City Council Introduction: June 20, 2016
Public Hearing: June 27, 2016

Bill No. 16-67

FACTSHEET

TITLE: CHANGE OF ZONE NO. 16016 - B-1, H-2, and O-2 to B-3 Planned Unit Development

BOARD/COMMITTEE: Planning Commission

APPLICANT: 48th Street Development, LLC

RECOMMENDATION: Conditional Approval (7-0: Sunderman, Corr, Lust, Cornelius, Weber, Harris and Hove voting 'yes'; Scheer declared a conflict of interest; Beecham absent).

STAFF RECOMMENDATION: Conditional Approval

OTHER DEPARTMENTS AFFECTED: Urban Development

SPONSOR: Planning Department

OPPONENTS: 2 present at hearing.

REASON FOR LEGISLATION: To approve **CHANGE OF ZONE NO. 16016**, from B-1 (Local Business District), H-2 (Highway District) and O-2 (Suburban Office District) to B-3 PUD (Commercial Business District), Planned Unit Development, including waivers for storm water detention, building height, setbacks, and screening and landscaping requirements, generally located at 48th and Holdrege Streets.

DISCUSSION / FINDINGS OF FACT:

1. This proposed planned unit development and the associated Comprehensive Plan Conformance No. 16003 - University Place South Redevelopment Plan (Bill #16R-120), and Street and Alley Vacation No. 16002 (Bill #16-66), 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 proposed project would add an urban mixed-use development to a currently blighted area. It can be served by existing infrastructure, and is oriented to enhance one of Lincoln's primary business corridors while having minimal impact on the adjacent neighborhood based on the proposed site plan. The project is in conformance with the Comprehensive Plan. The staff presentation is found on pp.9-10.

3. The waiver requests are set forth on pp.5-6.

4. Testimony on behalf of the applicant and members of the development team is found on pp.10-11. A proposed amendment was offered by the applicant, which is found on p.14.

5. Testimony in opposition is found on p.12, and the applicant's rebuttal is found on pp.12-13.

6. On May 11, 2016, the Planning Commission voted 7-0 to recommend conditional approval of this change of zone, as set forth in the amended conditions as offered by the applicant, found on p.7.

7. On May 11, 2016, the Planning Commission also voted 7-0 to find both the associated Comprehensive Plan Conformance No. 16003 - University Place South Redevelopment Plan (Bill #16-120) and Street and Alley Vacation No. 16002 (Bill #16-66) to be in conformance with the 2040 Comprehensive Plan.

8. On June 13, 2016, the City Council held public hearing and voted to approve Comprehensive Plan Conformance No. 16003 - University Place South Redevelopment Plan, which was adopted by Resolution No. A-89785.

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer

DATE: June 14, 2016

REVIEWED BY: David R. Cary, Director of Planning

DATE: June 14, 2016

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LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for May 11, 2016 PLANNING COMMISSION MEETING
****As Revised and Recommended for Conditional Approval by Planning Commission: 05/11/16****

PROJECT #: Change of Zone No. 16016 - Planned Unit Development (PUD)

PROPOSAL: From B-1 Local Business, H-2 Highway Business, and O-2 Suburban Office to B-3 PUD to develop a mixed-use redevelopment project

LOCATION: City block bounded by N 48th Street, N 49th Street, Holdrege Street, and Aylesworth Avenue.

LAND AREA: 3.11 acres, more or less

EXISTING ZONING: B-1 Local Business, H-2 Highway Business, O-2 Suburban Office

CONCLUSION: The proposed project would add an urban mixed-use development to a currently blighted area. It can be served by existing infrastructure, and is oriented to enhance one of Lincoln's primary business corridors while having minimal impact on the adjacent neighborhood based on the proposed site plan. The project is in conformance with the Comprehensive Plan.

RECOMMENDATION:		Conditional Approval
Waivers:		
1.	27.72.030 - Waive the maximum height of 45 feet in the B-3 district to allow a maximum height of 70 feet on the west half of the block.	Approval
2.	27.67.020 - Waive the B-3 parking requirements for various uses to allow 1 stall per 600 sq. ft. of commercial area regardless of use.	Approval
3.	26.15.020 - Waive requirements for stormwater detention.	Conditional Approval
4.	Design Standards, Section 7.3, Chapter 3.50 - Waive required screening for multiple family dwellings along the west, north, and south sides of the site.	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION:

Lots 1-10, Block 35, including the vacated alley abutting thereon and the north-south and east-west alley, and a portion of Lot 11, Block 35, Mill's Subdivision of Blocks 34 and 35 in Mills Addition to University Place; Lots A, B and C, and a portion of Lots D, E and F, Speechley Place, Lincoln, Lancaster County, Nebraska**.**

EXISTING LAND USE: Commercial and residential buildings in the process of being removed.

SURROUNDING LAND USE AND ZONING:

North:	Commercial	B-1 Local Business, R-2 Residential
South:	Commercial	H-2 Highway Commercial
East:	Residential	R-2 Residential
West:	UNL - East Campus	P Public

ASSOCIATED APPLICATIONS:

Street and Alley Vacation No. 16002 to vacate the internal alley on the block

Comprehensive Plan Conformance No. 16003 for the University Place South Redevelopment Plan

Miscellaneous No. 16001 for the South University Place Redevelopment Area Blight and Substandard Determination Study

HISTORY:

May 1887	Site originally platted into two lots as part of Mills Addition to University Place.
October 1889	Subdivided into 12 lots as part of Mills Subdivision of Blocks 34 and 35 of Mills Addition to University Place.
October 1946	Additional four lots created with Speechley Place subdivision.
May 1979	Change of zone from G Local Business and A-2 Single Family Dwellings to B-1 Local Business and R-2 Residential.
March 1985	Change of zone for the southwest corner of the site from B-1 Local Business to H-2 Highway Business.
February 1994	Change of zone for the east half of the site from R-2 Residential to O-2 Suburban Office.

COMPREHENSIVE PLAN SPECIFICATIONS:

p. 1.9 The west half of the site along N 48th Street is shown as commercial on the Future Land Use map. The east half is shown as urban density residential.

p. 5.2 Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.

Encourage and provide incentives for mixed uses in future developments.

p, 5.14 Strategies for commercial infill:

Discourage auto-oriented strip commercial development and seek opportunities for residential mixed-use development.

Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses, and take steps to ensure expansions are in scale with the adjacent neighborhood, are properly screened, fulfill a demonstrated need, and are beneficial to health and safety.

Encourage higher Floor Area Ratio for commercial development (5.15).

Orient buildings to the street, especially corners (5.15).

Encourage a vertical mix of residential and commercial use types (5.15).

Encourage shared parking between land uses with different peak demand periods (5.15).

p. 5.16 Encourage efforts to find new uses for abandoned, under-utilized or “brownfield” sites that are contaminated, through redevelopment and environmental mitigation.

p. 6.2 Mixed Use Redevelopment should:

Target existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and more efficiently utilize existing infrastructure.

Occur on sites supported by adequate road and utility capacity.

Be located and designed in a manner compatible with existing or planned land uses.

Provide a diversity of housing types and choices throughout each neighborhood for an increasingly diverse population.

p. 6.5 Intersection of N 48th and Holdrege Streets identified as commercial area appropriate for dwelling units/mixed use.

p. 6.10 Strategies for facilitating infill development:

Develop subarea plans for specific areas that set a framework for development, including advance blight studies, redevelopment plans, identification of infrastructure needs and public/private roles.

