FACTSHEET

TITLE: CHANGE OF ZONE NO. 16005
H-2 Highway Business District to B-5 Planned Regional Business District
(225 North Cotner Boulevard) and from R-2 Residential to P Public (300 South 56th Street)

APPLICANT: Civil Design Group on behalf of Austin Realty Investments

BOARD/COMMITTEE: Planning Commission

RECOMMENDATION: Approval (5-0: Sunderman, Harris, Beecham, Lust and Hove voting 'yes'; Cornelius, Corr, Weber, and Scheer absent).

STAFF RECOMMENDATION: Approval

OTHER DEPARTMENTS AFFECTED: N/A

SPONSOR: Planning Department

OPPONENTS: One letter received (see pp.21-22)

REASON FOR LEGISLATION: To change the zoning from H-2 Highway Business District to B-5 Planned Regional Business District, and to amend the boundary of the Gateway Mall Use Permit to authorize development of up to 153 multi-family residential units, or up to 36,000 square feet of commercial floor area or any combination thereof on property generally located at 225 North Cotner Boulevard. The change of zone application also includes the City’s request to rezone property generally located at 300 South 56th Street from R-2, Residential District to P, Public Use District.

DISCUSSION/FINDINGS OF FACT:

1. This Change of Zone and the associated Pre-Existing Use Permit No. 3AG (Bill #16R-62) were heard at the same time before the Planning Commission.

2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on pp.5-7, concluding that the mixed-use that includes residential units is appropriate for this site. This site can be easily served by existing infrastructure such as roads and utilities. Several commercial areas are located within walking distance of this site, which makes this location desirable for additional residential development. The parking reduction and increase in building height are supported and should have minimal impact on surrounding properties. Subject to the conditions of approval, this proposal is in conformance with the Comprehensive Plan. The staff presentation can be found on pp.8-9.

4. The applicant's testimony can be found on pp.9-10.

5. There was no testimony in opposition of this application; however, there was one letter of opposition submitted (see pp.21-22).

6. On March 16, 2016, the Planning Commission voted 5-0 to recommend approval of this change of zone.

7. On March 16, 2016, the Planning Commission also voted 5-0 to recommend conditional approval of the associated Pre-Existing Use Permit No. 3AG (Bill #16R-62).

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer

DATE: March 21, 2016

REVIEWED BY: David R. Cary, Planning Director

DATE: March 21, 2016
This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

**PROJECT #:** Pre-Existing Use Permit No. 3AG  
Change of Zone 16005

**PROPOSAL:** To change the zoning from H-2, Highway Business District, to B-5, Planned Regional Business District, and to amend the boundary of the Gateway Mall Use Permit to authorize development of up to 153 multi-family residential units, or up to 36,000 square feet of commercial floor area or any combination thereof on property generally located at 225 N. Cotner Boulevard. The change of zone application also includes the City’s request to rezone property generally located at 300 S. 56th Street from R-2, Residential District, to P, Public Use District.

**LOCATION:** 225 N. Cotner Boulevard and 300 S. 56th Street

**LAND AREA:**  
CZ16005  3 acres, more or less  
PEUP3AG  105 acres, more or less, including 2 acres added with this application

**EXISTING ZONING:**  H-2 Highway Business District and R-2 Residential

**CONCLUSION:** Mixed-use that includes residential units is appropriate for this site. This site can be easily served by existing infrastructure such as roads and utilities. Several commercial areas are located within walking distance of this site which makes this location desirable for additional residential development. The parking reduction and increase in building height are supported and should have minimal impact on surrounding properties. Subject to the conditions of approval, this proposal is in conformance with the Comprehensive Plan.

**RECOMMENDATION:**

<table>
<thead>
<tr>
<th>Project</th>
<th>Recommendation</th>
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<tbody>
<tr>
<td>CZ16005</td>
<td>Approval</td>
</tr>
<tr>
<td>PEUP3AG</td>
<td>Conditional Approval</td>
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WAIVERS:

1. Per Section 27.64.010, to allow an increase in height of buildings in Area “H” from 40 feet to 55 feet. Approval

2. Per Section 27.64.010, to reduce the residential parking requirement in Area “H” from 2 to 1.4 stalls per dwelling unit. Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: CZ16005
From R-2 to P: Those portions zoned R-2 on Lots 113 & 138, located in the SW 1/4 of Section 21-10-7, Lincoln, Lancaster County, Nebraska.

From H-2 to B-5: The remaining portion of Lot 163, located in the SW 1/4 of Section 21-10-7, Lincoln, Lancaster County, Nebraska.

PEUP3AG:
See attached legal description.

