

City Council Introduction: **Monday**, August 13, 2012
Public Hearing: **Monday**, August 20, 2012, at **3:00 p.m.**

Bill No. 12-105

FACTSHEET

TITLE: CHANGE OF ZONE NO. 12018, HOLDREGE/IDYLWILD REDEVELOPMENT PLANNED UNIT DEVELOPMENT, on property generally located at North 35th Street and Holdrege Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 07/25/12
Administrative Action: 07/25/12

STAFF RECOMMENDATION: Conditional approval.

RECOMMENDATION: Conditional approval (5-0: Esseks, Hove, Weber, Francis and Cornelius voting 'yes'; Gaylor Baird, Lust, Sunderman and Butcher absent).

ASSOCIATED REQUEST: Holdrege/Idylwild Redevelopment Plan (#12R-190).

FINDINGS:

1. This proposed Holdrege/Idylwild Redevelopment Planned Unit Development and the associated Holdrege/Idylwild Redevelopment Plan and Street & Alley Vacation No. 12004, were heard at the same time before the Planning Commission.
2. The PUD includes a request for change of zone from B-1 Local Business, R-6 Residential District and R-5 Residential District to B-1 Local Business District PUD, from R-2 Residential District to R-2 Residential District PUD, and from R-6 Residential District to R-6 Residential District PUD, on property generally located at N. 35th Street and Holdrege Street; for a Planned Unit Development designation of said property; and for approval of a development plan which proposes modifications to the Zoning Ordinance and Land Subdivision Ordinance to allow approximately 66,000 square feet of commercial floor area, 40 residential dwelling units and a fraternity.
3. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.5-6, concluding that the proposed PUD will enhance the neighborhood by providing services within walking distance of the residential neighborhood. The mixed-use concept is in conformance with the 2040 Comprehensive Plan. The staff presentation is found on p.9-10.
4. Testimony in support is found on p.10-12, and the record consists of a letter in support from the East Campus Community Organization (p.39-41).
5. There was no testimony in opposition.
6. On July 25, 2012, the Planning Commission agreed with the staff recommendation and voted 5-0 to recommend conditional approval of the PUD.
7. On July, 25, 2012, the Planning Commission also voted 5-0 to find the proposed Holdrege/Idylwild Redevelopment Plan in conformance with the Comprehensive Plan, which is also being introduced on August 13, 2012, as Bill #12R-190.
8. On July 25, 2012, the Planning Commission also voted 5-0 to find the proposed Street & Alley Vacation No. 12004, vacating North 35th Street between Holdrege Street and Starr Street, and the east 200' of the east/west alley between North 34th Street and North 35th Street, to be in conformance with the Comprehensive Plan. This street and alley vacation will be scheduled on the City Council agenda when the provisions of Chapter 14.20 of the Lincoln Municipal Code have been satisfied. It is anticipated that the street and alley vacation will be scheduled at the same time as the Redevelopment Agreement.

FACTSHEET PREPARED BY: Jean L. Preister
REVIEWED BY: Marvin Krout, Director of Planning
REFERENCE NUMBER: FS\CC\2012\CZ12018+ PUD

DATE: August 6, 2012
DATE: August 6, 2012

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for July 25, 2012 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No.12018 Holdrege/Idylwild Planned Unit Development (PUD)

PROPOSAL: From B-1, R-5 and R-6 to B-1 PUD; from R-6 to R-6 PUD and from R-2 to R-2 PUD to develop 66,000 sq. ft. of commercial floor area, 40 dwelling units and a fraternity.

LOCATION: N. 35th St. and Holdrege St.

LAND AREA: 3.47 acres, more or less

EXISTING ZONING: B-1, Local Business; R-6, Residential; R-5, Residential and R-2, Residential.

WAIVER /MODIFICATION REQUEST:

1. Reduce parking for multiple family dwellings from 2 stalls per unit to 1.75 stalls per unit.
2. Reduce parking for commercial uses from 1 stall per 300 sq. ft. to 1 stall per 375 sq. ft. for all uses.
3. Increase the maximum height from 40 feet to 45 feet.
4. Reduce the front, side and rear yard setbacks per the dimensions on the site plan.
5. Allow the Planning Director to make minor changes to the setbacks by administrative amendment.
6. Reduce the front yard from 25 feet to 20 feet in the R-2 PUD area.
7. Allow a ground sign for AGR fraternity.

CONCLUSION: The proposed PUD will enhance the neighborhood by providing services within walking distance of the residential neighborhood. The mixed-use concept is in conformance with the 2040 Comprehensive Plan.

RECOMMENDATION:	Approval
Waivers:	Approval for all waivers
1. Reduce parking for multiple family dwellings from 2 stalls per unit to 1.75 stalls per unit.	
2. Reduce parking for commercial uses from 1 stall per 300 sq. ft. to 1 stall per 375 sq. ft. for all uses.	
3. Increase the maximum height from 40 feet to 45 feet.	
4. Reduce the front, side and rear yard setbacks per the dimensions on the site plan.	
5. Allow the Planning Director to make minor changes to the setbacks by administrative amendment.	
6. Reduce the front yard from 25 feet to 20 feet in the R-2 PUD area.	
7. Ground sign for AGR fraternity	

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached

EXISTING LAND USE: Restaurant, parking lot, multi-family dwellings and fraternity.

SURROUNDING LAND USE AND ZONING:

North:	P, Public	University of Nebraska East Campus
South:	R-2 and R-5 Residential	Single family and multi-family dwellings
East:	R-2, Residential	Single family dwellings
West:	R-6, Residential	Multi-family dwellings

ASSOCIATED APPLICATIONS:

Miscellaneous #12006 for the Holdrege/Idylwild Redevelopment Area Blight and Substandard Determination Study.

Comprehensive Plan Conformance #12009 "Holdrege/Idylwild Redevelopment Plan"

Street and Alley Vacation #12004

HISTORY:

October 24, 2011 Special Permit #11021 to allow a parking lot in a residential district for the AGR Fraternity at Idylwild Dr. and Starr St. was approved by the City Council.

October 24, 2011 Change of Zone #11032 for a change of zone from R-2 to R-6 on the property east of the AGR Fraternity was approved by the City Council

COMPREHENSIVE PLAN SPECIFICATIONS:

Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged. (p.5.1)

Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities. (p5.2)

Commercial centers are defined as areas containing a mix of retail, office, service, and residential uses, with some light manufacturing and warehousing in selected circumstances. (p.5.6)

Commercial Centers encompass a broad range of land uses and are intended to encourage the mixing and integration of compatible land uses. Residential mixed use is encouraged in some commercial areas; especially for Neighborhood Centers. (p.5.6)

Neighborhood Centers typically range in size from 50,000 to 150,000 square feet of commercial space. (p.5.11)

Future Neighborhood Centers are not sited in advance, but are identified once approved or built and are added to the land use plan during the annual review process. Neighborhood Centers should develop 1/4 to 1/2 mile from major intersections. (p.5.12)

Neighborhood Centers provide services and retail goods oriented to the neighborhood level, with significant pedestrian orientation and access. A typical center will have numerous smaller shops and offices and may include one or two anchor stores. Residential mixed use is encouraged. (p.5.11)

STRATEGIES FOR COMMERCIAL INFILL:

Discourage auto-oriented strip commercial development and seek opportunities for residential mixed use redevelopment. (p.5.14)

Maintain and encourage businesses that conveniently serve nearby residents while ensuring compatibility with adjacent neighborhoods. (p.5.14)

Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses, and take steps to ensure expansions are in scale with the adjacent neighborhood, are properly screened, fulfill a demonstrated need and are beneficial to health and safety. (p.5.14)

Ensure the priority in older areas is on retaining areas for residential development. Prior to approving the removal of housing in order to provide for additional parking to support existing centers, alternatives such as reduced parking requirements, shared parking, additional on-street parking, or the removal of other commercial structures should be explored. (p.5.14)

DETAILED STRATEGIES FOR COMMERCIAL INFILL: (p.5.15)

Encourage higher Floor Area Ratio for commercial redevelopment.

Encourage shared driveways and interconnected parking lots where possible.

Orient buildings to the street, especially corners.

Encourage a vertical mix of residential and commercial use types.

Encourage shared parking between land uses with different peak demand periods.

MIXED-USE REDEVELOPMENT GUIDING PRINCIPLES: (p.6.2)

Target existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and more efficiently utilize existing infrastructure.

Be located and designed in a manner compatible with existing or planned land uses.

Provide a diversity of housing types and choices throughout each neighborhood for an increasingly diverse population.

Help to create neighborhoods that include homes, stores, workplaces, schools, and places to recreate.

Recognize that broad economic diversity within existing neighborhoods encourages reinvestment and improves quality of life for all residents while acknowledging the needs for affordable housing) p.7.9)

Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements. (p.7.9)

DETAILED STRATEGIES FOR EXISTING NEIGHBORHOODS (p.7.10)

Encourage pedestrian orientation with parking at rear of residential and neighborhood commercial uses.

Redevelopment and infill should strive for compatibility with the character of the neighborhood and adjacent uses.

Utilize streets for commercial and residential parking.

UTILITIES: All utilities are available.

TRAFFIC ANALYSIS: Holdrege St. is classified as a minor arterial on the Existing Functional Classification map in the 2040 Comprehensive Plan.

PUBLIC SERVICE: The nearest fire station is located at N. 33rd and Holdrege St.

ANALYSIS:

1. This application is for a Planned Unit Development (PUD) to develop 66,000 sq. ft. of commercial floor area, 40 dwelling units and a fraternity.
2. Previously in October 2011 Special Permit #11021 to construct a parking lot south of the fraternity, Change of Zone #11032 to change the zoning on property east of the fraternity and a conditional zoning agreement were approved. The PUD boundary incorporates the area of the change of zone and special permit. Therefore, the special permit and zoning agreement are no longer necessary. All of the conditions set in the special permit and zoning agreement will be incorporated into the PUD.
3. The existing Valentino's restaurant and four houses will be torn down. Two of the houses along Idylwild Dr. are within the East Campus Neighborhood Landmark District. The area within the PUD that is within the Landmark District is from 110 feet west of Idylwild Dr. to the east boundary of the PUD. The Historic Preservation Commission will need to approve the demolition of the houses within the Landmark District.
4. The Historic Preservation Commission will review and make a recommendation on the proposed sit plan at their meeting on July 19th. All demolitions, new construction and street scape improvements encompassed in this plan should be reviewed by the Historic Preservation Commission.

