Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

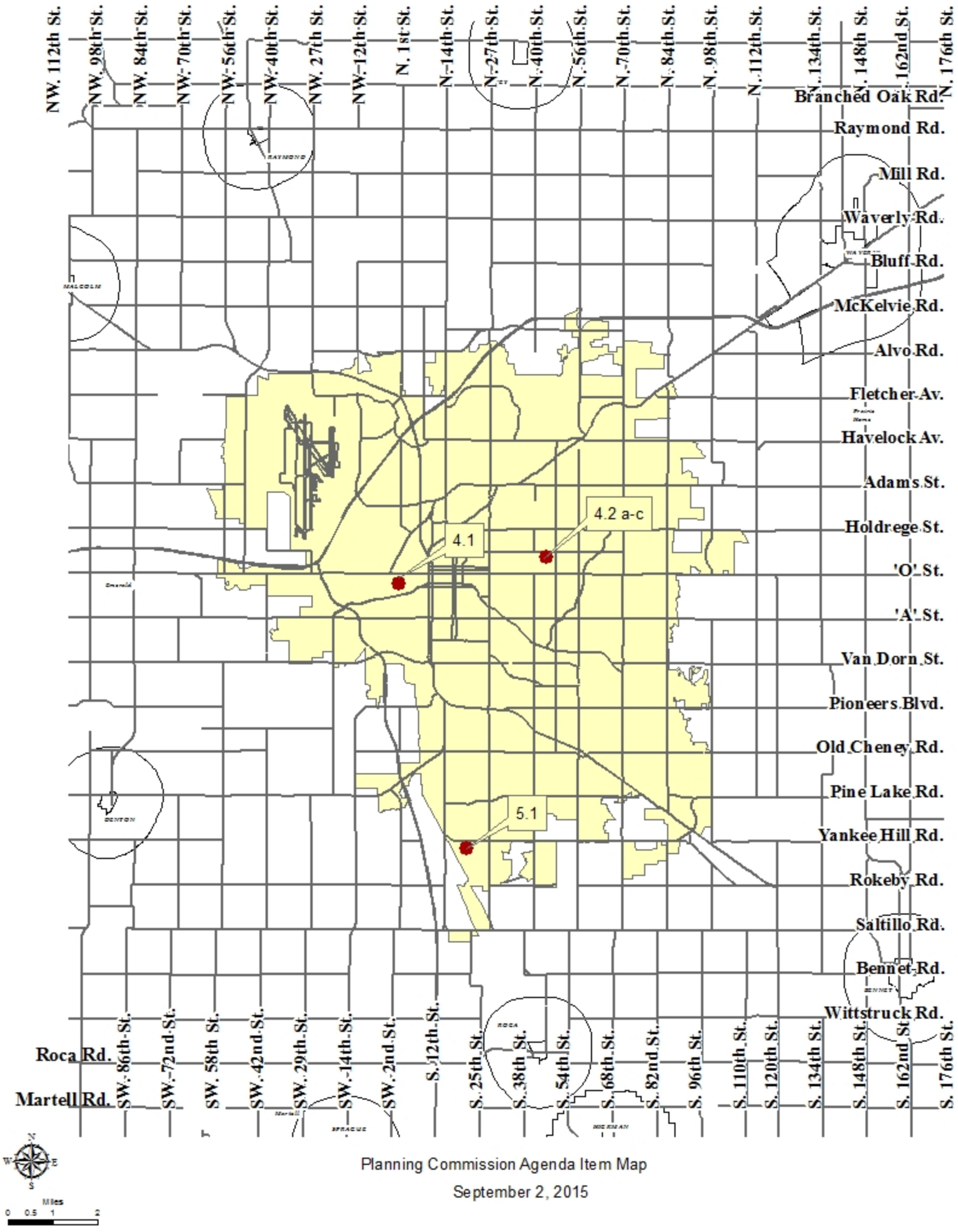
PLANNING COMMISSION

Jeanelle R. Lust: Chair
Chris Hove: Vice-Chair
Cathy Beecham
Michael Cornelius
Tracy Corr
Maja V. Harris
Dennis Scheer
Lynn Sunderman
Ken Weber

PLANNING STAFF

David R. Cary: Acting Director
Geri Rorabaugh: Administrative Officer
Amy Huffman: Office Specialist

September 2, 2015



Planning Commission Agenda Item Map

September 2, 2015

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, September 2, 2015, at 1:00 p.m., in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

<u>PLEASE NOTE:</u> The Planning Commission action is final action on any item with a notation of "FINAL ACTION". Any aggrieved person may appeal Final Action of the Planning Commission to the City Council or County Board by filing a Notice of Appeal with the City Clerk or County Clerk within 14 days following the action of the Planning Commission.**

The Planning Commission action on all other items is a recommendation to the City Council or County Board.

AGENDA

WEDNESDAY, SEPTEMBER 2, 2015

Approval of minutes of the regular meeting held August 19, 2015.

Election of Chair and Vice Chair for a two year term.

1. <u>CONSENT AGENDA (Public Hearing and Administrative Action):</u>

2. <u>REQUESTS FOR DEFERRAL:</u>

3. <u>ITEMS REMOVED FROM CONSENT AGENDA (Public Hearing and Administrative Action):</u>

3.1 _____

3.2 _____

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION

<u>CHANGE OF ZONE:</u>

4.1 Change of Zone No. 15024, from R-4 Residential District to H-3 Highway Commercial District, on property generally located southeast of Southwest 1st Street and West L Street.
Staff recommendation: Approval, Subject to a Zoning Agreement
Staff Planner: Steve Henrichsen,402-441-6374, shenrichsen@lincoln.ne.gov

CHANGE OF ZONE AND RELATED SPECIAL PERMITS:

4.2a Change of Zone No. 15025, from R-4 Residential District to R-5 Residential
Page 15 District, on property legally described as Lots 1 and 2, Outlot B, Wyuka Subdivision, generally located at 241 North 44th Street.
Staff recommendation: Approval
Staff Planner: Paul Barnes, 402-441-6371, pbarnes@lincoln.ne.gov

4.2b Special Permit No. 673A, to replace an existing radio broadcast tower
Page 21 with a new 330-foot tall radio broadcast tower, located approximately 500 feet from Vine Street, on property generally located at North 45th Street and Vine Street. ****FINAL ACTION****
Staff recommendation: Conditional Approval
Staff Planner: Paul Barnes, 402-441-6371, pbarnes@lincoln.ne.gov

4.2c Special Permit No. 15043, for a Community Unit Plan to allow for the
Page 37 addition of a 193-unit residential apartment complex, with waivers to reduce the parking ratio, increase the building height, and allow tandem parking in driveways, on property generally located at North 42nd Street and Vine Street. ***FINAL ACTION****
Staff recommendation: Conditional Approval
Staff Planner: Paul Barnes, 402-441-6371, pbarnes@lincoln.ne.gov

5. CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION

USE PERMIT:

5.1 Use Permit No. 126D, an amendment to convert office space to apartments
Page 55 by increasing the number of multiple-family dwelling units from 195 to 297, and reducing the amount of office floor area from 225,000 to 174,000 square feet, on property generally located at Executive Woods Drive and Yankee Hill Road. ****FINAL ACTION****
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

AT THIS TIME, ANYONE WISHING TO SPEAK ON AN ITEM NOT ON THE AGENDA, MAY DO SO

*** * * * * * * * * * ***

Adjournment

PENDING LIST: *None*

Planning Dept. staff contacts:

Stephen Henrichsen, *Development Review Manager* . 402-441-6374 . . . . shenrichsen@lincoln.ne.gov
David Cary, *Acting Director and Long Range Manager* 402-441-6364 . . . . . dcary@lincoln.ne.gov
Paul Barnes, *Planner* . . . . . 402-441-6372 . . . . . pbarnes@lincoln.ne.gov
Michael Brienzo, *Transportation Planner* . . . . . 402-441-6369 . . . . . mbrienzo@lincoln.ne.gov
Tom Cajka, *Planner* . . . . . 402-441-5662 . . . . . tcajka@lincoln.ne.gov
Brandon Garrett, *Planner* . . . . . 402-441-6373 . . . . . bgarrett@lincoln.ne.gov
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Brian Will, *Planner* . . . . . 402-441-6362 . . . . . bwill@lincoln.ne.gov
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Ed Zimmer, *Historic Preservation Planner* . . . . . 402-441-6360 . . . . . ezimmer@lincoln.ne.gov

*** * * * ***

The Planning Commission meeting
which is broadcast live at 1:00 p.m. every other Wednesday
will be rebroadcast on Sundays at 1:00 p.m. on 5 City TV, Cable Channel 5.

*** * * * ***

The Planning Commission agenda may be accessed on the Internet at
http://www.lincoln.ne.gov/city/plan/pcagenda/index.htm

ACCOMMODATION NOTICE

The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the City of Lincoln, please contact the Director of Equity and Diversity, Lincoln Commission on Human Rights, at 402 441-7624 as soon as possible before the scheduled meeting date in order to make your request.

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for September 2nd, 2015 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone #15024

PROPOSAL: From R-4 Residential H-3 Highway Commercial

LOCATION: Generally east of S. W. 1st Street and south of West L Street.

LAND AREA: 0.76 acres more or less

EXISTING ZONING: R-4 Residential

CONCLUSION: The existing property, though zoned residentially, is permitted to have a commercial storage garage. The entire block is dominated by the existing concrete business and industrial zoning, except for the small Schwartzkopf Park. It is difficult to consider this property redeveloping into any residential use given the character of S. W. 1st Street. The change of zone to H-3 commercial zoning, with certain conditions, is in keeping with the industrial character of S. W. 1st Street and should address some of the impacts on adjacent uses to the east and the City park. It does not address significant issues regarding transportation and land use conflicts in this area that need to be resolved in the future.

RECOMMENDATION: Approval, subject to a zoning agreement.

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 36- 46, Block 1, Boyer and Davis Subdivision and the north 8 feet of vacated alley adjacent to Lot 36, located in the NE 1/4 of Section 27-10-6, Lincoln, Lancaster County, Nebraska.

EXISTING LAND USE: Storage garage allowed by special permit and vacant undeveloped land.

SURROUNDING LAND USE AND ZONING:
There is I-1 Industrial zoning and commercial/industrial uses to the west and south. The Burlington Northern railroad is also to the south and Salt Creek is to the west. To the east is R-4 Residential zoning and single family uses with R-4 zoning of Schwartzkopf Park to the north.

HISTORY: The 1979 Zoning update re-zoned properties along S. W. 1st Street from Two Family Dwelling District, Light Industrial district, Heavy Industrial District to I-1 Industrial and R-4 Residential.

In August 1984 the City Council approved Special Permit #1100. It allowed for Lots 40-46, Block

1, Boyers & Davis subdivision (the northern two-thirds of this change of zone) to be used to "reconstruct and enlarge a nonconforming storage garage. The resolution stated the permit was "limited to the storage garage and no outdoor storage of vehicles, materials, or rubbish shall be permitted."

In 2012 land on the west side of S. W. 1st Street was rezoned from R-4 Residential to I-1 Industrial along with rezoning land owned by the Lower Platte South NRD to 'P' Public.

COMPREHENSIVE PLAN SPECIFICATIONS:
This area proposed for P zoning is currently shown as Industrial on the future land use plan. (Page 1.8)

Industrial zoning districts should be primarily for industrial uses.(Page 5.18)

Risk Reduction: *In areas where industrial and residential uses are already close, efforts should focus on changes in the quantity and type of hazardous materials used and on increasing the distance between where hazardous materials are stored and residential districts.*

Notification: *Persons living in close proximity to businesses with hazardous materials should be notified of the hazards. Emergency Planning: Businesses and government agencies should continue to work together on developing and updating Emergency Management Plans for dealing with accidents and emergencies.*

Joint Planning: *Joint planning and health efforts should continue between the Board of Health and Planning Commission. The specific objectives and recommendations already developed should be further reviewed and implemented.*(Page 5.18)

UTILITIES: Existing

TRAFFIC ANALYSIS: S. W. 1st Street is a local street and is unpaved. The adjacent alley is also unpaved and is not in use adjacent to the southern portion of this change of zone. The alley has been used in the past to access the storage garage which has two garage doors facing the alley.

REGIONAL ISSUES:
This property is within the boundaries of the South Bottoms Historic District. It has been listed on the National Register since 1986. At that time this property and a few other residences on on this block formed the northwest corner of the historic district. All but one of residences on S. W. 1st Street, north of Rosa Parks Way, have since been removed and causing this street to lose its ability to contribute to the understanding of the historic residential area. This property has had a storage garage on it for over 30 years.

This area is within the Outer Approach zone to Runway 32. Any structures proposed for this area must meet the requirements of Chapter 27.59 Airport Zoning Regulations regarding height.

ENVIRONMENTAL CONCERNS: The property is entirely in the 100 year floodplain.

ANALYSIS:

1. This request is to allow use of the property by TCW Construction Inc. for outdoor storage of construction vehicles and equipment. The existing storage building on the site could be used for indoor storage, but the applicant also wants outdoor storage.

2. The northern portion of this change of zone is occupied by a storage garage that was permitted by Special Permit #1100 in 1984. The landowner at that time was a legal nonconforming use which was storing garbage trucks in an older building and had considerable scrap metal and lumber stored outdoors. The special permit allowed for the demolition of the old building and construction of the new garage on the condition that all the outdoor storage be removed and only indoor storage was allowed. The applicant in 1984 sold the property to the current owner in 1992. It appears this building has been used for storage since it was purchased in 1992. It appears it may have been used for many years as personal storage with minimal trips in and out of the property.