Work with state and local government to extend financial incentives to designated locations within the built environment.

Develop incentives to reduce the cost and risk of infill and redevelopment.

Support and enhance existing infrastructure and amenities (p. 6.11).

p. 7.9 Strategies for redevelopment in existing neighborhoods:

Encourage increased density of existing apartment complexes and special needs housing where there is land available for additional buildings or expansions.

Encourage additional density of apartment complexes and special needs housing on open adjacent land uses.

TRAFFIC ANALYSIS: N 48th and Holdrege Streets are both classified as minor arterials. N 49th Street and Aylesworth Avenue are local streets.

PUBLIC SERVICE: The Transit Development Plan approved in April 2016 shows bus routes along N 48th and Holdrege Streets abutting this site.

ENVIRONMENTAL CONCERNS:

The South University Place Blight Study identified some soil contamination from a former gas station on a portion of the site. Remediation will be completed as part of the redevelopment project.

AESTHETIC CONSIDERATIONS: The proposed building design was reviewed and recommended for approval by the Urban Design Committee.

ANALYSIS:

1. This proposal is to construct a mixed-use, multi-story building within a B-3 PUD. The proposed building is five stories and will include approximately 100 market-rate residential units and 25,000 square feet of first floor retail and/or restaurant uses. The PUD includes flexibility to allow up to 50 percent of the first floor for residential uses, although the developer is currently planning to utilize the entire first floor for commercial.

2. The project is located on the city block directly northeast of N 48th and Holdrege Streets. Former uses on the site include Tastee Inn and Out restaurant, QP Hardware, a car service station, and several single family residences. The structures are in the process of being removed.

3. Requested waivers:

   27.72.030 - Waive the maximum height of 45 feet in the B-3 district to allow a maximum height of 70 feet on the west half of the block. The applicant is requesting a height increase to 70 feet so the project can achieve a desired urban density. At 70 feet the structure would be the tallest building along N 48th Street. A similar project in the area is the Holdrege/Idylwild PUD (CZ#12018A) at 35th and Holdrege Streets. The mixed-use buildings associated with that development are three stories and 45 feet in height.

   The height increase only applies to the west half of the block along N 48th Street. The east half of the block, which is adjacent to the residential neighborhood, will remain at the B-3 district height of 45 feet. The 70-foot structure would be at least 215 feet from the nearest residence.

   27.67.020 - Waive the B-3 parking requirements for various uses to allow 1 stall per 600 sq. ft. of commercial area regardless of use. The B-3 district requires 1 stall per 600 square feet of office/retail/commercial uses and 1 stall per 100 square feet of restaurant uses. This waiver is intended to allow for flexibility of the first floor commercial area. The site would likely meet the B-3 district parking requirements without the waiver if the first floor develops as a mix of commercial and restaurant uses; however, if a majority of the first floor develops as restaurant space the waiver would be required.

   The applicant is requesting 1 stall per residential dwelling unit, which is currently allowed in the B-3 district. The residential and commercial areas are likely to have some amount of non-concurrent parking demand, which helps reduce the need for additional parking stalls. The site plan shows 187 parking stalls, which is sufficient to meet the needs of a mixed-use project of this magnitude.

   26.15.020 - Waive requirements for stormwater detention. The site is only three acres in size and is near Deadman's Run. Watershed Management reviewed the waiver request and recommends approval with the condition that the grading and drainage plan show a minimum 15-inch reinforced concrete storm drain pipe in the public right-of-way with manholes at changes in horizontal alignments.

   Design Standards, Section 7.3, Chapter 3.50 - Waive required screening for multiple family dwellings along the west, north, and south sides of the site. The Design Standards for Screening and Landscaping require vertical screening for multi-family dwellings. That type of screening is not appropriate for a mixed-use building such as this because it would

significantly impact visibility of the first floor commercial uses. This waiver is recommended for approval provided that screening remains along the east side of the site (N 49th Street) facing the residential neighborhood. The following screening requirements located in the Design Standards are not waived:

Multiple family dwelling screening along N 49th Street (50 percent from 6 to 15 feet along the lot line)

Parking lot screening (90 percent screen from 0 to 3 feet along the parking lot and driving aisles)

4. Tax Increment Financing (TIF) funds are proposed for certain public improvements associated with the project. The site was determined to be blighted in the South University Place Redevelopment Area Blight and Substandard Determination Study (MISC 16001) and is included in the University Place South Redevelopment Plan (CPC 16003) that is currently under review.

   The blight study and redevelopment plan encompass approximately 37 acres primarily along N 48th Street. This project could serve as a catalyst for further redevelopment of the area.

5. The site currently has three accesses each onto N 48th Street, Aylesworth Avenue and Holdrege Street, and two onto N 49th Street. The proposed site plan eliminates most of these access points, showing only one access each onto Holdrege Street and Aylesworth Avenue. The site will have no access onto N 48th and N 49th Streets. The elimination of access onto N 48th Street and all but one access onto Holdrege Street, both arterials, is supported by the Access Management Policy. Traffic in front of homes along N 49th Street should be minimally affected since the street contains no access onto the site.

6. Per Chapter 27.69 of the Zoning Ordinance a freestanding sign would be permitted on both N 48th and Holdrege Streets. No sign can be within 50 feet of a residential district, and no illuminated sign can be within 100 feet of a residential district.

7. The site is located within walking distance of the University of Nebraska East Campus and Nebraska Wesleyan University, so it should attract some student residents; however, the residential units will be market-rate and not specifically targeted as student housing. The project's location at the intersection of two arterials and along bus routes suggest that it could attract a range of clientele.

8. The proposed building will be oriented toward N 48th Street with parking in the rear. A residential neighborhood consisting primarily of single family homes is located to the east across N 49th Street. The site plan shows several single story garages to be placed along the east side of the site, with an additional 25-foot setback of green space and landscape screening.

9. The internal alley on the site is proposed to be vacated with the associated application Street and Alley Vacation No. 16002.

10. The applicant will be completing a final plat for the site to create a single lot over the entire block. The final plat is required prior to receiving building permits to ensure dedication of the pedestrian easement.

11. The site plan shows planters located in the public right-of-way. Permits are required for any encroachment into the public right-of-way.

12. The proposed development is in conformance with several strategies outlined in the Comprehensive Plan for commercial infill. These strategies include orienting buildings to the street, having a mix of residential and commercial use types, and discouraging multiple accesses onto an arterial street. Figure 5.2 from the Comprehensive Plan (attached) shows that the proposed development meets the criteria for the "Preferred" infill option.

13. The Comprehensive Plan identifies this site as a commercial area appropriate for a mix of residential and commercial uses. This proposal would remove blighted conditions and add to the urban character of the area. The site is oriented toward N 48th Street which helps to minimize impact on the neighborhood to the east. The site is already served by existing infrastructure and roads. Subject to the conditions of approval this request is supported by the Comprehensive Plan.

CONDITIONS OF APPROVAL:

This approval permits 100 dwelling units, 25,000 square feet of commercial floor area, and associated waivers.

Site Specific Conditions:

1. The City Council approves associated request:

   1.1 Street and Alley Vacation No. 16002

2. Before receiving building permits the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **4** copies with all required revisions as listed below upon approval of the planned unit development by the City Council.

