



24-140  
Annexation No. 24009

Introduce: 12-2-24

ORDINANCE NO. 21688

1 AN ORDINANCE annexing and including the below described land as part of the City of  
2 Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of  
3 Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of  
4 Lincoln, Nebraska established and shown thereon.

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

6 Section 1. That the land legally described as follows:

7 LOT 3, JUNE'S PLACE, EXCEPT THAT PORTION DESCRIBED IN INSTRUMENT  
8 NUMBERS 2015018309 & 2021029997 & 2021043381, AND ALSO BEING  
9 DESCRIBED IN WARRANTY DEED INSTRUMENT NUMBER 2023038445,  
10 LOCATED IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 10  
11 NORTH, RANGE 6 EAST, OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA,  
12 BEING DESCRIBED AS FOLLOWS;

13 COMMENCING AT THE NORTHWEST CORNER OF LOT 3, JUNE'S PLACE, SAID  
14 POINT BEING LOCATED ON THE WEST LINE OF SAID NORTHEAST QUARTER  
15 AND 40.00' SOUTH OF THE NORTHWEST CORNER OF SAID NORTHEAST  
16 QUARTER; THENCE EASTERLY, 40' SOUTH OF AND PARALLEL TO THE NORTH  
17 LINE OF SAID NORTHEAST QUARTER ON AN ASSIGNED BEARING OF N  
18 89°48'02"E A DISTANCE OF 49.21'; THENCE SOUTHERLY, S 0°23'50"W 20.04', TO  
19 THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH RIGHT OF WAY  
20 LINE FOR WEST HOLDREGE STREET; THENCE ON SAID SOUTH RIGHT OF  
21 WAY LINE FOR THE NEXT EIGHT (8) COURSES, EASTERLY N 89°47'59"E 843.33';  
22 THENCE SOUTHERLY, S 12°12'23"E 75.90'; THENCE EASTERLY, N 89°47'57"E  
23 60.00'; THENCE NORTHERLY, N 15°10'34"E 51.67'; THENCE NORTHEASTERLY,  
24 N 61°08'00"E 50.91'; THENCE EASTERLY, N 89°47'59"E 258.51'; THENCE  
25 NORTHERLY, N 0°12'01"W 20.02'; THENCE EASTERLY, N 89°48'02"E 584.99', TO  
26 A POINT ON THE WEST LINE OF LOT 46 IRREGULAR TRACT IN SAID  
27 NORTHEAST QUARTER; THENCE SOUTHERLY ON SAID WEST LINE, S  
28 0°21'20"W 135.80', TO THE SOUTHWEST CORNER OF SAID LOT 46; THENCE  
29 EASTERLY ON THE SOUTH LINE OF SAID LOT 46, N 89°48'02"E 305.00', TO THE  
30 SOUTHEAST CORNER OF SAID LOT 46; THENCE NORTHERLY ON THE EAST  
31 LINE OF SAID LOT 46, N 0°21'20"E 39.14', TO THE WEST MOST CORNER  
32 COMMON TO LOTS 2 AND 3, JUNE'S PLACE; THENCE EASTERLY ON THE  
33 SOUTH LINE OF SAID LOT 2, N 89°48'02"E 148.34', TO THE NORTHEAST CORNER  
34 OF SAID LOT 3; THENCE ON THE EASTERLY LINE OF SAID LOT 3 FOR THE  
35 NEXT THREE (3) COURSES, SOUTHERLY, S 0°13'35"E 453.62'; THENCE  
36 EASTERLY, S 89°52'14"E 275.50', TO A POINT ON THE WEST 40' RIGHT OF WAY  
37 LINE FOR NORTHWEST 40th STREET; THENCE SOUTHERLY ON SAID RIGHT

1 OF WAY LINE, S 0°21'24"W 83.15', TO THE SOUTHEAST CORNER OF SAID LOT  
2 3; THENCE WESTERLY ON THE SOUTH LINE OF SAID LOT 3, S 89°48'02"W  
3 2556.63', TO A POINT ON THE EAST RIGHT OF WAY LINE FOR NORTHWEST 48th  
4 STREET; THENCE ON SAID RIGHT OF WAY LINE FOR THE NEXT THREE (3)  
5 COURSES, NORTHERLY, N 0°23'26"E 605.03'; THENCE EASTERLY, N 89°48'02"E  
6 2.00'; THENCE NORTHERLY, N 0°23'26"E 9.96', TO THE POINT OF BEGINNING,  
7 SAID TRACT CONTAINING AN AREA OF 1,383,186.9 SQUARE FEET OR 31.75  
8 ACRES, MORE OR LESS.

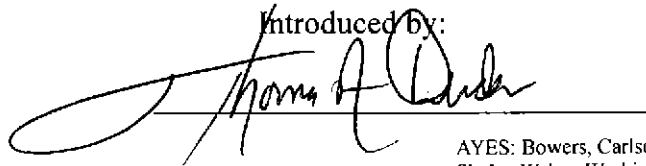
9  
10 be and it hereby is annexed and included within the corporate limits of the City of Lincoln,  
11 Nebraska and is hereby made a part of the City of Lincoln, Nebraska for all purposes.

12 Section 2. That the "Corporate Limits Map" attached to and made a part of Ordinance No.  
13 18208, be and it is hereby amended to reflect the above extension of the corporate limits boundary  
14 of the City of Lincoln. Said map amendment is shown on Attachment "A" which is attached hereto  
15 and made a part hereof by reference.

16 Section 3. That, pursuant to the Lincoln City Charter Article IV, Section 2a; Neb. Rev.  
17 Stat. § 15-247 (Reissue 2012); and Neb. Rev. Stat. § 32-553, et seq. (Reissue 2016), the land  
18 annexed above shall be assigned to City Council District #4.

19 Section 4. This ordinance shall be published, within fifteen days after the passage hereof,  
20 in one issue of a daily or weekly newspaper of general circulation in the City, or posted on the  
21 official bulletin board of the City, located on the wall across from the City Clerk's office at 555 S.  
22 10<sup>th</sup> Street, in lieu and in place of the foregoing newspaper publication with notice of passage and  
23 such posting to be given by publication one time in the official newspaper by the City Clerk. This  
24 ordinance shall take effect and be in force from and after its passage and publication or after its  
25 posting and notice of such posting given by publication as described herein and in the City Charter  
26 provided.

Introduced by:



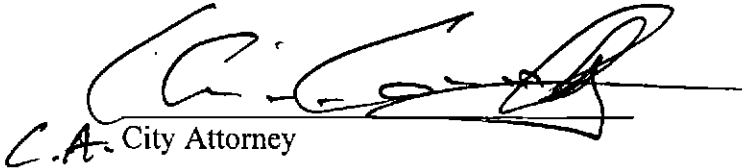
AYES: Bowers, Carlson, Duden,  
Shobe, Weber, Washington; NAYS:  
None; ABSTAINED: Beckius.

24-140  
Annexation No. 24009

Introduce: 12-2-24

ORDINANCE NO. 21688

Approved as to Form & Legality:

  
C.A. City Attorney

Approved this 18<sup>th</sup> day of Dec, 2024:

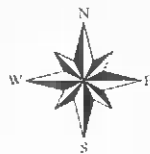
  
Mayor

PASSED

DEC 16 2024

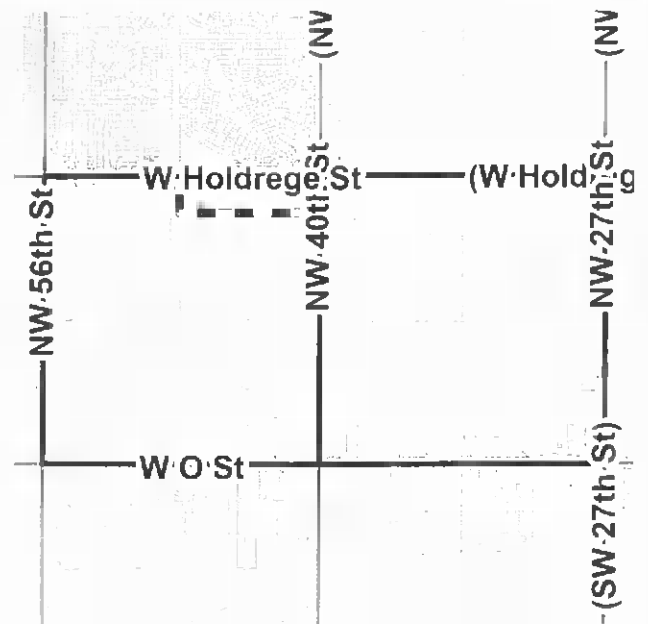
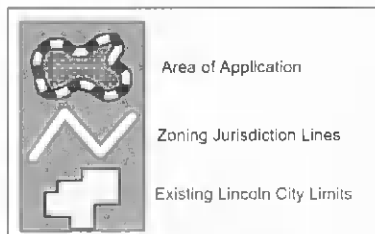
BY CITY COUNCIL

**Annexation #: AN24009**  
**NW 48th St & W Holdrege St**



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

Two Square Miles:  
Sec.19 T10N R06E  
Sec.20 T10N R06E



## **PLANNING DEPARTMENT SUMMARY REPORT**

**TITLE:** **Annexation 24009** – to annex approximately 36.59 acres on property generally located at NW 48<sup>th</sup> Street and W Holdrege Street

**PLANNING COMMISSION RECOMMENDATION:**  
Conditional Approval: (7-0: Campbell, Cruz, Ebert, Eddins, Joy, Rodenburg and Ryman Yost voting 'yes'; Ball and Feit absent)

**APPLICANT CONTACT:** Tim Gergen

**OPPONENTS:** 4 individuals testified at the hearing

**STAFF RECOMMENDATION:** Conditional Approval

### **REASON FOR LEGISLATION:**

This is a request to approve the annexation of approximately 36.59 acres which is associated with a change of zone from AG Agricultural to R-5 Residential PUD and B-2 Neighborhood Business District PUD. The Falcon Heights Planned Unit Development (PUD) will be on approximately 31.75 acres that will include up to 206 dwelling units and 200,000 square feet (SF) of mini warehouse space.

This PUD will center around the creation of small homes on small lots to create affordable housing and will include mini warehousing and/or apartments to the west of the residential area. The applicant has requested waivers to the design standards and land subdivision and zoning ordinances.

