

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

Revised Report

This is a combined staff report for related items. This report contains a single background and analysis section for both items.

P.A.S.: Change of Zone #3375 **DATE:** September 20, 2002
Use Permit #146 - West Gate Bank

PROPOSAL: **Change of Zone:** To change the zoning from R-1 and AGR to O-3
Use Permit: To develop 60,000 square feet of office and financial floor area.

WAIVER REQUESTS: -Exceed the 45' height limit of the O-3 district.
-Street trees along Highway 2.

LAND AREA: 6.42 acres, more or less

CONCLUSION: If the waivers are approved along with modifications being made to the site plan, the proposed use permit complies with the Zoning Ordinance. The change of zone is consistent with the Comprehensive Plan and allows uses to develop at this location that have been anticipated.

RECOMMENDATION:	Change of Zone:	Approval
	Use Permit:	Conditional Approval
	Waiver to Height Limit:	Approval
	Waiver to Street Trees:	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached legal description.

LOCATION: Northeast of the intersection of Old Cheney Road and Highway 2.

APPLICANT/

OWNER: Carl Sjulín
C/o West Gate Bank
1204 West O Street
Lincoln, NE 68508 (402) 434-3456

CONTACT: Steve Miller
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508 (402) 474-6311

EXISTING ZONING: R-1 and AGR **PROPOSED ZONING:** 0-3 Office Park District

EXISTING LAND USE: Vacant

SURROUNDING LAND USE AND ZONING:

North: B-5, O-3 Office, Commercial
South: H-4, AGR Office, Commercial, Vacant
East: R-1, AGR Single-family Residential
West: H-4 Commercial

COMPREHENSIVE PLAN SPECIFICATIONS:

- Page F18 - Guiding Principles for the Urban Environment - Overall Form
 - Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods.
 - Preservation and renewal of historic buildings, districts and landscapes is encouraged. Development and redevelopment should respect historical patterns, precedents, and boundaries in towns, cities, and existing neighborhoods.
- Page F24 - Future Land Use Map
 - This land is designated as Commercial in the Land Use Plan.
- Page F37 - Commercial and Industrial Development Strategy
 - The commercial and industrial development strategy presented below seeks to fulfill two notable objectives: (1) the approach is designed to provide flexibility to the marketplace in siting future commercial and industrial locations; while at the same time (2) offering neighborhoods, present and future home owners, other businesses, and infrastructure providers a level of predictability as to where such employment concentrations might be located. Balancing these two objectives in a meaningful way will require diligence, mutual understanding, and an ongoing planning dialogue.

- Page F38 - General Principles for all Commercial and Industrial Uses
- Commercial and industrial districts in Lancaster County shall be located: within the City of Lincoln or incorporated villages; outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except areas of existing commercial and industrial zoning); where urban services and infrastructure are available or planned for in the near term; in sites supported by adequate road capacity - commercial development should be linked to the implementation of the transportation plan; in areas compatible with existing or planned residential uses; in areas accessible by various modes of transportation (i.e. automobile, transit, and pedestrian; so that they enhance entryways or public corridors when developing adjacent to these corridors; in a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this plan.

ASSOCIATED APPLICATIONS: FP#02053 - This administrative plat is currently being reviewed by staff. It creates one lot to accommodate the proposed office/financial building. During the review it was noted that the plat must be revised to include a turnaround for Wagon Lane as required by the Subdivision Ordinance and the proposed street vacation listed below. The turnaround has not yet been provided.

SAV#01024 - This request was approved by the Planning Commission on **January 23, 2002**, but has not been forwarded to the City Council. It seeks to vacate the western portion of Wagon Lane to accommodate FP#02053, however as a condition of approval the Planning Commission required that a turnaround be provided before the application is forwarded to the City Council.

UTILITIES: All are available to the site.

TOPOGRAPHY: The site slopes down from east to west.

TRAFFIC ANALYSIS: Highway 2 is classified as a major arterial; Old Cheney Road is classified as a minor arterial.

PUBLIC SERVICE: City of Lincoln Fire and Police

ENVIRONMENTAL CONCERNS: Removal of existing trees on the site.

BACKGROUND:

The Planning Commission continued the public hearing on these items from September 18, 2002 to October 2, 2002 to allow time for the applicant and staff to resolve outstanding issues. In the original staff report dated September 4, 2002, concern was expressed over the lack of information pertaining to key aspects of the project, and as a result staff did not make a

recommendation and the report did not include conditions of approval. The applicant has since provided information addressing the main issues raised. They are addressed in the analysis section below.

ANALYSIS:

1. The request to change the zoning from R-1 and AGR to O-3 is consistent with the 2025 Comprehensive Plan, which designates commercial land use for this site.
2. The previous report noted that the traffic study that had been prepared in anticipation of commercial uses locating on this site indicated a mix of land uses consisting of 4,500 square feet of floor area dedicated to a drive-through bank, and 50,000 square feet of office floor area. Public Works requested a breakdown of proposed land uses to ensure it was consistent with the traffic study and could be accommodated by the planned improvements in the area. The applicant has provided the proposed mix of floor area, and Public Works has found it is consistent with the traffic study and anticipated improvements at this location.
3. Other concerns previously noted by Public Works and Utilities were: the sign envelope on the east side of the driveway was a potential problem and should be eliminated; and, the drainage study needed revisions. The applicant has agreed to revise the sign envelope to ensure there is no conflict with sight distance along Old Cheney Road and to also provide a revised drainage study consistent with the Public Works review.
4. This site is near the Capitol View Corridor that extends along Highway 2 in this area. The use permit is seeking a waiver to the maximum allowed height of the district to allow a 46' tall building with a 95' tall clock tower, so staff evaluated the potential impact of these structures on the corridor. Staff conducted an on-site evaluation and found that the proposed site is at a considerably lower elevation than the area of concern, and is located south of the corridor. As a result, staff has no concerns related to impacts upon the Capitol View Corridor and finds that no further analysis of this topic is needed. Attached are the review comments from Ed Zimmer, Historic Preservation Planner.
5. A waiver to the height limit of the district is requested, along with a waiver to street trees along Highway 2. The applicant notes that the building height only exceeds the maximum height of the district by one foot, and the waiver is requested to allow a raised cornice around the top of the building. It is noted that this cornice serves to help screen mechanical appurtenances on the roof of the building such as air conditioning units, and contributes to the architectural style of the building. Staff agrees the cornice contributes to the overall design of the project, and the screening effect helps offset the impact of exceeding the height of the district by one foot.

The waiver to the height limit also includes a 95' cupola with clock tower (an 85' tall tower with a 10' spire or lightening rod). It is noted that the tower is an integral feature to the architectural design of the structure. The impact of the tower on the residences to the east is reduced by the fact that it is located on the west side of the building and it does not extend across the full width of the building. In this location, the maximum possible separation from the residences is maintained.

The waiver to street trees actually only seeks to not provide the required location and spacing of the trees along Highway 2. The applicant notes that the number of existing trees to be preserved along the highway exceeds the number required by the landscape standards. As the topography of the site is falling from east to west, staff understands that at least in part, the intent of the proposed landscape plan is to preserve a view of the building and key architectural features from the southwest in the direction of the intersection of South 56th Street and Highway 2 - an area developed with commercial and office uses. The site plan does not show the number of trees along Highway 2 that the applicant states will be provided and must be revised to indicate the specified amount. However, the design of the building should provide a positive visual effect from the vantage point of the intersection and generally serve to enhance the area. Considering that, the proposed landscape plan along Highway 2 does not present a significant negative impact.

The site is adjacent to a residential zoning district with single-family homes to the east, and the landscape plan must show adequate screening to reduce the impact of commercial development on this site. Along the east property line, the landscape plan shows most of the existing trees to remain, along with the required 90% screen for the parking areas. However, screening does not extend the length of the lot line, and additional landscaping should be shown to provide no less than a 60% screen at least 10' in height along the entire eastern property line to help provide a buffer for the residences to the east.