   2.1 Remove request for 1 parking stall per dwelling unit from Waiver 5. The B-3 district currently allows 1 parking stall per dwelling unit.

   2.2 Waiver 5 should be re-numbered to Waiver 4.

   2.3 Remove the strikethrough text from the following note: "Building setback line ~~except as noted on PUD~~."

   2.4 Show storm drain pipe in public right-of-way a minimum of 15" RCP with manholes at changes in horizontal alignments.

3. Before receiving building permits, the developer shall provide the following documents to the Planning Department:

   3.1 Water Quality Control Form

   3.2 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the planned unit development has been recorded.

4. Before receiving Certificates of Occupancy for the improvements located on the Project Site, ~~building permits~~ the final plat shall be approved by the City. If any final plat on all or a portion of the approved planned unit development is submitted five (5) years or more after the approval of the planned unit development, the city may require that a new planned unit development be submitted, pursuant to all the provisions of section 26.31.015. A new

planned unit development may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the planned unit development as originally approved does not comply with the amended rules and regulations.

Standard Conditions:

5. The following conditions are applicable to all requests:

   5.1 Before occupying the building all development and construction shall substantially comply with the approved plans.

   5.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established association approved by the City Attorney.

   5.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.

   5.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.

   5.5 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, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

   5.6 The site plan as approved with this ordinance voids and supersedes all previously approved site plans, however all ordinances approving previous permits remain in full force and effect unless specifically amended by this ordinance.

Prepared by:

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Planner

May 2, 2016 **REVISED 5/11/2016**

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CHANGE OF ZONE. NO. 16016

COMPREHENSIVE PLAN NO. 16003
TO REVIEW"UNIVERSITY PLACE SOUTH REDEVELOPMENT PLAN
AS TO CONFORMANCE WITH THE 2040 COMPREHENSIVE PLAN
ON PROPERTY GENERALLY LOCATED AT
NORTH 48TH AND HOLDREGE STREETS
PUBLIC HEARING BEFORE PLANNING COMMISSION: May 11, 2016

Staff recommendation: Conformance with the Comprehensive Plan.

CHANGE OF ZONE NO. 16016
FROM B-1, H-2 AND O-2 DISTRICTS TO B-3 PUD COMMERCIAL BUSINESS DISTRICT
ON PROPERTY GENERALLY LOCATED AT
NORTH 48TH AND HOLDREGE STREETS
PUBLIC HEARING BEFORE PLANNING COMMISSION: May 11, 2016

Staff recommendation: Conditional Approval.

AND

STREET AND ALLEY VACATION NO. 16002
TO VACATE TWO ALLEYS
ON PROPERTY GENERALLY LOCATED AT
NORTH 48TH AND HOLDREGE STREETS
PUBLIC HEARING BEFORE PLANNING COMMISSION: May 11, 2016

Staff recommendation: Conformance with the Comprehensive Plan.

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

Corr disclosed that she attended the Developer's Open House on Tuesday, March 1, 2016.

Staff presentation: David Landis of the Urban Development Department stated Urban Development Department is the applicant for the Redevelopment Plan; the Change of Zone and Alley Vacation are work of the developer. We examined this area several weeks ago and declared it Blighted and Substandard and showed that the area is ripe for redevelopment. Yesterday, the City Council agreed unanimously with Planning Commission that the area is Blighted and Substandard.

Today, the question is whether or not the plan is in conformance with the Comprehensive Plan of the City and we argue that it is. Normally, you would see us here with a specific project like this that would come to you in the form of an amendment to an existing plan because we have those plans in all of the TIF districts. This is a new area that was just declared blighted and substandard. For that reason, we need to create a plan for the area. When we have a specific project, that project would then be amended into the plan. Today, we collapsed those steps into one. The plan identifies things that would be helpful to the area and it has a specific project. The Redevelopment Agreement will be the next step. In other words, this will be the only opportunity this body has to critique the proposed project because it will then be embedded in the plan.

This amounts to $16 million of private investment. It includes 20,000 square feet of retail and restaurant space on the ground floor. It consists of approximately 98 market-rate apartment units on the upper four floors. The project faces 48th Street with the garages and landscaping behind, so it abuts the property in a way that we like. It contains 190 parking spaces which is sufficient to meet the standards. There is no set of design standards that apply here. However, if you look at those standards, you would find an overlap, such as the transparency on the first floor, walkability, and high-end materials up to 20 feet. It replaces the old Tastee Inn and the old Q.P. Store. This project is the rationale for why the underlying plan is being brought to you.

We want to do this and the developer has done the preliminary work to allow the City to assist with TIF funds of about $1.7 million. The relationship of private-to-public dollars is $9.80 of private to $1.00 of public investment. We find it consistent in a number of ways that are outlined in the Staff Report.

Lust asked if it is allowable to include design standards as part of a redevelopment plan. You mentioned there were none and I'm glad it is a beautiful building. Landis said he believes that is a City Council function, however, when given a project, this body can say that your approval is conditional on 'x', which could be design standards.

Harris asked if this will appear before the Urban Design Committee. Landis said yes, whenever there is a TIF project, it is a requirement to appear before Urban Design. This has gone to them, and they did approve.

Proponents:

1. Tom Huston, 233 S. 13th Street, came forward on behalf of the applicant, 48th Street Investments, which is a company comprised of Schafer Richardson located in Minneapolis, and Greenleaf Properties of Lincoln. Also present today are Sara Joy Proppe, Project Manager, and Maureen Michalski, Director of Development, both of Schafer Richardson, as well as Don Linscott of Greenleaf Properties, and Tim Gergen, Project Engineer from Clark Enersen Partners.

The Redevelopment Plan is the second step. The question before you today with regard to the Comprehensive Plan Conformance item, is whether the redevelopment plan is consistent with the Comprehensive Plan for the City – this project is in many ways. It will use existing infrastructure, does not require additional investment by the City; will incentivize a mixed-use development; will identify a new use for a under-used piece of property; and, will increase residential and commercial density in conjunction with making sure the project is compatible with the neighborhood.

The Change of Zone is to clean up the mixed zoning that currently exists. We request a change to the B-3 PUD Commercial Business District which is what is required for a mixed-use project of this nature. This is a market rate project with retail. The building footprint has been oriented to the front right-of-way of N. 48th Street. Adjacent to the building itself is the parking lot containing 187 stalls including garages and landscaping. The east facade will also be important in providing outdoor dining and coffee shop opportunities.

The important aspect of the change of zone is that there are waivers requested – one for height to permit the increased density to make it compatible with the neighborhood. The conditions indicate that the building will be 215 feet away from the homes on the east. The PUD prohibits commercial use on the east half of the block and it requires screening. The second waiver deals with parking. The site is over-parked at this point. The site only requires 142 stalls. The waiver is that they be allowed to allocate 1 stall per 600-feet of commercial use, regardless of that use. The last waiver is to waive on-site detention due to the small size of the building footprint, and the fact that it is adjacent to Dead Man's Run.

Huston handed out a proposed Motion to Amend the Site Specific Condition No. 4 that requires the final platting of the property before the building permit. I am asking that this be revised to require the final plat prior to the certificate of occupancy because we want to be under construction in August of this year. We have the consent of Planning on that item.

The alley vacation is for the L-shaped alley that was platted in the 1890s and is no longer needed. It is being permitted because we are burying all utility lines.