5. It is unlikely that the full build out of the PUD would include 66,000 sq. ft. of commercial floor area and 40 dwelling units due to parking requirements. The parking for the residential is 1.75 stalls per dwelling unit and the commercial is 1 stall per 375 sq. ft. of floor area. The site plan shows that 246 parking stalls are required for the 66,000 sq. ft. of commercial floor area and 40 dwelling units. There are only 180 parking stalls shown. The developer would have to provide 246 parking stalls to develop the maximum commercial floor area and the 40 dwelling units.
6. The proposed development will provide a mixed-use neighborhood commercial center. Future uses could include a restaurant, retail, housing and offices. The 2040 Comprehensive Plan encourages mixed-use commercial centers with buildings close to the street and parking behind the buildings. This provides friendlier pedestrian orientation.
7. The proposed development is in conformance with several strategies outlined in the 2040 Comprehensive Plan for commercial infill. These strategies include orienting buildings to the street, having a mix of residential and commercial use types, and having shared parking between land use with different peak demand periods. Figure 5.2 (attached) shows that the proposed development meets the criteria for the Preferred option.
8. The development also meets strategies for existing neighborhoods by having parking at rear of buildings and utilizing streets for commercial and residential parking.
9. The applicant is requesting on street parking on Holdrege St. and Idylwild Dr. This will provide an additional 17 parking stalls. Although these stalls cannot count toward required parking, they will provide parking in the front of the stores for potential customers. Although outside the boundary of the PUD, the on street parking is integral in the site layout. The applicant's letter states that without on street parking on Holdrege St; the site plan will need to be reconfigured to provide parking between Holdrege St. and the buildings. In the 2040 Comprehensive Plan utilizing streets for commercial parking is cited as a detailed strategy for existing neighborhoods.
10. Discussions regarding the on street parking along Holdrege St. are ongoing between Public Works & Utilities Department and the applicant. It is hopeful that this issue will be resolved prior to the Planning Commission public hearing.

CONDITIONS OF APPROVAL:

Site Specific Conditions:

1. This approval permits 66,000 sq. ft. of commercial floor area, 40 dwelling units, fraternity with associated parking and associated waivers.
2. The City Council approves associated request
 - 2.1 Street and Alley Vacation #12004

3. Before receiving building permits the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 5 copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council.
 - 3.1 Add notes from Special Permit #11021 to the site plan
 - 3.2 Show street trees spaced every 50 feet along Holdrege St. east of Idylwild Dr. and along Idylwild Dr. on the Landscape Plan.
 - 3.3 Show a 15' setback along the east lot line of Lot 48 on the Site plan and Landscape Plan
 - 3.4 Show landscaping along the east and south lot line of Lot 48 as required with the conditional zoning agreement. Remove the shading where buildings have already been removed.
 - 3.5 Identify what the line is that runs from the southwest corner of the parking lot to Starr St.
 - 3.6 In the B-1 area note that the zero front yard setback applies to the building only. The parking setback is 20 feet.
 - 3.7 Remove "N. 35th Street" and the cross hatch from the site plan.
 - 3.8 Show the existing sidewalk along Starr St.
 - 3.9 Revise the drainage plan to the satisfaction of Public Works & Utilities Department.
 - 3.10 Remove the 24" low flow storm sewer in the southwest corner of the site and relocate the driveway to Starr St. to the west as recommended by Public Works & Utilities Department.
 - 3.11 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".
4. Before receiving building permits, the developer shall provide the following documents to the Planning Department:
 - 4.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the planned unit development has been recorded.
 - 4.3 Verification that the required easements as shown on the site plan are recorded with the Register of Deeds.

5. Prior to the issuance of a building permit:

5.1. The construction plans must substantially comply with the approved plans.

Standard Conditions:

6. The following conditions are applicable to all requests:

6.1 Before occupying the dwelling units/buildings all development and construction shall substantially comply with the approved plans.

6.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

6.3 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.

6.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the permittee, its successors and assigns.

6.5 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.

Prepared by:

Tom Cajka
Planner

DATE: July 12, 2012

APPLICANT: Kinport Corporation
Jordan Berger
440 N. 8th St., Suite 140
Lincoln, NE 68508
402-477-6767

OWNER: same as applicant

**COMPREHENSIVE PLAN CONFORMANCE NO. 12009,
CHANGE OF ZONE NO. 12018
and
STREET & ALLEY VACATION NO. 12004**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 25, 2012

Members present: Esseks, Hove, Weber, Francis and Cornelius; Gaylor Baird, Lust, Sunderman and Butcher absent.

Staff recommendation: A finding that the Redevelopment Plan is in conformance with the Comprehensive Plan; conditional approval of the PUD and a finding that the street and alley vacation is in conformance with the Comprehensive Plan.

There were no ex parte communications disclosed.

Staff presentation:

1. David Landis appeared on behalf of **Urban Development**, reminding that the Commission has agreed that this is a blighted and substandard area and that determination is moving forward. This Redevelopment Plan is project driven and is consistent with the Comprehensive Plan. This proposal includes the three-story AGR Fraternity and two new three-story buildings between 8,000 sq. ft. and 10,000 sq. ft. The area includes the two-block area on Holdrege from the existing Valentino's to Idylwild. Valentino's will be relocated. As part of the project, 35th Street and the east/west alley will be vacated.

Landis estimated an investment of \$11.3 million which should create TIF of \$1.7 million. The private investment is \$9.70 for every \$1.00 of public investment.

The area to the south on Idylwild and the park are also part of the project because we want this redevelopment to be good for the neighborhood as well as the developer. There is some infrastructure that needs to be improved. Urban Development has been working with the neighborhood and the developer to include this area to make sure that there are beneficiaries beyond just the investors in this case.

This Redevelopment Plan is consistent with the Comprehensive Plan because it includes the business and economy principles, the mixed-use development driving principles, the neighborhood and housing principles and the parks, recreation and open space principles. It is a benefit to the city. It will be good for the developer, and the mixed-use it brings will be good for this neighborhood as well as the city.

2. Steve Henrichsen of Planning staff presented the PUD and street and alley vacation requests. The PUD is generally on the south side of Holdrege including 35th Street and both sides of Idylwild. It includes the B-1 around the existing Valentino's, with the parking lot on east

side of 35th Street and Valentino's on the west. The four residential structures included will be demolished as part of the redevelopment. The PUD includes a maximum of 66,000 sq. ft. of commercial space and 40 new dwelling units. Henrichsen noted that these are maximum numbers and it would probably be nearly impossible to build both of those without a parking deck, so we are anticipating to see some kind of mix. The PUD also includes the fraternity on the east side of Idylwild so that the boundary of the PUD could include 3 acres. There is a change of zone, special permit, and zoning agreement on the fraternity, which are being incorporated into this PUD. None of the conditions of that special permit are changing. There is just one waiver being requested in order to keep the existing ground sign. The main focus for the PUD site plan is everything west of Idylwild Drive.

With regard to the street and alley vacation, Henrichsen explained that what is currently 35th Street today would be vacated. It appears there is support from the neighborhood association. There is also an east/west alley connecting with 35th Street. That portion west of this project will remain open to allow residents to access through the alley.

Henrichsen submitted that the proposed PUD and street and alley vacation are in conformance with the goals of the Comprehensive Plan in that the PUD includes a mix of uses; buildings placed closer to Holdrege; pedestrian-oriented; and very much mixed use. There are several waivers being requested, all of which are appropriate due to the mixed use, pedestrian-oriented redevelopment, and older neighborhood.

Esseks inquired about the review by the Historic Preservation Commission (HPC). Henrichsen stated that the HPC did review the plan as a whole and did recommend approval as proposed. Esseks observed that there may have been some demolition occurring prior to approval by HPC. Henrichsen explained that the demolition is occurring on the east side of Idylwild, which is the location of the fraternity which was reviewed many months ago by both the HPC and Planning Commission via the special permit application. The new action is on the west side of Idylwild.

Esseks inquired whether the Idylwild improvements and the park at the south end are receiving TIF money. Landis answered in the affirmative, stating that it is also contemplated that in a fever of charitable sensibilities, the developer will also make some non-TIF contributions toward the ongoing maintenance. Thus, some of the TIF will go to those blocks and there will be some assistance that has nothing to do with TIF occasioned by understandings with the developer who wants to contribute to the community.

Proponents

1. Mark Palmer of Olsson Associates appeared on behalf of the developer and expressed appreciation to the neighbors and city staff for working with them on this project. There are multiple parcels and multiple owners, so there have been a lot of moving parts and a lot to coordinate.

Palmer stated that the developer is in agreement with the conditions of approval on the PUD. The waivers are needed to gain the mixed-use redevelopment aspect.

2. Jordan Berger of WRK, the developer, showed images and reiterated appreciation to Planning, Public Works and Urban Development as well as the neighborhood. He also expressed appreciation to Valentino's in its donation to help fund the maintenance and make that park and boulevard special.

Berger explained that they are contemplating two three-story buildings built in phases. The first phase will be the east end. Valentino's will relocate within the Redevelopment Area. In an effort to keep their business open, their new building will be built in the first phase. The footprints are 8,000 sq. ft. and three-story. The PUD provides the flexibility to allow the developer to see what the market is going to bear. The developer is comfortable with the parking waiver and they have had meetings with the neighborhood. The sign waiver is requested to allow the relocation of the Valentino's historic pizza sign. The fraternity house will be in scale with the new buildings. They are contemplating mixed-use with residential, commercial and some retail.

Support

1. Mary Eisenhart, 1420 N. 37th Street, President-elect of the **East Campus Community Organization (ECCO)**, testified in support. The neighborhood is very supportive of the request to relocate and keep the pizza sign. She expressed appreciation to WRK and Valentino's for being willing to work with the neighborhood, which enthusiastically supports this proposal. Ann Bleed went door-to-door to make certain that all the people most concerned would be at the neighborhood meeting. At the last meeting, they voted by show of hands, and 95% raised their hand in support, with no one raising their hand in opposition. Eisenhart read excerpts from the letter submitted by Ann Bleed as President of ECCO and urged that these applications be approved. She pointed out that Valentino's is dedicated to remaining in the neighborhood and contributing toward development of the boulevard and the park. The neighborhood believes that this redevelopment would achieve all of the objectives of the Comprehensive Plan. ECCO has a long history of being a commercial and mixed-use area. Many of the homes are in a historic district and the Historic Preservation Commission has reviewed and approved this plan. The neighborhood supports the two arterials, which will be a way to link the neighborhood with Innovation Campus. This proposal will not decrease any R-2 zoning in the neighborhood, and would shift some high density to commercial zoning. The street and alley vacation is also supported by the neighborhood. They support the request for parallel parking along Holdrege Street, which might help to slow down traffic. There is a lot of pedestrian crossing there. Parking issues are huge in the neighborhood. With this plan, pedestrian crossings in the area will increase and the parallel parking may help to avoid some problems. The neighborhood also expresses appreciation to the Mayor for providing his support for this application.