EXISTING LAND USE: Office Building & Electrical Substation

SURROUNDING LAND USE AND ZONING:

CZ16005
North: Lincoln Public Schools Facility; R-2
South: American Legion; O-2
East: Masonic Lodge/Restaurant; H-2
West: Single-Family Dwellings; R-2

PEUP3AG
North: Masonic Lodge; H-2
South: Bank; H-2
East: Ameritas Office; B-5
West: Retail Center; H-2

HISTORY:
225 N. Cotner Boulevard was rezoned from H-1, Highway Business District, to H-2, Highway Business District and the L.E.S. substation was rezoned from F, Restricted Commercial District and A-2, Single Family Dwelling District, to P, Public Use, and R-2, Residential District, with the 1979 Zoning Update.

February 1990 Special Permit 1353 was approved for a parking lot in a residential district on the west portion of the L.E.S. substation property.
January 1996   Special Permit 1593 was approved for on-sale liquor on the west portion of the L.E.S. substation.

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 1.9 - This property is shown as Commercial on the Future Land Use Map.

P. 6.1 - Based on the projected demographic trends, fiscal constraints for expanding infrastructure and numerous opportunities for future redevelopment of commercial areas, the Plan identifies the potential for 8,000 new dwelling units to be located within the existing built-out portion of the City by 2040.

6.2 - Increasing residential densities by adding new dwelling units to existing commercial areas in the form of mixed use centers also strengthens the buying power of adjacent neighborhoods by adding more “rooftops.”.

P. 6.2 - Mixed Use Redevelopment should:
Provide a diversity of housing types and choices throughout each neighborhood for an increasingly diverse population.
Encourage substantial connectivity and convenient access to neighborhood services (stores, schools, parks) from nearby residential areas.
Incorporate and enhance street networks with multiple modes of transportation in order to maximize access and mobility options.

Promote activities of daily living within walking distance.

Help to create neighborhoods that include homes, stores, workplaces, schools and places to recreate. Encourage residential mixed use for identified corridors and redevelopment Regional, Community, Neighborhood and Mixed Use Office Centers identified as nodes.

P. 6.4 - Nodes may be classified as Regional, Community, Neighborhood or Mixed Use Office Centers and can be thought of as “villages within the city” with a broad range of land use types including civic, residential, special needs housing, retail, office and service.

P. 6.5 - This area is highlighted on the Mixed Use Redevelopment Nodes and Corridors Map and is recommended for an estimated potential of 500 - 1,000 dwelling units.

P. 6.6/6.7 - Mixed Use Redevelopment Nodes and Corridors should strive for residential densities of at least seven dwelling units per gross acre within buildable areas inside the project boundary and should remove impediments to achieving mixed-use residential and commercial development.

UTILITIES:   This site is served by existing utilities. There are overhead utilities on the north and west sides of the site that should be noted on the plan.

TOPOGRAPHY:   The property at 225 N. Cotner is generally flat with a steep upward slope on the west side of the lot.

TRAFFIC ANALYSIS:   N. Cotner Boulevard is classified as a Minor Arterial and P Street is a local street.

PUBLIC SERVICE:   The nearest fire station is located at 901 N. Cotner Boulevard.
ENVIRONMENTAL CONCERNS: This project will be subject to the redevelopment criteria for stormwater quality standards.

ANALYSIS:

1. This request is for a change of zone from H-2 to B-5 and to amend the boundary of the Gateway Mall Use Permit to include the property at 225 N. Cotner Boulevard. The applicant would like to redevelop this property with a four story building for up to 153 dwelling units, or 36,000 square feet of commercial space or some combination thereof. The site would include two levels of underground parking and a surface parking lot. It is unlikely that redevelopment would include 36,000 square feet of commercial area and 153 dwelling units due to parking requirements. Including the approval of both residential units and commercial floor area now provides flexibility when this site redevelops. Mixed-use is allowed and encouraged in the B-5 district.

The City is including a change of zone from R-2 to P on the L.E.S. substation property located at 300 S. 56th Street. This is considered a minor clean-up action.

2. 225 N. Cotner Boulevard is presently zoned H-2, Highway Business District. The H-2 district is found along major arterial streets, such as O and N. 48th Streets, and allows neighborhood uses and a few heavier commercial uses such as car sales/repair and mini-warehouses. The H-2 zoning district does not allow residential uses. The proposed zoning district is B-5, Planned Regional Business District, and allows a wide range of regional-level commercial and residential uses.

3. N. Cotner Boulevard is currently the dividing line between the B-5 district on the east and the H-2 district on the west. Since H-2 does not allow residential uses the property must be rezoned for the development. The B-5 district is supported on the west side of N. Cotner Boulevard for several reasons. Mixed-use infill and redevelopment at this location is appropriate given its proximity to major transportation corridors and commercial centers. Residential units on this block will continue to support the redevelopment efforts surrounding Gateway Mall and along O Street. Multi-family residential could be allowed in an ‘R’ district Community Unit Plan or Planned Unit Development, but the B-5 district allows for higher density and allows mixed-use. It is likely that the remaining properties fronting N. Cotner between ‘O’ and ‘R’ Streets could be rezoned to B-5 in the future to support additional mixed-use redevelopment.