6. In the previous report it was noted that minor changes to the site plan were required, including: sidewalks and trails must be labeled; provide a walkway through the west parking lot; add a note stating the number of parking spaces required and provided; add a note stating the waiver to the allowed height of the district and include the heights of the building and the clock tower; and show a 5' utility easement along the west property line, and a 15' utility easement along the north and south property lines as requested by L.E.S. in their review; and changes to the landscape plan to comply with the review comments from the Parks and Recreation Department. The applicant has indicated these changes will be made to the site plan.
7. On January 23, 2002, the Planning Commission recommended approval of a request to vacate a 60' long portion of Wagon Lane that extends onto this site, on the condition that a turn-around be provided before the application is forwarded to City Council. The

requirement for a turn-around is set out in LMC Section 26.23.080, and is designed to ensure that vehicles can turn around on a dead-end street without having to use private driveways. Subsequent to the Planning Commission's consideration of the street vacation request, a final plat to create a lot for the proposed building has been submitted. Consideration of the vacation request by City Council and approval of the final plat by staff are on hold pending revisions to show the required turn-around for Wagon Lane.

As shown, the site plan does not comply with Zoning Ordinance as the required rear yard setback is not provided along that portion of the property line adjacent to Wagon Lane. In comments submitted by the applicant it is stated that a turn-around is not being provided because: Wagon Lane is not constructed; it will not be built until the surrounding area is replatted; and, that the necessary right-of-way should be acquired if and when the adjacent properties are replatted.

Wagon Lane was platted in its current configuration to allow access to this site to accommodate future development. However, the development scheme for this area has changed, and the site will not be developed residentially as originally planned. But the need to vacate a portion of Wagon Lane arises in order to accommodate this development proposal, and not as the result of any action on the part of adjacent property owners.

To be consistent with the recommendation from the Planning Commission on the proposed street vacation, there are several potential solutions including: revising the site plan to show the required 60' radius turn-around; working with adjacent property owners to provide the turn-around on their property; or, vacating all of Wagon Lane from South 62nd Street west in cooperation with the property owners to the east.

Alternately, the applicant could request that the Planning Commission reconsider the proposed Wagon Lane vacation. The intent of this reconsideration would be to have the conditions of approval modified to not require a turn-around, consistent with what is currently shown on the proposed site plan.

CONDITIONS:

For Use Permit #146

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:
 - 1.1.1 The provision for a 60' radius turn-around for Wagon Lane.
 - 1.1.2 Sidewalks and trails labeled.
 - 1.1.3 A walkway through the west parking lot.
 - 1.1.4 A note stating the number of parking spaces required and provided.
 - 1.1.5 A note stating the waiver to the allowed height of the district to include the heights of the building and the clock tower.
 - 1.1.6 A 5' utility easement along the west property line, and a 15' utility easement along the north and south property lines.
 - 1.1.7 A revised sign envelope approved by Public Works.
- 1.2 Revise the landscape plan to show:
 - 1.2.1 A minimum of a 60% landscape screen no less than 10' in height along the entire east property line.
 - 1.2.2 The 25 existing street trees along Highway 2.
 - 1.2.3 A 15% parking lot screen between Highway 2 and the adjacent parking lot.
 - 1.2.4 Street trees extended to the intersection with Highway 2 along Old Cheney Road
 - 1.2.5 Spacing among street trees of between 50' to 55' apart.
- 1.3 A revised drainage study approved by Public Works.
2. This approval permits a 60,000 square foot building to accommodate a 4,500 square foot drive-through bank and 55,500 square feet of office space with waivers to the maximum height of the district and street trees along Highway 2.

General:

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

Standard Conditions:

4. The following conditions are applicable to all requests:

- 4.1 Before occupying the building 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.
- 4.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 4.4 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.

Prepared by:

Brian Will, AICP
Planner

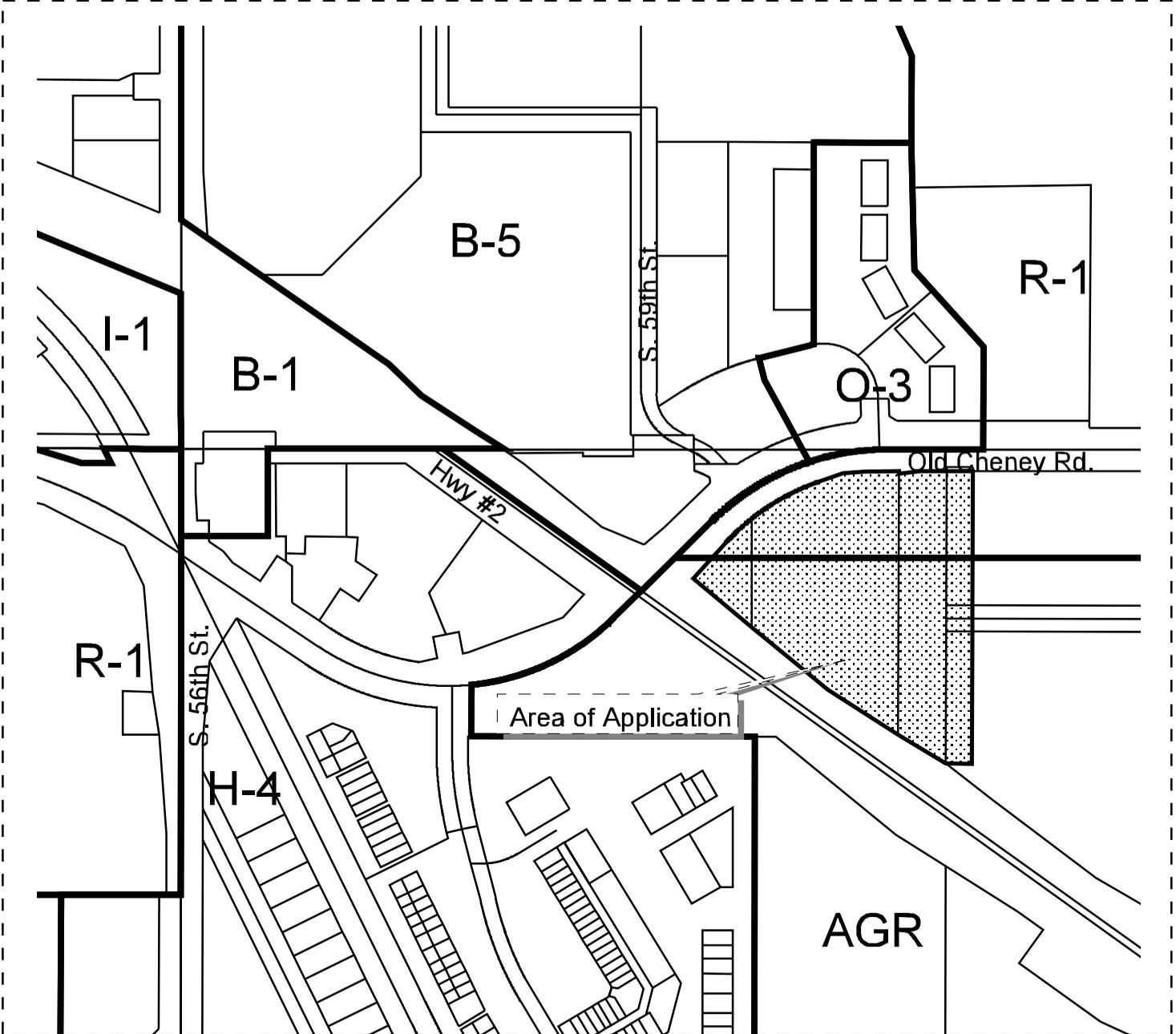


**Change of Zone #3375
Hwy #2 & Old Cheney Rd.**



Photograph Date: 1999

Lincoln City - Lancaster County Planning Dept.

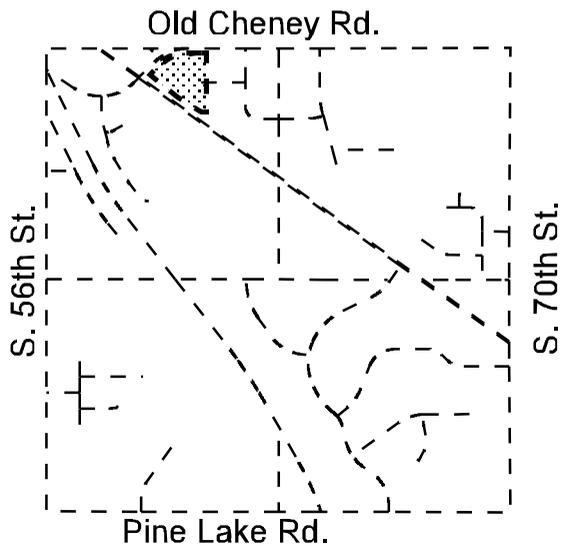


Change of Zone #3375 Hwy #2 & Old Cheney Rd.