Corr said that 70 feet seems high for 5 stories. I heard you mention that 20 feet on the first story. She asked how high the building will really be. Huston said the height will really depend on the parapet wall that is required to shield and screen mechanical equipment on the top floor. He believes the building will be right up to the 70-foot height. The first floor will have higher ceilings but, for this type of construction, those types of spans are required to cover HVAC and other equipment.

Corr said there is a taller dark section shown at the top. She asked if those are apartments. Huston said yes. Corr asked if the level down where there is some empty space will house the mechanical equipment. Huston said he believes there could be patios on the ends of the roofs. The mechanical equipment is located at the very top.

Corr said there is talk about replacing a storm drain pipe to allow the waiver for storm drainage. Huston said that is a typical requirement. Corr said she is concerned that one of the conditions for being blighted is that some of the water mains and storm drains are dilapidated. She wondered if this project will fix those things to solve those blighted conditions. Huston said there is no need to replace the sanitary sewer, but the storm sewer improvement required by the Site Specific Condition is required to allow this project to comply with the storm sewer requirements.

2. Tim Gergen, Clark Enersen Partners, stated that they worked with the Water Department. The water mains within 48th Street are within 10 years old. The sanitary sewer is within its life expectancy. The storm sewer has a Condition for Approval because we had to have a lot of the building storm sewer go to a storm sewer system in 48th Street rather than in Aylesworth. At that point, we needed to change our pipe size and material in order to meet the City standards. We had no problem with that condition. Corr said that for this portion of the blighted area, there were not any bad pipes. Gergen agreed that was the case in this block.

3. Sara Joy Proppe, Project Manager at Schafer Richardson, thanked the Commissioners. The Lincoln market is new for us, but we have had a long-term relationship with Don Linscott of Greenleaf Properties. We were established in 1995. Our development team has over 100 years of combined experience. We manage a mix of office, commercial, and multi-family properties throughout the upper Midwest, including over 1,000 units of multi-family houses, ranging from condos to historic rehabilitation, affordable housing and market rate units. We also own and manage 1.7 million feet of commercial and retail space in the Twin Cities. We have 245 units under construction. We have a very positive reputation within communities because we think it is important to engage the local residents in the process. To that end, we have already had a neighborhood open house including University Place and some of the East Campus business associations in the area. We are very excited to be part of this project.

Corr said there are glass fronts on 48th Street and at the back of the building. She wondered if it is intended for a single store, or if it is split. Proppe said she thinks it will be one.

Opponents:

1. Chuck Early, 5219 Garland Street, stated that from what he has gathered, it is too big for the area. We have properties in University Place that are rentals, as well as three lots that he is preparing to build apartments on when there is need for them. We rent to students. This could suck the life out of rentals in a heavily rented college neighborhood. That will suck the life out of the neighborhood. I also have concern about the zoning. It does not conform with that. It is higher than 45 feet since it abuts residential. The floor plan is also not to have sales and office space greater than 4,000 square feet. If there are apartments over that, it would be a minimum of 60,000 square feet on top of the retail below. This will add congestion to the area. The parking does not seem like it will be enough. It looks like it will work out to 800 square feet for each parking spot. I do not think it will be good for the neighborhood. We know something needs to go into the area, but this project is too big.

2. Nancy Early, 5219 Garland Street, came forward to state that they live in the neighborhood and they knew nothing about this project until it was in the newspaper. That really bothered her and her husband because they own nine lots in the area, including smaller apartments. The main concerns are the congestion and also the height, because there is nothing of a similar character in the neighborhood. At one point, University Place had issued saying something stating that any new structures needed to be compatible with the neighborhood. It is also very close to the street.

Hove asked how close they are to this development. Nancy Early stated they live a block and a half from their rentals on Garland and Walker. Chuck Early said that from what he understands, they will not be targeting students but that seems like a stretch. Nancy Early added that they also did not know about the neighborhood meeting that was held.

Staff Questions:

Harris asked how Staff feels about the Motion to Amend.

Andrew Thierolf of the Planning Department came forward to state that was discussed with the applicant, and Staff is comfortable with it.

Applicant Rebuttal:

Huston stated this project is a market-rate project, not designed for students; the pricing will probably exclude a lot of the student population. The project density is one of the questions of the neighbors. This is the type of project the Comprehensive Plan seeks. Increasing density along two arterial streets, on a site that is underutilized and we can use existing infrastructure. The B-3 zoning is the type of zoning request that has to be made to allow a mixed-use project like this. It permits the height waiver, which is consistent to allow the density of the project and with other similar buildings in the Wesleyan and East Campuses. The site will have more parking spots than is required under the code. The fact that the site is dense will lead to more traffic, but it is along two arterial streets, which is really where a project like this should be located. Schafer Richardson is a long-term owner. They do not buy and sell, so they have a vested interest in making sure the project is well-maintained and in taking care of their investment. This meets Comp Plan objectives for things like sustainability, increased opportunities, and public transportation. It does not cost the City a dime since there is no additional infrastructure the City needs to install.

Lust said it would be helpful to define “market rate”. Huston said it means that the units are not subsidized and the tenants will be qualified based on their own income. These are not hugely expensive, but they are not targeted to students. There will be a combination of 1- bedroom, studio, and a few 2-bedroom units. There is interest from seniors and young professionals in the vicinity.

Corr asked how many apartments will be in the building. Huston said 98, as currently drawn, with approximately one-third of each type of unit. Corr asked how many square feet are in the largest units. Huston said 1,200 square feet.

Corr asked if the building across from East Campus just up Holdrege Street is subsidized for student housing. Huston said it is his understanding that it is not.

Corr asked how far the turn lane runs on 48th Street. She wonders if the intersection will need to be widened. Huston said this project was reviewed by traffic engineers and they believe the existing infrastructure will handle it without any additional improvements.

Corr asked if getting rid of a level was an option. Huston said it dramatically changes the economics of the project and it would not proceed.

CHANGE OF ZONE NO. 16016
ACTION BY PLANNING COMMISSION: **May 11, 2016**

Lust moved approval as amended by the Applicant, seconded by Cornelius.

Corr said she does have concerns about the height, because it is residential in that area where the existing buildings are primarily single and two-story buildings. However, this is on a major street and there is a lot of setback from the residential. As things continue to develop to the north, the building will not stand out so much as it might at first.

Lust said this is a good project for the area. She understands the neighbors' concerns, but she feels that with the addition of the nice retail, residential, and coffee shops, they may find that the college-oriented rentals will actually benefit by having these types of facilities nearby, and it will be more attractive for students. They may even be able to charge more in rent.

Cornelius said he is excited for this project in this part of town as a resident of north-central Lincoln. It does differ from the surrounding area to some extent. But the enthusiasm with which it supports the goals of the Comprehensive Plan make it a valuable addition to the area. He supports the project.

Harris added that we are seeing a lot of demand for this type of housing from Millenials and Baby Boomers. It also represents infill, which is something we are always looking for. She hopes it acts as a catalyst for the neighborhood and will bring additional businesses and restaurants to the area.

Weber agrees with Corr about the height, but the orientation of the building and the setbacks are sufficient to alleviate those concerns.

Hove said he echos what others have said and he intends to support the project.