4. Gateway Mall and the blocks surrounding are identified as a redevelopment node in the Comprehensive Plan. Nodes are identified in the Comprehensive Plan as “Commercial Centers... that are encouraged to be redeveloped into walkable residential mixed use centers.” The redevelopment node map labels the area surrounding Gateway Mall as a Primary Area for Mixed Use Redevelopment and indicates that between 500 and 1,000 dwelling units could
be developed in and around Gateway Mall. The proposal to add 153 residential units at this location is supported by the Comprehensive Plan and the Redevelopment Nodes concept.

5. This area is shown as Commercial on the Future Lane Use Map. The Comprehensive Plan recognizes that Mixed Use Redevelopment Nodes and Corridors supplement the “Commercial” land use designation. This property is appropriate for mixed use redevelopment and adheres to the future land use designation.

6. The site plan shows two driveways on P Street and one driveway on N. Cotner. This configuration will close one driveway on N. Cotner that is near the intersection with P Street. Access to the site as proposed is supported by the Public Works and Utilities Department, but several deviations must be approved.

7. This application includes a waiver to decrease the parking requirement for residential uses and an increase in the height of the building. The parking reduction would reduce the residential parking ratio from 2 stalls per unit to 1.4 stalls per unit. Given the location of this development the surrounding properties should not be impacted by any overflow parking. The justification to reduce the parking is supported with the condition that no more than 60 of the units contain more than 1 legal bedroom. This assumes that 1 bedroom units will have 1 car and all other unit types will have 2 cars. StarTran also provides bus service on Route 44 on R Street to the north. Given the nearby bus route and many services within walking distance, it is likely that residents may choose to walk or use public transportation further reducing the reliance on personal vehicles. Commercial parking requirements remain unchanged and are 1 stall per 300 square feet of floor area within the use permit.

The B-5 district does not require a minimum lot area for residential units which allows high-density in B-5. As density increases in the zoning districts the parking requirements generally decrease. For comparison, the residential density proposed with this development would be allowed in an R-8 zoning district. The parking requirement in the R-8 district is 1 stall per dwelling unit, and the applicant’s proposal exceeds that.

The applicant is also requesting an increase in building height from 40 to 55 feet. The proposed building would be 4 stories tall and is shown with a 20 foot setback to the north and a slightly larger setback on the west. A portion of the site has a 5 foot setback, but that is adjacent to the L.E.S. substation. The substation will not be impacted by a taller building, so the smaller setback is appropriate at that location. The property to the west also is at a higher elevation than the redevelopment site which should minimize the increase in height as well. For comparison, the existing H-2 zoning allows buildings up to 55 feet in height with a 5 foot side and 30 foot rear yard setbacks. Since this property is a corner lot, either the north or west sides could be the 5 foot side yard setback. The proposed height of 55 feet is the same as the H-2 zoning district, and the proposed side yard setback of 20 feet is much greater than the 5 foot side yard.
required in the H-2 district. All properties surrounding this site are commercial so there will be no impacts to single-family uses. The 20 foot setbacks are appropriate.

8. The sidewalk adjacent to this site is approximately 4 to 6 feet from the back of curb. A pedestrian friendly streetscape requires the sidewalk be located at least 8 feet from the back of curb so that street trees can be planted between the sidewalk and the street. The streetscape zone will be verified at the time of building permit.

9. Residential developments in the B-5 district must provide a minimum amount of open space. The total amount required is figured based in the number of dwelling units. If 153 dwelling units are development, then approximately 3,500 square feet of open space is required.

10. This location is appropriate for mixed-use and high-density residential. The site is already served by existing infrastructure and roads. The location is within walking distance of several grocery stores and other commercial services. This proposal conforms to the Redevelopment Nodes and Corridors concept and should further support the redevelopment efforts underway in the area. Subject to the conditions of approval this request is supported by the Comprehensive Plan.

CONDITIONS OF APPROVAL:

CZ16005: Approval.