### **DISCUSSION / FINDINGS OF FACT:**

1. On October 16, 2024, the Planning Commission held a public hearing on this proposed annexation request, as well as the associated Change of Zone 24025 (Bill #24-141). There is an associated zoning agreement (Bill #24R-564) with this request.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on pp. 5-7, concluding that the proposed PUD is appropriate because it is consistent with the Comprehensive Plan through the encouragement of mixed-use development and safe, affordable, and accessible housing. The requested waivers to minimum lot area, width, and depth that are justified in this PUD due to the reduced lot and dwelling unit size. Waivers to reduce the front, side, and rear yard setbacks within the R-5 area are generally acceptable. The increase in maximum height for the single-family units is not appropriate as no justification was provided and it appears unnecessary. Waivers to parking have received conditional approval, as long as parking does not interfere with the public right-of-way. The request to reduce the width of private roadways was denied, due to emergency response requirements. Several waivers were not required.
3. Staff presentation can be found on pp. 27-29. Testimony by the applicant is found on pp. 29-30. There was no testimony in support of Annexation 24009 and there was no neutral testimony. Testimony in opposition can be found on pp. 30-31. The applicant's rebuttal is found on pp. 34.
4. Planning Commission discussion with staff can be found on pp. 31-35.

5. On October 16, 2024, the Planning Commission voted 7-0 (Ball and Feit absent), to recommend conditional approval of Annexation 24009 and voted 7-0 (Ball and Feit absent) to recommend conditional approval of associated Change of Zone 24025 as set forth in the conditions of the staff report dated October 3, 2024.

**SUMMARY REPORT PREPARED BY:** Shelli Reid, Administrative Officer **DATE:** November 22, 2024

**REVIEWED BY:** David R. Cary, Director of Planning  **DATE:** November 22, 2024

F:\devreview\factsheets\CC\2024\October 16, 2024\AN24009+



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

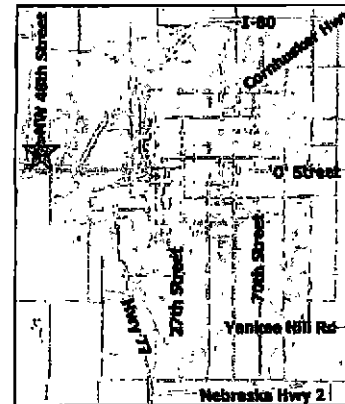
|   |                                     |  |
|---|-------------------------------------|--|
| <b>APPLICATION NUMBER</b><br>Change of Zone #24025, Annexation #24009 | <b>FINAL ACTION?</b><br>No          | <b>DEVELOPER/OWNER</b><br>NebHoldings, LLC   |
| <b>PLANNING COMMISSION HEARING DATE</b><br>October 16, 2024           | <b>RELATED APPLICATIONS</b><br>None | <b>PROPERTY ADDRESS/LOCATION</b><br>NW 48 <sup>th</sup> Street & W Holdrege Street |

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a combined request to approve a change of zone from AG Agricultural to R-5 Residential PUD and B-2 Neighborhood Business District PUD and the annexation of approximately 36.59 acres. The Falcon Heights Planned Unit Development (PUD) will be on approximately 31.75 acres that will include up to 206 dwelling units and 200,000 square feet (SF) of mini warehouse space.

This PUD will center around the creation of small homes on small lots to create affordable housing and will include mini warehousing and/or apartments to the west of the residential area. The applicant has requested waivers to the design standards and land subdivision and zoning ordinances.



**JUSTIFICATION FOR RECOMMENDATION**

The proposed PUD is appropriate because it is consistent with the Comprehensive Plan through the encouragement of mixed-use development and safe, affordable, and accessible housing. The requested waivers to minimum lot area, width, and depth that are justified in this PUD due to the reduced lot and dwelling unit size. Waivers to reduce the front, side, and rear yard setbacks within the R-5 area are generally acceptable. The increase in maximum height for the single family units is not appropriate as no justification was provided and it appears unnecessary. Waivers to parking have received conditional approval, as long as parking does not interfere with the public right-of-way. The request to reduce the width of private roadways was denied, due to emergency response requirements. Several waivers were not required.

**APPLICATION CONTACT**

Tim Gergen, (402) 477-9291 or  
[tim.gergen@clarkenersen.com](mailto:tim.gergen@clarkenersen.com)

**STAFF CONTACT**

Emma Martin, (402) 441-6369 or  
[emartin@lincoln.ne.gov](mailto:emartin@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

This PUD is compatible with the 2050 Comprehensive Plan. It supports the City and County's goals, elements, and policies that recommend the creation of safe and affordable housing and complete neighborhoods that provide housing for a diverse, growing population and complete neighborhoods that are within 15 minutes of schools and commercial services.

**WAIVERS**

1. Zoning Ordinance 27.72.020(b) to reduce the minimum lot area in the R-5 PUD area from 5,000 SF to 750 SF.

(Recommend Approval)

2. Zoning Ordinance 27.72.020(b) to reduce the minimum lot width for the R-5 area from 50 feet to 22 feet. (Recommend Approval)
3. Subdivision Ordinance 26.23.140(a) to reduce the minimum lot depth in the R-5 PUD area from 90 feet to 45 feet. (Recommend Approval)
4. Zoning Ordinance 27.72.020(b) to reduce the front, side, and rear yard setbacks for the R-5 PUD area:
  - a. Reduction of front yard setbacks along public streets from 20' to 15'. (Recommend Conditional Approval)
  - b. Reduction of corner front yard setbacks to 10' along public streets (Recommend Conditional Approval)
  - c. Reduction of front yard setback from 20' to 0' along private roadways (Recommend Approval)
  - d. Reduction of side yard setbacks from 5' to 0' when adjacent to an outlot (Recommend Approval)
  - e. Increase of maximum height from 35' to 40' (Recommend Denial)
5. Title 27.67.020 to allow the required parking of 1.75 stalls per dwelling unit within the R-5 PUD area to be located off-premises. (Recommend Conditional Approval)
6. Design Standards Chapter 2.25 to reduce the width of the private roadways in the R-5 PUD area from 21' to 16'. (Recommend Denial)
7. Waiver to Design Standards for cross section of a private roadway in the R-5 PUD area. (Recommend Conditional Approval)
8. Waiver to Design Standards to the conditions for an alternative sidewalk locations along private roadways in the R-5 PUD area. (Recommend Approval)
9. Access Management Policy deviation for the access point at NW 44<sup>th</sup> Street. (Deviation Requests are handled separately by Lincoln Transportation & Utilities (LTU))

## KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

### Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is shown as future Urban Residential and Commercial 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 type of housing are appropriate here.

Commercial - Areas of retail, office, service and residential mixed uses. Commercial uses may vary widely in their intensity of use and impact.

Figure GF.c - This site is shown in Tier 1, Priority A on the 2050 Priority Growth Area Map.

### Fundamentals of Growth in Lancaster County

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

New commercial and industrial development should be located in Lincoln and other incorporated communities.



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

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

#### **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.

#### **The Community in 2050**

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

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

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

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

The population age 65 and above is projected to increase from 45,600 (14.2 percent of total) in 2020 to 74,900 (17 percent of total) in 2050.

#### **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**

**G1: Safe, Affordable, and Accessible Housing.** Lincoln and Lancaster County will support the development of safe, affordable, and accessible quality housing that meets the diverse needs of the community. PlanForward understands the ongoing need for affordable housing and supports development of 5,000 affordable units by the year 2030.

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

#### **Elements Section**

##### **E1: Complete Neighborhoods and Housing**

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

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

**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.

**Policies Section**

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

**Action Steps**

1. Implement the housing and neighborhood strategies as embodied in the Affordable Housing Coordinated Action Plan, City of Lincoln Consolidated and Annual Action Plans and subsequent housing and neighborhood plans. These plans provide the core for affordable housing and neighborhood preservation actions for public and private agencies.
2. Distribute and preserve affordable housing throughout the community to be near job opportunities and public transit and to provide housing choices within existing and developing neighborhoods.
6. Preserve the existing affordable housing stock, increase the supply of affordable owner and renter units, and add more variety in housing types.

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.

#### UTILITIES & SERVICES

- A. Sanitary Sewer: LTU will build the sanitary sewer from the south to serve the development. There is no anticipated completion date for the construction, as it is still under discussion.
- B. Water: There is an existing water main along NW 48<sup>th</sup> Street and along the north side of W Holdrege Street. The water line along W Holdrege will be extended to serve the single family detached residential area of PUD.
- C. Roads: NW 48<sup>th</sup> Street is a major arterial street and W Holdrege Street is a minor arterial. Two points of access will be provided along W Holdrege Street. NW 40<sup>th</sup> Street is a local street and there will be one access point to it.
- D. Parks and Trails: There is an existing Commuter Trail along the east side of NW 48<sup>th</sup> Street and a proposed future Commuter Trail Unit along the western side of NW 40<sup>th</sup> Street.
- E. Fire Protection: Fire protection will be provided by Lincoln Fire and Rescue (LFR). The nearest station is Fire Station #11 which is located at 4600 W Adams Street. LFR can access the site via either W Holdrege Street or NW 40<sup>th</sup> Street.

#### ANALYSIS

1. This is a request for an annexation and a change of zone from AG Agriculture to R-5 Residential Planned Unit Development (PUD) and B-2 Planned Neighborhood Business District PUD. The annexation will cover approximately 36.59 acres while the change of zone and PUD will cover approximately 31.75 acres all generally located at NW 48<sup>th</sup> Street and W Holdrege Street.
2. This request is to develop 81 dwelling units on lots smaller than the required minimum for dwellings in the City of Lincoln in the R-5 area, as well as develop up to 200,000 SF of mini warehousing and/or up to 125 multi-family units in the B-2 area.
3. Per the Lincoln Municipal Code, PUDs are intended to provide flexibility in private or public development and are typically mixed-use in nature. This PUD will allow flexibility in lot size, thus permitting for small homes that are more affordable, and for mini warehousing as a use near to future residential uses and to serve the neighborhood as a whole.
4. The proposed annexation would annex approximately 36.59 acres and the adjacent NW 40<sup>th</sup> Street right-of-way (ROW). The annexation will include the land within the proposed PUD as well as three adjacent lots that, due to the annexation of NW 40<sup>th</sup> Street, will be surrounded by the City of Lincoln on all sides if they are not annexed. Per the City's annexation policy, found in Policy 80 of the Lincoln-Lancaster County Comprehensive Plan, land that is completely surrounded by the City should be annexed.
5. The site is designated for future Commercial and Residential - Urban Density on the 2050 Future Land Use Plan. It is within Growth Tier 1, Priority A of the Growth Tiers Map in the 2050 Comprehensive Plan. The annexation and change of zone requests, subject to the conditions of approval, comply with the requirements of the Zoning Ordinance and Comprehensive Plan.
6. Access for the PUD includes two public street accesses off of W Holdrege Street and one public street access off of NW 40<sup>th</sup> Street. Access to and from W Holdrege at NW 44<sup>th</sup> Street (as shown on the site plan) will be required to be only right-in/right-out once W Holdrege Street is further improved in the future. Internal circulation is a mix of public streets and private roadways. All turn lanes will meet the requirements of Access Management. The developer is not required to pave the portion of NW 40<sup>th</sup> Street that is annexed with this PUD.

