City Council Introduction: March 23, 2015
Public Hearing: April 6, 2015

Bill No. 15R-65

FACTSHEET

TITLE: **USE PERMIT NO. 15005**
(Firethorn: South 84th & Van Dorn Streets)

BOARD/COMMITTEE: Planning Commission

APPLICANT: FT Development II, Inc.

RECOMMENDATION: Conditional Approval, (8-0: Sunderman, Harris, Beecham, Cornelius, Hove, Scheer, Corr and Lust voting 'yes'; Weber absent).

STAFF RECOMMENDATION: Conditional Approval.

OTHER DEPARTMENTS AFFECTED: N/A

SPONSOR: Planning Department

OPPONENTS: None

REASON FOR LEGISLATION: To allow approximately 225,000 square feet of office floor area, with a waiver to setbacks, on property generally located at South 84th Street and Van Dorn Street.

DISCUSSION/FINDINGS OF FACT:

1. This use permit is associated with Annexation No. 15003 (Bill #15-51) and Change of Zone No. 15005 (Bill #15-52), were heard at the same time before the Planning Commission, along with Special Permit No. 872H, and Use Permit No. 107D.

2. The purpose of this use permit is to allow a 225,000 square foot office park, that could alternately be developed as a 150-unit apartment complex.

3. The staff recommendation of conditional approval is upon the "Analysis" as set forth on p.4 for conditional approval as set forth on p. 5-6 and the City Council approval of Annexation No. 15003 (Bill #15-51) and Change of Zone No. 15005 (Bill #15-52).

4. On March 18, 2015, this application appeared on the Agenda of the Planning Commission and was opened for public hearing. The applicant's representatives came forward to speak, which is found on p.7-9. There was no testimony in opposition.

5. On March 18, 2015, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval of this use permit, subject to the conditions identified on p. 4-5.

6. On March 18, 2015, the Planning Commission also voted 8-0 to recommend approval of the associated Annexation No. 15003 (Bill #15-51); voted 8-0 to adopt Change of Zone No. 15005 to from AGR to R-1; voted 8-0 to adopt Resolution No. PC-01440 approving Special Permit No. 872H to amend the Firethorn CUP to add approximately 42 single-family lots an outdoor recreation facility that includes the sale of alcohol for consumption on the premises; and voted 8-0 to adopt Resolution No. PC-01441 approving Use Permit No. 107D, to amend the Firethorn Office Park to reconfigure the lot layout and slightly expand the area of the use permit. Special Permit 872H and Use Permit No. 107D have not been appealed to the City Council as of this date.

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer

DATE: March 23, 2015

REVIEWED BY: David R. Cary, Acting Director of Planning

DATE: March 23, 2015

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LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for March 18, 2015 PLANNING COMMISSION MEETING

PROJECT #: Use Permit #15005 - Firethorn Corporate Center

PROPOSAL: To allow a 225,000 square foot office park, that could alternately be developed as a 150-unit apartment complex

LOCATION: South 84th and Van Dorn Streets

LAND AREA: 17.93 acres, more or less

WAIVERS: To adjust internal setbacks to 0'.

CONCLUSION: The Future Land Use Map was updated with the 2040 Comprehensive Plan to designate the area at the intersection Of South 84th and Van Dorn Streets for commercial land uses. The waiver to internal setbacks is typical and appropriate, given a 20' setback is maintained at the boundary of the use permit with one exception. The east boundary line where the use permit is adjacent to tennis courts and a parking lot, the setback is 0'. This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan

RECOMMENDATION:

UP#15005	Conditional Approval
Waiver to internal setbacks to 0'	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached legal description.

EXISTING LAND USE: Undeveloped, Office

SURROUNDING LAND USE AND ZONING:

North:	Agriculture	AG
South:	Office	O-3
East:	Golf Course	AGR (R-1 proposed)
West:	Residential, Commercial	R-3

ASSOCIATED APPLICATIONS:

AN#15003 - A request to annex approximately 60 acres, which includes both the land involved in this request and that of the amendment to the Firethorn CUP, SP#872H.

CZ#15005 - A change of zone from AGR to O-3 and from O-3 to R-1 to accommodate the land exchange between this use permit and the Firethorn CUP.

SP#872H - An amendment to the Firethorn CUP to include 42 additional dwelling units and an outdoor recreation facility.

ANALYSIS:

1. This request is associated with the annexation, change of zone, and amendment to the special permit for the Firethorn CUP. It comes out of the same area now being used for golf course fairways, but which is being converted for use for office space, an outdoor recreational facility, and 42 single-family dwellings.

2. The site plans shows 8 lots being created, all surrounded by outlots to be used for parking and open space. A total of 225,000 square feet of floor area is shown, distributed over the 8 lots. Access is provided by a private roadway which extends through the office park, and will be owned and maintained by a property owners association.

3. A waiver to adjust all internal setbacks for Lots 1-8 to 0' is requested. All lots are surrounded by common outlots which will be used for parking and open space. This is offset by a minimum 20' setback shown at the boundary of the use permit which ensures a minimum separation from adjacent uses (with one exception), and also provides adequate areas for screening and landscaping. The one exception is the east line of the use permit. The setback along this line is also reduced to 0', as it is adjacent to tennis courts and a parking lot.

4. The use permit seeks the right to reserve the option to develop the site for apartments instead of office buildings. It is noted that there is a gas pipeline in South 84th Street, where the Health Department recommends that there be no residential uses within what is defined as the Pipeline Planning Area. This area extends 175' either side of the pipeline, and is delineated on the site plan. If apartments develop on this site, they cannot be located in this area, the understanding of which is stated in Note #23. The apartment layout is to be approved by administrative amendment, at which time the adjacent property owners will be notified.

5. The Future Land Use Map of the Comprehensive Plan was revised with the 2040 update to designate commercial land uses for the area of this use permit. This request complies with the requirements of the Zoning Ordinance and is consistent with the Comprehensive Plan.

CONDITIONS:

This approval authorizes a use permit for up to 225,000 square feet of office floor area with a waiver to internal setbacks, or 150 apartment units.

Site Specific:

1. The permittee shall complete the following instructions and submit four copies of the revised documents and plans to the Planning Department for review and approval.

    1.1 Revise the site plan to include a note which states "Front, side and rear setbacks for Lots 1-8 are adjusted to 0'. Setbacks are designated for Outlots A and C and are as shown on the site plan.

