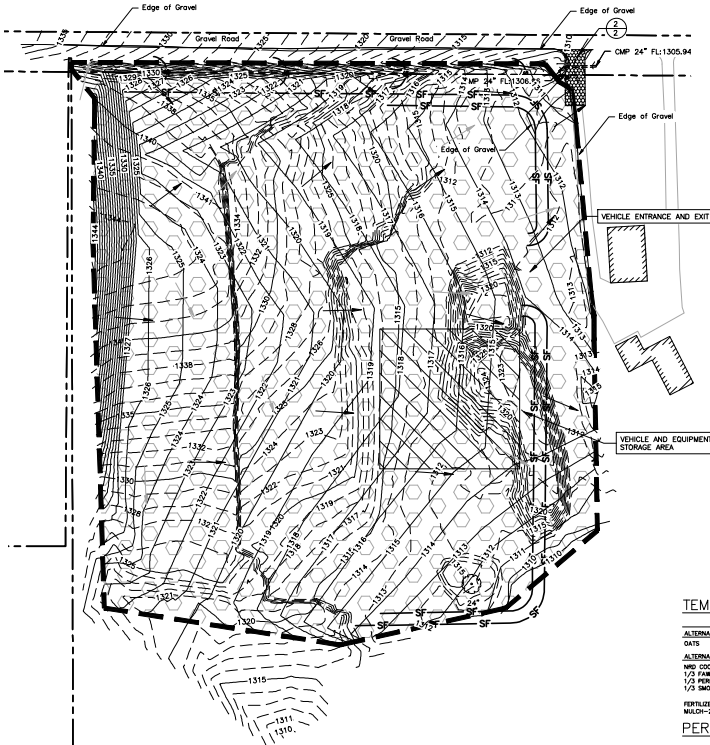
REGA CAMBIST

SPECIAL PERMIT #17043A
LINCOLN, NE
BORGMAN BORROW PIT

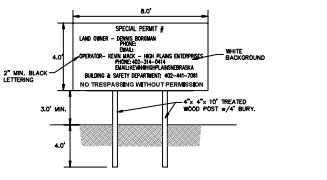
DATE: 10/29/2024
 DESIGNED BY: NBC/NB
 DRAWN BY: NBC/NB
 CHECKED BY: NB

SHEET NO.
1 of 2

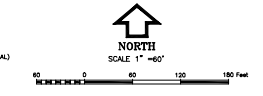
W. VILL DRAIN ST.



1 STABILIZED CONSTRUCTION ENTRANCE
NO SCALE



2 ENTRANCE SIGN DETAIL
NO SCALE



LEGAL DESCRIPTION
NORTH 1,000 FEET OF LOT 8 IRREGULAR TRACTS LOCATED IN THE NE QUARTER OF SECTION 5, TOWNSHIP 9 NORTH, RANGE 5 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA

SWPPP NOTES

1. THE CONTRACTOR IS RESPONSIBLE FOR KEEPING AN ACCURATE SET OF STORM WATER PREVENTION POLLUTION PLANS (SWPPP) ON SITE DURING THE TIME OF THEIR WORK.
2. THE CONTRACTOR SHALL ADHERE TO TERMS AND CONDITIONS AS OUTLINED IN THE GENERAL PERMIT FOR STORM WATER DISCHARGE ASSOCIATED WITH CONSTRUCTION ACTIVITIES ON THIS SITE.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF EROSION AND SEDIMENT CONTROL MEASURES AND PRACTICES THROUGHOUT THE PROJECT. ANY AND ALL FEES ASSOCIATED WITH EROSION CONTROL VIOLATIONS WILL BE THE CONTRACTOR'S RESPONSIBILITY.
4. ALL MEASURES SHOWN ON THE STORM WATER PREVENTION POLLUTION PLAN (SWPPP) SHALL BE MAINTAINED IN FULLY FUNCTIONAL CONDITION UNTIL NO LONGER REQUIRED FOR COMPLETED PHASE OF WORK OR FINAL STABILIZATION OF THE SITE.
5. ALL SEDIMENT AND EROSION CONTROL PRACTICES SHALL BE INSPECTED AT LEAST DAILY (EXCEPT FOR EROSION CONTROL) AND AFTER ANY EROSION EVENT OF GREATER THAN 0.5 INCHES OF PRECIPITATION DURING ANY 24 HOUR PERIOD BY THE CONTRACTOR AND MUST BE DOCUMENTED ANY COPY ON SITE FOR ACCESSIBILITY. THE CONTRACTOR SHALL COMPLETE WEEKLY REPORT AND PROVIDE REPORT TO AGENCIES. ANY CHANGES MADE TO THE SWPPP SHALL BE RECORDED AND REVIEWED ON THE PLANS BY THE CONTRACTOR.
6. ANY NECESSARY REPAIRS OR CLEAN UP TO MAINTAIN THE EFFECTIVENESS OF THE BEST MANAGEMENT PRACTICES SHALL BE MADE IMMEDIATELY BY THE CONTRACTOR ON SITE.
7. SILT FENCE DEVICES AND BARRIERS SHALL BE REPAIRED OR REPLACED IF THEY SHOW SIGNS OF DETERIORATION OR DESTRUCTION. ADEQUATE DRAINAGE NEEDS TO BE MAINTAINED IN THE EXISTING 24-INCH CUP UNDER THE PROPOSED CONSTRUCTION ENTRANCE.
8. SILT FENCE SHALL BE REPAIRED TO THEIR ORIGINAL CONDITION IF DAMAGED. SEDIMENT SHALL BE REMOVED FROM THE SILT FENCE WHEN IT REACHES ONE HALF THE HEIGHT OF THE SILT FENCE.
9. THE CONSTRUCTION ENTRANCES SHALL BE MAINTAINED BY THE CONTRACTOR ON SITE IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOW OF MUD ON THE PUBLIC RIGHT OF WAY. THIS MAY REQUIRE PERIODS OF PRESSING OF CONSTRUCTION ENTRANCES AS CONSTRUCTION PROGRESSES.
10. CONTRACTOR TO PROVIDE AN APPROXIMATE SCHEDULE OF EXCAVATION SO AS TO HAVE DISTURBED AREAS TO A MINIMAL AREA GRADDED TO FINAL GRADE TO BE RE-SEED WITH PERMANENT SEEDING. IF NOT A PLANTING SEASON, AREAS NEED TO BE TEMPORARILY PROTECTED OR SEEDED WHEN IN THE PLANTING SEASON. ALL TEMPORARILY PROTECTED OR SEEDED AREAS SHALL BE PLANTED WITH PERMANENT VEGETATION.

TEMPORARY SEEDING SPECIFICATIONS:

ALTERNATE NO. 1	MINIMUM PURITY (%)	APPROXIMATE MEDICAL DRILL APPLICATION RATE # LB. OF PURE SEED/ACRE
OATS	90	45
ALTERNATE NO. 2		
W/O COOL SEASON #4 SEED MIX	85	50
1/3 FAWN FESCUE	80	
1/3 PERENNIAL RYE	80	
1/3 SMOOTH BROME	80	

FERTILIZER-200 LBS/ACRE OR 18-48-0 OR 18-40-0 OR 11-52-0
MULCH-2 TONS/ACRE OF PRAIRIE HAY OR 2.05 TONS/ACRE OF STRAW, NO BROME HAY.

PERMANENT SEEDING SPECIFICATIONS:

MINIMUM PURITY (%)	APPROXIMATE MEDICAL DRILL APPLICATION RATE # LB. OF PURE SEED/ACRE
NATIVE GRASS SEED MIX	8
PERENNIAL PIPPOGRASS-LIN	8
PERENNIAL BROMUS-GRASS	3
PERENNIAL BROMUS-GRASS	1.2
LITTLE BLUESTEM-DWARF	3
SAND LOVERGRASS-NATIVE	1
BLUE GRAMA-NEARSCD	3
BLUE GRAMA	2
BLACK-TIE	2
RED CLOVER-2X INOCULATION	12
PARROTREE PEA-PLATE	12
OATS	12
W/O COOL SEASON #4 SEED MIX	80
1/3 FAWN FESCUE	80
1/3 PERENNIAL RYE	80
1/3 SMOOTH BROME	80

FERTILIZER-200 LBS/ACRE OR 18-48-0 OR 18-40-0 OR 11-52-0
MULCH-2 TONS/ACRE OF PRAIRIE HAY OR 2.05 TONS/ACRE OF STRAW, NO BROME HAY.

NOTES: LAND OWNER SHALL HAVE THE OPTION TO USE THE ABOVE NOTED MIXES OR AN ALTERNATE IF APPROVED PRIOR TO PLACEMENT BY THE LOWER PLATE SOUTH NATIONAL RESOURCES DISTRICT.

LEGEND

- CONSTRUCTION ENTRANCE
- PEORIA/LOVELAND LOESS
- EXISTING DRAINAGE PATTERNS
- PROPOSED DRAINAGE PATTERNS
- GRADING LIMITS
- 1325 - EXISTING CONTOURS
- 1325 - PROPOSED CONTOURS
- SF - SILT FENCE
- PROPERTY LINE (ASSUMED)
- VEHICLE AND EQUIPMENT STORAGE AREA

APPROXIMATE EXCAVATION VOLUME

NET HAUL OFF	62,525 CY
--------------	-----------

- MACHINERY**
1. EXCAVATOR
 2. S/D DUMP
 3. SCRAPER
 4. DUMP TRUCK

PROJECT: 241240

NO.	DATE	BY	DESCRIPTION

REGA ENGINEERING
601 OLD CHENEY RD., SUITE A
LINCOLN, NEBRASKA 68502
(402) 484.7342

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

REGA CAP#678

SPECIAL PERMIT #17043A
LINCOLN, NE
BORGMAN BORROW PIT

DATE: 10/29/2024
DESIGNED BY: NBC/NB
DRAWN BY: NBC/NB
CHECKED BY: NB

SHEET NO. 2 of 2



18570 SW 29th Street Martell, NE 68404

Phone: 402-421-6316

Purpose of Application Amendment Letter

The purpose of this application dated 10/04/2024 is to amend an existing application #SP17043A and Permit # MSV22040 for an additional year covering from 9/28/2024 to 9/28/2025. This borrow pit location located at 11351 West Van Dorn Street or Lot 8 Irregular Tract, NE 1/4 of Section 5, Township 9 North, Range 5 East, Lancaster County and will be used for continued excavation of structural fill material to be used in and around Lancaster County. Attached to this letter of application purpose includes:

1. Application for Special Permit Fee

Respectfully,

A handwritten signature in black ink, appearing to read "Micah Messick", is written over a light blue horizontal line.

Bauer Infrastructure, LLC

Micah Messick, Project Manager



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

<p>APPLICATION NUMBER Use Permit #126H</p>	<p>FINAL ACTION? No</p>	<p>DEVELOPER/OWNER Wilderness Woods Holding, LLC</p>
<p>PLANNING COMMISSION HEARING DATE December 4, 2024</p>	<p>RELATED APPLICATIONS None</p>	<p>PROPERTY ADDRESS/LOCATION 8722 Executive Woods Drive</p>

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for an amendment to the existing Use Permit #126G for the Wilderness Woods Office Park. The request is to add a note to allow lots within the use permit to have their one free standing sign on any lot or outlots within the use permit boundary. This use permit is approximately 29.41 acres and consists of both office space and multifamily residential surrounded by the Wilderness Ridge Golf Course. This amendment is not proposing any change in allowed uses or signage.



JUSTIFICATION FOR RECOMMENDATION

The proposed amendment to is consistent with the uses on site today. The addition of the note would allow for free standing signs to be located on any lot or outlot within the permit boundary. Currently freestanding signs must be on the same property as the related use. This use permit is surrounded by an existing golf course, with varying office and residential uses. This language will allow more flexibility for the various businesses and uses within the permit boundary on the allowed location of signs.

APPLICATION CONTACT

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

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The request is consistent with the 2050 Comprehensive Plan as this area is shown as a mix of both urban residential and commercial on the 2050 Future Land Use Map. Both land uses allow for a mix of both residential and commercial space, consistent with the need for signage within the permit boundary. Signs will still follow the allowed area and height limits within O-3, keeping them compatible with the existing office and multifamily character of the use permit.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

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

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

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

Fundamentals of Growth in Lancaster County

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

Benefits of Well-Planned Growth

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

Goals Section

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

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

Policies Section

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

Action Steps

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

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

Action Steps

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

ANALYSIS

1. This is a request to amend the existing Wilderness Woods Office Park Use Permit #126G to regarding the location of signage within the permit boundary. The use permit is approximately 29.41 acres and includes a mix of both office and multifamily uses, surrounded by the Wilderness Ridge Golf Course at the southwest corner of Wilderness Ridge Drive and Yankee Hill Road. The proposed amendment does not modify the size of the use permit.
2. The Wilderness Woods Office Park is zoned O-3 Office Park and completely surrounded by the Wilderness Ridge Golf Course zoned R-3 Residential on all abutting sides. To the north, across Yankee Hill Road is a mix of B-2 Planned Neighborhood Business, H-4 General Commercial and R-3 Residential.
3. The applicant is proposing an addition of Note #21 on the use permit cover sheet which would allow one freestanding sign per main building to be located on any outlot or lot within the boundary of the use permit. The Lincoln Municipal Code (LMC) Chapter 27.69 defines a freestanding sign as any sign supported by structures or supports that are anchored in the ground and that are independent from any building or structure. Currently, following the O-3 zoning regulations for signs in the LMC, one freestanding sign is allowed per the main building up to 50 square feet in area and 12 feet tall if located inside the front yard setback and up to 18 feet tall if outside the front yard setback. This allowance requires the freestanding sign related to a specific building to be located on the same premise or lot.
4. The O-3 use permit consists of multiple lots and outlots, allowing up to 297 dwelling units and 174,000 square feet of commercial within the boundary. Within the use permit this allowance is broken up between approximately 11 lots for office space and two lots for residential dwellings including multiple business tenants. With this

amendment, freestanding signs will not be restricted to remain on the same lot but can be located on adjacent and any lot or outlot. This modification is considered to be compatible due to the various uses that exist within the permit boundary today as the lot and private roadway layout was developed as a larger center of office and residential dwellings. This amendment only relates to the location of the sign and does not allow for an increased sign area or height beyond what the LMC allows in O-3 today.