3. Recently the applicant began to use the property for outdoor storage, which is not allowed. Thus, the applicant is requesting to change the zoning to allow the outdoor storage.

4. The applicant set up a neighborhood meeting for August 26th to review the proposal with the adjacent property owners and neighborhood association. This meeting is after the completion of this staff report.

5. There is I-1 industrial zoning to the west and south of this property. To the north is Schwartzkopf Park. On S. W. 1st Street from West L to West J Street, there aren't any residential uses in residential zoning left on the block. There is one house, zoned I-1, on the west side of the street. It was rezoned from R-4 to I-1 Industrial in 2012 with the intent that it would be eventually purchased and used by the concrete and construction business once the occupant moved out.

6. Since the construction company uses and owns most of land on this block and since the street is not paved, the construction use is the predominate use of the entire block, except for the small neighborhood park.

7. The Lincoln-Lancaster County Health Department does not object to the approval of this application. The proposal doesn't expand the I-1 zoning closer to the residential uses to the east.

8. The area from S. W. 1st to S. 2nd Street from J to L Street includes approximately two and half blocks of residential uses. It is surrounded on all side by I-1 Industrial zoning and industrial uses. There are busy railroad tracks to the south and Salt Creek to the west. The entire area is in the floodplain and a significant portion of the site was flooded in May 2015.

9. The access to this area is primarily from O Street to the north, due to the railroad tracks to the east and south and Salt Creek to the west. Thus, commercial traffic to S. W. 1st Street has limited options to reach the site. While 2nd Street and J Street area options to reach the commercial area, the shortest route is down S. 1st Street and West L Street. The construction company today uses West L Street and S. 1st Street to access their operations along S. W. 1st Street. The also enter and exit at J Street and proceed along S. 1st Street past several houses on the way to O Street. This brings the heavy commercial and industrial traffic past residential uses and the park.

10. West L Street has only 32 feet of right-of-way and is an unpaved street. The edge of the

"road" is within several feet of the house to the north and the park land to the south. Thus, there is impact on the adjacent park and residence from dust from the commercial traffic using the narrow roadway. The street is public, thus it is legal for the commercial traffic to use this street.

11. This change of zone will potentially add to the traffic on West L Street. While the intended use of the site is indoor and outdoor storage, it does allow other parts of the concrete business zoned I-1 Industrial to be used more intensively which could increase traffic on the unpaved West L Street.

12. The change of zone to H-3 will facilitate the eventual conversion of the property to commercial use which is similar to the land use pattern on this block. However, the H-3 zoning doesn't address a few items in regards to the use of the property. Thus, the City and applicant have worked on a zoning agreement to accompany the change of zone. The draft agreement (see Exhibit A) requires the following:

    a. Provide a 20 foot wide green space buffer on the entire east side of the property. The buffer must include at least a 60% screen to 10 feet in height. The existing tree mass within the 20 foot wide area is to be preserved and may be counted as part of the required screen. The screen is to be installed by June 1, 2016.

    b. Agree the site will be used only for outdoor storage or for contractor services storage.

    c. Agree to not take access from the alley.

    d. Provide an 8 foot black vinyl clad chain link fence with slats on the north property line adjacent to the park. Applicant will also address drainage concerns on the property adjoining the park to the satisfaction of the Director of the Parks and Recreation Department. The fence is to be installed by June 1, 2016.

    e. Conditions a, b and c shall remain in effect as long as the properties to the east, adjacent to the alley, are in the R-1 to R-8 zoning districts.

13. The applicant has expressed interest in eventually vacating S. W. 1st Street from West L Street to West J Street so that their various commercial properties could function as one lot. This would require a street vacation and platting the various lots into one larger lot.

14. The applicant has agreed to address the paving of West L Street from S. W. 1st to S. 1st Street at the time S. W. 1st Street is vacated. The paving of West L Street will help address the dust impact onto the adjacent park and residences. However, paving West L Street will not address the impact of traffic noise and vibration on the adjacent properties. It will also not address concerns about commercial traffic going through the residential neighborhood.

Prepared by:

Stephen Henrichsen, Development Review Manager
Lincoln/ Lancaster County Planning Department
shenrichsen@lincoln.ne.gov 402-441-6374

DATE: August 24, 2015

CONTACT: Derek Zimmerman
1248 O Street, Suite 600
Lincoln, NE 68508
402 - 475 -1075

APPLICANT: TCW Construction Inc.
141 M Street
Lincoln, NE 68508

OWNER: Edward Schwartzkopf Qtip Martial Deduction Trust
Attn: William Schwartzkopf & First Nebraska Trust Co.
P. O. Box 81667
Lincoln, NE 68501

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EXHIBIT "A"

DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT

This Development and Conditional Zoning Agreement ("Agreement") is hereby made and entered into this _____ day of _____, 2015, by and between William Schwartzkopf Co-Trustee, First Nebraska Trust Co., Co-Trustee of the Edward Schwartzkopf Qtip Marital Deduction Trust, and Schwartzkopf Edward Qtip Marital Deduction Trust, hereinafter referred to as "Developer", and the City of Lincoln, Nebraska, a municipal corporation, hereinafter referred to as "City."

RECITALS

I.

Developer has petitioned the City for a change of zone from R-4 Residential District ("R-4") to H-3 Highway District ("H-3") upon property generally located east of Southwest 1st Street and south of West L Street and legally described as:

> Lots 36-46, Block 1, Boyer and Davis Subdivision,
> and the north 8 feet of the vacated alley adjacent
> to Lot 36, Boyer and Davis Subdivision, Lincoln,
> Lancaster County, Nebraska, (the "Property").

II.

Approval of this Change of Zone from R-4 to H-3 would allow the Developer to use the Property for a range of commercial and retail uses which would not be compatible with the surrounding neighborhood.

III.

The Developer has represented to the City that, in consideration of the City re-zoning the Property to H-3, the Developer will enter into an agreement with the City to restrict use on the Property to outdoor storage or for contractor services storage as long as the properties to the east adjacent to the vacated north/south alley are zoned residential.

IV.

The City desires an Agreement to be assured that Developer will develop the Property as represented should the Property be rezoned to H-3.

NOW THEREFORE, in consideration of the above recitals and the following terms and conditions, the parties agree as follows:

1. The City hereby agrees to grant Developer's petition to change the zoning map from R-4 to H-3 District on the Property.

2. In consideration for the City rezoning the Property to H-3 Highway District, the Developer agrees that the development of the Property shall be subject to the following requirements:

   a. The Property shall be only used for outdoor storage or contractor services storage;

   b. There shall be no access to the Property from the abutting vacated north/south alley;

   c. The Developer shall provide a 20 foot wide green space buffer along the entire east side of the Property. The buffer must include at least a 60% screen to 10 feet in height. The existing tree mass within the 20 foot wide area is to be preserved and may be counted as part of the required screen. The screen shall be installed by June 1, 2016.

   d. The Developer shall install an 8 foot black vinyl clad chain link fence with slats along the north property line of the Property adjacent to Schwartzkopf Park. The fence is to be installed by June 1, 2016.

   e. The Developer will address drainage concerns on the Property causing water to pond on Schwartzkopf Park to the satisfaction of the Director of the Parks and Recreation Department.

3. Conditions 2.a, 2.b, and 2.c shall remain in effect so long as the properties to the east of the vacated north/south alley in said Block 1 (Lots 1-15, Block 1, Boyer and Davis Subdivision), are zoned residential (i.e. R-1 through R-8 Residential District).

4. This Agreement shall run with the Property and shall be binding upon the parties hereto and their respective successors and assigns.

5. This Agreement, when executed by the parties hereto, shall be recorded by the City in the office of the Register of Deeds of Lancaster County, Nebraska, filling fees to be paid by Developer.

IN WITNESS WHEREOF, the parties herein have executed this Agreement on the day and year set forth above.

City of Lincoln, Nebraska
a municipal corporation

_____
Chris Beutler, Mayor

William Schwartzkopf Co-Trustee,
First Nebraska Trust Co., Co-Trustee
of the Edward Schwartzkopf Qtip Marital
Deduction Trust, and Schwartzkopf
Edward Qtip Marital Deduction Trust

By: _____
William Schwartzkopf, Co-Trustee

By: _____
First Nebraska Trust Co., Co-Trustee

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by Chris Beutler, Mayor of the City of Lincoln.

_____
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by William Schwartzkopf, Co-Trustee of the Edward Schwartzkopf Qtip Marital Deduction Trust, and Schwartzkopf Edward Qtip Marital Deduction Trust.

_____
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by _____, _____ of First Nebraska Trust Co., Co-Trustee of the Edward Schwartzkopf Qtip Marital Deduction Trust, and Schwartzkopf Edward Qtip Marital Deduction Trust.

_____
Notary Public

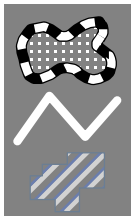
2013 aerial

Change of Zone #: CZ15024 (R-4 to H-3)
SW 1st St & W L 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

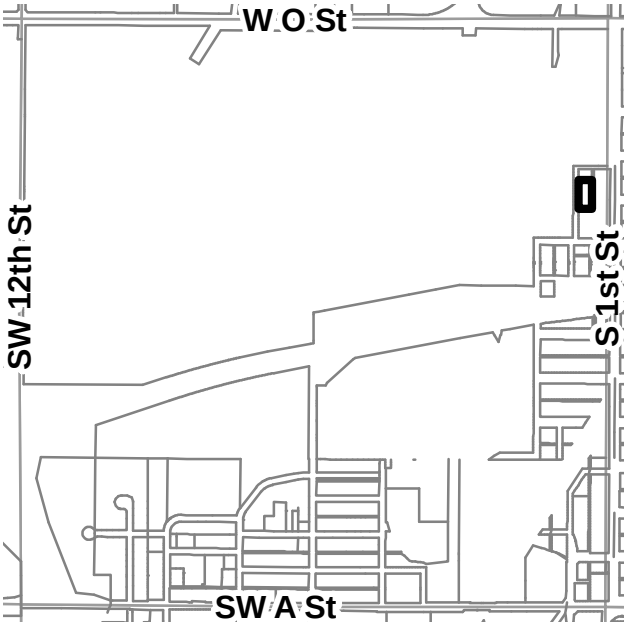
One Square Mile:
Sec.27 T10N R06E



Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



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Vicinity Map - Change of Zone 15024 (R-4 to H-3)

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2013 aerial

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction

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BAYLOR, EVNEN, CURTISS, GRIMIT & WITT, LLP

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OF COUNSEL
W. SCOTT DAVIS
WALTER E. ZINK II
DONALD R. WITT
ROBERT T. GRIMIT

ALSO ADMITTED IN:
*IOWA
**KANSAS

July 22, 2015

Hand Delivered
Mr. David Cary
Lancaster County Planning Department
555 South 10th Street, Ste. 213
Lincoln, NE 68508

RE: Application for Change of Zone

Dear Mr. Cary:

On behalf of TCW Construction, Inc., attached with this correspondence is the application for change of zone from R-4 to H-3 for the property legally described as Lots 36 through 39 and the North 8 feet of the vacated alley adjacent to Lot 36, Block 1, Boyer and Davis Subdivision, Lincoln, Lancaster County, Nebraska; and Lots 40 through 46, Block 1, Boyer and Davis Subdivision, Lincoln, Lancaster County, Nebraska, generally located at the southeast corner of SW 1st Street and West L Street, Lincoln, Nebraska.

The purpose of this change of zone is to allow the property to be used for storage of equipment from the TCW property that is located directly adjacent to the property that is the subject of this change zone. The proposed change of zone is compatible with the surrounding properties and the proposed use is appropriate for H-3 zoning.

If you have any questions or need additional information, do not hesitate to contact me.

Sincerely,

Derek C. Zimmerman
For the Firm
dzimmerman@baylorevnen.com

Enclosures

1188807

OMAHA OFFICE
ONE PACIFIC PLACE
1125 S. 103RD STREET SUITE 400 OMAHA, NE 68124
PHONE 402.934.5468

LINCOLN MAIN OFFICE
WELLS FARGO CENTER
1248 O STREET SUITE 600 LINCOLN, NE 68508
PHONE 402.475.1075 · FAX 402.475.9515

SYRACUSE OFFICE
920 12TH STREET SYRACUSE, NE 68446
PHONE 402.269.3200

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WALTER E. ZINK II
DONALD R. WITT
ROBERT T. GRIMIT

ALSO ADMITTED IN:
*IOWA
**KANSAS

August 20, 2015

RE: Application for Change of Zone

Dear Neighbors:

Recently a Change of Zone Application was filed for property located at 420 Southwest 1st Street and 500 Southwest 1st Street, Lincoln, Nebraska. Currently, the property is zoned residential, and the applicant is requesting it be changed and zoned to the H-3 Commercial District. The reason for this change is to allow the property to be used for storage.

The property is currently unsuitable for residential use because it is located within the floodplain, and the proposed use will generate very limited traffic and noise. Additionally, the applicant has worked diligently with the Planning Department and agreed to a number of conditions that will make the use compatible with the surrounding neighborhood. Specifically, the property will have a green space buffer along the eastern side of the property with fence and/or tree screening, the existing trees within the green space buffer will be preserved, the property use will be limited to storage, access to the property will not be taken from the alley which abuts residential properties, an 8 foot fence will be constructed along the northern property line adjacent to the park, and the applicant will work with the Parks Department to address drainage concerns.

To discuss this project in greater detail, a public meeting will be held in Room 113 at City Hall on Wednesday, August 26th from 5:30 p.m. to 6:30 p.m. to offer a brief presentation of the project and to answer any questions you may have. If you are unable to attend the meeting, but have questions about the proposed project, feel free to contact me at the Lincoln location below.