    1.2 Add a note which states "Parking shown is conceptual, but to be provided in compliance with LMC at the time of building permit.

    1.3 Revise Note #10 so the second line of the note reads "...SIGNS, LANDSCAPING, AND SCREENING SHALL COMPLY WITH THE O-3 ZONING DISTRICT AND SHALL BE SHOWN AT THE TIME OF..."

    1.4 Delete the 'Parking Calculations' table.

    1.5 Revise the note in the Waiver Table to state "The front, side and rear setbacks for Lots 1-8 are reduced to 0'.

2. The City Council approves associated requests:

    2.1 Annexation #15003.

    2.2 Change of Zone #15005.

Standard:

3. The following conditions are applicable to all requests:

    3.1 Before occupying the buildings all development and construction is to be in substantial compliance with the approved plans.

    3.2 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the owner or an appropriately established owners 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. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

Prepared by:

_____
Brian Will
bwill@lincoln.ne.gov
Planner
March 3, 2015

CONTACT: DaNay Kalkowski
Seacrest Kalkowski, LLC
1111 Lincoln Mall
Lincoln, NE 68508
402-435-6000

APPLICANT: FT Development II, Inc.
c/o Mark Wible
9301 Firethorn Lane
Lincoln, NE 68516
402-488-6467

USE PERMIT NO. 15005

USE PERMIT NO. 15005, AN ALLOW APPROXIMATELY 225,000 SQUARE FEET OF OFFICE FLOOR AREA, WITH A WAIVER TO SETBACKS, ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF SOUTH 84TH STREET AND VAN DORN STREETS.

March 18, 2015

Staff Recommendation: Conditional Approval

Members present: Lust, Hove, Beecham, Cornelius, Corr, Harris, Scheer, and Sunderman: Weber absent.

There were no ex parte communications disclosed on this item. .

Staff presentation: **Brian Will of the Planning staff** provided an overview of the five related applications, including Annexation No. 15003, Change of Zone No. 15005, Special Permit No. 872H, Use Permit No. 107D, and Use Permit No. 15005. Referring to the site plan, Will explained that the northwest corner of the project is located at South 84th and Van Dorn Streets, bounded on the south by Pioneers and on the east by 98th Street. The five applications primarily affect the area located in the northwest corner, which currently consists of fairways and a small golf course. Will identified the corporate limits of the city of Lincoln and stated that there are portions of the community unit plan (CUP) that actually extend beyond the city limits; therefore, the request to annex and rezone the property currently outside the city limits to allow for the connection of utilities and services.

Will indicated that the change of zone application is a little complicated, as it does two things: (1) sets the stage for both expansion of the Firethorn CUP from AGR to R-1 to allow for a residential development, and (2) changes the zone on two small pieces of property so they can be included in the use permit and the CUP. The new use permit which involves the area to be rezoned to O-3 office, would allow for 225,000 square feet of office floor area, which includes a setback waiver.

Will further explained that with the original Firethorn Development, there was an associated use permit to reconfigure the lot layout and slightly expand the area of the original use permit.

Will indicated that staff is recommending approval of all five applications. Will noted that the Planning Commission received an email memorandum from the Public Works Department modifying Review Comment No. 2, which provides a little more detail but it does not revise the staff report. Will also stated that under Conditions of Approval for Special Permit No. 872H, the waivers should sidewalks, which was inadvertently omitted.

Commissioner Beecham asked for a quick overview of the curbs and differences between standard curbs and what is being proposed.

Will explained that rollover curbs are being proposed for this development as opposed to standard curbs. Will indicated that rollover curbs are not as well defined and can make it a little more difficult to find the edge when plowing, etc. He also noted that they may not contain drainage as well. In this case, where it is a private development with private roadways, their drainage and grading plan is going to have to accommodate the fact that rollover curbs are being used. Will noted that most improvements were waived in the original Firethorn development, which consists generally of asphalt roadways with ditches.

Commissioner Corr asked for clarification on the proposed decreased of street width from 27 feet to 24 feet.

Will indicated that these are private roadways which are internal to the development where heavy traffic is much less of a concern but explained that the standard street width is 27 feet. Will stated that development constraints had a bearing on some of the roadway widths, especially along South 88th Street, as the majority of that street is existing and widening it out would be challenging. A reduction of three feet has been done internal to community unit plans routinely in the past.

Applicant's Testimony

Danay Kalkowski, representing Firethorn Development II, Inc., the applicant on all five of these applications. She noted that Mark Wibel, a principal with the development, and Brad Marshall with Olsson Associates, are also present today.

Danay explained that the five applications would allow them to permit approximately 60 acres of golf course area currently owned by Firethorn Golf Company, which is occupied by the 9-hole golf course.

There are three main components to the development plan: (1) a change of zone from AGR to O-3, to allow for an office development on approximately 18 acres; (2) amend the existing CUP to allow for a new recreational facility, which is intended to be more family friendly with an outdoor swimming pool, tennis courts, volleyball court, as well some indoor gym facilities and restaurant, as well as reconfiguring the existing 9-hole golf course; and (3) adding additional residential units – they are proposing 34 town home unit and 9 single-family lots.

Danay indicated that the goals of the Firethorn Development are to develop a land uses that are compatible with the existing office uses and residential uses and also to develop a layout that would preserve the character of the existing uses while being sensitive to the wetlands and the vegetative drainage ways. Danay noted that some of the waivers are needed to accommodate the drainage ways. Danay reported that Mark Wibel has done a considerable

amount of outreach to the neighborhood and adjacent property owners to give them an opportunity to discuss the proposed development. There was no major opposition to these plans.

Danay thanked that city staff for working though a number of sensitive issues, which required multiple meetings. The developer is in agreement with the Planning Department recommendations and conditions of approval with the exception of one clean-up item.

Brad Marshall, Olsson Associates, 601 P Street, reported that there is one item on the conditions for Special Permit No. 872H, relating to the setbacks for the existing CUP, which is zoned R-1. In the original special permit, there was an agreement for an R-3 development, which was changed back to R-1 to accommodate the existing residences while maintaining the R-3 setbacks. In order to keep this consistent, Condition 1.1.1 should be deleted in order to allow the R-3 setbacks to remain for the single-family lots to be developed. This would allow for the current R-3 setbacks to stay as they currently are on the plan (page 78 of the Planning Commission packet).

Commissioner Beecham asked Danay to identify the street where the sidewalk waiver is being requested.