2. Tony Messineo, 6730 Park Crest Court, appeared on behalf of **Valentino's**. They have been working with WRK for a little over a year. It has involved many negotiations, planning and realigning things and he is extremely pleased with the way the plans are proposed at this time. It is a great development for the area and a great fit for the neighborhood. He is excited that Valentino's can remain in the plan. They have had two great meetings with the neighborhood association, and their input has been incorporated into these plans. At the last meeting, there

was unanimous support by the neighborhood. Valentino's is very pleased to contribute some funds to the playground and park. This is a great fit for the neighborhood and he looks forward to the development.

There was no testimony in opposition.

Landis reappeared to state that this is a particularly well done project. We wish that other neighborhoods and developers worked as directly and as respectfully, and ultimately as successfully as they did in this case.

COMPREHENSIVE PLAN CONFORMANCE NO. 12009

ACTION BY PLANNING COMMISSION:

July 25, 2012

Hove moved to approve a finding of conformance with the Comprehensive Plan, seconded by Francis.

Esseks observed that this has been outstanding testimony from the neighborhood, from the owner of the major property, and from the architect and developer. The staff report is outstanding. He hopes to see more cases like this.

Cornelius stated that he is abundantly pleased with the albeit preliminary renderings that were shown. This is the fruit of the LPlan 2040 process starting to be born and it looks exactly like what he believes the LPlan Advisory Committee was trying to accomplish – these multi-story, mixed-use, street-facing buildings on arterials, with nodes and corridors. It looks just great.

Motion carried 5-0: Esseks, Hove, Weber, Francis and Cornelius voting 'yes'; Gaylor Baird, Lust, Sunderman and Butcher absent. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 12018

HOLDREGE/IDYLWILD REDEVELOPMENT PLANNED UNIT DEVELOPMENT

ACTION BY PLANNING COMMISSION:

July 25, 2012

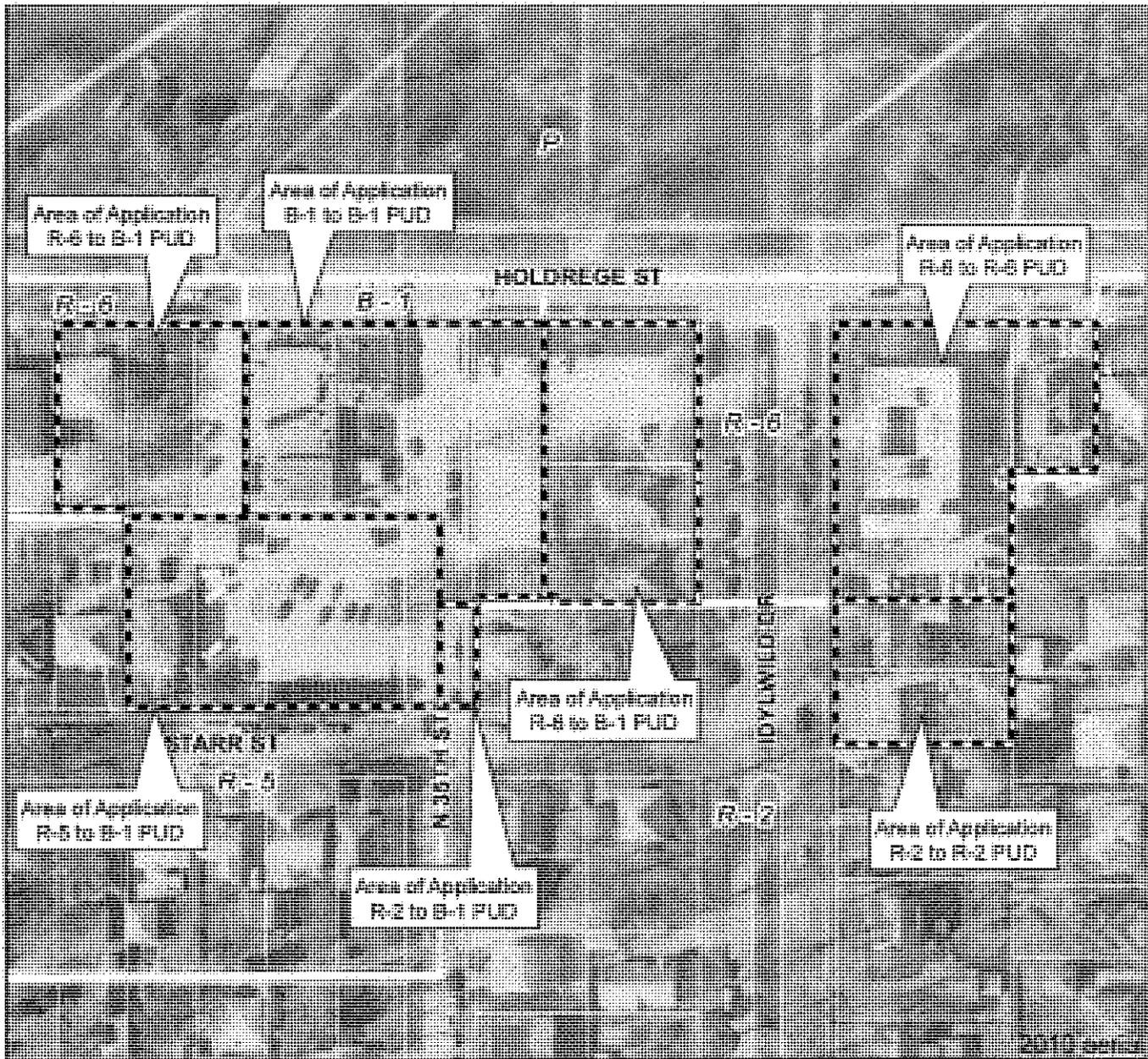
Hove moved to approve the staff recommendation of conditional approval, seconded by Francis and carried 5-0: Esseks, Hove, Weber, Francis and Cornelius voting 'yes'; Gaylor Baird, Lust, Sunderman and Butcher absent. This is a recommendation to the City Council.

STREET & ALLEY VACATION NO. 12004

ACTION BY PLANNING COMMISSION:

July 25, 2012

Weber moved to approve a finding of conformance with the Comprehensive Plan, seconded by Francis and carried 5-0: Esseks, Hove, Weber, Francis and Cornelius voting 'yes'; Gaylor Baird, Lust, Sunderman and Butcher absent. This is a recommendation to the City Council.

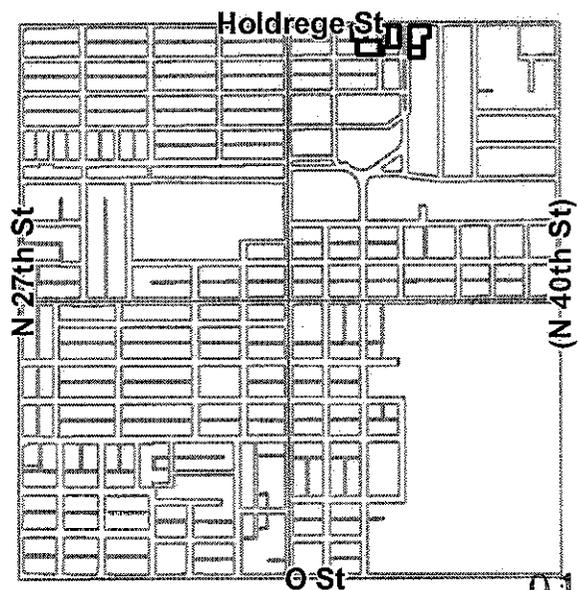
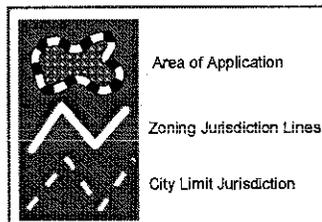


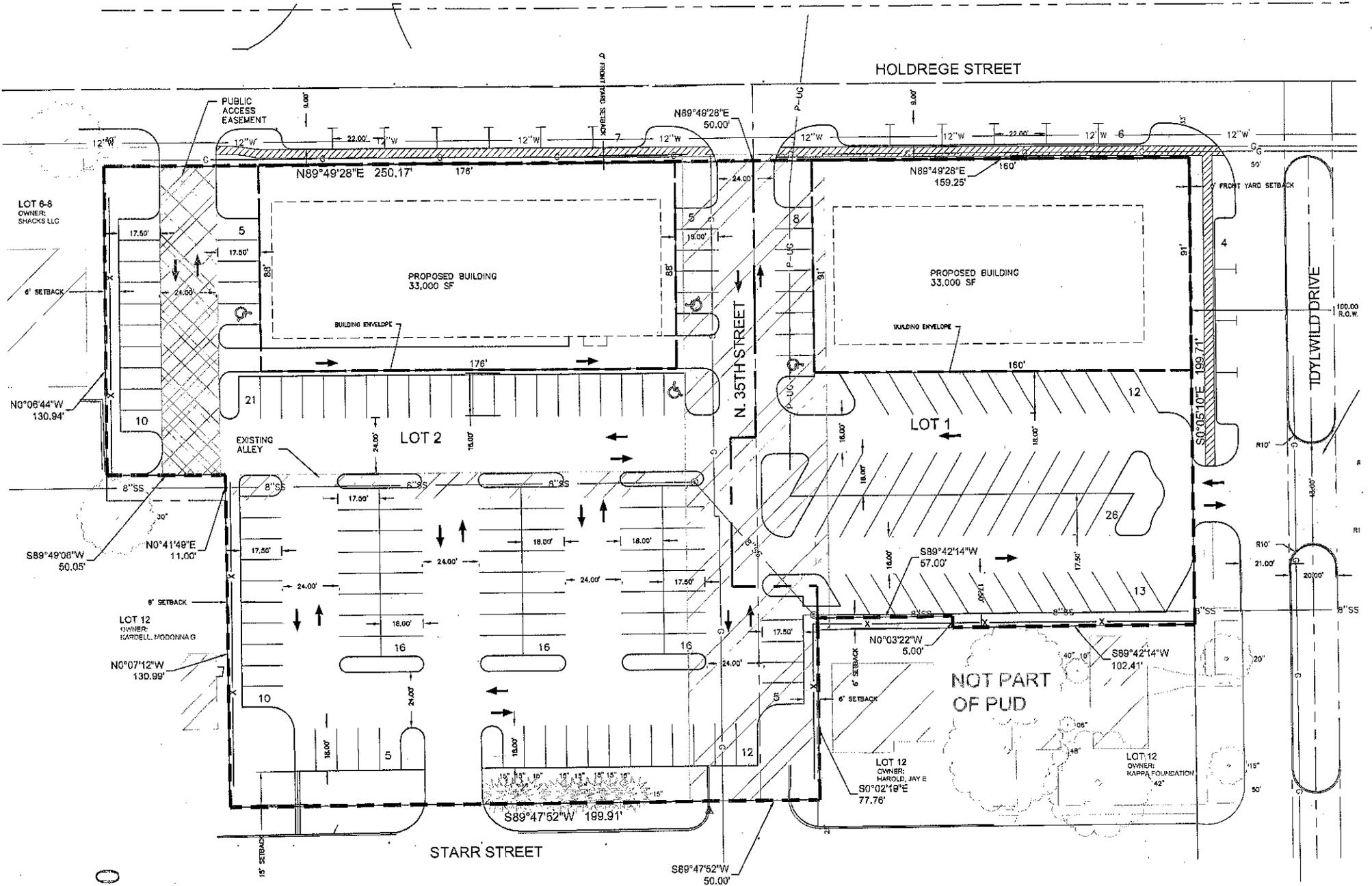
**Change of Zone #12018
Holdrege/Idylwild Redevelopment PUD
N 35th & Holdrege St**

