

City Council Introduction: **Monday**, July 14, 2008  
Public Hearing: **Monday**, July 21, 2008, at **1:30** p.m.

Bill No. 08-85

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 08032**, from R-6 Residential District to B-3 Commercial District, requested by Whitehead Oil Company, on approximately 1.47 acres, more or less, generally located at South 21<sup>st</sup> Street and K Street (generally bounded by K and L Streets between 21<sup>st</sup> Street and vacated 22<sup>nd</sup> Street).

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 07/02/08  
Administrative Action: 07/02/08

**STAFF RECOMMENDATION:** Approval, subject to a conditional zoning and development agreement.

**RECOMMENDATION:** Approval, subject to a conditional zoning and development agreement (7-0: Partington, Carroll, Cornelius, Taylor, Larson, Esseks, and Francis voting 'yes'; Sunderman declaring a conflict of interest; Gaylor Baird absent).

**ASSOCIATED REQUESTS:** Conditional Zoning and Development Agreement (08R-163)

### **FINDINGS OF FACT:**

1. This is a request to change the zoning on approximately 1.47 acres, more or less, from R-6 Residential to B-3 Commercial, subject to a conditional zoning and development agreement to allow the property to be used for a gas station/convenience store and restaurant with drive through. The agreement addresses the issues of use restrictions, architectural criteria, limited signage, restrictions on lighting and the provision of pedestrian amenities and landscaping in order to provide a development more compatible with the Downtown Master Plan and the Antelope Valley Redevelopment Plan.
2. The staff recommendation of approval, subject to a conditional zoning and development agreement, is based upon the "Analysis" as set forth on p.4-5, concluding that the change of zone is generally in conformance with the Comprehensive Plan, the Antelope Valley Redevelopment Plan and the Lincoln Downtown Master Plan. The applicant has addressed many of the staff's original concerns with the character of development and access at this key location on the edge of the Antelope Valley Redevelopment area in the conditional zoning and development agreement submitted with this application. The staff presentation is found on p.7-8.
3. The applicant's testimony is found on p.8-9. The Commission did raise concerns about signalization of pedestrian crossings and retention of existing trees (See Minutes, p.7-9).
4. There was no testimony in opposition.
5. On July 2, 2008, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval, subject to the revised conditional zoning and development agreement presented at the public hearing (Sunderman declaring a conflict of interest; Gaylor Baird absent).

**FACTSHEET PREPARED BY:** Jean L. Preister

**DATE:** July 7, 2008

**REVIEWED BY:** \_\_\_\_\_

**DATE:** July 7, 2008

**REFERENCE NUMBER:** FS\CC\2008\CZ.08032

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

**for July 2, 2008 PLANNING COMMISSION MEETING**

- PROJECT #:** Change of Zone No. 08032
- PROPOSAL:** From R-6 Residential to B-3 Commercial District
- LOCATION:** Generally located at S. 21<sup>st</sup> Street and K Street
- LAND AREA:** 1.47 acres more or less
- EXISTING ZONING:** R-6 Residential
- CONCLUSION:** This change of zone is generally in conformance with the Comprehensive Plan, the Antelope Valley Redevelopment Plan and the Lincoln Downtown Master Plan. The applicant has addressed many of staff's original concerns with the character of development and access at this key location on the edge of the Antelope Valley Redevelopment area by submitting a conditional zoning agreement with their application.

<b>RECOMMENDATION:</b>	Conditional approval
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**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See Attached

**EXISTING LAND USE:** Abandoned parking lot

**SURROUNDING LAND USE AND ZONING:**

North:	B-4 Lincoln Center Business District	Warehouse
South:	R-6 Residential	Parking lot and 1 single family house
East:	B-4 Lincoln Center Business District	(Right of Way)
	P Public	Antelope Park
West:	R-6 Residential	Communications Building

**ASSOCIATED APPLICATIONS:** SAV 08002 Street and Alley Vacation  
CPC 08015 Surplus Property  
SP 08031 Sale of alcohol

**HISTORY:**

December 2007 Staff met with the Developer and his representatives to discuss the site plan submitted with this change of zone application.