- 5. The initial reason for this request is due to the recent development for a multifamily building at the northwest corner of Executive Woods Drive and Wilderness Woods Place, shown as Lot 3. In the past, the office building located at 8700 Executive Woods Drive shown as Lot 4 had a free standing sign along Executive Woods Drive as it served as one of two entrances. With the development of the multifamily building on Lot 3, the office building is no longer located on the same lot as where the sign once stood, as the most recent plat brought that area into the multifamily lot. Since the two lots share an entrance on Executive Woods Drive, the amendment would allow the free standing sign for Lot 4 to return to the Executive Woods Drive entrance.
- 6. The Comprehensive Plan continues to show the area within the use permit for future commercial and urban residential uses, reflecting what it exists as today with a mix of both uses. The proposed amendment to the allowed signage location within the permit boundary is consistent as it will allow the various lots and uses more flexibility. The amendment is not expected to have any adverse impacts on adjacent properties as the 29-acre site is surrounded by a golf course with multiple internal lots and outlots.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: O-3, Office Park, Office & Multifamily Residential

SURROUNDING LAND USE & ZONING

North: Wilderness Ridge Golf Course	R-3, Residential
South: Wilderness Ridge Golf Course	R-3, Residential
East: Wilderness Ridge Golf Course	R-3, Residential
West: Wilderness Ridge Golf Course	R-3, Residential

APPLICATION HISTORY See Attached

APPROXIMATE LAND AREA: 29.41 acres, more or less

LEGAL DESCRIPTION: See Attached

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

Date: November 21, 2024

Applicant/
Owner Wilderness Woods Holdings, LLC
8722 Executive Woods Drive, Suite 100
Lincoln, NE 68512
randyc@rentcip.com

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

APPLICATION HISTORY - USE PERMIT #126H

Feb 1998	This area was annexed per annexation #98005.
Dec 1999	Use Permit #126 and Change of Zone #03225 were approved to allow 275,000 square feet of office space and a change of zone from R-3 Residential to O-3 Office Park and from O-3 Office Park to R-3 Residential.
Jun 2000	Use Permit #126A was approved allowing a reduced setback on Lot 4 from 40' to 30', and to increase the height allowed on Lot 4 from 35' to 45'.
Jul 2002	Administrative Amendment #02073 approved a 10,000 square foot office building with a parking lot on Lot 1.
Nov 2002	Administrative Amendment #02097 revised the parking, parking lot landscaping and screening plans, and revised the General Notes.
July 2004	Use Permit #126B and Change of Zone 04048 were approved changing the zoning on an existing parking lot from O-3 to R-3, and to remove it from the use permit and include it with the golf course as part of the Wilderness Ridge Golf Course.
Aug 2011	Use Permit #126C was approved to allow 186 dwelling units and to reduce the amount of office floor area from 275,000 square feet to 225,000 square feet, and showed a height increase for Lot 3 to 45 feet.
Apr 2014	Administrative Amendment #14013 was approved to increase the number of dwelling units to 195.
Sept 2015	Use Permit #126D was approved to reduce the amount of office square footage permitted from 225,000 to 174,000 square feet and increase the number of dwelling units from 195 to 297.
Aug 2016	Use Permit #126E revised the layout of Lot 2, with waivers to reduce the side yard setback to 5 feet and the rear yard setback to 10 feet on Lot 2.
Mar 2017	Use Permit #126F approved a parking reduction for office uses on Lot 2 from 1 stall per 300 square feet to 1 stall per 350 square feet.
July 2021	Use Permit #126G was approved allowing up to 297 dwelling units and 174,000 square feet of office floor area, with waivers to increase the building height on Lot 3 to 55 feet and reduce the minimum parking on Lot 3 to 1.75 spaces per dwelling.
July 2023	Administrative Amendment #23042 was approved to update the allowed uses on Lot 3 to allow 103 maximum dwelling units and 18,200 square feet of office space.

CONDITIONS OF APPROVAL - USE PERMIT #126H

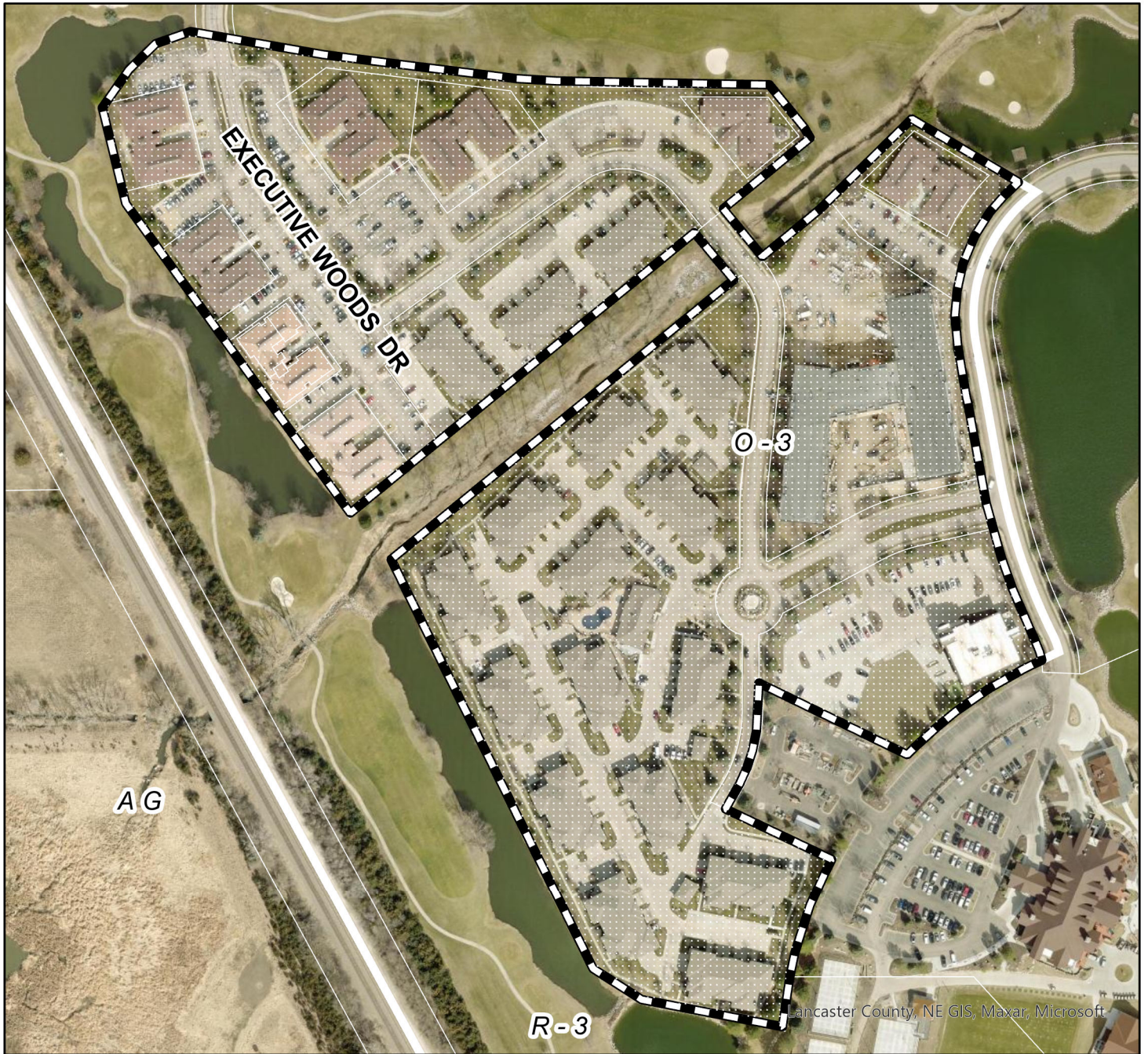
This approval authorizes the permitted one free standing sign per building to be located on any lot or outlot within the use permit boundary. Only the zoning regulations regarding the location of the sign are being amended, not the sign area or height.

Site Specific Conditions:

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

Standard Conditions:

2. The following conditions are applicable to all requests:
 - 2.1 Before occupying the buildings, all development and construction is to substantially comply with the approved plans.
 - 2.2 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the Permittee or an appropriately established property owners association approved by the City.
 - 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 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 2.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
 - 2.6 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions/ordinances approving previous permits remain in force unless specifically amended by this resolution. This approval supersedes Use Permit 126G and Administrative Amendment #23042.



Area of amendment includes entire existing use permit boundary.

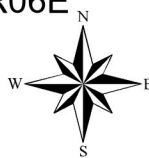
2024 aerial

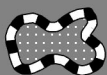


Use Permit #: UP126H
Wilderness Woods Office Park
Wilderness Ridge Dr & Yankee Hill Rd

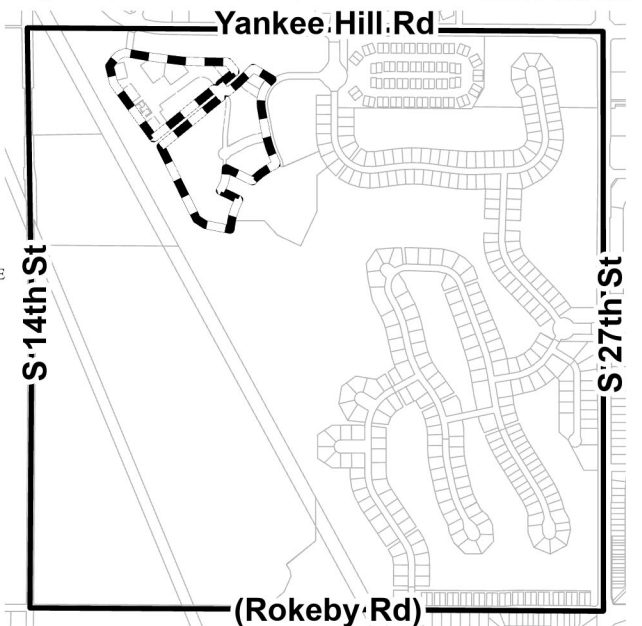
Zoning:

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

One Square Mile:
 Sec.25 T09N R06E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdictional Boundary



WILDERNESS WOODS OFFICE PARK

AMENDED USE PERMIT #126H

PARKING SUMMARY						
LOT	ZONE	FLOOR AREA (S.F.)	ADDRESS	USE	REQUIRED PARKING	HEIGHT
LOT 1	O-3	144 UNITS	8801 EXECUTIVE WOODS DR.	DWELLING UNITS	288	35'
LOT 2	O-3	40,000	8885 EXECUTIVE WOODS DR.	OFFICE	115	45'
LOT 3	O-3	103 UNITS	8722 EXECUTIVE WOODS DR.	DWELLING UNITS	103	55'
LOT 4	O-3	18,200	8722 EXECUTIVE WOODS DR.	OFFICE	61	55'
LOT 5	O-3	9,077	8700 EXECUTIVE WOODS DR.	OFFICE	31	35'
LOT 6	O-3	3,796	8466 EXECUTIVE WOODS DR.	OFFICE	13	35'
LOT 7	O-3	32 UNITS	8601 EXECUTIVE WOODS DR.	DWELLING UNITS	64	35'
LOT 8	O-3	9,720	8555 EXECUTIVE WOODS DR.	OFFICE	33	35'
LOT 9	O-3	10,000	8545 EXECUTIVE WOODS DR.	OFFICE	34	35'
LOT 10	O-3	9,720	8535 EXECUTIVE WOODS DR.	OFFICE	33	35'
LOT 11	O-3	10,000	8525 EXECUTIVE WOODS DR.	OFFICE	34	35'
LOT 12	O-3	9,720	8540 EXECUTIVE WOODS DR.	OFFICE	33	35'
UNASSIGNED OFFICE		44,047	8644 EXECUTIVE WOODS DR.	OFFICE	33	35'
UNASSIGNED DWELLING UNITS		18 UNITS				
TOTAL:					APPROVED 297 DWELLING UNITS & 174,000 S.F. OF OFFICE OR SOME COMBINATION OF BOTH USES MAY BE BUILT ON THE SITE.	

WAIVERS

TITLE 27 - SECTION 27.07.020 - TO AMEND THE PARKING REQUIREMENT FOR LOT 2 TO BE 1 STALL PER 350 SQ FT OF OFFICE SPACE.

OWNER & DEVELOPER:

AUSTIN REALTY COMPANY
7211 S. 27TH STREET
LINCOLN, NE 68512

8525 EXECUTIVE WOODS DRIVE, LLC
7211 S. 27TH STREET
LINCOLN, NE 68512

8535 EXECUTIVE WOODS DRIVE, LLC
7211 S. 27TH STREET
LINCOLN, NE 68512

8555 EXECUTIVE WOODS DRIVE, LLC
7211 S. 27TH STREET
LINCOLN, NE 68512

WILDERNESS WOODS, LLC
7211 S. 27TH STREET
LINCOLN, NE 68512

8600 EXECUTIVE WOODS DRIVE, LLC
7211 S. 27TH STREET
LINCOLN, NE 68512

PINE RIDGE DENTAL PROPERTIES II, LLC
5140 S. 56TH STREET
LINCOLN, NE 68516

ARC INVESTMENTS, LLC
8545 EXECUTIVE WOODS DRIVE, UNIT #1
LINCOLN, NE 68512

HAUSMANN HOLDINGS, LLC
8885 EXECUTIVE WOODS DRIVE
LINCOLN, NE 68512

VILLAS AT WILDERNESS RIDGE, LLC
7211 S. 27TH STREET
LINCOLN, NE 68512

THE VILLAS AT WILDERNESS RIDGE, LLC
7211 S. 27TH STREET
LINCOLN, NE 68512

WILDERNESS WOODS HOLDINGS, LLC
7211 S. 27TH STREET
LINCOLN, NE 68512

BLACKTIE PROPERTIES, LLC
17475 BIRDSONG PLACE
HICKMAN, NE 68372

ENGINEER:

CIVIL DESIGN GROUP, INC.
8535 EXECUTIVE WOODS DRIVE,
SUITE 200
LINCOLN, NE 68512 (402)434-8494

ALLIED SURVEYING & MAPPING
8535 EXECUTIVE WOODS DRIVE,
SUITE 200
LINCOLN, NE 68512 (402)434-2686

WILDERNESS WOODS OFFICE PARK #1ST ADDITION, LOT 1,
WILDERNESS WOODS OFFICE PARK #2ND ADDITION, LOT 1 AND OUTLOT 'A', WILDERNESS
WOODS OFFICE PARK #3RD ADDITION, AND LOTS 1 AND 2, OUTLOTS 'A' AND 'B', WILDERNESS
WOODS OFFICE PARK #4TH ADDITION.

ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 9 NORTH, RANGE
6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE
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29.41 ACRES

LEGAL DESCRIPTION - USE PERMIT

A SUBDIVISION COMPOSED OF LOTS 7, 8, 14, AND 15, WILDERNESS WOODS OFFICE PARK
ADDITION; LOTS 4, 5, 6, AND 7, WILDERNESS WOODS OFFICE PARK #1ST ADDITION; LOT 1,
WILDERNESS WOODS OFFICE PARK #2ND ADDITION; LOT 1 AND OUTLOT 'A', WILDERNESS
WOODS OFFICE PARK #3RD ADDITION; AND LOTS 1 AND 2, OUTLOTS 'A' AND 'B', WILDERNESS
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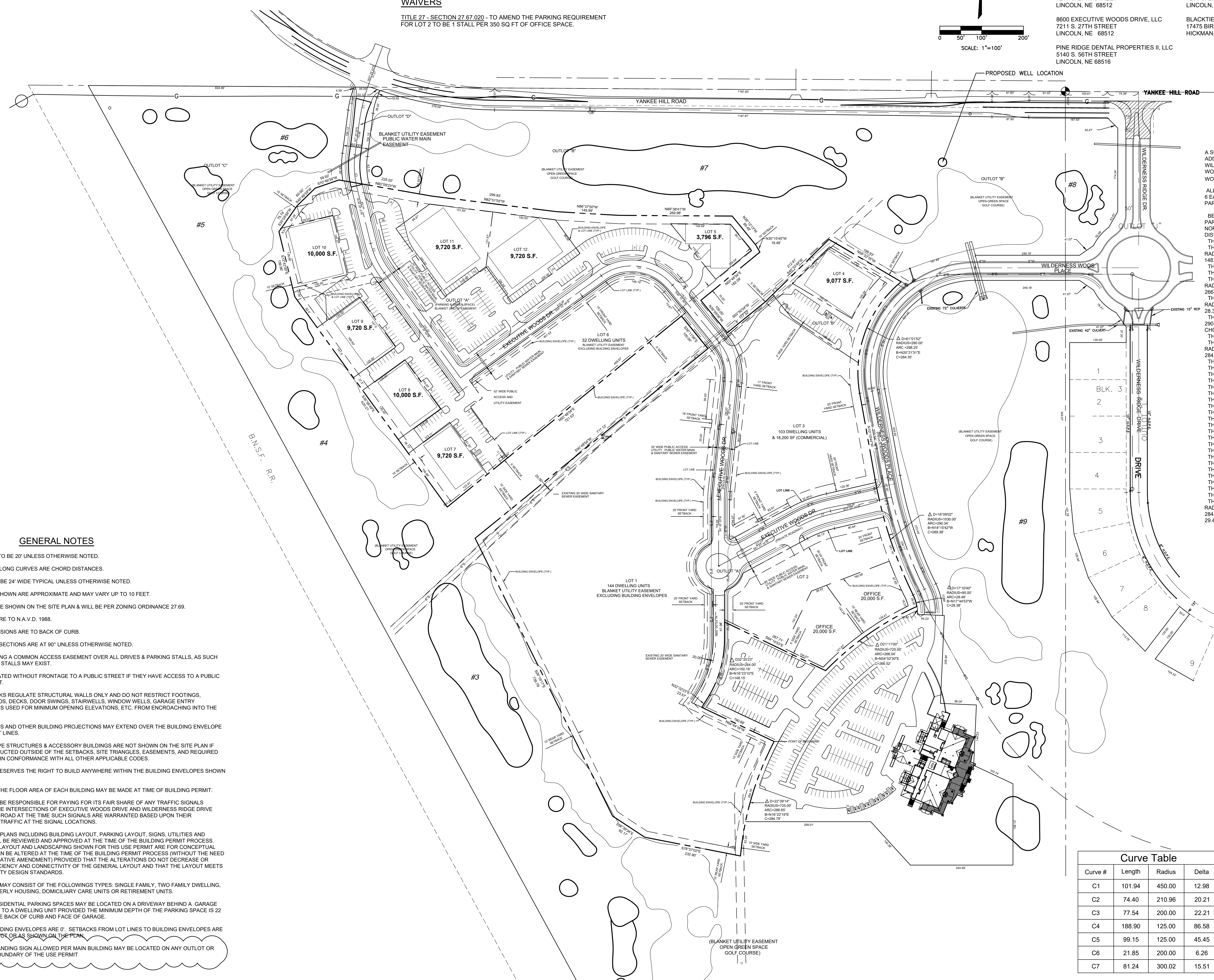
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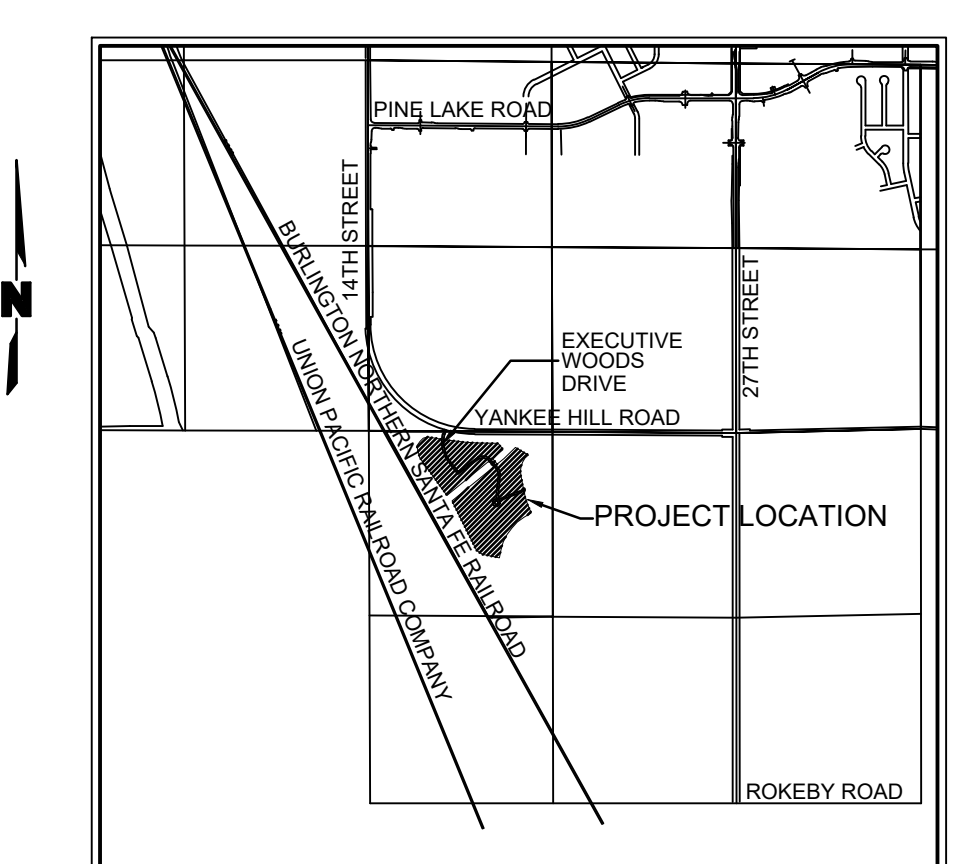
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29.41 ACRES



GENERAL NOTES

- ALL PAVING RADI TO BE 20' UNLESS OTHERWISE NOTED.
- ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
- ALL DRIVES SHALL BE 24' WIDE TYPICAL UNLESS OTHERWISE NOTED.
- LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY UP TO 10 FEET.
- SIGNS NEED NOT BE SHOWN ON THE SITE PLAN & WILL BE PER ZONING ORDINANCE 27.09.
- ALL ELEVATIONS ARE TO N.A.V.D. 1988.
- ALL STREET DIMENSIONS ARE TO BACK OF CURB.
- ALL STREET INTERSECTIONS ARE AT 90° UNLESS OTHERWISE NOTED.
- WE ARE REQUESTING A COMMON ACCESS EASEMENT OVER ALL DRIVES & PARKING STALLS, AS SUCH DRIVES & PARKING STALLS MAY EXIST.
- LOTS MAY BE CREATED WITHOUT FRONTAGE TO A PUBLIC STREET IF THEY HAVE ACCESS TO A PUBLIC ACCESS EASEMENT.
- THE YARD SETBACKS REGULATE STRUCTURAL WALLS ONLY AND DO NOT RESTRICT FOOTINGS, OVERHANGS, PATIOS, DECKS, DOOR SWINGS, STARWELLS, WINDOW WELLS, GARAGE ENTRY FOUNDATION WALLS USED FOR MINIMUM OPENING ELEVATIONS, ETC. FROM ENCRoACHING INTO THE SETBACKS.
- ALL EAVES CANOPIES AND OTHER BUILDING PROJECTIONS MAY EXTEND OVER THE BUILDING ENVELOPE LINES BUT NOT LOT LINES.
- FENCE, DECORATIVE STRUCTURES & ACCESSORY BUILDINGS ARE NOT SHOWN ON THE SITE PLAN IF THEY ARE CONSTRUCTED OUTSIDE OF THE SETBACKS, SITE TRIANGLES, EASEMENTS, AND REQUIRED MINIMUM AND ARE IN CONFORMANCE WITH ALL OTHER APPLICABLE CODES.
- THE DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES SHOWN ON EACH LOT.
- ADJUSTMENTS IN THE FLOOR AREA OF EACH BUILDING MAY BE MADE AT TIME OF BUILDING PERMIT.
- PERMITTEE SHALL BE RESPONSIBLE FOR PAYING FOR ITS FAIR SHARE OF ANY TRAFFIC SIGNALS WARRANTED AT THE INTERSECTIONS OF EXECUTIVE WOODS DRIVE AND WILDERNESS RIDGE DRIVE WITH YANKEE HILL ROAD AT THE TIME SUCH SIGNALS ARE WARRANTED BASED UPON THEIR CONTRIBUTION OF TRAFFIC AT THE SIGNAL LOCATIONS.
- ALL SITE SPECIFIC PLANS INCLUDING BUILDING LAYOUT, PARKING LAYOUT, SIGNS, UTILITIES AND LANDSCAPING WILL BE REVIEWED AND APPROVED AT THE TIME OF THE BUILDING PERMIT PROCESS. THE PARKING LOT LAYOUT AND LANDSCAPING SHOWN FOR THIS USE PERMIT ARE FOR CONCEPTUAL PURPOSES AND CAN BE ALTERED AT THE TIME OF THE BUILDING PERMIT PROCESS (WITHOUT THE NEED FOR AN ADMINISTRATIVE AMENDMENT) PROVIDED THAT THE ALTERATIONS DO NOT DECREASE OR DISRUPT THE EFFICIENCY AND CONNECTIVITY OF THE GENERAL LAYOUT AND THAT THE LAYOUT MEETS ALL APPLICABLE CITY DESIGN STANDARDS.
- DWELLINGS UNITS MAY CONSIST OF THE FOLLOWINGS TYPES: SINGLE FAMILY, TWO FAMILY DWELLING, APARTMENTS, ELDERLY HOUSING, DOMICILIARY CARE UNITS OR RETIREMENT UNITS.
- THE REQUIRED RESIDENTIAL PARKING SPACES MAY BE LOCATED ON A DRIVEWAY BEHIND A GARAGE THAT IS ATTACHED TO A DWELLING UNIT PROVIDED THE MINIMUM DEPTH OF THE PARKING SPACE IS 22 FEET BETWEEN THE BACK OF CURB AND FACE OF GARAGE.
- SETBACKS TO BUILDING ENVELOPES ARE 0' SETBACKS FROM LOT LINES TO BUILDING ENVELOPES ARE PER THE CITY ORDINANCES SHOWN ON THE PLAN.
- THE ONE FREE STANDING SIGN ALLOWED PER MAIN BUILDING MAY BE LOCATED ON ANY OUTLOT OR LOT WITHIN THE BOUNDARY OF THE USE PERMIT

Curve Table			
Curve #	Length	Radius	Delta
C1	101.94	450.00	12.98
C2	74.40	210.96	20.21
C3	77.54	200.00	22.21
C4	188.90	125.00	86.58
C5	99.15	125.00	45.45
C6	21.85	200.00	6.26
C7	81.24	300.02	15.51



VICINITY MAP
NOT TO SCALE

Civil Design Group, Inc.
8535 EXECUTIVE WOODS DR., SUITE 200
LINCOLN, NE 68512
PH: 402-434-8494 FAX: 866-216-8747
www.civildg.com

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

REVISIONS

NO.	DATE	DESCRIPTION
1	11/14/2024	ISSUE FOR PERMIT

COVER SHEET

WILDERNESS WOODS OFFICE PARK
AMENDED USE PERMIT #126H

2024

LINCOLN, NEBRASKA

drawn by: jjs
checked by: -
approved by: -
project no.: 2024-0169
drawing no.: -
date: 11/14/2024

SHEET
1 OF 1

A SUBDIVISION COMPOSED OF LOTS 7, 8, 14, AND 15. WILDERNESS WOODS OFFICE PARK ADDITION; LOTS 4, 5, 6, AND 7 WILDERNESS WOODS OFFICE PARK 1ST ADDITION; LOT 1, WILDERNESS WOODS OFFICE PARK 2ND ADDITION; LOT 1 AND OUTLOT 'A', WILDERNESS WOODS OFFICE PARK 4TH ADDITION; AND LOTS 1 AND 2, OUTLOTS 'A' AND 'B', WILDERNESS WOODS OFFICE PARK 5TH ADDITION.

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Civil Design Group, Inc.

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

November 5, 2024

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

RE: Application for Amendment to the Wilderness Woods Office Park Use Permit #126, CDG project #2024-0169.

Dear Mr. Cary:

On behalf of Wilderness Woods Holdings, LLC, we submit the above mentioned application for an amendment to the Wilderness Woods Office Park Use Permit. This amendment seeks to allow the one free standing sign that is per permitted per building, to be constructed on any outlot or lot, within the boundary of this use permit. This amendment will provide more flexibility for tenant signage based on the configuration of the final plat boundaries in this use permit.

In conjunction with this submittal we have included the following:

City of Lincoln CUP Amendment Fee: \$1,142.00
Amendment Use Permit Application
Plans uploaded via Project Dox

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

Sincerely,

Mike Eckert, AICP

Encl

Cc: Wilderness Woods Holdings, LLC

/Volumes/Public/F/Projects/2024/20240169/Doc/2024-0169 Full Use Permit Amendment 11-05-24.docx

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Special Permit #24009	FINAL ACTION? Yes	DEVELOPER/OWNER Landscape Supply Specialist, LLC
PLANNING COMMISSION HEARING DATE December 4, 2024	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION East side of N. 56 th Street between Bluff Rd. and Waverly Rd.

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for new Garden Center per LMC 27.63.110 on approximately 18.72 acres located on the east side of N. 56th (Highway 77) between Bluff Road and Waverly Road. This property is located outside the City limits in the Lincoln 3 Mile jurisdiction and is zoned AG Agriculture.



JUSTIFICATION FOR RECOMMENDATION

This proposal is justified as it is an appropriate use in AG Agriculture Zoning subject to meeting the conditions of approval. There will not be a significant impact to the adjacent residential property and the surrounding area.

APPLICATION CONTACT

Blaine Price, (402) 525-1212 or landscapesuppliespecialist@gmail.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This proposed Garden Center is compatible with the 2050 Comprehensive Plan as the proposed use is allowed in AG by Special Permit, and compatible with the surrounding agricultural land uses. The 2050 Future Land Use Map shows this property as future Agriculture.