Motion carried, 7-0; Cornelius, Corr, Harris, Lust, Sunderman, Weber and Hove voting 'yes'; Scheer abstaining; Beecham absent. This is a recommendation to the City Council.

STREET AND ALLEY VACATION NO. 16002
ACTION BY PLANNING COMMISSION: **May 11, 2016**

Cornelius moved approval, seconded by Weber. Motion carried, 7-0; Cornelius, Corr, Harris, Lust, Sunderman, Weber and Hove voting 'yes'; Scheer abstaining; Beecham absent. This is a recommendation to the City Council.

MOTION TO AMEND CONDITIONS OF APPROVAL
FOR CHANGE OF ZONE NO. 16016

I hereby move to amend Condition No. 4 of the Conditions of Approval for Change of Zone No. 16016 as follows:

> "Before receiving Certificates of Occupancy for the improvements located on the Project Site, the final plat shall be approved by the city. If any final plat on all or a portion of the approved planned unit development is submitted five (5) years or more after the approval of the planned unit development, the city may require that a new planned unit development be submitted, pursuant to all the provisions of Section 26.31.015. A new planned unit development may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and, as a result, the planned unit development, as originally approved, does not comply with the amended rules and regulations."

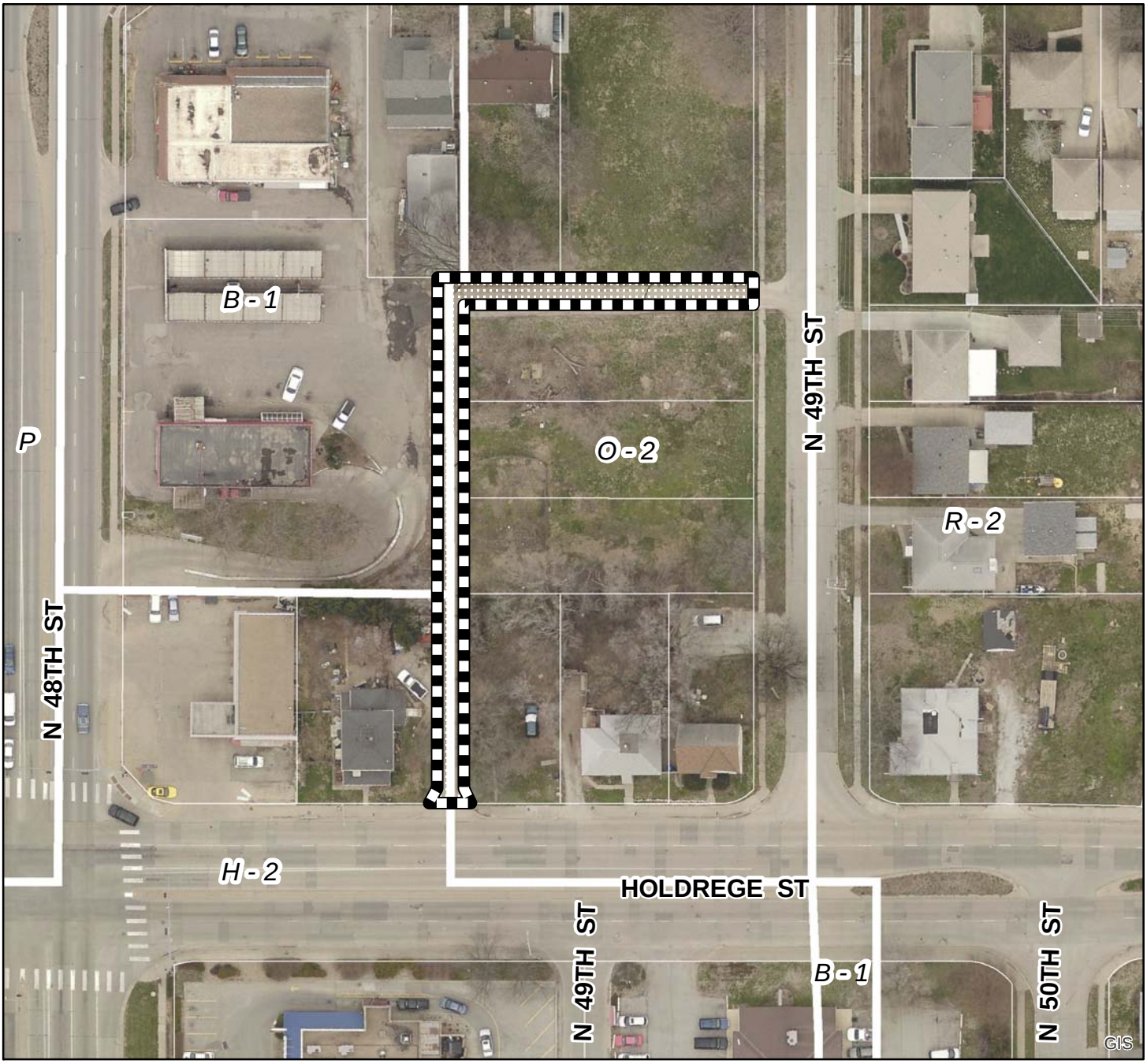
Moved by: _____

Seconded by: _____

Aye Votes: _____

Nay Votes: _____

4839-6812-4977, v. 1



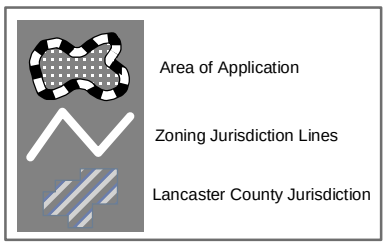
2013 aerial

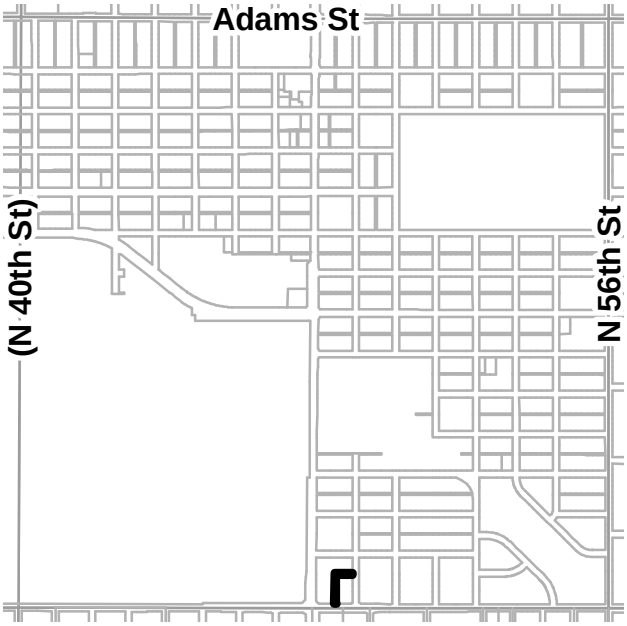
Street and Alley Vacation #: SAV16002
N 48th St & Holdrege St