Sincerely,

Derek C. Zimmerman
For the Firm
dzimmerman@baylorevnen.com

1206912

OMAHA OFFICE
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SYRACUSE OFFICE
920 12TH STREET SYRACUSE, NE 68446
PHONE 402.269.3200

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for September 2, 2015 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No. 15025

PROPOSAL: From R-4 Residential to R-5 Residential

LOCATION: N. 44th Street and R Street

LAND AREA: 23.72 acres, more or less

EXISTING ZONING: R-4, Residential

CONCLUSION: This residential property is located on the edge of a commercial area and adjacent to Wyuka Cemetery. The R-5 zoning district is consistent with the 2040 Future Land Use Plan which shows this area as urban residential. The proposed change of zone is consistent with the zoning pattern in the area and is in conformance with the Comprehensive Plan.

RECOMMENDATION: Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 1 and 2 and Outlot B, Wyuka Subdivision, Lincoln, Lancaster County, Nebraska.

EXISTING LAND USE: Multi-Family Dwellings

SURROUNDING LAND USE AND ZONING:

North: Detention Pond/Undeveloped; R-4
South: Funeral Home; H-2
East: Offices/Retail; O-3, P and B-3
West: Wyuka Cemetery; P

ASSOCIATED APPLICATIONS:

SP15043 Special Permit for a Community Unit Plan for 193 dwelling units on Outlot A, Wyuka 2nd Addition

SP673A Special Permit amendment to relocate the broadcast radio tower

AA15066 Administrative Amendment to revise the Tanglewood Community Unit Plan boundary

HISTORY: This property was rezoned from A-2, Residential to R-4 Residential with the 1979 zoning update.

December 1990	The City Council approved Special Permit 1382 to construct a community unit plan for a maximum of 528 dwelling units.
August 1991	The City Council approved Special Permit 1382A to transfer 26 units from Lot 3 to Lot 2.
December 1994	The City Council approved Special Permit 1382B to remove 7.3 acres of land from the community unit plan for office uses.

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 1.6 - Approximately 16% of new dwelling units will be built within the existing City, with about 3,000 in the Downtown and Antelope Valley areas, 1,000 in existing neighborhoods, and 4,000 in mixed use redevelopment nodes and corridors.

P. 7.6 - Encourage apartments and special needs housing near commercial areas and along arterials.

P. 7.8 - Develop new design standards that encourage density, optimize infrastructure costs, and help lower the overall cost of property development.

P. 7.11 - Encourage additional density of apartment complexes and special needs housing on open adjacent land areas.

ANALYSIS:

1. This is a request to rezone the Tanglewood Apartment complex from R-4 Residential to R-5 Residential. The apartments were approved in a community unit plan for up to 528 dwelling units. A total of 458 units have been built. The land within the Community Unit Plan (CUP) includes open space to the north that is owned by Wyuka Cemetery. Wyuka would like to sell the undeveloped land for additional residential development.

2. The original Tanglewood CUP boundary was approximately 45 acres including the vacant land and the detention pond to the north. Reducing the size of the Tanglewood CUP and maintaining R-4 zoning would only allow for 330 dwelling units. Since 458 units are built, the change of zone is necessary to maintain zoning compliance.

   Rezoning the property to R-5 would allow for a maximum of 688 dwelling units. The applicant is not asking for additional dwelling units with this application. The previously approved number of dwelling units (528) will remain in effect. This development is still approved for 70 additional dwelling units.

3. R-5 zoning is appropriate at this location. This property is located between O-3 Office Park District and B-3 Commercial District on the east and the Wyuka Cemetery on the west. This zoning and land use pattern is similar to the Lion's Gate Apartments located east of N. 48th Street. The Lion's Gate Apartment complex is located between commercial zoning and a school, and it is zoned R-5.

4. The Comprehensive Plan supports additional density of apartment complexes and states that apartments are appropriate near commercial areas and along arterial streets. Rezoning the Tanglewood Apartments to R-5 will allow additional residential development to occur to the north which is supported by the Comprehensive Plan. This rezoning does not change the number of approved dwellings units in the Tanglewood CUP and should not have a negative impact on surrounding properties.

Prepared by:

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

DATE: August 20, 2015

APPLICANT: The Clark Enersen Partners
1010 Lincoln Mall, Suite 200
Lincoln, NE 68508

OWNER: The Slosburg Company
10040 Regency Circle, Suite 200
Omaha, NE 68114

CONTACT: Tim Gergen
1010 Lincoln Mall, Suite 200
Lincoln, NE 68508

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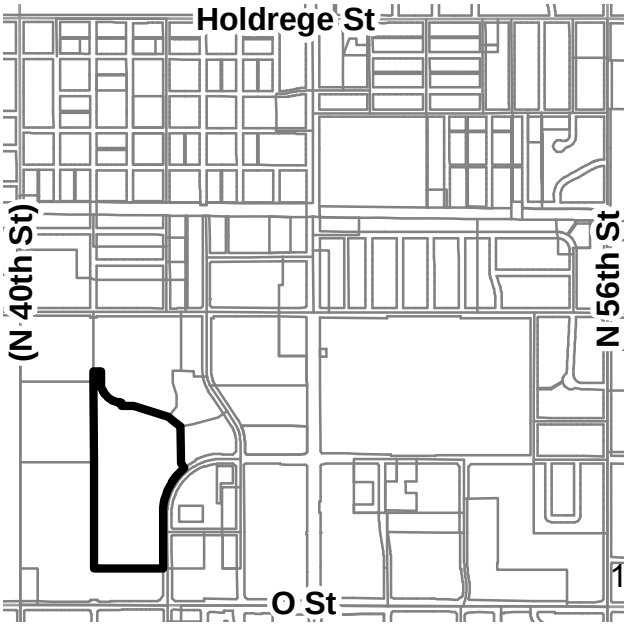
2013 aerial

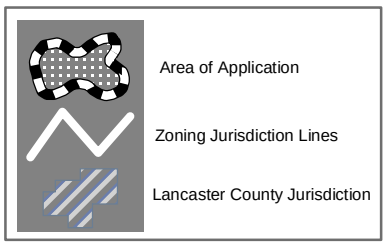
Change of Zone #: CZ15025 (R-4 to R-5)
N 44th & R St

One Square Mile:
Sec.20 T10N R07E



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



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The Clark Enersen Partners

July 30, 2015

Mr. David Cary
Planning Department, City of Lincoln
County-City Building
555 So. 10th Street
Lincoln, NE 68508

RE: Change of Zone and Administrative Amendment to the Tanglewood CUP

Dear Mr. Cary:

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

1. Change of Zone/Admin. Amendment Application
2. Change of Zone/Admin. Amendment fee ($792.00+$165.00 = $957.00)
3. CUP Site Plan

We are requesting an Administrative Amendment to revise the boundary of the existing Tanglewood Apartment Community Unit Plan to remove Outlot A, Wyuka 2nd Addition as well as request a change of zone from R-4 to R-5 for the Tanglewood CUP, Lots 1-2, Outlot B, Wyuka Subdivision. The revised Site Plan has been included to show the new CUP boundary. The existing site plan and residential density will remain the same.

A concurrent application has been submitted for a new CUP on Outlot A as well as a concurrent application has been submitted to relocate the existing radio broadcast tower within Outlot A.

Please contact me if you have any questions or require additional information.

Sincerely,

Tim Gergen

cc: Wyuka Cemetery
The Slosburg Company

Architecture + Landscape Architecture + Engineering + Interiors

1010 Lincoln Mall, Suite 200
Lincoln, NE 68508-2883 402 477.9291 Fax 402 477.6542

www.clarkenersen.com
Lincoln, NE | Kansas City, MO | Fairway, KS

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for September 2, 2015 PLANNING COMMISSION MEETING

PROJECT #: Special Permit No. 673A

PROPOSAL: A request per Section 27.63.150 for a Radio Broadcast Tower

LOCATION: N. 45th and Vine Streets

LAND AREA: 13.9 acres, more or less

EXISTING ZONING: R-4, Residential

WAIVER REQUESTS:
1. Per 3.50 - Waiver of the Design Standards for Screening Broadcast Towers.

CONCLUSION: The proposed tower will replace a much taller tower located on this site. The proposed location and shorter tower will considerably lessen its overall visual impact on surrounding properties. Subject to the recommended conditions of approval, this request complies with the requirements of the Zoning Ordinance and the Comprehensive Plan.

RECOMMENDATION:	Conditional Approval
WAIVERS:	
1. Waiver of the Design Standards for Screening Broadcast Towers.	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Outlot A, Wyuka Subdivision

EXISTING LAND USE: Broadcast Tower/Detention Pond/Undeveloped

SURROUNDING LAND USE AND ZONING:

North: Single and Multi-Family Dwellings/Church; R-2
South: Multi-Family Dwellings; R-4
East: Commercial Center; B-1
West: Wyuka Cemetery; P

ASSOCIATED APPLICATIONS:
CZ15025 Change of zone from R-4 Residential to R-5 Residential for the Tanglewood

Apartments

SP15043 Special Permit for a Community Unit Plan for 193 dwelling units on Outlot A, Wyuka 2nd Addition

AA15066 Administrative Amendment to revise the Tanglewood Community Unit Plan boundary

HISTORY:

April 1956 The City Council approved a special permit for a broadcast tower at this location. Several amendments have been made to the special permit since then.

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 1.9 - The future Land Use Map of the Comprehensive Plans designates residential land uses for this site.

P. 4.4 - Placemaking - Current Practice

The community values efficient and effective telecommunications while also desiring to minimize adverse impacts of this rapidly evolving infrastructure on our rural and urban environments. Capitol view corridors, historic landmarks and districts, environmentally sensitive areas, and predominantly residential neighborhoods are not preferred locations. Unobtrusive locations on public property; co-locations on existing towers, buildings, and structures; and commercial and industrial areas with minimal impact on residences are preferred. The City has adopted zoning provisions to state the community's preferences. Combined with guidance from the design review boards, community residents and the telecommunications industry can be well-served.

P. 11.19 - Information technology

Information technology is subject to rapid and dramatic change. The nature of the industry continues to push the limits of the technology. Various technologies converge to create new, integrated products and services. The concept of "telecommuting" portends a city where people may be able to work from most any site – including their own home. In the economy of the future, information is likely to become the primary product. This product can be "manufactured" at sites other than traditional factories and offices.

Wireless telecommunication is part of a global information revolution. The need for additional infrastructure to support wireless facilities is expected to increase in response to rising consumer demand and new applications. The City and County understand the importance of these technologies to the world of tomorrow and support the development of the infrastructure needed to further their use. A full range of cellular and wireless services, provided by a variety of carriers, is available in the city and county. See the *"Placemaking"* chapter for information on how wireless facilities should be located.

ANALYSIS:

OVERVIEW

The applicant is seeking to site an approximately 330 foot radio broadcast tower on property located near N. 45th & Vine Streets. The facility would replace the existing 500 foot tower currently on the property. A separate special permit has been submitted to develop the land with multi-family uses where the existing tower is located. Relocating the tower will

allow for the development to proceed. The proposed site for the tower is on land owned by Wyuka Cemetery and is located adjacent to the detention pond.

There is a special permit for the existing 500' tower. That special permit will remain in effect and will not be rescinded until the new tower is in place. This will allow continuous operation of the broadcast tower without interruption.

Broadcast towers are allowed by special permit in any zoning district, except O-1. The provisions of the Broadcast Tower special permit require review per Chapter 27.68 for Personal Wireless Facilities. The review using those provisions is as follows:

STANDARDS FOR EVALUATION:

1. Conformity with Comprehensive Plan.

The Plan states that "The community values efficient and effective telecommunications while also desiring to minimize adverse impacts of this rapidly evolving infrastructure on our rural and urban environments. Capitol view corridors, historic landmarks and districts, environmentally sensitive areas, and predominantly residential neighborhoods are not preferred locations. Unobtrusive locations on public property; co-locations on existing towers, buildings, and structures; and commercial and industrial areas with minimal impact on residences are preferred."

The Comprehensive Plan designates Urban Density Residential land uses for this site, which is zoned R-4 Residential. The proposed location for the tower is not located in a predominantly residential neighborhood. There is an apartment complex to the south, and the nearest existing residential dwelling is located over 500 feet away. The new tower will be shorter in height which will also reduce the adverse impacts on surrounding properties. The new location should have minimal impact on existing residences.

The new tower location will be approximately 175 feet from the new apartment units. The tower is near the new units but all residential buildings will be located outside of the fall zone. The existing tower is shown in the area of the future apartments, so the tower must be relocated before the apartments can be built and occupied.

2. Preference of site location in accordance with Chapter 27.68.080.

There are four location preferences as follows:

A. Preferred Location Sites:

(1) Publicly owned sites on which personal wireless facilities can be unobtrusively located with due regard to visibility, aesthetic issues, traffic flow, public safety, health and welfare. Such sites may include locating on existing buildings, co-locating on existing towers, screened roof-top mounts, water towers, billboards, electric substations, or other camouflaged sites, but shall not include new towers.

(2) Privately owned sites with existing structures on which personal wireless facilities can be unobtrusively located with due regard to visibility, aesthetic issues, traffic flow, public safety, health and welfare. Such sites may include locating on existing buildings, co-locating on existing towers, screened rooftop mounts, water towers, billboards, electric substations, or other camouflaged sites, but shall not include new towers.

(3) Publicly owned sites in which the facility is minimally obtrusive, has a minimal impact on the surrounding area, is an appropriate distance from residential land uses, has minimal impact on residential uses, with due regard being given to the scale of the facility and the surrounding area and the impact on the location.