WAIVERS

No waivers are requested.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

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

Land Use Plan - Agricultural- Land principally in use for agricultural production and compatible industries like solar and wind energy production. Agricultural land may be in transition to more diversified agribusiness ventures such as growing and marketing of products (e.g., horticulture, silviculture, aquaculture) on site. Some land in the Agricultural category may be enrolled in voluntary preservation programs such as the USDA Conservation Reserve Program (CRP).

Growth Framework: The Rural Environment

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

Goals Section:

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

ANALYSIS

1. This is a request for a Special Permit under LMC 27.63.110 for a new Garden Center. The property is 18.72 acres and is generally located on the east side of N. 56th Street between Bluff Road and Waverly Road. This is located outside of the existing city limits, but within the 3-mile City zoning jurisdiction area. The site would use an existing entrance of N. 56th Street/Highway 77.
2. The property is zoned AG Agriculture. Garden centers may be allowed by Special Permit in the AG, AGR, R-2 and R-3 Zoning Districts. Therefore, the use is one that is considered appropriate for the zoning district subject to meeting the criteria and through Special Permit approval.
3. There would be an office and a retail shop for customers in the northwest part of the site with trees, landscape and bulk materials on the west half of the property. The east half of the property would remain agricultural in use.
4. The Lincoln Zoning Ordinance allows Garden centers in the AG, AGR, R-2 and R-3 zoning districts under the following conditions:
 - a. In the R-2 and R-3 zoning districts, the land shall be adjacent to the boundary of one of the following districts: B-1, B-2, B-3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2, or I-3;

The property is zoned AG Agriculture District.

- b. In the AG and AGR zoning districts, buildings and parking shall be set back at least 100 feet from all exterior lot lines, except for the front yard setback which shall be 50 feet;

The proposal complies with the exterior lot line and front yard setbacks.

- c. In the R-2 and R-3 zoning districts, buildings, parking stalls, and driving aisles shall be set back at least 30 feet from abutting residential lot lines;

The property is zoned AG Agriculture District so this condition does not apply.

- d. Height regulations shall be the same as the zoning district in which it is located;

The buildings as part of the building permit will have to comply with the AG Zoning District height limit which is 35’.

- e. If a building or parking lot is located on the garden center site adjacent to any residential district, the yards adjacent to said residential district shall be landscaped and screened as required in Section 7.5 titled “Adjacent Land Uses and Zoning Districts of Substantially Different Character; B-1, B-2, B-3, H-1, H-2, H-3, H-4, B-5, O-2, I-1, I-2, I-3 Abutting Residential Districts” in Chapter 3.50 of the approved Design Standards for Zoning;

The property is not adjacent to any residential zoning district. The adjacent zoning is all AG.

- f. Access to the garden center shall be from a street that is designated as an existing or future arterial in the Comprehensive Plan.

North 56th Street/Highway 77 is shown as a principal arterial. This application was routed to the Nebraska Department of Transportation (NDOT), and they had no comment. In checking further with NDOT (Cierra Catlin, District Highway Permit Officer) on the existing driveway access off Highway 77 which is shared with the residential property owner to the north, it was noted that the driveway would need to meet commercial standards of which the maximum width is 40’ at the property line. A northbound deceleration lane may be a requirement to use the existing drive for commercial use. NDOT indicates that a second access is not possible in this area due to Highway 77 being a controlled access expressway.

- g. The City Council may increase the number of free standing signs per frontage permitted in the AG district under the following conditions:
 - i) The owner’s main use of the premises for a Garden Center is, or will be operated by two or more tenants/lessees of the owner who have or will have separate and distinct access entrances to the premises along the same frontage; and
 - ii) No more than one free standing sign shall be located at any such tenant’s/lessee’s entrance to the premises.

No waiver or request for additional signage is proposed.

- h. A dwelling for the owner or employee of the garden center may be on the same premises as the garden center.

No dwelling is proposed on the garden center site.

- 5. The 2050 Comprehensive Plan continues to designate this area for Agriculture on the 2050 Future Land Use Map. The proposed use as a garden center is considered to be a compatible use within Agriculture zoning and with the surrounding land uses in this area. The property is located on a principal arterial roadway of N. 56th Street/Highway 77. The property is consistent with the use of a garden center in AG zoning located outside the City limits.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Agriculture AG Agriculture

SURROUNDING LAND USE & ZONING

CONDITIONS OF APPROVAL - SPECIAL PERMIT #24009

Per Section 27.63.110 this approval permits a garden center on approximately 18.72 acres.

Site Specific Conditions:

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
 - 1.1 Add the title SP24009 for the Special Permit number and delete the text "Plot Plan For:".
 - 1.2 Add the word "Retail" in front of "Shop/Supplies".
 - 1.3 Provide east-west distance for the Agricultural use.
 - 1.4 Add label "100 Foot Setback" to all sides where this setback is shown.
 - 1.5 Move the label "Limits of Special Permit" to the outer boundary line of the Special Permit area.

Standard Conditions:

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



Lancaster County, NE GIS, Maxar

2024 aerial

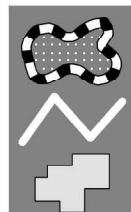
**Special Permit #: SP24009
N 56th St & Waverly Rd**

Zoning:

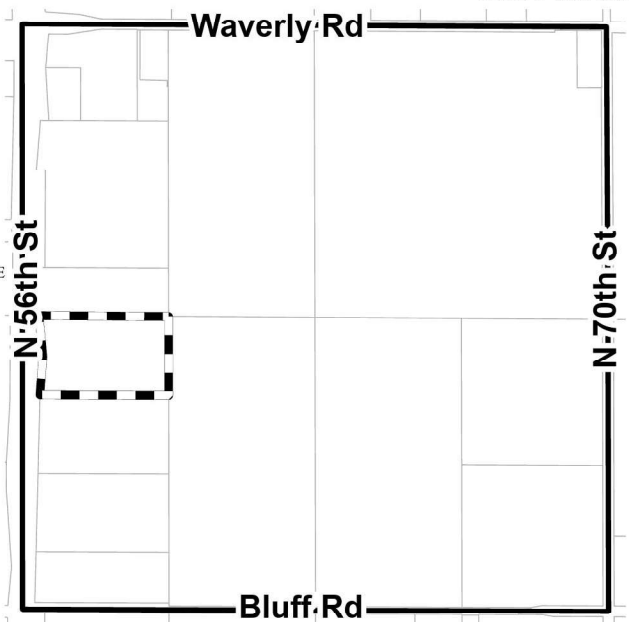
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

One Square Mile:
Sec.16 T11N R07E





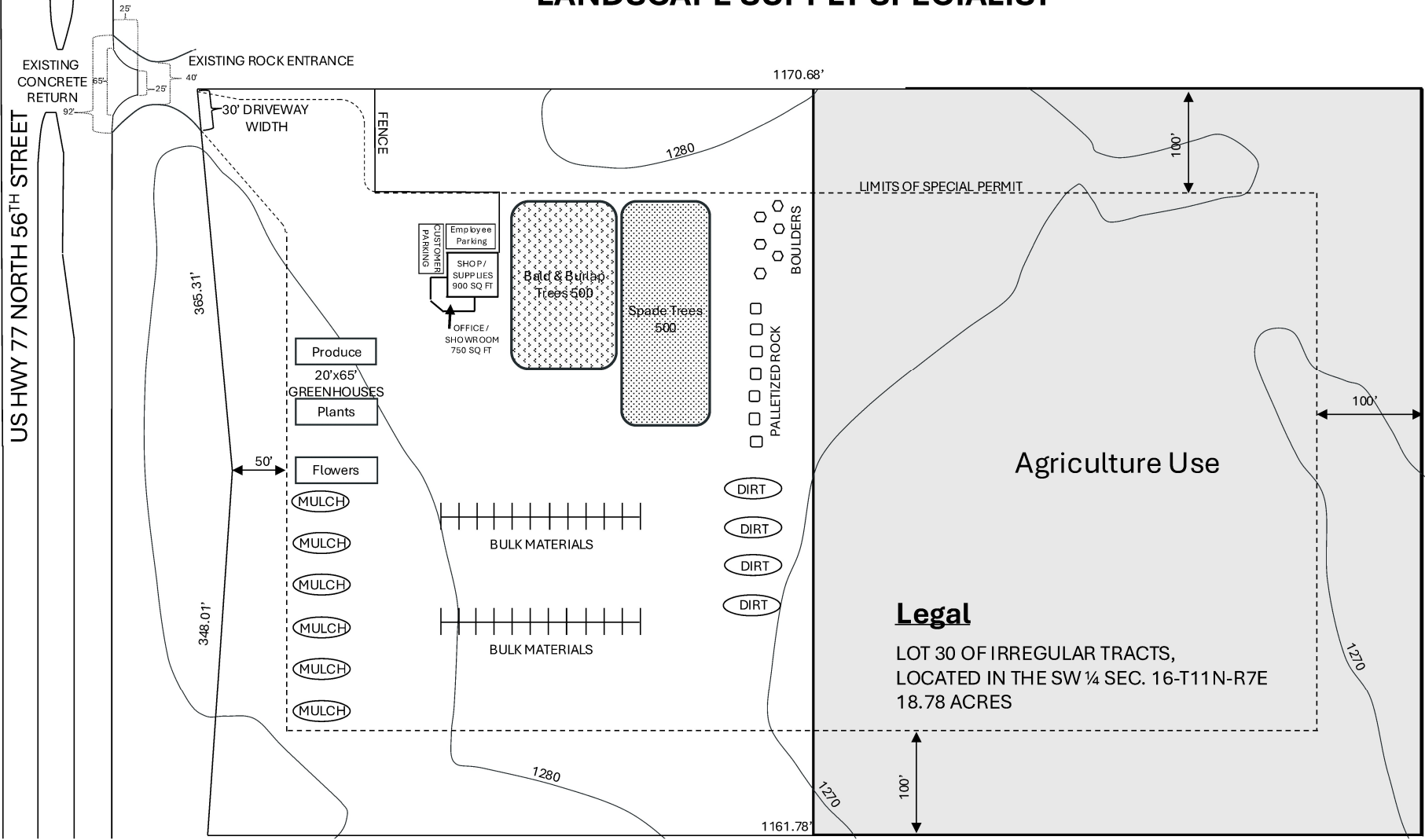
- Area of Application
- Zoning Jurisdiction Lines
- Lancaster County Jurisdictional Boundary



PLOT PLAN FOR: LANDSCAPE SUPPLY SPECIALIST



US HWY 77 NORTH 56TH STREET



PROPERTY USE
GARDEN CENTER AND
LANDSCAPE MATERIALS

Agriculture Use

Legal
LOT 30 OF IRREGULAR TRACTS,
LOCATED IN THE SW ¼ SEC. 16-T11N-R7E
18.78 ACRES

SCALE 1" = 100'

Peter C. Wegman
Timothy F. Clare
Timothy L. Moll
Jane F. Langan Mach
Mark A. Fahleson
Troy S. Kirk
Ramzi J. Hynek
Andrew S. Pollock
Tara Tesmer Paulson
Mark R. Richardson
Sheila A. Bentzen ±
Ann K. Post
Anthony M. Aerts
Sami D. Segelke
Elizabeth A. Leise
Julie A. Schumacher
Adam J. Kost ±
Sam D. Colwell
Benjamin J. Swanson
Abbie L. DeWitte
Jasmine L. Beringer

OF COUNSEL
Alan D. Slattery
Robert L. Nefsky
Donald L. Dunn
Benjamin E. Moore
Kurth A. Brashear ♦
Mark A. Hunzeker
Adam J. Prochaska
Daniel E. Klaus *
Timothy R. Engler
Ryan M. Swaroff

* also admitted in Colorado
± also admitted in Iowa
♦ also admitted in South Dakota

March 13, 2024

VIA HAND DELIVERY AND EMAIL

City of Lincoln Planning Department
Attn: Emma Martin
555 S. 10th Street, Ste 213.
Lincoln, NE 68508
plan@lincoln.ne.gov

**RE: Garden Center Special Permit –
 Landscape Supply Specialist**

Ms. Martin:

Rembolt Ludtke LLP represents Landscape Supply Specialist, LLC regarding the enclosed application for a special permit.

The applicant has secured a lease of the property identified as Parcel ID 1816300006000 and generally located on N. 56th Street between Bluff Rd and Waverly Rd in the Lincoln 3-mile jurisdiction for the purpose of building and operating a garden center. The applicant is requesting a special permit under LMC 27.63.110 to operate the garden center within the AG zoning district.

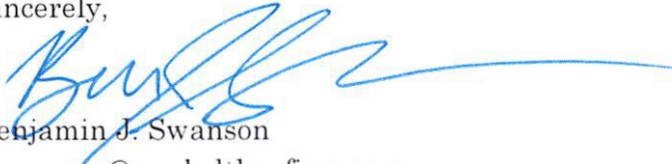
In addition to the general requirements in the AG zoning district, the garden center will comply with the applicable requirements in LMC 27.63.110. As shown in the enclosed Plot Plan, all buildings and parking will be set back 100 feet from the side and back lot lines and 50 feet from the front. Access to the garden center is from N 56th Street (Hwy 77), which is designated as an existing or future arterial in the 2050 Comprehensive Plan. The property is not located adjacent to any residential district, and therefore is not subject to the additional landscaping and screening requirements.

Please find enclosed:

- City of Lincoln Application Form.
- Plot Plan.
- Application fee of \$1,109.00.

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

Sincerely,



Benjamin J. Swanson

bswanson@remboltlawfirm.com



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Special Permit #24035	FINAL ACTION? Yes	DEVELOPER/OWNER Gille Properties, LLC
PLANNING COMMISSION HEARING DATE December 4, 2024	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 3821 S 42 nd Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a Special Permit to allow a Residential Healthcare Facility serving up to 12 persons for assisted living. The use would occupy an existing single family residential dwelling located at 3821 S. 42nd Street. The property is zoned R-2 Residential and approximately .85 acres or 37,110 square feet in size. The applicant is proposing some minor modification to the existing driveway to meet the required resident and employee parking on site.



JUSTIFICATION FOR RECOMMENDATION

Residential healthcare facilities are allowed by special permit in the R-2 zoning district. The Lincoln Municipal Code (LMC) limits the density of residential healthcare facilities to one person per 2,000 square feet of lot area within R-2. The property is approximately 37,000 square feet, which would allow 19 residents following this standard. The applicant is requesting the approval for a maximum of 12 residents, lower than the allowed density following lot size.