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.17 T10N R07E





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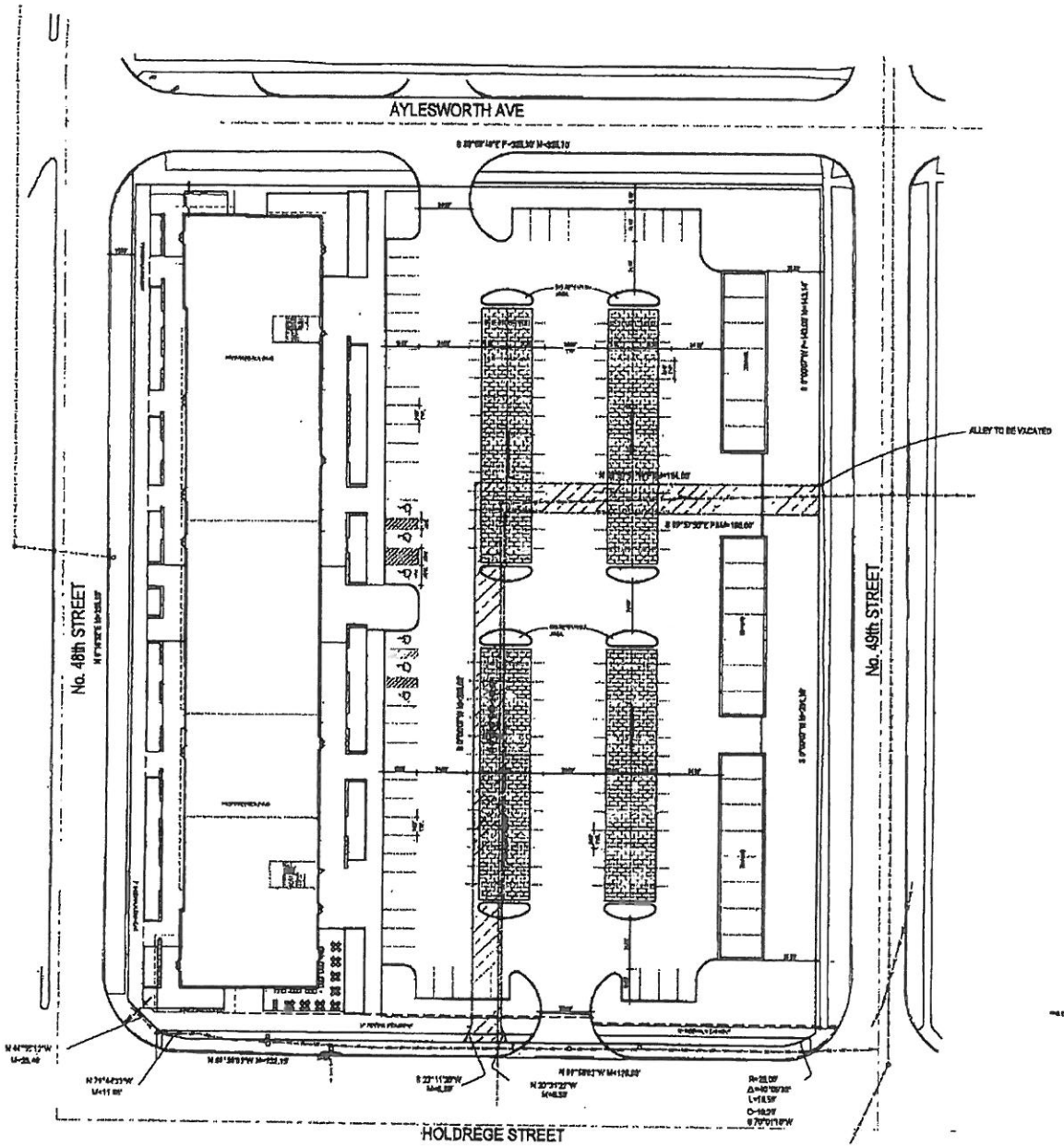


SITE PLAN

B-3 PLANNED UNIT DEVELOPMENT

SITE PLAN

NOTES

PARKING TABLE

WAIVERS

VICINITY MAP

The Clark Enersen Partners

South University Place

Lincoln, NE

TCEP No.: 055-001-16

April 13, 2016

Site Plan

C1.1

NOTES

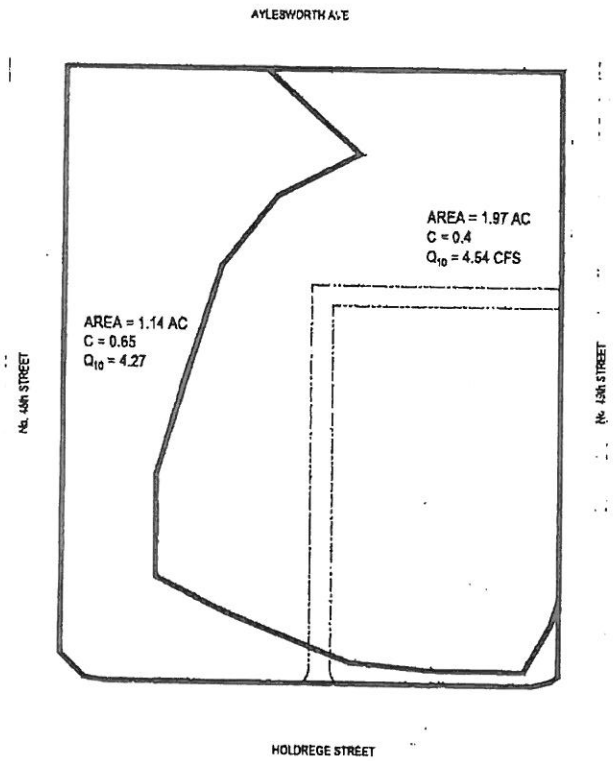
1. CURRENT ZONING IS F-2, O-2 AND B-1. A CHANGE OF ZONE IS BEING REQUESTED TO B-2 PUD
2. ALL ELEVATIONS ARE BASED ON NAVD 1988
3. FENCES, TRASH ENCLOSURES, DECORATIVE STRUCTURES AND ACCESSORY BUILDINGS NEED NOT BE SHOWN ON THE PLAN. BUILDINGS MAY BE LOCATED ANYWHERE ON THE LOT SUBJECT TO SETBACK LIMITATIONS, AND OTHER LIMITATIONS DESCRIBED IN THESE NOTES.
4. A LANDSCAPE PLAN SHALL BE PROVIDED AT THE TIME OF BUILDING PERMIT AND SHALL BE IN ACCORDANCE WITH CHAPTER 3.50 OF THE DESIGN STANDARDS FOR SCREENING AND LANDSCAPING EXCEPT AS DESCRIBED IN WAIVERS. THE STREET TREES WILL BE PROVIDED ON ALL STREETS
5. DIRECT VEHICULAR ACCESS TO NORTH 49TH STREET, NORTH 49TH STREET, HOLDREGE STREET, & AYLESWORTH AVENUE IS RELINQUISHED EXCEPT AS SHOWN
6. THE YARD SETBACKS REGULATES STRUCTURAL WALLS ONLY AND DOES NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCROACHING INTO THE SETBACKS.
7. SIGNS TO COMPLY WITH THE REQUIREMENTS OF THE B-3 DISTRICT AT THE TIME OF SIGN PERMITS. OFF-PREMISE SIGNS ARE PROHIBITED, EXCEPT THAT FREE-STANDING SIGNS MAY ADVERTISE BUSINESSES LOCATED WITHIN THE PUD BOUNDARIES
8. THE PUD ALLOWS UP TO 25,000 SF OF COMMERCIAL AREA AND UP TO 100 UNITS OF RESIDENTIAL. UP TO 50% OF THE FIRST FLOOR MAY BE RESIDENTIAL USE
9. NO COMMERCIAL USES OTHER THAN PARKING, GARAGES AND SIGNAGE SHALL BE LOCATED ON THE EASTERN 1/5 OF THE BLOCK
10. LOCATION OF BUILDINGS, PARKING STALLS AND WATER QUALITY FEATURES ARE CONCEPTUAL AND ARE SUBJECT TO MINOR CHANGES