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

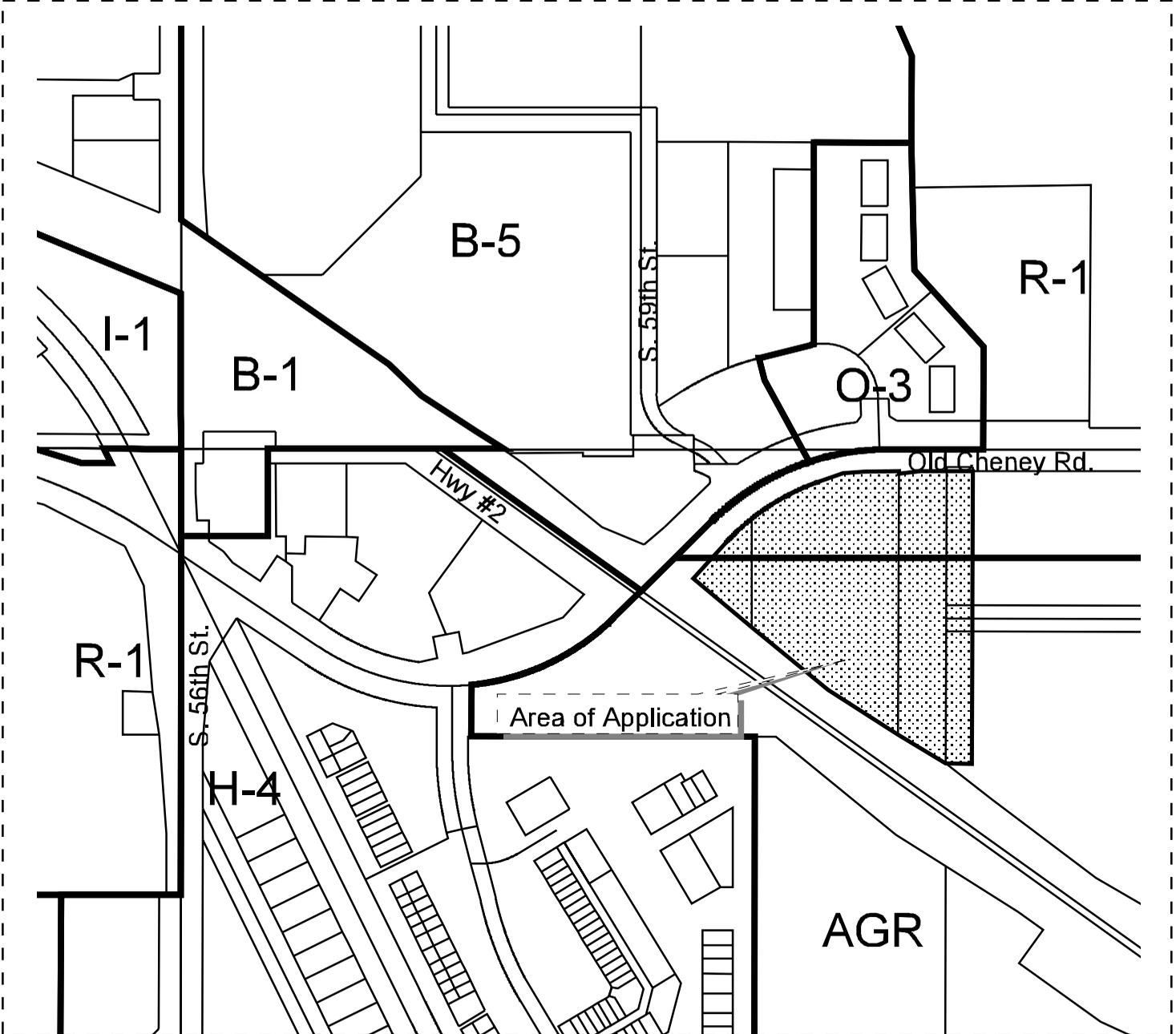
One Square Mile
Sec. 16 T9N R7E





**Use Permit #146
Hwy #2 & Old Cheney Rd.**



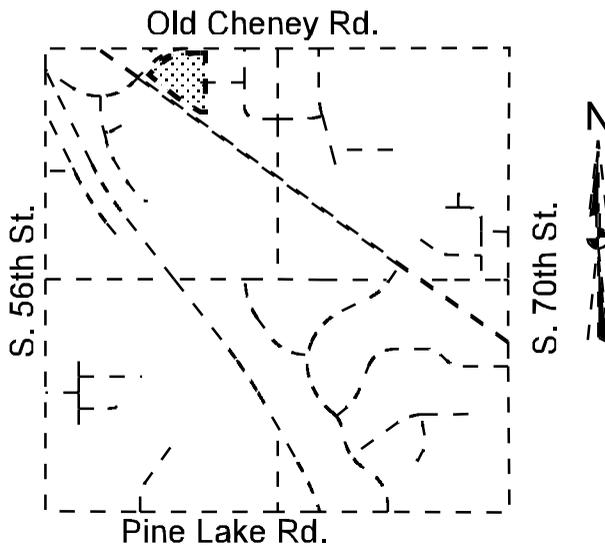


**Use Permit #146
Hwy #2 & Old Cheney Rd.**

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. 16 T9N R7E



September 20, 2002

Mr. Brian Will, AICP
City-County Planning Department
555 South 10th Street
Lincoln, NE 68508

Via e-mail: bwill@ci.lincoln.ne.us

Re: West Gate Bank; Change of Zone No. 3375, Use Permit No. 146

Dear Brian,

I am submitting this e-mail, on behalf of West Gate Bank, in response to your e-mail of September 19, 2002, to address the staff reports of September 4, 2002. Specifically, I am responding to the four items noted in your e-mail.

1. I submitted a request, on behalf of West Gate Bank, for a waiver of design standards requiring a turn-around on Wagon Lane because a) Wagon Lane is not constructed, b) Wagon Lane will not be built until the surrounding area is replatted, and c) the necessary turn-around R-O-W should be acquired if and when the area is replatted.
2. Public Works requested a breakdown of proposed uses for the building. The proposed uses are: drive-through bank; 4,500 square feet and general office; 55,500 square feet.

In addition, Public Works requested a revised drainage study and we will submit a revised study per Public Works requirements.

Finally, Public Works expressed concerns about the sign envelope on the east side of the entrance. In response, we will submit a revised site plan that shows the appropriate site distance triangles and the proposed sign envelopes.

3. We request a waiver for street trees on Highway 2 because a) we will preserve approximately 25 existing street trees on Highway 2; the design standards require 10 street trees, b) West Gate Bank has removed several trees from the site which will be replanted during construction, and c) West Gate Bank has preserved dozens of trees on the site which provide exceptional screening from adjacent properties.

We request a waiver of building height requirements for the building and clock tower/cupola because a) the building height and clock tower/cupola are key

architectural features of the Federal style displayed in this building, b) the building meets design standards and only the cornice, which is a false front that screens air-conditioning units on the roof, exceeds the height limit, and c) we desire to construct a signature building that will be a memorable gateway into Lincoln.

4. We will revise the site plan and landscape plan to address all deficiencies noted in paragraph 6 of the staff report.

I believe these responses address the issues noted in your e-mail. If you have any questions, please call me at your earliest convenience at 434-6311.