(4) Sites in commercially or industrially zoned districts in which the facility is minimally obtrusive, has a minimal impact on the surrounding area, is an appropriate distance from residential land uses, has minimal impact on residential uses, with due regard being given to the scale of the facility and the surrounding area and the impact on the location.

B. Limited Preference Sites:

(1) Sites on other public property.

(2) Sites on other commercially or industrially zoned property.

C. Sensitive Location Sites. Sites located in areas with residential uses, environmentally sensitive areas, Capitol View Corridors, the Capitol Environs District, entryway corridors, downtown, landmarks or landmark districts, properties listed or eligible to be listed on the National Register of Historic Places, the Airport Environs, and other sensitive areas. The applications for personal wireless facilities which are located at sensitive sites will be required to demonstrate a technical need to locate a personal wireless facility at a sensitive site and that other reasonable alternatives do not exist for the facility at a location which is not a sensitive site.

This location is considered a preferred site, given there is an existing tower on the site. The new tower will replace a much taller tower on the same property. Wyuka Cemetery to the west is listed on the National Register of Historic Places. The lower tower height and more southerly location mitigate moving it closer to Wyuka Cemetery's west boundary. The proposed location will considerably lessen its overall visual impact. In addition to the new location and with a lower height, the apartments will help screen the tower from N. 45th and Vine Street which will make the tower much less prominent than it is today. The cemetery view will be largely unchanged.

Staff consulted the Historic Preservation Commission (HPC) to discuss the tower proposal at their regular meeting on August 20, 2015 (see attached meeting excerpt). The consensus of the HPC was that the impact of the tower on the cemetery is minor. Since the new tower will be 170' shorter than the existing tower, the new location will soften its impact

on surrounding properties. The HPC concurs with the staff recommendation to support this application.

3. Compatibility with abutting property and land uses.

The facility is compatible with surrounding property given the horizontal separation between the properties. Although this property is zoned R-4 Residential, the closest residential building is more than 500' to the south. The broadcast tower special permit is also within a Community Unit Plan which can ensure the greater setbacks are maintained.

4. Adverse impacts such as visual, environmental or noise impacts.

The facility may have a generator. If so it will need to be designed to minimize sound emissions. The sound emissions are subject to the City's Noise Ordinance and cannot exceed 65 dba during the day, and 55 dba at night as measured from the property line of the receiving property. The applicant has stated that they will not exceed the sound emissions.

The tower will have a lights at the top and the middle per FAA requirements. The new tower will have fewer lights than the existing tower since it is shorter.

The frequency of the broadcast signals and whether they interfere with any electromagnetic devices in the area is not reviewable by local governments per the Federal Communications Commission (FCC).

5. Screening potential of existing vegetation, structures and topographic features, and screening potential of proposed facilities, ground level equipment, buildings and tower base.

The facility consists of an equipment building, the tower and guy wires. The site will be surrounded by a chainlink fence to secure the tower area. Given the location and height of the tower, any screening effect would not significantly minimize the view of the tower. The requested waiver of the Design Standards is appropriate in this case.

6. Scale of facility in relation to surrounding land uses.

The tower is proposed to be located adjacent to the detention pond which provides approximately 500' of separation between the tower and the nearest dwelling as measured to the apartment building to the south. Although the tower will be closer to the apartments it will be shorter than the existing tower which should reduce the visual impact. Government office buildings are located to the east and will be located outside of the fall zone of the tower. The detention pond and maintenance buildings for Wyuka Cemetery are located to the west. The cemetery view should not be significantly impacted since the principal use of the eastern boundary is the cemetery's service buildings. The proposed use to the north

is for the apartment buildings which will be approximately 48 feet in height.

7. Impact on views/vistas and impact on landmark structures/districts, historically significant structures/districts, architecturally significant structures, landmark vistas or scenery and view corridors from visually obtrusive antennas and back-up equipment.

Wyuka Cemetery is on the National Register of Historic Places and is located west of the proposed tower location. As previously stated, staff consulted the Historic Preservation Commission (HPC) to discuss the tower proposal at their regular meeting on August 20, 2015 (see attached meeting exerpt). The consensus of the HPC was that the impact of the tower on the cemetery is minor. Since the new tower will be 170' shorter than the existing tower, the new location will soften its impact on surrounding properties. The HPC concurs with the staff recommendation to support this application.

8. Color and finish.

The proposed facility is shown in a galvanized finish. Since the tower is taller than 200' in height lighting is required by the FAA.

9. Ability to collocate.

The applicant intends to collocate auxiliary radio facilities on the new tower, just as has been done on the existing tower.

10. Availability of suitable existing structures for antenna mounting.

The proposal is not for mounting antenna on a structure but for relocating the existing tower. The tower would not be located on an existing structure.

11. Evidence of good faith efforts, and demonstration that a preferred or limited preference site was not technically, legally, or economically feasible.

The subject location is a preferred site, and elimination of other preferred locations is not required. The new location will replace the existing 500' tall tower that is much more visible along N. 45th and Vine Streets.

The Zoning Ordinance makes a distinction between broadcast towers, like this one, and personal wireless facilities, more commonly known as cell towers. And while each is regulated by its own separate special permit, LMC Chapter 27.68 Personal Wireless Facilities (which was specifically designed for cell towers) is also applied to broadcast towers as they have no other specific criteria in the special permit except the requirement to apply the standards of Chapter 27.68.

Chapter 27.68 requires permittees to post a surety to guarantee the removal of wireless facilities in the event that the tower is abandoned or no longer in operation. Should the owner fail to remove the facility, the surety can be used by the City to have it removed. The requirement was designed for cell towers, which when compared to broadcast towers exist in much greater numbers, are much smaller in size, and are more likely to have a shorter life span.

The requirement to post a surety is included as a condition of approval, but may be waived by the Planning Commission if other guarantees are in place, or if deemed not appropriate in this case.

CONDITIONS:

This approval permits a 330'-tall broadcast tower which replaces the existing 500' tower.

Site Specific:

1. Before receiving building permits, the permittee shall complete the following instructions and submit the following documents and plans.

    1.1. A revised site plan including **3** copies showing the following revisions:

        1.1.1. Add a note stating that the Waiver of the Design Standards for Screening Broadcast Towers is approved with this application.

        1.1.2 Remove the text “A change of zone is not being requested” from the General Site Notes.

        1.1.3 Add a note to the plan that states, “The special permit for the existing 500' tower will remain in effect and will not be rescinded until the new tower is in place.”

    1.2 The permittee must post a surety in the minimum amount necessary to guarantee the removal of the facilities. The surety must remain in effect for the life of the permit.

Standard:

2. The following conditions are applicable to all requests:

    2.1 Before use of the facility all development and construction shall have been completed in substantial compliance with the approved plans.

    2.2 All privately-owned improvements shall be permanently maintained by the

owner.

2.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

2.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

2.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

Prepared by

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

DATE: August 21, 2015

APPLICANT: The Clark Enersen Partners
1010 Lincoln Mall, Suite 200
Lincoln, NE 68508

OWNER: Wyuka Cemetery
1248 O Street, Suite 600
Lincoln, NE 68508

CONTACT: Mark Hunzeker
1248 O Street, Suite 600
Lincoln, NE 68508

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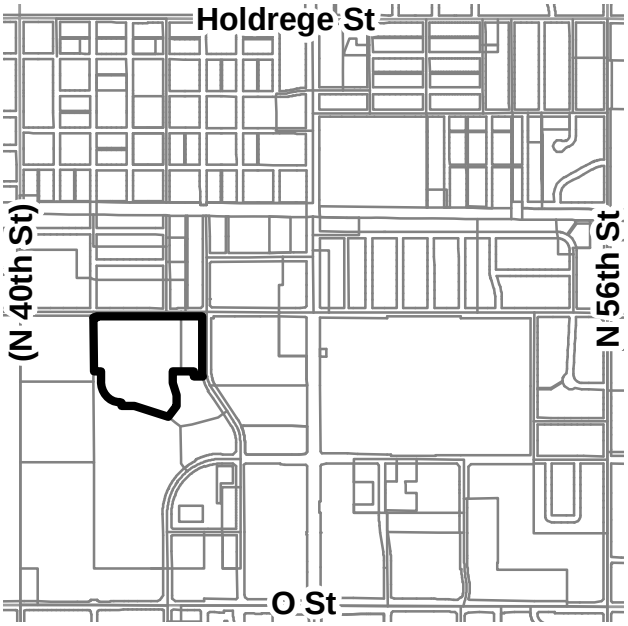
2013 aerial

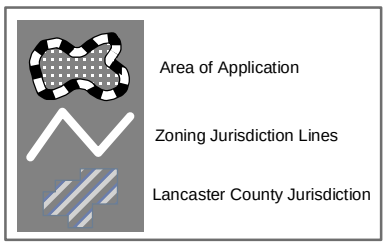
Special Permit #: SP673A
N 45th & Vine St.

Zoning:

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

One Square Mile:
Sec.20 T10N R07E





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The Clark Enersen Partners

July 30, 2015

Mr. David Cary
Planning Department, City of Lincoln
County-City Building
555 So. 10th Street
Lincoln, NE 68508

RE: Special Permit for Radio Broadcast Tower

Dear Mr. Cary:

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

1. Special Permit Application
2. Special Permit Application fee ($792.00)
3. Special Permit Site Plan

On behalf of the Owner, Wyuka Cemetery, c/o Peter Katt, 1248 'O' Street, Suite 600, Lincoln, NE 68508 and the User, Digity, c/o Mark Hunzeker, 1248 'O' Street, Suite 600, Lincoln, NE 68508 we are requesting a Special Permit for a Radio Broadcast Tower on Outlot A, Wyuka 2nd Addition to replace the existing radio broadcast tower.

The new radio broadcast tower will be 330' tall and be located approximately 500' from Vine Street. The existing broadcast tower is 500' tall and is located approximately 250' from Vine Street.

A concurrent application has been submitted to allow a new apartment complex to be developed within this same property. The apartment site plan does not locate buildings within the tower fall zone however the apartment application does contemplate future development within the tower fall zone if the radio broadcast tower is removed.

The existing driveway for the tower will be removed once the apartment complex is developed and will take access from the apartment complex driveway system.

The special permit for the existing tower will be rescinded once the new special permit is approved.

Architecture + Landscape Architecture + Engineering + Interiors

1010 Lincoln Mall, Suite 200
Lincoln, NE 68508-2883 402 477.9291 Fax 402 477.6542

www.clarkenersen.com
Lincoln, NE | Kansas City, MO | Fairway, KS

Please contact me if you have any questions or require additional information.

Sincerely,

Tim Gergen

cc: Wyuka Cemetery
Digity

Architecture + Landscape Architecture + Engineering + Interiors

1010 Lincoln Mall, Suite 200
Lincoln, NE 68508-2883 402 477.9291 Fax 402 477.6542

www.clarkenersen.com
Lincoln, NE | Kansas City, MO | Fairway, KS

SPECIAL PERMIT RADIO BROADCAST TOWER

ENGINEER

THE CLARK ENERSEN PARTNERS
1010 LINCOLN MALL, SUITE 205
LINCOLN, NE 68508
CONTACT: TIM GERGEN
402-477-6291

OWNER/DEVELOPER

WYUKA CEMETERY
PETER KATT
1248 'O' STREET, SUITE 800
LINCOLN, NE 68508

LEGAL DESCRIPTION

A LEGAL DESCRIPTION FOR A PARCEL OF LAND COMPOSED OF WYUKA SECOND ADDITION, OUTLOT 'A', ALL IN SECTION 28, TOWNSHIP 10 NORTH, RANGE 07 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY.

SAID TRACT CONTAINS A CALCULATED AREA OF 605,484.00 SQUARE FEET OR 13.90 ACRES, MORE OR LESS.

GENERAL SITE NOTES

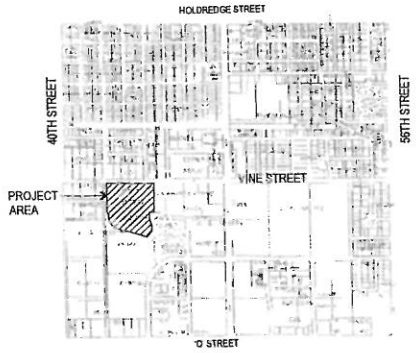
1. CURRENT ZONING IS R-4. A CHANGE OF ZONE IS NOT BEING REQUESTED.
2. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
3. DIRECT VEHICULAR ACCESS TO VINE STREET IS RELINQUISHED EXCEPT AS SHOWN.
4. 330' TALL BROADCAST TOWER SHALL BE PERMITTED ON SITE PER SITE PLAN LOCATION. DWELLING UNITS SHALL NOT BE BUILT WITHIN FALL ZONE OF TOWER UNTIL TOWER HAS BEEN REMOVED. GUY WIRES FOR THE TOWER SHALL BE PERMITTED WITHIN THE FLOWAGE EASEMENT.

