

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Morning Glory Estates
Use Permit #128A

DATE: October 18, 2001

PROPOSAL: This is an amendment to the Use Permit #128A for Morning Glory Estates to correct a survey error.

LAND AREA: 22.84 acres

CONCLUSION: This application conforms to the Comprehensive Plan.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: The remaining portions of Lots 93 and 94, Irregular Tracts located in the southwest quarter of Section 14, T10N, R7E, Lancaster County Nebraska and more particularly described in the attached sheet.

LOCATION: Northeast corner of N. 84th & Holdrege Streets

APPLICANT: Holdrege Investors, LLC
(Don Linscott contact)
5101 Central Park Drive, Ste 100
Lincoln, NE 68504
(402) 467-1234

University Park Congregation of
Jehovah's Witnesses, Inc
1900 N. 84th St.
Lincoln, NE 68505

OWNER: Same

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

EXISTING ZONING: B-2, Planned Business District and O-3, Office Park District.

EXISTING LAND USE: Agricultural and Church

SURROUNDING LAND USE AND ZONING:

North:	Undeveloped and agriculture	AG, Agriculture
South:	Fire station and Church	O-3, Office Park District, AG
East:	Agricultural, acreages and church	AG
West:	Commercial uses	B-2, Planned Neighborhood District and H-4, General Commercial District

ASSOCIATED APPLICATIONS: Special Permit #1839A, Morning Glory Estates, Change of Zone #3343.

HISTORY: The N. 84th Street Subarea Plan was approved in 1998 showing this area for commercial and residential developments.

On **July 30, 2001**, City Council approved annexation #00006, Preliminary Plat #00011, Special Permit #1839 for 269 dwelling units, Use Permit #128 for 153,000 square feet of office and commercial floor area, and Change of Zone #3255 from AG to R-3, R-4, B-2 and O-3.

COMPREHENSIVE PLAN SPECIFICATIONS: Shown for commercial and urban residential uses in the Comprehensive Plan.

UTILITIES: Available

TRAFFIC ANALYSIS: 84th Street is classified as an urban principal arterial and Holdrege Street is classified as a local street in the Comprehensive Plan.

ANALYSIS:

1. This is a request to amend the use permit to correct a survey error only. The use permit allows 153,000 square feet of office/commercial uses.
2. The Police Department has no objections to this request.
3. The Public Works & Utilities Department has no objections to this request.

4. The Lincoln Electric System requests to change the 10-foot easement along Holdrege Street and the east line in Block 4 to a 15-foot easement. LES also requests two notes be added to the site plan regarding construction or grade changes in LES transmission lines easement corridors and landscaping material selections within easement corridors.

CONDITIONS:

Site Specific:

1. This approval permits 153,000 square feet of office/commercial floor area.

General:

2. Before receiving building permits:

- 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.

- 2.1.1 A revised site plan showing the following revisions:

2.1.1.1 The correct boundary and survey data.

2.1.1.2 Clearly identified lot lines in the Use Permit area.

2.1.1.3 That parking in the front yard is not waived.

2.1.1.4 Clearly identified street names on the plan.

2.1.1.5 Updated information in General Note #9, the addition of 11 dwelling units causes this note to be outdated.

2.1.1.6 A note indicating that islands in North 86th Street will be privately maintained.

2.1.1.7 Revised LES easements from 10-foot along Holdrege Street and the east line in Block 4 to 15-foot easements.

2.1.1.8 A signed Engineer's Certificate.

- 2.1.1.9 A revised General Note #26 to indicate the correct reference to the Subdivision Ordinance. The commercial lots do not qualify under this section.
 - 2.1.1.10 A revised General Note #29 to include duplex lots.
 - 2.1.1.11 The septic tank referred to in General Note #37 on the plan.
 - 2.1.1.12 A note indicating that 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.
 - 2.1.1.13 A note indicating that landscaping material selections within easement corridors shall follow established guidelines to maintain minimum clearance from utility facilities.
- 2.1.2 A permanent reproducible final site plan, including 5 copies, as approved.
- 2.2 The construction plans comply with the approved plans.
- 2.3 Final plats are approved by the City.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:
- 3.1 Before occupying this use permit all development and construction is to comply with the approved plans.
 - 3.2 All privately-owned improvements, including landscaping, are to be permanently maintained by the owner or an appropriately established association approved by the City.
 - 3.3 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.