PARKING TABLE

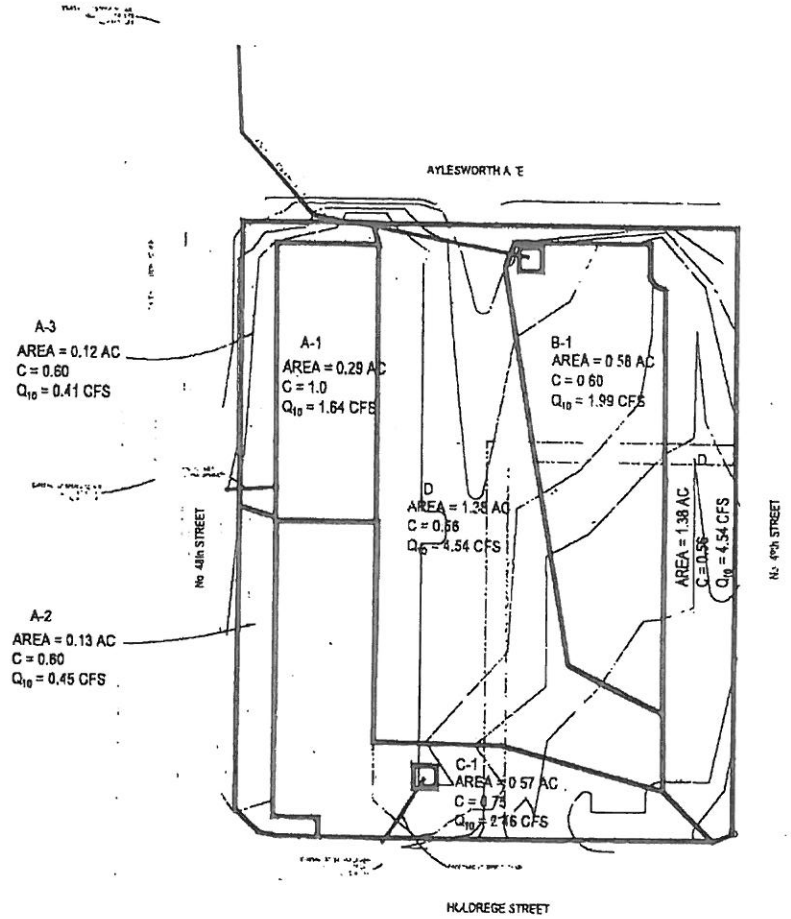
135 PARKING STALLS
22 GARAGE STALLS
8 ACCESSIBLE STALLS
157 TOTAL STALLS PROVIDED

WAIVERS

1. INCREASE BUILDING HEIGHT TO 70' ON THE WEST HALF OF THE BLOCK
2. STORMWATER DETENTION REQUIREMENTS
3. ON THE WEST, NORTH AND SOUTH SIDE, SCREENING AND LANDSCAPING AS REQUIRED BY CHAPTER 3.50, SECTION 7.3 OF THE DESIGN STANDARDS.
5. PARKING REQUIREMENT SHALL BE 1 STALL PER 600 SF OF COMMERCIAL AREA REGARDLESS OF USE AND 1 STALL PER RESIDENTIAL UNIT.



EXISTING SITE PLAN



PROPOSED SITE PLAN

WATER QUALITY CONTROL VOLUME

WATER QUALITY BMP's

TOTAL VOLUME TREATED

South University Place

Lincoln, NE

TCEP No. 055-091-16

April 13, 2016

Grading & Drainage Plan

C2.1

L. BRUCE WRIGHT
JAMES M. BAUSCH
ROBERT J. ROUTH
DAVID R. BUNTAIN
STEPHEN H. NELSEN
MICHAEL C. MUELLER
DANIEL R. STOGSDILL
SCOTT D. KELLY
TERRY R. WITTLER
MARK A. CHRISTENSEN
RICHARD P. GARDEN, JR.
SHAWN D. RENNER
JOHN C. MILES
THOMAS C. HUSTON
DON R. JANSSEN
SUSAN K. SAIT
KEVIN J. SCHNEIDER
ANDREW D. STROTMAN
GARY R. BATENHORST
JILL GORSIN JENSEN
JOHN C. HEWITT
ROCHELLE A. MULLEN
TRENTON P. BAUSCH
MICHAEL C. PALLESEN
RICHARD P. JEFFRIES
TRACY A. OLDEMEYER
PAMELA EPP OLSEN

CLINE WILLIAMS
WRIGHT JOHNSON & OLDFATHER, L.L.P.
ATTORNEYS AT LAW
ESTABLISHED 1857

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JASON R. YUNGTUM
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AUSTIN L. MCKILLIP
KEITH T. PETERS
ANDREW R. WILLIS
TARA A. STINGLEY
SEAN D. WHITE
MICHELLE L. SITORIUS
JONATHAN J. PAPIK
RENEE A. EVELAND
HENRY L. WIEDRICH
ADAM W. BARNEY
GREGORY S. FRAYSER
KARA J. RONNAU
TRAVIS W. TETTENBORN
HEATHER A. CARVER
SHANNON E. FALLON
KATHERINE M. KOCK
KATIE A. JOSEPH
LILY A. CARR

FREDRIC H. KAUFFMAN
DONALD F. BURT
STEPHEN E. GEHRING

April 13, 2016

VIA HAND DELIVERY
David Cary
Director of Planning
Lincoln City/Lancaster County
Planning Department
555 South 10th Street, Room 213
Lincoln, NE 68508

Re: 48th Street Development, LLC submittal of: (a) Petition to Vacate Public Right of Way; and (b) Application for Change of Zone
Our File No.: 21187.001

Dear Mr. Cary:

This firm represents 48th Street Development, LLC ("48th Street Development"), which has a written purchase agreement with the owners of all the real property located on the city block north of Holdrege Street, south of Aylesworth Avenue, east of N. 48th Street, and west of N. 49th Street (the "Property"). 48th Street Development intends to develop the Property as further described below and has the owners' consent to submit this application and petition.

A. The Project

48th Street Development proposes to redevelop the Property and construct a five-story mixed-used development with approximately 100 market-rate residential units and up to 25,000 square feet of first floor retail and/or restaurant uses (the "Project"). The goal of the Project is to strengthen the Lincoln community by providing in-fill residential dwelling units and commercial uses through the redevelopment of existing underutilized and deteriorating real property. The Project will remove blighted and substandard conditions of the project site and will make positive contributions to the area.