- June 2007 Planning Commission approved a special permit for Outdoor Seasonal Sales for a fireworks tent.
- December 2005 City Council approved change of zone #05067 for this property to be re-zoned from R-6 to B-4. The approval of the change of zone was vetoed by the mayor.
- September 2005 Downtown Master Plan adopted.
- November 2004 Antelope Valley Redevelopment Plan adopted.
- May 1979 This property was changed from D Multiple Dwelling to R-6 Residential.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

The future land use map shows this area as commercial. (19)

The community continues its commitment to a strong Downtown. A strong, vital Downtown provides a common center for all Lincoln and Lancaster County and will be a catalyst for future growth. The Comprehensive Plan acknowledges Downtown’s unique role and will guide decisions that will maintain Downtown’s vitality and enhance its contribution to the quality of life of all Lincoln and Lancaster County. (6)

The Plan will seek to preserve vistas and institutions of cultural importance, to reinforce the district as a center of entertainment, and to promote a rich diversity of activities and uses, including housing, education, government, offices and commerce. (7)

Maximize the community’s present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods.(9)

Encourage mixed-use redevelopment, adaptive reuse, and in-fill development including residential, commercial and retail uses.(10)

Many activities of daily living should occur within walking distance. Neighborhoods should include homes, stores, workplaces, schools and places to recreate. (10)

The automobile has generated huge new space and functional demands. All of these factors make it more difficult for communities today to develop and redevelop in an attractive, cohesive manner. (11)

**DOWNTOWN MASTER PLAN:**

The Downtown Master Plan Land Use Map shows this area as low rise office (20)

**ANTELOPE VALLEY MASTER PLAN:**

The Antelope Valley Master Plan Land Use Map shoes this area as MU mixed use (18)

**UTILITIES:** Existing

**TRAFFIC ANALYSIS:** The Comprehensive Plan identifies “K” and “L” Streets as minor one way arterials and 21<sup>st</sup> Street as a collector, both now and in the future. Access to the site is a concern due to the anticipated uses and proximity to the 21<sup>st</sup> and “K” and “L” Street intersections. Access

should be limited. South 22<sup>nd</sup> Street, adjacent to the east, has been vacated, but is still owned by the City. The Developer has agreed to eliminate access to S. 21<sup>st</sup> Street.

**REGIONAL ISSUES:** There is B-3 Commercial on the southwest corner of S. 21<sup>st</sup> Street and K Street. The property directly west of this property is proposed to be re-zoned to B-4 as part of the implementation of the Downtown/ Antelope Valley Design Standards.

**AESTHETIC CONSIDERATIONS:** The zoning agreement addresses architectural requirements, sign restrictions, lighting restrictions and landscaping.

**ALTERNATIVE USES:** This site is anticipated for low-rise office or mixed use development. This site would be appropriate for offices, or mixed-use including residential over office. A speaker at the previous (2005) hearing on this site suggested it for a gateway park, but that is not recommended in any of the adopted plans and no funds have been suggested to acquire the land.

**ANALYSIS:**

1. The B-3 Commercial District is a district providing for local commercial uses in a redeveloping neighborhood generally located in established retail centers of those neighborhoods. The uses permitted generally are those for neighborhood uses, plus additional limited manufacturing uses that reflect the character of that commercial area.
2. The B-3 zoning district would allow the Developer to have a combination convenience store and restaurant with drive thru service.
3. The zoning agreement and site plan associated with this change of zone are very similar to the ones approved by City Council in 2005. Both agreements put use restrictions on milk distribution stations, but not involving any bottling on the premises, food storage lockers, furnace, heating, sheet metal, electrical shops or electrical contractors, cabinet shops or stores, tire stores and sales, including vulcanizing, recycling centers, broadcast towers and wind energy conversion system. The Council in 2005 added to this list of restricted uses vehicle body repair shops, automobile wash facilities, sale of alcoholic beverages for consumption on the premises and sale of alcoholic beverages for consumption off the premises.
4. Staff recommends adding vehicle body repair shops and automobile wash facilities to the list of restricted uses in the zoning agreement, but not the language about the sale of alcohol. Chapter 27.63.680 and 685 dictate the restrictions of alcohol sales. Such restrictions include but are not limited to providing parking as required by the special permit, a building approved for such activity must be located no closer than 100 feet from a day care facility, park, church, state mental health institution, or a residential district. The Developer has submitted a special permit for the sale of alcohol to be consumed off the premise (SP08031) which is scheduled to have a public hearing at Planning Commission on July 16, 2008.