ENGINEER'S CERTIFICATE

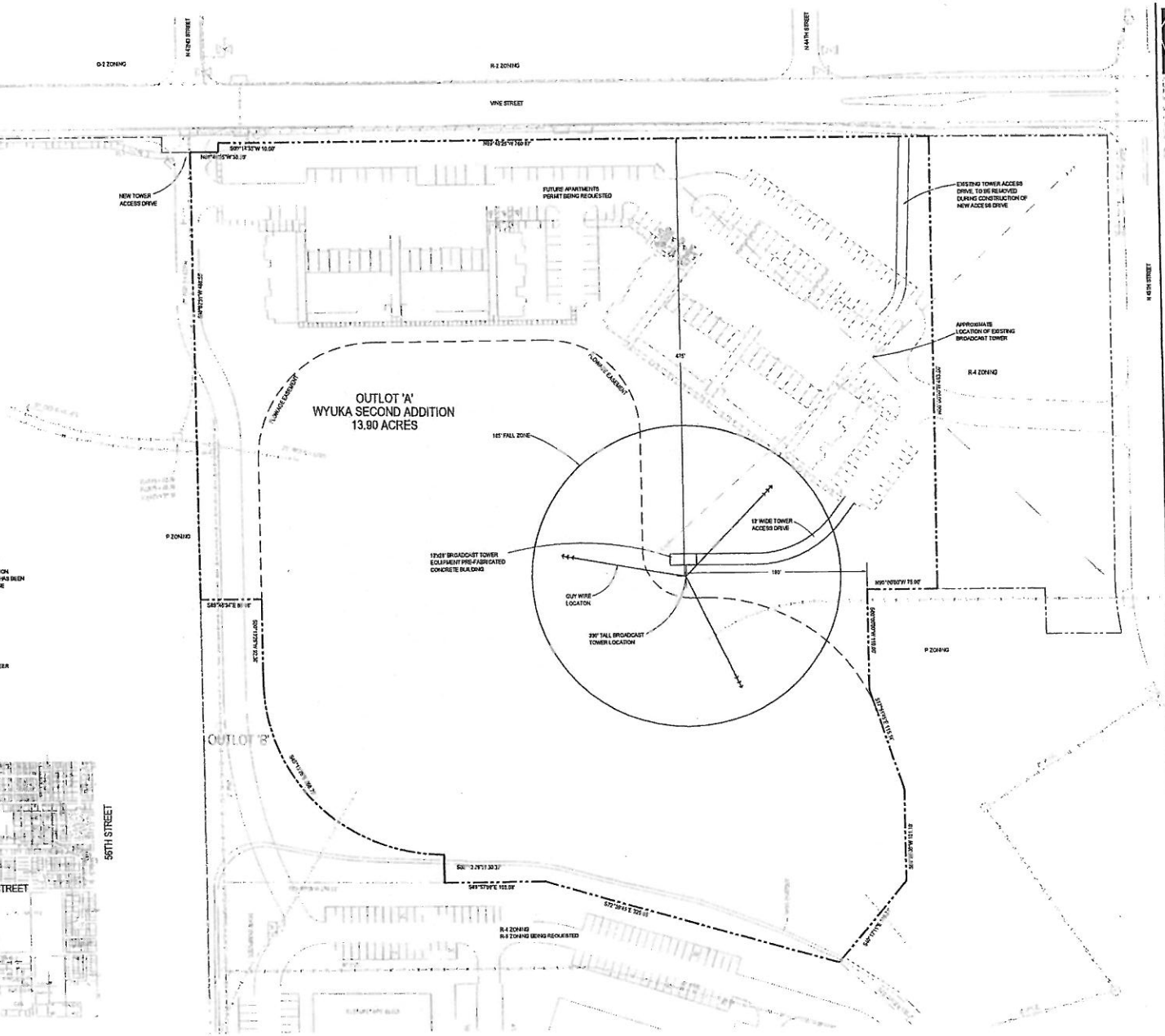
I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF NEBRASKA. THESE PLANS MEET THE REQUIREMENTS OF THE CITY ENGINEER'S OFFICE DESIGN REQUIREMENTS.

July 31, 2015
DATE

TIM GERGEN E-10344



VICINITY MAP
NO SCALE



SITE LAYOUT PLAN
SCALE: 1" = 50'-0"

The Clark Enersen Partners

Special Permit for Radio Broadcast Tower

Digity Radio Broadcast Tower

Lincoln, NE

TCEP No.: 260-004-15

July 31, 2015

Site Layout Plan

C1.1

Plot Time Stamp: 7/31/2015 11:19:47 AM
File Location/Name: \\Clarkenersen-004\CDD-211\260-004-15 Wyuka View 2\Property 13\Active Work\13\AutoCAD\13-00204-C1.1.Site.dwg

MEETING RECORD EXCERPT

NAME OF GROUP:	HISTORIC PRESERVATION COMMISSION
DATE, TIME AND PLACE OF MEETING:	Thursday, August 20, 2015, 1:30 p.m., Conference Room 214, 2nd Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska
MEMBERS IN ATTENDANCE:	Tim Francis, Jim Johnson, Jim McKee, and Greg Munn; (Jim Hewitt and Liz Kuhlman absent). Ed Zimmer, Stacey Groshong Hageman, Paul Barnes and Amy Hana Huffman of the Planning Department; Kevin Abourezk from the *Lincoln Journal Star.*
STATED PURPOSE OF MEETING:	Regular Historic Preservation Commission Meeting

Chair Greg Munn called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

Munn requested a motion approving the minutes for regular meeting held July 16, 2015. Motion for approval made by Johnson, seconded by Francis and carried 4-0: Francis, Johnson, McKee and Munn voting 'yes'; Hewitt and Kuhlman absent.

The opportunity was given for persons with limited time or with an item not appearing on the agenda to address the Commission.

STAFF REPORT AND MISCELLANEOUS: (12:01)

Discussion on Wyuka CUP, Digity Radio Broadcast Tower, and Tanglewood Apartments, all generally located at N. 45th Street and Vine Street:

Members present: Francis, Johnson, McKee and Munn; Hewitt and Kuhlman absent.

Zimmer stated that Planner Paul Barnes is currently working on applications for the next Planning Commission meeting that this body should be knowledgeable about, though it not formally part of today's agenda. It is a development project at the southwest corner of 45th and Vine Streets, immediately west of Wyuka Cemetery, including the 500 foot tall radio tower. Barnes confirmed that the property is currently still owned by Wyuka. Zimmer said they had also owned considerable property on the east side, most of which is now developed into apartments, and this is a proposal to develop the remaining part into apartments. It is almost entirely outside of the National Historic Register boundaries.

The proposal is that the developer would come in on the line of S. 42nd Street. A deceleration lane would connect through to the Tanglewood Apartments further to the

south near O Street.

There is a hidden pond on the property that very few people are aware of. It is part of the Tanglewood drainage system and retention. The new apartments would be constructed on that bare corner which would move the radio tower location to the southwest where a new one would be built at a lower height of approximately 300 feet. The new tower will be better screened by buildings and set back farther from the street. It will be closer to the east boundary of the cemetery.

McKee asked if the property would stay with Wyuka and be leased? Barnes said they would probably sell, similar to Tanglewood. That developer has expressed some interest but Planning is not aware of any commitment at this time. Zimmer went on to say that the proposal shows where apartments would be built. They are looking to prepare this property for sale and improve their balance sheet.

Zimmer explained the layout of the proposed plan which is east of the national register line. Only the southern part is directly adjacent to historical cemetery. There is a road between the apartment garages and utilized parts of the cemetery, and there is an undeveloped corner that is part of the historic boundary area but does not have historic features.

McKee said 42nd was a street not long ago, and he wondered if it has been abandoned? Barnes stated he believes it has been vacated between Vine and O Streets. Zimmer said it comes back in to a driveway and private road. Barnes said a driveway would be added at the stub where 42nd Street used to be.

Zimmer stated that the apartments close to the corner helps to finish off this development across the east line of the cemetery.

Johnson asked if the pond would stay in its current configuration? Barnes said the pond drains a much larger basin than just the site; it is part of a bigger system. There is nothing proposed to improve or modify it. Zimmer added that it has an easement on it. Barnes agreed, saying there is a flowage easement that allows it to get deeper when necessary, without impacting structures.

McKee wondered about the authority to sell the land and asked whether Wyuka was operated by the State, a committee or commission, and if they can make the decision to sell that without State action? Zimmer said it is nonprofit corporation established by the State and governed by a board of five members, appointed by the Governor. It is a corporation governed by that unusual structure, so it has a very direct State relationship, but is not regarded as State property.

Zimmer noted that the proposed changes near the national register footprint occur primarily on the undeveloped portion and include the deceleration lane. The line of dying conifers would be removed and there is a requirement to add a new line to reestablish it.

McKee wondered the responsibility of Historic Preservation Commission, as far as this new development is concerned? Zimmer replied that this project will not appear before the Urban Design Committee because it is purely a private development. Due to its proximity to a historic area, it was important for this Commission to at least be briefed on it. The impact to the historic character of the cemetery is carefully positioned to soften those impacts, but this needed to be presented in case this body disagrees.

McKee asked, if KFOR has been leasing the land the radio antennae is on? Zimmer said yes, there is a long lease and that occupies a large area to include the fall zone of the tower. By making the tower shorter and moving nearer to the pond, they open up some developable property on the corner.

Francis asked about the zoning of another parcel on the corner. Johnson clarified that it is property north of the current County Department of Motor Vehicles. Barnes stated that it is also zoned R-4. It is not part of this proposal and is under separate ownership. Various potential future options for that corner have been discussed. Some type of commercial or mixed use would be appropriate.

Barnes mentioned that there is also the detention pond on Wyuka. Zimmer said the grading plan does hollow it out a bit to create some detention. The historic qualities of the cemetery are essentially unchanged by this new project.

Johnson clarified that this is not officially before this body for action, but just for information. McKee said it will never be officially be on the agenda for action. Zimmer said that is correct.
However, if the Commissioners felt the view of Planning staff was incorrect, that information would be reported to Planning Commission.

Johnson stated that the project seems fine and other Commissioner were in agreement.

Barnes noted that the plan indicates that if the tower were ever to go away, the developer would like to build more apartment units; they are planning ahead. McKee said in moving the tower likely requires a new lease. Zimmer agreed that by moving it, it is outside of the boundaries of the original lease, so the entire area is shifted. The new location is as close to the pond easement as possible. This corner has been a bare area so this will create a more urban situation.

There being no further business, the meeting was adjourned at 1:50 p.m.

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LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for September 2, 2015 PLANNING COMMISSION MEETING

PROJECT #: Special Permit No. 15043

PROPOSAL: A request per Section 27.63.320 for a Community Unit Plan to develop up to 193 dwelling units

LOCATION: N. 45th Street and Vine Street

LAND AREA: 13.9 acres, more or less

EXISTING ZONING: R-4, Residential

MODIFICATION REQUEST:

1. Per 27.67.020 - Reduce the parking requirement from 2 stalls to 1.75 stalls per dwelling unit
2. Per 27.65.020 - Increase the height of the buildings from 35 feet to 48 feet

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

RECOMMENDATION:	Conditional Approval
MODIFICATIONS:	
1. Reduce the parking requirement from 2 stalls to 1.75 stalls per dwelling unit	Approval
2. Increase the height of the buildings from 35 feet to 48 feet	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Outlot A, Wyuka Second Addition

EXISTING LAND USE: Broadcast Tower/Detention Pond/Undeveloped Land

SURROUNDING LAND USE AND ZONING:

North: Single and Multi-Family Dwellings/Church; R-2
South: Multi-Family Dwellings; R-4
East: Commercial Center; B-1
West: Wyuka Cemetery; P

ASSOCIATED APPLICATIONS:

CZ15025 Change of zone from R-4 Residential to R-5 Residential for the Tanglewood Apartments

SP673A Special Permit amendment to relocate the broadcast radio tower

AA15066 Administrative Amendment to revise the Tanglewood Community Unit Plan boundary

HISTORY:

April 1956 The City Council approved a special permit for a broadcast tower. Several minor amendments have been made to the special permit since then.

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 1.9 - The future Land Use Map of the Comprehensive Plans designates residential land uses for this site.

P. 1.6 - Approximately 16% of new dwelling units will be built within the existing City, with about 3,000 in the Downtown and Antelope Valley areas, 1,000 in existing neighborhoods, and 4,000 in mixed use redevelopment nodes and corridors.

P. 2.8 - Mixed use redevelopment, adaptive reuse and well-designed and appropriately-placed infill development, including residential, commercial and retail uses, are encouraged.

P. 2.9 - More compact, dense development clusters allow for savings in public infrastructure costs and improved accessibility to jobs, goods and services.

P. 6.8 - Encourage shared driveways and interconnected parking lots where possible.

P. 6.8 - Encourage a vertical mix of residential and commercial use types.

P. 7.6 - Encourage apartments and special needs housing near commercial areas and along arterials.

P. 7.8 - New construction should continue the architectural variety (in existing neighborhoods), but in a manner that is sensitive to the existing neighborhoods.

UTILITIES: All utilities are available.

TOPOGRAPHY: The site slopes generally to the northwest and toward the south to the detention pond.

TRAFFIC ANALYSIS: Vine Street and N. 45th Street are classified as minor arterial streets.

PUBLIC SERVICE: Fire stations are located near this site at 1545 N. 33rd Street and 901 N. Cotner Boulevard.

AESTHETIC CONSIDERATIONS: This property is subject to the Neighborhood Design Standards. Since this site will be within a Community Unit Plan, the general intent of the Neighborhood Design Standards is to provide dwellings which have "neighborly" design characteristics while respecting the creative design elements fostered by Community Unit Plan.

ANALYSIS:

1. This is a request for a Community Unit Plan (CUP) to develop up to 193 dwelling units on property located southwest of N. 45th Street and Vine Street. The property is also occupied by a 500 foot broadcast tower and detention pond. The site would be developed in phases with 140 units developed in the first phase.

2. The future land use map shows this area as urban-density residential. The proposed development provides for approximately 14 dwelling units per acre, which is an appropriate urban-density. This density is achieved under the existing R-4 zoning district.

3. Access to this development will be provided off Vine Street. The Public Works and Utilities Department has recommended approval of this access if a right turn lane is constructed and the access is right-in/right-out only. With limited right-of-way in Vine Street a left turn lane is not possible. This requires approval of a deviation from the Access Management Policy to eliminate the left turn lane requirement and to reduce the storage length for the right turn lane on Vine Street. As of the writing of this staff report, the deviation request had been submitted to the Public Works Director but a decision had not been made.