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

One Square Mile
Sec. 19 T10N R07E





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**LEGAL DESCRIPTION
B-1 PUD**

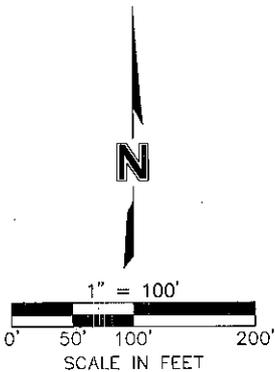
A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOTS 1 THROUGH 5, BLOCK 1, IDYL-WILD PLACE, LOTS 13 THROUGH 16, BLOCK 1, IDYL-WILD PLACE, A PORTION OF THE EAST-WEST ALLEY IN BLOCK 1, IDYL-WILD PLACE, LOT 3, FIRST ADDITION TO IDYL-WILD PLACE, LOTS 1 THROUGH 4, PAINE'S SUBDIVISION, AND A PORTION OF NORTH 35TH STREET RIGHT-OF-WAY, ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1, PAINE'S SUBDIVISION, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF HOLDREGE STREET, AND ON THE WEST RIGHT-OF-WAY LINE OF IDYLWILD DRIVE, SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID LOT 1, AND THE EAST LINE OF LOTS 2 THROUGH 4, PAINE'S SUBDIVISION, SAID LINE BEING THE WEST LINE OF SAID RIGHT-OF-WAY, ON AN ASSUMED BEARING OF S00°05'10"E, A DISTANCE OF 199.71' TO THE SOUTHEAST CORNER OF SAID LOT 4; THENCE S89°42'14"W ALONG THE SOUTH LINE OF SAID LOT 4, A DISTANCE OF 102.41' TO THE SOUTHWEST CORNER OF SAID LOT 4; THENCE N00°03'22"W ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 5.00' TO THE SOUTHEAST CORNER OF LOT 3, FIRST ADDITION TO IDYL-WILD PLACE; THENCE S89°42'14"W ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 57.00' TO THE SOUTHWEST CORNER OF SAID LOT 3, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF NORTH 35TH STREET; THENCE S00°02'19"E ALONG THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 77.76' TO THE SOUTHWEST CORNER OF LOT 6, PAINE'S SUBDIVISION, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF STARR STREET; THENCE S89°47'52"W ALONG THE NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 50.00' TO THE SOUTHEAST CORNER OF LOT 16, BLOCK 1, IDYL-WILD PLACE, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF NORTH 35TH STREET; THENCE CONTINUING S89°47'52"W ALONG THE SOUTH LINE OF SAID LOT 16, AND THE SOUTH LINE OF LOTS 15 THROUGH 13, BLOCK 1, IDYL-WILD PLACE, SAID LINE BEING THE NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 199.91' TO THE SOUTHWEST CORNER OF SAID LOT 13; THENCE N00°07'12"W ALONG THE WEST LINE OF SAID LOT 13, A DISTANCE OF 130.99' TO THE NORTHWEST CORNER OF SAID LOT 13, SAID POINT BEING ON THE SOUTH LINE OF THE EAST-WEST ALLEY LOCATED IN BLOCK 1, IDYL-WILD PLACE; THENCE N00°41'49"E, A DISTANCE OF 11.00' TO THE SOUTHEAST CORNER OF LOT 5, BLOCK 1, IDYL-WILD PLACE, SAID POINT BEING ON THE NORTH LINE OF SAID EAST-WEST ALLEY; THENCE S89°49'08"W ALONG THE SOUTH LINE OF SAID LOT 5, SAID LINE BEING THE NORTH LINE OF SAID EAST-WEST ALLEY, A DISTANCE OF 50.05' TO THE SOUTHWEST CORNER OF SAID LOT 5; THENCE N00°06'44"W ALONG THE WEST LINE OF SAID LOT 5, A DISTANCE OF 130.94' TO THE NORTHWEST CORNER OF SAID LOT 5, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF HOLDREGE STREET; THENCE N89°49'28"E ALONG THE NORTH LINE OF SAID LOT 5, AND THE NORTH LINE OF LOTS 4 THROUGH 1, BLOCK 1, IDYL-WILD PLACE, SAID LINE BEING THE SOUTH LINE OF SAID

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Monday, July 02, 2012

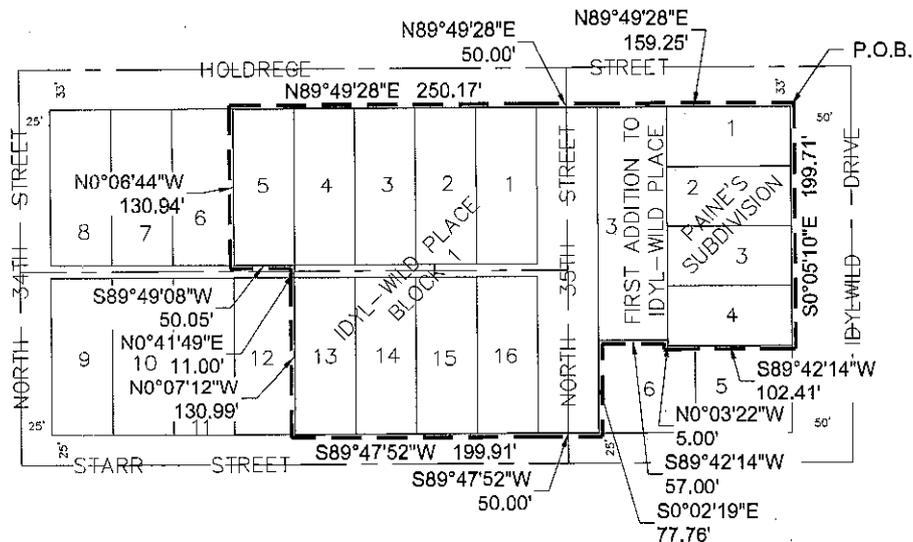
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**LEGAL DESCRIPTION
B-1 PUD**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOTS 1 THROUGH 5, BLOCK 1, IDYL-WILD PLACE, LOTS 13 THROUGH 16, BLOCK 1, IDYL-WILD PLACE, A PORTION OF THE EAST-WEST ALLEY IN BLOCK 1, IDYL-WILD PLACE, LOT 3, FIRST ADDITION TO IDYL-WILD PLACE, LOTS 1 THROUGH 4, PAINE'S SUBDIVISION, AND A PORTION OF NORTH 35TH STREET RIGHT-OF-WAY, ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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Monday, July 02, 2012
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PROJECT NO:	012-0915
DRAWN BY:	MRJ
DATE:	07/02/2012

HOLDREG/IDYLWILD P.U.D.

MOLSSON ASSOCIATES
1111 Lincoln Mall, Suite 111
P.O. Box 94508
Lincoln, NE 68504-4608
TEL 402.474.8311
FAX 402.474.8180

EXHIBIT	1
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LEGAL DESCRIPTION
R-2

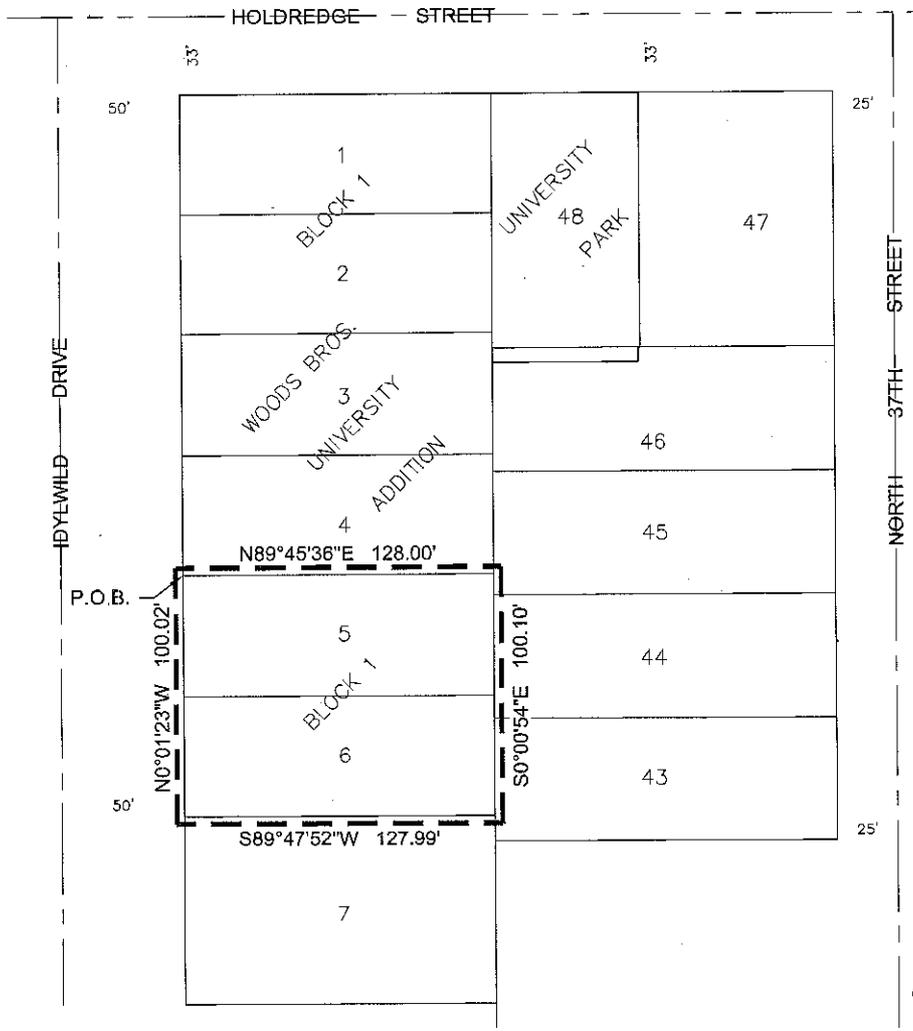
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Tuesday, July 03, 2012