- 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 3.5 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.
4. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Becky Horner
Planner

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Leighton Ave.

N. 84th St.

Area of Application

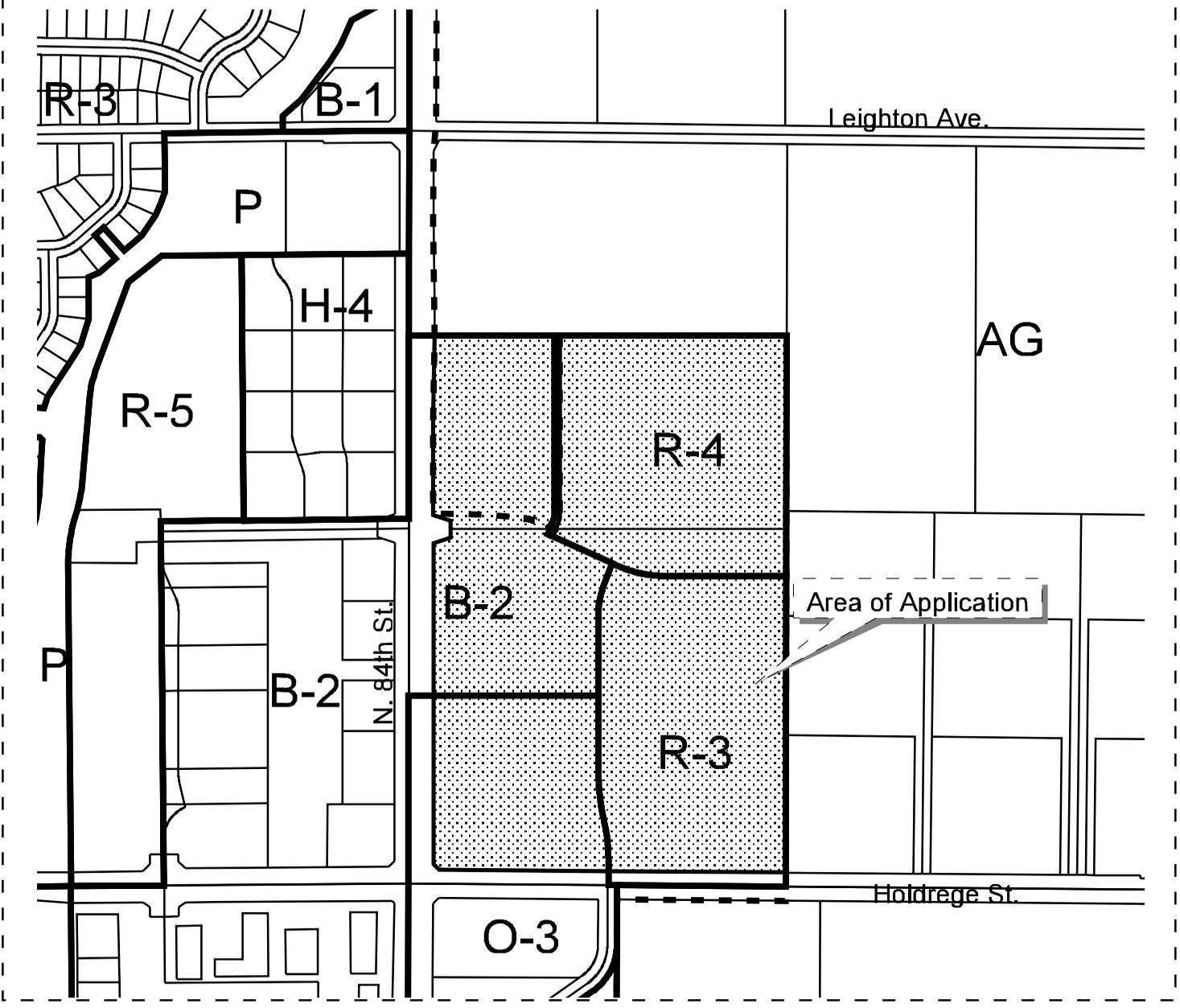
Holdrege St.