Prepared by

Paul Barnes, Planner
402-441-6372
pbarnes@lincoln.ne.gov

DATE: March 3, 2016

APPLICANT/OWNER: Austin Realty Investments
8525 Executive Woods Drive
Lincoln, NE 68512

CONTACT: Mike Eckert
8535 Executive Woods Drive
Lincoln, NE 68512
CHANGE OF ZONE NO. 16005
and
PRE-EXISTING USE PERMIT NO. 3AG

CHANGE OF ZONE NO. 16005
FROM H-2 HIGHWAY BUSINESS DISTRICT
TO B-5 PLANNED REGIONAL BUSINESS DISTRICT
GENERALLY LOCATED AT 225 NORTH COTNER BOULEVARD
PUBLIC HEARING BEFORE PLANNING COMMISSION: March 16, 2016

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

Staff recommendation: Approval.

and

PRE-EXISTING USE PERMIT NO. 3AG
TO AMEND THE BOUNDARY OF GATEWAY MALL USE PERMIT
AND AUTHORITY TO CONSTRUCT MULTI-FAMILY HOUSING OR COMMERCIAL
AT PROPERTY GENERALLY LOCATED AT 225 NORTH COTNER BOULEVARD
PUBLIC HEARING BEFORE PLANNING COMMISSION: March 16, 2016

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

Staff recommendation: Conditional Approval.

There were no ex parte communications disclosed.

Staff presentation: Andrew Thierolf of the Planning Department came forward to state the Change of Zone from R-2 Residential to P Public is in an area with an existing substation and parking lot, so this element is a clean-up on the map to reflect the current use. There is an additional request for a Change of Zone from H-2 Highway to B-5, Business, which is a Use Permit District. It includes an area on the west end across Cotner Street and is currently a Home Real Estate office building.

The applicant is looking to construct an apartment complex with up to 153 dwelling units, or up to 36,000 square feet of commercial space. The upper floors will be residential and some portion of the ground floor may have commercial, but the exact number has not yet been determined. The Comprehensive Plan identifies this area as a primary redevelopment node with 500-1,000 new units and the development of walkable, mixed-use centers. There are many employers and shopping areas within walking distance, so the idea is that if people lived on this site, they could walk instead of driving.

There are two waivers associated with this project. The first relates to parking. For B-5, the ratio is two stalls per unit. The applicant asks for 1.4 stalls. The condition attached to
that request is that there cannot be more than 60 units in this complex that have more than 1 bedroom, limiting the amount of units with more than 1 vehicle. Taking a broader view, there are other zoning districts that have less stringent parking requirements. The request for 1.4 seems reasonable.

The other waiver is for height. B-5 allows 40 feet and the applicant wants 55. The site is H-2, so as it is, 55 would be allowed; they are simply looking to return to the height currently allowed, but under the new zoning. To the north and south of the site is H-2 zoning, so all of those properties have the right to 55-foot height. To the east is Ameritas. Some portions of their building are 5-stories, so it is hard to imagine negative impacts for them.

Harris asked how the 1.4 number was arrived at as an appropriate number for parking stalls. Thierolf stated he was not present at that stage of the decision making, so the applicant can better answer. Harris said she wondered with demographic trends regarding vehicle choices, if it is still a safe assumption that a single bedroom is associated with a single vehicle. She theorizes there may be couples with no children or grown children who wish to downsize to a smaller living space, but retain two vehicles. Thierolf said there are no hard numbers, but at this location, it is hoped that the proximity to amenities could reduce dependence on vehicles. Harris asked if it is the nature of this specific location and its potential walkability that causes Staff to accept the reduced parking number. Thierolf said yes. There is also a bus route nearby.

Beecham wondered if pedestrian access across busy Cotner Boulevard and the large mall parking lot have been looked at. She wondered if there was a plan for how pedestrians will get from place to place. Thierolf said that is a good point and is an important component of the long-term redevelopment idea with this node. For this particular site, there is a crosswalk at R Street across Cotner. Beecham said traffic moves quickly in this area. If walkability is a focus, and particularly if the reduced parking was justified by that potential, then we need to make sure it is safe. Thierolf agreed, stating he has walked in the area several times and it is currently not the most pleasant walking environment.

**Proponents:**

1. **Mike Eckert, Civil Design Group,** came forward on behalf of the applicant who has owned this site for over 30 years, originating back to when they owned Home Real Estate. Home Real Estate continues to lease the building but are consolidating offices just to the west of this location; therefore, the opportunity arose to reconsider the best use of this site. The building is probably functionally obsolete due to its layout. The applicant wants to create a multi-family use. Planning Department is to be commended for their thought process in looking into the best way to make this option work. It will require some form of commercial on the first floor.
The B-5 zoning allows the desired 153 units. The architect came up with a floor plan that includes 60 two-bedroom or single bedroom/den configurations. Those units would be allowed two parking stalls each. Then there are 90 efficiency or 1-bedroom units with 1 stall each. There will be some surface parking in a courtyard area with amenities and probably a pool. A leasing office and common area are located off the eastern wing.

