City Council Introduction: October 3, 2016
Public Hearing: October 17, 2016, 3:00 p.m.

Bill No. 16-95

FACTSHEET

TITLE: CHANGE OF ZONE NO. 16024
B-3 Commercial and R-6 Residential to B-3 - Leighton Mixed-Use Planned Unit Development (North 48th Street and Leighton Avenue)

BOARD/COMMITTEE: Planning Commission

APPLICANT: Leighton Ave. Shopping Center, LLC

RECOMMENDATION: Approval (7-0: Sunderman, Harris, Corr, Cornelius, Lust, Scheer and Hove voting 'yes'; Weber absent).

STAFF RECOMMENDATION: Conditional Approval

OTHER DEPARTMENTS AFFECTED: Urban Development

SPONSOR: Planning Department

OPPONENTS: None present at hearing.

REASON FOR LEGISLATION:
To approve CHANGE OF ZONE NO. 16024, Leighton Mixed-Use Planned Unit Development, for a change of zone from B-3 Commercial and R-6 Residential to B-3 PUD, generally located northwest of the intersection of North 48th Street and Leighton Avenue; for a Planned Unit Development that would convert an underutilized and deteriorating shopping center into a mixed-use node containing urban density residential and commercial uses.

DISCUSSION/FINDINGS OF FACT:

1. The proposed planned unit development and the associated University Place Redevelopment Plan (Bill No. 16R-219) were heard at the same time before the Planning Commission.

2. The staff recommendation of conditional approval (amended as offered by the applicant) is based upon the "Analysis" as set forth on pp.5-9, concluding that this redevelopment project would convert an underutilized and deteriorating shopping center into a mixed use node containing urban density residential and commercial uses. The project will revitalize a significant commercial area within the University Place neighborhood. Both requests comply with the Zoning Ordinance and are consistent with the Comprehensive Plan. The staff presentation is found on pp.13-14.

3. The applicant's testimony and discussion with Planning Commission is found on pp.14-16. Other testimony in support of the development is found on pp.16 and 18.

4. There was no testimony in opposition.

5. On September 14, 2016, the Planning Commission voted 7-0 (Weber absent) to recommend conditional approval as amended by the Planning Commission, as requested by the applicant. (See minutes, p.14)

6. On September 14, 2016, the Planning Commission also voted 7-0 to recommend approval of the associated Comprehensive Plan Conformance No. 16006 (Bill #16R-219).

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer **DATE:** September 23, 2016

REVIEWED BY: David R. Cary, Planning Director **DATE:** September 23, 2016

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LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for September 14, 2016 PLANNING COMMISSION MEETING
****As Revised and Recommended for Conditional Approval by Planning Commission: 09/14/16****

PROJECT #: Change of Zone No. 16024 - Planned Unit Development (PUD)

PROPOSAL: From B-3 Commercial and R-6 Residential to B-3 PUD

LOCATION: Northwest of intersection of N 48th Street and Leighton Avenue, generally bounded by N 44th and N 48th Streets, Leighton and Huntington Avenues

LAND AREA: 10.56, more or less

EXISTING ZONING: B-3 Commercial, R-6 Residential

CONCLUSION: This redevelopment project would convert an underutilized and deteriorating shopping center into a mixed use node containing urban density residential and commercial uses. The project will revitalize a significant commercial area within the University Place neighborhood and is in conformance with the Comprehensive Plan's guidance for redevelopment nodes.

RECOMMENDATION:	Conditional Approval
Waivers:	
26.11.040	
Storm Water Detention	Approval
27.62.040(a)	
Allow residential uses on the first floor in the B-3 district	Approval
27.72	
Establish new building setbacks	Conditional Approval
27.72.030(a)	
Increase maximum building height from 45 feet to 75 feet	Conditional Approval
27.67.040	
Parking for all commercial uses one stall per 600 square feet	Approval
Design Standards, Section 7.3, Chapter 3.50	
Screening for multiple family dwellings in Phase One	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See Attached

EXISTING LAND USE: Commercial, Vacant

SURROUNDING LAND USE AND ZONING:

North:	Residential, Commercial	B-3 Commercial, R-6 Residential
South:	University of Nebraska East Campus	P Public
East:	Commercial	B-3 Commercial
West:	Residential	R-6 Residential

ASSOCIATED APPLICATIONS:

Comprehensive Plan Conformance No. 16006 for amendment to the *University Place Redevelopment Plan*.

HISTORY:

September 1962	Ordinance 7882 approved to vacate portions of N 46th Street and N 47th Street located within site.
May 1964	Building permit issued for primary shopping center structure that currently exists on site.
	Special Permit No. 280 approved for parking lot in northwest corner of site.
March 1982	Street and Alley Vacation No. 82012 approved to vacate N 45th Street along the western border of the site.
November 1986	Change of Zone No. 2290 from B-3 Commercial to R-6 Residential for two blocks along Huntington Avenue between N 45th and N 47th Streets. This change of zone created the existing R-6 district in the northwest area of the proposed PUD.
January 1990	Administrative Final Plat No. 89212 for UPC 1st Addition approved to create lot layout currently found on site.
January 1998	Special Permit No. 1710 approved for on-sale alcoholic beverages at restaurant in northeast corner of site.
October 1998	Site declared blighted and substandard.
October 2000	Special Permit No. 1866 approved for an 85-foot wireless service tower on the northeast corner of the site. The special permit was subsequently amended in 2005 to increase the height to 98 feet and in 2006 to revise the fall zone to the north property line.
February 2005	Special Permit No. 04065 approved for on-sale alcoholic beverages at outdoor patio located on western end of the existing shopping center.
January 2015	Hy-Vee Mainstreet grocery store closes.

COMPREHENSIVE PLAN SPECIFICATIONS:

p. 1.9 The area is shown as commercial on the Future Land Use map.

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. 5.16 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 Street and Leighton Avenue identified as primary node for mixed use redevelopment..

P. 6.6 Strategies for mixed use redevelopment nodes and corridors:

Should locate in areas where there is a predominance of commercial zoning and/or development, in proximity to planned or existing neighborhoods and community services, on at least one arterial street, with good access to transit, and in areas that minimize floodplain impact.

Strive for commercial floor area ratios of at least 0.5.

Strive for residential densities of at least seven dwelling units per gross acre (p. 6.7)

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.

UTILITIES: All utilities are currently available on site.

TRAFFIC ANALYSIS: The site is located at the intersection of two arterials, N 48th Street and Leighton Avenue.

PUBLIC SERVICE: The site is adjacent to the N 48th Street bus route shown in the Transit Development Plan approved April 2016.

AESTHETIC CONSIDERATIONS:

The project is scheduled to be reviewed at Urban Design Committee on September 13. Conditions related to building design will be included as part of the redevelopment agreement.

ANALYSIS:

1. This proposal is to redevelop an existing shopping center into a mixed use node with residential and commercial components. The project includes at least two phases. Phase One includes the construction of two new buildings and partial demolition of an existing building. Phase Two details have not yet been determined.

2. A portion of the existing structure that formerly contained a Hy-Vee Mainstreet grocery store along with an adjacent commercial bay is proposed to be demolished. The portion of the building containing Salvation Army, Family Dollar, and Risky's Sports Bar and Grill is proposed to remain in Phase One and may be demolished in a future phase. The strip commercial center on the east end of the site is proposed to remain and may receive a facade rehabilitation in a future phase. The bank on the southeast corner of the site is not included in the project area.

3. This proposal includes two new buildings to be constructed on the site of the former grocery store and adjacent parking lot. The proposed building to the south is 5 stories and approximately 71 feet tall, and the building to the north is four stories and approximately 59 feet tall. The buildings will include approximately 184 dwelling units and 28,000 square feet of ground floor commercial. A potential office user is also considering the site, which could mean a reduction in the number of dwelling units to accommodate approximately 30,000 square feet of office space.

   In addition to the new structures in Phase One, the project will include internal drives, sidewalks, parking, and public gathering space. The gathering space is intended for neighborhood events such as the University Place Farmers Market, which is currently held on site in the former grocery store parking lot.

4. The proposed development is in conformance with several strategies outlined in the Comprehensive Plan for mixed use redevelopment nodes. These strategies include orienting buildings to the street, having a vertical mix of residential and commercial use types, and establishing an internal street network with substantial connectivity to surrounding neighborhoods. Figure 6.3 from the

Comprehensive Plan (attached) shows that the proposed development meets the criteria for the “Preferred” infill option.

5. Residential uses are located adjacent to the site on the north and west. Six residential structures are located directly to the north: four multi-family structures and two single family structures. The area is in the R-6 zoning district, meaning the single family structures could someday be converted to multi-family. Five of the structures are separated from the proposed PUD by an alley. All of the existing residential structures are oriented to the north, away from the PUD; the nearest single family structure is 90 feet from the proposed PUD boundary and the nearest multi-family structure is 60 feet from the PUD boundary. The rear yards of the five multi-family structures adjacent to the PUD are all utilized as parking.

   The alley located north of the site is utilized to access several of the adjacent residential properties. The proposed parking lot within the PUD will not take access directly from the alley, and given the proposed circulation system within the site it is unlikely that traffic along the alley will substantially increase.

   An apartment complex is adjacent west of the site. The nearest structures are approximately 30 feet from the PUD boundary. Redevelopment of the PUD site adjacent to the apartment complex is not included in Phase One.