Danay reported that the sidewalk waiver is along 91st Street, which has already been built to rural standards with existing houses along the east side. The waiver would allow the existing character to remain for the nine lots. There is also a sidewalk waiver along the connector road between the office and recreation facility to Firethorn Lane. A portion of the road is existing and is used to service the maintenance facility for the golf course. They are proposing to expand the existing roadway to make the connection. Sidewalks will be included in the new office area, the recreational facility and for the town homes. In terms of the roadway width, Danay explained that this applies primarily to the existing connector roadway.

Commissioner Corr asked if there would still be the same number of buildings if the developer chooses to construct 150 apartments in the northwest corner.

Danay explained that there is a condition on the permit that if they change to an apartment use, they would be required to get an administrative amendment in order to allow staff to see the layout and make sure that the gas line protection area is considered. She also stated that there are private use restrictions that would impact the ability to change to apartments.

Commissioner Corr asked Danay to identify the zero setbacks on Lots 104 - 145.

Brad Marshall indicated that the numbering of the zero setbacks may be off a little bit as some of these were included in the original CUP. Brad indicated that in the new area, the zero setback only pertains to the town home lots and not the single-family lots.

Commissioner Corr asked if the outdoor recreational facilities are permitted in the R-1 zoning.

Danay reported that it is a special permitted use.

Commissioner Corr asked who is paying for the temporary turn lanes.

Danay indicated that the construction of the temporary turn lanes is addressed in the annexation agreement. She reported that any part of the grading that will be associated with those that meet the future grade study, could be considered a permanent improvement for which they could get some reimbursement. The asphalt for the physical turn lanes, which are considered temporary improvements, will not be reimbursable.

Commissioner Corr stated that there is a limitation on the dwelling units as a result of the sewer treatment and asked about the impact of the recreational facility. .

Brad Marshall explained that they had to equate everything back to the original dwelling units. He considered the different types of uses to come up with the recommendation for square footage of different uses that would equate to a dwelling unit. This formula has been applied throughout to backup to the allowable square feet for the various uses. They are still under 545.

Proponents:

None.

Opponents:

None.

Staff Questions

Commissioner Harris asked if staff is in agreement with the deletion of Condition 1.1.1 on the special permit.

Will indicated that this was an oversight as result of the zoning being changes and he supports the deletion of 1.1.1 on the special permit. In addition, sidewalks should be added into the waivers as well as the additional review comment from Public Works.

Commissioner Corr asked for clarification about the difference in parking requirements for the section of the O-3 that might be changed to apartments.

Will explained that office is 1 stall per 300 square feet of floor area. Parking for apartments is two spaces per dwelling unit. When they apply for a building permit, they will need to meet the required parking either way. The layout that is shown is conceptual at this point.

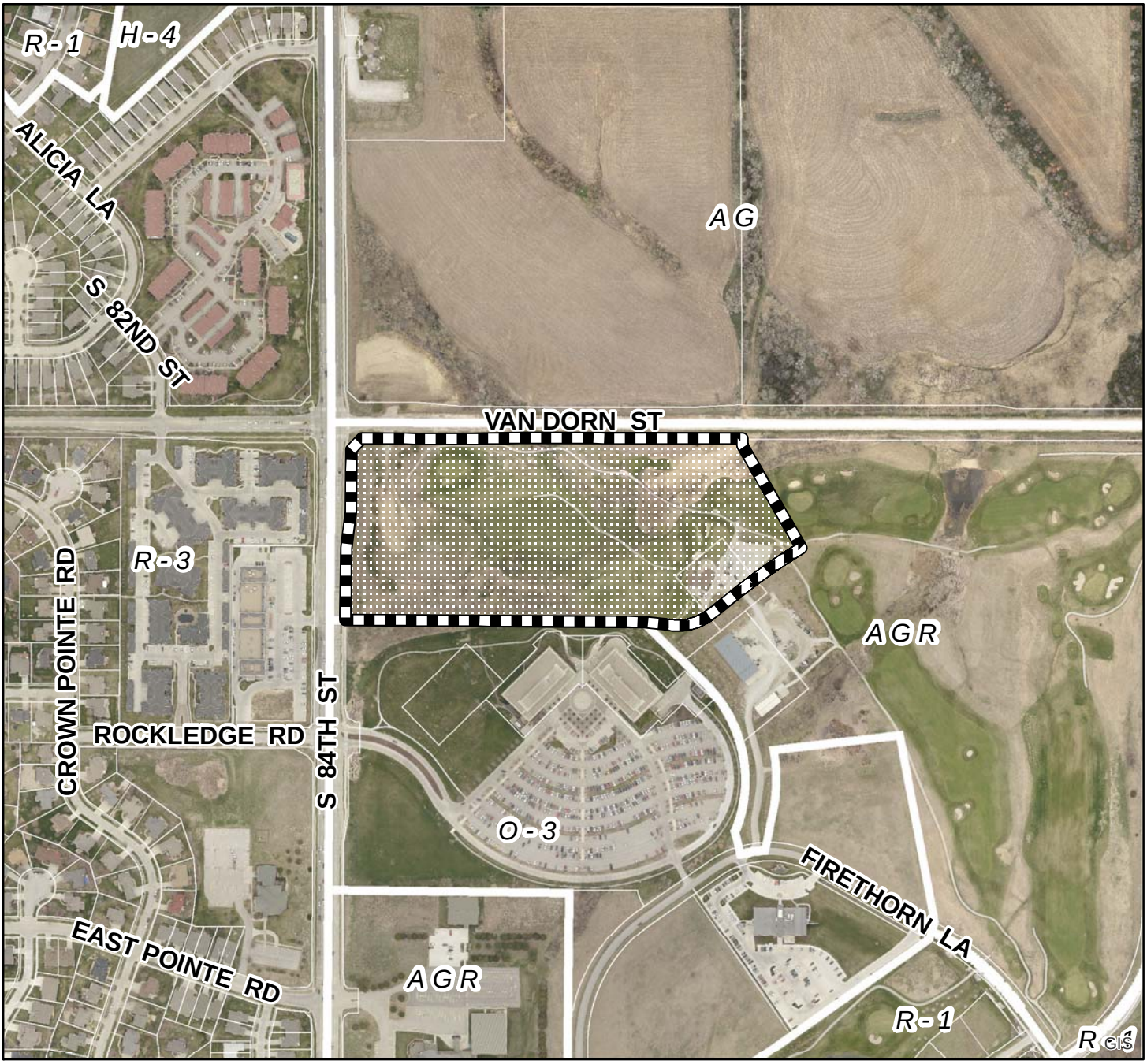
Commissioner Corr asked staff when they consider the conceptual site plan if there is adequate space for parking if the developer chooses to build apartments.