Sincerely,

Steve Miller, AICP
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
402.474.6311

cc: Carl J. Sjulín, West Gate Bank
Mark Palmer, Olsson Associates

...CITY/LANDS USE...
PLANNING DEPARTMENT

AUG 22 2002

GREEN

EXISTING BASIN BREAKDOWN

AREA #	AREA (ACRES)	WATER COURSE NUMBER	IMP. UP (ACRES)
1	11.13	1	10.96
2	8.09	11	14.13

PROPOSED BASIN BREAKDOWN

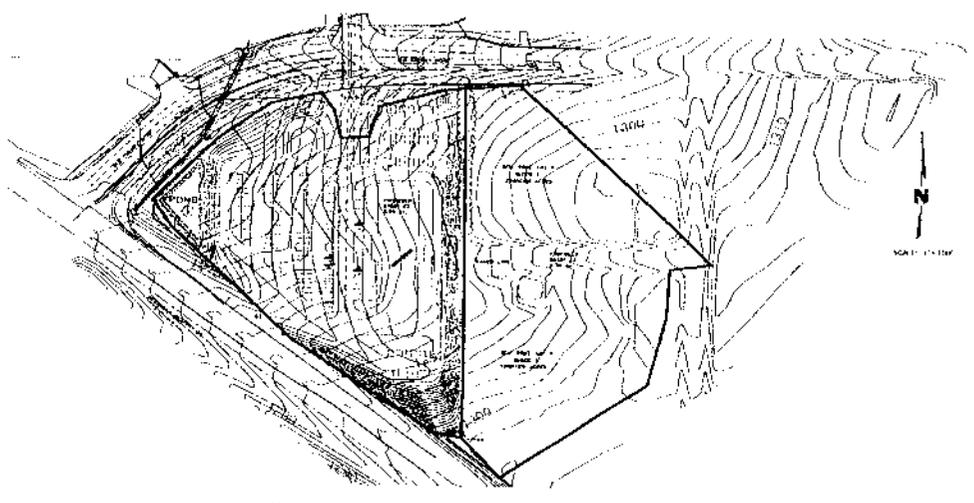
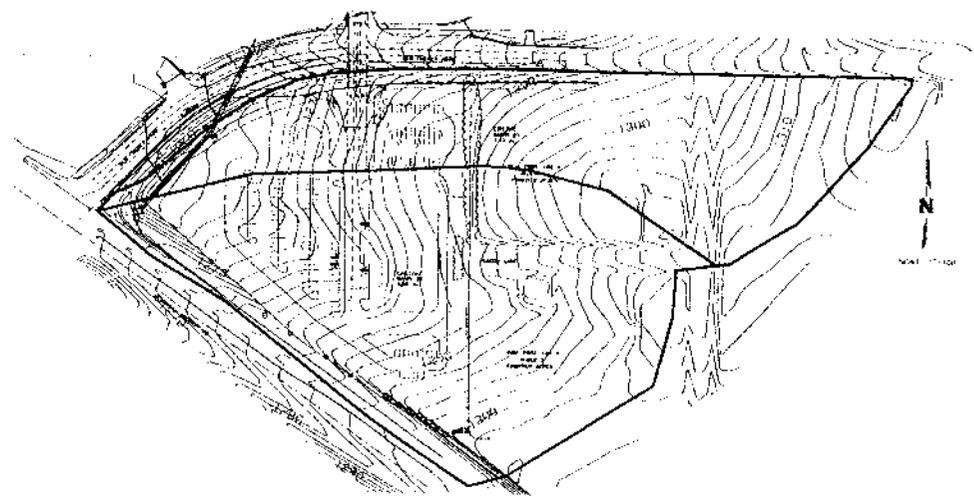
AREA #	AREA (ACRES)	WATER COURSE NUMBER	IMP. UP (ACRES)
1	2.30	1	12.51
2	6.87	11	1.74

DETENTION DATA, POND 1

STORM FREQ.	PEAK DRAINAGE (CFD)	WATER DETENTION (MIN)	WATER DEPTH (FT)	WATER VOLUME (CU FT)
2 yr	12.26	7.74	0.778	1,001.13
10 yr	15.94	10.11	0.984	1,287.77
100 yr	40.24	26.58	2.513	3,282.15

STAGE STORAGE DATA, POND 1

WATER DEPTH (FT)	AREA (SQ FT)	WATER VOLUME (CU FT)	WATER DEPTH (FT)	STORAGE (CU FT)
0	369	0.000	0.000	0.000
1	1261	5416	0.154	799
2	3263	8597	0.308	2473
3	4263	11415	0.462	4166
4	4763	13999	0.616	5859
5	4763	16713	0.770	7552



LANDSCAPE SCHEDULE

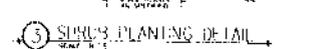
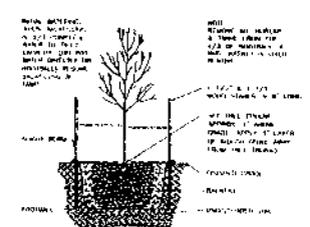
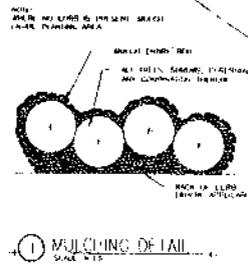
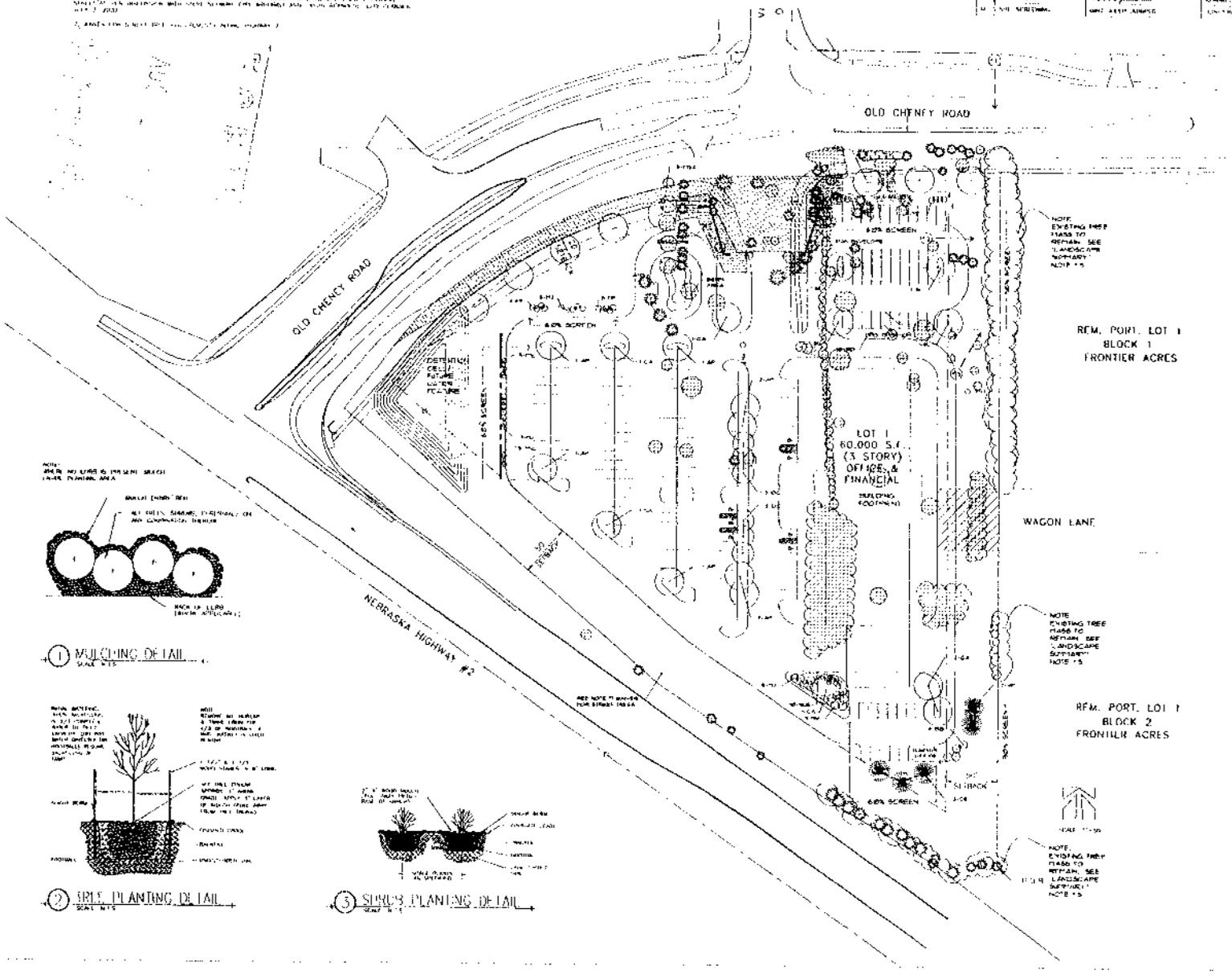
1. ALL PLANTING TO BE DONE AT THE CONCRETE CURB CURBLINE (SEE EXHIBIT 1) WITHIN THE MEAN HIGHWAY DITCH BY THE SIDE OF THE ROAD (SEE EXHIBIT 2).
2. PLANTING TO BE DONE AT THE CONCRETE CURB CURBLINE (SEE EXHIBIT 1) WITHIN THE MEAN HIGHWAY DITCH BY THE SIDE OF THE ROAD (SEE EXHIBIT 2).
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GENERAL NOTES

1. ALL PLANT MATERIAL INSTALLED SHALL BE WORKING ORDER WORKING THE EXISTING CONDITIONS.
2. ALL PLANT MATERIAL SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE LANDSCAPE SCHEDULE.
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STREET TREES & LANDSCAPE SCHEDULE

NO.	TREES	PLANTING RATE	PLANTING DATE	PLANTING METHOD	PLANTING COST				
1	STREET TREES								
2	STREET TREES								
3	STREET TREES								
4	STREET TREES								
5	STREET TREES								
6	STREET TREES								
7	STREET TREES								
8	STREET TREES								
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15	STREET TREES								
16	STREET TREES								
17	STREET TREES								
18	STREET TREES								
19	STREET TREES								
20	STREET TREES								



NOTE: EXISTING TREE TAGS TO REMAIN. SEE LANDSCAPE SCHEDULE. NOTE #5.