7. Outlots B and M, shown between the Spooner Street right-of-way and the adjacent properties, will need to be changed to right-of-way to ensure that neighboring properties have access to the public street and NW 40<sup>th</sup> Street.
8. There are some issues with the proposed public and private street names noted by Emergency Communications and the Lincoln Fire Department (LFR). It has been requested that the following proposed names be changed:
  - 8.1. Privet Drive, Privet Court, and Privet Place, as they can easily be confused with "Private Drive" in both spelling and verbalization.
  - 8.2. Spooner Street, as it is too similar to the existing street name Schooner. Additionally, the new name for what is currently shown as Spooner Street must include the "West" directional prefix.
  - 8.3. "Diagon" in Diagon Court and Diagon Place is not a common spelling or pronunciation and is too similar to the existing street "Diadem". Additionally, the current Diagon Court and Diagon Place will need to have different names (for example, the name cannot be changed to "X Court" and "X Place" but could be changed to "X Court" and "Y Place").
  - 8.4. Privet Court and Spooner Court must have different names all together because they can be easily mistaken for the proposed Privet Place and Spooner Place. This is the same concern with having two cul-de-sacs with the same first name as listed in 8.3.
9. It is not recommended that Spooner Place and Spooner Court be within the same address range, as some residents may simply verbalize "Spooner" and not "Street" or "Place" at the end of the address. It also creates the potential in GIS for the wrong address to be selected when they both look so similar and have the same address numbers. The same concern resides with Diagon Place and Diagon Court as they would have the same address numbering range.
10. All private streets and drives shown on the site plans must be at least 20' wide. Most private streets in this plan are shown to be 16' wide which is insufficient for LFR response. Additionally, if the private streets are only 20' wide, no parking is allowed along either side of the private street so as to not obstruct emergency response.
11. The applicant must request a waiver and provide justification for Block 1, which is approximately 2,000 feet in length. The 2,000 feet exceeds the Title 26.23.130 requirement that block lengths not exceed 1,320 feet except where a major street, school, park, or other man-made barrier, lake, or other natural barrier forms one boundary of a block, or if a block crosses a glow route which drains an area of more than 200 acres unless the street is needed to provide more than one access point to the development for emergency response.
12. Due to the unique layout to accommodate smaller single family lots, further discussion and review are needed for the locations of utilities, sidewalk, water, and sanitary sewer and the corresponding easements. Generally, water will be extended from across W Holdrege Street. The storm sewer will be constructed and extended by LTU.
13. Regarding the requested waivers:
  - Zoning Ordinance 27.72.020(b) to reduce the minimum lot area in the R-5 PUD area from 5,000 SF to 750 SF. This request is justified because this PUD is meant to create small homes on small lots to provide more affordable housing options in the City of Lincoln and Lancaster County. The proposed reduction does not pose any concerns for fire separation or life safety.
  - Zoning Ordinance 27.72.020(b) to reduce the minimum lot width for the R-5 area from 50 feet to 22 feet. This request is justified and is compatible with the PUD's mission to provide small and affordable homes. The reduction in the lot width does not necessarily put dwelling units closer together, as shown by the site plan where outlots of 10 feet in width generally separate lots. This reduction in lot width will also assist in providing more affordable housing due to the smaller size of the lots.
  - Subdivision Ordinance 26.23.140(a) to reduce the minimum lot depth in the R-5 PUD area from 90 feet to 45 feet. This request is justified and is compatible with the PUD's mission to provide small and affordable homes. Similar to Waiver #2, this reduction in minimum lot depth will not necessarily put dwelling units closer together and will assist in bringing the cost of the homes down. The reduction in lot depth will allow for greater density while providing more affordable housing due to the small size of the dwellings.
  - Zoning Ordinance 27.72.020(b) to reduce the front, site, and rear yard setbacks for the R-5 PUD area:
    - Reduction of front yard setbacks along public streets from 20' to 15'. This request is partially

justifiable. The reduction to 15' from the lot line to the dwelling unit will allow dwelling unit to be on a lot with reduced size. However, any garage that has doors facing a public street must have a setback of 20' from the lot line. If the garage doors do not have a 20' setback, cars parked in the driveway will obstruct the sidewalks.

- Reduction of corner front yard setbacks to 10' along public streets. Not required, as the corner front yard setback for R-5 lots is already 10'. However, it should be noted that the corner front yard setback for any garage that faces the public street must be 20'.
- Reduction of front yard setback from 20' to 0' along private roadways. This request is justified, as distance between the curb line of the private roadways and the lots (and dwelling) will be provided by outlots. Additionally, there will be a requirement that nothing can be built in outlots within 10 feet of the single family detached lots.
- Reduction of side yard setbacks from 5' to 0' when adjacent to an outlot. Justified because there will be separation due to the outlot between the properties and the structures. A note stating that no structure or accessory building may be built within 10 feet of the single family detached lots will also ensure that nothing will be built between the properties that conflicts with life safety and building codes.
- Increase of maximum height from 35' to 40'. There was no justification provided for this waiver and there does not appear to be any need for 40' tall single family detached dwellings. The proposed small houses will be two stories or less. Thus there is no reason for this waiver.
- Title 27.67.020 to allow the required parking of 1.75 stalls per dwelling unit within the R-5 PUD area to be located off-premises. This waiver is only partially justified. Minimum require width of private roadways is 20' so that emergency responders may access units. Any private roadway that is only 20' wide cannot have parking on either side so as not to obstruct emergency responders. However, parking may be allowed on public streets and driveways in outlots as long as they do not obstruct sidewalks.
- Title 27.67.020 to allow tandem parking to count towards the required parking count in the R-5 PUD area. This waiver is not required, as parking in the front yard on a concrete driveway in the R-5 is permitted, as long as it meets the conditions of LMC 27.67.030(a)(2).
- Design Standards Chapter 2.25 to reduce the width of the private roadways in the R-5 PUD area from 21' to 16'. This waiver is not justified as Lincoln Fire and Rescue (LFR) requires at least 20' of width to access emergencies. A reduction to 20' would be approved as previously discussed.
- Waiver to Design Standards for cross section of a private roadway in the R-5 PUD area. This waiver is requested to allow a narrower pavement section that is cross sloped to the middle of the pavement to be similar to an alley cross section. The alley reference is significant to reinforce the private roadway is in the back of the house, and not the front. This waiver is partially justified. The private roadways cannot be less than 20' in width, and further discussion with LTU needs to occur to determine if the additional changes are appropriate. ....
- Waiver to Design Standards to allow alternative sidewalk locations along private streets in the R-5 PUD area and waive the conditions for the alternative sidewalks. This waiver is justified due to the layout of the PUD.
- Access Management Policy deviation for the access point at NW 44<sup>th</sup> Street. This waiver must be submitted as a deviation request to Lincoln Transportation and Utilities (LTU).

14. The PUD will require an avigation easement, and once grading is finalized, a revised map that depicts the new "shaded area" will need to be developed to determine compliance with height permits and/or regulations

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Agricultural production      AG Agricultural

**SURROUNDING LAND USE & ZONING**

|   |  |
|---|--|
| North: Single family detached, apartments | B-2 Planned Neighborhood Business District and R-3 Residential |
| South: Agricultural production            | AG Agricultural  |
| East: Agricultural production             | AG Agricultural  |
| West: Public use                          | R-3 Residential  |

**APPROXIMATE LAND AREA:**

Change of Zone (PUD): 31.75 acres, more or less

Annexation: 36.59 acres, more or less

**PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT:** City Council District 4

**LEGAL DESCRIPTION:**

**Change of Zone (PUD):** The Remaining Portion of Lot 3, Junes Place, located in the NE 1/4 of Section 19-10-6, Lincoln, Lancaster County, Nebraska, generally located at NW 48th Street and W Holdrege Street. See attached metes and bounds.

**Annexation:** Lots 1 and 2 and the Remaining Portion of Lot 3, Junes Place and the adjacent NW 40th Street right-of-way; and Lot 46 Irregular Tract, all located in the NE 1/4 of Section 19-Township 10 North-Range 6 East, Lincoln, Lancaster County, Nebraska, generally located at NW 48th Street and W Holdrege Street. See attached metes and bounds.

Prepared by Emma Martin, Planner  
(402) 441-6369 or [emartin@lincoln.ne.gov](mailto:emartin@lincoln.ne.gov)

Date: Oct. 3, 2024

Applicant: Clark & Enersen  
1010 Lincoln Mall, Suite 200  
Lincoln, NE 68508  
[Tim.gergen@clarkenersen.com](mailto:Tim.gergen@clarkenersen.com)

Contact: Clark & Enersen  
1010 Lincoln Mall, Suite 200  
Lincoln, NE 68508  
[Tim.gergen@clarkenersen.com](mailto:Tim.gergen@clarkenersen.com)

Owner: NebHoldings, LLC  
7130 S 29<sup>th</sup> Street, Suite D3  
Lincoln, NE 68516  
[lawkatt@nebholdings.com](mailto:lawkatt@nebholdings.com)

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CZ/24000/CZ24025, AN24009 Falcon Heights PUD.edm.docx>

## **CONDITIONS OF APPROVAL - CHANGE OF ZONE #24025 and ANNEXATION #24009**

This approval permits up to 206 dwelling units and 280,000 Square Feet of mini-warehousing with the following waivers to single family, two family and townhouse dwelling units in the R-5 PUD Area:

1. Zoning Ordinance 27.72.020(b) to reduce the minimum lot area from 5,000 SF to 750 SF.
2. Zoning Ordinance 27.72.020(b) to reduce the minimum lot width from 50 feet to 22 feet.
3. Subdivision Ordinance 26.23.140(a) to reduce the minimum lot depth from 90 feet to 45 feet.
4. Zoning Ordinance 27.72.020(b) to reduce the front, side, and rear yard setbacks:
  - a. Reduction of front yard setbacks along public streets from 20' to 15', except for any garage that faces a public street shall be 20 feet.
  - b. Reduction of front yard setback from 20' to 0' to outlots along private roadways.
  - c. Reduction of side setback of 5' and rear yard setback of 20' to 0' to an outlot.
5. Zoning Ordinance 27.67.020 to allow the required parking of 1.75 stalls per dwelling unit to be located off-premises.
6. Waiver to Design Standards for cross section of a private roadway. (Recommend Conditional Approval)
7. Waiver to Design Standards to the conditions for an alternative sidewalk locations along private roadways.