Will explained that this is a development constraint. They have to consider the setback and the building layout. They will need to consider the number of required parking spaces as part of laying out the site; it may be necessary to reduce the number of apartments to meet the required parking spaces.

ACTION BY PLANNING COMMISSION: March 18, 2015

Hove moved to recommend approval of this application; seconded by Harris.

The motion for approval carried 8-0; Lust, Hove, Harris, Beecham, Cornelius, Corr, Scheer, and Sunderman; Weber absent.



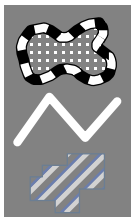
2013 aerial

Use Permit #: UP15005
Firethorn Corporate Center
S 84th & Van Dorn St

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

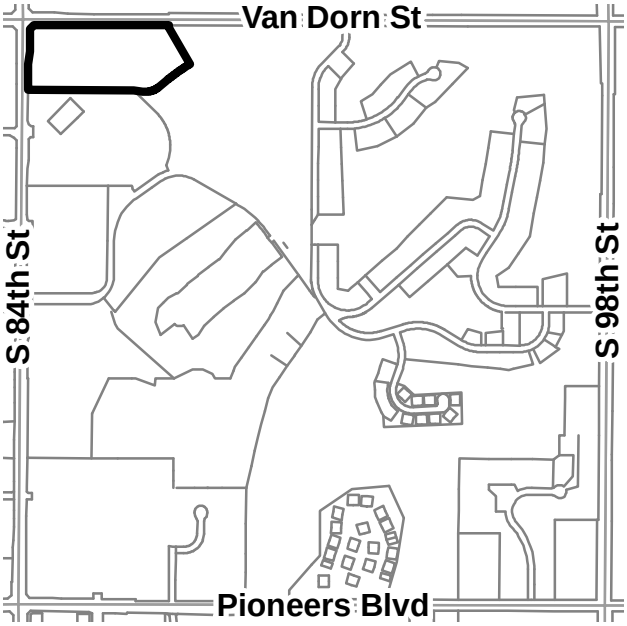
One Square Mile:
Sec.02 T09N R07E



Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



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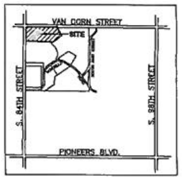
FIRETHORN CORPORATE CENTER
SITE PLAN



VICINITY MAP

OWNERS & DEVELOPERS
FIRETHORN GOLF CLUB, LLC
MARK WIBLE, MANAGING PARTNER
9301 FIRETHORN LANE
LINCOLN, NE 68520
PHONE: (402)489-4934

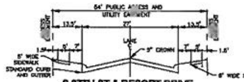
ENGINEER & PREPARER
OLSSON ASSOCIATES
601 P STREET
LINCOLN, NE. 68508
PHONE: (402) 474-6311

PARKING CALCULATIONS

SURFACE PARKING = 551
UNDERGROUND PARKING = 249
TOTAL STALLS: 800

WAIVER TABLE

27.72.030	LINCOLN MUNICIPAL CODE	TO REDUCE FRONT, SIDE, AND REAR YARD SETBACKS TO 0'



S 87TH ST & RESORT DRIVE
PRIVATE ROADWAY TYPICAL CROSS SECTION
NOT TO SCALE

LEGEND

- BOUNDARY LINE
- PROPERTY LINE
- SECTION LINE
- RIGHT OF WAY LINE
- BOUNDARY SETBACK
- UTILITY EASEMENT
- SD — STORM SEWER LINE
- SS — SANITARY SEWER LINE
- W — WATER LINE
- TEL — TELEPHONE LINE
- GAS — GAS LINE
- P-OH — OVERHEAD POWER
- P-UG — UNDERGROUND POWER
- ROAD CENTERLINE
- ASPHALT PAVEMENT
- CONCRETE PAVEMENT
- WETLANDS BOUNDARY
- CONCRETE CURB AND GUTTER
- BUILDING ENVELOPE

ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF NEBRASKA. THESE PLANS MEET THE REQUIREMENTS OF THE CITY ENGINEER'S OFFICE DESIGN REQUIREMENTS.

DATE ______ BRAD J. MARSHALL E-11538

LEGAL DESCRIPTION

A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT "A", FIRETHORN 17TH ADDITION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M.; THENCE EASTERLY ON THE NORTH LINE OF SAID NORTHWEST QUARTER ON AN ASSUMED BEARING OF S89°49'29"E, A DISTANCE OF 100.07' TO A POINT; THENCE S00°10'31"W, A DISTANCE OF 53.39' TO THE NORTHWEST CORNER OF OUTLOT "A", FIRETHORN 17TH ADDITION, SAID POINT BEING ON A SOUTH RIGHT-OF-WAY LINE OF VAN DORN STREET; SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE S89°49'29"E, ON A NORTH LINE OF SAID OUTLOT "A", SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 53.39' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 344.69' TO A POINT; THENCE N89°01'26"E, ON A NORTH LINE OF SAID OUTLOT "A", SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 168.73' TO A POINT 50.00' SOUTH OF THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE S89°49'29"E, ON A NORTH LINE OF SAID OUTLOT "A", SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 708.52' TO A POINT; THENCE S00°10'31"W, A DISTANCE OF 21.62' TO A POINT; THENCE S30°00'00"E, A DISTANCE OF 380.78' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 07°38'31", A RADIUS OF 1,973.00', AN ARC LENGTH OF 262.01', A CHORD LENGTH OF 261.82', A TANGENT LENGTH OF 131.20', AND A CHORD BEARING OF S54°51'26"W TO A POINT; THENCE S51°03'10"W, A DISTANCE OF 94.98' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 48°17'59", A RADIUS OF 177.00', AN ARC LENGTH OF 149.21', A CHORD LENGTH OF 144.83', A TANGENT LENGTH OF 79.36', AND A CHORD BEARING OF S75°12'10"W, A POINT; THENCE N83°16'49"W, A DISTANCE OF 80.22', TO THE NORTHEAST CORNER OF OUTLOT "A", FIRETHORN 24TH ADDITION, SAID POINT BEING A SOUTH CORNER OF OUTLOT "A", FIRETHORN 17TH ADDITION; THENCE N89°36'34"W, ON A SOUTH LINE OF SAID OUTLOT "A", A DISTANCE OF 958.83' TO THE SOUTHWEST CORNER OF SAID OUTLOT "A", SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF SOUTH 84TH STREET, SAID POINT BEING 50.00' EAST OF THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE N00°23'26"E, ON A WEST LINE OF SAID OUTLOT "A", SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00' EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 19.08' TO A POINT; THENCE N00°48'13"E, ON A WEST LINE OF SAID OUTLOT "A", SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 211.85' TO A POINT; THENCE N07°01'42"E, ON A WEST LINE OF SAID OUTLOT "A", SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 118.11' TO A POINT 65.18' EAST OF THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE N00°23'26"E, ON A WEST LINE OF SAID OUTLOT "A", SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 65.18' EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 200.13' TO A POINT; THENCE N45°17'53"E, ON A NORTHWEST LINE OF SAID OUTLOT "A", SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 49.70' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 780,822.29 SQUARE FEET OR 17.93 ACRES, MORE OR LESS.

