

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Special Permit #1998

DATE: February 6, 2003

SCHEDULED PLANNING COMMISSION MEETING:

February 19, 2003

PROPOSAL: Construct a recreational facility with 11 indoor tennis courts, 12 outdoor tennis courts, fitness/exercise area, gymnasium, lap pool, children's learning center, pro shop, and concession area.

WAIVER REQUESTS: Two waivers are being requested:

1. To reduce the rear yard setback in the AG zoning district from 100' to 60'.
2. To exceed the maximum allowed height in the AG district from 35' to 52'.

LAND AREA: Approximately 19.19 acres.

CONCLUSION: Recreational facilities can be appropriate in or near residential neighborhoods when designed to integrate into the area. As proposed, the scale and layout of this facility is not consistent with surrounding uses, and with future residential uses. It must be set back further from property lines, be substantially screened, and the grading plan revised to be compatible. This will require significant modifications to the plans submitted. As presented, this project does not comply with the Zoning Ordinance and Comprehensive Plan.

<u>RECOMMENDATION:</u>	Special Permit #1998	Denial
	Waiver to rear setback	Denial
	Waiver to maximum height	Denial

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

LOCATION: Southeast of the intersection of South 84th and South Streets

APPLICANT: Nebraska Tennis Center
c/o David Northey
PO Box 67224
Lincoln, NE 68506 (402) 890-6434

OWNER: MJM Realty Trust Group
2300 South 48th Street
Lincoln, NE 68506 (402) 484-8484

CONTACT: J.D. Burt
Design Associates
1609 N Street
Lincoln, NE 68508 (402) 474-3000

EXISTING ZONING: AG Agriculture

EXISTING LAND USE: Agriculture

SURROUNDING LAND USE AND ZONING:

North:	Single-family Residential, Agriculture	R-1, AG
South:	Agriculture	AG
East:	Agriculture	AG
West:	Single-family Residential, Fire Station #12	R-1, P

ASSOCIATED APPLICATIONS: Annexation #02011 - An application to annex this property was originally submitted, but has since been withdrawn.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F15 - Quality of Life Assets - Preservation and enhancement of the many quality of life assets within the community continues. For a true “good quality of life,” a community has more than jobs, shelter, utilities and roads — there are numerous service, education, historic and cultural resources which are fundamental to enriching lives.

The community continues its commitment to neighborhoods. Neighborhoods remain one of Lincoln’s great strengths and their conservation is fundamental to this plan. The health of Lincoln’s varied neighborhoods and districts depends on implementing appropriate and individualized policies. The Comprehensive Plan is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community’s established neighborhoods.

Page F18 - Streams, trees, open space, and other environmentally sensitive features should be preserved within new development as design standards allow. The natural topography and features of the land should be preserved by new development to maintain the natural drainageways and minimize land disturbance.

Page F25 - Future Land Use Plan - The Land Use Plan designates this property urban residential.

Page F28, F31 - Future Service Limit, Priority Areas - This property is within the City’s Future Service Limit, in Tier 1, Priority B. Defines the City of Lincoln’s near term growth area – generally a 40 square mile area which

could reasonably expect urban services within the next twenty five year period. Land within this area should remain generally in the present use in order to permit future urbanization by the City.

Page F66 - Residential Overall Guiding Principles - Many activities of daily living should occur within walking distance. Neighborhoods should include homes, stores, workplaces, schools and places to recreate.

Sidewalks should be provided on both sides of all streets, or in alternative locations as allowed through design standards or the Community Unit Plan process.

Page F69 - Guiding Principles for Existing Neighborhoods - Require new development to be compatible with character of neighborhood and adjacent uses (i.e., parking at rear, similar setback, height and land use).

Page F103 - Functional Classification Map - South 84th Street is shown as a principal arterial; South Street west of South 84th Street is not shown on this map and is classified as a local street.

UTILITIES: Water - There is a 16" water line in South 84th Street.

Sewer - This property lies within the Stevens Creek watershed and cannot be served by existing sewer mains. Sewer service cannot be provided until the trunk sewer line to serve this watershed has been installed.

TOPOGRAPHY: The site is hilly, with a tree-lined swale that flows through the site from southwest to northeast. Additionally, there is a 60' wide L.E.S. easement that extends diagonally across the site from southwest to northeast. No buildings can be constructed within this easement.

TRAFFIC ANALYSIS: South 84th Street is an arterial adjacent to this site; South Street is a local street east of South 84th Street. The site plan shows the installation of approximately 240' of South Street, enough to provide access to the site.

PUBLIC SERVICE: This property is outside Lincoln's city limit and will not be annexed at this time. While the City's Fire Station #12 is across South 84th Street, fire protection is the responsibility of the Southeast Rural Fire District.

REGIONAL ISSUES: It raises the issue of how development should occur at the fringe of the City on land that will not be annexed.

ENVIRONMENTAL CONCERNS: Preservation of the existing trees and the drainage swale on site.

AESTHETIC CONSIDERATIONS: Compatibility of a 52' tall indoor recreational structure with both the existing residences to the north and west, as well as future residences to the east and south.

ALTERNATIVE USES: Agriculture, or residential development at such time as sanitary sewer service is available to the area.

ANALYSIS:

1. A request for annexation originally accompanied this special permit application, but the site cannot be served with City sanitary sewer. The applicant was informed by City staff that it is contrary to established policy to annex land that can't be provided with all municipal services, and that staff would recommend denial of the application. As a result, the annexation request was withdrawn. The County Engineer and Southeast Rural Fire District have been requested to review this application as remaining in their jurisdiction, and any comments received will be forwarded when received.

2. The Lincoln Fire Department stated that even though this site is outside the City, Fire Station #12 is one block away and would likely be the first responders on-site in the event of an emergency. The demand for such services places an additional burden on public services provided by the City of Lincoln. However, as the site will not be annexed, the City does not collect any property taxes from the owners to help support such services.

3. The project is adjacent to the South Street right-of-way, but South Street has not been constructed east of South 84th Street. The site plan shows approximately 240' of South Street being built to accommodate a driveway to serve this facility, but the street is not shown to extend the length of the property because it is not required at this time to serve the site. Such an improvement is required in conjunction with plats, as the subdivision ordinance requires abutting streets to be graded and paved, however it is not a requirement of special permits.

Public Works has agreed it is appropriate to delay the construction of South Street beyond the driveway, provided the owner agrees to not oppose the creation of a district to build it at such time as the property is annexed, or when lands on the north side of South Street are developed.

4. Sidewalks are required along all public streets, but are not shown along South Street adjacent to this site. Street trees must also be shown along South 84th Street.