### **Site Specific Conditions:**

1. The Developer signs an annexation and/or zoning agreement before the City Council approves the change of zone.
2. 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.
  - 2.1 Provide street centerline information, including distances and bearing on tangent sections, and centerline distance in relationship to section line.
  - 2.2 Revise the plans to show temporary turnarounds with the following specifications: A 30' radius surfaced temporary turnaround shall be constructed at the end of all temporary dead-end streets and road which extend more than 150' beyond the nearest intersection with another street, road, or private roadway.
  - 2.3 Confirm the units on the rating curve for the proposed water quality pond.
  - 2.4 Add more flow path arrows throughout PWS 3, 4, and 5 for clarity.
  - 2.5 Provide separate exhibits for the annexation and change of zone requests.
  - 2.6 Add note that states "If Block 1 is developed with use other than mini warehouse, additional public or private street connections may be required by the Director of Planning due to proposed block length of approximately 2,000 feet."
  - 2.7 Delete the following notes and waivers: Waiver 4.6, Waiver 9, Waiver 10, General Site Note 17, and General Site Note 5
  - 2.8 Extend sanitary sewer to provide for future service to Lot 46 I. T. and Lots 1 and 2, Junes Place to the satisfaction of LTU.
  - 2.9 Identify the future use of Lot 1, Block 2.

- 2.10 Identify use for Outlot D as "future development".
- 2.11 Renumber waivers as needed.
- 2.12 Amend Waiver 4.1 to state that the front yard and corner front yard setbacks shall be 20 feet for any garage that faces a public street.
- 2.13 Amend General Site Note 8 to read "Setbacks shall follow the zoning ordinance except as shown on the site plan."
- 2.14 Add a waiver request to allow for a 0' rear yard setback for lots in the R-5 PUD.
- 2.15 Add a note that no structure or accessory building may be built within 10 feet of the residential lots.
- 2.16 Show a 20-foot front yard setback for garages that have doors that face public streets.
- 2.17 Show setbacks to private roadways.
- 2.18 Add numbered street names where indicated on the plans.
- 2.19 Show locations of all sidewalks and alternative sidewalks.
- 2.20 Note that public access easements will be provided over sidewalks in the outlots.
- 2.21 Label all private roadways as private roadways and provide the paving width and easement width.
- 2.22 Provide street names for all private roadways and outlots to the satisfaction of the Director of Planning. The street names Privet and Diagon shall be replaced and cul-de-sac will not have more than one name reused in the prefix.
- 2.23 Show a blanket public access, water, sanitary sewer, and utility easement over all private roadways. The width of the easements are subject to approval from the Directors of LTU and Planning.
- 2.24 Where indicated, adjacent to Lot 1, Junes Place, show the public right-of-way as 83' wide.
- 2.25 Change the dimension of the private roadways paving width to 20 feet as required by Lincoln Fire and Rescue.
- 2.26 Add a note that NW 44<sup>th</sup> Street may be required to be a right-in/right-out access only once W Holdrege Street is paved to the east.
- 2.27 Submit an exhibit demonstrating the required sight triangle can be achieved with requested 15 foot front yard setback waiver.
- 2.28 Submit a memo that documents design speeds for the intersection of W Holdrege Street and NW 44<sup>th</sup> Street meets city standards to the satisfaction of the Director of LTU.
- 2.29 Add design speeds to NW 40<sup>th</sup> Street on the public street profile sheet.
- 2.30 Add design speeds to W Holdrege Street on the public street profile sheet.
- 2.31 Show that water mains will be installed in the private streets/ outlot areas to provide an abutting water main on each lot on the cul-de-sacs.
- 2.32 Provide an alternative to the small orifices noted by LTU - Watershed Management on the Grading & Drainage plan.
- 2.33 Include the area of W Holdrege Street that is not being treated by the Extended MFC.
- 2.34 Show the location of guest parking for lots with a width of less than 35'.



- 2.35 Add a note that an administrative amendment for grading and drainage is required before any development may begin in the B-2 PUD Area.
- 2.36 Amend General Site Note 16 to show that 280,000 SF of mini warehousing is permitted.
- 2.37 Clarify that Waiver 4.4 setback reduction is to private roadways and that Waiver 4.5 is a reduction to outlots.
- 2.38 Amend the typical private roadway cross section and private roadways to show 20' of pavement.
- 2.39 Revise the utility, sidewalk, water, and sanitary sewer locations and easements to the satisfaction of the Directors of LTU and Planning.
- 2.40 Add a note that parking is not allowed on either side of the private roadways.
- 2.41 Label the private roadway and provide a street name for the access to Lots 2-4, Block 2 and Lots 1-7 in Block 3. Designate outlots as a private roadway and revise as per other private roadways. Parking for the dwelling units may be retained in Outlot P.
- 2.42 Show an additional 6 feet of right-of-way for the proposed future trail along the west side of NW 40<sup>th</sup> Street.
- 2.43 Add to the General Notes, "Signs need not be shown on this site plan, but need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation".
- 2.44 Add a sheet for the future the Blanket Airport Height Permit Requirements sheet.

3. Before receiving building permits, the developer shall provide the following documents to the Planning Department:

- 3.1 Verification that an aviation and noise easement to the Lincoln Airport Authority on all or that part of the land located within the Airport Environs Noise District has been received by the Lincoln Airport Authority.

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

To complete the paving of private roadway as shown on the final plat within two (2) years following the approval of this final plat.

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

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

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

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

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

to maintain the private facilities which have common use or benefit in good order and condition and state of repair, including the routine and reasonable preventive maintenance of the private 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 relinquish the right of direct vehicular access from Lots 1 and 2, Block 1; Lot 1, Block 2; and all residential lots as shown to W Holdrege Street.

to relinquish the right of direct vehicular access from Lot 1, Block 1 to NW 48<sup>th</sup> Street.

to inform all prospective purchasers and users of land located within the Airport Environs Noise District, that such land is subject to an aviation and noise easement granted to Lincoln Airport Authority, and that the land is potentially subject to aircraft noise levels which may affect users of the property and interfere with its use.

#### **Standard Conditions:**

5. The following conditions are applicable to all requests:

- 5.1 Before occupying the dwelling units and buildings all development and construction shall substantially comply with the approved plans.
- 5.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
- 5.3 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.
- 5.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.
- 5.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy

of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.



2020 aerial

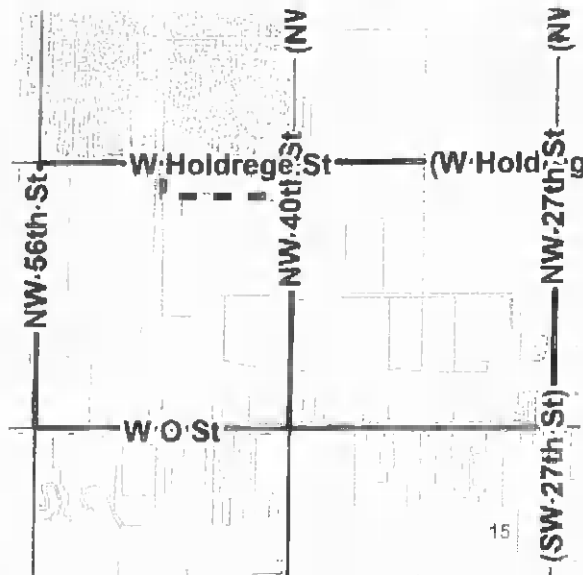
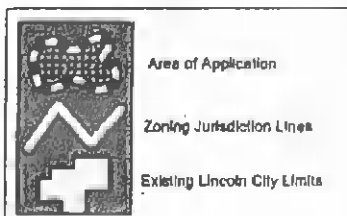
**Annexation #: AN24009**  
**NW 48th St & W Holdrege St**



### Zoning:

|            |  |
|------------|--|
| R-1 to R-8 | Residential District                   |
| AG         | Agricultural District                  |
| AQR        | 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.19 T10N R06E**  
**Sec.20 T10N R06E**





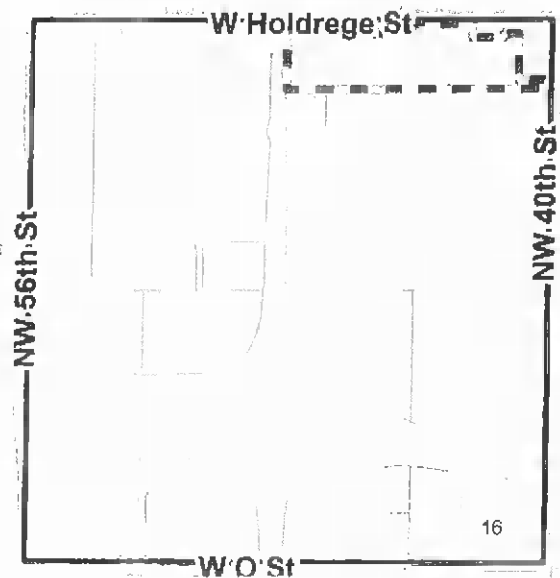
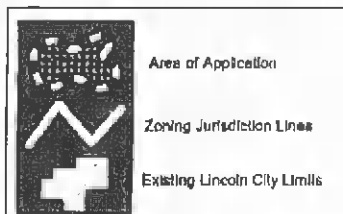
**Change of Zone #: CZ24025**  
**Falcon Heights PUD**  
**NW 48th St & W O St**

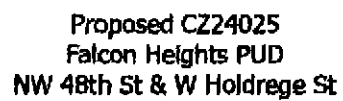
2020 aerial

### Zoning:

|            |  |
|------------|--|
| R-1 to R-3 | Residential District                   |
| AO         | Agricultural District                  |
| AOR        | 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                    |