6. Requested waivers:

   26.11.040 - Storm Water Detention. The existing site is almost completely impervious with commercial structures and parking lot. This project will increase the amount of pervious area and decrease the amount of storm water runoff from the site. Watershed Management has reviewed the waiver request and recommends approval.

   27.62.040(a) - Allow residential uses on the first floor in the B-3 district. The north building has 13 proposed two story lofts with exterior entrances on the ground floor. This loft concept will add to the diverse housing options in the University Place neighborhood. A majority of first floor uses in the PUD will remain commercial.

   27.72 - Establish new building setbacks. The existing site has a unique configuration with three front yards, and the future final plat required for approval of this application will further alter lot lines. Due to these circumstances it is difficult to conclusively state the building setbacks per the B-3 district. This proposed PUD will establish new setbacks for the site through building envelopes.

   Building envelopes shall approximate the location of buildings in Phase One. The north building envelope shall be no closer than 19 feet from the north property line, which would place the building no closer than 35 feet from the existing residential parcel to the north and 79 feet from the nearest structure. The south building envelope may be zero feet from the south property line. This is the

standard front yard in the B-3 district, is along an arterial street, and is consistent with the desired urban character of mixed use redevelopment nodes.

It is difficult to establish building envelopes for future phases since building location has not been determined. Building envelopes in future phases will be established by Administrative Amendment and at a minimum will meet the requirements of the B-3 district.

Redeveloped parking stalls on the site plan shall have a minimum 8-foot setback from all exterior property lines to allow for car overhang and landscaping, except for the parking area along Huntington Avenue, which is required to have a minimum 20-foot setback along its north side to maintain the existing buffer from nearby residential uses.

27.72.030(a) - Increase maximum building height from 45 feet to 75 feet. Proposed height is 71 feet for the south building and 59 feet for the north building. The Comprehensive Plan identifies this site as a primary redevelopment node with 200 to 500 dwelling units. The increased height will help the site eventually achieve the desired density identified in the Comprehensive Plan.

The plan shall be revised to show a height of 60 feet for the north building envelope and 75 feet for the south building envelope. The applicant provided a shadow study of the proposed north building and its impact on adjacent residential properties to the north. During peak times shadows may intrude into the rear yard of some residential properties, but no residential structures are directly impacted by shadows.

With future phases the height shall not exceed 75 feet. Building envelopes and specific heights will be determined by Administrative Amendment.

27.67.040 - Parking for all commercial uses one stall per 600 square feet. Commercial parking for the B-3 district is one stall per 600 square feet; however, some uses such as restaurants have more restrictive requirements. This waiver allows flexibility in tenant occupancy for the potential commercial areas. The residential and commercial uses are likely to have some amount of non-concurrent parking demand, which helps reduce the overall demand for parking.

Design Standards, Section 7.3, Chapter 3.50 - Screening for multiple family dwellings in Phase One. The Design Standards for Screening and Landscaping require vertical screening for multi-family dwellings. That type of screening is not appropriate for mixed use buildings such as these because it would significantly impact visibility of the first floor commercial uses. The nearest adjacent uses are multi-family to the west and a mix of multi-family and single family to the north. Screening multi-family uses from each other provides little benefit. The adjacent single family structures are across an alley, over 100 feet from the nearest proposed building, and located in the R-6 district which would allow for future conversion to multi-family. Screening for future phases will be reviewed at time of building permit and may be waived administratively. Parking lot screening is still

required and will be reviewed at time of building permit.

7. The PUD includes no maximum floor area for specific uses. Floor area and number of dwelling units will be determined by available parking. This will provide flexibility with tenant mix as the site develops. The existing B-3 commercial center has no floor area cap with limits determined by available parking.

8. Per 28.03.060©) the Director can approve storm water quality best management practices to be utilized in lieu of storm water detention to meet water quality standards. The applicant is proposing to meet water quality standards by installing roof drain and area inlet filters. The filters would capture and remove sediment from the two proposed buildings and new pavement. Approximately 50 percent of storm water runoff from the site will be treated, while only 45 percent of the site is being disturbed. Watershed Management has reviewed the request and recommends approval subject to review of a plan showing locations of roof drain and area inlet filters, along with details for the filters. In addition, a maintenance agreement must be approved and filed with the final plat for this site.

9. The Comprehensive Plan notes that redevelopment nodes should have significant pedestrian orientation and access. This site is surrounded by an extensive pre-existing sidewalk network; however, there are two missing sidewalk connections that should be provided with this project. The south side of Huntington Avenue bordering the site currently has no sidewalk. This is the only missing segment along the south side of Huntington Avenue. Additionally, a 140-foot segment of N 46th Street that enters the site does not have a sidewalk. N 46th Street turns into a private drive with sidewalks once it enters the site. The site's internal sidewalk network provides pedestrian access to all facilities. Sidewalks along Huntington Avenue and N 46th Street will be included in the redevelopment agreement.

10. Alcohol sales is allowed by Special Permit in the B-3 zoning district. This PUD would allow alcohol sales for consumption on or off the premises without an additional Special Permit provided the use can meet the Special Permit conditions. The primary conditions with alcohol Special Permits are that the use must be at least 100 feet from a residential district or first-floor residential use, access doors within 150 feet cannot face a residential district, and no amplified sound associated with the use can be within 150 feet of a residential district. Residential uses within the PUD are excluded from this separation requirement, but alcohol sales would need to meet separation requirements from the residential districts north and west of the site.

11. A portion of the proposed B-3 PUD is currently in the R-6 zoning district and is being utilized as a parking lot. That area is not included in Phase One of the project. Since the R-6 area is adjacent to residential uses on three sides, the PUD should include restrictions that limit the area's use to a parking lot or other use permitted by right in the R-6 district.

12. A request for deviation from the Access Management Policy has been approved by the Public Works and Utilities Department. The request is reviewed separately from this PUD application and involved two items:

    Waive the requirement for a right turn lane from N 48th Street into the site.

    Waive minimum separation distance for access point along Leighton Avenue approximately 250 feet from the intersection with N 48th Street.

    Both of these deviations reflect existing conditions and allow for the continued use of current access points.

13. A 98-foot wireless service tower is located on the northeast corner of the site. All proposed buildings are outside the designated fall zone.

14. The applicant has scheduled a neighborhood meeting for September 7. In addition, the applicant has met with the University Place Community Organization (UPCO) board and neighboring property owners.

CONDITIONS OF APPROVAL:

This approval permits a mixed use development containing residential and commercial uses, including the sale of alcohol both on and off the premises provided the conditions of 27.63.680 and 27.63.685 are met but excluding residential uses within the PUD, with associated waivers.

Site Specific Conditions:

1. The City Council approves associated request:

    1.1 Comprehensive Plan Conformance No. 16006

2. Before a final plat is approved 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 and documents as listed below upon approval of the planned unit development by the City Council.

    2.1 Remove side, front, and rear setback lines and add building envelopes with dimensions from property lines. Building envelopes for Phase One shall roughly approximate building footprint shown on plan. The north building envelope shall be no closer than 19 feet from the north property line. The south building envelope may be zero feet from the south property line.

    2.2 Revise note regarding height to show maximum height of both the north building envelope and the south building envelope ~~at 60 feet and maximum height of south building envelope~~ at 75 feet subject to approval

from the Planning Department of a shadow study that shows no impact on adjacent residential structures located north of the project site.

2.3 Add note that building envelopes, site plans, and height for future phases will be established through Administrative Amendment to the satisfaction of the Planning Director, and height shall not exceed 75 feet.

2.4 Add the following waivers

Parking for all commercial uses one stall per 600 square feet (LMC 27.67.040)

Screening for multiple family dwellings in Phase One (Design Standards, Section 7.3, Chapter 3.50)

2.5 For Waiver 3 remove reference "and any accessory".

2.6 Remove Waiver 2. Per 28.03.060©) the Director may approve the use of best management practices in lieu of detention to address storm water quality.

2.7 Show on site plan the area that is being re-zoned from R-6 to B-3 PUD, and add note that only parking and uses permitted by right in the R-6 district are permitted in that area.

2.8 Show new and existing sidewalk along Huntington Avenue and N 46th Street. New sidewalk is required north of the existing parking lot along Huntington Avenue and on one side of N 46th Street.

2.9 Add to Note 3:

"Street trees will be provided along Leighton Avenue, Huntington Avenue, and N 48th Street. Within any redeveloped parking area there shall be a minimum 8-foot green space for car overhang and landscaping. The redeveloped parking along Huntington Avenue shall have a minimum 20-foot green space."

2.10 Add to Note 9:

"Prior to Phase Two redevelopment of the PUD site, grading and drainage plans will be revised by Administrative Amendment to the satisfaction of the Planning Director."

2.11 Add note that buildings may be constructed anywhere within building envelope.

2.12 Change zoning ordinance reference in Note 11 to 27.63.680 and 27.63.685.

2.13 Move the Miscellaneous Notes section to General Notes.

2.14 Move the legend to Sheet 1 and delete Sheet 3 as it doesn't provide any additional information.

3. Before a final plat is approved:

   3.1 Provide storm water quality plan showing location of roof drain and inlet filters, with filter details, to the satisfaction of Watershed Management.

   3.2 Provide maintenance agreement for storm water quality features to the satisfaction of Watershed Management. The agreement can be filed with the final plat.

4. Before receiving building permits:

   4.1 Provide verification from the Register of Deeds that the letter of acceptance as required by the approval of the planned unit development has been recorded.