5. Recreational facilities are allowed in the AG district by special permit per L.M.C. 27.27.040, subject to the requirements of L.M.C. Section 27.63.130, which states "Recreational facilities may be allowed by special permit in the AG, AGR, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, O-1, O-3, B-1, B-2, and B-3 zoning districts, in conformance with the following conditions:

A. The application for such special permit shall provide the following information:

1. A statement describing all proposed accessory uses and accessory buildings to be included as part of the recreational facility.

The application states that it will be a recreational facility with 11 indoor tennis courts, 12 outdoor tennis courts, a fitness/exercise area, gymnasium, lap pool, a children's learning center, pro shop, and concession area.

2. A site plan showing the location, height, and use of all structures on the parcel.

A site plan was submitted, a reduction of it is attached.

B. Yard requirements in excess of those required in the district may be imposed. In the AG district, the City Council may decrease the yard requirements with consideration given to both the recreational facilities and the adjacent environment.

The setbacks in the AG district are 50' front, 60' side and 100' rear. The applicant is requesting a waiver to the rear setback from 100' to 60', adjacent to land designated as urban residential in the Future Land Use plan.

There are no specific design standards for recreational facilities. However, the increased setbacks, open space and landscaping requirements from the City of Lincoln Design Standards for C.U.P.'s are examples of techniques that can help buffer and maintain scale between different land uses. The Design Standards require buildings to be set back a distance equal to their height, and require open space to be located adjacent to the higher density areas to provide a buffer to surrounding uses. The Standards also limit the length of buildings at the perimeter to 140', unless adjacent to open space or another C.U.P./multiple-family dwelling complex. The intent of these standards is to focus the most intense uses towards the center of the site, and provide open space and landscaping as a buffer and to serve as a transition between differing uses.

The requested waiver to reduce the rear setback does not enhance compatibility with future adjacent uses and is not appropriate. The separation between the main building and property lines should be increased, potentially to the extent that the building is reconfigured and at-grade improvements such as parking and outdoor tennis courts are relocated around the perimeter of the site. At a minimum, a uniform 100' setback along the east and south property lines should be maintained, with enhanced screening beyond what is required by the Design Standards for C.U.P.'s and multiple-family dwellings.

C. Parking shall be in conformance with Chapter 27.67; additional parking requirements may be imposed; no parking shall be permitted in any required yard. The application shall include the applicant's estimate of parking needed for the proposed facility.

The number of paved parking spaces shown is adequate for the tennis courts. However, additional paved spaces will be required depending upon the size of the swimming pool, and may be required for other accessory uses. The size of the pool must be provided at this time so the minimum required number of paved stalls can be calculated.

D. Outdoor lighting of the recreational facility may be permitted in conformance with the requirements for lighting of parking lots in Chapter 27.67 and any standards adopted by resolution of the City Council.

The application states that the outdoor courts will be lighted. Any lighting plan must consider that this facility is surrounded on the north and west by existing residences, and by land designated as future urban residential on the south and east. Limits on the hours lights can be on, both inside the semi-opaque air-supported structure and those lighting the outdoor courts, should be adopted consistent with the residential character of the neighborhood.

E. All buildings, including accessory buildings, shall be located so that they will not adversely affect any existing or reasonably anticipated future uses in the surrounding area.

The main structure (building and air-supported structure) is approximately 670' in length along the south property line, and approximately 410' in length along the east. Reasonably anticipated future land uses to the south and east are residential, and will not be compatible with a structure of this scale in proximity to the property line.

The grading plan shows approximately 20' of fill at the southeast corner of the site, and represents a significant change in elevation from the floor of the building down to the adjacent properties in this area. The grading plan should provide for gradual changes in elevation across this site where it abuts adjacent properties.

If allowed, this use will serve to establish a development pattern for this area. There will be pressure for adjacent properties to develop in a manner that is more consistent with this use, and that is more intense than the urban residential uses designated by the Comprehensive Plan. As shown, the site is being over-developed and is not compatible with a residential neighborhood. The scale and intensity of this development need to be reduced to provide that compatibility, and to help ensure that adjacent lands can be developed consistent with the Plan in the future.

F. The City Council may authorize temporary structures which exceed the maximum height requirements of the district in which they are located upon a finding by the City Council that there is sufficient justification for such an adjustment and that there will be no significant adverse effect on existing or reasonably anticipated future uses in the surrounding area.

The waiver to height is only appropriate if the plan is revised to increase the separation between the main building and property lines, and if substantially more screening is provided to further reduce the impact of the main building upon adjacent properties.

G. As part of the special permit for a recreational facility for a golf course or country club, the City Council may permit the sale of alcoholic beverages for consumption on the premises as an accessory use to the golf course or country club, provided the applicable locational requirements of Section 27.63.680 have been met or waived by the City Council.

A request to be allowed to sell alcohol for consumption on the premises is not a part of this application.

Staff recommends denial, however, if after a public hearing the City Council votes to approve this request, staff recommends that approval be subject to the following conditions.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revise the site plan to show:

1.2.1 Sidewalks along both sides of that portion South Street to be improved, and along the west side of the driveway to connect the sidewalk along South Street with the internal sidewalk system.

1.2.2 The building setback a minimum of 100' from all property lines.

1.2.3 Increased screening along the south and east property lines consistent with the City of Lincoln Design Standards for multiple-family dwellings approved by special permit, but with trees planted in staggered, double rows.

- 1.2.4 A signed surveyor's certificate.
- 1.2.5 Street trees planted along South 84th Street per Parks and Recreation Department review. The tree species and quantity of trees to be removed must also be shown.
- 1.2.6 Delete Notes #5 and #7 from Sheet 1 of 3 relating to municipal water service and to the rear setback waiver, respectively.
- 1.2.7 Add a note stating that indoor and outdoor tennis court lights shall be turned off between the hours of 10:00 p.m. and 6:00 a.m.
- 1.2.8 The easements requested by the L.E.S. review dated January 3, 2003.
- 1.2.9 All required paved parking areas based upon the parking requirements for the number of tennis courts and the size of pool proposed.
- 1.2 A revised grading and drainage plan approved by Public Works and Utilities. Of particular concern is the height of the fill in the south and east areas of the site.
- 1.3 Provide traffic impact information requested by Public Works and Utilities and make any revisions required by that information.
2. This approval permits a recreational facility consistent with the revised site plan with a waiver of height to 52'.

General:

3. Before receiving building permits:
 - 3.1 The permittee shall have submitted a revised final plan including 5 copies and the plans are acceptable.
 - 3.2 The construction plans shall comply with the approved plans.