REM. PORT. LOT 1 BLOCK 1 FRONTIER ACRES

WAGON LANE

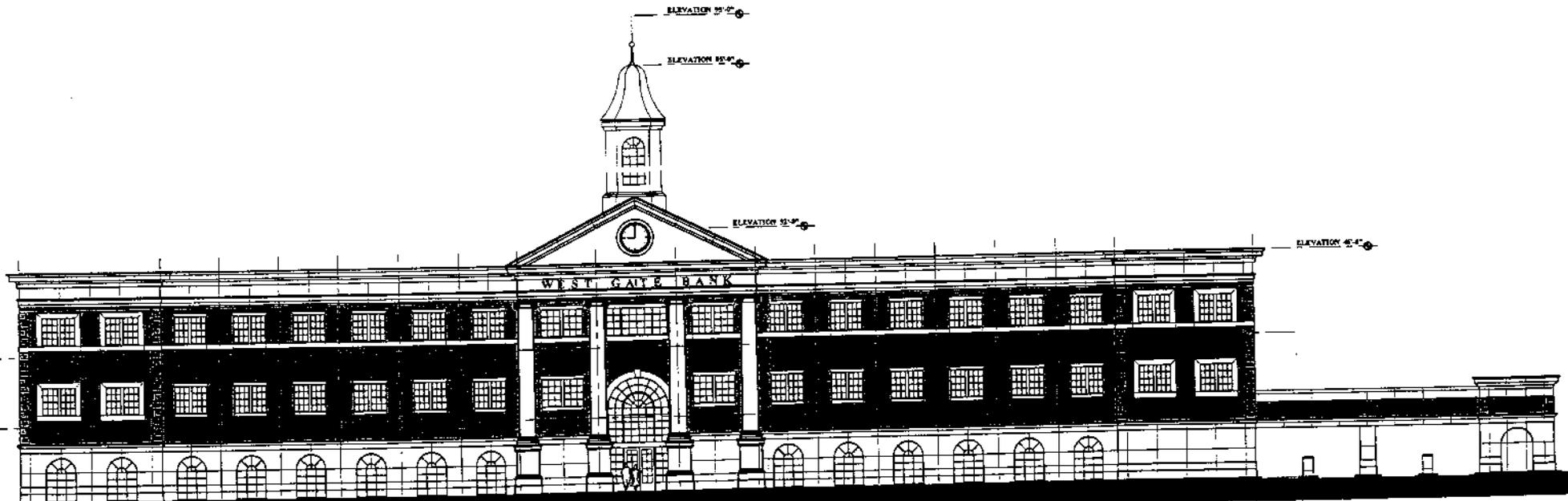
REM. PORT. LOT 1 BLOCK 2 FRONTIER ACRES

NOTE: EXISTING TREE TAGS TO REMAIN. SEE LANDSCAPE SCHEDULE. NOTE #5.

LEGEND

[Symbol]	EXISTING TREES
[Symbol]	NEW TREES TO BE PLANTED
[Symbol]	NEW SHRUBS TO BE PLANTED

OLSON ASSOCIATES
 LANDSCAPE PLAN
 WEST GATE BANK CENTER
 SHEET 4 OF 4



WEST GATE BANK CENTER-WEST ELEVATION

AUG 22 2002
LANCASTER CITY PLANNING DEPARTMENT

DAVIS
08/18/02

**LEGAL DESCRIPTION
PARCEL 1
CHANGE OF ZONE
FROM "R-1" TO "O-3"**

A LEGAL DESCRIPTION FOR CHANGE OF ZONE PURPOSES FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 157 I.T., A PORTION OF LOT 130 I.T., A PORTION OF THE REMAINING PORTION OF LOT 46 I.T., AND A PORTION OF THE REMAINING PORTION OF OUTLOT "B" FRONTIER ACRES, ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

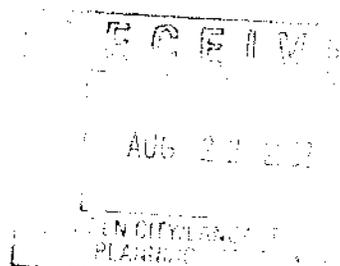
COMMENCING AT THE NORTHEAST CORNER OF THE REMAINING PORTION OF OUTLOT "B" FRONTIER ACRES, SAID POINT BEING 50.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTHWEST QUARTER, SAID POINT BEING **THE TRUE POINT OF BEGINNING**, THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 04 MINUTES 08 SECONDS WEST ALONG THE EAST LINE OF SAID REMAINING PORTION OF OUTLOT "B", A DISTANCE OF 100.00 FEET, THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ALONG A LINE LOCATED 150.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 505.66 FEET TO A POINT OF INTERSECTION WITH THE NORTHWEST LINE OF LOT 157 I.T., THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 522.96 FEET, ARC LENGTH OF 137.70 FEET, DELTA ANGLE OF 15 DEGREES 05 MINUTES 11 SECONDS, A CHORD BEARING OF NORTH 61 DEGREES 30 MINUTES 34 SECONDS EAST ALONG A NORTHWEST LINE OF SAID LOT 157 I.T., AND A NORTHWEST LINE OF LOT 130 I.T., AND A CHORD LENGTH OF 137.30 FEET TO A POINT, THENCE NORTH 75 DEGREES 43 MINUTES 38 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 130 I.T., A DISTANCE OF 41.11 FEET TO A POINT, THENCE NORTH 75 DEGREES 40 MINUTES 13 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 130 I.T., A DISTANCE OF 35.42 FEET TO A POINT, THENCE NORTH 70 DEGREES 30 MINUTES 00 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 130 I.T., A DISTANCE OF 16.05 FEET TO A POINT, THENCE NORTH 85 DEGREES 27 MINUTES 00 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 130 I.T., A DISTANCE OF 45.03 FEET TO A POINT, THENCE NORTH 89 DEGREES 31 MINUTES 04 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 130 I.T., A DISTANCE OF 80.36 FEET TO THE NORTHEAST CORNER OF SAID LOT 130 I.T., SAID POINT BEING THE NORTHWEST CORNER OF THE REMAINING PORTION OF LOT 46 I.T., THENCE NORTH 83 DEGREES 13 MINUTES 39 SECONDS EAST ALONG A NORTH LINE OF SAID REMAINING PORTION OF LOT 46 I.T., A DISTANCE OF 50.85 FEET TO A POINT, THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG A NORTH LINE OF SAID REMAINING PORTION OF LOT 46 I.T., AND THE NORTH LINE OF SAID OUTLOT "B", A

AUG 22 2002

LANCASTER CITY/LANCASTER
PLANNING DEPARTMENT

DISTANCE OF 120.07 FEET TO THE POINT OF BEGINNING, SAID TRACT
CONTAINS A CALCULATED AREA OF 39,776.63 SQUARE FEET OR 0.9131
ACRES, MORE OR LESS.