This vision achieves goals of the Comprehensive Plan by creating an urban infill, multi-family building. The applicants see this type of living situation being attractive to both Millennials and Baby Boomers who want to reside close to services. The presence of existing grocery stores in the area was also a key factor in the decision making for this site.

We have met with the neighbors to the north who will be the most impacted neighbor. Their building has no windows where we abut, so they are generally fine. We told them we would work with them, especially during construction. The Stem Gallery, the nearby bank, and Ameritas are also supportive. In fact, Ameritas showed strong interest in obtaining corporate units for folks they have in town for extended periods.

The developer will pay $260,000 in impact fees, even with the commercial credits and water main coming in. They are experienced developers who pride themselves on a quality product. There will be two stories of underground parking and this will be an expensive building. As such, the rents will be commensurate. We apologize for a lack of details regarding the facade at this phase, but we want to get through the government process before investing more in that area.

Beecham asked the distance of the nearby school. Eckert said he does not know.

Beecham reiterated the importance of considering safety and walkability. Eckert said he agrees. In time, there will be more development and changes along Cotner. Closing one access point from Cotner to the site will help. We will also be proponents for Public Works putting in a designated crosswalk. The sidewalks will be redone, which will create a better streetscape than exists today. P Street traffic is fairly minimal, but this is a good opportunity for us to push for the striped crosswalks. Beecham said yes, if the area is developing, let’s start thinking about these issues at the front-end.

There was no testimony in opposition.

**CHANGE OF ZONE NO. 16005**

**ACTION BY PLANNING COMMISSION:** March 16, 2016

Lust moved approval, seconded by Harris.

Lust said this is a good project for the area. It is nice to see residential development within the commercial area and that is what we wanted to encourage with the Comprehensive Plan.
Hove agreed and complimented the applicant for proposing this. At first, it doesn’t look like it will fit, but in the long run, this will be a good project for the area.

Motion carried 5-0: Beecham, Harris, Lust, Sunderman, and Hove voting 'yes'; Cornelius, Corr, Scheer, and Weber absent. This is a recommendation to the City Council.
Change of Zone #: CZ16005
N Cotner Blvd & P 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.20 T10N R07E
Sec.21 T10N R07E

Area of Application
Zoning Jurisdiction Lines
Lancaster County Jurisdiction

2013 aerial

PDF: F:\boards\PC\Internet\out
File: F:\Dev\Review\Planner\Packet\MXD\Agendadrawings.mxd (CZ16005)
Use Permit #: PEUP3AG
Gateway
N Cotner Blvd & P 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
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I-1 Industrial District
I-2 Industrial Park District
I-3 Employment Center District
P Public Use District

One Square Mile:
Sec.21 T10N R07E

Area of Application
Zoning Jurisdiction Lines
Lancaster County Jurisdiction
Use Permit #: PEUP3AG
N Cotner Blvd & P 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.21 T10N R07E