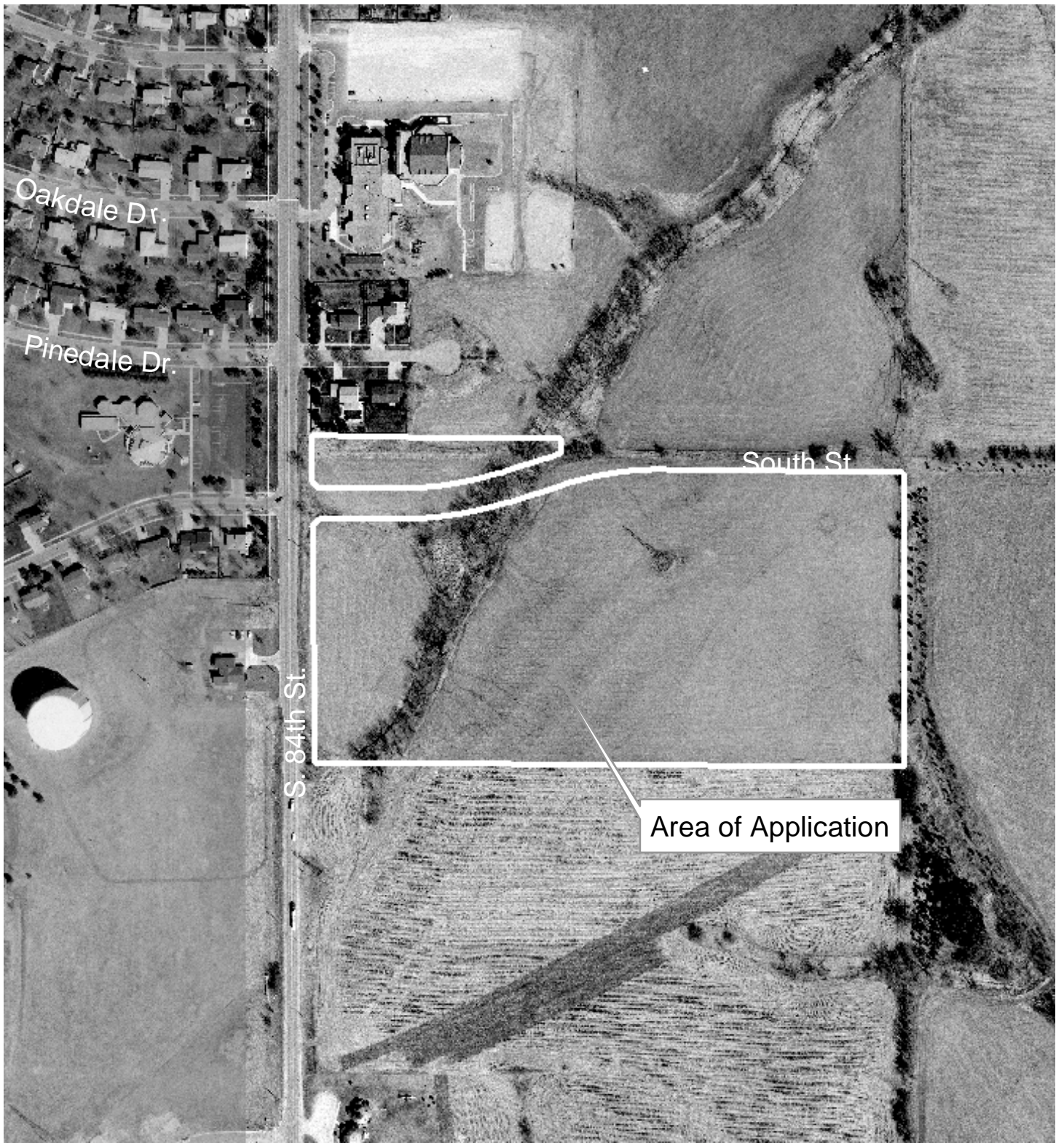
Standard:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the recreational facility all development and construction shall have been completed in compliance with the approved plans.

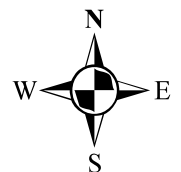
- 4.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
5. The owner agrees to not oppose the creation of a district for the improvement of South Street abutting the property covered by this special permit at such time as either the property is annexed or the land on the north side of South Street adjacent to this property is developed.

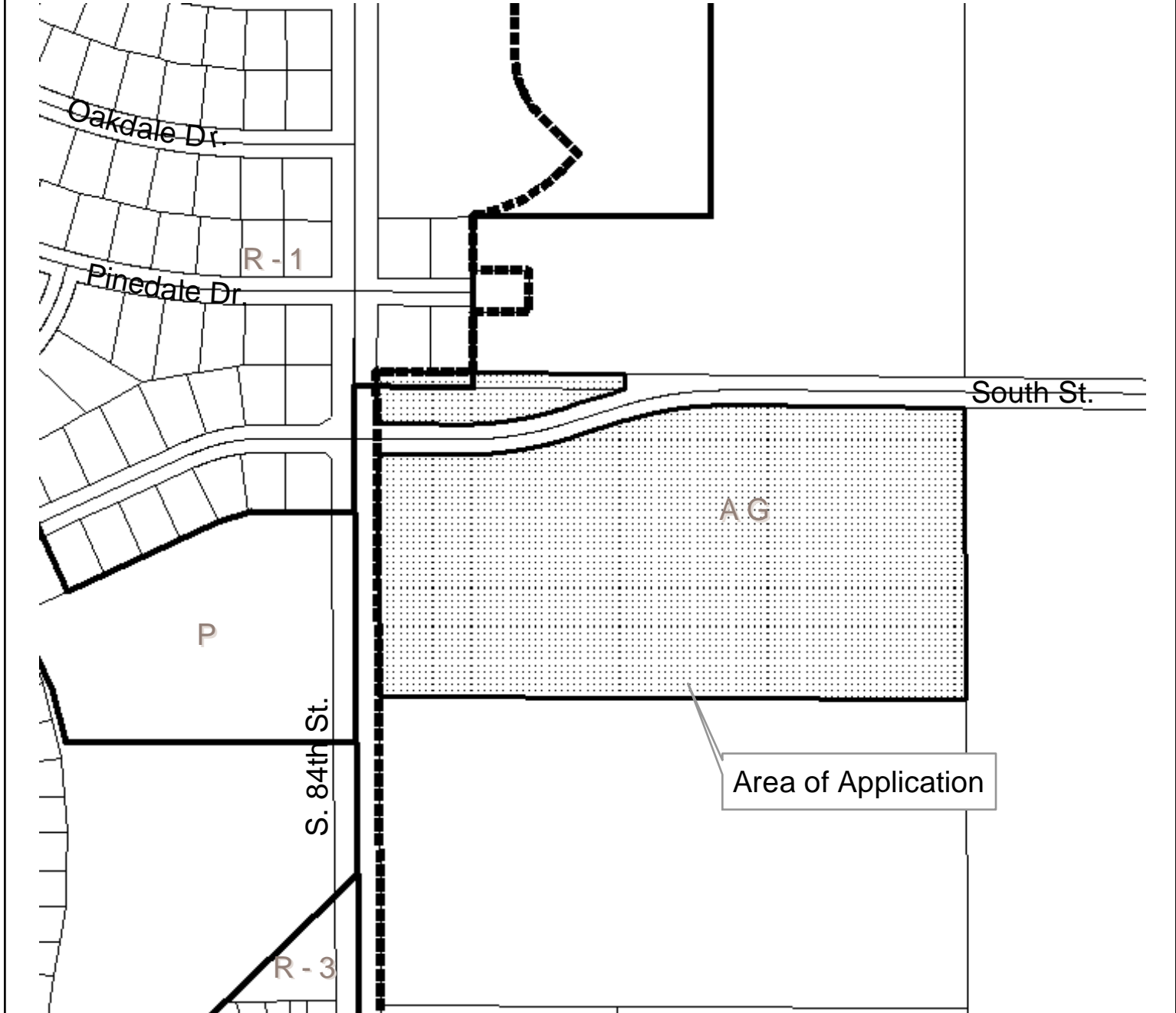
Prepared by:

Brian Will
Planner



Special Permit #1998
S. 84th & South St.
Nebraska Tennis Center



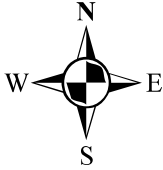
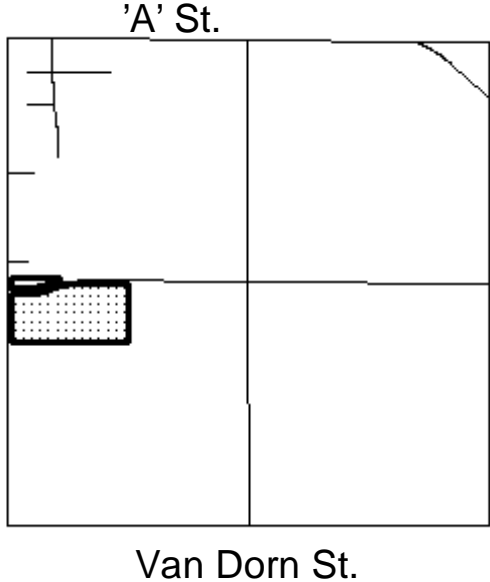


Special Permit #1998
S. 84th & South St.
Nebraska Tennis Center
Zoning:

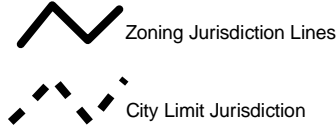
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned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

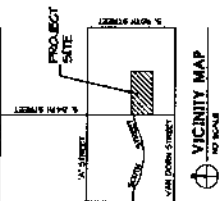
One Square Mile
 Sec.35 T10N R7E

S. 84th St.



S. 98th St.





LEGAL DESCRIPTION
LOT 24, 1/4 SECTION 26, TOWNSHIP 20N, RANGE 12W, COUNTY OF SARASOTA, FLORIDA

PROJECT ZONING
EXISTING ZONING - M-1
PROPOSED ZONING - M-1A

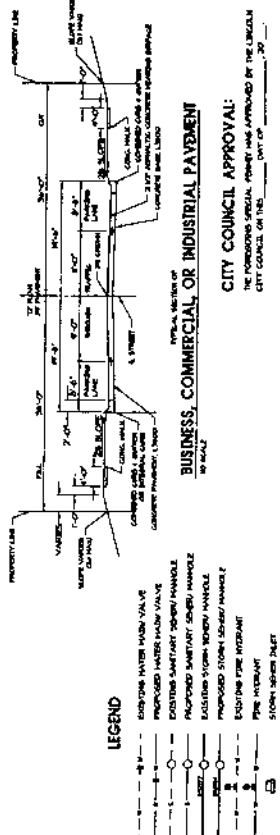
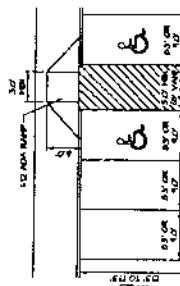
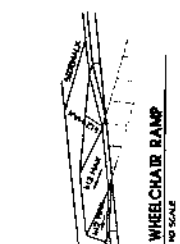
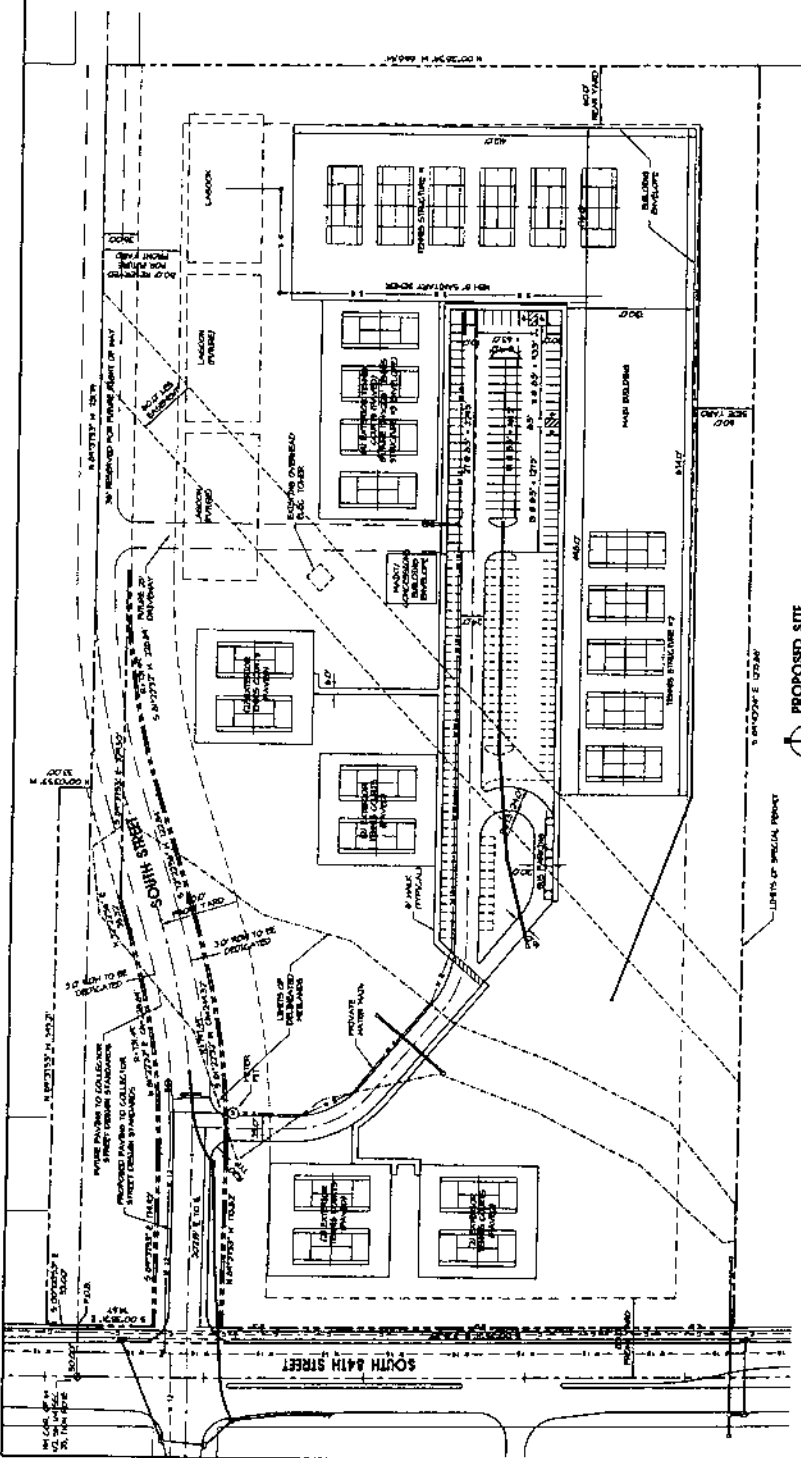
PARKING
TOTAL GARAGE SPACES: 221
CONCRETE STALLS PROVIDED: 208

