



**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

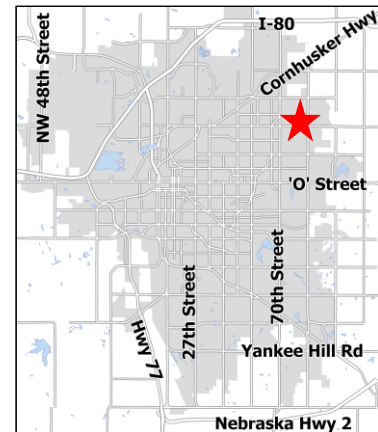
FROM THE LINCOLN/LANCASTER COUNTY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT  
555 S. 10TH STREET, SUITE 203, LINCOLN, NE 68508

APPLICATION NUMBER Change of Zone #06063C	FINAL ACTION? No	DEVELOPER/OWNER Apples Way LLC
PLANNING COMMISSION HEARING DATE July 8, 2026	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION N 84 <sup>th</sup> St & Adams St

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request to amend the existing North Forty Plaza Planned Unit Development (PUD). The current PUD permits 92 dwelling units. The proposed amendment would add 90 multi-family dwelling units, on the southeast corner of N 82<sup>nd</sup> Street and Adams Street. The location of the proposed apartment complex is in the portion of the PUD following the B-2 zoning regulations. Multi-family dwellings are a permitted use in the B-2 district. As proposed, the new total number of approved dwelling units would be 182.



**JUSTIFICATION FOR RECOMMENDATION**

Multi-family dwellings are a permitted use in the B-2 zoning district. The commercial portion of this PUD has been slow to develop, and the subject property has been underutilized. An apartment complex is appropriate at the proposed location, as it would provide a transition between the single-family attached dwellings to the west and the commercial uses to the east. As the existing PUD only permits 92 dwellings, an amendment is necessary to increase the total number of allowable dwellings.

**APPLICATION CONTACT**

Tim Gergen, Clark & Enersen

**STAFF CONTACT**

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

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The Comprehensive Plan encourages infill development to increase residential density. The Comprehensive Plan also encourages a variety of housing types, including multi-family, and supports the conversion of underutilized commercial lots to residential to achieve this goal. The future land use designation of the subject property is Commercial, and this designation supports the incorporation of residential uses to promote mixed-use neighborhoods.

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

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

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

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

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

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

### **The Community in 2050**

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

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

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

### **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.

### **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.b: Strategies for Design, Sustainability and Complete Neighborhoods in Existing Areas**

1. Encourage a mix of compatible land uses to develop more complete neighborhoods:
8. Infill development should balance expanding housing options and neighborhood character by complementing the character of the existing neighborhood and providing appropriate transitions, scale and context. Encourage pedestrian orientation with parking at rear of residential and neighborhood commercial uses.
10. Retain and encourage a mix of housing in order to provide a mix of housing types at a variety
19. Encourage additional density of a variety of housing types and price points on open and available land areas.

**Existing Neighborhoods**

The diversity of architecture, housing types and sizes are central to what make existing neighborhoods great places to live. New construction should continue the architectural variety, but in a manner that is sensitive to the existing neighborhoods.

Infill and redevelopment is supported and must respect the street pattern, block sizes, and development standards of the area, such as parking at the rear and porches, windows, and doors on the front street side.

The City’s primary strategy for residential infill and redevelopment outside of the Greater Downtown is to encourage the redevelopment and reuse of sites and buildings in commercial areas in order to create new mixed use centers that are compatible and complementary to adjacent neighborhoods.

Modest opportunities for redevelopment may also be appropriate along “neighborhood edges.”

Neighborhood edges include arterial streets and transition zones between lower density residential and commercial areas.

**Policies Section**

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

**Action Steps**

3. Encourage well-designed and appropriately placed density, including within existing apartment and group living complexes and in redeveloping commercial or industrial centers, where there is land available for additional buildings or expansions. Provide flexibility to the marketplace in siting future residential development locations. This includes appropriately placed infill in prioritized Nodes and Corridors, neighborhood edges, and underutilized commercial or industrial sites.
8. Retain and encourage a mix of housing in existing and new neighborhoods in order to provide a mix of housing types at a variety of price points.
12. Balance expanding housing options and neighborhood character. Infill development should include housing for a variety of incomes and households and should complement the character of the existing neighborhood by including appropriate transitions, scale, and context.
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.

P8: Infill and Redevelopment - Encourage infill and redevelopment in appropriate locations throughout the community in order to meet the assumption for 25% of all new dwelling units being infill.