Area of Application
Zoning Jurisdiction Lines
Lancaster County Jurisdiction

2013 aerial
GENERAL NOTES:
1. EXISTING SIGNS ARE SHOWN ON THE SITE PLAN. NEW SIGNS MUST NOT BE SHOWN ON THIS SITE PLAN, BUT MUST BE APPROVED BY THE BUILDING & SAFETY DEPARTMENT PRIOR TO INSTALLATION.
2. BANNER SIGNS (RESOLUTION A-10556)
   A. BANNERS AND BANNER HARDWARE MAY BE INSTALLED ON EXISTING LIGHT POLES IN THE PARKING LOTS THAT ARE UNDER GATEWAY OWNERSHIP AND CONTROL, AS INDICATED ON THE SITE PLAN.
   B. EACH LIGHT POLE MAY HAVE A PAIR OF BANNERS, WITH EACH BANNER BEING A MAXIMUM 8 X 2 FEET IN AREA.
   C. BANNERS MUST BE AFFIXED TO THE BANNER HARDWARE ALONG THE TOP AND BOTTOM PERIETERS AND TO THE POLES IN A WAY THAT THEY REMAIN RISD.
   D. THE HEIGHT OF THE BANNER SHALL NOT EXCEED 18 FEET.
   E. ALL SIGNS MOUNTED ON STEPS OF GATEWAY BUILDINGS MUST REMAIN IN PLACE AND BE REPLACED AS REQUIRED TO MAINTAIN THE CURRENT LEVEL OF SECURITY.
   F. THE PERMITTEE MUST SUBMIT INFORMATION TO BUILDING AND SAFETY DEPARTMENT WITH THE SIGN PERMIT THAT IS SUFFICIENT TO THE DEPARTMENT TO DETERMINE THE BANNERS AND HARDWARE WILL WITHSTAND WIND LOADS.
   G. BANNERS SHALL BE MAINTAINED AND REPLACED AS NEEDED SO THAT THEY DO NOT PRESENT A HAZARDOUS OR FADED APPEARANCE IF ANY BANNERS FALL OUT OF COMPLIANCE WITH THIS CONDITION AND THE PERMITTEE AFTER APPROPRIATE NOTICES TO RENOVATE ANY BANNERS INTO COMPLIANCE HAS FAILED TO DO SO, THE BUILDING AND SAFETY DEPARTMENT MAY ORDER THE PERPETUAL REMOVAL OF ALL BANNERS.
   H. THE PERMITTEE MUST SUBMIT A REQUEST TO THE PLANNING DIRECTOR THAT CAN BE APPROVED ADMINISTRATIVELY TO EXTEND THE USE OF THE EXISTING BANNERS FOR A SPECIFIC OR INDEFINITE PERIOD OF TIME.
3. IMPROVEMENTS SHOWN ON THIS PLAN ARE CONCEPTUAL AND SUBJECT TO MINOR CHANGE:
4. IN AREA A: THE PARKING REQUIREMENT IS 1 SPACE PER 396 SQUARE FEET OF GROSS FLOOR AREA FOR ALL USES. THE PARKING ARRANGEMENT AS SHOWN IS FOR ILLUSTRATION PURPOSES AND MAY BE MODIFIED.
5. AREA A IS PERMITTED AT 1,384 SQUARE FEET PER 1,000 SQUARE FEET OF GROSS FLOOR AREA. FLOOR AREA IN AREAS 1 & B MAY BE INCREASED ADMINISTRATIVELY UP TO 120% OF THESE AMOUNTS. AREAS C & D DO NOT HAVE A LIMITATION ON FLOOR AREA.
6. ADMINISTRATIVE AMENDMENTS TO THE USE PERMIT ARE NOT NECESSARY IF ALL OF THE FOLLOWING ARE MET:
   A. NO BUILDING EXTENDS INTO THE SETBACKS AS SHOWN, IF A SETBACK IS NOT SPECIFICALLY IDENTIFIED ON THE PLAN, THE SETBACK SHALL BE PER THE ZONING ORGANIZATION;
   B. THE PARKING REQUIREMENTS ARE MET FOR THE PROPERTY IN QUESTION;
   C. NO ACCESS DRIVES OR INTERNAL CIRCULATION DRIVES OTHER THAN INTERNAL PARKING LOTS ARE ALTERED;
   D. THE FLOOR AREA CAP FOR AREAS A AND B ARE NOT EXCEEDED FOR ANY CHANGES IN THESE AREAS; THE FLOOR AREA CAP MAY BE INCREASED UP TO 120% BY ADMINISTRATIVE AMENDMENT.
7. A PEDESTRIAN STREETScape ZONE SHALL BE PROVIDED ALONG "C" STREET, N. 6TH STREET, "D" STREET AND N. COTNER BOULEVARD. IF THE STREETScape ZONE DOES NOT EXIST THEN IT MUST BE INSTALLED AT THE TIME OF BUILDING PERMIT FOR AN ADDITION OR THROUGH AN AMENDMENT TO THE USE PERMIT. THIS REQUIREMENT TO INSTALL THE STREETScape ZONE MAY BE WAIVED BY THE PLANNING DIRECTOR AT THE TIME OF BUILDING PERMIT.
   A. THE STREETScape ZONE SHALL INCLUDE A PLANTING AREA BETWEEN THE LANE OF CURB AND A SIDEWALK OF AT LEAST 8 FEET FOR STREET TREES AND A 3 FOOT WIDE SIDEWALK;
   B. PUBLIC ACCESS EASEMENTS SHALL BE IDENTIFIED IN THE PUBLIC SIDEWALK THAT IS LOCATED ON PRIVATE PROPERTY;
   C. THE STREETScape IS NOT REQUIRED IN AREA A ADJACENT TO THE 50 FOOT BUFFER ALONG "C" STREET AS LONG AS THE 50 FOOT BUFFER REMAINS;
8. NO PARKING, DRIVEWAYS OR OTHER DEVELOPMENT SHALL OCCUR IN THE FRONT YARD SETBACKS OR THE 50 FOOT LANDSCAPE BUFFER ALONG "C" STREET EXCEPT FOR 30 FIELD;
9. ALL TERMS AND CONDITIONS OF PRE-EXISTING USE PERMIT NO. 3 SHALL APPLY UNLESS SPECIFICALLY AMENDED BY THIS USE AMENDMENT.
10. SIGNS A & B ARE LOCATED WITHIN THE PUBLIC RIGHT-OF-WAY. THEY WILL BE REMOVED FROM THE RIGHT-OF-WAY IF REQUESTED BY THE NEBRASKA DEPARTMENT OF HIGHWAY OR IF A NEW COVER SIGN IS REQUESTED AT THIS LOCATION. REMOVING THE SIGNS WILL BE DONE AT NO COST TO THE CITY.
**PARKING TABLE**