   4.2 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 buildings 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 homeowners 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:

Andrew Thierolf, Planner
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September 6, 2016 REVISED September 14, 2016

APPLICANT/ OWNER: Leighton Ave. Shopping Center LLC
PO Box 428
Omaha, NE 68010

CONTACT: Nathaniel Burnett
REGA Engineering Group, Inc
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CHANGE OF ZONE NO. 16024

COMPREHENSIVE PLAN CONFORMANCE NO. 16006
TO AMEND THE UNIVERSITY PLACE REDEVELOPMENT PLAN
ON PROPERTY GENERALLY LOCATED BETWEEN
HUNTINGTON AND LEIGHTON AVENUES AND N. 44TH TO N. 48TH STREETS.
PUBLIC HEARING BEFORE PLANNING COMMISSION: **September 14, 2016**

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

Staff recommendation: Conformance with the Comprehensive Plan.

AND

CHANGE OF ZONE NO. 16024
FOR A MIXED-USE REDEVELOPMENT PROJECT,
ON PROPERTY GENERALLY LOCATED BETWEEN
HUNTINGTON AND LEIGHTON AVENUES AND N. 44TH TO N. 48TH STREETS.
PUBLIC HEARING BEFORE PLANNING COMMISSION: **September 14, 2016**

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

Staff recommendation: Conditional Approval.

There were not ex parte communications disclosed on this item.

David Landis, Director of Urban Development, stated the applicant is asking this body whether or not the proposed project is an appropriate amendment to the existing redevelopment plan for the area. Staff believes it is. The Urban Design Committee gave unanimous approval. There are two buildings proposed at the location, with a total of 184 market-rate residential units and approximately 28,000 square feet of either commercial or retail space. There will also be updates to an existing strip mall. The site today has a good deal of unoccupied space and that has started to fall apart; landscaping has deteriorated, and infrastructure is not in use.

The Comp Plan identifies this as the kind of area valuable for mixed use. There are only a couple of areas like this in the city. The design has been warmly regarded by the neighborhood and the developer has reached out to them, including a meeting last week with around 50 in attendance. They have also met with individuals. The response has been uniformly positive.

The project includes a 5-story and a 4-story building and refurbishment of the strip mall. The developer has also identified the need for green space and improved walkability and will incorporate those ideas to make this more neighborly and pedestrian oriented.

Lust asked what the blank square on the preliminary site plan represented. Landis said that is an existing bank that is not part of the project. He said that most of the changes occurring will happen in the predominantly empty area. Lust asked if the bank has expressed any objection. Landis said not that he is aware of.

Cornelius asked if there might be a grocery store on the first floor. Landis said there is a clause that remains that binds the use of the land, so not at this location. The City owns some land where we would love to have a grocery store.

Corr asked if there will be a separate staff report for the PUD. Landis said yes. He said that $4 million in TIF funds is anticipated for this $30-40 million project.

Proponents:

1. Tom Huston, 233 S. 13th Street, Suite 1900, stated the original redevelopment plan was adopted 18 years ago. The change of zone to the B-3 district is required for mixed-use. The primary focus today is to assess whether or not the proposed project and amendment to the redevelopment plan fits the vision of the Comprehensive Plan.

Phase I of the project will focus on the two center buildings. Build 1 to the south is oriented towards Leighton, with a pool area and a courtyard. Both buildings will have a total of 184 1- and 2-bedroom units, and some efficiency units. The 1st floor will be reserved for retail. There is a center area between the two buildings that will function as a common space that can be used as festival space or for farmers markets. The plan also describes Phase II, and though we are not sure what that will bring, it will be similar.

The area is in the flood plain and will be brought up. There are reasons outlined in the staff report as to why this plan conforms with the Comprehensive Plan. The area now is underdeveloped and he is not aware of any major street in Lincoln that has less activity than Leighton. In keeping with the Comprehensive Plan, the buildings are oriented towards the street and a street network, including a private drive throughout, will be established and will improve connection with the neighborhood to the north.

A motion to amend has been handed out. One contingency we are trying to plan for is an opportunity for an office use that we would like to be able to accommodate. This would permit the other building to be five stories instead of four, in case they decide to locate there. Staff agrees with the language of the amendment.

Harris asked where the residential units on the 1st floor will be located. Huston said in the north building. They are designed as row homes with exterior stoops and entrances for each unit. That is the potential area that could be replaced with the office uses.

Harris asked if there are any nearby establishments with liquor licenses that would become non-conforming because of proximity to 1st floor residential. Huston said he does not believe so.

Lust asked if the offices would be on the ground floor. Huston said they could be on the first two floors. Permission is sought to increase to five stories in order to maintain the same density.

Scheer asked if that means the potential 5th floor will be housing. Huston said yes; the office would be on the first floor.

Corr asked if the residential units on the north go all the way from east to west. Huston said the residential would just be on the north wing.

2. Christopher Erickson, City Ventures, 905 Jones Street, Omaha, NE, said the residential units are truly walkout, 2-story units. We built a similar design in Omaha and received glowing reviews. The design of the units engages the neighborhood and provides a nice transition from residential to commercial.

Corr asked if there is a front and back door. Erickson said no, the units start mid-block. There are different units along the back. They are efficient and do not have garages in back. There is a secured parking area. Corr asked if garages are planned. Erickson said none are planned.

There was no testimony in opposition.

Staff Questions:

Harris asked for confirmation that staff is comfortable with the amendment. **Andrew Theirolf of the Planning Department** came forward to state that we have looked at it and are okay with it.

Corr asked about the outcome at the Urban Design Committee meeting. Huston said they voted unanimously in favor of the project. It is rare to come back with a good review on the first try.

Corr said she noticed only a few of the properties to the north seem to be owner-occupied. She wondered if they have expressed any concerns. Thierolf stated a letter was sent out and Planning staff has not heard anything back. Erickson stated they also sent out letters and had a public meeting. They have also been networking throughout the neighborhood to understand the goals of neighbors and how to best blend this project in. A lot of time and energy was spent gathering that feedback.

Corr asked for confirmation that the other building will just include facade improvements and how much of that strip mall is occupied. Erickson said 5,000 square feet of the 14,000 square foot area is unoccupied. This could change. The focus is to provide neighborhood retail, restaurant and entertainment venues where people can come together. Corr asked if the building is in good shape. Erickson said that it is in good physical shape but the facade needs work. That may not be addressed until we have a better idea of the tenancy in the building.

[Weber exited the meeting at 2:19]

Corr asked for explanation of the water issues. Erickson said the roof runoff drains through filters. This is a water quality solution that we have implemented in the past which uses land efficiently. We are bound somewhat by what the final structure will be, but essentially we

treat the water at the point of falling. It is a lot more maintenance, but also cost-effective. Corr said that the water is basically being filtered before it comes down. Erickson said yes, and within the in-line system, as well.

Corr asked if a new business would have to apply for an alcohol permit. Thierolf said they would have to meet all of the conditions. Erickson added that they would also have to get the liquor license and satisfy those conditions.

Corr asked about the history of the lack of sidewalk along Huntington and the rezoning of the area to R-6. Thierolf said a large area had been rezoned to R-6. He does not know the reason why, but it looks like the area was just squared off. The sidewalk may be related to a special permit for parking from years ago. Something happened and the sidewalk was never put in and has not been needed until now.

Corr asked if University Place Community Organization has expressed support.

Mike DeKalb, 6015 Huntington Avenue, thanked the Commission for hearing his testimony. He is past president and a board member of University Place Community Organization. He is speaking for himself as a resident of the neighborhood of over 40 years. He fully supports the application and compliments Erickson for all of the conversations with the neighborhood. Erickson has met with neighbors multiple times and explained the vision of the project and what the mix would be. Last week, there was a 2-hour open house that was very positive. There are many things underway in the area and it is about time. He added that this area is a food desert, partly because of the lease restriction preventing a new grocery store at the site.

Corr asked if the bank on the corner has enough parking. Thierolf said they have a few spots on their site. Erickson said they also have a cross-parking agreement which has been worked out well. He noted the presence of underground drainage through the lot. If it were not there, the development would have been pulled close to 48th Street. They have worked closely with Wells Fargo Bank and have a good relationship with them.

CHANGE OF ZONE NO. 16024
ACTION BY PLANNING COMMISSION: **September 14, 2016**

Cornelius moved approval, seconded by Lust.

Scheer asked if the motion included the amendment offered by the Applicant. Cornelius and Lust both agreed that the motion was for approval, as amended by the Applicant.

Corr said she is very excited to see this project in an underutilized portion of the city. The area is a parking nightmare and very difficult to walk, so she is excited to see the reintroduction of streets and landscaping. This will be a great project.

Cornelius agreed and added that the project is interesting and he is glad it is not a proposal for more student housing.

Hove echoed the thoughts of other commissioners.

Motion carried 7-0: Cornelius, Corr, Harris, Lust, Scheer, Sunderman, and Hove voting ‘yes’; Weber absent.

SUPPORT

Lincoln Lancaster County Planning Commission
Item 4.1 Comprehensive Plan Conformance
No. 16006
Change of Zone
No. 16024

Good afternoon, I am Mike DeKalb
Retired Lincoln/Lancaster County Planner - 36years
Past President and current Board member of the University Place Community Organization
Lower Platte South NRD Director (District 3)
Resident of the University Place Neighborhood over 40 years

I fully support this application for multi use redevelopment of the old University Place shopping center at N 48th and Leighton Ave. (the former home of Hy Vee, HyVee Mainstreet, Safeway, Treasure City and International Super Stores)

I want to complement Mr. Chris Erickson for his ongoing conversation with the neighborhood for the last two years.