OWNER
2141 MARKET STREET, SUITE 200
LINCOLN, NE 68502
402-474-8484

DEVELOPER
NEBRASKA TENNIS CENTER, LLC
1400 N. STREET
LINCOLN, NE 68502
402-474-8484

ENGINEER/ARCHITECT
DESIGN ASSOCIATES OF LINCOLN, INC.
1400 N. STREET
LINCOLN, NE 68502
402-474-8484

SURVEYOR
GORDON H. HARRIS, SURVEYOR
1400 N. STREET, SUITE 200
LINCOLN, NE 68502
402-474-8484



CITY COUNCIL APPROVAL:
THE FOREGOING ORIGINAL PERMIT WAS APPROVED BY THE LINCOLN CITY COUNCIL ON THE _____ DAY OF _____, 2002.

GENERAL SITE NOTES

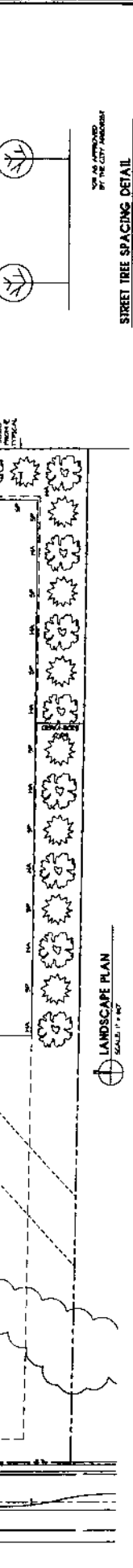
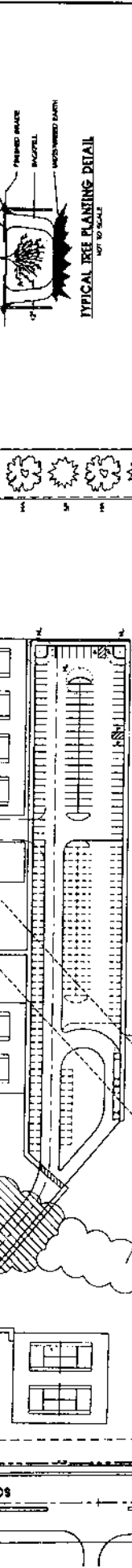
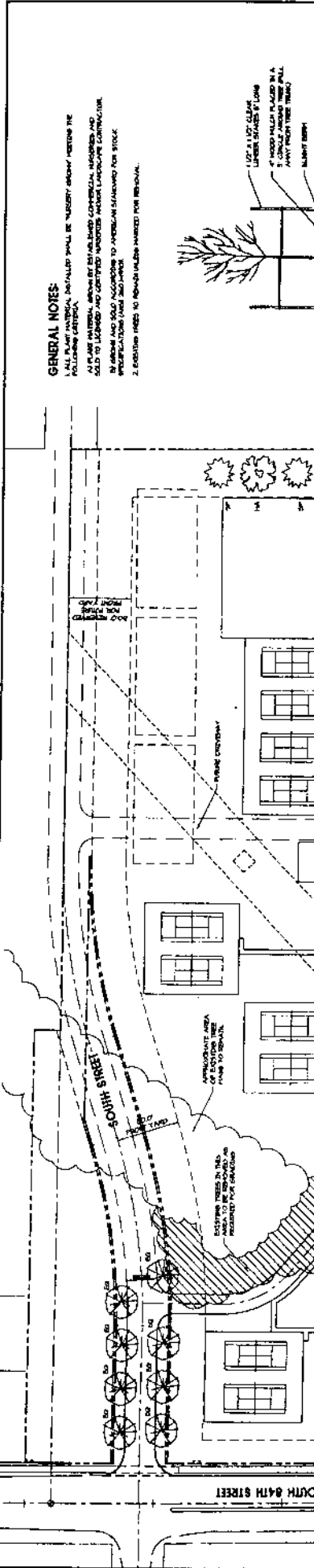
- ELEVATIONS ARE NAVD 83.
- ADDITIONAL RIGHT-OF-WAY TO BE CALCULATED ALONG SOUTH STREET RIGHT-OF-WAY TO PROVIDE A 50' WIDTH AS REQUIRED FROM THE CENTERLINE OF SOUTH STREET.
- EXISTING CURB ALONG CURVES ARE CANTO DITCHES.
- SOUTH STREET WATER MAIN AND WATER MAIN TO BE CONSTRUCTED BY EXISTING OWNER.
- THE SOUTH STREET WATER MAIN TO BE 24" WATER SERVICE TO THE DEVELOPMENT IS TO BE 40' PRIVATE WATER MAIN. SANITARY SEWER SERVICE TO BE PROVIDED BY AN EXISTING WATER MAIN SERVICE, SUCH AS A MANHOLE. A 12" DIAMETER OF THE EXISTING MAIN LINED SERVICE IS REQUIRED TO REPLACE THE EXISTING SERVICE FROM 10' TO 40' ALONG THE EAST LINE OF THIS APPLICATION.
- A 12" DIAMETER OF THE EXISTING MAIN LINED SERVICE IS REQUIRED TO REPLACE THE EXISTING SERVICE FROM 40' TO 100' ALONG THE EAST LINE OF THIS APPLICATION.
- EXISTING WATER MAIN VALVE TO BE REPLACED WITH A 12" DIAMETER VALVE.
- EXISTING SANITARY SEWER MANHOLE TO BE REPLACED WITH A 12" DIAMETER MANHOLE.
- EXISTING STORM SEWER MANHOLE TO BE REPLACED WITH A 12" DIAMETER MANHOLE.
- EXISTING FIRE HYDRANT TO BE REPLACED WITH A 12" DIAMETER HYDRANT.
- STORM SEWER PILE TO BE REPLACED WITH A 12" DIAMETER PILE.