**Use Permit #128A
N. 84th & Holdrege St.**



Photograph Date: 1997

Lincoln City - Lancaster County Planning Dept.

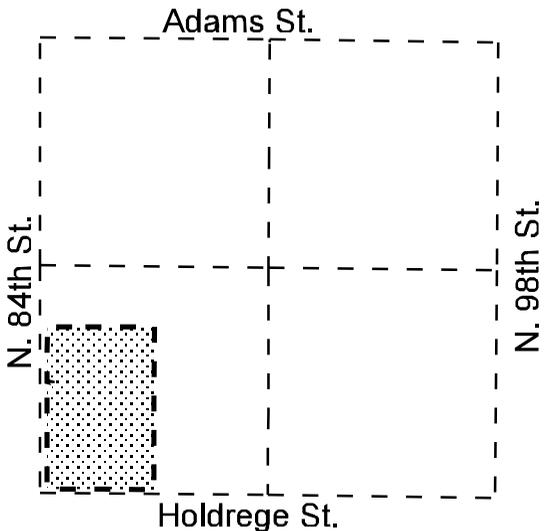


**Use Permit #128A
N. 84th & Holdrege St.**

Zoning:

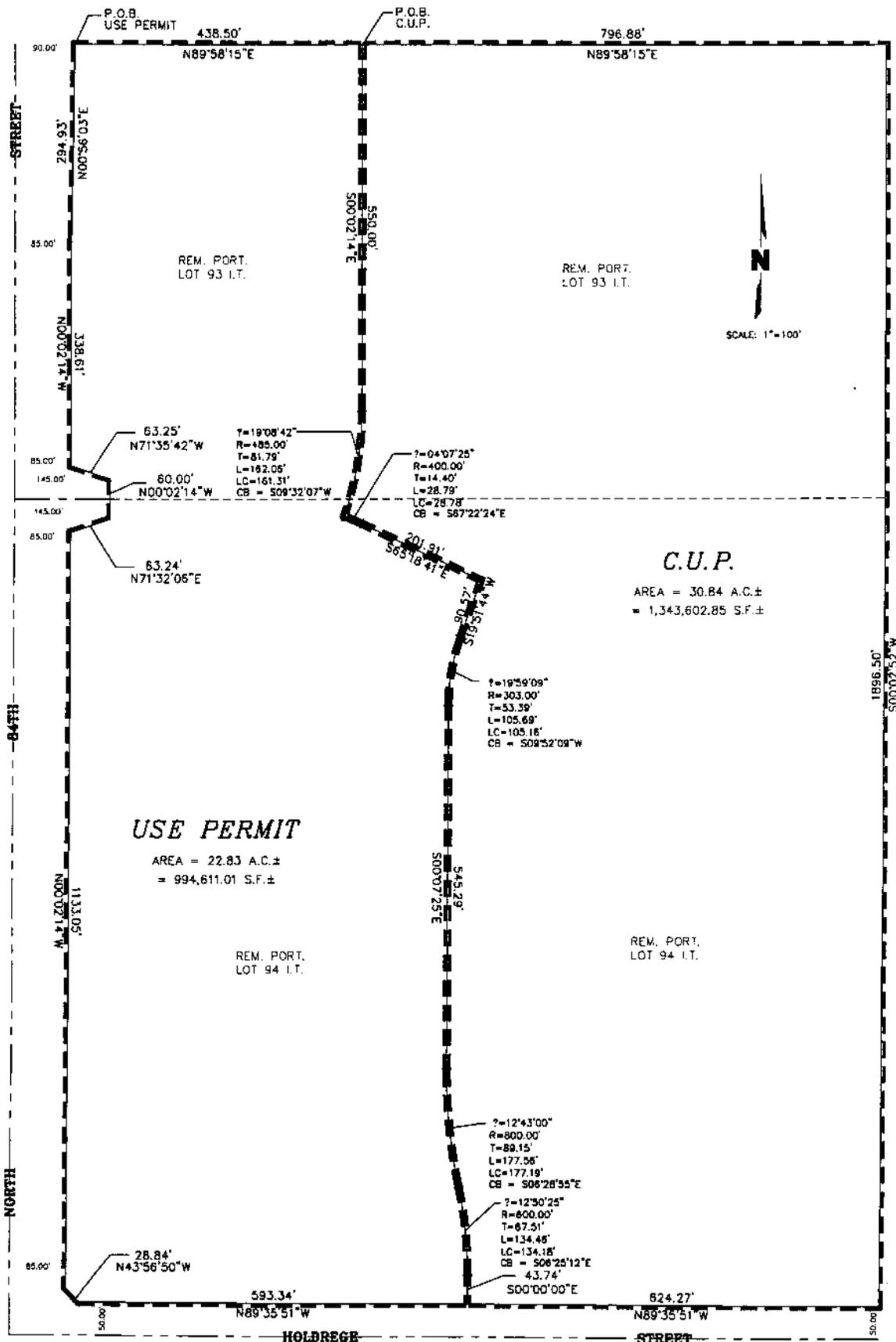
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned 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. 14 T10N R7E