GENERAL NOTES

1. ALL PAVING RADII TO BE 20' UNLESS OTHERWISE NOTED.
2. ALL DRIVES SHALL BE A MINIMUM 24 FEET WIDE UNLESS OTHERWISE NOTED.
3. ALL STREET INTERSECTIONS ARE AT 90° UNLESS OTHERWISE NOTED.
4. WE ARE REQUESTING A COMMON ACCESS EASEMENT OVER ALL DRIVES AND PARKING STALLS IN OUTLOT 'A', AS SUCH DRIVES AND PARKING STALLS MAY EXIST.
5. LOTS MAY BE CREATED WITHOUT FRONTAGE TO A PUBLIC STREET IF THEY HAVE ACCESS TO A PUBLIC ACCESS EASEMENT.
6. THE DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES SHOWN ON EACH LOT.
7. ADJUSTMENTS IN THE FLOOR AREA OF EACH BUILDING MAY BE MADE AT TIME OF BUILDING PERMIT, PROVIDED THE TOTAL IN THE WHOLE USE PERMIT DOES NOT EXCEED 150 DWELLING UNITS OR 225,000 S.F. OF COMMERCIAL USES UP TO THE TIME THAT THE PROPERTY IS CONNECTED TO THE STEVENS CREEK SANITARY TRUNK SEWER. THE AFOREMENTIONED DWELLING UNITS OR COMMERCIAL FLOOR AREA MAY BE INCREASED BY ADMINISTRATIVE AMENDMENT.
8. THE EXISTING ZONING IS AGR. THE PROPOSED ZONING IS O-3.
9. DIRECT VEHICULAR ACCESS TO S. 84TH STREET & VAN DORN IS RELINQUISHED EXCEPT WHERE SHOWN.
10. SIGNS, LANDSCAPING, AND SCREENING ARE NOT REQUIRED TO BE SHOWN ON THE PLANS. ALL SIGNS SHALL COMPLY WITH THE O-3 ZONING DISTRICT AND SHALL BE SHOWN AT THE TIME OF SIGN AND BUILDING PERMITS, RESPECTIVELY.
11. LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY ON FUTURE FINAL PLATS.
12. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
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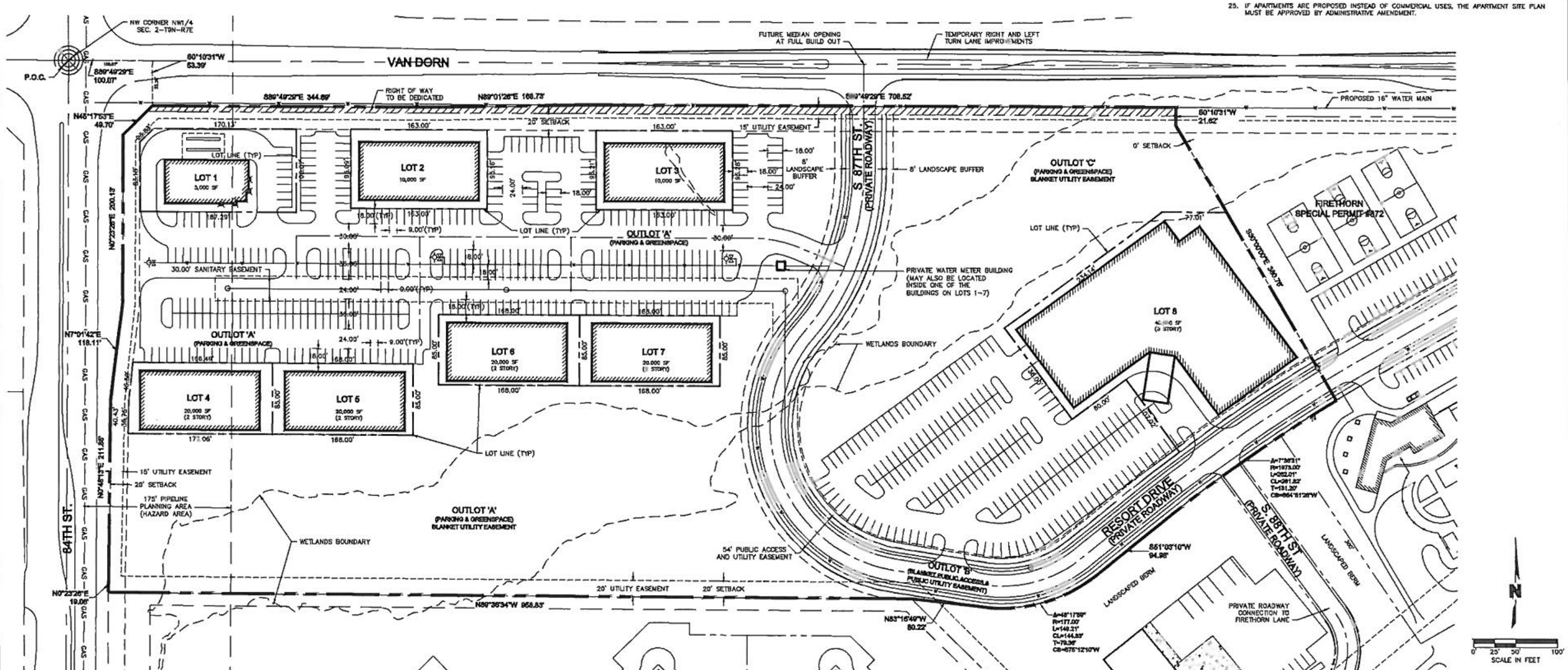
14. ALL WATER MAINS TO BE PUBLIC. ALL SANITARY SEWER SHALL BE PRIVATE AND BE MAINTAINED BY THE OWNER UNTIL THE SANITARY SEWER SYSTEM CAN BE CONNECTED TO THE STEVENS CREEK TRUNK SEWER.
15. ALL ELEVATIONS ARE BASED ON NAVD 1988 DATUM.
16. EAVES, OVERHANGS, WINDOW SWINGS, DOOR SWINGS, AIR CONDITIONER UNITS ETC. MAY ENCROACH OVER THE SETBACK LINES. ENCROACHMENTS ARE NOT ALLOWED OVER PROPERTY LINES AND MUST CONFORM TO BUILDING AND LIFE SAFETY CODES.
17. ORNAMENTAL LIGHTING SHALL BE IN ACCORDANCE WITH L.E.S.
18. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION.
19. ALL DISABLED PARKING STALLS SHALL BE IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, (FEDERAL REGISTER/VOL. 56, NO. 144/RULES AND REGULATIONS).
20. ALL LAYOUTS SHOWN WITHIN THE USE PERMIT ARE CONCEPTUAL. SPECIFIC DETAILED PLANS WILL BE SUBMITTED WITH INDIVIDUAL SITE PLANS AS THE ARE DEVELOPED AT TIME OF BUILDING PERMIT APPLICATION, IN ACCORDANCE WITH CITY OF LINCOLN DESIGN STANDARDS.
21. TO THE BEST OF THE PROPERTY OWNER'S KNOWLEDGE, NO OTHER WETLANDS ARE LOCATED ON THE PROPERTY EXCEPT AS SHOWN.
22. ACCESS EASEMENTS WILL BE DEDICATED OVER OUTLOT 'B' AT THE TIME OF FINAL PLAT.
23. NO DWELLING SHALL BE ALLOWED WITHIN THE PIPELINE PLANNING AREA AS DESIGNATED ON THE PLANS.
24. LOTS 1-7 SHALL SHARE PARKING IN OUTLOT 'A' AND SHALL COMPLY WITH THE REQUIREMENTS OF THE LMC AT THE TIME OF BUILDING PERMITS.
25. IF APARTMENTS ARE PROPOSED INSTEAD OF COMMERCIAL USES, THE APARTMENT SITE PLAN MUST BE APPROVED BY ADMINISTRATIVE AMENDMENT.