SURVEYOR'S CERTIFICATE

I, GORDON H. HARRIS, SURVEYOR, DO HEREBY CERTIFY THAT I AM A LICENSED SURVEYOR IN THE STATE OF NEBRASKA AND THAT I HAVE PERSONALLY AND INDEPENDENTLY CONDUCTED A SURVEY OF THE PROPERTY DESCRIBED IN THE FOREGOING AND THAT THE DIMENSIONS AND LOCATIONS THEREON SHOWN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

I HAVE BEEN ADVISED BY THE OWNER THAT THE PROPERTY IS SUBJECT TO A DEED OF TRUST AND THAT THE PROPERTY IS SUBJECT TO A DEED OF TRUST AND THAT THE PROPERTY IS SUBJECT TO A DEED OF TRUST.

DATE _____



LANDSCAPE SCREENING

MARK	QTY	PLANT	SIZE	LANDSCAPE	SCREENING	PROVIDED
1	1	PLANT	SIZE	LANDSCAPE	SCREENING	PROVIDED
2	2	PLANT	SIZE	LANDSCAPE	SCREENING	PROVIDED
3	3	PLANT	SIZE	LANDSCAPE	SCREENING	PROVIDED
4	4	PLANT	SIZE	LANDSCAPE	SCREENING	PROVIDED
5	5	PLANT	SIZE	LANDSCAPE	SCREENING	PROVIDED
6	6	PLANT	SIZE	LANDSCAPE	SCREENING	PROVIDED
7	7	PLANT	SIZE	LANDSCAPE	SCREENING	PROVIDED
8	8	PLANT	SIZE	LANDSCAPE	SCREENING	PROVIDED
9	9	PLANT	SIZE	LANDSCAPE	SCREENING	PROVIDED
10	10	PLANT	SIZE	LANDSCAPE	SCREENING	PROVIDED

PARKING LOT SHADING

MARK	QTY	PLANT	SIZE	LANDSCAPE	SCREENING	PROVIDED
1	1	PLANT	SIZE	LANDSCAPE	SCREENING	PROVIDED
2	2	PLANT	SIZE	LANDSCAPE	SCREENING	PROVIDED
3	3	PLANT	SIZE	LANDSCAPE	SCREENING	PROVIDED
4	4	PLANT	SIZE	LANDSCAPE	SCREENING	PROVIDED
5	5	PLANT	SIZE	LANDSCAPE	SCREENING	PROVIDED
6	6	PLANT	SIZE	LANDSCAPE	SCREENING	PROVIDED
7	7	PLANT	SIZE	LANDSCAPE	SCREENING	PROVIDED
8	8	PLANT	SIZE	LANDSCAPE	SCREENING	PROVIDED
9	9	PLANT	SIZE	LANDSCAPE	SCREENING	PROVIDED
10	10	PLANT	SIZE	LANDSCAPE	SCREENING	PROVIDED

GENERAL NOTES:

- ALL PLANT MATERIAL INSTALLED SHALL BE VARIETY SPECIFY HEREON THE FOLLOWING LISTING.
- PLANT MATERIAL SHALL BE SUPPLIED BY THE LANDSCAPE CONTRACTOR AND SHALL BE DELIVERED TO THE PROJECT SITE BY THE LANDSCAPE CONTRACTOR.
- PLANT MATERIAL SHALL BE DELIVERED TO THE PROJECT SITE BY THE LANDSCAPE CONTRACTOR.
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- PLANT MATERIAL SHALL BE DELIVERED TO THE PROJECT SITE BY THE LANDSCAPE CONTRACTOR.

CONCEPTUAL BUILDING ELEVATIONS
 NO SCALE

SURVEYOR'S CERTIFICATE

SURVEY OF LOT 26 OF IRREGULAR TRACTS LOCATED IN THE WEST ONE-HALF OF THE SOUTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHWEST CORNER OF THE WEST ONE-HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 35; THENCE IN AN EASTERLY DIRECTION, ALONG THE NORTH LINE OF THE WEST ONE-HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 35 FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING

THENCE IN A SOUTHERLY DIRECTION, ALONG THE EASTERLY 50.00' RIGHT OF WAY LINE OF SOUTH 84TH STREET, ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 35 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 79.67 FEET TO A POINT ON THE NORTHERLY 33.00' RIGHT OF WAY LINE OF SOUTH STREET

THENCE SOUTH 89 DEGREES 37 MINUTES 53 SECONDS EAST, ALONG THE NORTHERLY 33.00' RIGHT OF WAY LINE OF SOUTH STREET, FOR A DISTANCE OF 174.92 FEET

THENCE CONTINUING ALONG THE NORTHERLY 33.00' RIGHT OF WAY LINE OF SOUTH STREET, ON A CURVE TO THE LEFT HAVING A RADIUS OF 731.49 FEET AND AN ARC LENGTH OF 229.63 FEET, BEING SUBTENDED BY A CHORD OF NORTH 81 DEGREES 22 MINUTES 32 SECONDS EAST FOR A DISTANCE OF 228.69 FEET

THENCE NORTH 72 DEGREES 22 MINUTES 56 SECONDS EAST, ALONG THE NORTHERLY 33.00' RIGHT OF WAY LINE OF SOUTH STREET, FOR A DISTANCE OF 35.32 FEET

THENCE SOUTH 89 DEGREES 37 MINUTES 53 SECONDS EAST, PARALLEL TO AND 33.00' FEET SOUTH OF THE NORTH LINE OF THE WEST ONE-HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 35, FOR A DISTANCE OF 329.50 FEET TO A POINT ON THE SOUTHERLY 33.00' RIGHT OF WAY LINE OF SOUTH STREET

THENCE ALONG THE SOUTHERLY 33.00' RIGHT OF WAY LINE OF SOUTH STREET, ON A CURVE TO THE LEFT HAVING A RADIUS OF 731.49 FEET AND AN ARC LENGTH OF 229.63 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 81 DEGREES 22 MINUTES 32 SECONDS WEST FOR A DISTANCE OF 228.69 FEET

THENCE SOUTH 12 DEGREES 22 MINUTES 56 SECONDS WEST, ALONG THE SOUTHERLY 33.00' RIGHT OF WAY LINE OF SOUTH STREET, FOR A DISTANCE OF 122.84 FEET