**ANALYSIS**

1. This is a request to amend the North Forty Plaza Planned Unit Development (PUD) to increase the number of approved dwelling units from 92 to 182. The proposed amendment would facilitate the development of an apartment complex with 90 units on the lot southeast of the intersection of N 82<sup>nd</sup> Street and Adams Street.
2. The future land use designation of the property is Commercial. The Comprehensive Plan supports the incorporation of residential uses in commercial areas to promote mixed-use neighborhoods.
3. The proposed apartment complex is in a portion of the PUD which follows the B-2 Planned Neighborhood Commercial District regulations. Multiple-family dwellings are a permitted use in the B-2 zoning district, so the proposed apartment complex would typically be permitted by right. However, the existing PUD allows only 92 dwelling units, all of which have been constructed. The proposed amendment to the PUD would increase the approved dwellings to allow the construction of an apartment complex.
4. The North Forty Plaza PUD was originally approved in 2006, and while the residential portions of the PUD have been successfully built, the commercial portions have been slow to develop. The previous amendment to this PUD revised the layout to expand the residential area and reduce the commercial area of the PUD. The new residential lots proposed in the last amendment have since been developed.
5. The Comprehensive Plan encourages the conversion of under-utilized commercial property to residential uses, promotes infill development, and recommends a variety of housing options. This proposal to build multi-family dwellings contributes to each of those goals. The location of the proposed apartment complex is appropriate, as it would create a residential transition between the single-family attached dwellings to the south and west and the commercial areas to the south and east.
6. The application letter requests a reduction of the front yard setback from 40' to 20' in the commercial area of the PUD. This is not a waiver, as the commercial areas follow the B-2 zoning district regulations, and the required front yard setback for dwellings in the B-2 district is 20'. The B-2 district allows dwellings to be constructed to a height of 55', although the Planning Director may administratively increase the height by up to ten additional feet for multi-family dwellings. The applicant is not requesting a height increase at this location.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Vacant/Undeveloped

**SURROUNDING LAND USE & ZONING**

North: Cemetery and Golf Course	P Public
South: Single-family attached residential and Commercial	R-3 and B-2 PUD
East: Vacant/Undeveloped Commercial	B-2 PUD
West: Single-family attached residential	R-3 PUD

**APPLICATION HISTORY**

- Jan. 1997 Special Permit #1672 was approved by the Planning Commission for a 62-foot wireless communications tower in a location that is now south of Regent Drive, west of N. 82nd Street.
- Jan. 2003 Annexation of this area was approved by the City Council with Annexation #02007.

- Apr. 2003 Special Permit #1672A was approved by the City Council to waive the landscaping requirement on the north and east sides of the tower.
- Jul. 2003 Special Permit #1672B was approved by the Planning Commission to allow extension of the tower to a height of 87 feet.
- Dec. 2006 Change of Zone #06063 was approved by the City Council for the North Forty Plaza PUD for up to 74 dwelling units and 140,000 square feet of commercial floor area.
- Aug. 2007 Administrative Amendment #07035 to Change of Zone #06063 was approved by the Planning Director to modify setbacks in the PUD and rescind Special Permit #1306C for the North 40 Golf Course.
- Mar. 2011 Change of Zone #06063A was approved by the City Council to allow a center sign in the front yard setback of N. 84th Street with waivers to sign height and area.
- Mar. 2020 Change of Zone #06063B was approved by the City Council, converting commercial lots to attached single-family lots and approving a total of 92 residential dwellings, with associated waivers.

**APPROXIMATE LAND AREA:** Area of Amendment is approximately 3.08 acres; PUD is approximately 46.58 acres

**LEGAL DESCRIPTION:** See Attached

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

Date: June 25, 2026

Applicant/

Owner: Apples Way LLC

Contact: Tim Gergen, Clark & Enersen

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CZ/06000/CZ06063C North Forty PUD.jrs.docx>