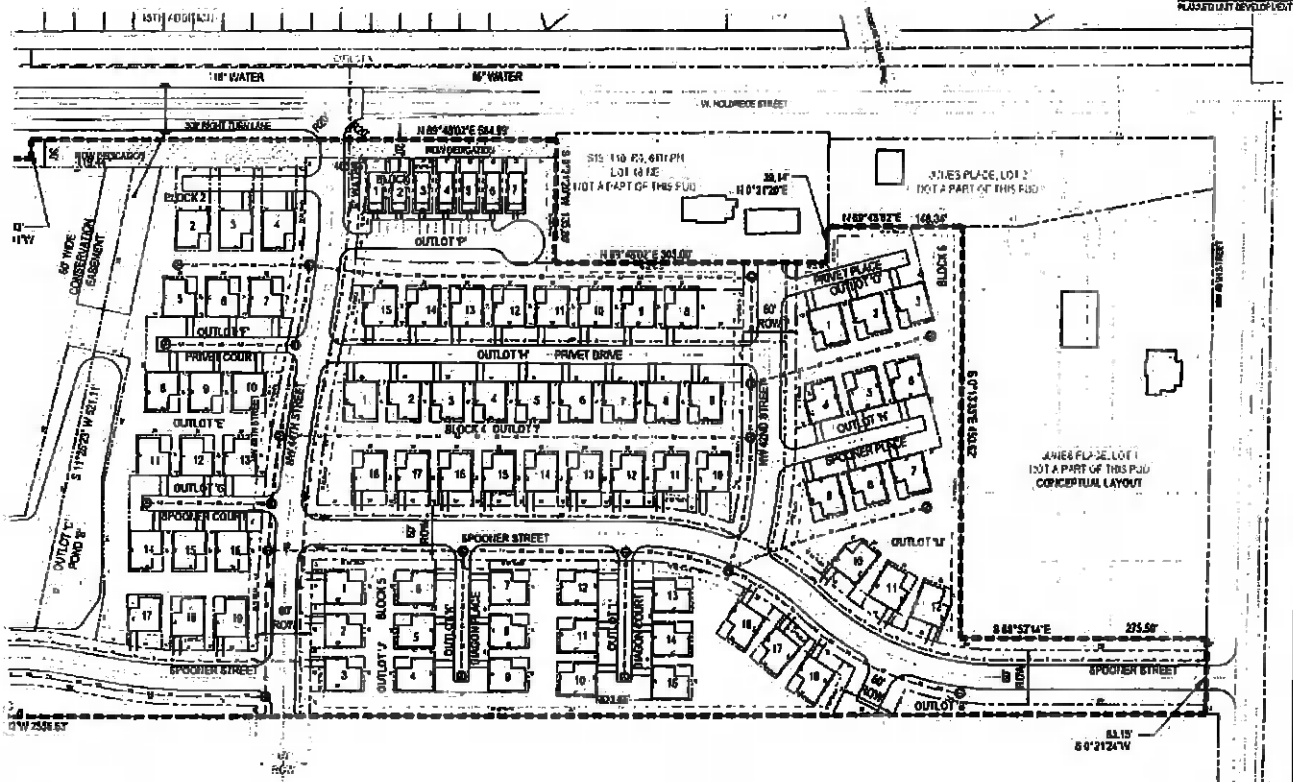
One Square Mile:  
 Sec.19 T10N R06E





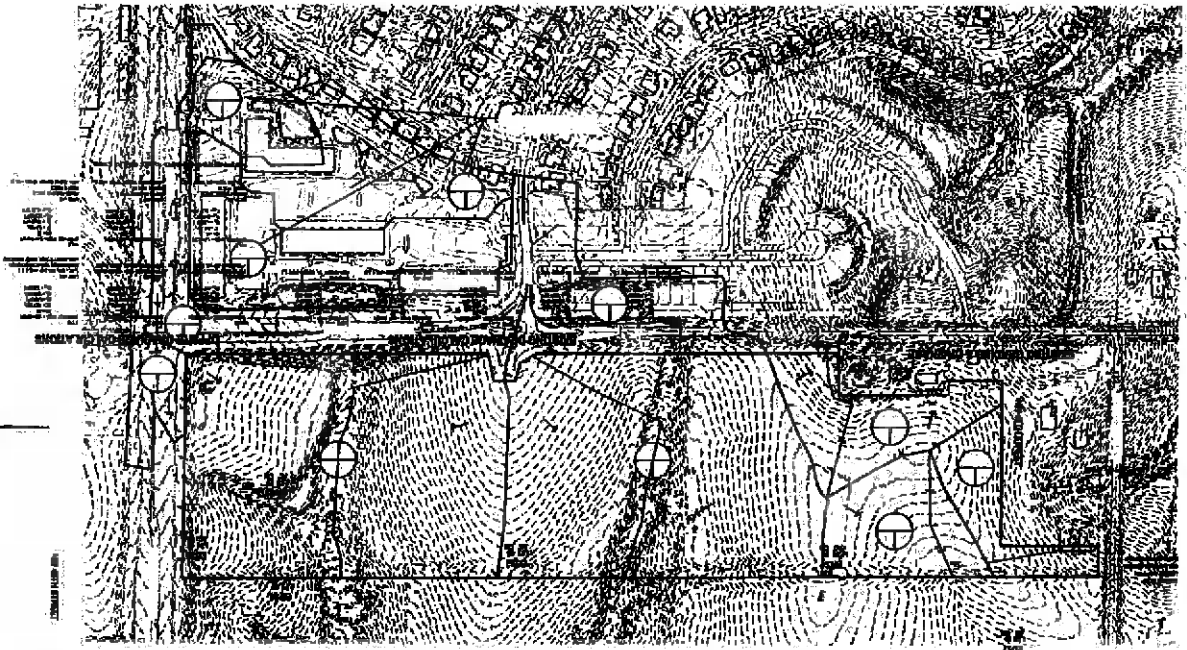




[illegible]

2 of 6

CLARKS  
ENERSEN



3 of 6  
Clark & Eversen

September 18, 2001  
CE No. 000-011-24  
Lapworth, Inc.  
Falcon Heights, MN

101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120

101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120

FALCON HEIGHTS  
PLANNING DEPARTMENT

FALCON HEIGHTS  
TOWN OF DEVELOPMENT

CLARK &  
ENERSEN

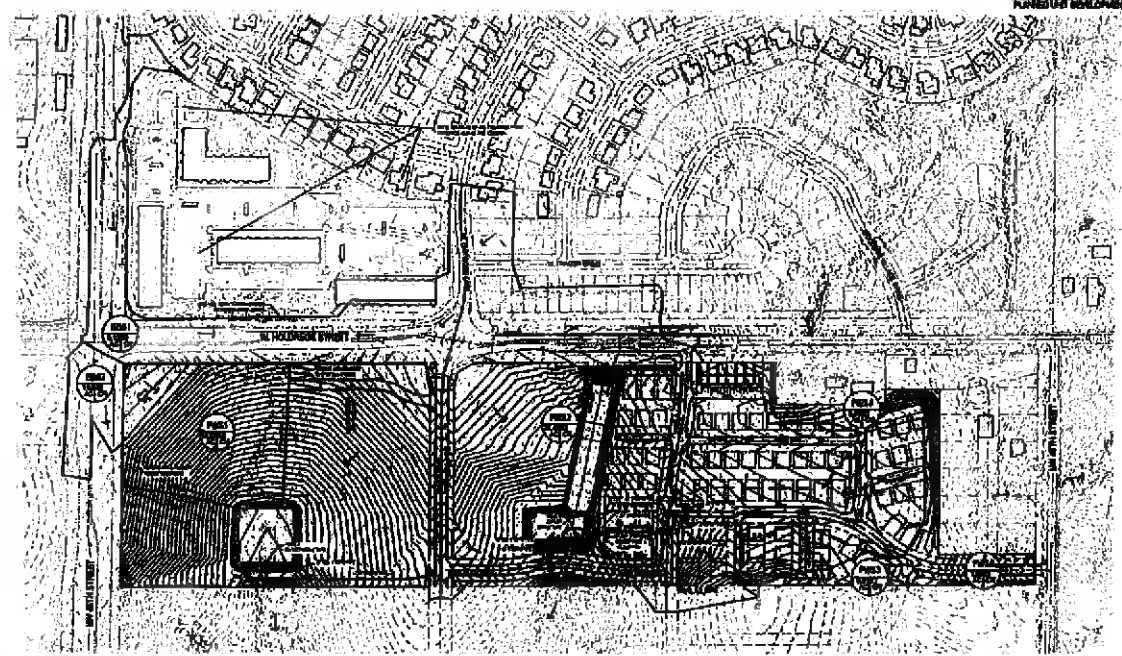
Professional Engineer  
No. 10000  
State of Michigan  
Civil Engineering  
Firm No. 10000

Professional Engineer  
No. 10000  
State of Michigan  
Civil Engineering  
Firm No. 10000

Pleasant Heights PUD  
Livonia, MI  
CE No. 10000-101-01  
September 18, 2024



Proposed  
Grading & Drainage  
4 of 6



**LEGEND**

|                   |                    |
|-------------------|--------------------|
| Proposed Grading  | Proposed Drainage  |
| Proposed Road     | Proposed Ditch     |
| Proposed Building | Proposed Pond      |
| Proposed Utility  | Proposed Structure |

**TABLE OF PROPOSED ELEVATIONS**

| Point | Elevation |
|-------|-----------|
| 1     | 100.00    |
| 2     | 100.00    |
| 3     | 100.00    |
| 4     | 100.00    |
| 5     | 100.00    |
| 6     | 100.00    |
| 7     | 100.00    |
| 8     | 100.00    |
| 9     | 100.00    |
| 10    | 100.00    |

**PROPOSED GRADING & DRAINAGE**

**MAJOR STORM CONVEYANCE SIZING CALCULATIONS**

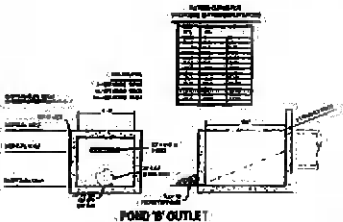
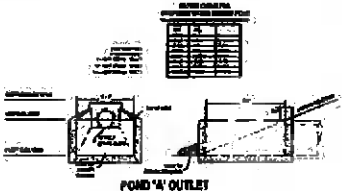
| Area | Flow | Velocity | Depth | Width | Area |
|------|------|----------|-------|-------|------|
| 1    | 100  | 1.0      | 1.0   | 100   | 100  |
| 2    | 200  | 1.0      | 1.0   | 200   | 200  |
| 3    | 300  | 1.0      | 1.0   | 300   | 300  |
| 4    | 400  | 1.0      | 1.0   | 400   | 400  |
| 5    | 500  | 1.0      | 1.0   | 500   | 500  |

**PROPOSED DRAINAGE CALCULATIONS**

| Area | Flow | Velocity | Depth | Width | Area |
|------|------|----------|-------|-------|------|
| 1    | 100  | 1.0      | 1.0   | 100   | 100  |
| 2    | 200  | 1.0      | 1.0   | 200   | 200  |
| 3    | 300  | 1.0      | 1.0   | 300   | 300  |
| 4    | 400  | 1.0      | 1.0   | 400   | 400  |
| 5    | 500  | 1.0      | 1.0   | 500   | 500  |

**OFFSITE DRAINAGE CALCULATIONS**

| Area | Flow | Velocity | Depth | Width | Area |
|------|------|----------|-------|-------|------|
| 1    | 100  | 1.0      | 1.0   | 100   | 100  |
| 2    | 200  | 1.0      | 1.0   | 200   | 200  |
| 3    | 300  | 1.0      | 1.0   | 300   | 300  |
| 4    | 400  | 1.0      | 1.0   | 400   | 400  |
| 5    | 500  | 1.0      | 1.0   | 500   | 500  |