July 2, 2002 (3:00PM)
F:\Projects\20010077YPLAT\dwg\CHGR103.rtf



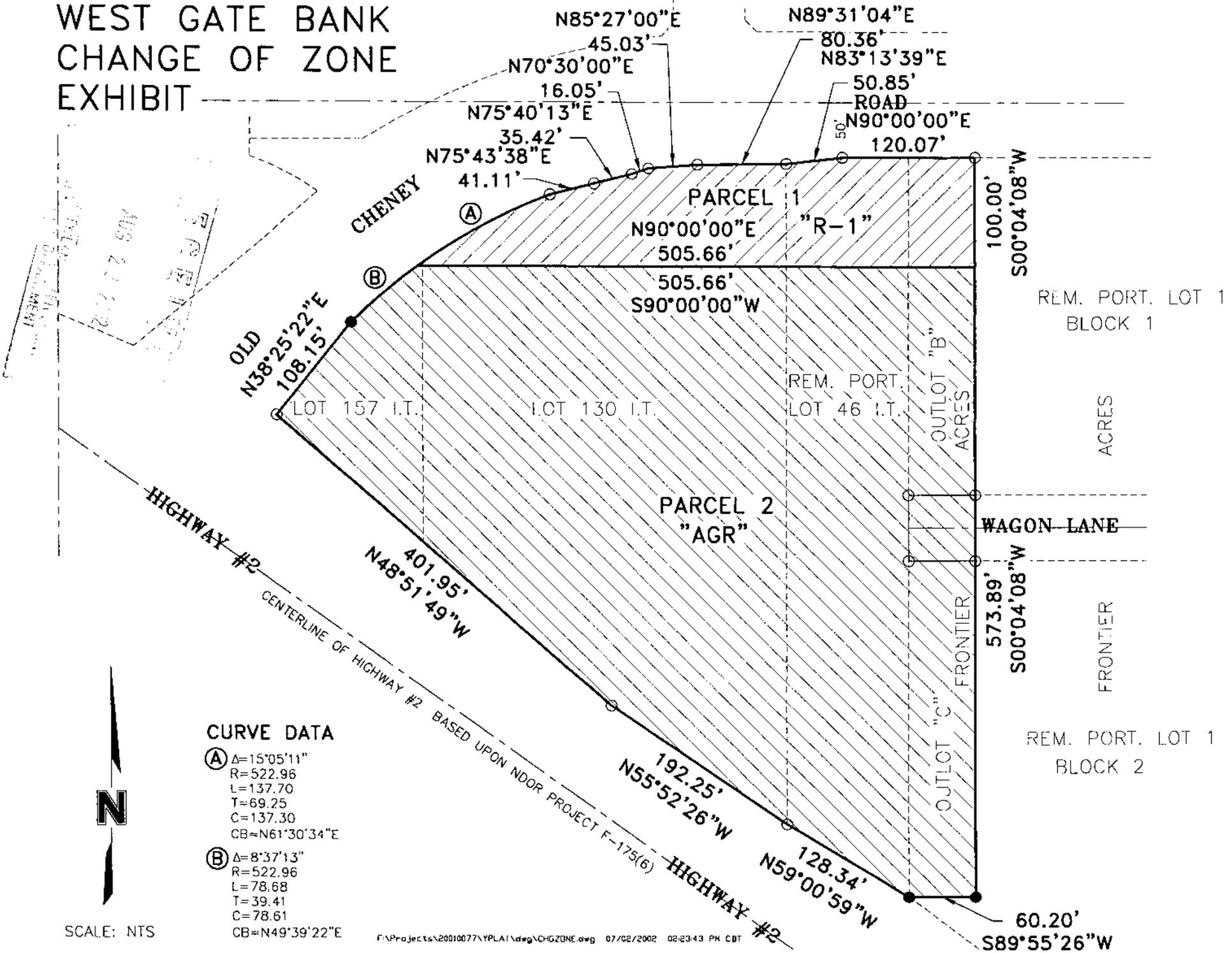
**LEGAL DESCRIPTION
PARCEL 2
CHANGE OF ZONE
FROM "AGR" TO "O-3"**

A LEGAL DESCRIPTION FOR CHANGE OF ZONE PURPOSES FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 157 I.T., A PORTION OF LOT 130 I.T., A PORTION OF THE REMAINING PORTION OF LOT 46 I.T., A PORTION OF VACATED WAGON LANE RIGHT-OF-WAY, OUTLOT "C" FRONTIER ACRES, AND A PORTION OF THE REMAINING PORTION OF OUTLOT "B" FRONTIER ACRES, ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING A POINT ON THE EAST LINE OF THE REMAINING PORTION OF OUTLOT "B" FRONTIER ACRES, SAID POINT BEING 150.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTHWEST QUARTER, SAID POINT BEING **THE TRUE POINT OF BEGINNING**, THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 04 MINUTES 08 SECONDS WEST ALONG THE EAST LINE OF SAID REMAINING PORTION OF OUTLOT "B", THE EAST LINE OF A PORTION OF VACATED WAGON LANE RIGHT-OF-WAY, AND THE EAST LINE OF OUTLOT "C" FRONTIER ACRES, DISTANCE OF 573.89 FEET TO THE SOUTHEAST CORNER OF SAID OUTLOT "C", THENCE SOUTH 89 DEGREES 55 MINUTES 26 SECONDS WEST ALONG THE SOUTH LINE OF SAID OUTLOT "C", A DISTANCE OF 60.20 FEET TO THE SOUTHWEST CORNER OF SAID OUTLOT "C", SAID POINT BEING THE SOUTHEAST CORNER OF THE REMAINING PORTION OF LOT 46 I.T., THENCE NORTH 59 DEGREES 00 MINUTES 59 SECONDS WEST ALONG A SOUTH LINE OF SAID REMAINING PORTION OF LOT 46 I.T., A DISTANCE OF 128.34 FEET TO THE SOUTHWEST CORNER OF SAID REMAINING PORTION OF LOT 46 I.T., SAID POINT BEING THE SOUTHEAST CORNER OF LOT 130 I.T., THENCE NORTH 55 DEGREES 52 MINUTES 26 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 130 I.T., A DISTANCE OF 192.25 FEET TO A POINT, THENCE NORTH 48 DEGREES 51 MINUTES 49 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 130 I.T., AND THE SOUTH LINE OF LOT 157 I.T., A DISTANCE OF 401.95 FEET TO THE WEST CORNER OF SAID LOT 157 I.T., THENCE NORTH 38 DEGREES 25 MINUTES 22 SECONDS EAST ALONG A NORTHWEST LINE OF SAID LOT 157 I.T., A DISTANCE OF 108.15 FEET TO A POINT, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 522.96 FEET, ARC LENGTH OF 78.68 FEET, DELTA ANGLE OF 08 DEGREES 37 MINUTES 13 SECONDS, A CHORD BEARING OF NORTH 49 DEGREES 39 MINUTES 22 SECONDS EAST ALONG A NORTHWEST LINE OF SAID LOT 157 I.T., AND A CHORD LENGTH OF 78.61 FEET TO A POINT, THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG A LINE LOCATED 150.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 505.66 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 239,874.83 SQUARE FEET OR 5.5068 ACRES, MORE OR LESS.

1
AUG 22 2002
LANCASTER COUNTY
PLANNING DEPARTMENT

WEST GATE BANK CHANGE OF ZONE EXHIBIT



CURVE DATA

- (A)** Δ=15°05'11"
 R=522.96
 L=137.70
 T=69.25
 C=137.30
 CB=N61°30'34"E
- (B)** Δ=8°37'13"
 R=522.96
 L=78.68
 T=39.41
 C=78.61
 CB=N49°39'22"E