5. The zoning agreement also address signs. The 2008 zoning agreement is more restrictive than the 2005 version. The new agreement allows to only one 8 foot tall, 50 square foot ground sign at the K street entrance. The 2005 agreement allowed for two 8 feet tall 50 square foot ground signs, one on 21<sup>st</sup> Street and one on L Street.
6. Staff will be asking for additional landscaping specifications in the 2008 zoning agreement. The landscape plan should include street trees to match existing or proposed plants in the area including along Capitol Parkway, Lewis Fields and Lincoln High.
7. The Developer has worked with Public Works on traffic, circulation, and access to develop a site plan that they have found to be acceptable. Staff and the Developer agreed to close the access on S. 21<sup>st</sup> Street and allow left in - left outs on both "K" and "L" Streets. The Developer also agreed to provide a bulb curb cut to protect the mailbox drop off lane. The mail box is to stay in its same location.
8. In the 2005 zoning agreement, the Developer agreed to install a pedestrian- actuated traffic signal at 22<sup>nd</sup> Street when warranted and recommended by the Director of Public Works. As part of said installation, the Developer was required to extend the sidewalk in K Street to 22<sup>nd</sup> Street. Staff will recommend that this provision be included in the 2008 zoning agreement.
9. Watershed Management has noted that the entire property is currently in the FEMA 100 year flood zone and will need to comply with all regulations for flood plain development in an existing urban area. Site development may lend itself to incorporating a water quality Best Management Practices into the plans.
10. There is B-3 zoning southwest across the "K" and 22<sup>nd</sup> Street intersection to this property as well as 3 blocks south. There is additional B-3 zoning along or very near to Capitol Parkway on the east side. (See attached map). B-3 zoning is appropriate on this parcel of land because this area is a transition between the traditional Downtown and Antelope Valley area and the redeveloping neighborhoods. It is not uncommon to see B-3 development on the fringe of the Downtown and Antelope Valley. The B-3 is designed to provide for local commercial development near redeveloping neighborhoods. In this case the zoning agreement is a crucial and important tool in providing appropriate site design and use regulations on such a uniquely located parcel of land. The proposed uses will provide services to commuters as well as neighbors on a site located in between a couplet of busy one-way streets. This development also could encourage the redevelopment of existing convenience store sites which are in more pedestrian oriented locations downtown and in the nearby neighborhood.

### **Conditions of Approval**

1. Acceptance of a signed zoning agreement.
2. All previous approved special permits on this property are void and superceded.

Prepared by:

Christy Eichorn  
Planner

**DATE:** June 19, 2008

**APPLICANT / OWNER:** Whitehead Oil Company  
2537 Randolph  
Lincoln, NE

**CONTACT:** Mark Hunzeker  
600 Wells Fargo Center  
1248 O Street  
Lincoln, NE 68508

**COMPREHENSIVE PLAN CONFORMANCE NO. 08015,  
STREET & ALLEY VACATION NO. 08002  
and  
CHANGE OF ZONE NO. 08032**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

July 2, 2008

Members present: Cornelius, Larson, Taylor, Esseks, Partington, Francis and Carroll (Sunderman declared a conflict of interest; Gaylor Baird absent).

Ex Parte Communications: None.

Staff recommendation: A finding of conformance with the Comprehensive Plan on the declaration of surplus property and street and alley vacation, and conditional approval of the change of zone, subject to a conditional zoning and development agreement.

Staff presentation: **Christy Eichorn of Planning staff** present this proposal. The alley requested to be vacated is a small alley running north/south just on the edge of the surplus property. The change of zone is to B-3, which provides for local commercial uses in redeveloping neighborhoods. The applicant is proposing a restaurant and convenience store on the property. The site would circulate in a counter-clockwise manner with one access on L Street, one access on K Street and no access on South 21<sup>st</sup> Street. The proposed site plan does not include the property of the vacated north/south roadway of S. 22<sup>nd</sup> Street. Unlike previously applications similar to this proposal, this application does not include a car wash and it limits parking to four parking stalls east of the existing building. The staff and applicant have negotiated the conditional zoning agreement. A revised agreement was submitted at the public hearing which includes additional landscaping and more wording in regard to pedestrian crossings along K Street.

Esseks expressed interest in further discussion on the development and conditional zoning agreement, particularly the pedestrian actuated traffic signals on K Street and 22<sup>nd</sup> Street. The agreement reads that the developer will pay to install this type of public safety facility when warranted and recommended by the Director of Public Works. How will that be determined? How will the Director determine that it is warranted? Eichorn responded, stating that Public Works would do the same with any other crossing. The number they are looking at is about 100 people per hour to generate the warrant for that pedestrian crossing. She did not know how they determine when to start counting people.