   In order to accommodate the right turn lane the large evergreen trees will need to be removed. These trees are considered an important defining edge of the Wyuka Cemetery along Vine Street. Replacement evergreen trees should be planted after the right turn lane is constructed. The location of the new detention area may need to be shifted to accommodate the new trees.

4. The property at the intersection of N. 45th Street and Vine Streets is not included in the Community Unit Plan. However, access is shown across that property that would connect to N. 45th Street. The access would be constructed when the corner property develops.

5. An application to relocate the existing broadcast tower has been submitted in conjunction with the CUP. Relocating the tower would make additional land available for the residential development. The new location for the tower is shown in the southern portion of the CUP adjacent to the detention pond. The new tower will be

170' shorter than the existing tower would be better for multi-family housing at this location. If the tower is removed from this site in the future, an additional 53 units could be constructed in its place.

6. An application to rezone the Tanglewood Apartments to the south from R-4 to R-5 Residential has been submitted in conjunction with the CUP as well. The original Tanglewood CUP boundary was approximately 45 acres and authorized up to 528 dwelling units. This included the land and the detention cell currently under review. In order to allow for the proposed development, the Tanglewood CUP boundary needs to be reduced, but reducing the size of the Tanglewood CUP would only allow for 330 dwelling units. Since there are 458 units built the R-4 zoning would not allow the number of existing units so the rezoning to R-5 is necessary. No additional units are being requested in the Tanglewood CUP.

   A driveway connection is proposed between the Tanglewood Apartments and the new units along Vine Street. The driveway will provide additional access between the two developments. A sidewalk should be shown on the east side of the driveway connecting north to Vine Street.

7. This property also contains a large detention pond which typically contains standing water. A larger flowage easement surrounds the pond that allows for the water level to rise when needed. No structures are allowed within the flowage easement. The developer has proposed placing the guy wire anchors for the broadcast tower within the flowage easement, subject to approval by the Watershed Management Division. The Watershed Management Division has additional comments about the detention pond and drainage that must be addressed prior to final plan approval.

8. The applicant is requesting a reduction in the parking requirement and an increase in the height of the building. The parking reduction would reduce the parking ratio from 2 stalls per unit to 1.75 stalls per unit. Overall this is a reduction in 48 stalls for 193 units compared to what would normally be required. Given the location of this CUP, surrounding properties should not be impacted if there was any overflow parking. The site plan also shows an area for future parking along Vine Street, if needed. Tandem parking is shown in front of the garage stalls and is permitted under this CUP.

   The applicant is also requesting an increase in building height from 35 feet to 48 feet. The proposed apartment buildings would be 4 stories tall. The apartment buildings are sited near the detention pond and away from adjacent streets and properties. The buildings are setback approximately 75 feet from the adjacent east and west properties, and the side yard setback of the R-4 district is 5 feet. The increase in height should have minimal impact on neighboring properties and will be significantly lower in height than the 330 foot broadcast tower.

9. Development on this site is subject to the Neighborhood Design Standards (NDS).

The NDS are developed per the prevailing pattern found in the vicinity of the development. In the case of Community Unit Plans where no prevailing pattern exists, the NDS require that the development provides for a "neighborly" design while respecting the creative design elements fostered by Community Unit Plans. The "prevailing patterns" in this case are an arterial street to the north, commercial land to the east, apartments to the south and a cemetery to the west. The "neighborly design" follows the prevailing pattern of the apartment buildings to the south and is appropriate for this site.

10 Wyuka Cemetery is on the National Register of Historic Places and is located immediately west of the proposed CUP location. Staff consulted the Historic Preservation Commission (HPC) to discuss the development proposal at their regular meeting on August 20, 2015 (see attached meeting exerpt). The consensus of the HPC was that the impact of the development on the cemetery is minor. The HPC concurs with the staff recommendation to support this application.

11. The sidewalk along Vine Street is currently located at the back of curb. The sidewalk should be relocated to the south to provide a minimum of 9 feet between the sidewalk and the back of curb. Street trees will be required along the Vine Street frontage as a condition of the special permit. Any portion of public sidewalk located on private property should have a dedicated public access easement.

12. A landscape plan will need to be submitted and approved prior to obtaining a building permit. The landscape plan will need to meet the design standards for landscaping and screening and should also show the relocated trees along Vine Street.

13. Two monument signs are shown on either side of the driveway entrance on Vine Street. The west monument sign is not located within the CUP boundary and is considered an off-premises sign. This sign is not allowed and should be removed from the plan.

14. This property is currently located on an outlot. A final plat creating a lot(s) will need to be approved prior to construction of the apartments or relocation of the broadcast tower.

15. This site can be easily served by existing infrastructure such as roads and utilities. Several commercial areas are located within walking distance of this site which makes this location desirable for additional residential development. Subject to the conditions of approval, this proposal is in conformance with the Comprehensive Plan.

CONDITIONS OF APPROVAL:

Per Section 27.63.320 this approval permits a Community Unit Plan for up to 193 dwelling

units with an adjustment of parking regulations from 2 to 1.75 stalls per dwelling unit and an increase in height from 35 feet to 48 feet.

Site Specific Conditions:

1. The City Council approves associated request:

    1. Change of Zone #15025

2. Before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **3** copies with all required revisions and documents as listed below:

    2.1 Add a note to the plan that states, “A landscape plan shall be provided at the time of building permit and shall be in accordance with Chapter 3.5 of the Design Standards for Screening and Landscaping.”

    2.2 Add replacement trees to the landscape plan along the right-turn lane on Vine Street and add a note that states, “Replacement evergreen trees will be planted along Vine Street when the right-turn lane is completed.” Revise the detention area if needed due to placement of trees.

    2.3 Show the sidewalk along Vine Street relocated 9 feet from the back of curb. Add a note that states, “Street trees will be planted along Vine Street in the area between the sidewalk and the curb. The trees will be shown on the landscape plan prior to building permit.”

    2.4 Add a note to the plan that states, “The developer reserves the right to build anywhere within the buildable lot outside of the setbacks and the flowage easement.”

    2.5 Add a note to the plan that states, “The location of buildings and parking stalls are conceptual and are subject to minor changes.”

    2.6 Show a sidewalk connection to Vine Street along the east side of the driveway.

    2.7 Change the name of the CUP on the plan to “Wyuka Vine Street CUP”.

    2.8 Add a common access easement over the east/west and north/south driveways.

    2.9 Add a sidewalk connection to the future drive on the east side of the CUP.

    2.10 Show the setbacks on the west side of the property.

2.11 Remove the monument sign on the west side of the driveway.

2.12 Address the comments from the Watershed Management Division to their satisfaction.

2.13 Add to the General Notes, "Signs need not be shown on this site plan, but need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation".

3. Before a final plat is approved provide the following documents to the Planning Department:

3.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

4. Final plat(s) is/are approved by the City.

If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan 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 community unit plan as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.

No final plat shall be approved until the Permittee, as subdivider, enters into an agreement with the City whereby Permittee agrees:

to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat

to complete the installation of street trees along the south side of Vine Street as shown on the final plat within two (2) years following the approval of this final plat.

to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to complete the public and private improvements shown on the Community Unit Plan.

to keep taxes and special assessments on the outlots from becoming delinquent.

to maintain the outlots on a permanent and continuous basis.

to maintain the private improvements in good order and condition and state of repair including the routine and reasonable preventive maintenance of the private improvements on a permanent and continuous basis.

to maintain the private facilities which have common use or benefit in good order and condition and state of repair, including the routine and reasonable preventive maintenance of the private facilities, on a permanent and continuous basis.

to recognize that there may be additional maintenance issues or costs associated with the proper functioning of storm water detention/retention facilities as they were designed and construction within the development and that these additional maintenance issues or costs are the responsibility of the Permittee.

to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Permittee(s) may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:

(1) Permittee shall not be relieved of Permittee's maintenance obligation for each specific private improvement until a registered professional

engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.

(2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds

Standard Conditions:

5. The following conditions are applicable to all requests:

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

5.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.

5.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters 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 this resolution shall run with the land and be binding upon the Permittee, 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 therefor to be paid in advance by the applicant.

Prepared by

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

DATE: August 20, 2015

APPLICANT: The Clark Enersen Partners
1010 Lincoln Mall, Suite 200

Lincoln, NE 68508

OWNER: Wyuka Cemetery
1248 O Street, Suite 600
Lincoln, NE 68508

CONTACT: Tim Gergen
1010 Lincoln Mall, Suite 200
Lincoln, NE 68508

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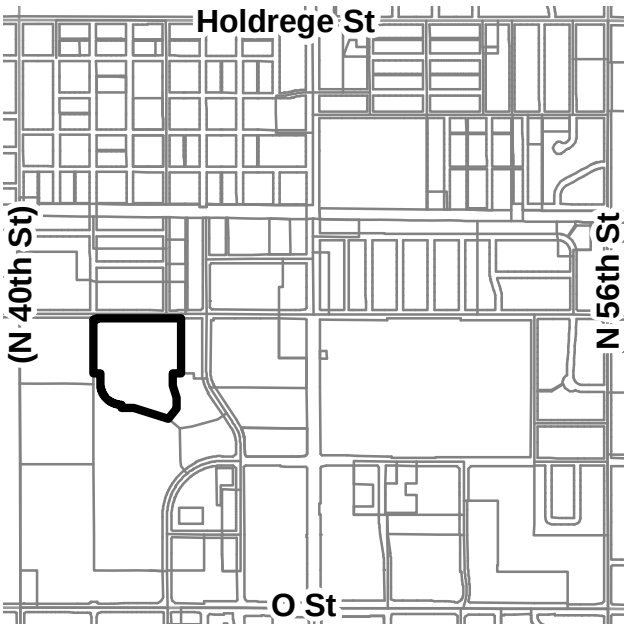
2013 aerial

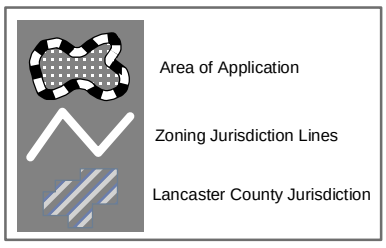
Special Permit #: SP15043
Wyuka CUP
N 45th & Vine St

Zoning:

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

One Square Mile:
Sec.20 T10N R07E





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The Clark Enersen Partners

July 30, 2015

Mr. David Cary
Planning Department, City of Lincoln
County-City Building
555 So. 10th Street
Lincoln, NE 68508

RE: Wyuka Community Unit Plan

Dear Mr. Cary:

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

1. Community Unit Plan Application
2. Community Unit Plan Application fee ($792.00 + $132.00x13.90 = $2,626.80)
3. CUP Site Plan
4. CUP Grading & Drainage Plan
5. Drainage Report

On behalf of the Owner, Wyuka Cemetery, c/o Peter Katt, 1248 'O' Street, Suite 600, Lincoln, NE 68508, we are requesting a Community Unit Plan on Outlot A, Wyuka 2nd Addition, to allow for the addition of a residential apartment complex.

A concurrent application has been submitted to remove this property from the existing Tanglewood apartment CUP boundary as well as a concurrent application has been submitted to relocate the existing radio broadcast tower.

The site plan is showing a driveway connection to the existing Tanglewood apartments as well as a provision for the property to the east to make a connection to the driveway network on the Wyuka property. This will allow better connectivity with the future developments. The stormwater detention cell for the property is located in an easement on the Wyuka property that is to the west of the entrance driveway on Vine Street.

The submitted site plan is showing 140 units however is requesting approval for 193 units. In the event the radio broadcast tower is removed this will allow the Owner to build an additional building within the removed radio tower boundary.

We are requesting waivers to reduce the overall parking ratio from 2.0 to 1.75 per dwelling unit, increase the height to 48 feet and allow tandem parking in driveways to count towards the overall parking requirements.

Please contact me if you have any questions or require additional information.