There are many things underway in the University Place area, of which this is just one. The redevelopment of the Q-P/Tastee Inn site, NWU construction of a new Physics building, the improvements of Deadmans Run to remove areas of flood plane and the project to improve the intersection of 33/Adams/Cornhusker.

I would note a side issue, the need for Lincoln to address **food deserts** and the need to address **"no compete" lease agreements.**

Thank you for your time
Mike DeKalb

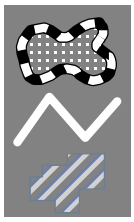
2016 aerial

Change of Zone #: CZ16024
Leighton Mixeed Use PUD
N 48th St & Leighton Ave

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

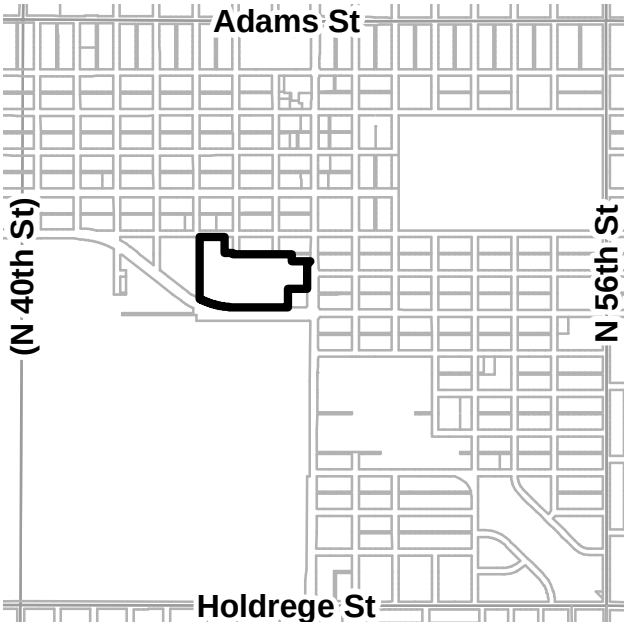
One Square Mile:
Sec.17 T10N R07E



Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



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File: F:\DevReview\PlannerPacket\MXD\Agendadrawings.mxd (CZ16024)

LEIGHTON MIXED USE
PLANNED UNIT DEVELOPMENT
LINCOLN, NEBRASKA

GENERAL NOTES

1. THE PROPERTY INCLUDED WITHIN THE LIMITS OF THE PLANNED UNIT DEVELOPMENT CONSISTS OF 10.56 ACRES.
2. THE REQUIREMENTS OF LINCOLN MUNICIPAL CODE APPLY EXCEPT AS SPECIFICALLY AMENDED BY THIS PUD'S DEVELOPMENT PLAN AS CONTAINED ON THE SITE PLAN, GENERAL AND SITE NOTES.
3. LANDSCAPING SHALL COMPLY TO THE CITY OF LINCOLN DESIGN STANDARDS. LANDSCAPING AND SCREENING PLANS SHALL BE SUBMITTED AND APPROVED AT TIME OF BUILDING PERMIT.
4. ALL LOT LINES ARE CONCEPTUAL AND MAY VARY AT TIME OF FINAL PLATS.
5. COMMON ACCESS EASEMENTS WILL BE PROVIDED OVER PRIVATE DRIVES AND SIDEWALKS. ALL PARKING WITH THE PUD WILL BE SHARED.
6. THIS PUD PERMITS A TOTAL OF 3 CENTER SIGNS WHICH MEET THE ZONING STANDARDS AS PER THE UNDERLYING DISTRICT. ALL OTHER PERMITTED SIGNS ARE NOT REQUIRED TO BE SHOWN ON THIS PUD.
7. ALL PERMITTED, CONDITIONAL, AND SPECIAL USES WITHIN B-3 ZONING ARE ALLOWED.
8. PARKING REQUIREMENTS ARE 1 SPACE PER DWELLING UNIT. ALL OTHER USES SHALL HAVE PARKING REQUIREMENTS OF 1 STALL PER 600 SQUARE FEET. THE PARKING ARRANGEMENT AS SHOWN IS FOR ILLUSTRATION PURPOSES AND MAY BE MODIFIED.
9. THE FLOOR AREAS THAT ARE SHOWN ON THE SITE PLAN ARE APPROXIMATED AND MAY VARY AT THE TIME OF BUILDING PERMITS. THE TOTAL BUILDABLE FLOOR AREA IS ONLY LIMITED BY TOTAL REQUIRED PARKING WITHIN THE PUD LIMITS.
10. A PUBLIC GATHERING SPACE WILL BE PROVIDED BUT NOT SPECIFICALLY SHOWN ON THE SITE PLAN.
11. THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON OR OFF PREMISES IS PERMITTED IN THE B-3 ZONING PROVIDED IT MEETS THE REQUIREMENTS OF 27.33.030, EXCEPT THERE IS NO SPACING REQUIRED TO RESIDENTIAL USES LOCATED WITH THE PUD.

ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THESE PLANNED UNIT DEVELOPMENT DRAWINGS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF NEBRASKA. THESE PLANS MEET THE REQUIREMENTS OF SUBDIVISION APPROVAL. THE CITY ENGINEER'S OFFICE DESIGN REQUIREMENTS AS THEY APPLY TO THIS PLANNED UNIT DEVELOPMENT AT THE TIME OF THIS CERTIFICATE.

NATHANIEL BURNETT DATE

LEGAL DESCRIPTION:

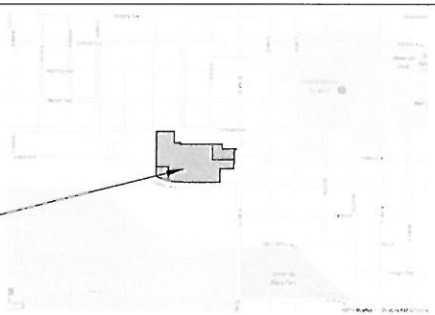
LOTS 1, 2, AND 3, UPC FIRST ADDITION, CONTAINING 459,939.43 SQUARE FEET OR 10.56 ACRES MORE OR LESS.

MISCELLANEOUS NOTES:

1. THE ZONING OF THIS PROPERTY IS "B-3", COMMERCIAL DISTRICT.
   (1) FRONT YARD: 0 OR 20' FEET IF ABUTTING RESIDENTIAL.
   (2) SIDE YARD: 0 OR 5 FEET IF ABUTTING RESIDENTIAL.
   (3) REAR YARD: 0 OR 30 FEET IF ABUTTING RESIDENTIAL.
   (4) HEIGHT: 75 FEET

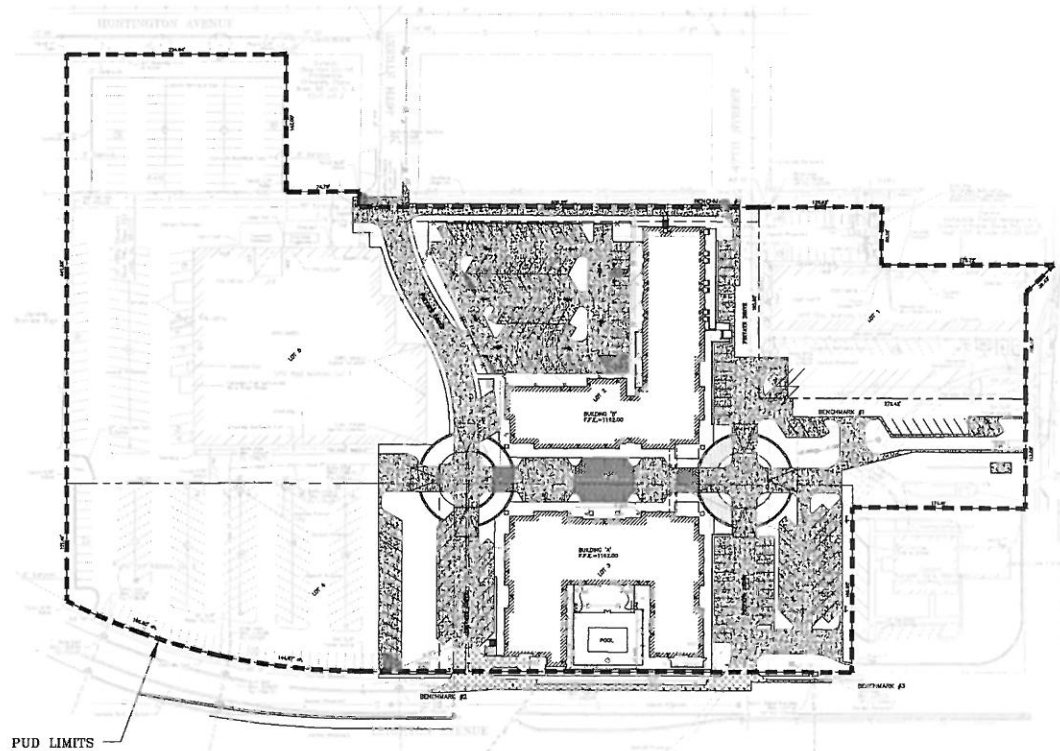
WAIVERS:

1. PRE/POST DEVELOPMENT STORM WATER DETENTION (LINCOLN MUNICIPAL CODE, CHAPTER 28.11.040)
2. WAIVER FOR STORM WATER QUALITY VOLUME. (LINCOLN MUNICIPAL CODE, CHAPTER 28.03.080 (b))
3. ALLOW MULTI-FAMILY ON FIRST FLOOR AND ANY ACCESSORY. (ZONING ORDINANCE, CHAPTER 27.62.040 (c))
4. BUILDING HEIGHT OF 75'. (ZONING ORDINANCE, CHAPTER 27.72, TABLE 27.72.030 (e))



VICINITY MAP
NO SCALE

NORTH



NORTH
SCALE 1" = 50'

AREA MAP

DEVELOPER
CITY VENTURES
contact: Chris Erickson
PO Box 428
Omaha, NE 68010

ENGINEER
REGA ENGINEERING, INC.
601 OLD CHENEY RD., SUITE A
Lincoln, Nebraska 68512
(402) 484-7342

SHEET INDEX
1. COVER SHEET
2. TOPOGRAPHIC SITE PLAN
3. SITE PLAN
4. GRADING PLAN
5. PRE-DRAINAGE PLAN
6. PHASE 1 DRAINAGE PLAN
7. UTILITY PLAN

ISSUED FOR:	DATE:	BY:
PUD SUBMITTAL	06/17/16	SB/NB

PROJECT
141200

NO.	DESCRIPTION	DATE	BY

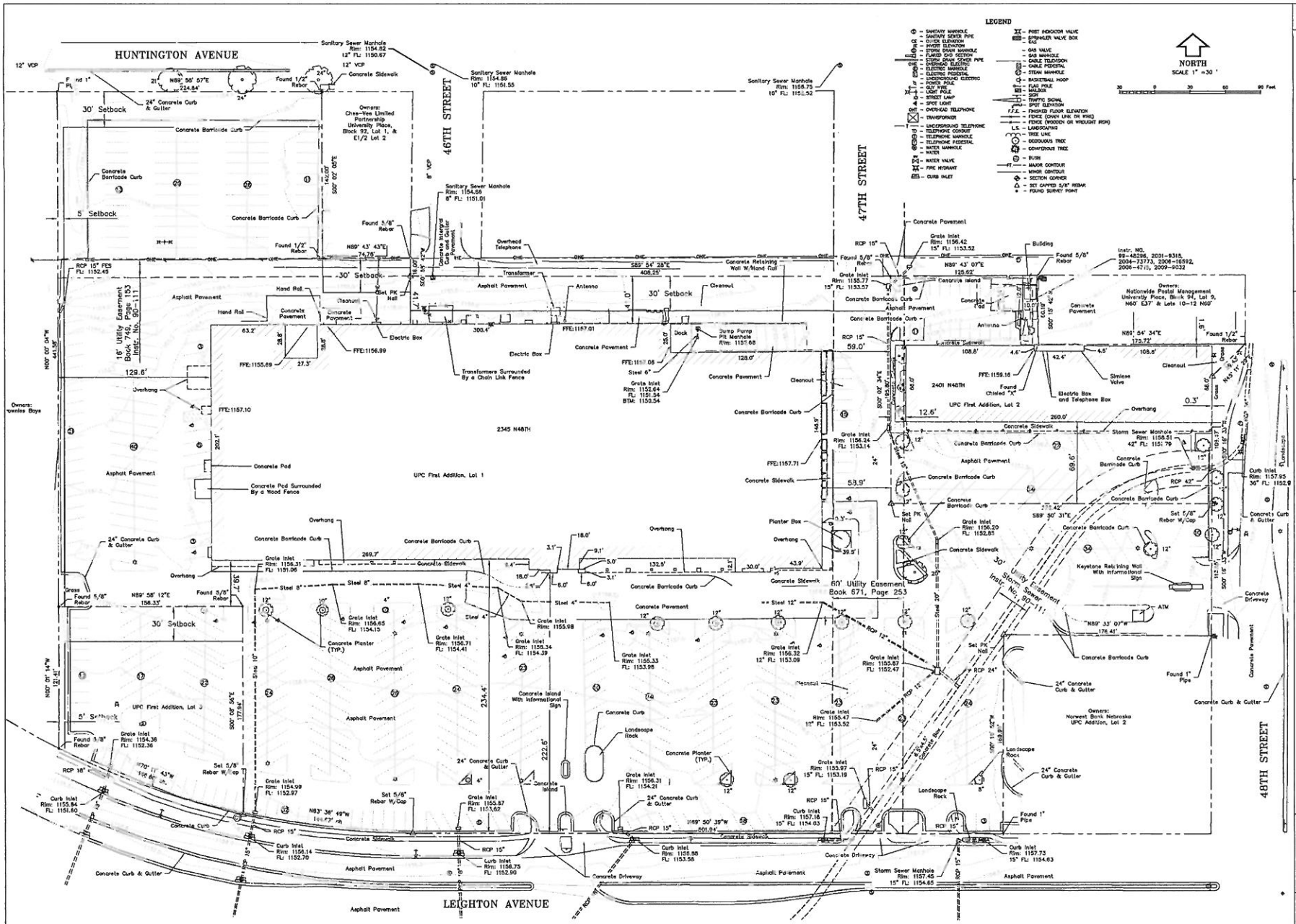
REVISIONS

REGA
ENGINEERING GROUP, INC.
601 OLD CHENEY RD., SUITE A
LINCOLN, NEBRASKA 68512
(402) 484.7342
- ENGINEERING
- PLANNING
- LAND SURVEYING

LEIGHTON MIXED USE
PLANNED UNIT DEVELOPMENT
48TH AND LEIGHTON AVENUE
COVER SHEET

DATE: 06/16/16
DESIGNED BY: BTS/SB/NB
DRAWN BY: BTS/SB/NB
CHECKED BY: NB/DR

SHEET NO.
1 OF 7



Curve Table					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	668.20'	311.99'	309.15'	S76° 25' 46"E	026°49'57"

ISSUED FOR:	DATE:	BY:
PUD SUBMITTAL	08/17/16	SB/NB

PROJECT
141200

NO.	DESCRIPTION	DATE	BY

REVISIONS

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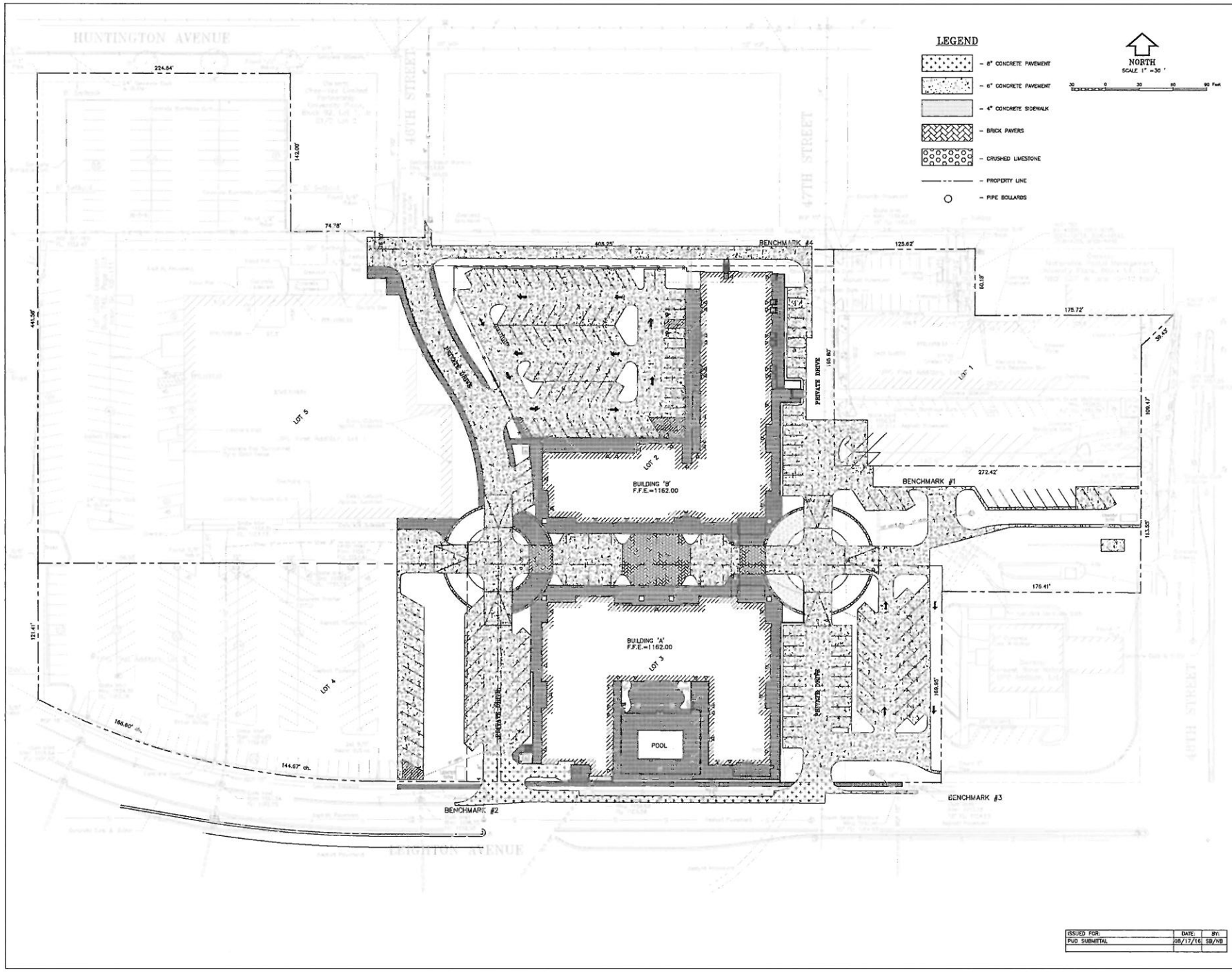
601 OLD CHENEY RD., SUITE A
LINCOLN, NEBRASKA 68512
(402) 481.7342
• ENGINEERING
• PLANNING
• LAND SURVEYING