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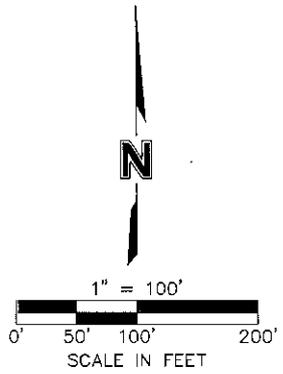


**LEGAL DESCRIPTION
R-2**

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Tuesday, July 03, 2012
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PROJECT NO:	012-0915
DRAWN BY:	MRJ
DATE:	07/03/2012

R-2 ZONE

1111 Lincoln Mall, Suite 111
 P.O. Box 04606
 Lincoln, NE 68501-4606
 TEL 402.474.8311
 FAX 402.474.6160

EXHIBIT	1
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021

LEGAL DESCRIPTION
R-6

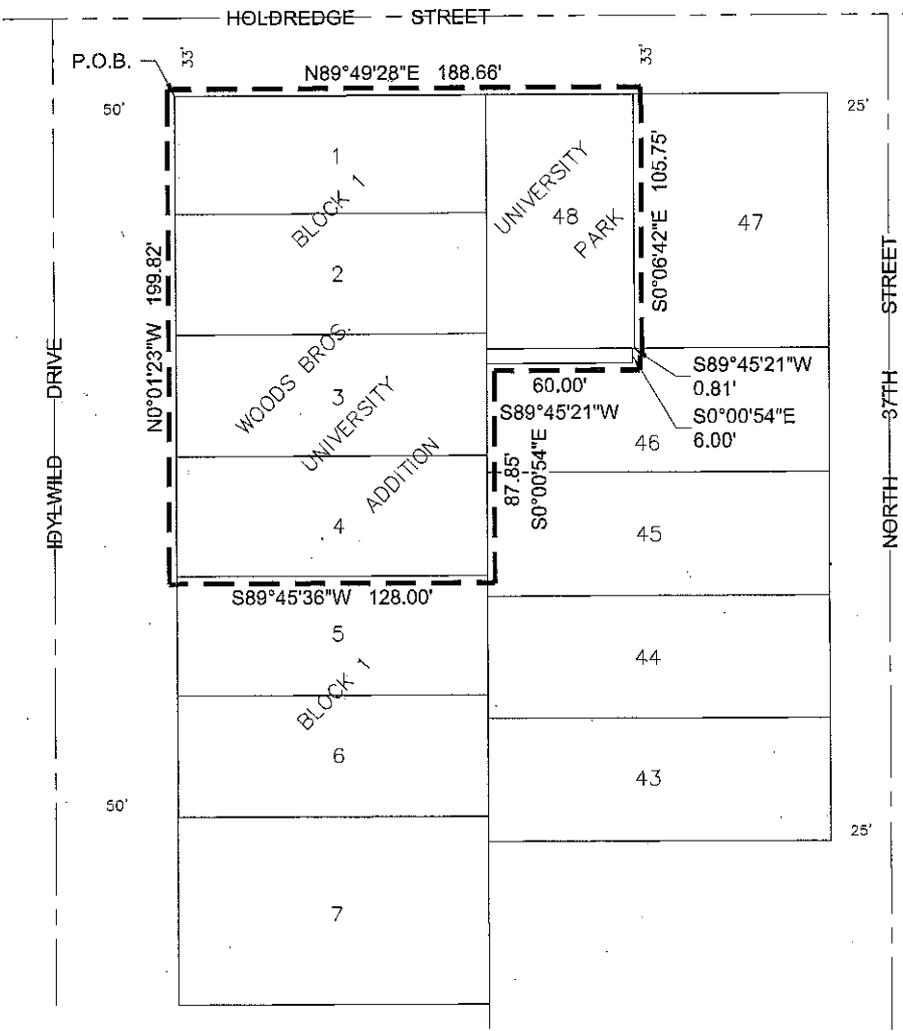
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Tuesday, July 03, 2012

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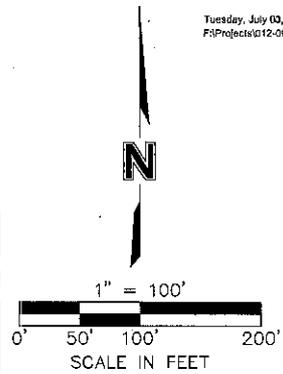


**LEGAL DESCRIPTION
R-6**

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Tuesday, July 03, 2012
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PROJECT NO:	012-0915
DRAWN BY:	MRJ
DATE:	07/03/2012

R-6 ZONE

MOLSSON ASSOCIATES
 1111 Lincoln Mall, Suite 111
 P.O. Box 64638
 Lincoln, NE 68501-4968
 TEL 402.474.8311
 FAX 402.474.5160

EXHIBIT
1

023



June 12, 2012

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

RE: Holdrege/Idylwild Redevelopment Project
Planned Unit Development
OA Project No. 012-0915

Dear Mr. Krout:

On behalf of the Developer, Kinport Corporation, c/o Mr. Jordan Berger, 440 N. 8th Street, Suite #140, Lincoln, NE 68508, I am requesting a change of zone from R-2, R-5, and R-6 residential zoning, and B-1 Commercial zoning to B-1, R-2 and R-6 PUD for 3611, 3513, 3457, 3435, and 3421 Holdrege Street, and 1358, 1400, 1417, 1423, and 1430 Idylwild Drive, and 3430 and 3447 Starr Street (as described in the attached legal descriptions) all located in the NE ¼ of S19-T10N-R7E. Kent Seacrest and representatives of the development team have previously met with City Staff. They have also had discussions with the neighborhood association leadership and held a neighborhood meeting regarding this redevelopment project.

In 2011, Alpha Gamma Rho (AGR) fraternity executed the Holdrege Street and Idylwild Drive Development and Conditional Zoning Agreement with the City (Resolution No. A-86559) ("Conditional Zoning Agreement") on the R-6 zoned portion and completed Special Permit 11021 (Resolution No. A-86560) for a proposed expanded fraternity parking project on the R-2 zoned portion. This PUD includes the AGR fraternity property and replicates their expansion plan. No changes have been proposed for their property from what was previously approved under the Conditional Zoning Agreement or the Special Permit. We are proposing the same base zoning of R-2 and R-6 for the Fraternity property under the PUD. We are proposing B-1 zoning as the base zoning for the balance of the PUD area comprising the commercial mixed use portion of the PUD.

The PUD properties abut existing roadways, sanitary sewer, and water mains. No storm sewer is present in any of the roadways abutting the site. The existing drainage pattern and drainage volume will not be substantially changed from the existing conditions.

Under separate cover, formal petitions will be submitted to vacate the existing right of way for North 35th street between Starr and Holdrege Street. There will also be a portion

024

of the existing alley within the B-1 PUD portion of the property that we are proposing to vacate.

On-street parallel parking is proposed along Holdrege Street and Idylwild Drive. The layout for the B-1 PUD portion shows the buildings fronting Holdrege Street, with parking primarily south of the buildings. A significant portion of the building's first floor will be retail / restaurant / commercial uses. It will be difficult to get users interested in leasing these properties if there is not enough parking immediately adjacent to the front of the buildings. On street parking on Holdrege street provides valuable stalls that will be utilized by the business patrons of the first floor uses. In the event that on-street parking is not acceptable, the site plan will need to be reconfigured to provide parking between Holdrege Street and the buildings. We hope the City Administration will support our request for parallel parking along Holdrege Street and Idylwild Drive.

A portion of this PUD request is located within the East Campus Neighborhood Landmark District. The development team will be coordinating with Ed Zimmer to present the Holdrege/Idylwild Redevelopment Project to the Historic Preservation Commission for its recommendations.

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

1. Application for Change of Zone and PUD
2. Legal descriptions for Change of Zone and PUD
3. Planned Unit Development document, including Application Submittal Notes
4. Application fee: Change of Zone = \$890, PUD = \$1,080.
5. 1 – 8 ½ x 11 copy of the Site Plan
6. Site Plan and Grading & Drainage Plan will be submitted electronically via ProjectDox's.

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

Sincerely,



Mark C. Palmer

Enclosures

cc: Jordan Berger, Kinport Corporation, 440 North 8th Street, Suite 140, Lincoln, NE 68508
Keith Carlson, Kappa Foundation, 1248 "O" Street, Suite 1000, PO Box 85506, Lincoln, NE 68501
Kent Seacrest, Seacrest & Kalkowski Law Firm, 1111 Lincoln Mall, Suite 350, Lincoln, NE 68508
Doug Emery, City Council Member, 555 South 10th Street, Lincoln, NE 68508
Ann Bleed, President of East Campus Community Organization, 1315 N. 37th Street, Lincoln, NE 68503
Jennifer Strand, 301 South 13th Street, Suite 500, Lincoln, NE 68508
Ed Zimmer, Planning Department, City of Lincoln, County-City Building, 555 So. 10th Street, Lincoln, NE 68508

025

July 17, 2012

Marvin Krout
Planning Director
City of Lincoln – Lancaster County Planning Department
555 South 10th Street
Lincoln, NE 68508

RE: Holdrege/Idylwild PUD Mixed Use Parking Request

Dear Marvin:

Kinport Corporation and Kappa Foundation have applied for a B-3/R-2/R-6 PUD near Holdrege and Idylwild Drive. In the B-3 mixed-use portion of the PUD, Kinport Corporation has included the following:

- The required and traditional parking for residential uses (e.g., 1.75 parking stalls per apartment dwelling); and
- A reduction of the parking requirements for all other uses from one parking space per 300 square feet of floor area to one parking space per 375 square feet of floor area.

Our justification for the reduction from one space per 300 to one space per 375 square feet of floor area is based upon the following rationale:

1. The B-3 portion of the PUD is a mixed use project involving three story high buildings, containing retail, restaurant, office, and/or housing. Compared to stand-alone, one land use sites, our mixed-use project has the extra potential of allowing shared parking between the various land uses and thus reducing the overall number of parking stalls.
2. For example, a restaurant can share some of its parking with an office use. Restaurant parking demand peaks can be in the evening and on weekends, while office parking demand peaks mid-day. Similarly, housing parking demand often peaks in the evening, while retail parking demand peaks during the day.