Sincerely,

Tim Gergen

cc: Wyuka Cemetery
The Slosburg Company

Architecture + Landscape Architecture + Engineering + Interiors

1010 Lincoln Mall, Suite 200
Lincoln, NE 68508-2883 402 477.9291 Fax 402 477.6542

www.clarkenersen.com
Lincoln, NE | Kansas City, MO | Fairway, KS

SPECIAL PERMIT C.U.P
R-4 ZONING

ENGINEER
THE CLARK ENERSEN PARTNERS
1010 LINCOLN MALL, SUITE 200
LINCOLN, NE 68508
CONTACT: TIM GERGEN
402-477-9291

OWNER/DEVELOPER
WYUKA CEMETERY
PETER KATT
1248 "O" STREET, SUITE 500
LINCOLN, NE 68508

LEGAL DESCRIPTION

A LEGAL DESCRIPTION FOR A PARCEL OF LAND COMPOSED OF WYUKA SECOND ADDITION, OUTLOT "A", ALL IN SECTION [illegible], TOWNSHIP 10 NORTH, RANGE 07 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY

SAID TRACT CONTAINS A CALCULATED AREA OF 605,464.90 SQUARE FEET OR 13.90 ACRES, MORE OR LESS

LEGEND

- STORM SEWER MANHOLE
- SANITARY SEWER MANHOLE
- WATER VALVE
- FIRE HYDRANT
- PROPOSED SANITARY SEWER MANHOLE
- PROPOSED FIRE HYDRANT
- PROPERTY LINE
- EXISTING WATER LINE
- EXISTING SANITARY SEWER
- PROPOSED SANITARY SEWER
- PROPOSED WATER LINE

PARKING TABLE

SURFACE PARKING: 143 STALLS
GARAGE PARKING: 58 STALLS
TANDEM PARKING: 32 STALLS
HANDICAP PARKING: 7 STALLS
TOTAL = 238 PARKING STALLS
PARKING RATIO = 1.69 STALLS/UNIT

WAIVERS

1. REDUCE PARKING RATIO TO 1.75 PER DWELLING UNIT
2. INCREASE HEIGHT TO 45'
3. TANDEM PARKING IN DRIVEWAYS IS ALLOWED TO COUNT TOWARDS OVERALL PARKING REQUIREMENTS

ENGINEER'S CERTIFICATE

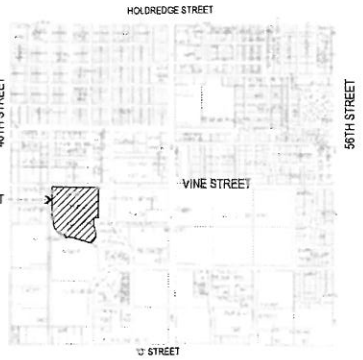
I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF NEBRASKA. THESE PLANS MEET THE REQUIREMENTS OF THE CITY ENGINEER'S OFFICE DESIGN REQUIREMENTS

July 31, 2015
DATE

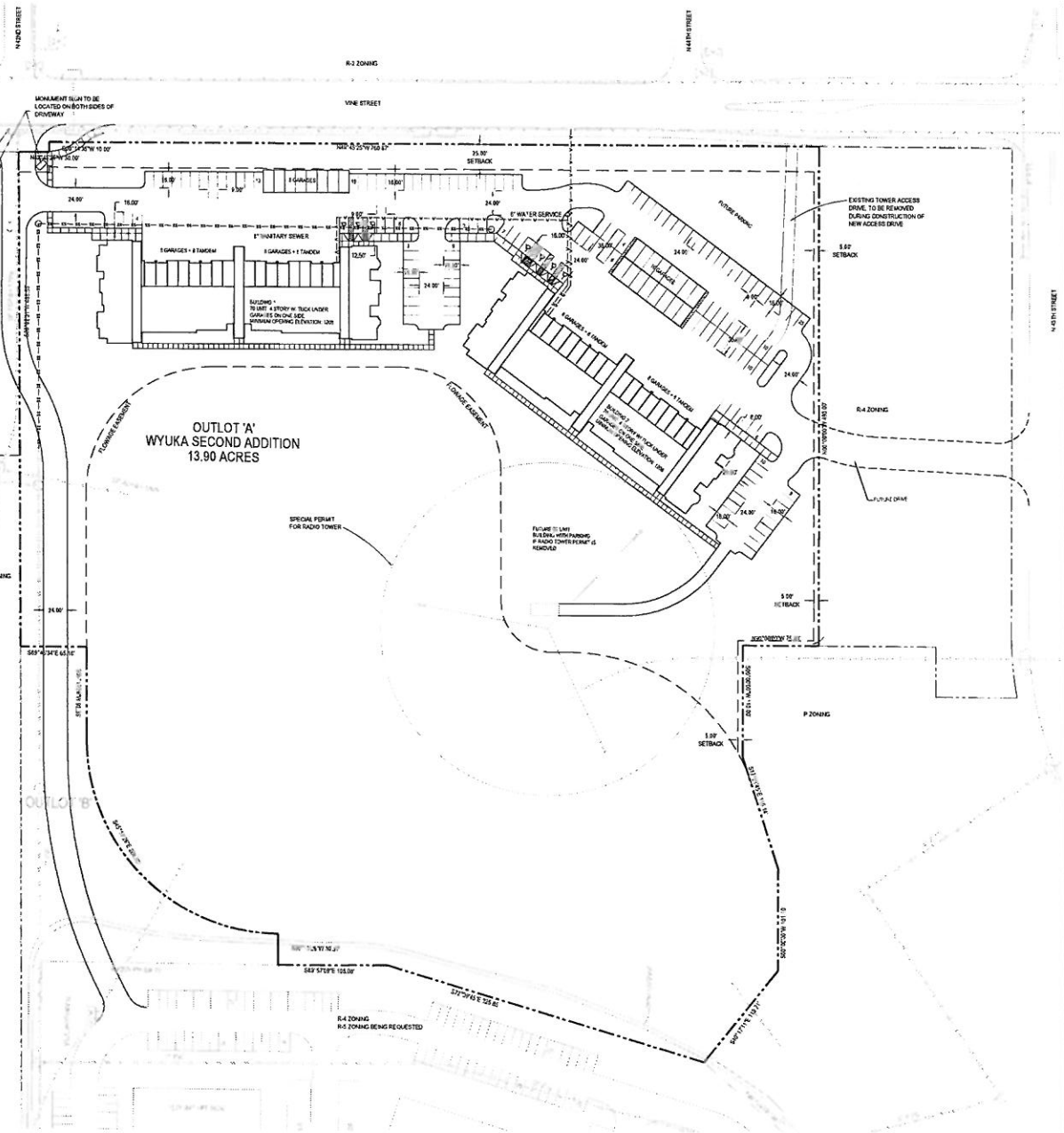
TIM GERGEN E-10344

GENERAL SITE NOTES

1. SANITARY SEWER AND WATER LINES TO BE 8" PIPE AND 6" PIPE RESPECTIVELY AND TO BE BUILT TO CITY OF LINCOLN SPECIFICATIONS
2. CURRENT ZONING IS R-4. A CHANGE OF ZONE IS NOT BEING REQUESTED
3. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES
4. ALL PAVING RADII TO BE 25' UNLESS OTHERWISE NOTED
5. TOTAL AREA OF CUP = 13.90 ACRES
   13.90 ACRES X 13.83 UNITS PER ACRE = 193 MAX UNITS
6. ALL STREET DIMENSIONS ARE TO BACK OF CURB.
7. SIGNS SHALL BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE, AND MUST BE APPROVED BY BUILDING AND SAFETY DEPARTMENT PRIOR TO INSTALLATION.
8. ALL ELEVATIONS ARE BASED ON NAVD 1988.
9. LOT DIMENSIONS ARE APPROXIMATE AND MAY VARY AT THE TIME OF FINAL PLAT.
10. THE YARD SETBACKS REGULATE STRUCTURAL WALLS ONLY AND DOES NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCROACHING INTO THE SETBACK.
11. DIRECT VEHICULAR ACCESS TO VINE STREET IS RELINQUISHED EXCEPT AS SHOWN.



VICINITY MAP
NO SCALE



SITE LAYOUT PLAN
SCALE: 1" = 50'-0"

The Clark Enersen Partners

Community Unit Plan

Wyuka

Lincoln, NE

TCEP No.: 260-004-15

July 31, 2015

Site Layout Plan

C1.1

Plot Time Stamp: 7 / 31 / 2015 11:31:04 AM
File Location/Name: \\fileserver-004\200-299\260-004-15 Wyuka Vine St Property\33 Active Work\33 AutoCAD\260004-C1.1.dwg

MEETING RECORD EXCERPT

NAME OF GROUP:	HISTORIC PRESERVATION COMMISSION
DATE, TIME AND PLACE OF MEETING:	Thursday, August 20, 2015, 1:30 p.m., Conference Room 214, 2nd Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska
MEMBERS IN ATTENDANCE:	Tim Francis, Jim Johnson, Jim McKee, and Greg Munn; (Jim Hewitt and Liz Kuhlman absent). Ed Zimmer, Stacey Groshong Hageman, Paul Barnes and Amy Hana Huffman of the Planning Department; Kevin Abourezk from the *Lincoln Journal Star*.
STATED PURPOSE OF MEETING:	Regular Historic Preservation Commission Meeting

Chair Greg Munn called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

Munn requested a motion approving the minutes for regular meeting held July 16, 2015. Motion for approval made by Johnson, seconded by Francis and carried 4-0: Francis, Johnson, McKee and Munn voting 'yes'; Hewitt and Kuhlman absent.

The opportunity was given for persons with limited time or with an item not appearing on the agenda to address the Commission.

STAFF REPORT AND MISCELLANEOUS: (12:01)

Discussion on Wyuka CUP, Digity Radio Broadcast Tower, and Tanglewood Apartments, all generally located at N. 45th Street and Vine Street:

Members present: Francis, Johnson, McKee and Munn; Hewitt and Kuhlman absent.

Zimmer stated that Planner Paul Barnes is currently working on applications for the next Planning Commission meeting that this body should be knowledgeable about, though it not formally part of today's agenda. It is a development project at the southwest corner of 45th and Vine Streets, immediately west of Wyuka Cemetery, including the 500 foot tall radio tower. Barnes confirmed that the property is currently still owned by Wyuka. Zimmer said they had also owned considerable property on the east side, most of which is now developed into apartments, and this is a proposal to develop the remaining part into apartments. It is almost entirely outside of the National Historic Register boundaries.

The proposal is that the developer would come in on the line of S. 42nd Street. A deceleration lane would connect through to the Tanglewood Apartments further to the

south near O Street.

There is a hidden pond on the property that very few people are aware of. It is part of the Tanglewood drainage system and retention. The new apartments would be constructed on that bare corner which would move the radio tower location to the southwest where a new one would be built at a lower height of approximately 300 feet. The new tower will be better screened by buildings and set back farther from the street. It will be closer to the east boundary of the cemetery.

McKee asked if the property would stay with Wyuka and be leased? Barnes said they would probably sell, similar to Tanglewood. That developer has expressed some interest but Planning is not aware of any commitment at this time. Zimmer went on to say that the proposal shows where apartments would be built. They are looking to prepare this property for sale and improve their balance sheet.

Zimmer explained the layout of the proposed plan which is east of the national register line. Only the southern part is directly adjacent to historical cemetery. There is a road between the apartment garages and utilized parts of the cemetery, and there is an undeveloped corner that is part of the historic boundary area but does not have historic features.

McKee said 42nd was a street not long ago, and he wondered if it has been abandoned? Barnes stated he believes it has been vacated between Vine and O Streets. Zimmer said it comes back in to a driveway and private road. Barnes said a driveway would be added at the stub where 42nd Street used to be.

Zimmer stated that the apartments close to the corner helps to finish off this development across the east line of the cemetery.

Johnson asked if the pond would stay in its current configuration? Barnes said the pond drains a much larger basin than just the site; it is part of a bigger system. There is nothing proposed to improve or modify it. Zimmer added that it has an easement on it. Barnes agreed, saying there is a flowage easement that allows it to get deeper when necessary, without impacting structures.

McKee wondered about the authority to sell the land and asked whether Wyuka was operated by the State, a committee or commission, and if they can make the decision to sell that without State action? Zimmer said it is nonprofit corporation established by the State and governed by a board of five members, appointed by the Governor. It is a corporation governed by that unusual structure, so it has a very direct State relationship, but is not regarded as State property.

Zimmer noted that the proposed changes near the national register footprint occur primarily on the undeveloped portion and include the deceleration lane. The line of dying conifers would be removed and there is a requirement to add a new line to reestablish it.

McKee wondered the responsibility of Historic Preservation Commission, as far as this new development is concerned? Zimmer replied that this project will not appear before the Urban Design Committee because it is purely a private development. Due to its proximity to a historic area, it was important for this Commission to at least be briefed on it. The impact to the historic character of the cemetery is carefully positioned to soften those impacts, but this needed to be presented in case this body disagrees.

McKee asked, if KFOR has been leasing the land the radio antennae is on? Zimmer said yes, there is a long lease and that occupies a large area to include the fall zone of the tower. By making the tower shorter and moving nearer to the pond, they open up some developable property on the corner.

Francis asked about the zoning of another parcel on the corner. Johnson clarified that it is property north of the current County Department of Motor Vehicles. Barnes stated that it is also zoned R-4. It is not part of this proposal and is under separate ownership. Various potential future options for that corner have been discussed. Some type of commercial or mixed use would be appropriate.

Barnes mentioned that there is also the detention pond on Wyuka. Zimmer said the grading plan does hollow it out a bit to create some detention. The historic qualities of the cemetery are essentially unchanged by this new project.

Johnson clarified that this is not officially before this body for action, but just for information. McKee said it will never be officially be on the agenda for action. Zimmer said that is correct.
However, if the Commissioners felt the view of Planning staff was incorrect, that information would be reported to Planning Commission.

Johnson stated that the project seems fine and other Commissioner were in agreement.

Barnes noted that the plan indicates that if the tower were ever to go away, the developer would like to build more apartment units; they are planning ahead. McKee said in moving the tower likely requires a new lease. Zimmer agreed that by moving it, it is outside of the boundaries of the original lease, so the entire area is shifted. The new location is as close to the pond easement as possible. This corner has been a bare area so this will create a more urban situation.

There being no further business, the meeting was adjourned at 1:50 p.m.

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LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for August 19, 2015 PLANNING COMMISSION MEETING

PROJECT #: Use Permit No. 126D - Wilderness Woods Office Park

PROPOSAL: To reduce the amount of office square footage permitted from 225,000 to 174,000 square feet, and to increase the number of dwelling units from 195 to 297.

LOCATION: Generally located at Executive Woods Drive and Yankee Hill Road

LAND AREA: 29.41 acres more or less

EXISTING ZONING: O-3 Office Park District

CONCLUSION: Dwellings, specifically multifamily dwellings, are a permitted use in the O-3 district, and are compatible with the existing surrounding office and residential development in this area. Prior amendments have already been approved adding multiple-family dwellings in this area. This request is consistent with the Comprehensive Plan, provides a mix of uses, and is an appropriate use of land at this location.