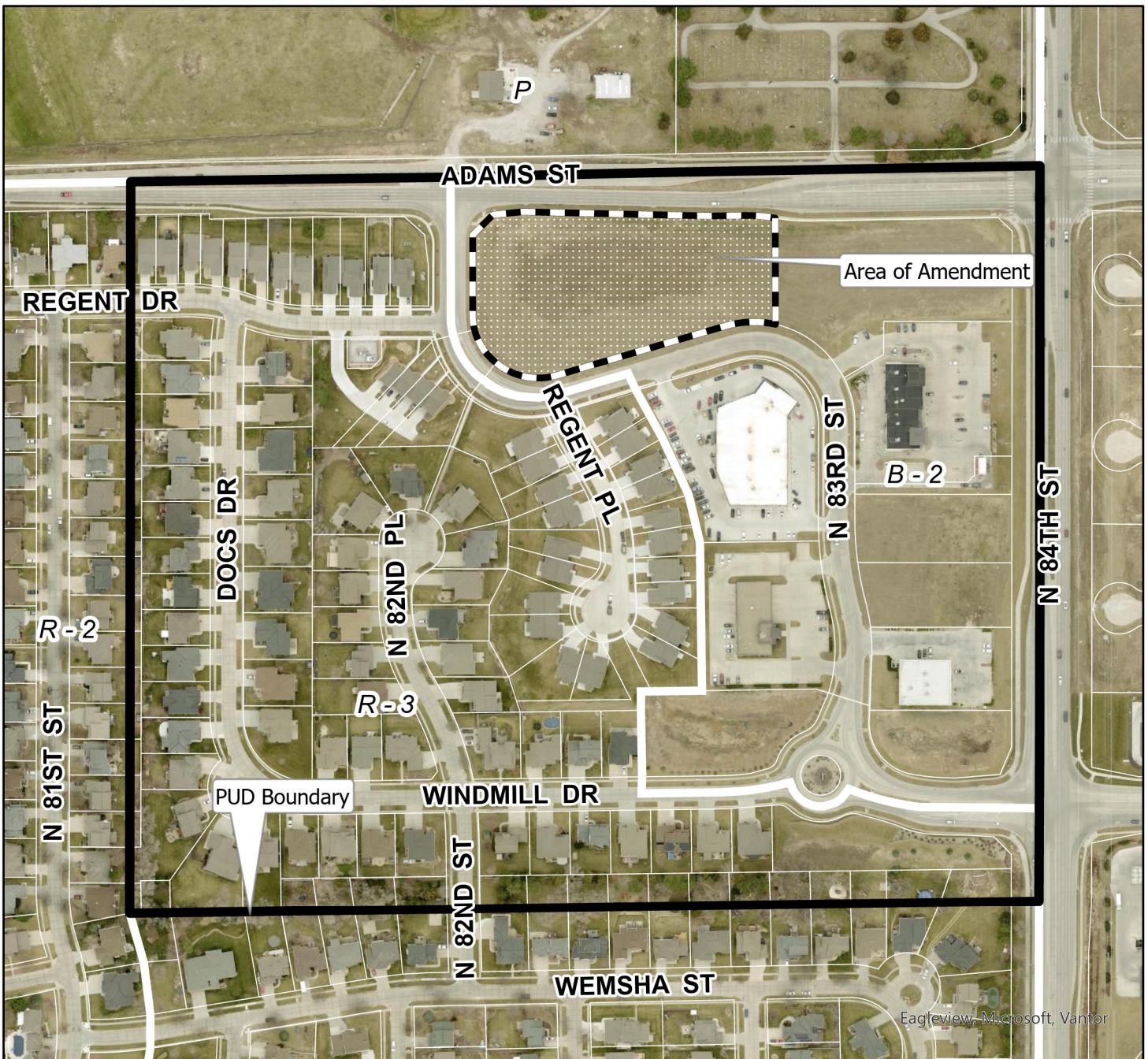
## CONDITIONS OF APPROVAL – CHANGE OF ZONE #06063C

This approval permits 182 dwelling units and a total of 135,200 square feet of commercial floor area within the North Forty Plaza Planned Unit Development.

1. Before receiving building permits the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **2** copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council.
  - 1.1 Revise the legal description of the PUD to the satisfaction of the Planning and Development Services Department, per the revisions noted in ProjectDox. (This is required prior to scheduling with the City Council.)
  - 1.2 Delete the separate legal descriptions of the R-3 and B-2 portions of the PUD.
  - 1.3 Delete unnecessary or obsolete notes from the cover sheet, as noted in ProjectDox.

### **Standard Conditions:**

2. The following conditions are applicable to all requests:
  - 2.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.
  - 2.2 All privately-owned improvements 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 site plan as approved with this ordinance voids and supersedes all previously approved site plans, however all ordinances approving previous permits remain in full force and effect unless specifically amended by this ordinance.