LEIGHTON MIXED USE
PLANNED UNIT DEVELOPMENT
48TH AND LEIGHTON AVENUE
TOPOGRAPHIC SURVEY

DATE: 08/16/16
DESIGNED BY: BTS/SB/NB
DRAWN BY: BTS/SB/NB
CHECKED BY: NB/DR

SHEET NO.
2 OF 7



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PUD SUBMITTAL	08/17/16	SB/NB

PROJECT
141200

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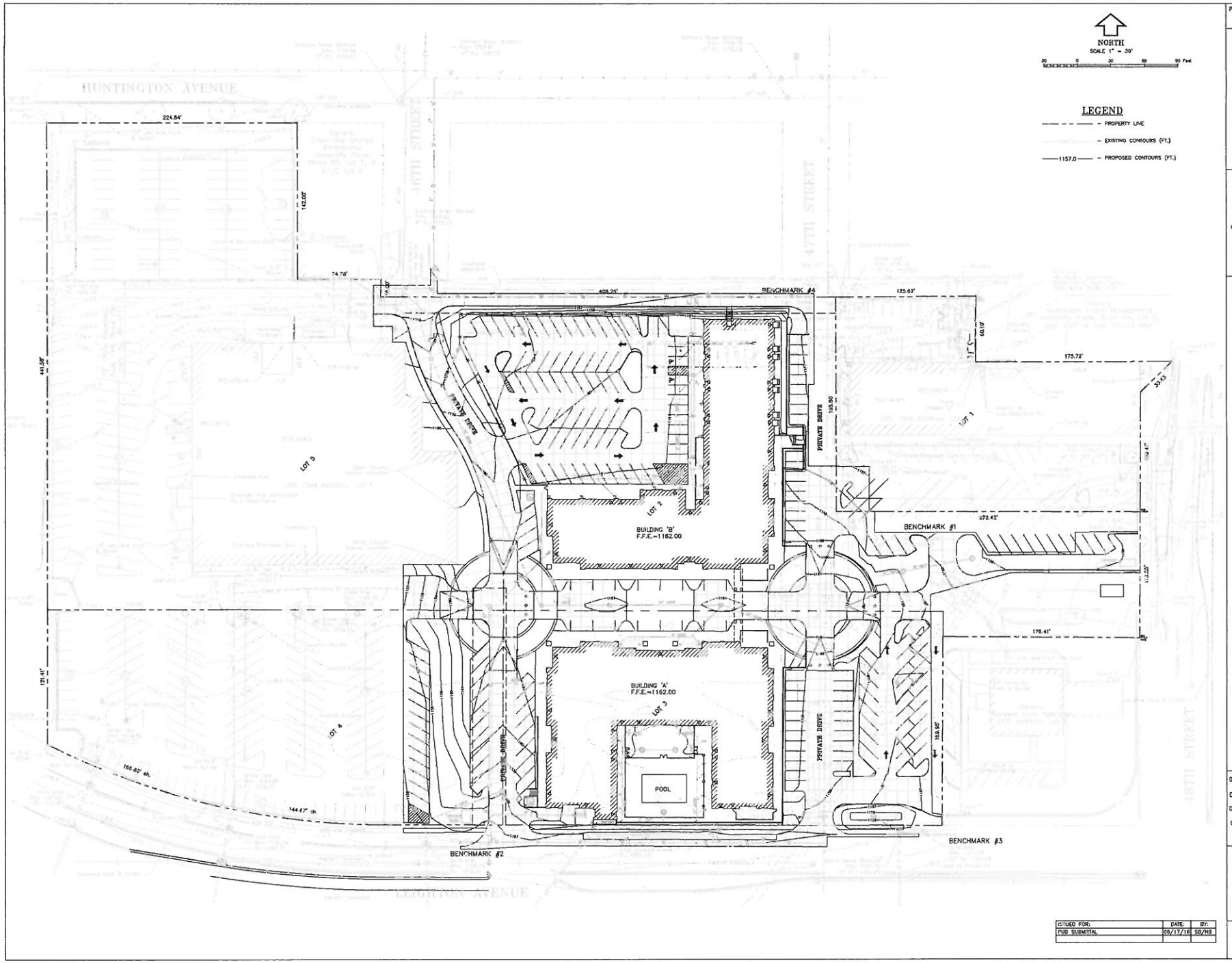
LEIGHTON MIXED USE
PLANNED UNIT DEVELOPMENT
48TH AND LEIGHTON AVENUE
PHASE 1 SITE PLAN

DATE: 08/16/16
DESIGNED BY: BTS/SB/NB
DRAWN BY: BTS/SB/NB
CHECKED BY: NB/DR

SHEET NO.
3 OF 7



PROJECT
141200

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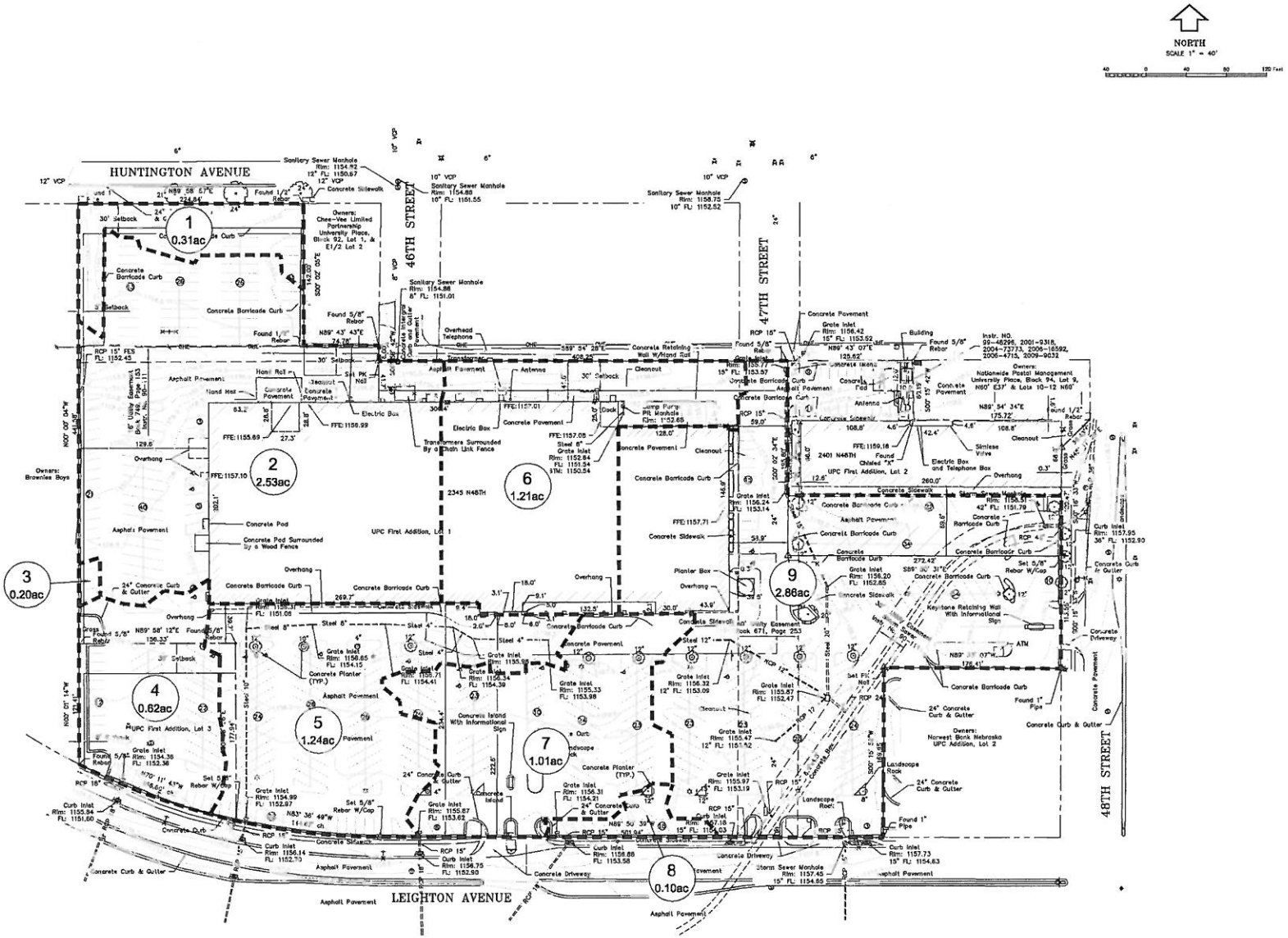
- PLANNING
- LAND SURVEYING

LEIGHTON MIXED USE
PLANNED UNIT DEVELOPMENT
48TH AND LEIGHTON AVENUE
GRADING PLAN

DATE: 06/16/16
DESIGNED BY: BTS, SB/NB
DRAWN BY: BTS/SB/NB
CHECKED BY: NB/DR

SHEET NO.
4 OF 7



LEGEND

- PROPERTY LINE (ASSUMED)
- EXISTING CONTOURS (FT.)
- 1157.0 — PROPOSED CONTOURS (FT.)