Sheet ___ of ___
Date: _____

USE PERMIT & C.U.P.



**LEGAL DESCRIPTION
USE PERMIT**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF THE REMAINING PORTION OF LOTS 93 I.T., AND 94 I.T., ALL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 10 NORTH , RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE REMAINING PORTION OF LOT 93 I.T., THENCE ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 58 MINUTES 15 SECONDS EAST ALONG THE NORTH LINE OF SAID REMAINING PORTION OF SAID LOT 93 I.T., A DISTANCE OF 438.50 FEET TO A POINT; THENCE SOUTH 00 DEGREES 02 MINUTES 14 SECONDS EAST, A DISTANCE OF 550.00 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 485.00 FEET, ARC LENGTH OF 162.06 FEET, DELTA ANGLE OF 19 DEGREES 08 MINUTES 42 SECONDS, A CHORD BEARING OF SOUTH 09 DEGREES 32 MINUTES 07 SECONDS WEST, AND A CHORD LENGTH OF 161.31 FEET TO A POINT; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 400.00 FEET, ARC LENGTH OF 28.79 FEET, DELTA ANGLE OF 04 DEGREES 07 MINUTES 25 SECONDS, A CHORD BEARING OF SOUTH 67 DEGREES 22 MINUTES 24 SECONDS EAST, AND A CHORD LENGTH OF 28.78 FEET TO A POINT OF TANGENCY; THENCE SOUTH 65 DEGREES 18 MINUTES 41 SECONDS EAST, A DISTANCE OF 201.91 FEET TO A POINT; THENCE SOUTH 19 DEGREES 51 MINUTES 44 SECONDS WEST, A DISTANCE OF 90.57 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER-CLOCKWISE DIRECTION HAVING A RADIUS OF 303.00 FET, ARC LENGTH OF 105.69 FEET, DELTA ANGLE OF 19 DEGREES 59 MINUTES 09 SECONDS, A CHORD BEARING OF SOUTH 09 DEGREES 52 MINUTES 09 SECONDS WEST, A CHORD LENGTH OF 105.16 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00 DEGREES 07 MINUTES 25 SECONDS EAST, A DISTANCE OF 545.29 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER-CLOCKWISE DIRECTION HAVING A RADIUS OF 800.00 FEET, ARC LENGTH OF 177.56, DELTA ANGLE OF 12 DEGREES 43 MINUTES 00 SECONDS, A CHORD BEARING OF SOUTH 06 DEGREES 28 MINUTES 55 SECONDS EAST, AND A CHORD LENGTH OF 177.19 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 600.00 FEET, ARC LENGTH OF 134.46 FEET, DELTA ANGLE OF 12 DEGREES 50 MINUTES 25 SECONDS, A CHORD BEARING OF SOUTH 06 DEGREES 25 MINUTES 12 SECONDS EAST, AND A CHORD LENGTH 134.18 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 43.74 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID REMAINING PORTION OF LOT 94 I.T.; THENCE NORTH 89 DEGREES 35 MINUTES 51 SECONDS WEST ALONG THE SOUTH LINE OF SAID REMAINING PORTION OF LOT 94 I.T., SAID LINE OF SAID BEING 50.00

FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 593.34 FEET TO A SOUTHWEST CORNER OF SAID REMAINING PORTION OF LOT 94 I.T.; THENCE NORTH 43 DEGREES 56 MINUTES 50 SECONDS WEST ALONG A SOUTHWEST LINE OF SAID REMAINING PORTION OF LOT 94 I.T., A DISTANCE OF 28.84 FEET TO A SOUTHWEST CORNER OF SAID REMAINING PORTION OF LOT 94 I.T.; THENCE NORTH 00 DEGREES 02 MINUTES 14 SECONDS WEST ALONG THE WEST LINE OF SAID REMAINING PORTION OF LOT 94 I.T., SAID LINE BEING 85.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1133.05 FEET TO A NORTHWEST CORNER OF SAID REMAINING PORTION OF LOT 94 I.T.; THENCE NORTH 71 DEGREES 32 MINUTES 06 SECONDS EAST ALONG A NORTHWEST LINE OF SAID REMAINING PORTION OF LOT 94 I.T., A DISTANCE OF 63.24 FEET TO A NORTH CORNER OF SAID REMAINING PORTION OF LOT 94 I.T.; THENCE NORTH 00 DEGREES 02 MINUTES 14 SECONDS WEST ALONG THE WEST LINE OF SAID REMAINING PORTION OF LOTS 93 I.T., AND 94 I.T., A DISTANCE OF 60.00 FEET TO A SOUTH CORNER OF SAID REMAINING PORTION OF LOT 93 I.T.; THENCE NORTH 71 DEGREES 35 MINUTES 42 SECONDS WEST ALONG A SOUTHWEST LINE OF SAID REMAINING PORTION OF LOT 93 I.T., A DISTANCE OF 63.25 FEET TO A SOUTHWEST CORNER OF SAID REMAINING PORTION OF LOT 93 I.T.; THENCE NORTH 00 DEGREES 02 MINUTES 14 SECONDS WEST ALONG THE WEST LINE OF SAID REMAINING PORTION OF LOT 93 I.T., SAID LINE BEING 85.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 338.61 FEET TO A POINT OF DEFECTION, THENCE NORTH 00 DEGREES 56 MINUTES 03 SECONDS EAST ALONG THE WEST LINE OF SAID REMAINING PORTION OF LOT 93 I.T., A DISTANCE OF 294.93 FEET TO THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 22.83 ACRES, OR 994,611.01 SQUARE FEET MORE OF LESS.

July 10, 2001 (11:06AM)

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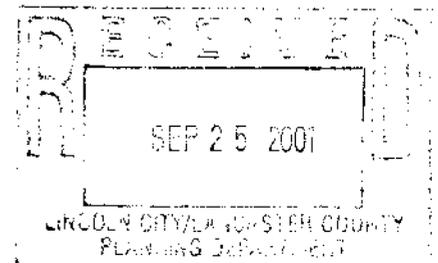


OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

21 September 2001

Ms. Kathleen Sellman
Planning Department
County-City Building
555 South 10th Street
Lincoln, NE 68508

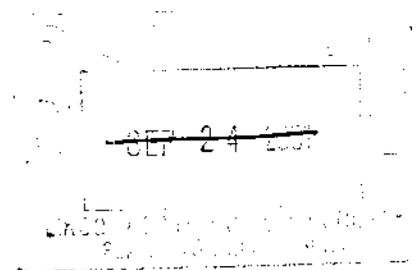
Re: Morning Glory Estates - Amendment to the CUP #1839
and Use Permit #128
OA Project No. 2001-0483



Dear Steve:

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

1. 21 copies of the Site Plan.
2. 5 copies of the Drainage and Grading Plan.
3. 5 copies of the Street Profiles.
4. 6 copies of the Landscape Plan.
5. 1 copy of the Special Permit Application.
6. 1 copy of the Use Permit Application.
7. 1 copy of the Change of Zone Application and exhibits.
8. 1 copy of the Ownership Certificate.
9. \$1365 Submittal Fee.



On behalf of the Owners/Developers, Holdrege Investors, LLC, Mr. Don Linscott, 5101 Central Park Dr., Suite 100, Lincoln, NE 68504, Phone (402) 467-1234 and University Park Congregation of Jehovah's Witnesses, Inc., 1900 North 84th St., Lincoln, NE 68505, we are requesting an amendment to the existing Community Unit Plan and Use Permit. The following modifications and revisions have been made and are being requested:

1. Boundary revised to centerline of private roadway North 86th Street, North of Lexington Avenue.
2. Duplex units added to Blocks 4 and 5, resulting in a net increase of 11 lots.