Francis inquired as to the proximity of Lincoln High School. Eichorn stated that the parking lot is about 107' on the other side of the right-of-way – maybe 500' from this property. Francis assumes it will be a fast food restaurant and assumes that Lincoln High has open campus for lunch so there would be a high volume of walking traffic across K Street from Lincoln High. Francis is concerned about the pedestrian traffic in that regard. Eichorn indicated that this issue is being addressed in the zoning agreement. The staff has requested that the applicant provide two different types of pedestrian crossings. 100 crossings per hour would require a more signalized crossing. Anything less might be a painted crosswalk with warning signs. Francis believes that both K and L kind of

curve so it sometimes could be a blind corner with the volume and speed of traffic. Eichorn suggested that K Street is relatively straight until you get past the property. L Street does curve right at this property. Public Works has looked at the site plan and has worked with the applicant to develop something workable for both pedestrians and vehicles.

It was confirmed that the entrance on L Street on the north side is a left in and left out

Esseks expressed concern about the standard of 100 crossings per hour – is that across 8 hours? He believes the lunch hour at the high school is the relevant time. If we have 50-75 crossings and there is no traffic signal there, we could be inviting a real tragedy. It is Eichorn's understanding at any one hour during a 24-hour period that generates more than 100 crossings is the trigger.

### Proponents

**1. Mark Hunzeker** appeared on behalf of **Whitehead Oil Company**, indicating that this proposal is similar to one approved by the City Council in 2005. The access points have been modified after discussion with staff, i.e. the left in and left out access on both K and L Streets. The K Street access is protected because the lane that enters from K Street is not a thru lane.

Hunzeker stated that they have arrived at this design after a number of meetings with Public Works, the Mayor, Urban Development and Planning. All of the issues are reflected in the proposed zoning and development agreement. Hunzeker indicated that the applicant and staff are now in agreement with all the major provisions of that agreement. That agreement includes the architectural control that requires brick and matching canopy columns, restricting signage and lighting, pedestrian amenities, extensive landscaping, street trees on all sides, etc. As the staff report points out, the B-3 district is appropriate because it is a transitional area between the traditional Downtown and Antelope Valley areas. It is not uncommon to see B-3 on the fringe of Downtown and Antelope Valley. This parcel is ideally located for these uses and it is at the very edge of the Downtown and Antelope Valley redeveloping areas.

With regard to the traffic signal and crossing, Hunzeker clarified that the warrants are statutory. Public Works cannot place stop signs or traffic signals at any place along a street without meeting statutory signal warrants. Those warrants are referred to in the agreement and the applicant agrees that if those warrants are met and the Traffic Engineer recommends installation, it will be done. Hunzeker further went on to state that between now and when the traffic warrant is met, it is not as if you are crossing at a very busy full four-movement intersection. This is a one-way street. People will only have to look one direction for traffic; the students at Lincoln High are mature enough to understand looking before they cross the street; they have to do it every day further down to the east where they cross both directions of traffic. They will also have benefit of a signal which will stop traffic on K Street only 300' away. There is not very much traffic on 21<sup>st</sup> Street. If that proves to be inadequate and there is a warrant for a signal at 22<sup>nd</sup> Street, the applicant will install it. The signal at 21<sup>st</sup> Street will create gaps in traffic. There is also a crosswalk signal at 21<sup>st</sup> Street.

Larson wondered about the interior traffic. Is it going to be easy for someone coming from the east to enter the property and then exit onto K Street and go east? Hunzeker explained that coming from the east, there is a turn lane that gets out of traffic on Capitol Parkway and gets you into the site. There is a standard parking lot width aisle to come through into the filling bays and then you have

another driving aisle that can take you out to exit onto K Street or turn around and go back out onto L Street.

Carroll referred to f.3 of the agreement having to do with perimeter trees, assuming those are to the east of the project on property owned by the City. Hunzeker stated that it refers to all the trees that are around the perimeter of the applicant's site. The Planning Director added language allowing some discretion on placement of the sidewalk in order to save some of the trees. They will not remove any trees that are not on the applicant's property and will save as many of the trees on the applicant's property as they can. The existing trees around this site will not be removed and street trees will be added, particularly along L Street and 21<sup>st</sup> Street, and probably some in part of K Street.

Carroll is concerned about shielding of the drive-thru area for people coming from the east. Hunzeker suggested that this project is very, very close to the surface parking area that is there today. They are not really changing the footprint of the hard surfaced area on that site.

There was no testimony in opposition.

**COMPREHENSIVE PLAN CONFORMANCE NO. 08015**

**ACTION BY PLANNING COMMISSION:**

July 2, 2008

Larson moved a finding of conformance with the Comprehensive Plan, seconded by Francis and carried 7-0: Cornelius, Larson, Taylor, Esseks, Partington, Francis and Carroll voting 'yes' (Sunderman declaring a conflict of interest; Gaylor Baird absent). This is a recommendation to the City Council.