THENCE CONTINUING ON THE SOUTHERLY 33.00' RIGHT OF WAY LINE OF SOUTH STREET, ON A CURVE TO THE RIGHT HAVING A RADIUS OF 797.49 FEET AND AN ARC LENGTH OF 250.35 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 81 DEGREES 22 MINUTES 32 SECONDS WEST FOR A DISTANCE OF 249.32 FEET

THENCE NORTH 89 DEGREES 37 MINUTES 53 SECONDS WEST FOR A DISTANCE OF 173.82 FEET TO A CORNER OF SAID LOT 26

THENCE SOUTH 00 DEGREES 35 MINUTES 21 SECONDS EAST, ALONG THE EASTERLY 50.00' RIGHT OF WAY LINE OF SOUTH 84TH STREET, FOR A DISTANCE OF 525.33 FEET TO THE SOUTHWEST CORNER OF SAID LOT 26

THENCE SOUTH 89 DEGREES 43 MINUTES 24 SECONDS EAST, ALONG THE SOUTH LINE OF SAID LOT 26, FOR A DISTANCE OF 1275.66 FEET TO THE SOUTHEAST CORNER OF SAID LOT 26

THENCE NORTH 00 DEGREES 28 MINUTES 39 SECONDS WEST, ALONG THE EAST LINE OF THE WEST ONE-HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 35, FOR A DISTANCE OF 668.94 FEET TO THE NORTHEAST CORNER OF THE WEST ONE-HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 35

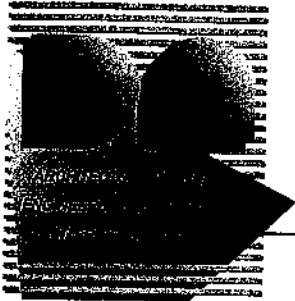
THENCE NORTH 89 DEGREES 37 MINUTES 53 SECONDS WEST, ALONG THE NORTH LINE OF THE WEST ONE-HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 35, FOR A DISTANCE OF 731.79 FEET TO A CORNER OF SAID LOT 26

THENCE NORTH 00 DEGREES 03 MINUTES 53 SECONDS WEST FOR A DISTANCE OF 33.00 FEET TO A CORNER OF SAID LOT 26

THENCE NORTH 89 DEGREES 37 MINUTES 53 SECONDS WEST, ALONG THE NORTH LINE OF SAID LOT 26, FOR A DISTANCE OF 545.21 FEET TO THE NORTHWEST CORNER OF SAID LOT 26

THENCE SOUTH 00 DEGREES 03 MINUTES 53 SECONDS EAST, ALONG THE EASTERLY 50.00' RIGHT OF WAY LINE OF SOUTH 84TH STREET, FOR A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING

TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD.



**Design
Associates** *of Lincoln, Inc.*

Pershing Square
1609 'N' Street
Lincoln, NE 68508
Phone: (402) 474-3000 • Fax: (402) 474-4045

Hand Delivery

January 30, 2003

Brian Will
Lincoln/Lancaster County Planning Department
555 South 10th Street
Lincoln, Nebraska 68508

RE: Nebraska Tennis Center- 84th and South Street
Revised Landscape Plan

Brian:

The attached revised landscape plan is offered in response to our meeting last week. The plan has been revised to include coniferous and deciduous trees adjacent to the south and east sides of the proposed recreational facility. Hopefully, the additional landscaping adequately addresses staff concerns.

Please advise if additional information is desired.

Best regards,

J.D. Burt
For the firm

cc: David Northey, Nebraska Tennis Center

**Design
Associates** of Lincoln, Inc.

Pershing Square
1609 'N' Street
Lincoln, NE 68508
Phone: (402) 474-3000 • Fax: (402) 474-4045

December 20, 2002

Marvin Krout
Lincoln/Lancaster County Planning Department
555 South 10th Street
Lincoln, Nebraska 68508

RE: Nebraska Tennis Center- 84th and South Street
Request for Annexation
Application for Special Permit

Mr. Krout:

On behalf of Nebraska Tennis Center, L.L.C., contract purchaser, please accept this correspondence as supplemental information to the attached City Zoning Application. This application requests annexation and approval of a special permit to construct a recreational facility in the AG zoning district. The property is legally described as Lot 26 I.T., Section 35, T10N, R7E, Lancaster County.

The property is located at the southeast corner of 84th and South Street. Site development will include extension of street paving, water main and storm sewer in the existing South Street right-of-way, east from 84th Street. The length of the street extension has been designed to meet driveway separation requirements identified by the Public Works Department.

The site contains approximately 20 Acres and is zoned AG. A change of zone is not requested with this application. The site is located outside the current city limit and will require annexation to allow use of municipal water, as proposed with this application. The site has been designed to accommodate construction of an on-site wastewater treatment facility since municipal sewer is not available. The wastewater facility will be abandoned and removed when municipal sanitary sewer service is available.

Nebraska Tennis Center will be a private membership recreational facility that is expected to be the new home of the University of Nebraska Tennis Team. Completion of Nebraska Tennis Center will provide Lincoln and the University of Nebraska the opportunity to host regional and national events.

Nebraska Tennis Center will provide its members with a fitness/exercise area, gymnasium, lap pool, children's learning center, pro-shop and concession area in the main building. Eleven (11) indoor courts will be provided in the two (2) tennis structures. Structure #1 is located north of the main building. Structure #2 is located west of the main building. 12 outdoor courts are also proposed. The outdoor courts will be supplemented with removal of the exterior of Structure #2. Tennis structure #3 is proposed north of the parking lot and is to be installed at a later date. The outdoor courts are propose to lighted.

DEC 20 2002

LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

The main building will include approximately 36,200 square feet. The dimensions of Structure #1 are approximately 160 feet by 326 feet with a height of approximately 48 feet. Structure #2 is approximately 130 feet by 280 feet with an approximate height of 40 feet. Structures #1 and #2 will be constructed as Air-Supported-Structures attached to a permanent foundation, as well as to the main building. Structure #1 will include heating and air conditioning to allow year-round indoor use. Structure #2 will be heated only to allow removal of the exterior to provide additional outdoor courts during the warmer months of the year.

This application for special permit includes a request to reduce the required rear yard setback from 100 feet to 60 feet along the east limit of the application and a request to increase the maximum building height from 35 feet to 52 feet to accommodate the dimensions of the Air-Supported-Structures.

Grading on the site will include construction of building pads for the structures and outdoor courts. The four (4) outdoor courts located adjacent to 84th Street will be lowered below the 84th Street right-of-way to reduce visibility of these courts from the street and residences property to the west. Site drainage is designed to direct run-off into the existing north/south drainage way.

Access to the parking lot will be provided from a driveway that extends south from South Street and across the existing drainage way. The driveway crossing of the drainage way has been located to minimize disruption of existing trees and wetlands. The crossing is designed to serve as an outlet structure for storm water detention. Disrupted wetlands will be mitigated on-site.