APPLICATION CONTACT

Chris Gille, (402) 216-8320 or chris.gille@gmail.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The special permit for a Residential Healthcare Facility is in conformance with the 2050 Comprehensive Plan. The property is shown to continue as future urban residential on the 2050 Future Land Use Map. The Comprehensive Plan includes goals for providing safe and decent affordable and special needs housing, along with continued development of a variety of new housing options, including senior living. The existing home will continue with few modifications, allowing it to remain visually compatible with the existing character of the residential neighborhood.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is designated for future Residential - Urban Density land uses on the 2050 Future Land Use Plan.

Land Use Plan - Urban Residential is defined as residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. All types of housing are appropriate here, from detached single family, duplex and missing middle, to higher density multi-family.

Goals Section

G2: Complete Neighborhoods

Housing variety, both in housing type and lot size, provides for interesting neighborhoods and accommodates changing household preferences, but, more importantly, provides affordable housing options. 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

During the planning period, there will continue to be a need to accommodate group living which generally includes, but is not limited to: senior housing, assisted living facilities, group homes, domestic shelters, and children's homes.

Policies Section

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

Action Step 21: Encourage a variety of housing types including townhomes, senior living facilities, low/no maintenance condominiums, accessory dwelling units, multi-family development, and small lot single-family units.

Appendix E: 2050 Demographic Projections

While those age 20 to 24 remain the largest Lancaster County population segment out to 2050, aging represents a central element of future population change. Growth occurs across all age groups, but the projections show the highest percentage gains happen as "baby boomers" born from 1946 to 1964 age into older age categories. Specific examples of aging include:

- Those age 65 and older doubling from 31,000 in 2010 to 61,000 in 2030 and rising to 75,000 by 2050
- Those age 75 and older exceeding children under age 5 by 2025, likely for the first time in history
- Households headed by a person age 85 or older, of which 70% currently live alone and often with a disability or special needs, tripling from 3,500 in 2010 to nearly 11,500 in 2050

CLIMATE ACTION PLAN SPECIFICATIONS:

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

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

p. 19 Key Initiative - Improve Protections for and with Lincoln Residents

- Continue to encourage installation of green infrastructure strategies where appropriate, to include grants and incentives. Examples of green infrastructure strategies include rain gardens, bioswales, and permeable pavement to reduce stormwater runoff.

ANALYSIS

1. This is a request for a special permit for a Residential Healthcare Facility per Lincoln Municipal Code Section 27.63.530. The proposed use is allowed by an approved special permit in the R-2 zoning district. The property located at 3821 S. 42nd Street is zoned R-2 Residential and has an existing single family home on site today. The property is located north of Prescott Avenue.
2. According to Section 27.02.090 of the Zoning Ordinance, the definition of a Residential Healthcare Facility is “a building or structure that is to be used in a residential nature, licensed or approved by the state or an appropriate agency, if required. Residential health care facility could include but would not be limited to the following types of facilities: Assisted Living, Nursing Care, Memory Care, Convalescent Home, Hospice Home, Group home for 16 or more people and Intermediate Care, and may include independent living units.”
3. The request is to operate an assisted living facility from an existing 4,900 square foot single family home within a residential neighborhood. The total number of persons occupy the building will allow up to no more than 12 residents in addition to employees. The applicant has stated the maximum employees on site at any one time will be three. The special permit includes a ratio for calculating the total number of residents allowed on site. The R-2 district allows one person per 2,000 square feet of lot area. This lot is larger than a standard R-2 Residential lot at 37,110 square feet and would allow up to 19 individuals following the density allowance by the LMC standards. The applicant is requesting a maximum density of 12 residents, lower than the 19 allowed following the R-2 density.
4. The applicant has stated this facility will operate similar to two previously approved special permits for the same company at 8421 Pine Dale Court in 2022 and 3737 Calvert Street in 2023. The location intends to provide residential care, specializing in memory care, in a smaller home-like environment while also receiving more personal and customized 24/7 care with daily activities and needs such as meal preparation, bathing, housekeeping, laundry, and medication management. Residential healthcare facilities shall be licensed to comply with all state requirements. The applicant will apply to obtain an Assisted Living Facility license through the Nebraska Department of Health and Human Services (DHHS).
5. Similar to the previously approved Special Permits for Harbor Senior Care at two residential locations, it is expected the traffic impact will be minimal on the surrounding properties. The facility will have three staff members with occasional visits from guests and deliveries, all served by on site parking and a circle driveway. Comparing the existing lot size with R-2 permitted uses, the lot is large enough to serve a two-family unit which is estimated to have 20 trip per day, 10 per unit. This use is expected to be very similar to that of a standard single to two family home as the 12 residents within this home will not have cars on site. This leaves the traffic generated on the site to the staff members during a shift change, small scale deliveries of groceries or household supplies as needed, occasional visiting medical services and guests for residents, all considered to be less than 20 trips per day.
6. With this application a site plan has been submitted which shows the existing residence on site to remain with limited changes. The site plan does show a large portion of an existing concrete tennis court existing in the backyard today will be removed, allowing more permeable green space. The remaining concrete pad will be maintained for an activity space. The current home meets all R-2 zoning setbacks today. Section 27.63.530 of the Lincoln Municipal Code states, “Parking shall be in conformance with Chapter 27.67 unless modified under the condition of the special permit, provided that no parking shall be permitted in the required front or side yards.” Parking for residential healthcare facilities is required at one space for every four residents and two spaces for every three employees on the largest shift. The applicant anticipates a maximum of three employees on the largest shift. This would result in a parking requirement of five stalls. The property has an existing three car garage eligible for parking and the applicant has proposed to expand the existing driveway to allow additional parking north of the garage for a total of seven spaces.
7. The proposed special permit is in conformance with the goals in the Comprehensive Plan to provide a variation of housing options within existing neighborhoods, including residential healthcare facilities and senior housing options. A complete neighborhood encourages not only a variety of housing styles but accommodation of a change in housing preference, including housing for senior residents within a neighborhood. The existing single family home will continue to be used for the facility which will keep compatibility with the character of the surrounding neighborhood homes and setbacks.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Single family dwelling, R-2 Residential

SURROUNDING LAND USE & ZONING

North:	Single family dwellings	R-2, Residential
South:	Single family dwellings	R-2, Residential
East:	Single family dwellings	R-2, Residential
West:	Single family dwellings	R-2, Residential

APPROXIMATE LAND AREA: .85 acres, more or less

LEGAL DESCRIPTION: Lot 6, Calvert Place South, Lincoln, Lancaster County, Nebraska.

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

Date: November 21, 2024

Applicant/
Owner Chris Gille
 3101 N. 177th Street
 Omaha, NE 68116
 (402) 216-8320
 Chris.gille@gmail.com Applicant:

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/24000/SP24035 Harbor Senior Care 46th & Prescott.bmc.docx>

CONDITIONS OF APPROVAL - SPECIAL PERMIT #24035

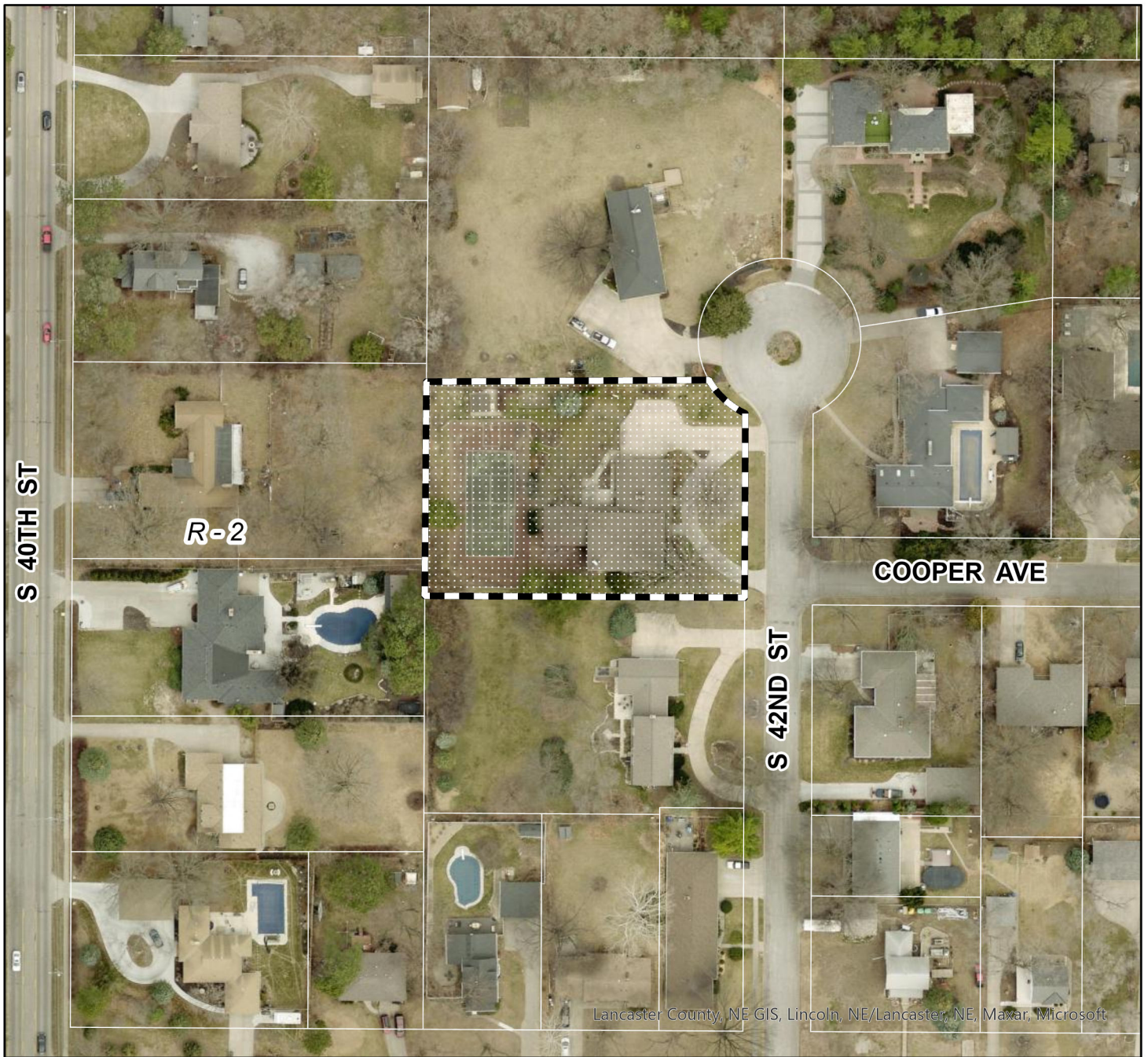
Per Section 27.63.530 this approval permits a Residential Healthcare Facility with up to 12 residents.

Site Specific Conditions:

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
 - 1.1 Correct numbering of Note #3 to #2.

Standard Conditions:

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



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

2024 aerial

Special Permit #: SP24035
S 42nd St & Prescott Ave

Zoning:

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

One Square Mile:
 Sec.05 T09N R07E

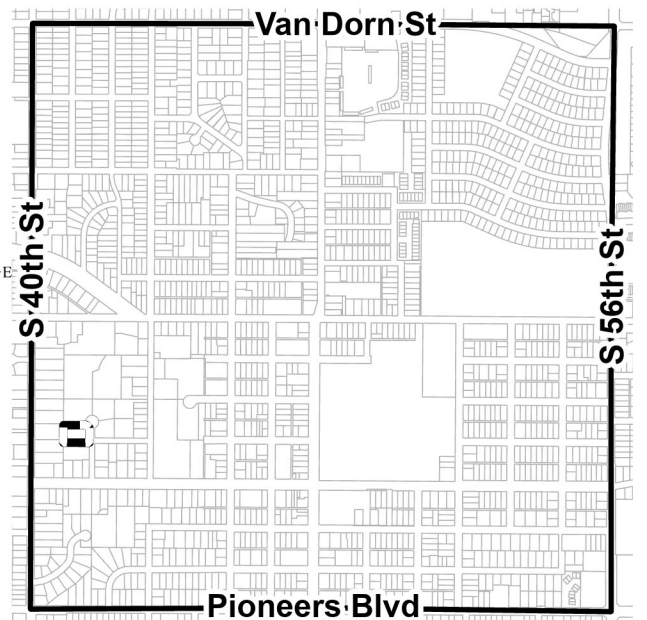


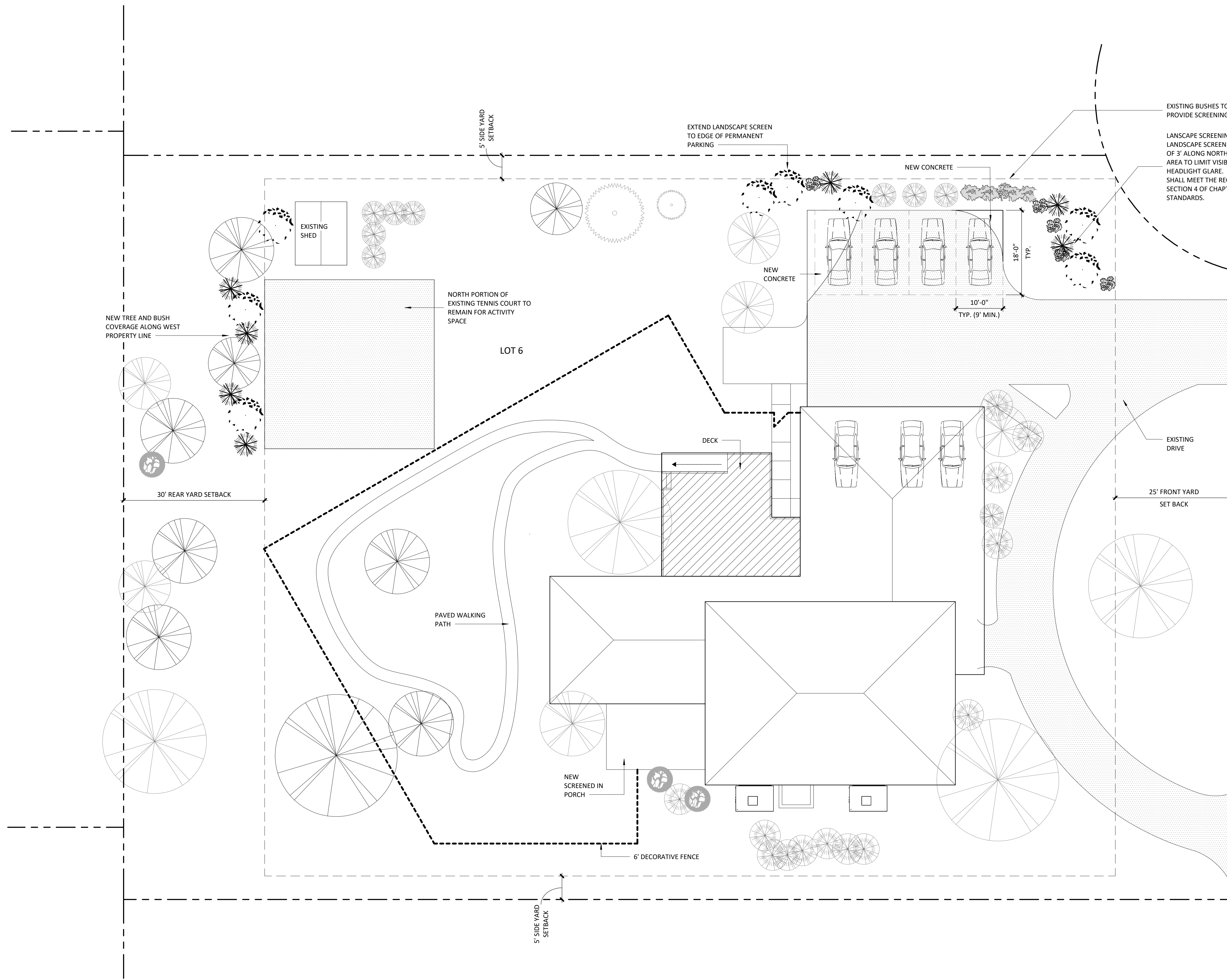
Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdictional Boundary

83





EXISTING BUSHES TO REMAIN THAT CURRENTLY PROVIDE SCREENING

LANDSCAPE SCREENING - A CONTINUOUS LANDSCAPE SCREEN WITH A MINIMUM HEIGHT OF 3' ALONG NORTHEAST SIDE OF PARKING AREA TO LIMIT VISIBILITY AND POTENTIAL HEADLIGHT GLARE. THE LANDSCAPE SCREEN SHALL MEET THE REQUIREMENTS SET FORTH IN SECTION 4 OF CHAPTER 3.50 OF THE DESIGN STANDARDS.