**Change of Zone #: CZ06063C**  
**North 40 Plaza PUD**  
**N 84th St & Adams St**

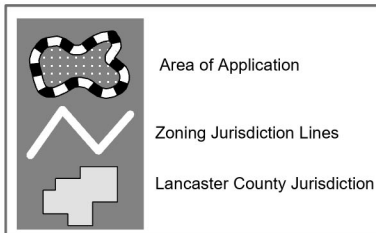
2024 aerial



One Square Mile:  
 Sec.15 T10N R07E

**Zoning:**

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



## NORTH FORTY PLAZA PLANNED UNIT DEVELOPMENT LEGAL DESCRIPTION

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF OUTLOT "A" IN NORTH FORTY PLAZA ADDITION; LOT 1 IN NORTH FORTY PLAZA 1ST ADDITION; LOTS 1 AND 2 IN NORTH FORTY PLAZA 2ND ADDITION; LOT 1 IN NORTH FORTY PLAZA 3RD ADDITION; LOT 1 IN NORTH FORTY PLAZA 5TH ADDITION; LOTS 1 THROUGH 4, BLOCK 1, LOTS 1 AND 2, BLOCK 2, ALL IN NORTH FORTY PLAZA 6TH ADDITION; LOTS 1 THROUGH 25, OUTLOTS "A" AND "B" ALL IN NORTH FORTY PLAZA 7TH ADDITION; LOTS 1 AND 2, NORTH FORTY PLAZA 8TH ADDITION; LOTS 1 THROUGH 17, BLOCK 1, LOTS 1 THROUGH 7, BLOCK 2, LOTS 1 THROUGH 27, BLOCK 3, OUTLOTS "A", "B", "C", "D", "E", "G", "H" AND "I", ALL IN NORTH FORTY GOLF 1ST ADDITION; LOTS 1 AND 2, BLOCK 1, LOTS 1 THROUGH 8, BLOCK 2, LOTS 1 THROUGH 3, BLOCK 3 AND OUTLOT "A", ALL IN NORTH FORTY GOLF 2ND ADDITION, ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1, SAID POINT BEING 50.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST QUARTER, SAID POINT ALSO BEING ON THE SOUTH LINE OF ADAMS STREET RIGHT-OF-WAY, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 1, SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY ON AN ASSUMED BEARING OF NORTH 88 DEGREES 59 MINUTES 56 SECONDS EAST, A DISTANCE OF 328.20 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, SAID POINT BEING A NORTHWEST CORNER OF SAID LOT 2, THENCE NORTH 88 DEGREES 59 MINUTES 51 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 2, AND A NORTH LINE OF SAID LOT 84 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 1,014.59 FEET TO A NORTH CORNER OF SAID LOT 84 I.T., THENCE SOUTH 85 DEGREES 16 MINUTES 56 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 84 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 100.33 FEET TO A NORTH CORNER OF SAID LOT 84 I.T., SAID POINT BEING 60.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST QUARTER, THENCE NORTH 88 DEGREES 59 MINUTES 51 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 84 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 130.02 FEET TO A NORTHEAST CORNER OF SAID LOT 84 I.T., THENCE SOUTH 45 DEGREES 27 MINUTES 57 SECONDS EAST ALONG A NORTHEAST LINE OF SAID LOT 84 I.T., SAID LINE BEING A SOUTHWEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 28.02 FEET TO A NORTHEAST CORNER OF SAID LOT 84 I.T., SAID POINT BEING 60.00 FEET WEST OF THE EAST LINE OF

SAID NORTHEAST QUARTER, SAID POINT ALSO BEING ON THE WEST LINE OF NORTH 84TH STREET RIGHT-OF-WAY, THENCE SOUTH 00 DEGREES 04 MINUTES 19 SECONDS WEST ALONG A EAST LINE OF SAID LOT 84 I.T., AND A EAST LINE OF SAID LOT 2, SAID LINE BEING 50.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 1,247.45 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2, THENCE SOUTH 89 DEGREES 10 MINUTES 29 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 2, A DISTANCE OF 1,264.37 FEET TO A SOUTH CORNER OF SAID LOT 2, THENCE SOUTH 89 DEGREES 10 MINUTES 10 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 2, A DISTANCE OF 329.73 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2, THENCE NORTH 00 DEGREES 07 MINUTES 57 SECONDS EAST ALONG A WEST LINE OF SAID LOT 2, AND A WEST LINE OF SAID LOT 1, A DISTANCE OF 1,272.59 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 2,029,152.13 SQUARE FEET OR 46.58 ACRES, MORE OR LESS.



June 10, 2026

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

RE: Amendment to Existing PUD #06063B North Forty Plaza

Dear Mr. Cary:

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

1. Application & Fee (\$1176)
2. PUD Cover Sheet (to be submitted electronically)

On behalf of the Owner/Developer, Apples Way LLC, we are requesting an amendment to the pre-existing Planned Unit Development (PUD) for North Forty Plaza, located at the southwest corner of the intersection of N. 84<sup>th</sup> St & Adams Street. The amendment is to increase the residential units allowed in the PUD from 92 units to up to 182 units. Thus, an increase of 90 residential units. This amendment will facilitate an apartment complex to be located along Adams Street in the commercial area of the PUD. In addition, the amendment is asking for the setback to be reduced from 40' to 20' for the apartment residential use in the commercial area of the PUD to Adams Street and to adjacent residential properties.

The North Forty Plaza PUD development was permitted 20 years ago. The residential component of the PUD has been very successful however the commercial portion has been slow to develop. The last amendment to this PUD included a revision to expand a new residential street within the commercial area of the PUD of which all residential lots have been developed.

Let me know if you need any additional information or have any questions.

Sincerely,



Tim Gergen