B. Petition to Vacate Right-of-Way

In connection with the Project, 48th Street Development seeks to vacate the existing "L" shaped alley which remains on the block and to retain an easement on the proposed vacated alley. The Project envisions development across that portion of the Property upon which the public alley is located and, as a result, 48th Street

STERLING RIDGE
12910 PIERCE STREET, SUITE 200
OMAHA, NE 68144-1105
(402) 397-1700

1207 M STREET
P.O. BOX 510
AURORA, NE 68818
(402) 694-6314

NORTHERN HEIGHTS PROFESSIONAL PLAZA
416 VALLEY VIEW DRIVE, SUITE 304
SCOTTSBLUFF, NE 69361
(308) 635-1020

330 SOUTH COLLEGE AVENUE
SUITE 300
FORT COLLINS, CO 80524-7162
(970) 221-2637

Development requests the City vacate the alley without relocating the existing sanitary sewer located in the right of way of the alley. Steven R. Murphy and Randall Acher, as the current owners of all abutting parcels to the public alley, have consented to and submitted the required City Application Form, Petition to Vacate, and Information Sheet. The structures and related development proposed to be located in the vacated alley are shown on the site plan accompanying the Petitions.

C. Change of Zone

48th Street Development also respectfully request a change of zone from the existing B-1 "Local Business", H-2 "Highway Business", and O-2 "Suburban Office" zoning district to the B-3 "Commercial" zoning district with a Planned Unit Development designation. Tim Gergen with the Clark Enersen Partners is the ProjectDox Contact with regards to the Application of Change of Zone (B-3 PUD).

D. Waivers

As part of the request for the B-3 PUD request for the Project, we request the following waivers:

1. Stormwater Detention. We request that the requirements for on-site stormwater detention be waived due to the small 3 acre size of the project site and its proximity to Deadman's Run. The existing storm sewer pipes have sufficient capacity to carry the stormwater. The Project will still comply with the new stormwater quality requirements;

2. Height. We request that the Project be subject to a 70 foot height restriction. The height waiver is intended to permit increased density in a "node" and along a "corridor" in conformance with LPlan 2040. To facilitate such height, the building foot print has been located along 48th Street and prohibits any commercial uses on the eastern half of the block along 49th Street;

3. Setback. For the setback along Aylesworth Avenue, we request a reduction from the required 25 feet to 8 feet. The 25 foot setback is required because of the R-2 zone on the north side of Aylesworth Avenue. The waiver facilitates the future change of zone and commercial development of the property to the north with a similar setback; and

4. Screening/Landscaping. The Project further requests a waiver of the screening requirement in Section 7.3 of Chapter 3.50 of the City of Lincoln Design Standards in light of the notes and conditions reflected in the Development Plan.

E. Enclosures

Enclosed with this delivery are the following:

1. Application Request Forms signed by 48th Street Development, LLC;

2. Petition to Vacate Public Way with Release and Waiver of Rights and Title, and Quitclaim Deed to City of Lincoln signed by Steven R. Murphy and Patricia M. Murphy, husband and wife, as owner of abutting parcels;

3. Petition to Vacate Public Way with Release and Waiver of Rights and Title, and Quitclaim Deed to City of Lincoln signed by Randall Acher, as owner of one of the abutting parcels;

4. Information Sheet detailing the requested vacation of public way (S. Murphy property);

5. Information Sheet detailing the requested vacation of public way (R. Acher property);

6. Site Plan and Development Plan, as required by the City of Lincoln application. The electronic version will be uploaded to the ProjectDox registry by Tim Gergen with the Clark Enersen Partners;

7. Application Fee in the amount of $1,353.00 payable to the City of Lincoln for:
   a. Vacation of Public Ways : $165.00
   b. Planned Unit Development: $1,188.00
      i. Base: $792.00
      ii. Per Acre: $396.00 (3 acres * $132 per acre)

If there are any questions, please do not hesitate to contact me.

Sincerely,

Thomas C. Huston
For the Firm

Enclosures

cc: Don Linscott (via email)
Sara Joy Proppe (via email)
Tim Gergen (via email)

4829-0622-8784, v. 2

The accompanying conceptual images illustrate examples of how a variety of strategies might work together for commercial infill:

Figure 5.2: Detailed Strategies for Commercial Infill

A "+" sign behind the number means the example illustrates the strategy; a "-" sign means the example does not.

1. Maintain existing vehicular access, relocate drives as needed, share access where possible, and discourage additional vehicular access to an arterial street
2. Encourage a higher Floor Area Ratio for commercial redevelopment
3. Face existing residential uses with new residential uses rather than the backs of buildings unless existing residential faces the opposite direction such as along an alley
4. Align commercial driveways with existing streets where possible
5. Discourage commercial driveways that interrupt the blockface of a residential street, especially when residences face the street
6. Encourage shared driveways and interconnected parking lots where possible
7. Orient buildings to the street, especially corners
8. Maintain or adaptively reuse existing structures (especially historical structures) where possible
9. Encourage a vertical mix of residential and commercial use types
10. Encourage shared parking between land uses with different peak demand periods
11. Maintain or enhance on-street parking resources, especially in established/historic commercial districts

- Single-Family/Duplexes/Rowhouses/Garages
- Multi-Family/Assisted Living
- Residential/Commercial Mixed Use
- Commercial Uses (office, retail, and service)
- Industrial Uses
- Public/Semi-Public Buildings
- Green Space/Natural Resources
- Other Open Space
- Public Right of Way: includes sidewalks, public alleys, street trees, on-street parking, and street paving
- Parking Lots/Driveways
- On-Street Parking Examples
- Arterial Streets

Very Poor

Redevelopment fails to meet or undermines several Business and Economy Chapter principles and/or strategies.

Poor

Redevelopment does not result in broad change that strives to meet Business and Economy Chapter principles and/or strategies.

Existing

Existing site prior to infill or redevelopment.

Better

Redevelopment accomplishes or incorporates only a few Business and Economy Chapter principles and/or strategies.

Preferred

Redevelopment accomplishes or incorporates numerous Business and Economy Chapter principles and/or strategies

Note: The Commercial Infill Images are conceptual and do not depict specific Lincoln commercial areas, but have been developed from examples from several commercial areas throughout the city and elsewhere. The intent of the images is to provide examples of situations in existing commercial areas that illustrate a range of development outcomes.

Current Project - Agency Review Report

Agency Name	User Name	Review Cycle	Review Status	Comments	Assignment
Building & Safety	christy eichorn	1	Corrections Required	See Markups. I would like to review again when more dimensions have been added. See Markups 4/22/2016	First In Group
County Health	chris schroeder	1	Recommend Approval	During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary. Developers are responsible for all mosquito control issues during the building process and all outlots, green-spaces, and/or natural corridors subsequently controlled by the owner, tenant, occupant, lessee, or otherwise, for that subdivision would be responsible for vectors of zoonotic disease in those areas.	Individual
Development Review Manager	steve henrichsen	1	Corrections Required		Individual
Historic Districts/Capitol Environs	stacey hageman	1	Recommend Approval	Urban Design Committee reviewed the site plan and proposed building design on 4/5/16 and recommended approval.	First In Group
LES	les reviews	1	Corrections Required	04/22/16 Tim Gergen has been working with Mike for this new apt building. A final plat will be forthcoming. Will be 1 lot with 1 building JG Working on UG TRF/service placement. City requesting OH facilities on N49 to go UG. MS	First In Group
Public Works - Engineering Services	bob simmering	1	Recommend Approval	4-18 Access reviewed and previously approved. Retain utility easements in alley to be vacated.	First In Group
Public Works - Watershed Management	ben higgins	1	Corrections Required	Storm drain pipe shown in public ROW needs to be a minimum of 15" RCP with manholes at changes in horizontal alignments. Provide Water Quality Control Form.	First In Group