**STREET & ALLEY VACATION NO. 08002**

**ACTION BY PLANNING COMMISSION:**

July 2, 2008

Larson moved a finding of conformance with the Comprehensive Plan, with the conditions set forth in the staff report, seconded by Francis.

Cornelius commented that this alley serves only the property served by the owner so there is no reason to worry about any of the other neighbors.

Motion carried 7-0: Cornelius, Larson, Taylor, Esseks, Partington, Francis and Carroll voting 'yes' (Sunderman declaring a conflict of interest; Gaylor Baird absent). This is a recommendation to the City Council.

**CHANGE OF ZONE NO. 08032**

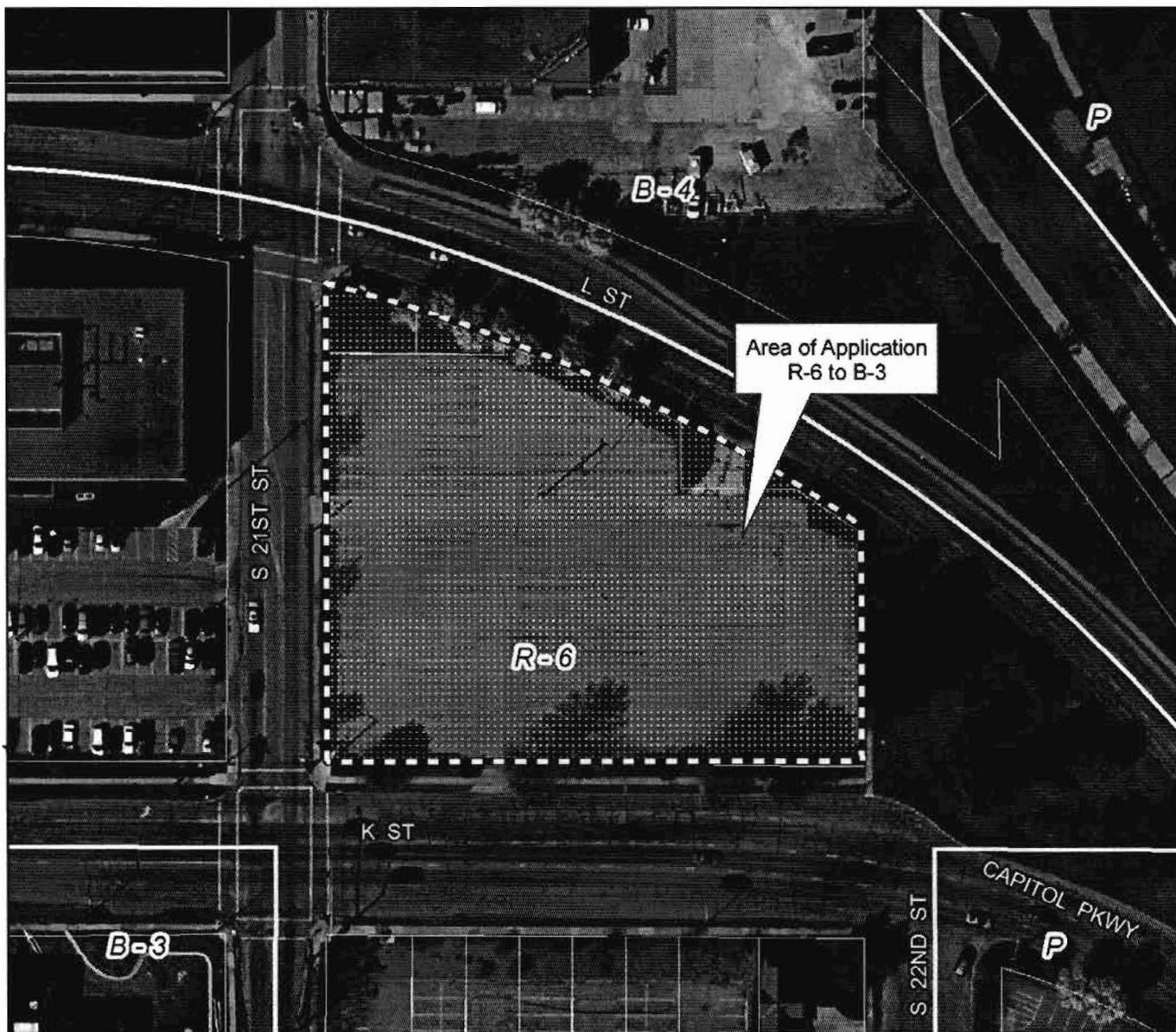
**ACTION BY PLANNING COMMISSION:**

July 2, 2008

Larson moved approval, subject to a conditional zoning and development agreement, seconded by Francis.