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<td>POSTING LIMITATION</td>
<td>4,446</td>
<td>830</td>
<td>—</td>
</tr>
<tr>
<td>OUPUT PARKING REQUIREMENT</td>
<td>0.020</td>
<td>7.10</td>
<td>156 PER WAIVER</td>
</tr>
</tbody>
</table>

**GENERAL NOTES:**

1. EXISTING SIGNS ARE SHOWN ON THE SITE PLAN. NEW SIGNS MUST NOT BE SHOWN ON THIS SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27 OF THE LINCOLN ZONING ORDINANCE AND MUST BE APPROVED BY THE BUILDING & SAFETY DEPARTMENT PRIOR TO INSTALLATION.

2. BANNER SIGNS (RESOLUTION A-8656)
   A. BANNERS SHALL BE INSTALL ON EXISTING LIGHT POLES IN THE PARKING LOTS THAT ARE UNDER GATION'S OWNERSHIP AND CONTROL, AS INDICATED ON THIS SITE PLAN.
   B. EACH LIGHT POLE MAY HAVE A PAIR OF BANNERS, WITH EACH BANNER BEING A MAXIMUM 2 X 4 FEET IN AREA.
   C. BANNERS MUST BE AFFIXED TO THE BANNER HARDWARE ALONG THE TOP AND BOTTOM PERIMETERS AND TO THE POLES IN A WAY THAT THEY REMAIN VISIBLE.
   D. THE HEIGHT OF THE BANNER SHALL NOT EXCEED 18 FEET.
   E. EXISTING LANDSCAPE MATERIALS ALONG THE STREET FRONTAGE SHALL REMAIN IN PLACE AND BE REPLACED AS REQUIRED TO MAINTAIN THE CURRENT LEVEL OF SCREENING.
   F. THE PERMITTEE MUST SUBMIT INFORMATION TO BUILDING AND SAFETY DEPARTMENT WITH THE SIGN PERMIT THAT IS SUFFICIENT FOR THE DEPARTMENT TO DETERMINE THE BANNERS AND HARDWARE WILL WITHSTAND WIND LOADS.
   G. BANNERS SHALL BE MAINTAINED AND REPLACED AS NEEDED SO THAT THEY DO NOT PRESENT A TOWN OR FADED APPEARANCE. IF ANY BANNERS FALL OUT OF COMPLIANCE WITH THIS CONDITION AND THE PERMITTEE AFTER APPROPRIATE NOTICE TO BRING ANY BANNERS INTO COMPLIANCE FAILS TO DO SO, THE BUILDING AND SAFETY DEPARTMENT MAY ORDER THE PERMANENT REMOVAL OF ALL BANNERS.
   H. BANNERS SHALL BE ALLOWED FOR TWO YEARS AFTER THE APPROVAL OF THIS USE PERMIT. THE PERMITTEE MAY SUBMIT A REQUEST TO THE PLANNING DIRECTOR THAT CAN BE APPROVED ADMINISTRATIVELY TO EXTEND THE USE OF THE BANNERS FOR A SPECIFIC OR INDEFINITE PERIOD OF TIME.

**WAIVER LIST:**

1. MAXIMUM BUILDING HEIGHT FROM 40 FEET TO 50 FEET FOR ANY NEW ADDITION TO AREA "B" MEASURED FROM THE AVERAGE ADJACENT GRADE OF THE ADDITION TO THE HIGHEST POINT OF THE ADDITION, EXCLUDING NECESSARY MECHANICAL APPURTENANCES.

2. PARKING RATIO FOR ALL USES TO 1 STALL PER 300 SQUARE FEET OF GROSS BUILDING SQUARE FOOTAGE.

3. MAXIMUM BUILDING HEIGHT FROM 40 FEET TO 50 FEET FOR AREA "C" MEASURED FROM THE AVERAGE ADJACENT GRADE OF THE ADDITION TO THE HIGHEST POINT OF THE ADDITION, EXCLUDING NECESSARY MECHANICAL APPURTENANCES.