**PRELIMINARY PIPE SIZING CALCULATIONS**

| Area | Flow | Velocity | Depth | Width | Area |
|------|------|----------|-------|-------|------|
| 1    | 100  | 1.0      | 1.0   | 100   | 100  |
| 2    | 200  | 1.0      | 1.0   | 200   | 200  |
| 3    | 300  | 1.0      | 1.0   | 300   | 300  |
| 4    | 400  | 1.0      | 1.0   | 400   | 400  |
| 5    | 500  | 1.0      | 1.0   | 500   | 500  |

## **LEGAL DESCRIPTION ANNEXATION AND PLANNED UNIT DEVELOPMENT**

LOT 3, JUNE'S PLACE, EXCEPT THAT PORTION DESCRIBED IN INSTRUMENT NUMBERS 2015018309 & 2021029997 & 2021043381, AND ALSO BEING DESCRIBED IN WARRANTY DEED INSTRUMENT NUMBER 2023038445, LOCATED IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 10 NORTH, RANGE 6 EAST, OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF LOT 3, JUNE'S PLACE, SAID POINT BEING LOCATED ON THE WEST LINE OF SAID NORTHEAST QUARTER AND 40.00' SOUTH OF THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE EASTERLY, 40' SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID NORTHEAST QUARTER ON AN ASSIGNED BEARING OF N 89°48'02"E A DISTANCE OF 49.21'; THENCE SOUTHERLY, S 0°23'50"W 20.04', TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE FOR WEST HOLDREGE STREET; THENCE ON SAID SOUTH RIGHT OF WAY LINE FOR THE NEXT EIGHT (8) COURSES, EASTERLY N 89°47'59"E 843.33'; THENCE SOUTHERLY, S 12°12'23"E 75.90'; THENCE EASTERLY, N 89°47'57"E 60.00'; THENCE NORTHERLY, N 15°10'34"E 51.67'; THENCE NORTHEASTERLY, N 61°08'00"E 50.91'; THENCE EASTERLY, N 89°47'59"E 258.51'; THENCE NORTHERLY, N 0°12'01"W 20.02'; THENCE EASTERLY, N 89°48'02"E 584.99', TO A POINT ON THE WEST LINE OF LOT 46 IRREGULAR TRACT IN SAID NORTHEAST QUARTER; THENCE SOUTHERLY ON SAID WEST LINE, S 0°21'20"W 135.80', TO THE SOUTHWEST CORNER OF SAID LOT 46; THENCE EASTERLY ON THE SOUTH LINE OF SAID LOT 46, N 89°48'02"E 305.00', TO THE SOUTHEAST CORNER OF SAID LOT 46; THENCE NORTHERLY ON THE EAST LINE OF SAID LOT 46, N 0°21'20"E 39.14', TO THE WEST MOST CORNER COMMON TO LOTS 2 AND 3, JUNE'S PLACE; THENCE EASTERLY ON THE SOUTH LINE OF SAID LOT 2, N 89°48'02"E 148.34', TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE ON THE EASTERLY LINE OF SAID LOT 3 FOR THE NEXT THREE (3) COURSES, SOUTHERLY, S 0°13'35"E 453.62'; THENCE EASTERLY, S 89°52'14"E 275.50', TO A POINT ON THE WEST 40' RIGHT OF WAY LINE FOR NORTHWEST 40th STREET; THENCE SOUTHERLY ON SAID RIGHT OF WAY LINE, S 0°21'24"W 83.15', TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE WESTERLY ON THE SOUTH LINE OF SAID LOT 3, S 89°48'02"W 2556.63', TO A POINT ON THE EAST RIGHT OF WAY LINE FOR NORTHWEST 48th STREET; THENCE ON SAID RIGHT OF WAY LINE FOR THE NEXT THREE (3) COURSES, NORTHERLY, N 0°23'26"E 605.03'; THENCE EASTERLY, N 89°48'02"E 2.00'; THENCE NORTHERLY, N 0°23'26"E 9.96', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 1,383,186.9 SQUARE FEET OR 31.75 ACRES, MORE OR LESS.

**LEGAL DESCRIPTION CHANGE OF ZONE AG TO B-2 PUD**

PART OF LOT 3, JUNE'S PLACE, EXCEPT THAT PORTION DESCRIBED IN INSTRUMENT NUMBERS 2015018309 & 2021029997 & 2021043381, AND ALSO BEING DESCRIBED IN WARRANTY DEED INSTRUMENT NUMBER 2023038445, LOCATED IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 10 NORTH, RANGE 6 EAST, OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF LOT 3, JUNE'S PLACE, SAID POINT BEING LOCATED ON THE WEST LINE OF SAID NORTHEAST QUARTER AND 40.00' SOUTH OF THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE EASTERLY, 40' SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID NORTHEAST QUARTER ON AN ASSIGNED BEARING OF N 89°48'02"E A DISTANCE OF 49.21'; THENCE SOUTHERLY, S 0°23'50"W 20.04', TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE FOR WEST HOLDREGE STREET; THENCE ON SAID SOUTH RIGHT OF WAY LINE FOR THE NEXT EIGHT (8) COURSES, EASTERLY N 89°47'59"E 843.33'; THENCE SOUTHERLY, S 12°12'23"E 75.90'; THENCE EASTERLY, N 89°47'57"E 60.00'; THENCE NORTHERLY, N 15°10'34"E 51.67'; THENCE NORTHEASTERLY, N 61°08'00"E 50.91'; THENCE EASTERLY, N 89°47'59"E 258.51'; THENCE NORTHERLY, N 0°12'01"W 20.02'; THENCE EASTERLY, N 89°48'02"E 119.44'; THENCE SOUTHERLY, S 11°26'23"W 648.33', TO A POINT ON THE SOUTH LINE OF SAID LOT 3; THENCE WESTERLY ON SAID SOUTH LINE OF SAID LOT 3, S 89°48'02"W 1232.97', TO A POINT ON THE EAST RIGHT OF WAY LINE FOR NORTHWEST 48th STREET; THENCE ON SAID RIGHT OF WAY LINE FOR THE NEXT THREE (3) COURSES, NORTHERLY, N 0°23'26"E 605.03'; THENCE EASTERLY, N 89°48'02"E 2.00'; THENCE NORTHERLY, N 0°23'26"E 9.96', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 791,310.15 SQUARE FEET OR 18.17 ACRES, MORE OR LESS.

**LEGAL DESCRIPTION CHANGE OF ZONE AG TO R-5 PUD**

THAT PART OF LOT 3, JUNE'S PLACE, EXCEPT THAT PORTION DESCRIBED IN INSTRUMENT NUMBERS 2015018309 & 2021029997 & 2021043381, AND ALSO BEING DESCRIBED IN WARRANTY DEED INSTRUMENT NUMBER 2023038445, LOCATED IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 10 NORTH, RANGE 6 EAST, OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF LOT 3, JUNE'S PLACE, SAID POINT BEING LOCATED ON THE WEST LINE OF SAID NORTHEAST QUARTER AND 40.00' SOUTH OF THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE EASTERLY, 40' SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID NORTHEAST QUARTER ON AN ASSIGNED BEARING OF N 89°48'02"E A DISTANCE OF 49.21'; THENCE SOUTHERLY, S 0°23'50"W 20.04', TO A POINT ON THE SOUTH RIGHT OF WAY LINE FOR WEST HOLDREGE STREET; THENCE ON SAID SOUTH RIGHT OF WAY LINE FOR THE NEXT EIGHT (8) COURSES, EASTERLY N 89°47'59"E 843.33'; THENCE SOUTHERLY, S 12°12'23"E 75.90'; THENCE EASTERLY, N 89°47'57"E 60.00'; THENCE NORTHERLY, N 15°10'34"E 51.67'; THENCE NORTHEASTERLY, N 61°08'00"E 50.91'; THENCE EASTERLY, N 89°47'59"E 258.51'; THENCE NORTHERLY, N 0°12'01"W 20.02'; THENCE EASTERLY, N 89°48'02"E 119.44', TO THE POINT OF BEGINNING; THENCE CONTINUING EASTERLY ON SAID SOUTH RIGHT OF WAY LINE, N 89°48'02"E 465.55', TO A POINT ON THE WEST LINE OF LOT 46 IRREGULAR TRACT IN SAID NORTHEAST QUARTER; THENCE SOUTHERLY ON SAID WEST LINE, S 0°21'20"W 135.80', TO THE SOUTHWEST CORNER OF SAID LOT 46; THENCE EASTERLY ON THE SOUTH LINE OF SAID LOT 46, N 89°48'02"E 305.00', TO THE SOUTHEAST CORNER OF SAID LOT 46; THENCE NORTHERLY ON THE EAST LINE OF SAID LOT 46, N 0°21'20"E 39.14', TO THE WEST MOST CORNER COMMON TO LOTS 2 AND 3, JUNE'S PLACE; THENCE EASTERLY ON THE SOUTH LINE OF SAID LOT 2, N 89°48'02"E 148.34', TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE ON THE EASTERLY LINE OF SAID LOT 3 FOR THE NEXT THREE (3) COURSES, SOUTHERLY, S 0°13'35"E 453.62'; THENCE EASTERLY, S 89°52'14"E 275.50', TO A POINT ON THE WEST 40' RIGHT OF WAY LINE FOR NORTHWEST 40th STREET; THENCE SOUTHERLY ON SAID RIGHT OF WAY LINE, S 0°21'24"W 83.15', TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE WESTERLY ON THE SOUTH LINE OF SAID LOT 3, S 89°48'02"W 1323.66'; THENCE NORTHERLY, N 11°26'23"E 648.33', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 591,876.74 SQUARE FEET OR 13.59 ACRES, MORE OR LESS.

September 18, 2024

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

RE: Falcon Heights  
Annexation & Planned Unit Development

Dear Mr. Cary:

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

1. Application
2. Application fee = \$5,101
3. Sheet 1 of 6 – Site Plan
4. Sheet 2 of 6 – Residential Site Plan
5. Sheet 3 of 6 - Existing Grading and Drainage Plan
6. Sheet 4 of 6 - Proposed Grading & Drainage Plan
7. Sheet 5 of 6 – Public Street Profiles
8. Sheet 6 of 6 – Private Street Profiles
9. Hydrologic Study

On behalf of the Developer, NebHoldings, LLC, 7130 S. 29<sup>th</sup> Street suite D3, Lincoln NE 68516, we are requesting Annexation and a Planned Unit Development for the property located southeast of the intersection of NW 48<sup>th</sup> Street and W Holdrege Street known as part of Lot 3, June's Place.

The annexation and Planned Unit Development is for a mixed-use development for up to 280,000 sf of mini warehousing; up to 125 multi-family dwelling units; and 81 single family dwelling units. The development will be served by public utilities and public streets that will intersect with W Holdrege Street at the existing intersection of W Chitwood Lane and a new intersection point at NW 44<sup>th</sup> Street. A future public street will connect to NW 40<sup>th</sup> Street. The lots will be served by both public and private streets. There will be outlots for the required stormwater detention, private roadways and open space.