ISSUED FOR:	DATE:	BY:
PUD SUBMITTAL	05/17/16	SB/NB

PROJECT
141200

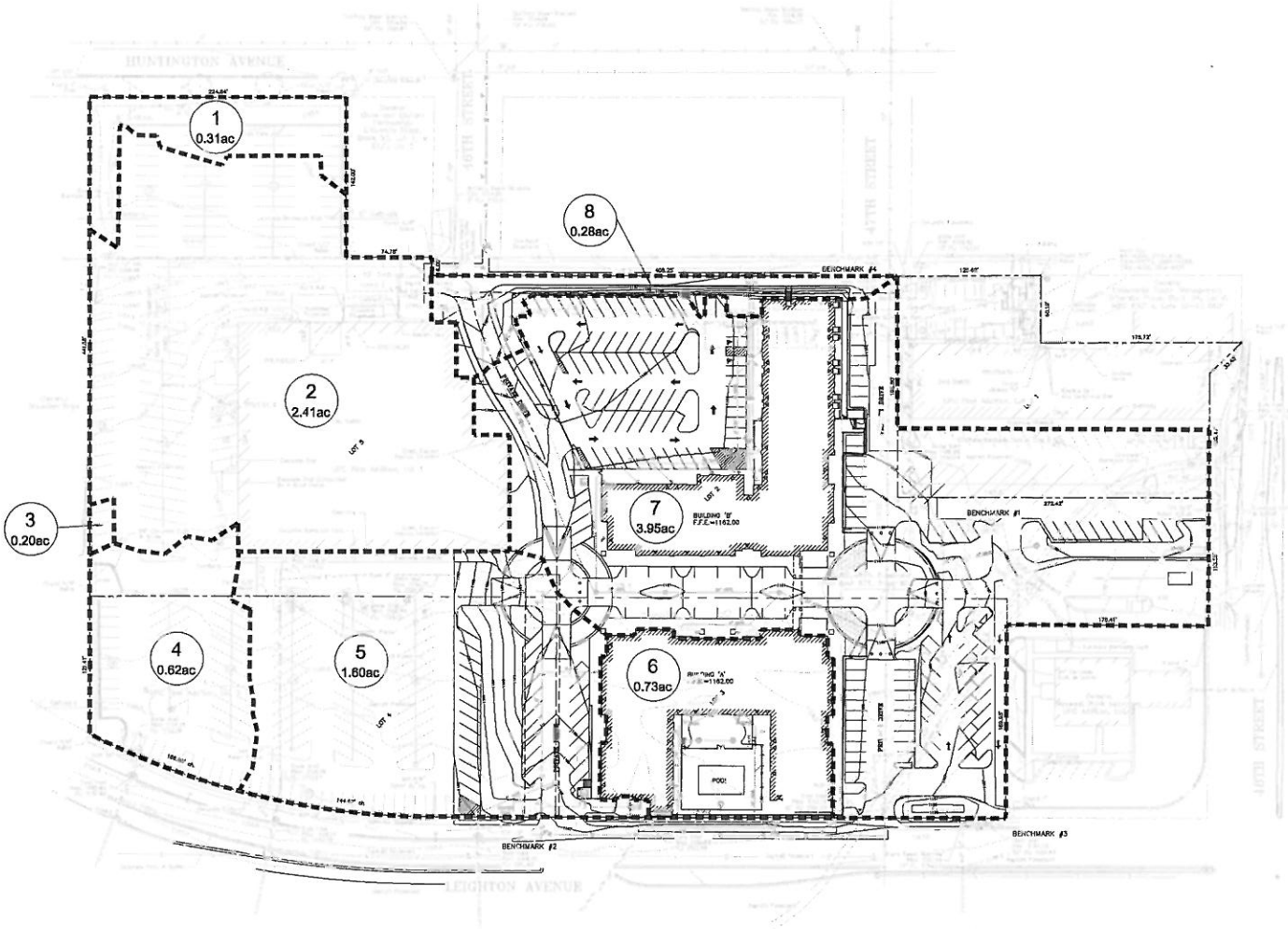
REVISIONS			
NO.	DESCRIPTION	DATE	BY

REGA
ENGINEERING GROUP, INC.
801 OLD CHENEY RD., SUITE A
LINCOLN, NEBRASKA 68512
(402) 484.7342
- ENGINEERING
- PLANNING
- LAND SURVEYING

LEIGHTON MIXED USE
PLANNED UNIT DEVELOPMENT
48TH AND LEIGHTON AVENUE
PRE-DEVELOPMENT DRAINAGE PLAN

DATE: 05/16/16
DESIGNED BY: BTS/SB/NB
DRAWN BY: BTS/SB/NB
CHECKED BY: NB/DR

SHEET NO.
5 OF 7



NORTH
SCALE 1" = 40'
40 0 40 80 120 Feet

LEGEND

- PROPERTY LINE (ASSUMED)
- EXISTING CONTOURS (FT.)
- 1157.0 — PROPOSED CONTOURS (FT.)

ISSUED FOR:	DATE:	BY:
PUD SUBMITTAL	08/17/16	SB/NB

PROJECT
141200

REVISIONS			
NO.	DESCRIPTION	DATE	BY

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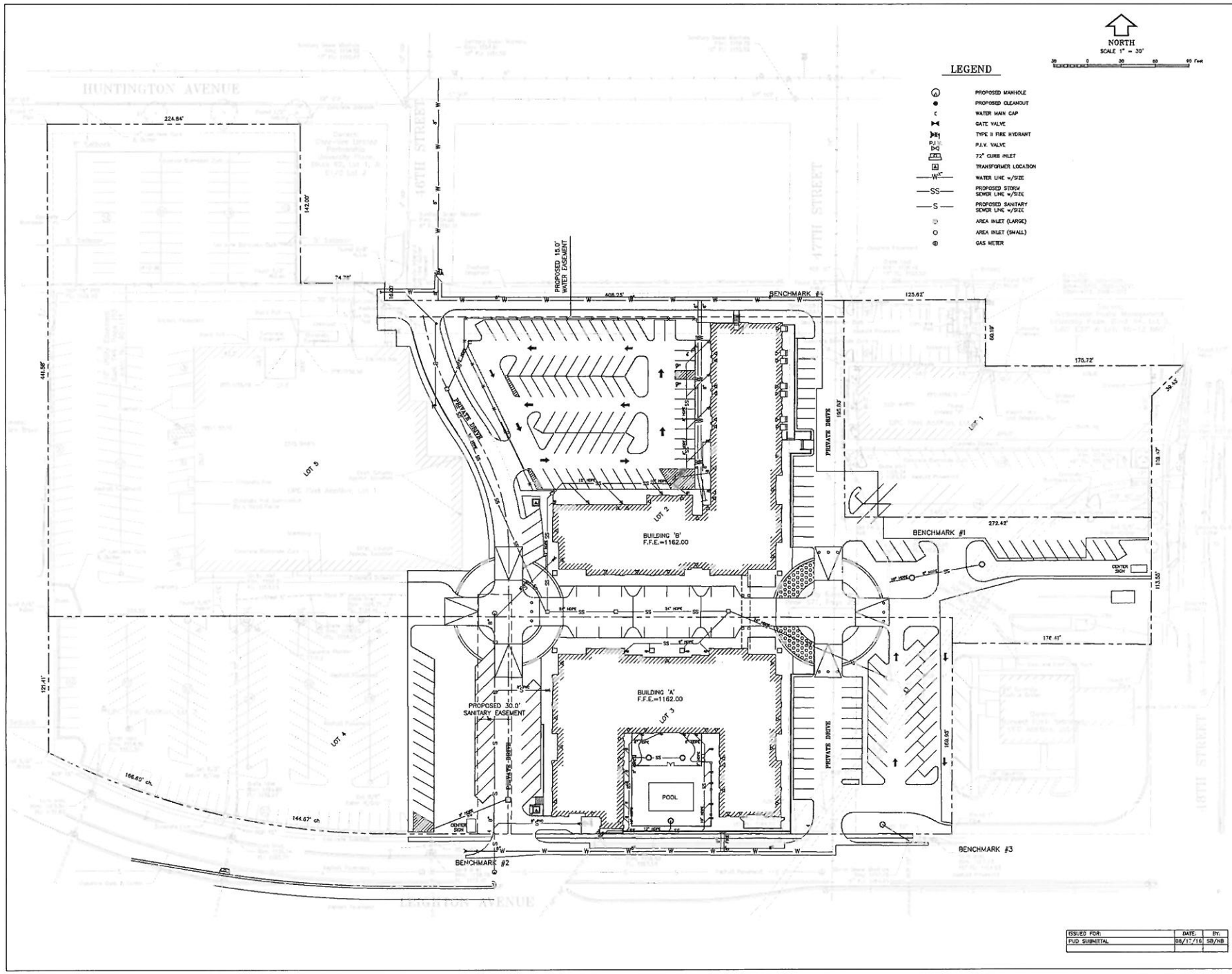
LEIGHTON MIXED USE
PLANNED UNIT DEVELOPMENT
48TH AND LEIGHTON AVENUE
PHASE 1 DRAINAGE PLAN