Carroll commented that the Commission understands there is a need in this area for a convenience store. He expressed appreciation to the applicant for changes made to the store and the site. It will fit in with the new Antelope Valley project. We want to protect the view of that corridor and he appreciates the applicant doing that and working with the city on the agreement.

Motion carried 7-0: Cornelius, Larson, Taylor, Esseks, Partington, Francis and Carroll voting 'yes' (Sunderman declaring a conflict of interest; Gaylor Baird absent). This is a recommendation to the City Council.



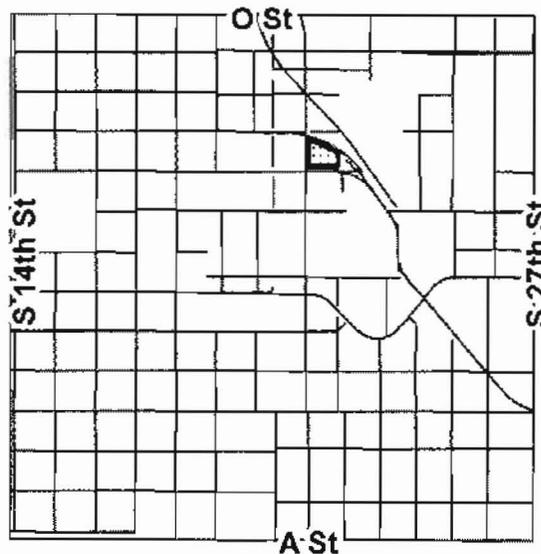
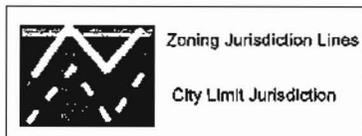
**Change of Zone #08032  
S 21st & K St**

2007 aerial

**Zoning:**

One Square Mile  
Sec. 25 T10N R06E

- 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-6 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



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DONALD R. WITT  
M. DOUGLAS D. LUTHER  
WALTER C. ZIMMEL  
RANDALL L. GOVETTE  
STEPHEN S. GRAY  
GARY S. PERRY  
DALLAS D. JONES  
JILL GRADVOHL-SCHROEDER  
DAVID A. DUDLEY

BRENDA S. SPILKER  
STEPHAN E. SHAWY  
W. SCOTT DAVIS  
MARK A. HUNGATE  
WILLIAM G. BLAIR  
PETER W. KAYE  
CHRISTOPHER M. FORTICO  
DARLA S. JONES  
JARROD S. BURNETT

TIMOTHY E. CLARKE  
ANDREW M. JOHNSON  
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OFF COUNSEL  
ROBERT L. CARMICHAEL  
J. ANDREW CHAPMAN  
DAVID D. ZWARTZ

\*Also Admitted in Kansas

June 4, 2008

***Hand Delivered***

Mr. Marvin Krout  
Planning Department  
555 South 10<sup>th</sup> Street #213  
Lincoln, NE 68508

RE: Whitehead Oil Company; Change of Zone 21<sup>st</sup> and K Street

Dear Mr. Krout:

Attached is an application form for rezoning of property bounded by K and I. Streets between 21<sup>st</sup> and the vacated 22<sup>nd</sup> Street. As you know, we have had several meetings regarding this site plan, and we believe the site plan and the enclosed draft Conditional Zoning Agreement reflect our discussions.

The proposed use of the property is for a combination convenience store and restaurant with drive through service. The building, pump islands, drives and parking areas are situated on virtually the same footprint as the existing parking lot. We have taken care to provide a full 6 feet of space between parking areas and the property line for landscaping. The building itself will be substantially all brick and many of the architectural features of the building and the pump islands will be governed by the Conditional Zoning Agreement. The Agreement also restricts uses of the property, restricts signs, lighting, pedestrian amenities and landscaping.

The applicant will extend the existing curb line east of the proposed driveway on K Street to protect the Post Office drop off lane. A left turn lane to serve the I Street access will also be constructed.

We think this is a very good use for this property, and its over all design and function will serve the area very effectively. We appreciate the time you and your department have spent in discussing this application. If there is any other information you need. Feel free to contact me.