PARKING REQUIREMENT TABLE		
	PEOPLE	PARKING SPACES REQ'D
NUMBER OF EMPLOYEES	3	3
NUMBER OF RESIDENTS/CLIENTS	12	3
# OF PARKING SPOTS REQUIRED		6
EXISTING PARKING SPOTS		3
ADDITIONAL SPOTS REQUIRED		3

NOTES

- ONE ADDITIONAL PERMANENT PARKING SPOT IS BEING PROVIDED OVER THE MINIMUM REQUIRED AMOUNT.
- SIGNS ARE NOT SHOWN ON THIS SITE PLAN, BUT WILL BE PROVIDED TO COMPLY WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE, AND MUST BE APPROVED BY BUILDING AND SAFETY DEPARTMENT PRIOR TO INSTALLATION.

PROJECT ADDRESS
 3821 S 42ND STREET
 LINCOLN, NE
 PROPERTY ID: 16-05-328-006-000
 LEGAL DESCRIPTION: CALVERT PLACE SOUTH, LOT 6
 NEIGHBORHOOD: CALVERT PLACE - HIGH
 CLASS: RESIDENTIAL IMPROVED
 ZONING: R2 - R2-RESIDENTIAL DISTRICT

1 SITE PLAN
 11.5 SCALE: 3/32" = 1'-0"

11/6/2024 11:11:16 AM
 D:\E-Design\Projects\16-05-328-006-000\The Harbor Senior Care\16-05-328-006-000_The Harbor Senior Care.dwg
 Harbor Interior_1024.rvt

November 5, 2024



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

RE: Special Permit Application for 3821 S. 42nd Street

Dear David:

I am the sole member of Gille Properties, LLC ("Gille Properties"), owner of the property located at 3821 S. 42nd Street which is legally described as Calvert Place South, Tract 6, Lincoln, Lancaster County, Nebraska, and consists of approximately .85 acres (the "Property"). The Property currently contains a residential dwelling with over 4,900 finished square feet.

I am requesting a Special Permit for a residential health care facility to permit the operation of an assisted living facility providing residential care specializing in memory care for up to a maximum of 12 residents and four staff members on the Property.

The planned use of this property would be identical to two other properties that had been previously approved for Special Permit and are currently operating state-licensed senior care homes, 8421 Pinedale Court and 3737 Calvert Street

Enclosed please find the following:

- A. Special Permit Application.
- B. Special Permit Application Fee of \$476; and
- C. A copy of the Special Permit Site Plan.

We have already had some preliminary conversations with a few of the neighbors and are planning on holding a formal meeting with all other interested neighbors later this month. We look forward to continuing to dialog and work with all interested parties. Please contact me if you have any questions or require any additional information.

Best Regards,

CHRIS GILLE
Gille Properties LLC
Harbor Senior Care LLC

Enclosures

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Special Permit #24036	FINAL ACTION? Yes	DEVELOPER/OWNER Panama Energy Center, LLC/See Attached Owner List
PLANNING COMMISSION HEARING DATE December 4, 2024	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION Generally located from W Princeton Rd to W Gage Rd from SW 29 th Street to Hwy 77

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a Special Permit per Article 13.051 of the Lancaster County Zoning Regulations for a Large Solar Energy Conversion System (SECS) for up to 304 megawatts on approximately 2,442 acres in total. This includes 29 lots located in southern Lancaster County east of the Village of Hallam, generally between W Princeton Rd and W Gage Rd from SW 29th Street to Highway 77. The project is proposed in two phases with the first phase consisting of 1,889 acres with the second phase consisting of 553 acres.



JUSTIFICATION FOR RECOMMENDATION

The proposed Large Solar Energy Conversion System provides for alternative, renewable source of energy, which is supported and promoted by the 2050 Comprehensive Plan. The project meets all criteria of the special permit. The proposed vegetative buffer and setback from the property line to the solar panels will help mitigate any impact to non-participating properties.

APPLICATION CONTACT

Matthew Jones, 561-685-9043
matthew.jones@nexteraenergy.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed project meets the goals of the Comprehensive Plan to promote renewable energy sources. The project meets all requirements of Article 13.051.

WAIVERS:

None

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

FUNDAMENTALS OF GROWTH IN LANCASTER COUNTY

The Rural Environment

Focus on Agriculture. Rural areas should be preserved for agriculture, a limited supply of low density residential, and other compatible land uses.

Natural RESOURCE PRESERVATION. Ensure that acreage and rural developments preserve and protect environmentally sensitive areas, and maximize the preservation of out nonrenewable resources.

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

Land Use Plan - Agricultural. Land principally in use for agricultural production and compatible industries like solar and wind energy production. Agricultural land may be in transition to more diversified agribusiness ventures such as growing and marketing of products (e.g., horticulture, silviculture, aquaculture) on site. Some land in the Agricultural category may be enrolled in voluntary preservation programs such as the USDA Conservation Reserve Program (CRP).

Goals Section

G11: Rural Environment

An important relationship exists between the urban, rural, and natural landscapes. Urban and rural development must maximize the use of land in order to preserve agriculture and other compatible industries, natural resources, and the overall rural environment.

The rural areas in Lancaster County are also appropriate locations for emerging energy production facilities such as wind turbines and solar farms. These industries are compatible with agricultural uses, support the community's sustainability initiatives, and have the potential to be major contributors to the local economy. Both the City and County zoning ordinances have been recently updated to address these uses and ensure that their implementation is compatible with the surrounding areas.

Policies Section

P12: Economic Growth

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.

P16: Rural Economy

Action Steps:

#5: Support solar and wind energy conversion systems in agricultural areas of the county.

P48: Renewable Energy

Action Steps:

#3. Support the development of commercial wind and solar energy facilities throughout the county.

#4 Continue to implement the actions needed to maintain SOLSMART "gold status", which indicates that City/County policy and processes are solar friendly.

ANALYSIS

1. This application is for a Large Solar Energy Conversion System with a capacity of up to 304 megawatts (MW). This use is allowed by Special Permit under Lancaster County Zoning Regulations, Article 13.051. The project will consist of two phases with the first phase including 230 MW with the second phase consisting of 74 MW.
2. Applicant estimates it would commence construction on Phase 1 in 2025. Applicant estimates Phase 1 would then be operational in 2026. Applicant estimates it would commence construction on Phase 2 in 2027 and be operational by 2028.
3. The project will also include 120 MW of four-hour discharge battery energy storage facilities, along with a substation and possible operation and maintenance facility. The battery storage will be located generally south of W Pella Road to the east of SW 29th Street approximately 150 feet east of the substation. The project would interconnect to the Nebraska Public Power District transmission system at the Olive Creek substation. A Nebraska

Public Power District is contracting to purchase the output from the facility per the applicant.

4. The Special Permit area covers approximately 2,442 acres generally located in southern Lancaster County east of the Village of Hallam between W Princeton Rd and W Gage Rd from SW 29th Street to Highway 77. The parcels included in the Special Permit are all zoned AG-Agricultural. Project improvements will occupy approximately 1,677 acres of the special permit area including land that is currently in agricultural use.
5. The project area mainly contains farm ground, which is also the main land use east of the Village of Hallam to Highway 77. In terms of nearby homes, there are 2 homes in the participating property area and 15 homes which are not in the participating property area but that are immediately adjacent or across the road and in Lancaster County. In addition, there are around 36 homes in the general vicinity which are approximately ½ mile or less distance away. The various homes are generally scattered homesites. There are no residential Community Unit Plans or large residential subdivisions in the area.
6. The proposed project will consist of solar panels mounted on horizontal mounted tracker systems and will likely include connections via existing transmission lines, underground collection lines, utility perimeter fencing, access roads, and associated infrastructure.
7. The maximum heights of any solar panel will not exceed 15 feet per the General Notes of the Site plan. Per the Lancaster County Zoning Regulations, Article 13.051 the height of the solar panel or solar collectors and any mounts shall not exceed fifteen (15) feet when oriented at maximum tilt. By comparison the general AG Agriculture height limit is 35 feet for buildings.
8. An increased risk of fire around the solar array has been a concern with prior permits. The City of Lincoln Fire and Rescue (LFR) was asked previously to look at the risk of fire to a solar facility. While they will not be the primary responder to fires in this area, they have knowledge of handling a variety of fires and different materials. LFR found that the risk of fire is very low. A review found that most fires associated with solar panels are from roof mounted units.

A paper, [“Health and Safety Impacts of Solar Photovoltaics”](#), by North Carolina State University Clean Energy Technology Center May 2017 (Paper) (to access full report ctrl + click on link and then enter SP19036A in application number box) addressed many concerns of Photovoltaic (PV) solar systems, including fire. The paper identified that only a small portion of materials in the panels are flammable and those components cannot self-support a significant fire. Flammable components include the thin layers of polymer encapsulates surrounding the PV cells, plastic junction boxes and insulation on wiring. The rest of the panel is composed of non-flammable components, mainly the protective glass.

Fire from solar panels is extremely rare. Installed properly, PV solar panels do not cause fires. Where fire has started from a solar panel it was in most cases electrical arcing due to improper installation, faulty wiring, or insufficient insulation. (nachi.org/solar-panel-fire-electrical-hazards.htm)

9. Environmental impacts from solar facilities are often a topic of concern to neighbors. The [North Carolina State paper](#) also addressed environmental impacts. A PV solar system has small amounts of toxic materials. Solar PV panels consist of glass, polymer, aluminum, copper and semiconductor materials. Some panels contain a small amount of lead. The lead is being phased out. Lead was a component of solder. Testing to simulate the potential for leaching from broken panels did not find a potential toxicity threat from these trace elements.
10. Lincoln Lancaster County Health Department (LLCHD) did not find any unusual risk to air quality or soil/groundwater contamination of solar panels compared to any other type of man-made structure. As an example, solar panels provide no more risk to air quality of a fire or soil contamination after a storm than a large agricultural building filled with vehicles, agricultural farm products and chemicals. As a condition of approval, however, the LLCHD will require technical specifications for the battery chiller system and acoustical analysis information referenced in the application letter prior to building permit.
11. No other use within the Lancaster County Zoning Regulations requires an Environmental Impact Study. These uses include, but not limited to, manufacturing and processing of chemicals and petroleum products, metal products, salvage yards, commercial feedlot, and commercial wind energy conversion system.
12. A study, “Analysis of the Potential for a Heat Island Effect in Large Solar Farms” conducted by the Center for Life Cycle Analysis, Department of Earth and Environmental Engineering, Columbia University found that an analysis of 18 months of detailed data showed that in most days, the solar array was completely cooled at night, and thus, it

is unlikely that a heat island effect could occur.

13. The 2050 Comprehensive Plan supports renewable energy sources and alternative fuels. Renewable energy generally does not contribute to climate change or local air pollution and generally conserves nonrenewable natural resources. Solar has the potential to reduce energy consumption and greenhouse gas emissions by reducing the amount of fuel required to produce a unit of energy output.
14. Application documents submitted with this application can be found at PATS (Planning Application Tracking Service) at <https://app.lincoln.ne.gov/asp/city/pats/>. Type in SP24036 for the application number and look at Related Documents for the information. Due to the size of the file, the site plan sheets could not be attached to the staff report, so please see all the information in PATS for the project.
15. It should be noted that the applicant submitted multiple supplemental documents which were not required for the Special Permit including a sight line study, environmental compliance, emergency action plan and economic impact study.

-The sight line study included screening visualization pictures for the different locations at time of install and at 10 years for the proposed screening for the solar project.

-The environmental compliance included various surveys including a vegetative management plan, a biological habitat assessment, raptor nest surveys, prairie orchard surveys, cultural resources survey, wetland desktop assessment and wetlands and waters of the United States delineation.

-The emergency action plan provides provisions for various scenarios including fire, security, severe weather and other scenarios and associated procedures.

-The economic impact study found that there would be an economic impact of \$196.5 million on the regional economy during the construction period. The annual economic impact during the multi-decade operation would be \$7.0 million in business activity each year, including \$439,000 in labor income earned in 9 jobs.

16. Solar Energy Conversion System was added to the Lancaster County Zoning Regulations by Special Permit in July 2020. The Lancaster County Board approved the change unanimously. The special permit requires the following conditions be met.

- a. The Large Solar Facility shall use photovoltaic cells to convert solar energy into electricity.

The application states that the Project is a proposed utility-scale solar farm. One of the application exhibits includes equipment specifications for the solar photovoltaic modules which convert the solar energy into electricity.

- b. No electrical substation owned or operated by a private electric supplier, or any other facility owned or operated by a private electric supplier to support the generation, transmission or distribution of electricity for a Large Solar Facility, shall be located as to cause an exceedance of the following noise level standards.
 1. From the hours of 10 pm to 7 am: Fifty (50) dBA maximum 10-minute Laeq
 2. From the hours of 7 am to 10 pm: Sixty (60) dBA maximum 10-minute Laeq

For the purposes of determining compliance with these standards, noise levels shall be measured at the closest exterior wall of any dwelling unit located on the property that submitted the noise complaint. If an electrical substation(s) owned or operated by a private electric supplier violates a noise standard at a dwelling unit constructed after the electrical substation(s) is approved, then the electrical substation becomes a non-conforming use. Electrical substations owned by public electric suppliers shall not be subject to the noise level standards herein.