Parking is shown north of the main building. The parking lot is designed with 99 parking stalls and an area reserved for an additional 128 stalls for event parking. Attached is an estimate of Trip and Parking Generation for the site under normal daily conditions. Comparison of the estimated parking demand to proposed stalls shows a surplus of parking during times of peak demand.

On behalf of the developer, David Northey, we would like to take this opportunity to thank your staff for your cooperation and enthusiasm with this development. Approval of Nebraska Tennis Center will allow construction and operation of a recreational facility that will expand athletic and economic opportunities for our growing community.

Please advise if additional information is desired.

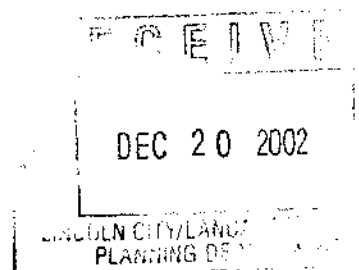
Best regards,



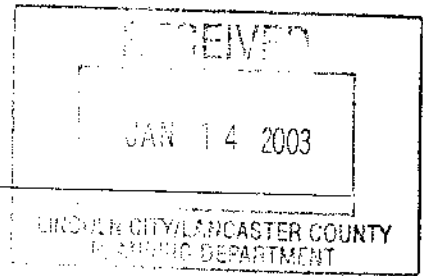
J.D. Burt
For the firm

Attachments: Nebraska Tennis Center Site, Grading and Landscape Plans
Trip and Parking Generation
Certificate of Ownership

cc w/ attachments: David Northey, Nebraska Tennis Center



Memorandum



To: Brian Will, Planning Department

From: ^{CB} Chad Blahak, Public Works and Utilities
^{DB} Dennis Bartels, Public Works and Utilities

Subject: Nebraska Tennis Center Special Permit and Proposed Annexation

Date: January 13, 2003

cc: Randy Hoskins
Nicole Fleck-Tooze
Devin Biesecker

Engineering Services has reviewed the Special Permit and Proposed Annexation for the Nebraska Tennis Center, located east of South 84th Street and south of South Street and has the following comments:

- Grading/Drainage - Additional information is required prior to approval. Provide stage/discharge information and a detail for the outlet structure in the proposed pond. Also, show culvert size for the pond outlet.
- The grading plan shows much of area C2 draining north circumventing the proposed detention pond. Either the drainage areas or the contours should be revised or a storm system should be shown to route the flow to the pond.
- The slope in detention pond is greater than the maximum 4:1.
- Streets - A proposed street grade should be provided for the entire frontage of South Street. Site grading should be shown to match the proposed grade even if limited paving is approved.
- Sidewalks should be shown along both sides of South Street and along the east side of 84th Street. The sidewalk in 84th Street should be required along 84th Street.
- This development should be responsible for all the costs of building South Street east of 84th Street and any modifications to 84th Street that may be required as a result of this development.
- Developments typically have been required to pave streets through the limits of their development. The application shows only a short extension of South Street. If approved, the conditions of annexation need to address timing and cost responsibility of future extensions.

January, 13 2003

- With a previous review at a alternate location, traffic impact information was provided. This information is needed to analyze the 84th and South intersection, the number of parking stalls provided, the number and location of driveways and the adequacy of the limited paving shown.
- Sanitary Sewer - Sewer will be needed through this site to serve the drainage area south of this project that drains through the site. An easement should be shown for the sewer and this development should be made responsible for the cost of building it when an outlet sewer is available.
- Water - A water main will be needed in South Street for the entire frontage. This development should be made responsible for its share of the cost for the entire frontage. The plans show a water meter pit. An above ground structure will be required rather than a pit. This structure should be shown on the plans.
- General - The plans show serving the development with public water extended from 84th and a private onsite sanitary system since gravity sewer cannot be provided. Annexation is required prior to approval of use of the public water. Per the comprehensive plan annexation implies access to all city services. This area will not be served by public sewer until sewer service is extended into the Stevens Creek Basin. Annexation with limited service (public water but not sewer) is not a good precedent because of other similarly situated property that may make similar requests.
- Public Works recommends that, since sewer cannot be provided, if approved, the development provide both private sewer and private water. The area of permit, therefore, does not need to be annexed if public water is not provided.
- The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory . Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and th method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

Memo



To: Brian Will, Planning Department

From: Mark Canney, Parks & Recreation

Date: January 3, 2003

Re: Nebraska Tennis Center SP 1998

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have the following comments:

1. Street Tree/Landscape Plan shows (8) 'Emerald Queen' Norway Maple Street trees for South Street, which is correct.
2. On S. 84th Street, (12) Street trees should be planted 6' feet east of the existing bike trail/walk at 45' spacing along the frontage of the property. This assumes that South Street is built at a typical width of 27 feet (from back of curb to back of curb). The recommended tree species is Autumn Purple Ash.
3. Indicate a pedestrian connection to 84th Street from the existing bike trail to the proposed pedestrian sidewalks of the facility.
4. Indicate which tree species and quantities, if any, are to be removed as a result of the project development.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Brian Will

DATE: January 13, 2003

DEPARTMENT: Planning

FROM: Chris Schroeder
Jerry Hood

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Bruce Dart, Director
EH File
EH Administration

SUBJECT: Nebraska Tennis Center
SP #1998 Annex #02011

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the application for special permit and the requested annexation for the proposed Nebraska Tennis Center. The following items are noted:

- Water supply is projected to be the City of Lincoln Municipal water supply.
- Sewage disposal is projected to be on-site sewage disposal. Permits will have to be obtained for construction of these facilities from the LLCHD and the State of Nebraska Department of Environmental Quality prior to construction.
- Plans for the concession building and equipment must be approved by the LLCHD Food Section prior to construction.
- 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.

- Provisions should be made for retaining as much tree mass as possible. Alternately, the applicant will need to plan for disposal of tree waste by burying on site, grinding, offering for firewood or hauling to the landfill. Permits for open burning of tree waste within the city limits will not be approved and applications for burning within the 3-mile zone are unlikely to be approved.

-LES INTER-DEPARTMENT COMMUNICATION

TO: Brian Will, City Planning
SUBJECT: DEDICATED EASEMENTS
DN #21S-86E

DATE: January 3, 2003

FROM Sharon Theobald
(Ext. 7640)

Attached is the Special Permit Site Plan for Nebraska Tennis Center.

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.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map.

Please add, as a stipulation, the following:

Any construction or grade changes in LES transmission line easement corridors are subject to LES approval and must be in accordance with LES design and safety standards.

Landscaping material selections within easement corridors shall follow established guidelines to maintain minimum clearance from utility facilities.

Sharon Theobald

ST/ss
Attachment
c: Terry Wiebke
Easement File