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OLSSON ASSOCIATES

REVISIONS

REV. NO.	DATE	REVISIONS DESCRIPTION

SITE PLAN

FIRETHORN CORPORATE CENTER

LINCOLN, NEBRASKA

2015

SHEET 1 of 3

GENERAL NOTES

1. ALL PAVING RADII TO BE 20' UNLESS OTHERWISE NOTED.
2. ALL DRIVES SHALL BE A MINIMUM 24 FEET WIDE UNLESS OTHERWISE NOTED.
3. ALL STREET INTERSECTIONS ARE AT 90° UNLESS OTHERWISE NOTED.
4. WE ARE REQUESTING A COMMON ACCESS EASEMENT OVER ALL DRIVES AND PARKING STALLS IN OUTLOT 'A', AS SUCH DRIVES AND PARKING STALLS MAY EXIST.
5. LOTS MAY BE CREATED WITHOUT FRONTAGE TO A PUBLIC STREET IF THEY HAVE ACCESS TO A PUBLIC ACCESS EASEMENT.
6. THE DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES SHOWN ON EACH LOT.
7. ADJUSTMENTS IN THE FLOOR AREA OF EACH BUILDING MAY BE MADE AT TIME OF BUILDING PERMIT, PROVIDED THE TOTAL IN THE WHOLE USE PERMIT DOES NOT EXCEED 150 DWELLING UNITS OR 225,000 S.F. OF COMMERCIAL USES UP TO THE TIME THAT THE PROPERTY IS CONNECTED TO THE STEVENS CREEK SANITARY TRUNK SEWER. THE AFOREMENTIONED DWELLING UNITS OR COMMERCIAL FLOOR AREA MAY BE INCREASED BY ADMINISTRATIVE AMENDMENT.
8. THE EXISTING ZONING IS AGR. THE PROPOSED ZONING IS O-3.
9. DIRECT VEHICULAR ACCESS TO S. 84TH STREET & VAN DORN IS RELINQUISHED EXCEPT WHERE SHOWN.
10. SIGNS, LANDSCAPING, AND SCREENING ARE NOT REQUIRED TO BE SHOWN ON THE PLANS. ALL SIGNS SHALL COMPLY WITH THE O-3 ZONING DISTRICT AND SHALL BE SHOWN AT THE TIME OF SIGN AND BUILDING PERMITS, RESPECTIVELY.
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SEACREST & KALKOWSKI, PC, LLO

1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3910

TELEPHONE (402) 435-6000
FACSIMILE (402) 435-6100

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E-MAIL: kent@sk-law.com

DANAY KALKOWSKI
E-MAIL: danay@sk-law.com

February 26, 2015

David Cary
Interim Planning Director
555 South 10th Street
Lincoln, NE 68508

RE: Development of Outlot A, Firethorn 17th Addition

Dear David:

Our office represents Firethorn Golf Company, L.L.C., the owner of Outlot A, Firethorn 17th Addition, Lincoln, Lancaster County, Nebraska (the "Property"), and FT Development Company, Inc. ("Developer"), who has a contract to purchase portions of the Property. Currently, the Property is zoned AGR and is part of Firethorn Special Permit No. 872. The conservation easement previously existing on a large portion of the Property has expired and Developer is ready to move forward with development of the released portion of the Property into residential, recreational facility and office uses. The portion of the Property still subject to the conservation easement will continue to be used for golf course. Developer is making the following applications and requests for development of the Property:

1. Annexation. Developer is requesting annexation of all portions of the Property not already annexed. In 2007, the City of Lincoln approved an Agreement Regarding the Annexation of Firethorn. Developer will be submitting by separate cover an Amendment and Restatement to the Agreement Regarding the Annexation of Firethorn that includes the Property.

2. Changes of Zone. Developer is requesting changes of zone that change the zone of the Property from AGR to R-1 and O-3, and also a change of zone from O-3 to R-1 for a small piece of property that is being traded with a neighboring property owner.