Sincerely,

Mark A. Hunzeker  
For the Firm  
mhunzeker@baylorevenen.com

Enclosure

**LEGAL DESCRIPTION  
CHANGE OF ZONE**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOTS 'A' THROUGH 'G', McMURTRY'S SUBDIVISION OF BLOCK 1 OF McMURTRY'S ADDITION; A PORTION OF LOT 3, ALL OF LOT 4, THE REMAINING PORTION OF LOT 5, ALL OF LOT 6, THE VACATED NORTH-SOUTH ALLEY ADJACENT TO LOT 4 AND THAT PART OF VACATED CADWALLADER'S COURT LYING BETWEEN THE EAST LINE OF 21ST STREET AND THE SOUTHWESTERLY LINE OF CAPITOL PARKWAY, ALL IN CADWALLADER'S SUBDIVISION OF OUTLOT ONE, McMURTRY'S ADDITION; THE REMAINING PORTION OF LOT 1 AND ALL OF LOT 2, JORGENSEN'S SUBDIVISION; A PORTION OF LOT 3, A PORTION OF LOT 4 AND A PORTION OF LOT 6, BLOCK 5, AVONDALE ADDITION; AND A PORTION OF CAPITOL PARKWAY RIGHT-OF-WAY, BEING COMPOSED OF A PORTION OF LOT 1 AND A PORTION OF LOT 2 OF CADWALLADER'S SUBDIVISION OF OUTLOT 1, McMURTRY'S ADDITION, ALL LOCATED IN THE EAST HALF OF SECTION 25, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, STATE OF NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 'G', McMURTRY'S SUBDIVISION OF BLOCK 1 OF McMURTRY'S ADDITION; THENCE, NORTH 00 DEGREES 00 MINUTES 32 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT 'G', THE WEST LINE OF SAID VACATED CADWALLADER'S COURT, THE WEST LINE OF SAID LOT 6 AND THE WEST LINE OF SAID REMAINING PORTION OF LOT 5 OF CADWALLADER'S SUBDIVISION OF OUTLOT 1 McMURTRY'S ADDITION, THE WEST LINE OF SAID LOT 2, OF JORGENSEN'S SUBDIVISION, AND ALONG THE WEST LINE OF THE REMAINING PORTION OF SAID LOT 6, BLOCK 5 OF AVONDALE ADDITION, SAID LINE BEING THE EAST RIGHT-OF-WAY LINE OF 21ST STREET, A DISTANCE OF 269.89 FEET TO AN INTERSECTION WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF CAPITOL PARKWAY, SAID POINT BEING THE POINT OF CURVATURE OF A NON TANGENT CURVE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 20 DEGREES 52 MINUTES 14 SECONDS, A RADIUS OF 914.93 FEET, AN ARC LENGTH OF 333.27 FEET, A CHORD BEARING OF SOUTH 65 DEGREES 41 MINUTES 05 SECONDS EAST ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE AND ITS EXTENSION, A CHORD DISTANCE OF 331.43 FEET TO THE NORTHEAST CORNER OF LOT 'A' OF SAID McMURTRY'S SUBDIVISION OF BLOCK 1, McMURTRY'S ADDITION; THENCE SOUTH 00 DEGREES 04 MINUTES 42 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 'A', SAID LINE BEING THE WEST RIGHT-OF-WAY LINE OF VACATED 22ND STREET, A DISTANCE OF 133.10 FEET TO THE SOUTHEAST CORNER OF SAID LOT 'A'; THENCE SOUTH 89 DEGREES 56 MINUTES 24 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOTS 'A' THROUGH 'G', SAID LINE BEING THE NORTH RIGHT-OF-WAY LINE OF 'K' STREET, A DISTANCE OF 302.26 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 64,225.50 SQUARE FEET OR 1.47 ACRES, MORE OR LESS.



**"Sgt. Don Scheinost"**  
<lpd798@CJIS.LINCOLN.NE.  
GOV>

06/10/2008 09:09 AM

To: Christy Eichorn <ceichorn@lincoln.ne.gov>

cc

bcc

Subject: S. 21st St. & K St. CA from R-6 to B-3-CZ08032

Ms. Eichorn,

The Lincoln Police Department does not object to the S. 21st Street and 'K' Street, CA from R-6 to B-3. Change of Zone (PUD) #CZ08032, project.