The PUD will have two zoning types with an underlying zoning of B-2 commercial and R-5 residential. The B-2 PUD will have the flexibility of either multifamily units or commercial floor area. At this time, we are projecting commercial floor area of mini-warehousing. The PUD will be

allowing the mini-warehousing as a permitted use in the B-2 PUD zoning. The R-5 PUD zoning will have the small-house concept. The small house concept will have numerous design standard waivers for the private roadways, lot area and reduced setbacks to accommodate the unique nature of small-house development. The design standard waivers for the private streets will include reduced pavement width, pavement cross section and alternative sidewalk locations to name a few. The site plan will name the full list of waivers for the PUD.

We are seeking a waiver to the access management policy for the NW 44<sup>th</sup> Street access to W Holdrege Street. The access point is located in between the existing W Chitwood Lane and the existing W Woodside Village Drive however does not meet the minimum separation distance between the accesses. W Holdrege Street is a minor arterial however given that this street terminates easterly of this development due to the airport its traffic projections would be lower than a typical minor arterial.

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

Up to 280,000 SF Mini Warehousing at 0.26 PM peak trips/1,000 SF = 72.8 PM trips

We are seeking reimbursement of the W. Holdrege Street extension from W Chitwood Lane to NW 44<sup>th</sup> Street as shown on the PUD site plan. We are proposing to build the minor arterial street extension to urban standards. The estimated costs for the W. Holdrege Street extension is \$775,000. The projected maximum amount of Impact fees for this PUD is \$469,100 based on 100,000 SF of Mini-warehousing, 125 dwelling units of multi-family and 81 dwelling units of single family.

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

Sincerely,



Tim Gergen



# ANNEXATION 24009 and CHANGE OF ZONE 24025

## **ANNEXATION 24009**

**TO ANNEX APPROXIMATELY 36.59 ACRES; AND**

## **CHANGE OF ZONE 24025**

**FROM AG AGRICULTURAL TO R-5 RESIDENTIAL PUD (PLANNED UNIT DEVELOPMENT)  
AND B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT PUD, CONTAINING A MIX OF  
MINI-WAREHOUSE AND RESIDENTIAL USES WITH EXCEPTIONS TO THE ZONING AND  
SUBDIVISION ORDINANCES AND DESIGN STANDARDS, ON PROPERTY GENERALLY  
LOCATED AT NW 48TH STREET AND W HOLDREGE STREET.**

**PUBLIC HEARING:**

October 16, 2024

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

|                              |                      |                      |
|------------------------------|----------------------|----------------------|
| <b>Staff Recommendation:</b> | Annexation 24009     | Conditional Approval |
|                              | Change of Zone 24025 | Conditional Approval |

Ex-parte communications disclosed:

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

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

## **Staff Presentation:**

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

This application is in conformance with the 2050 Comprehensive Plan. The 2050 Comprehensive Plan supports the creation of safe and affordable housing with a variety of housing types and this PUD focuses on the creation of small homes on small lots, which aids in the effort to expand affordable housing options. The development is also within a 15-minute walk of Lincoln Northwest High School, which helps to meet another goal of the

Comprehensive Plan of providing complete neighborhoods: residents are within 15 minutes of, among other things, quality public schools.

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

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

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

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

To conclude, the development of smaller homes with the accompanying small lots is a positive for the city and county small homes enhance the city of Lincoln stock and give more options to current and future residents. The annexation and PUD do meet the 2050 Comprehensive

Plan elements goals and policies and encourage creative solutions to hosing in the City of Lincoln.

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

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

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

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

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

Martin stated no.

**Applicant:**

**Tim Gergen, Clark & Enersen, 1010 Lincoln Mall, Suite 200, Lincoln NE**, came forward and stated this is a unique and complicated project. Gergen is proud to have it added to the city. Codes aren't added to the City of Lincoln for small houses in mind. They have a lot of variances and conditions. They are cooperating with City of Lincoln. There is a PUD because the corner area is a bit green right now for a commercial area or apartments. They will come back later when they have more details.

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

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

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

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

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

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

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

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

Gergen stated yes.

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

Gegen stated he believed the Planning Department is in support

Eddins asked how far the paving will go.

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

**Proponents:**

No one approached in support.

**Neutral:**

No one approached in neutral.

**Opposition:**

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

**Kelly Libengood, 4201 West Holdrege Street,** came forward and stated the annexation will impact her finances. Libengood stated that she is on a limited income and moved to accommodate her business. The annexation will hit them negatively on taxes and business. Libengood stated that her store is large, and the buildings are larger than their residence. Libengood rehabs furniture and sells décor. It will affect her prices and customer reviews. It will affect her livestock and peaceful setting. Libengood mentioned that her property is self-sustaining, and they don't need city water and can't afford to hookup. Libengood was told

connecting to city water would cost \$30-40,000 and they can't afford it. Home equity is not possible, and they don't qualify for low-income housing resources. It will affect family and traffic safety.

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

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

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

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

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

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

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

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

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

Martin stated the rules have changed.

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

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

Campbell stated it has been the situation in the past.

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

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

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

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

In that particular circumstance, the cost that would be involved to the individual on West Holdrege, for example, first the sewer line does have to be built. So, one day upon annexation the development hasn't happened yet there's no sewer line to hook up to either of the two houses that are there, so you have to wait until the sewer line is actually constructed by the developer. At some point during the course of a year LTU goes to see what were the annexations and to see if there's sewer lines that have been built and houses that qualify. It's not like it's an automatic that there's somebody in the city who immediately notifies the Health Department that a house has come up with in it.

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

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

now and City Council, is for existing houses, is that something there could be give on. It is only fair that is properties subdivide they help pay the cost of getting the sewer line there.

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

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

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

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

Joy asked if 40<sup>th</sup> Street has to be annexed. Henrichsen stated Lincoln Northwest is in the city limits. The area to the southeast of the school is Falcon Corner, an annexation on hold. The area south of the school between NW 46<sup>th</sup> and NW 48<sup>th</sup> is approved for development and commercial zoning and it would be associated with students probably coming out of school or other commercial industrial uses. When this area and Falcon Corner come forward, the entire area will be completely surrounded by the city limits, possibly within a year.

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

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

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

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

**Applicant rebuttal**

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

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

Eddins asked Gergen if he met with these property owners.

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

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

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

**ANNEXATION 24009**

**ACTION BY PLANNING COMMISSION:**

**October 16, 2024**

Campbell moved to approve Annexation 24009; seconded by Joy.

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

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

Eddins stated she is excited to see small houses. It's a missing middle. Eddins likes the project in whole. It is wrong when annexing a property to cost the homeowner thousands of dollars. Eddins recently replaced her sewer line and it cost \$15,000. To say that's not a lot was devastating to her. These people are living in the same economic class as her. How do we right



size annexation of a property like these. Eddins stated that she is in support of the project as a whole, but not the annexation of two property owners who want city sewer. She will always suggest the developer should reach out to the property owners and have a conversation, so we are not trying to answer questions at the meeting.

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

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

Ryman Yost stated the importance of this development, of new affordable small housing close to a school. She agrees with the concerns around the cost and the communication concern and opportunity to answer questions and plan with surrounding property owners. It's always easier to get excited about a project when those things have already been addressed. That is the recommendation to do so moving forward in how we manage these transitions.

**CHANGE OF ZONE 24025**

**ACTION BY PLANNING COMMISSION:**

**October 16, 2024**

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

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

**ORDINANCE NO. 21688**

---

**AN ORDINANCE** Annexation 24009 - Application of NebHoldings, LLC., to annex approximately 36.59 acres, on property generally located at NW 48th Street and W Holdrege Street.

---

|                         |                             |
|-------------------------|-----------------------------|
| <b>Read First Time</b>  | <u>December 2, 2024</u>     |
| <b>Read Second Time</b> | <u>December 9, 2024</u>     |
| <b>Read Third Time</b>  | <u>December 16, 2024</u>    |
| <b>Passed</b>           | <u>December 16, 2024</u>    |
| <b>Published in</b>     | <u>Lincoln Journal Star</u> |
| <b>on</b>               | <u>December 27, 2024</u>    |

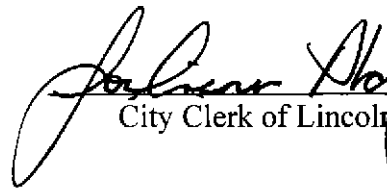
---


**CERTIFICATE**

State of Nebraska     )  
                                      ) ss  
County of Lancaster    )

I, the undersigned, City Clerk of the City of Lincoln, Nebraska, do hereby certify that the within ordinance is the original Ordinance No. 21688 as passed by the City Council of said City, as indicated above, and as approved by the Mayor of said City and as the same appears of record in my office and is now in my charge remaining as City Clerk aforesaid.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska this 16<sup>th</sup> day of December, 2024.

  
City Clerk of Lincoln, Nebraska





24-140  
Annexation No. 24009

Introduce: 12-2-24

ORDINANCE NO. 21688

AN ORDINANCE annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon.

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

Section 1. That the land legally described as follows:

25  
June/24

LOT 3, JUNE'S PLACE, EXCEPT THAT PORTION DESCRIBED IN INSTRUMENT NUMBERS 2015018309 & 2021029997 & 2021043381, AND ALSO BEING DESCRIBED IN WARRANTY DEED INSTRUMENT NUMBER 2023038445, LOCATED IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 10 NORTH, RANGE 6 EAST, OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS;  
COMMENCING AT THE NORTHWEST CORNER OF LOT 3, JUNE'S PLACE, SAID POINT BEING LOCATED ON THE WEST LINE OF SAID NORTHEAST QUARTER AND 40.00' SOUTH OF THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE EASTERLY, 40' SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID NORTHEAST QUARTER ON AN ASSIGNED BEARING OF N 89°48'02"E A DISTANCE OF 49.21'; THENCE SOUTHERLY, S 0°23'50"W 20.04', TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE FOR WEST HOLDREGE STREET; THENCE ON SAID SOUTH RIGHT OF WAY LINE FOR THE NEXT EIGHT (8) COURSES, EASTERLY N 89°47'59"E 843.33'; THENCE SOUTHERLY, S 12°12'23"E 75.90'; THENCE EASTERLY, N 89°47'57"E 60.00'; THENCE NORTHERLY, N 15°10'34"E 51.67'; THENCE NORTHEASTERLY, N 61°08'00"E 50.91'; THENCE EASTERLY, N 89°47'59"E 258.51'; THENCE NORTHERLY, N 0°12'01"W 20.02'; THENCE EASTERLY, N 89°48'02"E 584.99', TO A POINT ON THE WEST LINE OF LOT 46 IRREGULAR TRACT IN SAID NORTHEAST QUARTER; THENCE SOUTHERLY ON SAID WEST LINE, S 0°21'20"W 135.80', TO THE SOUTHWEST CORNER OF SAID LOT 46; THENCE EASTERLY ON THE SOUTH LINE OF SAID LOT 46, N 89°48'02"E 305.00', TO THE SOUTHEAST CORNER OF SAID LOT 46; THENCE NORTHERLY ON THE EAST LINE OF SAID LOT 46, N 0°21'20"E 39.14', TO THE WEST MOST CORNER COMMON TO LOTS 2 AND 3, JUNE'S PLACE; THENCE EASTERLY ON THE SOUTH LINE OF SAID LOT 2, N 89°48'02"E 148.34', TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE ON THE EASTERLY LINE OF SAID LOT 3 FOR THE NEXT THREE (3) COURSES, SOUTHERLY, S 0°13'35"E 453.62'; THENCE EASTERLY, S 89°52'14"E 275.50', TO A POINT ON THE WEST 40' RIGHT OF WAY LINE FOR NORTHWEST 40th STREET; THENCE SOUTHERLY ON SAID RIGHT