The applicant will provide a noise study to verify that the substation will comply with the requirement prior to building permit.

- c. Obtain an approved erosion control plan from the Lower Platte South Natural Resource District or Nemaha Natural Resources District, depending on the location of the Large Solar Facility, before receiving building permits.

The erosion control plan will be submitted prior to building permit.

- d. The Large Solar Facility shall provide visual screening for adjacent non-participating residential uses, public park uses, and school uses, through setbacks as otherwise required in the Lancaster County Zoning Regulations and/or other techniques to address the site-related impacts of the Large Solar Facility on adjacent non-participating properties.
 1. The applicant shall use fences, walls, berming, vegetation, or some combination thereof to provide visual screening. Fencing, walls or berming may be used to supplement other screening methods, but shall not account for over fifty percent (50%) of the screening. Existing natural features, topography and vegetation may be used to achieve visual screening if provided in accordance to the visual screening requirements provided herein.
 - a. If the visual screening is for adjacent non-participating residential uses, it shall be provided as follows:
 - i. The screen shall only be required if the closest exterior wall of the dwelling is within three hundred (300) feet of the property line adjacent to the Large Solar Facility.
 - ii. If the screen is required, the screen shall cover one hundred percent (100%) of the surface area of a vertical plane extending along the property line adjacent to the Large Solar Facility at an amount equal to or greater than the surface area of the dwelling to be visually screened, plus seventy five (75) feet in both directions or until it reaches a public road right-of-way, whichever comes first, and from the ground to a height of at least eight (8) feet above the adjacent ground.
 - b. If the visual screening is for adjacent non-participating public park or school uses, it shall be provided as follows:
 - i. The screen shall cover at least seventy percent (70%) of a vertical plane extending along the entire property line adjacent to the Large Solar Facility, from the ground to a height of at least eight (8) feet above the adjacent ground.
 2. If the visual screening is achieved through a fence or wall, it shall be provided along the property line as follows:
 - a. Acceptable fence and wall materials for visual screening include masonry, stone, and wood, but exclude chain link fences (with or without slats). Alternative fence materials being used for screening must be approved by the Planning Director.
 3. If the visual screening is achieved through berming, it shall be provided along the property line as follows:
 - a. The side slopes shall not exceed three to one (3 to 1), horizontal to vertical.
 - b. The mounded ground surface shall be protected to prevent erosion through the use of turf lawn or other alternative groundcovers.
 4. If the visual screening is achieved through vegetation, it shall be provided along the property line as follows:
 - a. At a rate of at least four (4) trees every one hundred (100) linear feet. Of the four (4) trees every one hundred (100) linear feet, at least one (1) shall be a deciduous

shade tree and three (3) shall be evergreen or ornamental trees. The trees shall be evenly distributed within each one hundred (100) linear feet section.

- b. At least two-thirds (2/3), but no more than three-quarters (3/4) of the total ornamental/evergreen trees along the property line shall be made up of evergreen trees.
- c. Each tree shall have a minimum mature height of fifteen (15) feet.

5. Visual screening is not required along the property line adjacent to a Participating Property.

There are no parks or schools in the project area. Landscape screen will consist of an overstory of tree species that will provide screening. This includes both deciduous trees and evergreen trees. The Planning Department reviewed the proposed screening plan and found it met the standards. There are no entryway corridors or Capitol View corridors in this area of Lancaster County.

- e. Each application shall have a decommissioning plan (removal of equipment/improvements and restoration of lands) that is reviewed and approved by the Planning Department prior to beginning operations. The decommissioning plan shall provide the following:
 1. A plan outlining the means, procedure, and costs of removing the Large Solar Facility, including, but not limited to, the solar panels and collectors, electrical wiring/cablings, fencing, and any related supporting infrastructure to a minimum depth of three (3) feet.
 2. At the expense of the permittee, a cost estimate for the decommissioning of the Large Solar Facility and any estimated resale and salvage value shall be prepared by a professional engineer. The permittee shall provide to the Planning Department a revised and updated decommissioning cost estimate every five (5) years from the date of approval to cover the cost of meeting this obligation. The decommissioning cost estimate shall explicitly detail the cost, any estimated resale and salvage values, shall account for inflation, cost and value changes, and advances in decommissioning technologies and approaches.
 3. The estimated decommissioning cost, less any resale and salvage value, shall be guaranteed in one of the following forms: (i) surety bond, (ii) cash to be held in escrow by the County Treasurer at a Bank, or (iii) a letter of credit from a financial institution reasonably acceptable to the County which shall be irrevocable unless replaced with cash or other form of security reasonably acceptable to County. The owner of the Large Solar Facility shall provide the decommissioning cost guaranty no later than the end of the fifteenth (15th) year of operation, and shall maintain the financial security thereafter for as long as the Large Solar Facility is in existence or upon discontinuance, decommissioning, or abandonment of the Large Solar Facility Such financial security shall be updated every five (5) years to cover the costs associated with the updated decommissioning cost estimates.
 4. For purposes of this Section, discontinuance, decommissioning, or abandonment shall mean the Large Solar Facility has produced no energy for twelve (12) consecutive months. The owner or operator shall have twelve (12) months to complete decommissioning of the Large Solar Facility. If the owner or operator of the Large Solar Facility fails to remove the installation in accordance with the requirements of this permit or within twelve (12) months following discontinuance, decommissioning, or abandonment, the County may collect the bond or other financial security and the County or a hired third party may enter the property to physically remove the installation.

A decommissioning plan was submitted with the application. Project components that are subject to decommissioning include the solar photovoltaic (PV) equipment, internal power collection system, battery energy storage system equipment, earthwork, roads, and fencing.

Per the decommissioning plan the above-ground and below-ground structures will be removed. Grading is anticipated during construction but limited or no grading will be required following decommissioning. During decommissioning project components will be removed from the site and recycled or disposed of at an appropriately licensed disposal facility.

The salvage value is approximately \$80 million. The cost to obtain the material and remove everything as required is about \$9 million. So the net profit of the salvage operation is currently \$71 million. Due to the high value, a surety is not required at this time.

f. The Large Solar Facility shall meet the following setback requirements:

Non-Participating Property with a Dwelling	100 feet
Non-Participating Property without a Dwelling	50 feet
Participating Property with a Dwelling	0 feet
Participating Property without a Dwelling	0 feet
Public or Private Roadway	50 feet

The project will meet the setback requirements for non-participating properties with dwelling, non-participating properties without a dwelling and public roadway.

- 17. The proposed special permit request is supported by the Comprehensive Plan and meets the conditions of the special permit. The applicant is not requesting any waivers.
- 18. The County Engineer comments included that a road maintenance agreement may be necessary for hauling equipment on County Roads. Also, utility permits for any boring under the roads and driveway permits for new driveways. These are conditions of approval before receiving building permit for the project.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: AG-Agriculture Farm ground and multiple acreage lots

GENERAL SURROUNDING LAND USE & ZONING

North: AG-Agriculture Farm ground and acreages
 South: AG-Agriculture Farm ground and acreages
 East: AG-Agriculture Farm ground and acreages
 West: AG-Agriculture Farm ground and acreages

APPLICATION HISTORY

- September 2015: Special Permits 14041, and 14042 for the Hallam Wind Project expired. These were near SW 2nd Street and W Hallam Road and SW 2nd Street and W Pella Road, respectively.
- March 2013: Special Permit 13007 for a meteorological tower over the height of the district was approved near SW 29th Street and W Gage Road.

APPROXIMATE LAND AREA: 2,442 acres

LEGAL DESCRIPTION:

N 1/2 of the SE 1/4 along with the SW 1/4 of the SE 1/4 along with the SE 1/4 of the SE 1/4 of Section 21-7-6
NW 1/4 of the NE 1/4 along with NE 1/4 of the NE 1/4 and the S 1/2 of the NE 1/4 of Section 22-7-6

Lot 29 in the NW 1/4, E 1/2 of the NW 1/4, Lot 36 in the NE 1/4, the remaining portion of the SW 1/4 along with Lot 37
in the SE 1/4 of Section 23-7-6

SW 1/4 of the NW 1/4, SE 1/4 of the NW 1/4, NE 1/4, NW 1/4 of the SW 1/4 along with Lots 4 and 5 in the SW 1/4 of
Section 28-7-6

Lot 9 in the NW 1/4, the W 1/2 of the NE 1/4, the E 1/2 of the NE 1/2, Lots 4 and 5 in the SW 1/4, N 1/2 of the SW 1/4
and Lot 12 in the SE 1/4 along with Lot 7 in the SE 1/4 and NE 1/4 of the SE 1/4 of Section 33-7-6

Lots 5-6, E 1/2 of the NW 1/4, Lot 1 of the NE 1/4, W 1/2 of the SW 1/4 along with Lot 7 in the NE 1/4 of Section 34-7-
6

N 1/2 of the NW 1/4, S 1/2 of the NW 1/4, Lots 10 and 24 in the NE 1/4 along with Lots 6, 14, 17, 25 and 26 in the SE
1/4 of Section 35-7-6

Lancaster County, Nebraska.

Prepared by
George Wesselhoft, Planner

Date: November 21, 2024

Contact: Panama Energy Center, LLC
c/o Matthew Jones
700 Universe Boulevard
Juno Beach, FL 33408
(561) 685-9043
matthew.jones@nexteraenergy.com

Owners: Topp Family Trust UTA, 7725 Aero Drive, Lincoln, NE 68516
Robert C Krupicka Revocable Trust, 1131 County Road 1900, Crete, NE 68333
The Boyer Family Trust, 22780 Lincoln Rd, Gretna, NE 68028
David Paul Schwaninger, 28500 SW 14th Street, Martell, NE 68404
Patti Jo Jones, 1021 Belgrade Court, Plattsmouth, NE 68048
Gregory Loren Schwaninger, 2401 W Hallam Rd, Hallam, NE 68368
Robert A Jones, 1021 Belgrade Court, Plattsmouth, NE 68048
Larry J & Kathryn M Likens, 540 North St, Hallam, NE 68368
Oelling Family Hallam LLC, Attn: Kent Oelling, 400 W Wittstruck Rd, Roca, NE 68430
Larry G & Linda R DeBoer, 608 Abraham St, Firth, NE 68358

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/24000/SP24036 Panama Energy Center.gjw.docx>

CONDITIONS OF APPROVAL - SPECIAL PERMIT #24036

Per Article 13.051 this approval permits a Solar Energy Conversion System.

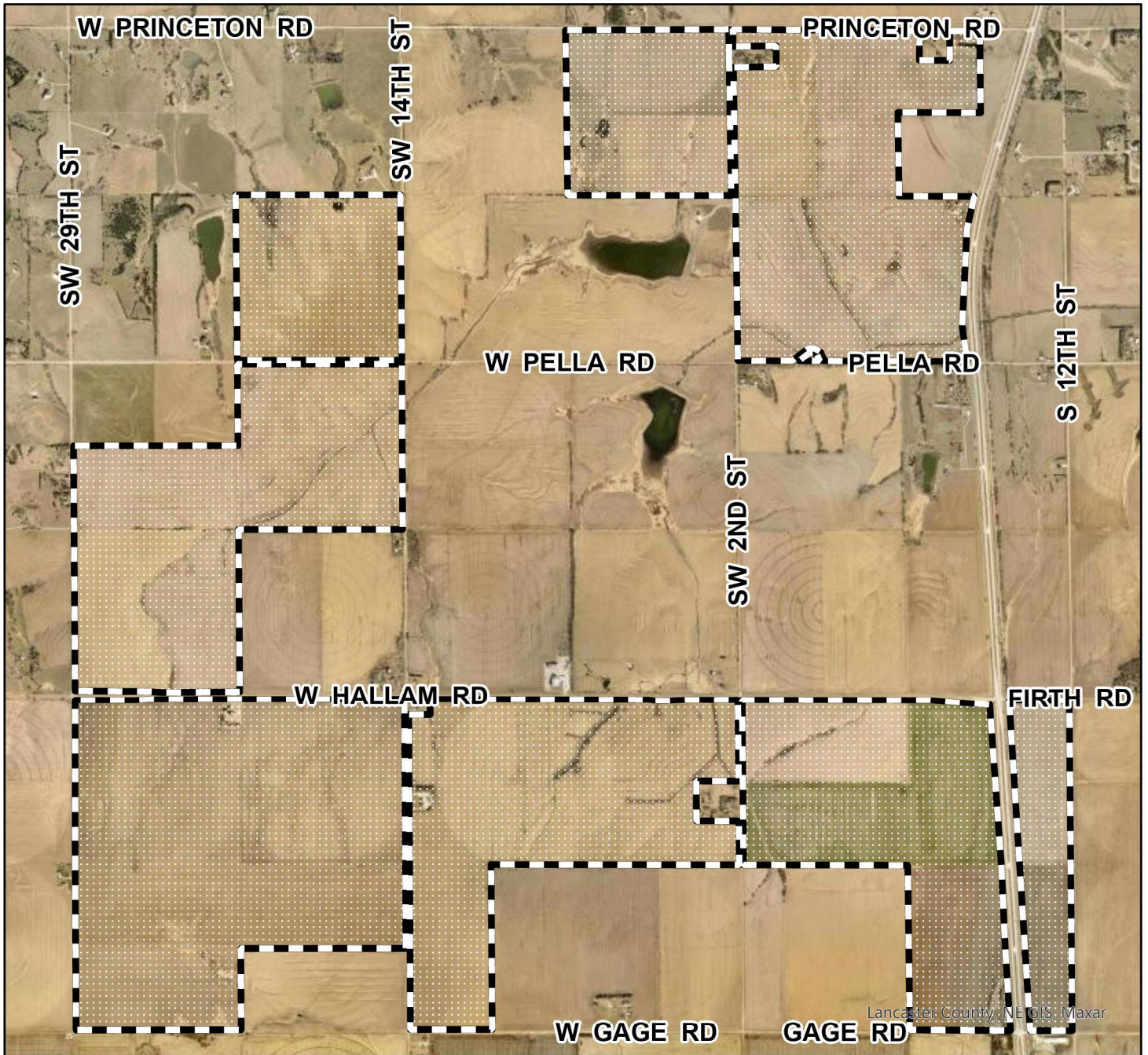
Site Specific Conditions:

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below:
 - 1.1 Remove Conditional Use Permit Plans and replace with Special Permit #24036 for title and change conditional use permit to special permit throughout the plan documents.
 - 1.2 Revise the text for the decommissioning plan to state that unless required by the underlying landowner, all vegetative landscaping and screening installed will not be removed.
 - 1.3 Provide professional engineer signature for the decommissioning plan as required.
 - 1.4 Correct typographic error in word "Property" and change "BESS" to Battery Storage for Site Data Table in Sheet C-200.
 - 1.5 Change W Gale Rd to W Gage Rd for the Sight Line Study.
 - 1.6 Submit grading plan for approval by the Lower Platte South Natural Resources District and by the Nemaha Natural Resources District for their respective jurisdictions.
 - 1.7 Note any publicly funded land treatment cost-share practices (i.e.. terraces, grassed waterways, farm ponds, etc.) on the improved properties that have been installed within the last ten years on the plans and notice given to the NRCS and LPSNRD and the Nemaha Natural Resources District for changes to these constructed best management practices.
2. Before receiving building permits provide the following documents meeting all the requirements to the Planning Department to the satisfaction of the Planning Director:
 - 2.1 An Erosion Control Plan approved by the Lower Platte South Natural Resources District and by the Nemaha Natural Resources District for their respective jurisdictions.
 - 2.2 The technical specifications for the battery chiller system, including the safety data sheet (SDS) for the coolant and the referenced acoustical analysis prior for Lincoln Lancaster County Health Department approval.
 - 2.3 A road maintenance agreement as required between the County and the permittee, approved by the Lancaster County Engineer and the County Attorney.
 - 2.4 A Special Trip Permit Application if required by the Lancaster County Engineer.
 - 2.5 Driveway and utility permit applications as required shall be submitted to the Lancaster County Engineer.
3. Within 15 years of approval of this special permit, upon abandonment or when the cost of decommissioning exceeds the salvage value, provide Lancaster County with a surety for Net Decommissioning Cost.