3. Amendment to SP872. Developer is requesting an amendment to Firethorn Special Permit No. 872 ("SP872"). The proposed amendment to SP872 adds eight single family lots and 34 townhome lots west of S. 91st Street. It also adds a new recreational facility that includes outdoor tennis, swimming pool, volleyball, putting greens and bocce ball, with an indoor fitness facility and restaurant, that permits the sale of alcohol for consumption on the premises. The amendment also adjusts the boundaries of SP872 to remove approximately 18 acres of the Property located at the southeast corner of S. 84th and Van Dorn and adds a small piece of property being traded with a neighboring property owner.

The single family and townhome lots being added to SP872 are a continuation of the existing Firethorn residential development. They will maintain the character of the existing Firethorn lots and will be governed by similar covenants. Consequently, Developer is requesting the following waivers for the new residential area added to SP872 that are consistent with waivers previously approved under SP872 for the existing Firethorn residential development:

a. L.M.C. 26.27.020 - Request a waiver for sidewalks along the west side of S. 91st Street. S. 91st Street is an existing roadway that was part of SP872. It was designed and has been constructed without curb and with no plans for a sidewalk on either side. The previous waiver granted under SP872 should continue to apply to the west side of S. 91st Street. Sidewalks will be constructed within the townhome area along Birdie Run/Eagle View Way in the location identified on the cross-section shown on the plans.

b. L.M.C. 26.27.090 - Request a waiver to allow street trees to be planted on private property. SP872 currently allows street trees to be planted on private property, so the City does not plant or maintain street trees within the current Firethorn development.

c. L.M.C. 26.27.070 – Request a waiver for ornamental lighting. This waiver keeps the character of the existing development and is consistent with past additions to SP872.

d. Design Standards Chapter 2.25, Section 3.6.2 - Request a waiver to require concrete curbs on both sides of the roadway. This waiver keeps the character of the existing development and is consistent with past additions to SP872. Birdie Run/Eagle View Way within the townhome area will be constructed with rollover curbs.

e. Waiver to adjust the applicable setbacks to 0' for the front, rear and side yards of Lots 104 through 145. These lots are designed to only include buildable area and will be surrounded by an outlot.

Developer is also requesting a waiver to L.M.C. 26.23.130 to allow blocks in excess of 1,320 feet. Developing property around a golf course and wetland areas provides unique challenges in trying to meet the City's block length standards. In response to feedback from City staff, Developer has worked hard to show road connections within the new development area that minimize block length issues. The proposed amendment to SP872 shows a potential future road connection from the end of Eagle View Way in the townhome area extending to Firethorn Lane. In addition, the proposed plans show a private roadway connection extending from Firethorn Lane north around the existing maintenance facility to connect to the new private roadway that will extend through the proposed new office and recreational facility areas ("S. 88th Street"). There are multiple constraints that make locating and constructing S. 88th Street a challenge. Consequently, Developer is requesting the following waivers to the City Design Standards in Chapter 2.25 that will allow Developer to utilize the existing 24 feet wide rural roadway section that provides access from Firethorn Lane to the maintenance facility for the first leg of S. 88th Street and then extend S. 88th Street around the maintenance facility:

Section 3.3.2 Radius for Curves: Request a waiver to minimum centerline radius for curves on private roadways to be 75 feet.

b. Section 3.5 Roadway Width: Request a waiver to minimum roadway width, measured from edge of pavement to edge of pavement to be 24 feet.

c. Section 3.6.2 Roadway Cross-Section: Request a waiver to require concrete curbs on both sides of the roadway.

In keeping with the character of the existing road and to accommodate its extension, Developer is also requesting waivers to L.M.C. 26.27 for sidewalks, street trees and ornamental lighting along S. 88th Street.

4. New Use Permit. Developer is requesting a new Use Permit for Firethorn Corporate Center permitting 225,000 square feet of O-3 commercial uses on approximately 18 acres located at the southeast corner of S. 84th and Van Dorn Streets. This area is adjacent to office and golf course use to the south and the proposed recreational facility to the east. The site plan has been laid out to minimize impacts to existing wetlands and green space. The proposed office uses are consistent with the Comprehensive Plan and will provide a good transition for this area. Developer is requesting a waiver to adjust the applicable setbacks to 0' for the front, rear and side yards of Lots 1 through 7 within Firethorn Corporate Center. These lots are designed to only include buildable area and are surrounded by an outlot for parking and green space.

5. Amendment to Firethorn Addition Use Permit No. 107. In order to accommodate the proposed development of the Property, Firethorn Golf Company, L.L.C. and Firethorn Development Corp. have agreed to swap ownership of small .32 acre parcels of property adjacent to Lot 4, Block 1, Firethorn 17th Addition. This swap of property requires an amendment to adjust the boundaries of Use Permit No. 107.

6. Amend Conservation Easement. The swap of land between Firethorn Golf Company, L.L.C. and Firethorn Development Corp. also requires an amendment to the Declaration of Protective Covenants, Conditions and Restrictions Pursuant to the Conservation and Preservation Easement Act recorded in the Office of the Register of Deeds of Lancaster County, Nebraska on September 23, 1998 as Instrument No. 98-049864 (the "Declaration"), to remove .32 acres from the Declaration.

Enclosed please find the following:

1. Legal Description for Annexation;
2. City Application Form for Changes of Zone with legal descriptions attached;
3. City Application Form and Site Plan for Amendment to SP872;
4. City Application Form and Site Plan for new Use Permit;
5. City Application Form and Site Plan for Amendment to UP107; and
6. Application fees in the amount of $5,534.76;

Brad Marshall at Olsson Associates will be submitting the plans to project docs.

We appreciate your consideration of the above requests and look forward to working with you on this exciting new development for the City. If you have any questions or need any additional information, please do not hesitate to contact me or Brad Marshall.