SCALE: NTS

**LEGAL DESCRIPTION
USE PERMIT**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF WAGON LANE RIGHT-OF-WAY TO BE VACATED, OUTLOT "C" FRONTIER ACRES, THE REMAINING PORTION OF OUTLOT "B" FRONTIER ACRES, THE REMAINING PORTION OF LOT 46 I.T., AND LOTS 130 I.T., AND 157 I.T., ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 9 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 THE REMAINING PORTION OF OUTLOT "B" FRONTIER ACRES, SAID POINT BEING 50.00 FEET SOUTH OF THE NORTH LINE OF SAID THE NORTHWEST QUARTER OF SECTION 16, SAID POINT BEING **THE TRUE POINT OF BEGINNING**, THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 04 MINUTES 08 SECONDS WEST ALONG THE EAST LINE OF THE REMAINING PORTION OF SAID OUTLOT OUTLOT "B", THE EAST LINE OF A PORTION OF WAGON LANE RIGHT-OF-WAY TO BE VACATED, AND THE EAST LINE OF OUTLOT "C" FRONTIER ACRES, A DISTANCE OF 673.89 FEET TO THE SOUTHEAST CORNER OF SAID OUTLOT "C", THENCE SOUTH 89 DEGREES 55 MINUTES 26 SECONDS WEST ALONG THE SOUTH LINE OF SAID OUTLOT "C", A DISTANCE OF 60.20 FEET TO THE SOUTHWEST CORNER OF SAID OUTLOT "C", SAID POINT BEING THE SOUTHEAST CORNER OF THE REMAINING PORTION OF LOT 46 I.T., THENCE NORTH 59 DEGREES 00 MINUTES 59 SECONDS WEST ALONG THE SOUTH LINE OF SAID REMAINING PORTION OF LOT 46 I.T., SAID LINE BEING THE NORTH LINE OF NEBRASKA HIGHWAY NUMBER 2 RIGHT-OF-WAY, A DISTANCE OF 128.34 FEET TO THE SOUTHWEST CORNER OF SAID REMAINING PORTION OF LOT 46 I.T., SAID POINT BEING THE SOUTHEAST CORNER OF LOT 130 I.T., THENCE NORTH 55 DEGREES 52 MINUTES 26 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 130 I.T., SAID LINE BEING THE NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 192.25 FEET TO A SOUTH CORNER OF SAID LOT 130 I.T., THENCE NORTH 48 DEGREES 51 MINUTES 49 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 130 I.T., AND THE SOUTH LINE OF LOT 157 I.T., SAID LINE BEING THE NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 401.95 FEET TO THE WEST CORNER OF SAID LOT 157 I.T., THENCE NORTH 38 DEGREES 25 MINUTES 22 SECONDS EAST ALONG A NORTHWEST LINE OF SAID LOT 157 I.T., SAID LINE BEING A SOUTHEAST LINE OF OLD CHENEY ROAD RIGHT-OF-WAY, A DISTANCE OF 108.15 FEET TO A NORTHWEST CORNER OF SAID LOT 157 I.T., THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 522.96 FEET, ARC LENGTH OF 216.38 FEET, DELTA ANGLE OF 23 DEGREES 42 MINUTES 24 SECONDS, A CHORD BEARING OF NORTH 57 DEGREES 11 MINUTES 58 SECONDS EAST ALONG A NORTHWEST LINE OF SAID LOT 157 I.T., AND

AUG 22 2022

CITY LANCASTER COUNTY
PLANNING DEPARTMENT

A NORTHWEST LINE OF LOT 130 I.T., SAID LINE BEING A SOUTHEAST LINE OF SAID RIGHT-OF-WAY, AND A CHORD LENGTH OF 214.84 FEET TO A NORTH CORNER OF SAID LOT 130 I.T., THENCE NORTH 75 DEGREES 43 MINUTES 38 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 130 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 41.11 FEET TO A NORTH CORNER OF SAID LOT 130 I.T., THENCE NORTH 75 DEGREES 40 MINUTES 13 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 130 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 35.42 FEET TO A NORTH CORNER OF SAID LOT 130 I.T., THENCE NORTH 70 DEGREES 30 MINUTES 00 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 130 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 16.05 FEET TO A NORTH CORNER OF SAID LOT 130 I.T., THENCE NORTH 85 DEGREES 27 MINUTES 00 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 130 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 45.03 FEET TO A NORTH CORNER OF SAID LOT 130 I.T., THENCE NORTH 89 DEGREES 31 MINUTES 04 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 130 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 80.36 FEET TO THE NORTHEAST CORNER OF SAID LOT 130 I.T., SAID POINT BEING THE NORTHWEST CORNER OF THE REMAINING PORTION OF LOT 46 I.T., THENCE NORTH 83 DEGREES 13 MINUTES 39 SECONDS EAST ALONG A NORTH LINE OF SAID REMAINING PORTION OF LOT 46 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 50.85 FEET TO A NORTH CORNER OF SAID REMAINING PORTION OF LOT 46 I.T., THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE NORTH LINE OF SAID REMAINING PORTION OF LOT 46 I.T., AND THE NORTH LINE OF THE REMAINING PORTION OF OUTLOT "B" FRONTIER ACRES, SAID LINE BEING THE SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 120.07 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 279,651.45 SQUARE FEET OR 6.42 ACRES, MORE OR LESS.

JUNE 25, 2002 (4:24PM)

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PLAT
JUN 22 2002
COUNTY OF...
LAND DEPARTMENT



OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

August 22, 2002

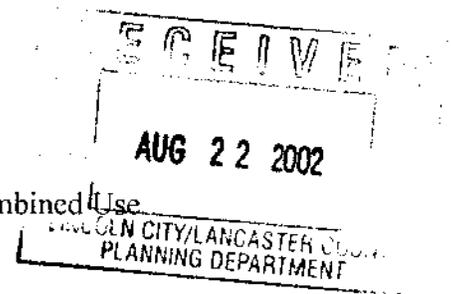
Mr. Mike DeKalb
Interim Planning Director
City-County Planning Department
555 South 10th Street
Lincoln, NE 68508

Re: West Gate Bank, Application for Change of Zone & Combined Use
Permit/Special Permit
OA Project No. 2002.0690

Dear Mr. DeKalb,

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

1. Site Plan, Sheet 1; 21 copies
2. Existing and Proposed Drainage Basins, Sheet 2; 6 copies
3. Grading and Drainage Plan, Sheet 3; 6 copies
4. Landscape Plan, Sheet 4; 6 copies
5. Building Elevation; 21 copies
6. City of Lincoln Zoning Application; "Change of Zone" & "Combined Use Permit/Special Permit"
7. Filing fee for "Change of Zone"; \$290.00
8. Filing fee for "Combined Use Permit/Special Permit"; \$975.00
9. Certificate of Ownership
10. 8.5" x 11" Reduced Drawings of the Site Plan



On behalf of the Owner(s), Carl J. Sjulín, David H. Sjulín, and Kathryn Sjulín Lonowski, we are requesting a "Change of Zone" from AG Agriculture District and AGR Agriculture Residential District to O-3 Office Park District and a "Combined Use Permit/Special Permit" to allow a "Bank and Office Building" with an ornamental tower on property located in the Northwest Quarter of Section 16, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska.

The following Design Waivers are being requested and appear on the enclosed information:

1. To exceed the maximum height permitted within the O-3 Office Park District (see enclosed Building Elevation).
2. To waive the street trees required along Highway 2 (see enclosed Landscape Plan).

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

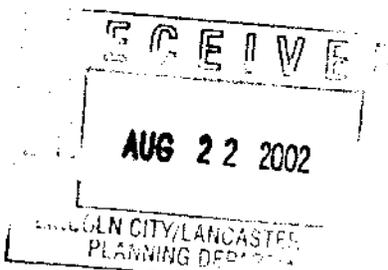
Sincerely,



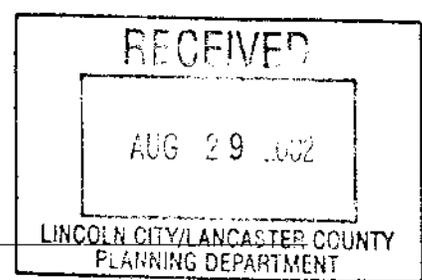
Steve Miller, AICP
Olsson Associates

Attachments

cc: Carl Sjulín



Memorandum



To: Brian Will, Planning

From: Dennis Bartels, Public Works and Utilities

Subject: Westgate Bank Center, Vandervoort and Old Cheney

Date: August 28, 2002

cc: Randy Hoskins
Nicole Fleck-Tooze
Virendra Singh
Jim Visger

Engineering Services has reviewed the proposed bank and office building located between Old Cheney and Highway 2 at Vandervoort Drive and has the following comments:

1. When this site was discussed in relation to commercial uses, a traffic study was prepared. This study indicated land use of a 4,500 square feet drive thru and 5,000 square feet of office. Public Works approval of the median opening and construction of the street improvements being built with the Old Cheney widening. The application is for 60,000 square feet of office and a bank with no break down of size and uses. Public Works requests a break down of the uses and a revised traffic study based upon the proposed uses to ascertain whether the proposed use generates similar traffic.
2. The proposed sign envelope on the west side of the driveway is a potential problem. A 25 foot triangle at the west side of the driveway should be eliminated from the sign envelope.
3. Water and sewer service can be provided from the existing mains in Old Cheney Road. The lot will be required to pay a connection fee at the time of application for a water connection.
4. The drainage study shows use of a 5 year design storm intensity. Design standards require a 10 year design storm. The detention calculations show the 2 year past development exceeding the pre-development flows by nearly 45%. This is contrary to design standards. Runoff coefficients are shown as 0.4. Higher coefficients should be used for drainage areas that are predominately paved or roof tops. Curve numbers for the drainage basins east of this development appear inconsistent between the existing and proposed basin calculations. Some of the drainage for storms larger than the pipe design will not flow to the detention facility.
5. The vacation and termination of Wagon Lane, as a dead-end street with no turn-around, is unsatisfactory. Providing a standard turn-around was required by Public Works as a condition of this vacation. This condition has not been addressed with this special permit or with the proposed vacation.