3. According to the New Science of Parking, dated August 4, 2009, this efficiency in sharing between multiple users and destinations typically allows 10-30% less parking compared with separate free standing sites that cannot share parking. The traditional B-1 parking requirement is one parking stall per 300 square feet of floor area. Our request for one stall per 375 feet is 20% less parking, which falls in the middle of the 10-30% range described in the New Science of Parking.
4. The City recently approved another mixed use/shared parking project involving the LPS Headquarters and Whole Foods B-1 PUD, allowing one parking stall per 400 square feet. The City allowed a 25% reduction in parking for the LPS/Whole Foods B-1 PUD. We believe our mixed use project redevelopment project has similar characteristics and ability to shared parking, yet our requested shared parking reduction is smaller and more conservative than the recently approved LPS Headquarters and Whole Foods B-1 PUD.

We appreciate the Planning Department's consideration of our B-3 mixed use parking request.

Very truly yours,

KENT SEACREST
For the Firm

cc: Jordan Berger
Keith Carlson
Ann Bleed

HOLDREGE/IDYLVILD PLANNED UNIT DEVELOPMENT
APPLICATION SUBMITTAL NOTES

July 16, 2012

A. B-1 PUD Notes: applicable to the B-1 PUD portion:

1. Use Regulations

- a. Permitted Uses: A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as permitted use in the B-1 Local Business District, as such Chapter may be amended from time to time; and
 - i. The following additional Household Living Use Group uses:
 1. Apartment hotels
 2. Dwelling for caretakers, resident watchmen and supervisory personnel employed and residing on premises
 3. Elderly and retirement housing
 4. Housing for the handicapped
 5. Multiple family dwellings
 - ii. The following additional Group Living Use Group uses:
 1. Dwellings for members of religious orders
 - iii. The following additional Civic Services Use Group uses:
 1. Health care facilities, Non-residential
 - iv. The following additional Education and Instruction Use Group uses:
 1. Private Schools
 - v. The following additional Retail Sales and Services Use Group uses:
 1. Off-sale alcoholic beverages in grocery stores, pharmacies or micro-brewing establishments
 2. Service and repair facilities
 3. Veterinary facilities
 4. Indoor kennels
 - vi. The following additional Food and Drink Establishments Use Group uses:
 1. On-sale alcoholic beverages served in restaurants
 - vii. Expansion of nonconforming uses
- b. Permitted Conditional Uses: A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as permitted conditional use in the B-1 Local Business District in conformance with the Chapter 27.62 conditions of approval for such use, as such Chapters may be amended from time to time, unless such use types are designated as a Permitted Uses in A. 1. a. above.
- c. Permitted Special Uses: A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as permitted special use in the B-1 Local Business District in conformance with the conditions of approval under the special permit granted for such use in conformance with the

requirements of Chapter 27.63, as such Chapters may be amended from time to time, unless such use types are designated as a Permitted Uses in A. 1. a. above.

- d. Prohibited Uses: Sexually oriented businesses are prohibited, including live entertainment establishment as defined in Section 27.03.545 of the Lincoln Municipal Code.

2. Waivers

- a. The total number of parking spaces required for apartment hotels, motels and hotels shall be one (1) space per dwelling unit. The total number of parking spaces required for all other Household Living Use Group shall be 1.75 spaces per dwelling unit. The total number of parking spaces required for all other uses shall be one (1) space per 375 square feet of floor area. All required parking spaces shall be provided within 300 feet and are not required to be provided on the same lot as the use for which they are required.
- b. The B-1 Height and Area regulations of 27.29.080 do not apply except as otherwise stated herein or shown in the PUD.
 - (i) The front yard, side yard and rear yard setback is reduced per the dimensions on the site plan. The Planning Director may make minor adjustments to the front yard, side yard and rear yard setbacks by administrative amendment.
 - (ii) Maximum height of buildings shall not exceed 45 ft.
 - (iii) The yard setbacks regulation does not restrict overhangs, patios, door swings, window swings, etc. from encroaching into the setbacks.

3. General Notes

- a. The East Building land uses shall not exceed 35,000 square feet and the West Building land uses shall not exceed 35,000 square feet; provided that, the total combined maximum square feet for the East Building and West Building shall not exceed 66,000 square feet and a maximum of forty (40) dwelling units.
- b. Drainage, landscape and paving plans will be submitted with individual site plans at time of building permit in accordance with City of Lincoln design standards.
- c. Buildings may be located anywhere within the building envelope.
- d. Signage: All signage allowed in the B-1 zoning districts are allowed except as modified below:
 - i. Freestanding and Center Signage for the B-1 PUD is shown below:
 - 1. Chapter 27.69.340 "Permitted Signs for Planned Unit Development" shall not apply and instead the following shall apply to the B-1 PUD:

B-1 PUD	FREESTANDING	1 per main building	50 sq. ft. 12 ft. tall	100 sq. ft. 18 ft. tall
	AND			
	CENTER	1 per frontage	50 sq. ft. 12 ft. tall	150 sq. ft. 35 ft. tall

2. The Valentino's "Pizza" freestanding sign as shown on Exhibit C may be an additional "freestanding" sign for the East Building and may be located within the PUD area.
 - ii. Off-premise signs are prohibited.
 - iii. Details of all signs, including type, height and size, will be submitted separately for review and need not be shown on the plan.
- e. Dumpsters, decorative structures and accessory buildings are not shown on the plans if they are outside of the sight triangles and setbacks and are in conformance with all applicable ordinances and codes.
- f. The following standards apply to all privately owned buildings: exterior building walls of private buildings should be a majority (at least 40%) of brick, stone and/or glass or equivalent in quality or appearance, and designed to a similar level of building detail. Building walls should contain some articulation by inclusion of building features such as defined entrances, recesses and projections, changes in height, canopy treatments, landscaping and change of building materials, etc. to reduce massing and provide pedestrian scale. Ground floor exterior walls with pedestrian entrances should include transparent windows / door openings along at least 50% of the length between 3-8 feet in height.
- g. Ground level and rooftop mechanical equipment will be screened from public view along public streets.
- h. Existing trees within the boundary limits of the PUD are intended to be removed during land preparation, except as noted.

B. R-2 PUD Notes: applicable to the R-2 PUD portion:

1. Use Regulations

- a. Permitted Uses: A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as permitted use in the R-2 Residential District, as such Chapter may be amended from time to time.
- b. Permitted Conditional Uses: A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as permitted conditional use in the R-2 Residential District in conformance with the Chapter 27.62 conditions of approval for such use, as such Chapters may be amended from time to time.
- c. Permitted Special Uses: A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as permitted special use in the R-2 Residential District in conformance with the conditions of approval under the special permit granted for such use in conformance with the requirements of Chapter 27.63, as such Chapters may be amended from time to time.

2. Waivers:

- a. A waiver to reduce the front yard setback from 25' to 20' in the R-2 PUD Property (Lots 5 & 6).

3. General Notes

- a. Signage: All signage allowed in the R-2 zoning districts are allowed except as modified below:
 - i. Signs need not be shown on the site plan, but need to be in compliance with Chapter 27.69 of the Lincoln Zoning Ordinance and must be approved by the Building and Safety Department prior to installation.
- b. Landscape screening shall comply with the City of Lincoln Standards and shall be shown at the time of building permit.
- c. A 5 feet tall (measured from the North 37th neighbors side of the wall) painted or colored brick formed concrete wall will be provided on or near the boundary line, along the south and east boundaries of the parking lot in accordance with the attached drawing (Exhibit B).
- d. Note #3 and the parking lot landscaping / design shall not be amended by the Administrative Amendment Process, but shall only be amended by submittal to the Planning Commission in the same manner as the special permit.
- e. Provide historic parking lot fixtures as presented to and certified by the Historic Preservation Commission in compliance with the design standards for parking lot lighting.

C. R-6 PUD Notes: applicable to the R-6 PUD portion:

1. Use Regulations

- a. Permitted Uses: A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as permitted use in the R-6 Residential District, as such Chapter may be amended from time to time.
- b. Permitted Conditional Uses: A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as permitted conditional use in the R-6 Residential District in conformance with the Chapter 27.62 conditions of approval for such use, as such Chapters may be amended from time to time.
- c. Permitted Special Uses: A building or premises is allowed to be used for those use types designated in the Use Group Tables in Chapter 27.06 as permitted special use in the R-6 Residential District in conformance with the conditions of approval under the special permit granted for such use in conformance with the

requirements of Chapter 27.63, as such Chapters may be amended from time to time.

2. **Waivers:** None

3. **General Notes:**

- a. Signage: All signage allowed in the R-6 zoning districts are allowed except as modified below:
 - i. The Alpha Gamma Rho Fraternity is permitted (ii) one wall sign of 20 square feet in size and (ii) the current freestanding ground sign relocated or reconstructed as a freestanding ground sign not exceeding 25 square feet in size and not exceeding 5 feet in height. Such signs need not be shown on the site plan, but other aspects of such signs need to be in compliance with Chapter 27.69 of the Lincoln Zoning Ordinance and must be approved by the Building and Safety Department and the Planning Department prior to installation.