Very truly yours,

DANAY KALKOWSKI
For the Firm

Enclosures

cc (via email): Mark Wible
Richard Youngscap
Jon Camp

LEGAL DESCRIPTION
USE PERMIT AND CHANGE
OF ZONE FROM AGR TO O3

A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT "A", FIRETHORN 17TH ADDITION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M.; THENCE EASTERLY ON THE NORTH LINE OF SAID NORTHWEST QUARTER ON AN ASSUMED BEARING OF S89°49'29"E, A DISTANCE OF 100.07' TO A POINT; THENCE S00°10'31"W, A DISTANCE OF 53.39' TO THE NORTHWEST CORNER OF OUTLOT "A", FIRETHORN 17TH ADDITION, SAID POINT BEING ON A SOUTH RIGHT-OF-WAY LINE OF VAN DORN STREET; SAID POINT ALSO BEING **THE TRUE POINT OF BEGINNING**; THENCE S89°49'29"E, ON A NORTH LINE OF SAID OUTLOT "A", SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 53.39' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 344.69' TO A POINT; THENCE N89°01'26"E, ON A NORTH LINE OF SAID OUTLOT "A", SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 168.73' TO A POINT 50.00' SOUTH OF THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE S89°49'29"E, ON A NORTH LINE OF SAID OUTLOT "A", SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 708.52' TO A POINT; THENCE S00°10'31"W, A DISTANCE OF 21.62' TO A POINT; THENCE S30°00'00"E, A DISTANCE OF 380.76' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 07°36'31", A RADIUS OF 1,973.00', AN ARC LENGTH OF 262.01', A CHORD LENGTH OF 261.82', A TANGENT LENGTH OF 131.20', AND A CHORD BEARING OF S54°51'26"W TO A POINT; THENCE S51°03'10"W, A DISTANCE OF 94.98' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 48°17'59", A RADIUS OF 177.00', AN ARC LENGTH OF 149.21', A CHORD LENGTH OF 144.83', A TANGENT LENGTH OF 79.36', AND A CHORD BEARING OF S75°12'10"W, A POINT; THENCE N83°16'49"W, A DISTANCE OF 80.22', TO THE NORTHEAST CORNER OF OUTLOT "A", FIRETHORN 24TH ADDITION, SAID POINT BEING A SOUTH CORNER OF OUTLOT "A", FIRETHORN 17TH ADDITION; THENCE N89°36'34"W, ON A SOUTH LINE OF SAID OUTLOT "A", A DISTANCE OF 958.83' TO THE SOUTHWEST CORNER OF SAID OUTLOT "A", SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF SOUTH 84TH STREET, SAID POINT BEING 50.00' EAST OF THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE N00°23'26"E, ON A WEST LINE OF SAID OUTLOT "A", SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00' EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 19.06' TO A POINT; THENCE N00°48'13"E, ON A WEST LINE OF SAID OUTLOT "A", SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 211.85' TO A POINT; THENCE N07°01'42"E, ON A WEST LINE OF SAID OUTLOT "A", SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A

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Thursday, February 12, 2015
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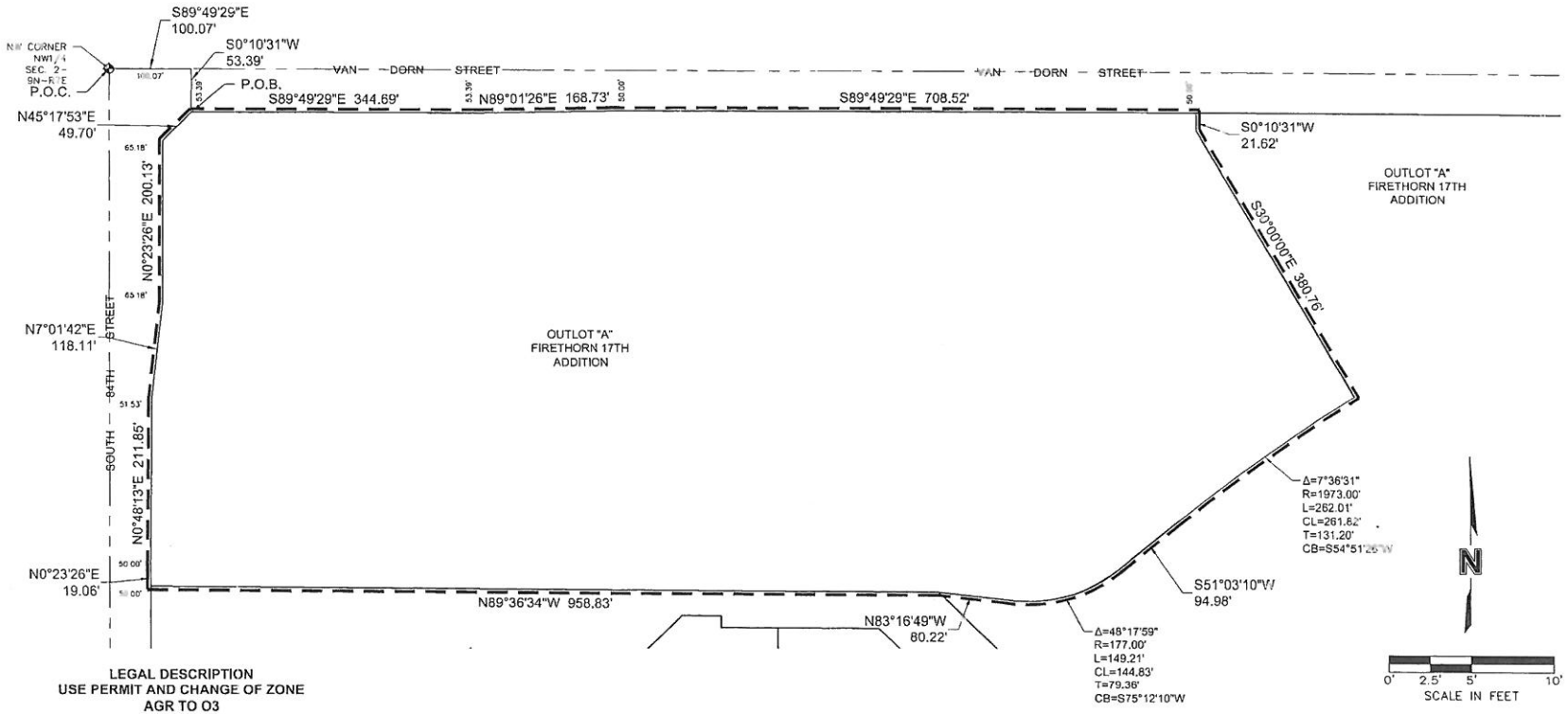

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PROJECT NO: 013-2863	FIRETHORN	OLSSON ASSOCIATES 601 P Street, Suite 200 P.O. Box 84608 Lincoln, NE 68508 TEL 402.474.6311 FAX 402.474.5160	EXHIBIT
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DATE: FEB. 4TH, 2015			

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