DATE: 08/16/16
DESIGNED BY: BTS/SB/NB
DRAWN BY: BTS/SB/NB
CHECKED BY: NB/DR

SHEET NO.
6 OF 7



PROJECT
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LEIGHTON MIXED USE
PLANNED UNIT DEVELOPMENT
48TH AND LEIGHTON AVENUE
UTILITY PLAN

DATE: 08/16/16
DESIGNED BY: BTS/SB/NB
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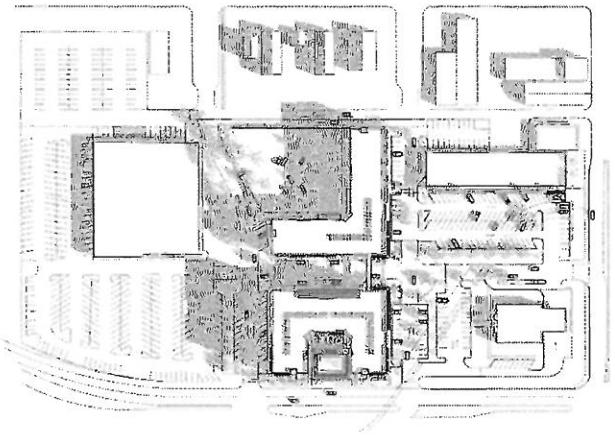
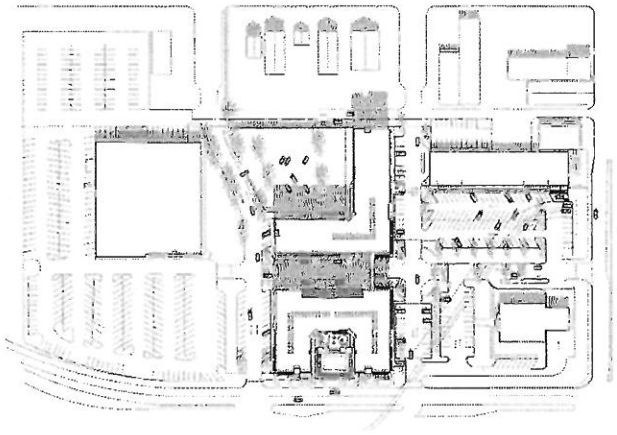
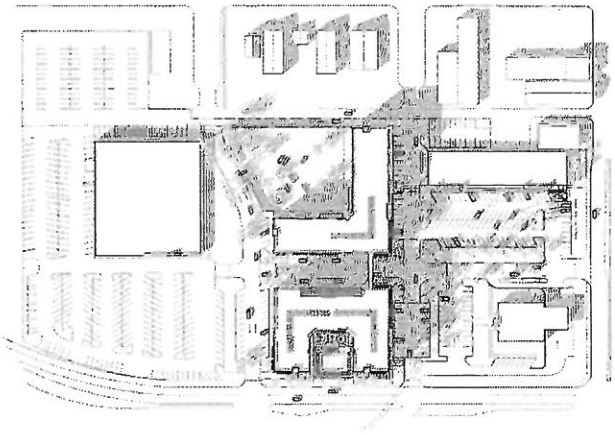
SHEET NO.
7 OF 7



LATE WINTER / EARLY SPRING MORNING



LATE WINTER / EARLY SPRING NOON



LATE WINTER / EARLY SPRING EVENING

REGA
ENGINEERING
GROUP, INC.

August 17, 2016
File No. 141200

Mr. David Cary
Acting Director
City of Lincoln Planning Department
555 S 10th St, Suite 213
Lincoln, NE, 68508

RE: PUD Application for Leighton Mixed Use

Dear David,

On behalf of Leighton Ave Shopping Center LLC, we are excited to submit Leighton Mixed Use Planned Unit Development. The proposed urban re-development project will be located at the northwest corner of North 48th Street and Leighton Avenue. Of particular excitement is the support we have received in meetings with Urban Development Staff and a meeting with the Mayor.

Currently, the area consists of a strip mall on the east side of the site and a larger building that contains Family Dollar, the Salvation Army Thrift Store, Risky's Sports Bar and Grill and a large unused space. The large unused space, formerly a Hy-Vee Mainstreet, will be torn down as part of the urban re-development project. Phase I of the proposed mixed use development will include 184 dwelling units and approximately 30,000 square feet of commercial area shared between two buildings.

Phase II of the proposed development would replace the remaining large building containing Family Dollar, the Salvation Army Thrift Store, and Risky's Sports Bar and Grill with two additional mixed use buildings. As part of this PUD, we are requesting the total square footage be only limited by total required parking within the PUD. The PUD also requests the option for (13) 2-story lofts to have the potential to be used as commercial space.

Waivers are being requested for the following items:

1. Storm Water Detention (Lincoln Municipal Code, Chapter 26.11.040)
   The existing site is almost completely impervious. As part of both Phase 1 and eventually Phase 2, an increase in the amount of pervious area will occur. Due to this fact, the amount of storm water runoff from the site will actually decrease with this proposed project. In discussions with City of Lincoln Watershed Management Staff, they are in agreement with this waiver request.
2. Storm Water Quality Volume. (Lincoln Municipal Code, Chapter 28.03.060(b))

Chapter 28, Section 03.060 (c) states that the use of other BMPs and other means and methods to provide water quality is acceptable pending Director approval. As mentioned previously, with the increase in pervious area as part of the project the amount of storm water runoff from the site will actually decrease. In lieu of the water quality storage requirements, we are proposing the installation of roof drain and area inlet filters. These filters would capture and remove sediment from the two proposed buildings and new pavement. In addition, some of the existing parking lot draining to proposed area inlets will be filtered through the area inlets. Between the building roof drains and area inlets, approximately 50% of the storm water runoff from the site will be treated, while only 45% of the site is being disturbed. A formal waiver request to Public Works has been submitted and is pending approval.

3. Allow residential uses on the first floor within the B-3 zoning district. (Zoning Ordinance, Chapter 27.62.040 (a)
   The north 104 feet of Building 'B' has 13 proposed 2 story lofts with the entrance being on the main floor. This proposed design element to the project connects and buffers the multi-family housing from N. 47th Street to the commercial area further south on Building 'B'. It adds another option to those wanting to live in the development and will be attractive to those seeking more than just a 1 story apartment.

4. Maximum building height from 45 feet to 75 feet measured from first floor to the highest point of building (excluding mechanical equipment). (Zoning Ordinance, Chapter 27.72, Table 27.72.030(a))
   Building 'A' is proposed as a 5-story building, while Building 'B' is proposed as a 4-story building. The proposed heights for Building 'A' and 'B' are 70'-8" and 59'-0" respectively. The site is surrounded by multi-family apartments on the west and north. As shown in exhibit A Development Shadow Study, with the offset of the multi-family buildings to the north the height of the building will not cast shadows onto the existing residences.

If you have any questions please let me know.

Sincerely,

Nathaniel Burnett

Nathaniel Burnett, PE
Engineering Project Manager

Cc: Chris Erickson

Enclosures: PUD Application
PUD Application Fee of $2,185.92

LEGAL DESCRIPTION 'B-3' TO 'B-3 PUD'

Part of Lot 1, and all of Lots 2, and 3, UPC First Addition, located in the Northwest Quarter of Section 17, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska and more particularly described as follows:

BEGINNING at the Southwest corner of said Lot 3, UPC First Addition;

Thence N00°01'14"W, a distance of 121.41 feet;

Thence N00°00'04"W, a distance of 290.58 feet

Thence N89°43'41"E, a distance of 299.57 feet;

Thence S00°58'42"W, a distance of 8.00 feet;

Thence S89°54'28"E, a distance of 408.25 feet;

Thence N89°43'07"E, a distance of 125.62 feet;

Thence S00°15'42"W, a distance of 60.19 feet;

Thence N89°54'34"E, a distance of 175.72 feet;

Thence S45°11'29"W, a distance of 39.43 feet;

Thence S00°16'33"W, a distance of 223.02 feet;

Thence N89°33'07"W, a distance of 176.41 feet;

Thence S00°15'52"W, a distance of 169.95 feet;

Thence N89°50'39"W, a distance of 501.94 feet to a circular curve to the right having a radius of 666.20 feet, a central angle of 26°49'57" and whose chord (309.15 feet) bears N76°25'46"W;

Thence on the arc of said circular curve a distance of 311.99 feet; to the POINT OF BEGINNING and containing a calculated area of 425,497.66 square feet or 9.77 acres.

LEGAL DESCRIPTION 'R-6' TO 'B-3 PUD'

Part of Lot 1, UPC First Addition, located in the Northwest Quarter of Section 17, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska and more particularly described as follows:

BEGINNING at the Northwest corner of said Lot 1, UPC First Addition;

Thence N89°58'57"E, along the North line of said Lot 1, a distance of 224.84 feet;

Thence S00°02'05"E, a distance of 142.00 feet;

Thence N89°43'43"E, a distance of 74.78 feet;

Thence S00°58'42"W, a distance of 8.00 feet;

Thence S89°43'41"W, a distance of 299.57 feet;

Thence N00°00'04"W, a distance of 151.00 feet to the POINT OF BEGINNING and containing a calculated area of 34,441.77 square feet or 0.79 acres.