D. R-2 and R-6 PUD Notes: applicable to the R-2 PUD portion and the R-6 PUD portion:

1. **General Notes**

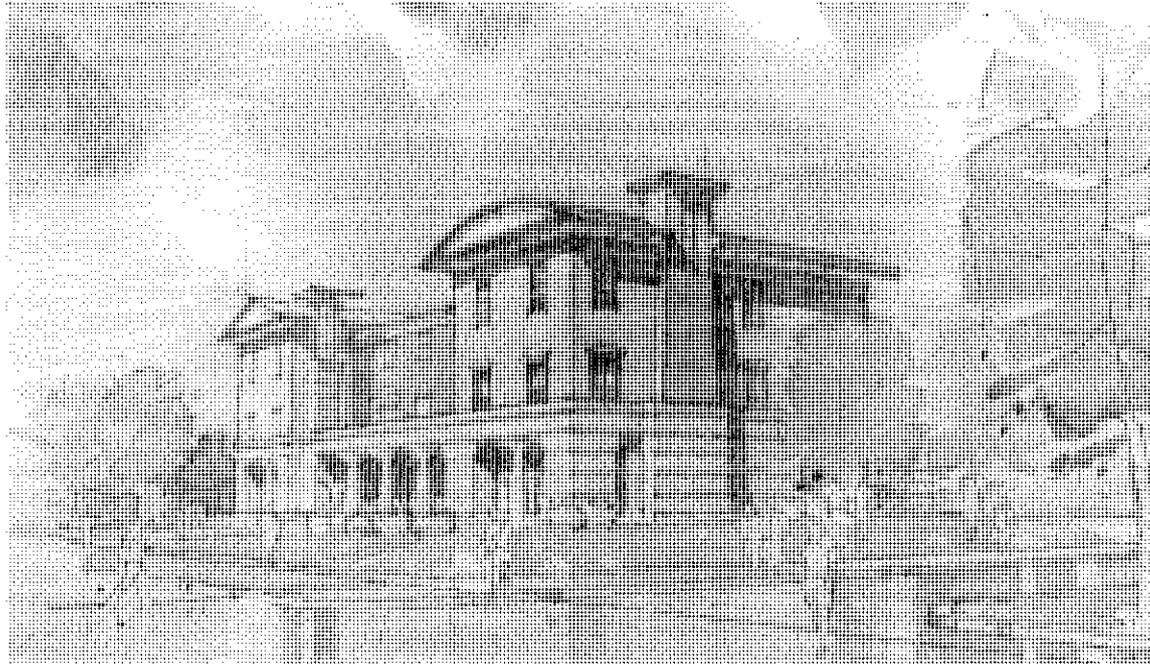
In consideration for the City rezoning of the north 6 feet of the west 60 feet of Lot 46 and all of Lot 48, Block 1, University Park Addition, Lincoln, Lancaster County, Nebraska ("Property") to R-6 Residential District, the R-2 PUD and R-6 PUD shall be subject to the following requirements:

- a. The east and south boundaries of the Property shall have a landscape buffer screen with (i) trees and shrubs from the ground to six (6) feet high or (ii) fence/wall as shown on Exhibit B and shrubs. The screen shall be a minimum of a 90 percent coverage along of the east and south lot lines of the Property.
- b. The Property's east yard setback will be fifteen (15) feet ("East Setback").
- c. The new Fraternity Building will be lowered to a grade elevation that is a minimum of one (1) foot lower than the existing fraternity building's finished floor elevation and as generally shown on the attached images (Exhibit A).
- d. The new parking lot will be lowered to a grade elevation that is a minimum of two (2) feet lower than the current and general elevation of the proposed parking lot footprint and as generally shown on the attached images (Exhibit A).
- e. The East Setback will not be improved with motor vehicle parking lot or with any new accessory building.
- f. The East Setback will not be improved with motor vehicle parking lot.

- g. The remaining Property's open space between the new Fraternity Building and the East Setback will not be improved with an expansion of the Fraternity House or motor vehicle parking lot for a term of twenty (20) years.
- h. Street trees will be planted along Holdrege St. and Idylwild Dr. spaced every 50 feet or as sited by the Parks & Recreation Department.
- i. No new permanent or temporary structures for active recreation are permitted in the East Setback or in a 20 feet wide area north of the south boundary of the Property.
- j. A 5 feet tall (measured from the North 37th Street neighbors side of the wall) painted or colored brick formed concrete wall shall be provided on or near the boundary line, in accordance with the attached drawing (Exhibit B).
- k. Items 2 a. through h. above shall not be amended by the Administrative Amendment process, but shall only be amended by submittal to and approval by the City Council.