Sergeant Don Scheinost  
Management Services  
Lincoln Police Department  
575 South 10th Street  
Lincoln, NE 68508  
402.441.7215  
mail to: [lpd798@cjis.lincoln.ne.gov](mailto:lpd798@cjis.lincoln.ne.gov)



Edwin Kouma/Notes  
06/13/2008 04:36 PM

To: Christy J. Eichorn/Notes@Notes  
cc  
bcc  
Subject: Review C208032

Christy,

I have reviewed C208032 near 21st and K Street and have the following comment:

- The entire property is currently in a FEMA designated 100 year flood zone. As such the development would need to comply with all regulations for flood plain development in an existing urban area.
- Site development may lend itself to incorporating a water quality BMF into the plans. You may want to encourage the developer to consider this.

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Ed Kouma  
Watershed Division  
Public Works & Utilities Dept  
901 N. 6th Street  
Lincoln NE 68508  
402-441-7018



Status of Review: Active

Reviewed By Building & Safety

ANY

Comments:

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Status of Review: Complete

Reviewed By Building & Safety

Terry Kethe

Comments:

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Status of Review: Routed

06/12/2008 3:39:53 PM

Reviewed By Fire Department

ANY

Comments: We have no issues from the perspective of our department.

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Status of Review: Approved

06/16/2008 12:22:43 PM

Reviewed By: Health Department

ANY

Comments: LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION

TO: Christy Eichorn | DATE: June 16, 2008

DEPARTMENT: Planning | FROM: Chris Schroeder  
CITY: Lincoln | COUNTY: Lancaster  
ATTENTION: | DEPARTMENT: Health

CARBONS TO: | SUBJECT: S. 21st ST K ST  
| #08032L

The Lincoln-Lancaster County Health Department has reviewed the change of zone application with the following noted:

Developers are responsible for all mosquito control issues during the building process and all outlots, green-spaces, and/or natural corridors subsequently controlled by the owner, tenant, occupant, lessee, or otherwise, for that subdivision would be responsible for vectors of zoonotic disease in those areas.

All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.

During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

Status of Review: Active

Reviewed By: Law Department

ANY

Comments:

Status of Review: Complete

06/13/2008 8:55:18 AM

Reviewed By Lincoln Electric System

JULIE WISMER

Comments: June 12, 2008

TO: [X] Christy Eichorn, City Planning

FROM: [X] Sharon Theobald (Ext. 7640)

SUBJECT: REZONING APPLICATION PER PLUGZ #08032  
EFDN #5S-21E

Attached is the City of Lincoln Zoning Application for So. 21st & K St.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

Lincoln Electric System will offer no objections to the request to change the zone from R-6 to B-3 on the property bounded by "K" St. & "L" St. and 21st & 22nd St.

Status of Review: ~~Active~~ *Complete*

Reviewed By Lincoln Police Department

ANY

Comments:

Status of Review: Approved

06/17/2008 6:59:49 AM

Reviewed By Parks & Recreation

ANY

Comments: 1. Street trees to match existing/proposed plantings in the area (i.e. Lewis Ballfields, Lincoln High) along Cap Parkway.

2. We recommend landscape screening on the east side of the project.

Status of Review: Routed

Reviewed By Planning Department

CDUNTER

Comments:

Status of Review: Active

Reviewed By Planning Department

CHRISTY EICHORN

Comments:

Status of Review: Complete

Reviewed By Planning Department

RAY HILL

Comments:

Status of Review: Complete

08/10/2008 9:25:57 AM

Reviewed By Public Works - Development Services

SIETDQ

Comments: Memorandum L.C.  
L

To: Christy Eichorn, Planning Department  
From: Charles W. Baker, Public Works and Utilities  
Subject: South 21st and K Street Change of Zone #08032  
Date: June 10, 2008  
cc: Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the South 21st and K Street Change of Zone #08032. Public Works has no objections. The accompanying site plan for the convenience store and fast food restaurant appears to be acceptable.

Status of Review: Active

Reviewed By Public Works - Long Range Planning

ANY

Comments:

Status of Review: ~~Active~~ Complete

Reviewed By Public Works - Watershed Management

ANY

Comments:

Status of Review: Active

Reviewed By School District

ANY

Comments:

Status of Review: Approved

08/16/2008 10:42:43 AM

Reviewed By Urban Development

ANY

Comments: Per D. Landis: Okay, but would prefer a written provision for landscaping on the north side of the property [on the south side of Capitol Pkway] to resemble the landscaping on the north side of Capitol Pkway as much as possible.

Status of Review: Approved

08/16/2008 10:42:43 AM

Reviewed By Urban Development

ANY

Comments: Per D. Landis: Okay, but would prefer a written provision for landscaping on the north side of the property [on the south side of Capitol Pkway] to resemble the landscaping on the north side of Capitol Pkway as much as possible.