4. OFF THE RESIDENTIAL PARKING REQUIREMENT IN AREA "B", 1.4 STELLS PER UNIT SO LONG AS NO MORE THAN 30 OF THE PROPOSED 153 UNITS ARE LARGER THAN 1 BEDROOM UNITS WITHOUT A DEN.
PEUP3AG Legal Description

Lots 1-5, Gateway Shopping Center Subdivision; Lots 1-3 & Outlot A, Q Place, except east part for street; Lot 256 of Irregular Tracts except that part lying NW of a line 40' east of the centerline of Cotner Blvd. and except parts in NW and south for road; Lot 262 of Irregular Tracts except south part for road; Lot 263 of Irregular Tracts except 544.35 SF in south for street; Lot 265 of Irregular Tracts except 2835.5 SF in south part for road; Lot 266 of Irregular Tracts except the south portion of right of way of 'O' Street; Lot 163 of Irregular Tracts except 182.63 SF in the SE corner for Street; all located in the S ⅓ of Section 21, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska.
February 17, 2016

Mr. David Cary  
Director of Planning  
City of Lincoln /Lancaster County  
555 South 10th Street, Room 213  
Lincoln, NE  68508

Re: 225 N. Cotner Blvd, Amended Use Permit and Change of Zone applications,  
CDG Project #2014-0314.

Dear Mr. Cary:

On behalf of Austin Realty Investments, we submit the above mentioned Amended Use Permit and Change of Zone applications. With these applications we are requesting to amend the existing B-5 Gateway Use Permit by adding the 225 N. Cotner Blvd property as Area ‘C’ and subsequently changing the zoning on this lot from H-2 to B-5.

We request the following waivers with this application:

1. For maximum building height from 40 feet to 55 feet for area ‘C’ measured from the average adjacent grade of the addition to the highest point of the addition, excluding necessary mechanical appurtenances.

2. Of the residential parking requirement in area ‘C’ to 1.4 stalls per unit so long as no more than 60 of the proposed 153 units are larger than 1 bedroom units without a den.

In conjunction with this submittal we have included the following:

- Change of Zone Fee - $792.00
- Amended PUD Fee - $1029.60
- Change of Zone and Amended PUD Application Form

We hope that this letter and associated plan sheets provide you with enough information to review this CUP and change of zone application. As always, please call me at (402) 434-8494 if you have questions.

Sincerely,

[Signature]

Mike Eckert, AICP

Encl

CC: Austin Realty Investments

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OPPOSITION

Subject: Comments to Planning Commission: RE: CZ16005 and PEUP2 AG - Apartments planned for Home Real Estate site

From: Rose Kuwamoto [mailto:rose.kuwamoto@yahoo.com]
Sent: Monday, March 14, 2016 4:07 PM
To: Geri K. Rorabaugh <grorabaugh@lincoln.ne.gov>; Council Packet <CouncilPacket@Lincoln.ne.gov>; Rose Kuwamoto <rose.kuwamoto@yahoo.com>
Subject: Apartments planned for Home Real Estate site

I saw the newspaper article in Saturday, business section of the Lincoln Journal & Star newspaper by Matt Olberding. I wish to STRONGLY state that I DISAPPROVE of this plan by Home Real Estate.

I lived at 5500 R Street for 11 years. The planning commission has already let Home Real Estate overbuild at the site between 52nd and 54th and "O" street. I also work at the Hy-Vee at 50th and "O", so when they opened the new Fresh Thyme store at 52nd, it was a total traffic mess. There was not enough parking, especially with the new Scooter's coffee place next door. Also, that has turned into one of the most dangerous intersections, with cars trying to turn into Hy-Vee and Fresh Thyme. It is especially dangerous while trying to turn off of "O" street and head down 52nd to R street.

I have watched R street get busier and busier over the last several years, with all the new building between 48th and 56th, between O street and R street. To put in 153 more single apartments on the corner of North Cotner Blvd and P street is totally STUPID. This intersection is not set up to handle this kind of additional traffic. The streets around this area are also not going to be able to handle all this extra traffic.

This corner is to small to have this size complex. Where would they park???? In Ameritus' parking lot or the other businesses around them. Gateway is already expanding and bringing in additional traffic up and down R street. Having a smaller scale retail businesses would make much more sense. I am also concerned about what type of individuals would rent these single units. Are they targeting a certain type of clientele (young, old, low income)?

There are already plenty of apartments around this small area. On 46th & R there are hundreds of apartments and they are going to add on more. At 52nd street, between R & Vine, there are hundreds of apartments. At Vine and Cotner blvd is another complex of many apartments on both sides of street. Between 56th and Cotner blvd and Holdrege street there are 3 or 4 different apartment complexes and townhomes. Explain to me WHY we need more in the same mile radius???????? This just does not make sense. This area has many homes and couple of schools. It does not need the added traffic.

Would you allow this to happen in your neighborhoods??? I think not. The rules tend to be different for the north side of town, than the south part of Lincoln, especially the far south area of Lincoln. I have lived in Lincoln my whole life and have watched this happen over the last 10 to 15 years.

I would like some information about getting a petition started so I can submit it to the board and to the city council before they vote on this proposal.
You may contact me at: 5500 R Street
Lincoln, NE 68504
402-802-1915

My e-mail is: rose.kuwamoto@yahoo.com