Exhibit A

SINCLAIR architects

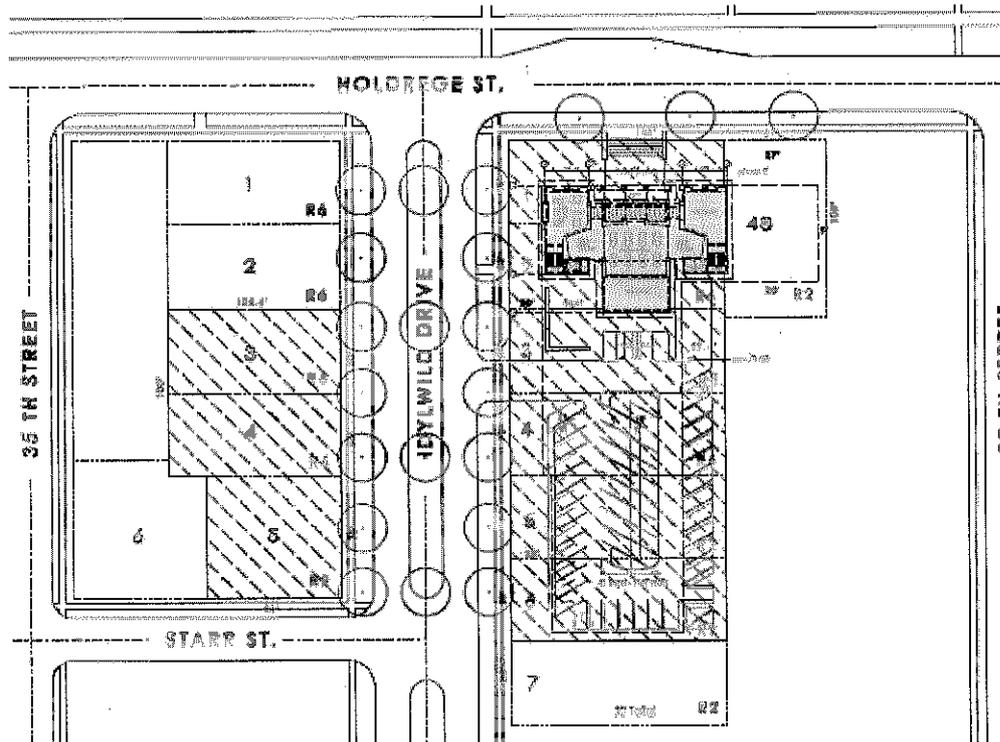


ALPHA GAMMA RHO - NEW FRATERNITY HOUSE
LINCOLN, NEBRASKA

ATP

KNOWLEDGE • GROW • GIVE • REPEAT

ALPHA GAMMA RHO
Lincoln, Nebraska



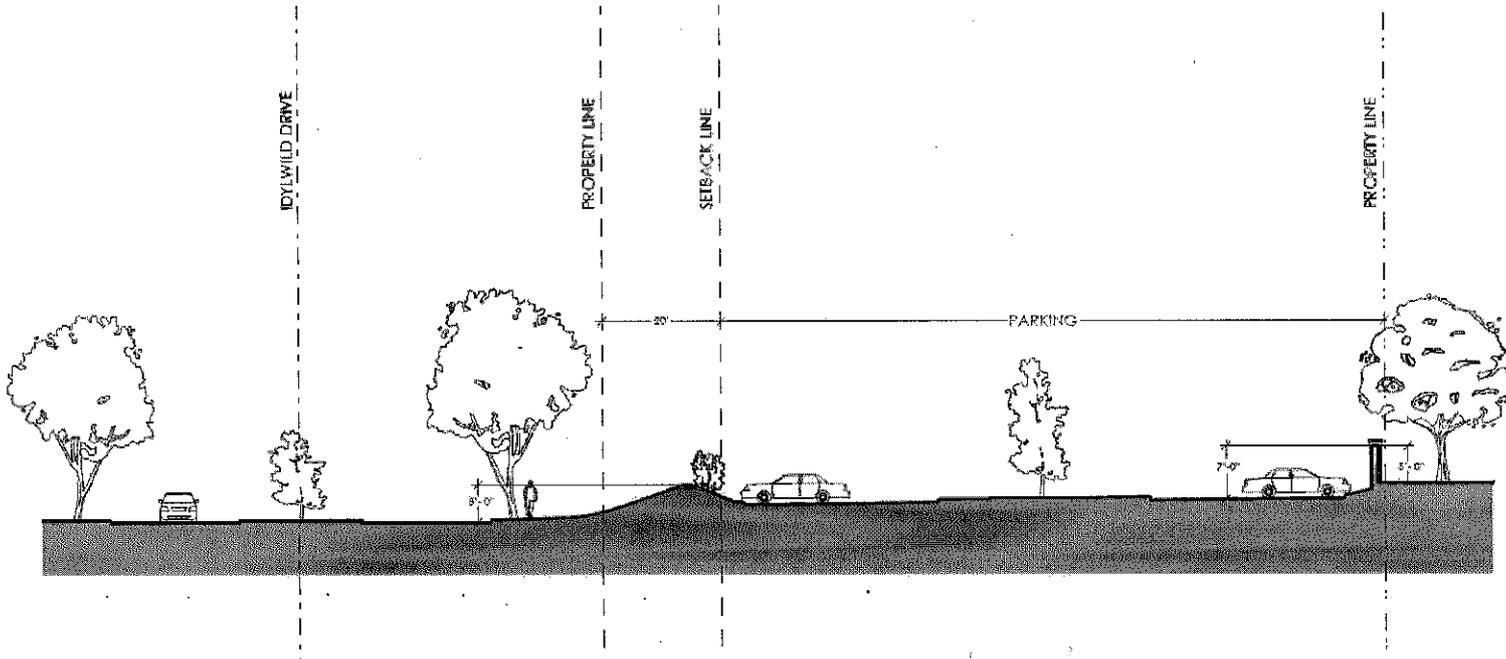
June 2011

ATP

NURTURE • GROW • GIVE • REPEAT



ALPHA GAMMA RHO
Lincoln, Nebraska

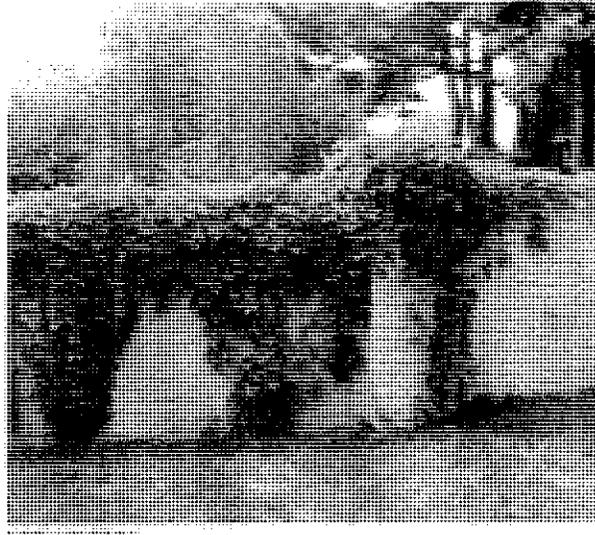


SITE SECTION THROUGH PARKING
September 8, 2011

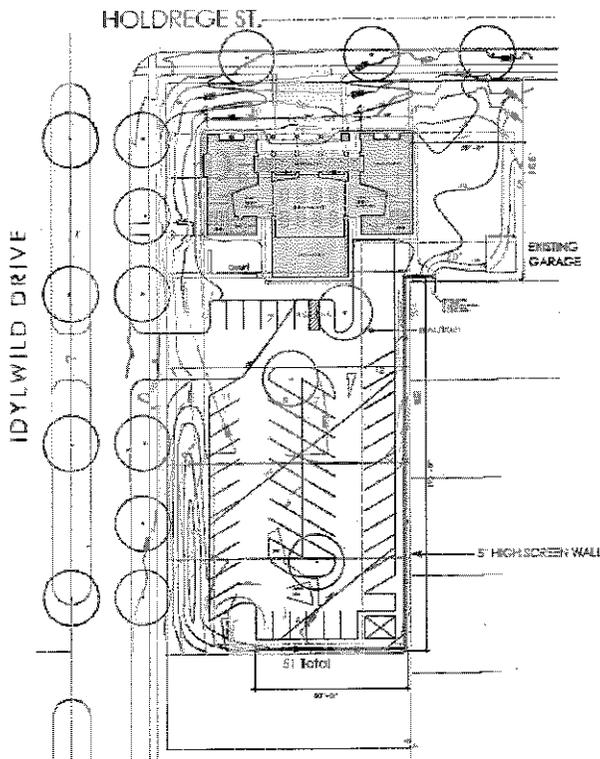
ATP

NURTURE • GROW • GIVE • REPEAT

Exhibit B



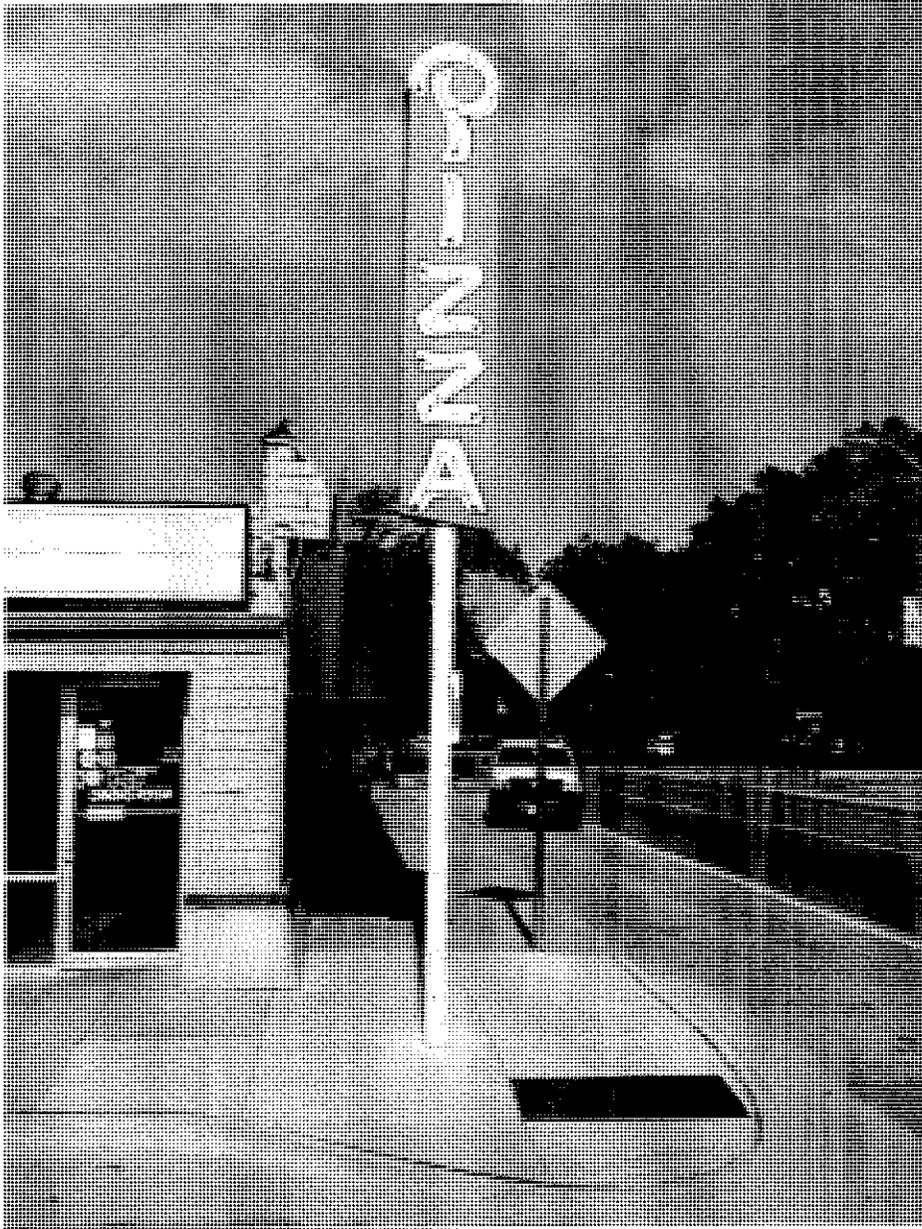
SINCLAIR ^{llc} architects



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Exhibit C



Testimony in Support of
Comprehensive Plan Conformance No. 12009
Change of Zone No. 12018, and
Street and Alley Vacation No. 12004 for the
The Holdrege/Idylwild Redevelopment Area

Submitted by Ann Bleed
President of the East Campus Community Organization
1315 N 37th Street, Lincoln

The East Campus Community Organization (ECCO) strongly supports approval of the Holdrege/Idylwild Redevelopment Area Comprehensive Plan Conformance 12009, the Change of Zone No. 12018, and the Street and Alley Vacation No. 12004 to vacate one block 35th Street.

Before going further, ECCO would like to express our thanks to both WRK and the Valentino's Corporation for being willing to work with ECCO to make this project one that, we believe, will enhance our neighborhood. The process of arriving at this position of enthusiastic support for this project started almost half a year ago and has included numerous discussions with WRK and two all-neighborhood meetings with the Valentino's Corporation and WRK. These neighborhood meetings were each attended by over forty neighborhood residents and property owners. The willingness of the developers to listen and take action to address our concerns is one of the reasons we are here today in strong support of this project. At our last neighborhood meeting I asked those in attendance if ECCO should support or oppose some, or all, of the project. The comments received were all very supportive of the project and a show of hands indicated almost unanimous support. No one suggested we should oppose the project or even a portion of the project. Based on this response, ECCO urges the Planning Commission to approve these applications.

ECCO believes that approval of this project would provide an excellent opportunity for the city to show that it is serious about implementing the recently adopted 2040 Comprehensive Plan. According to the Comprehensive Plan, the City's primary strategy for residential infill and redevelopment outside of the Greater Downtown is to encourage the redevelopment and reuse of sites and buildings in commercial areas to create new mixed use centers.

The Comprehensive Plan also states redevelopment should:

- occur on sites supported by adequate road and utility capacity;
- be located and designed in a manner compatible with existing or planned land uses;
- encourage substantial connectivity and convenient access to neighborhood services from nearby residential areas;
- promote activities of daily living within walking distance;

- provide sidewalks on both sides of all streets, or in alternative locations as allowed through design standards or review process;
- provide adequate facilities for plazas, or community gardens; and
- encourage public/semi-public uses.

The Comprehensive Plan also states that mixed use redevelopment should:

- encourage public investment in neighborhood infrastructure and services such as parks, pools, libraries, and neighborhood business districts;
- develop incentives to reduce the cost and risk of infill and redevelopment; and
- attract infill and redevelopment with complementary public improvements such as plazas and enhanced streetscapes; and
- target existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and more efficiently utilize existing infrastructure.

The Holdrege/Idylwild development would achieve all of these objectives. The Holdrege/Idylwild area has a long history of being a commercial, mixed-use center. The area includes the historic Valentino's restaurant and the historic Alpha Gamma Rho fraternity. Immediately adjacent to the area are the Farmhouse Fraternity, the University of Nebraska's East Campus, and both high and low density residential development. Many of the homes adjacent to this development are either in a historic district or are eligible for that status. However, many of the structures in the redevelopment area, as well as Idylwild Drive have significant blight. The Holdrege/Idylwild Area is supported by two arterials, Holdrege and 33rd Streets, and includes public space in the form of boulevards on Idylwild Street and the small Idylwild Park. The area is also near the new Innovation Campus. Clearly this area meets the Comprehensive Plan's basic criteria as a mixed-use area that meets the Comprehensive Plan's redevelopment objectives.

We also urge you to support the change of zone and street and alley vacation. The zone changes would not decrease any R-2 zoning in the neighborhood. The changes would shift some high density zoning to commercial zoning to allow a more useable residential/ commercial space. The street and alley vacation is not only supported by the neighborhood, but was actually suggested by the neighborhood. At one of the first meetings the neighborhood expressed their concern about the parking lot, and the traffic flow of people exiting the parking lot and traveling south through the neighborhood. It was the neighborhood that suggested closing off one block of 35th Street to make more room for parking and landscaping of the parking lot. In this area 35th is only two blocks long and is therefore not a through street. The block we asked to be vacated today is primarily used to access the Valentino's restaurant. By breaking the boulevard near Holdrege Street, traffic will be able to exit the new parking lot and go immediately to Holdrege Street. Both of these changes would reduce traffic flow south through the remaining block of 35th Street.

ECCO would also like to support the request for parallel parking along Holdrege Street. Allowing parking for these two blocks on Holdrege Street would be beneficial because:

- the additional spaces would provide additional parking for the development;
- the parked cars would provide a buffer between the sidewalk and the busy street; and
- the parked cars would tend to slow traffic in an area where there will be an increased number of pedestrians crossing Holdrege Street.

It is our understanding that one of the reasons that parallel parking is not allowed on arterial streets is because it slows down traffic flow. Holdrege is considered to be a minor, not a major arterial, and therefore can tolerate a somewhat slower traffic flow. In addition, there are already many pedestrians crossing Holdrege Street near the existing Valentino's restaurant even though there is a traffic light on Holdrege Street about four blocks east of the development. With this development there is no doubt that pedestrian crossings in the area will increase.

In conclusion, Holdrege/Idylwild Redevelopment is not only in conformance with the new Comprehensive Plan but would be a good example of the type of redevelopment the plan is trying to encourage. The street vacation would enhance the ability of the project to provide a better interface with the neighborhood and the project as a whole would eliminate blight, enhance the livability of Holdrege/Idylwild area, and provide much needed commercial services within walking distance of the residents of East Campus and students and faculty at the University of Nebraska East Campus. These enhancements would also help create a safe and pleasant neighborhood in which the University's East Campus and Innovation Campus could thrive.

For these reasons the East Campus Community Organization strongly encourages you to approve this application for TIF funds. We would also like to express our appreciation to Mayor Beutler for providing his support for this application.