August 9, 2002

Lincoln City/Lancaster County
Planning Commission
Lincoln, Nebraska 68508

RE: Vacating the West 60.15 Feet of Wagon Lane from the South Line of Outlot B to the North Line of Outlot C in Frontier Acres.

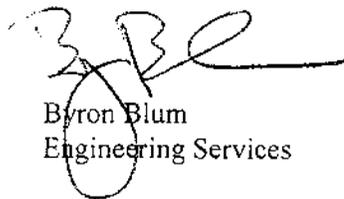
Dear Ladies and Gentlemen:

The Department of Public Works and Utilities has received sufficient and proper petitions from Carl Sjulín, David Sjulín, and Kathryn Sjulín Lonowski, owners of Lot 46 Irregular Tract located in the northwest quarter of Section 16, Township 9 North, Range 7 East, Lancaster County, Nebraska, and Outlots B and C Frontier Acres, to vacate the above described public right-of-way. Petitioner is requesting this vacation in order to develop the adjacent lots

There are no existing utilities in this area. Potential easements would be requested at time of redevelopment of adjoining lots.

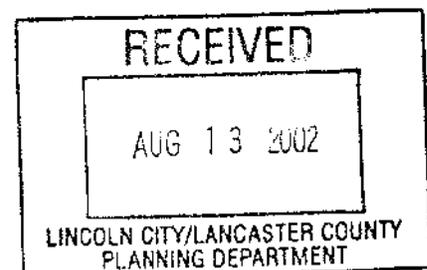
The City of Lincoln Land Subdivision ordinance requires that dead-end streets be terminated with a cul-de-sac. The original intent of the platted street was to extend it west into the adjoining property. The proposed land use may not make this extension desirable. The vacation will require a subdivision to provide access to the outlot south of Wagon Lane. The re-platting needs to provide a permanent cul-de-sac termination in accordance with subdivision requirements. Approval of this vacation should not take place until that time the petitioner has submitted a plat to create the required turnaround. This vacation contains an area of 3,609 square feet, more or less.

Sincerely,



Byron Blum
Engineering Services

cc: Mayor Wesely
Allan Abbott
Marvin Krout
Marc Wullschleger
Roger Figard
Nicole Fleck-Tooze
Joan Ross
Clint Thomas
Dana Roper



Wagon Ln Vac Ltr idm.wpd



"PAMELA WILL"
<bjwill59@msn.com
>

To: BWill@ci.lincoln.ne.us
cc:
Subject: Fwd: West Gate Bank

09/08/2002 05:45 PM

>From: EZimmer@ci.lincoln.ne.us
>To: bjwill59@msn.com
>Subject: West Gate Bank
>Date: Fri, 6 Sep 2002 09:58:53 -0500

>
>Brian,

>
>I asked Cindy to map the Capitol View Corridor in the vicinity of the West
>Gate Bank application at Highway 2 and Old Cheney Road, which showed the
>significant vistas somewhat north of the site. On that basis I
>field-checked the views, which occur southeast of the site, especially for
>"in-bound" traffic on Highway 2 for about a half mile east and west of
>84th. The subject property is considerably lower and well south of the
>area I am concerned about as a major Capitol View Corridor, so in my
>opinion no further analysis of this topic will be needed to give them a
>"clean bill of health" on Environs matters.

>
>Ed

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<http://www.hotmail.com>



Memo

To: Brian Will, Planning Department
From: Mark Canney, Parks & Recreation
Date: September 9, 2002
Re: West Gate Bank Use Permit 146 CZ3375

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

1. Please provide street trees along Highway 2.
2. Parking lot screen needs to be provided between parking lot and Highway 2.
3. Street trees need to be extended all the way to the intersection.
4. Spacing of street trees should be at 50' – 55' between trees.

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: September 3, 2002

DEPARTMENT: Planning

FROM: Chris Schroeder
Jerry Hood

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Bruce Dart, Director
EH File
EH Administration

SUBJECT: West Gate Bank
CZ #3375, UP #146

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed West Gate Bank with the following noted:

- Sewage disposal is proposed to be the City of Lincoln municipal collection system.
- Water supply is proposed to be the City of Lincoln municipal water system.
- 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.

Lincoln's Anticipated Year 2015
Service Limit

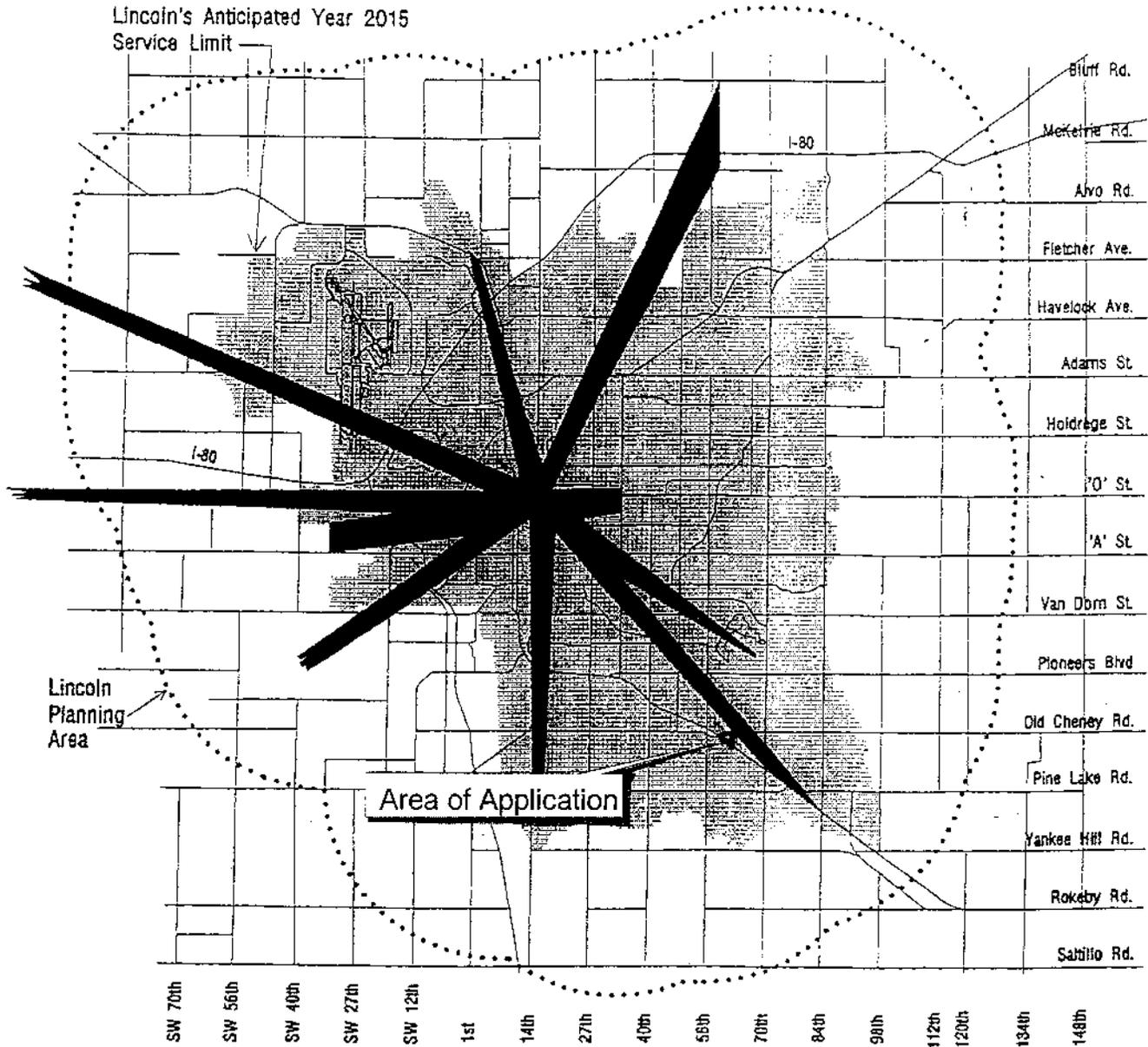


Figure 62

*Capitol View Corridors:
City Perspective*



**Lincoln City/Lancaster County
Comprehensive Plan**



Capitol View Corridor