1 OF WAY LINE, S 0°21'24"W 83.15', TO THE SOUTHEAST CORNER OF SAID LOT  
2 3; THENCE WESTERLY ON THE SOUTH LINE OF SAID LOT 3, S 89°48'02"W  
3 2556.63', TO A POINT ON THE EAST RIGHT OF WAY LINE FOR NORTHWEST 48th  
4 STREET; THENCE ON SAID RIGHT OF WAY LINE FOR THE NEXT THREE (3)  
5 COURSES, NORTHERLY, N 0°23'26"E 605.03'; THENCE EASTERLY, N 89°48'02"E  
6 2.00'; THENCE NORTHERLY, N 0°23'26"E 9.96', TO THE POINT OF BEGINNING,  
7 SAID TRACT CONTAINING AN AREA OF 1,383,186.9 SQUARE FEET OR 31.75  
8 ACRES, MORE OR LESS.  
9

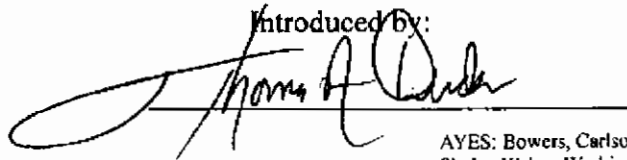
10 be and it hereby is annexed and included within the corporate limits of the City of Lincoln,  
11 Nebraska and is hereby made a part of the City of Lincoln, Nebraska for all purposes.

12 Section 2. That the "Corporate Limits Map" attached to and made a part of Ordinance No.  
13 18208, be and it is hereby amended to reflect the above extension of the corporate limits boundary  
14 of the City of Lincoln. Said map amendment is shown on Attachment "A" which is attached hereto  
15 and made a part hereof by reference.

16 Section 3. That, pursuant to the Lincoln City Charter Article IV, Section 2a; Neb. Rev.  
17 Stat. § 15-247 (Reissue 2012); and Neb. Rev. Stat. § 32-553, et seq. (Reissue 2016), the land  
18 annexed above shall be assigned to City Council District #4.

19 Section 4. This ordinance shall be published, within fifteen days after the passage hereof,  
20 in one issue of a daily or weekly newspaper of general circulation in the City, or posted on the  
21 official bulletin board of the City, located on the wall across from the City Clerk's office at 555 S.  
22 10<sup>th</sup> Street, in lieu and in place of the foregoing newspaper publication with notice of passage and  
23 such posting to be given by publication one time in the official newspaper by the City Clerk. This  
24 ordinance shall take effect and be in force from and after its passage and publication or after its  
25 posting and notice of such posting given by publication as described herein and in the City Charter  
26 provided.

Introduced by:



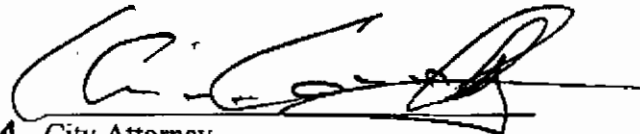
AYES: Bowers, Carlson, Duden,  
Shobe, Weber, Washington; NAYS:  
None; ABSTAINED: Beckius.

24-140  
Annexation No. 24009

Introduce: 12-2-24

ORDINANCE NO. 21688

Approved as to Form & Legality:

  
C.A. City Attorney

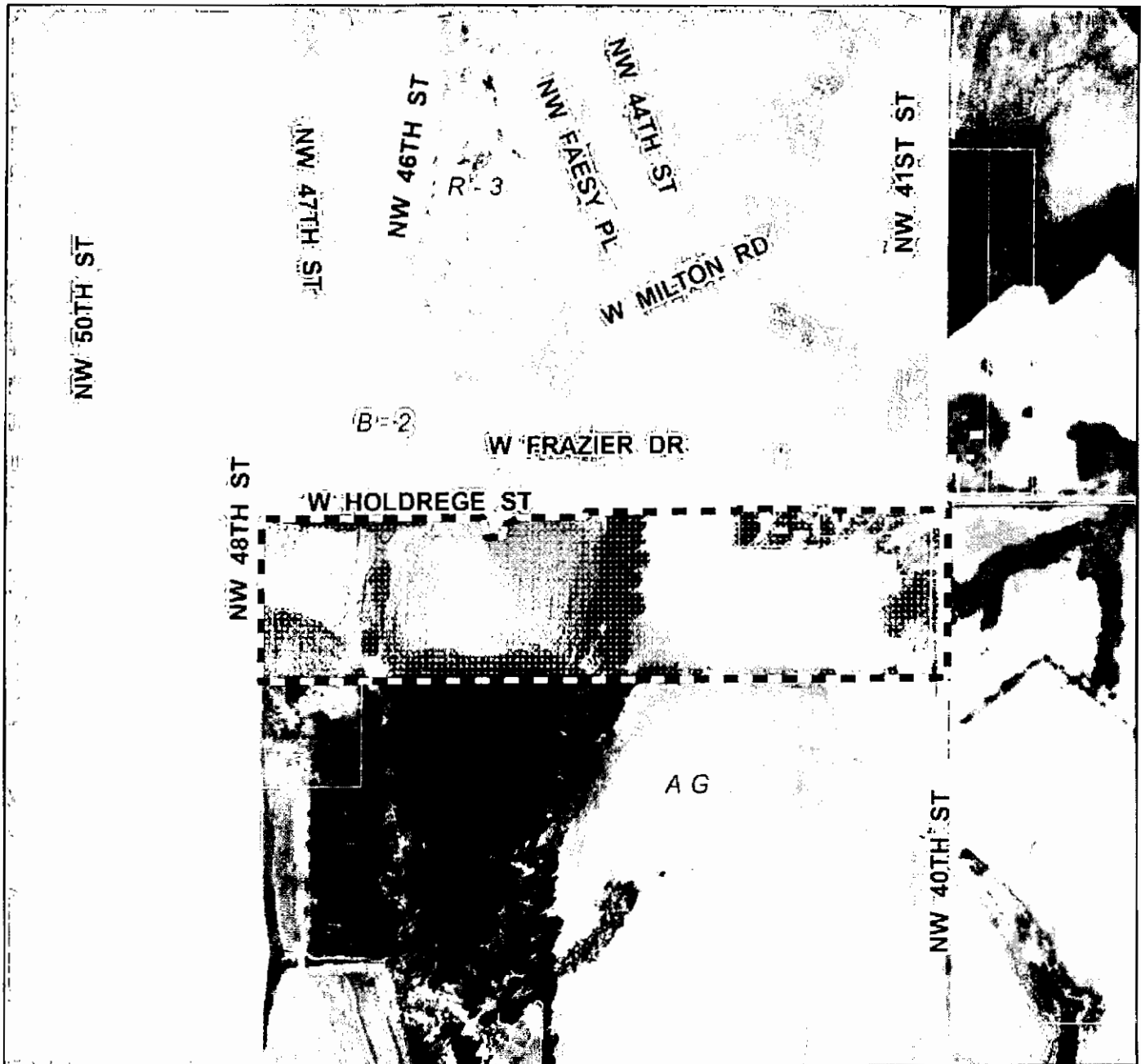
Approved this 18<sup>th</sup> day of Dec, 2024:

  
Mayor

PASSED

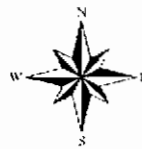
DEC 16 2024

BY CITY COUNCIL



2020 aerial

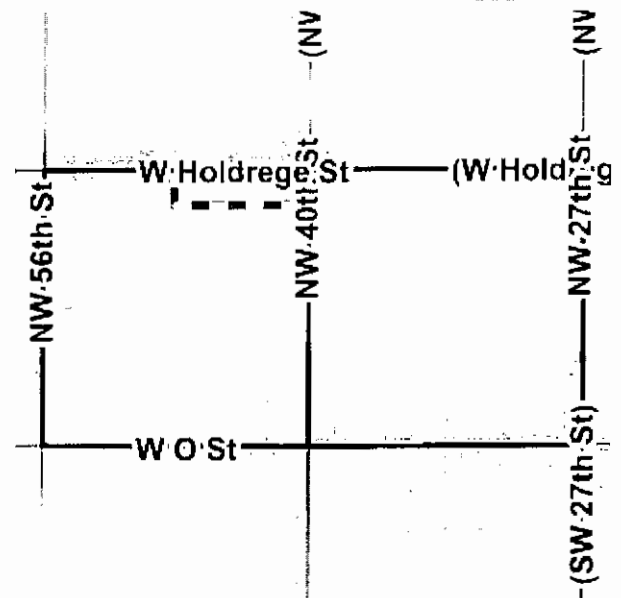
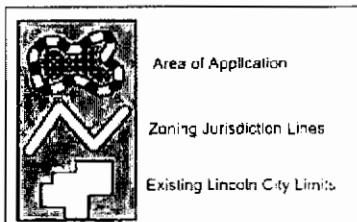
**Annexation #: AN24009**  
**NW 48th St & W Holdrege St**



### 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                    |

**Two Square Miles:**  
**Sec.19 T10N R06E**  
**Sec.20 T10N R06E**




# CERTIFICATE

STATE OF NEBRASKA            )  
  )  
COUNTY OF LANCASTER        ) ss:  
  )  
CITY OF LINCOLN                )

I, Brandi Lehl, Assistant City Clerk of the City of Lincoln, Nebraska, do hereby certify that the above and foregoing is a true and correct copy of Annexation 24009 - Application of NebHoldings, LLC. to annex approximately 36.59 acres, on property generally located at NW 48th Street and W Holdrege Street passed and approved by Ordinance 21688 by the Lincoln City Council on December 16, 2024, as the original appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, this 27<sup>th</sup> day of December, 2024.

  
Assistant City Clerk