Ms. Kathleen Sellman
Page Two
21 September 2001

If you have any questions or require further information, please call.

Sincerely,

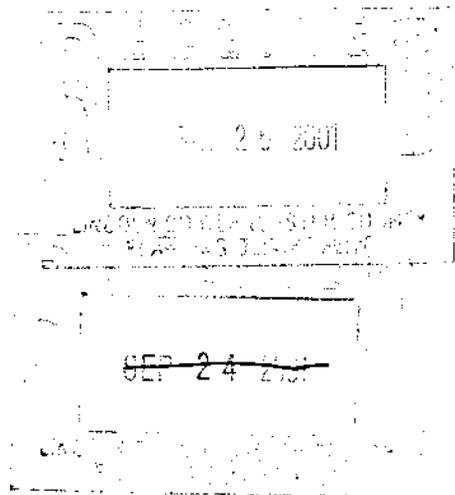


Kim Jones

Enclosures

cc:

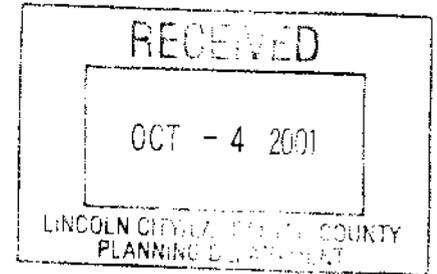
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October 2, 2001

Becky Horner
City-County Planning Department
555 So 10 St
Lincoln NE 68508-3992



SUBJECT: Morning Glory Estates

Becky,

I have reviewed the above-mentioned request.

I find no concerns on behalf of the United States Postal Service and would agree with this proposal as submitted.

Please feel free to call me with any questions.

Thank you,

A handwritten signature in cursive script that reads "David L. Wampler".

David L. Wampler
Acting Supv. Customer Service Support



MICHAEL WOOLMAN
<lpd737@CJIS.CI.LIN
COLN.NE.US >

10/01/2001 09:41
AM

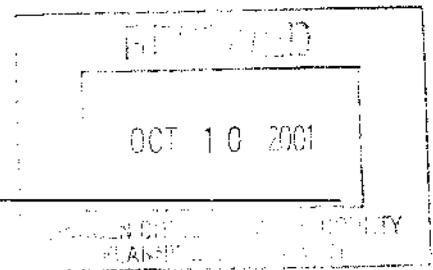
To: R Horner <RHorner@ci.lincoln.ne.us >
cc:
Subject: Morning Glory Estates

Becky,

The Lincoln Police Department has no objections to the Morning Glory Estates request.

Michael S. Woolman
Planning Sergeant
Lincoln Police Department

Memorandum



To: Becky Horner, Planning Department

From: Charles W. Baker, Public Works and Utilities *Buff*

Subject: Morning Glory Estates Special Permit # 1839A to Use Permit # 143

Date: October 9, 2001

cc: Roger Figard
Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the site plan for the proposed changes of the boundary location to the centerline of North 86th Street and the addition of the duplex lots in Blocks 4 & 5, Morning Glory Estates, located at North 86th and Holdrege Streets. Public Works has no objection and finds the revisions satisfactory.



INTER-DEPARTMENT COMMUNICATION

DATE October 11, 2001

TO Becky Horner, City Planning

FROM Sharon Theobald
(Ext. 7640)

SUBJECT DEDICATED EASEMENTS
DN #18N-86E

Attached is the Amendment to the C.U.P. and Use Permit for Morning Glory Estates.

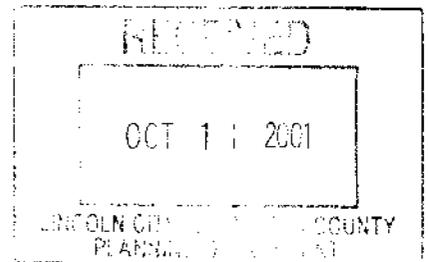
In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require blanket utility easements, over the outlots. Also, please change the 10 ft. easement along Holdrege St., and the east line in Block 4 to a 15 ft. easement.

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.



ST/ss
Attachment
c: Terry Wiebke
Easement File