Standard Conditions:

3. The following conditions are applicable to all requests:

- 3.1 Before starting the operation, all development and construction shall substantially comply with the approved plans.
- 3.2 All privately-owned improvements, including landscaping , shall be permanently maintained by the Permittee.
- 3.3 The physical location of all setbacks and yards, buildings, and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
- 3.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
- 3.5 The applicant shall sign and return the letter of acceptance to the County Clerk. This step should be completed within 60 days following the approval of the special permit. The Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.

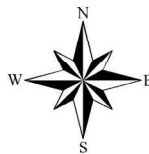


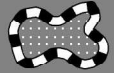


Special Permit #: SP24036
SW 14th St & W Hallam Rd

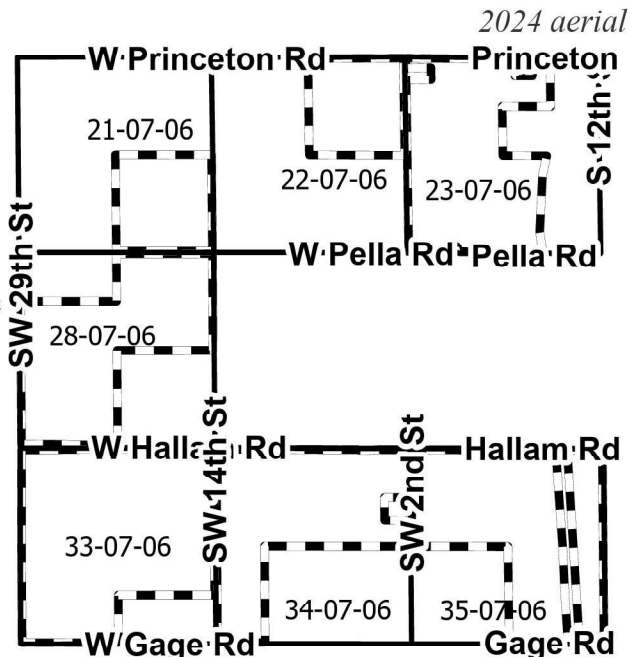
Zoning:

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

Seven Square Miles



	Area of Application
	Zoning Jurisdiction Lines
	Lincoln City Limits



November 6, 2024

VIA HAND DELIVERY

Lincoln-Lancaster County Planning Department
Attn: Mr. David R. Cary, Director
555 South 10th Street, Suite 213
Lincoln, Nebraska 68508
plan@lincoln.ne.gov

Re: Special Permit Application for Panama Energy Center

Dear Mr. Cary:

On behalf of Panama Energy Center, LLC ("Applicant"), we respectfully submit this Special Permit application for the Panama Energy Center (the "Project"). Applicant is a wholly-owned subsidiary of NextEra Energy Resources, LLC. The Project is a proposed utility-scale solar farm in southern Lancaster County, east of the Village of Hallam.

Applicant would construct, operate and maintain the Project in accordance with the 1979 Zoning Resolution of Lancaster County, as amended (the "Regulations"), and all other applicable laws.¹ The Project would be in the Agricultural ("AG") zoning district and qualify as a "Large Solar Facility" under the Regulations. Section 13.051 authorizes Large Solar Facilities in the AG zoning district by Special Permit.

Applicant would construct the Project solely on the land of voluntarily participating landowners. The overall Project Site (defined below) would encompass approximately 2,442 total signed acres, with approximately 1,677 acres containing Project improvements. Project improvements would have a ground coverage ratio of approximately 38 percent. Project improvements would meet all applicable setbacks.

Applicant would construct the Project in two phases. As the Site Plan (defined below) depicts, "Phase 1" would encompass approximately 1,889 acres, with approximately 1,327 acres containing Project improvements. "Phase 2" would encompass approximately 553 acres, with approximately 350 acres containing Project improvements.

¹ All section references are to the 1979 Zoning Resolution of Lancaster County, as amended, unless otherwise stated.

The Project would generate clean, reliable electricity. Specifically, the Project would have a total nameplate capacity of approximately 304 megawatts (“MW”). Phase 1 would have a nameplate capacity of approximately 230 MW. Phase 2 would have a nameplate capacity of approximately 74 MW.

The Project would also include 120 MW of four-hour discharge battery energy storage facilities, along with a substation and possible operation and maintenance facility. The Project would interconnect to the Nebraska Public Power District transmission system at the Olive Creek substation.

Applicant estimates it would commence construction on Phase 1 in 2025. Applicant estimates Phase 1 would begin commercial operation in 2026. Applicant estimates it would commence construction on Phase 2 in 2027. Applicant estimates Phase 2 would begin commercial operation in 2028.

The Project would be compatible with existing agricultural land uses. During operation, the Project would use no water and produce no emissions. The Project would meet all site and design standards in the Regulations. No waivers are requested.

To mitigate aesthetic impacts, Applicant would use the natural topography of the area and plant vegetative screening in accordance with the Regulations. At the end of the Project’s operational life, the underlying landowners may return the land to its prior use.

Applicant has performed extensive environmental evaluation of the Project Site. Applicant has consulted with the Nebraska Game and Parks Commission and the U.S. Fish and Wildlife Service, Nebraska Field Office. Those agencies expressed no environmental concerns regarding the Project Site. Applicant will continue to engage in environmental monitoring. Applicant has also certified the Project with the Nebraska Power Review Board.

The Project would inject a capital investment into Lancaster County of approximately \$600,000,000. That investment would generate spinoff economic activity that supports the local economy and schools.

To construct the Project, Applicant would purchase local and regional goods and services as available and feasible. Applicant estimates the Project would provide approximately 250 to 300 construction jobs and up to five full-time operation and maintenance jobs. These workers would also contribute to Lancaster County’s economy.

The Bureau of Business Research at the University of Nebraska-Lincoln estimates the Project would generate new tax revenue of approximately \$1,400,000 annually, or approximately \$42,000,000 over a 30-year operational life. Approximately two-thirds of this new tax revenue would go to local public schools, subject to local levy. Other local taxing authorities would also benefit, including the County itself, local fire districts, agricultural societies, natural resource districts, libraries, community colleges and educational service units.

According to the Bureau of Business Research, the Project would drive a regional economic benefit of approximately \$200,000,000 during development and construction and over \$7,000,000 annually during operations. The Bureau estimates over a 30-year operational life, the Project would provide a total regional economic benefit of approximately \$410,000,000. For the full Economic Impact Analysis of the Project, please see **Exhibit N**.

Applicant respectfully requests the Lincoln-Lancaster County Planning Commission (the "**Planning Commission**") approve the Project as proposed. Applicant anticipates the Planning Commission may impose conditions of approval. Applicant looks forward to working collaboratively with the Planning Commission to develop conditions of approval as necessary.

The list below shows Applicant's satisfaction of the application requirements under the Regulations. Should you have any questions, please let us know.

Application Requirements

1. Contacts.

Primary Contact:

David C. Levy
Baird Holm LLP
1700 Farnam Street, Suite 1500
Omaha, Nebraska 68102
(402) 636-8310
dlevy@bairdholm.com

Secondary Contact:

Matthew Jones
NextEra Energy Resources, LLC
700 Universe Boulevard
Juno Beach, Florida 33408
(561) 685-9043
matthew.jones@nexteraenergy.com

2. Application Form and Fee. § 13.002. Exhibit A is a copy of the County's completed Planning Department Application Request Form (the "**Application Form**"), including a copy of the check evidencing payment of the \$1,142 Special Permit application fee. As the Application Form requires, Applicant shall submit the Site Plan (defined below) and all other exhibits via electronic delivery.

3. Cover Letter. The foregoing Project description states the purpose for the application and includes all relevant information concerning the reason for the request. There are no other associated applications or projects pending at this time.

4. Participating Parcels; Legal Descriptions. Exhibit B contains the names of the participating landowners and the legal descriptions of the participating parcels within the Project Site.

5. Landowner Authorization. Applicant has acquired the property rights necessary to permit, construct and operate the Project on the Project Site (defined below). **Exhibit C** is evidence of landowner authorization in the form of memoranda of leases and option agreements and designation of agent forms for the participating parcels within the Project Site. Each document bears the underlying landowner's signature authorizes Applicant to pursue a Special Permit on said landowner's behalf.

6. Notice Requirements. § 22.005. Exhibit D is a list of all landowners within one mile of the Project site and a list of all local governments and municipal, county and joint planning commissions that have jurisdiction over land within three miles of the Project site. Applicant agrees to coordinate with the County to publish and provide written notice as the Regulations require prior to public hearing on the application.

7. Site Plan; Electrical Site Plan. § 13.002(A). Exhibit E is a copy of the Conditional Use Permit Site Plan for the proposed location of the Project (the "Project Site"). **Exhibit F** is a copy of the Electrical Site Plan for the Project Site (the Conditional Use Permit Site Plan and Electrical Site Plan are collectively, the "Site Plan").

The Site Plan depicts Phase 1 and Phase 2 of the Project. The Site Plan is to scale and shows all pertinent information regarding the Project, including participating parcels, estimated improvement locations, regulatory constraints and site acreages. The Project meets all site and development standards under the Regulations, including, without limitation, setbacks and visual screening.

8. Single Line Diagrams. Exhibit G contains single line electrical diagrams for Project components including photovoltaic solar energy components and battery energy storage components for both Phase 1 and Phase 2 of the Project.

9. Equipment Specifications. Exhibit H contains equipment specifications for various components Applicant anticipates installing as part of the Project. Applicant provides these equipment specifications for demonstrative purposes. Equipment procurement would occur later in the Project development cycle, after Applicant has obtained a Special Permit. Accordingly, Applicant reserves the right to procure and utilize comparable equipment prior to Project construction, subject to compliance with all applicable building and electrical codes.

10. Vegetation Management and Landscape Screening Plan. § 13.051(a)(iv). Exhibit I contains Vegetation Management and Landscape Screening Plans for both Phase 1 and Phase 2 of the Project (collectively, the "Vegetation Management and Landscape Screening Plan") for the Project Site. It provides for establishment and maintenance of perennial ground cover and visual screening between the Project and adjacent non-participating residential uses as the Regulations require.

11. Erosion Control Plan. § 13.051(a)(iii). Before commencing construction, Applicant agrees to provide an erosion control plan and obtain approval from the Lower Platte South Natural Resources District and Nemaha County Natural Resources District, as applicable.

12. Environmental Compliance. Neb. Rev. Stat. § 70-1014.02(2)(a)(v). The Project complies with commonly accepted management practices for avian, wildlife and environmental protection. **Exhibit J** is evidence of environmental compliance from Olsson Associates.

13. Decommissioning Plan. § 13.051(a)(v). Exhibit K contains a Decommissioning Plan that outlines the means, procedures and costs to remove the Project, including all equipment, improvements and foundations to a minimum depth of three feet and restore the underlying soil and vegetation. It contains a net decommissioning cost estimate

from a professional engineer in compliance with Section 13.051(a)(v)(2). Applicant will update the net decommissioning cost estimate every five years from date of approval.

As the Zoning Regulations require, no later than the end of the 15th year of Project operation, Applicant will provide the County with a surety bond, letter of credit, or other equivalent security instrument acceptable to the County to secure the net decommissioning cost (the "Decommissioning Security"). Applicant will update the Decommissioning Security every five years thereafter to match each updated net decommissioning cost estimate.

14. Decommissioning Agreement. Before commencing construction, Applicant will negotiate a Decommissioning Agreement with the County governing issuance, maintenance and release of the Decommissioning Security.

15. Road Use and Maintenance Agreement. Before commencing construction, Applicant will provide a traffic access study of the Project Site and negotiate a Road Use and Maintenance Agreement with the County governing Applicant's use and maintenance of County roads.

16. Emergency Action Plan. Exhibit L is a template Emergency Action Plan. Before commencing operation, Applicant will provide the County a complete Emergency Action Plan in similar form that outlines safety guidelines and procedures for potential emergency incidents during Project operation and decommissioning. Applicant will comply with and incorporate any specific emergency management requirements the County or local fire districts may direct.

17. Sight-Line Study. Exhibit M contains a Sight-Line Study showing simulations of how the Project will look from key vantage points around the Project site. Applicant voluntarily offers this to help ease any concerns about the visual appearance of the Project.

18. Glare Analysis. In addition to the required application materials, Applicant has commissioned a glare analysis for the Project Site and surrounding area from aviation consultant Capitol Airspace Group. Applicant will submit the full analysis when complete.

19. Acoustical Analysis. **§ 13.051(a)(ii).** In addition to the required application materials, Applicant has commissioned an acoustical analysis for the Project Site and surrounding area from acoustics consultant Epsilon Associates to evidence compliance with the sound limit in Section 13.051(a)(ii). Applicant will submit the full acoustical analysis when complete.

20. Economic Impact Analysis. Exhibit N is an Economic Impact Analysis of the Project from the University of Nebraska-Lincoln, Bureau of Business Research. The Economic Impact Analysis substantiates the economic projections in this application.

Mr. David R. Cary
November 6, 2024
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Thank you for receiving this application. Please confirm it satisfies the County's requirements and schedule it for hearing before the Planning Commission as soon as possible. Should you have questions or need anything else, please let me know.

Sincerely,



David C. Levy

Enclosures

cc: Panama Energy Center, LLC