RECOMMENDATION: Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 5, 6, 7, 8, 14, 15 and Outlot B, Wilderness Woods Office Park Addition, Lots 4, 5, 6 and 7, Wilderness Woods Office Park 1st Addition, Lot 1, Wilderness Woods Office Park 2nd Addition, and Lot 1 and Outlot A, Wilderness Woods Office Park 4th Addition, all located in the NW 1/4 Section 26-9-6 of the 6th P.M., Lancaster County, Nebraska

EXISTING LAND USE: Office and vacant land

SURROUNDING LAND USE AND ZONING:

R-3 Residential Zoning with a special permit for a Community Unit Plan (Wilderness Ridge Subdivision) surrounds this area on all sides. The Use Permit is surrounded by outlots consisting of ponds and golf greens used for the golf course which is part of the Wilderness Ridge Community Unit Plan.

HISTORY:

February 1998	This area was annexed per annexation #98005.
December 1999	Use Permit #126 and Change of Zone #03225 were approved to allow 275,000 square feet of office space and a change of zone from R-3 Residential to O-3 Office Park and from O-3 Office Park to R-3 Residential.
June 2000	Use Permit #126A was approved allowing a reduced setback on Lot 4 from 40' to 30', and to increase the height allowed on Lot 4 from 35' to 45'.
July 2002	Administrative Amendment #02073 approved a 10,000 square foot office building with a parking lot on Lot 1.
November 2002	Administrative Amendment #02097 revised the parking, parking lot landscaping and screening plans, and revised the General Notes.
July 2004	Use Permit #126B and Change of Zone 04048 were approved changing the zoning on an existing parking lot from O-3 to R-3, and to remove it from the O-3 district and include it with the golf course as part of the Wilderness Ridge Golf Course.
August 2011	Use Permit #126C was approved to allow 186 dwelling units and to reduce the amount of office floor area from 275,000 square feet to 225,000 square feet.
April 2014	Administrative Amendment #14013 was approved to increase the number of dwelling units to 195.

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg 1.8 - This area is designated for commercial land uses on the 2040 Future Land use map.

Pg 7.2 - Distribute and preserve affordable housing throughout the community to be near job opportunities and to provide housing choices within existing and developing neighborhoods.

-Provide a wide variety of housing types and choices for an increasingly diverse and aging population.

-Provide flexibility to the marketplace in siting future residential development locations.

-Preserve areas designated for multi-family and special needs housing in approved plans to support a distributed choice in affordable housing.

Pg 7.4 - Encourage mixed use commercial centers to incorporate special needs housing where they could serve as a transitional use to less intensive residential development and benefit from walkable access to the commercial area and transit.

Pg 7.8 - Develop new design standards that encourage density, optimize infrastructure costs, and help lower the overall cost of property development.

Pg 7.9 - Good design and appropriate placement are key to successful redevelopment. Widely varying techniques are utilized to achieve redevelopment in existing neighborhoods such as the following examples: 4. Multi-family complexes identifying open areas to develop additional buildings on the existing property (resulting in a net increase in density).

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

UTILITIES: Existing

TRAFFIC ANALYSIS: Executive Woods Drive is a local street. Yankee Hill Road is an improved arterial street. Substituting 102 dwelling units for 51,000 square feet of office floor area is roughly equivalent in terms of traffic demand, and does not significantly increase the overall P.M. peak trip count for this use permit.

PUBLIC SERVICE: Adams Elementary School is located approximately one mile to the north. The nearest fire station is located at S. 27th Street and Old Cheney Road.

ALTERNATIVE USES: Remain zoned for future office use.

ANALYSIS:

1. This is a request to increase the number of dwelling units from 195 to 297, while simultaneously reducing the amount of office floor area from 225,000 to 174,000 square feet.

2. Apartments are a permitted use in the O-3 zoning district. Of the uses allowed in O-3, apartments are one of the lower intensity uses, and the traffic impact of the proposed apartments versus office is roughly equivalent.

3. The O-3 zoning district is intended to accommodate office, as well as other compatible and complementary commercial uses, including residential uses in the newer suburban areas of the city.

4. A similar amendment to this use permit was approved in 2011. Most if not all of those apartments have been built, and the result is a good mix of uses and housing types for the larger Wideness Ridge/Wilderness Woods development. This mix includes single-family, townhouse and multiple family dwellings, and office.

5. There were no objections from any City Departments regarding this application.

6. Required landscaping/screening, and off-street parking and pedestrian access will be reviewed at the time of building permits in compliance with the Zoning Ordinance and Design Standards.

7. This request substitutes excess office floor area for apartment units which are now in demand. The mix of uses in this area, as well as the density represented by the increased number of apartment units with this request, is encouraged by the Comprehensive Plan. If approved, this request complies with the Zoning Ordinance and Comprehensive Plan.

This approval reduces the amount of office floor area from 225,000 to 174,000 square feet, and increases the number of dwelling units from 195 to 297.

CONDITIONS OF APPROVAL:

Site Specific:

1. The developer shall submit 4 copies of the final plot plan and documents as listed below before receiving building permits.

Standard:

2. The following conditions are applicable to all requests:

    2.1 Before occupying the dwelling units and buildings all development and construction is to substantially comply with the approved plans.

    2.2 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the owner or an appropriately established homeowners association approved by the City.

    2.3 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.

    2.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

    2.5 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 and building permits will not be issued unless the letter of acceptance has been filed.

2.6 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions/ordinances approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

_____
Brian Will, 441-6362, bwill@lincoln.ne.gov
Planner
August 4, 2015

APPLICANT/ OWNER: Wilderness Woods Holdings
8525 Executive Woods Drive
Lincoln, NE 68512

CONTACT: Jill Schuerman
Civil Design Group
8535 Executive Woods Drive, Suite 200
Lincoln, NE 68512

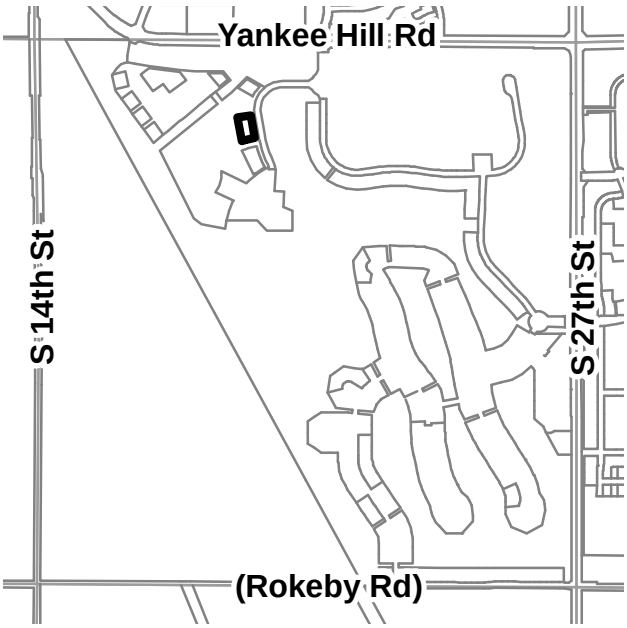
F:\DevReview\UP\UP126D Wilderness Woods.bjw.wpd

2013 aerial

Use Permit #: UP126D
Wilderness Woods Office Park
Executive Woods Dr & Yankee Hill Rd

N
W E
S

One Square Mile:
Sec.25 T09N R06E



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

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction

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File: F:\DevReview\PlannerPacket\MXD\Agendadrawings.mxd (UP126D)

WILDERNESS WOODS OFFICE PARK

AMENDED USE PERMIT #126_

OWNER & DEVELOPER:

AUSTIN REALTY COMPANY
8644 EXECUTIVE WOODS DRIVE
LINCOLN, NE 68512

8626 EXECUTIVE WOODS DRIVE, LLC
8626 EXECUTIVE WOODS DRIVE
LINCOLN, NE 68512

8636 EXECUTIVE WOODS DRIVE, LLC
8626 EXECUTIVE WOODS DRIVE
LINCOLN, NE 68512

8656 EXECUTIVE WOODS DRIVE, LLC
8626 EXECUTIVE WOODS DRIVE
LINCOLN, NE 68512

WILDERNESS WOODS, LLC
8626 EXECUTIVE WOODS DRIVE
LINCOLN, NE 68512

8600 EXECUTIVE WOODS DRIVE, LLC
8626 EXECUTIVE WOODS DRIVE
LINCOLN, NE 68512

PINE RIDGE DENTAL PROPERTIES II, LLC
8646 EXECUTIVE WOODS DRIVE, UNIT #2
& UNIT 3
LINCOLN, NE 68512

HAUSMANN & SONS CONSTRUCTION, INC.
8646 EXECUTIVE WOODS DRIVE, UNIT #1
LINCOLN, NE 68512

AUSTIN REALTY COMPANY
8644 EXECUTIVE WOODS DRIVE
LINCOLN, NE 68512

VILLAS AT WILDERNESS RIDGE, LLC
8626 EXECUTIVE WOODS DRIVE
LINCOLN, NE 68512

VILLAS AT WILDERNESS RIDGE II, LLC
8626 EXECUTIVE WOODS DRIVE
LINCOLN, NE 68512

WILDERNESS WOODS HOLDINGS, LLC
8626 EXECUTIVE WOODS DRIVE
LINCOLN, NE 68512

ENGINEER:

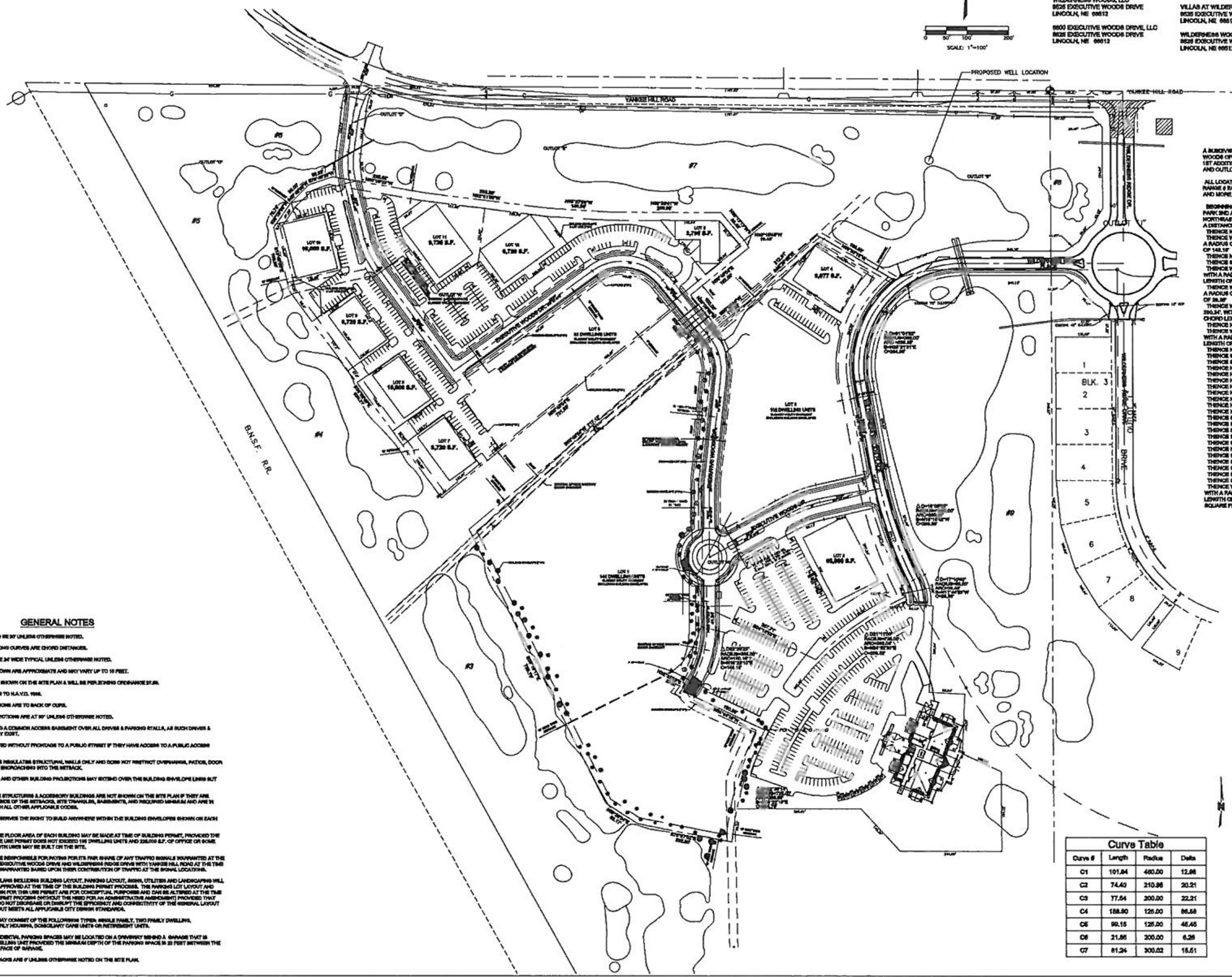
CIVIL DESIGN GROUP, INC.
8535 EXECUTIVE WOODS DRIVE,
SUITE 200
LINCOLN, NE 68512 (402)434-8494

SURVEYOR:

ALLIED SURVEYING & MAPPING
8535 EXECUTIVE WOODS DRIVE,
SUITE 200
LINCOLN, NE 68512 (402)434-2686

PARKING SUMMARY

LOT	ZONE	FLOOR AREA (S.F.)	ADDRESS	USE	REQUIRED PARKING	HEIGHT
LOT 1	O-3	144 UNITS	8601 EXECUTIVE WOODS DR.	DWELLING UNITS	288	35'
LOT 2	O-3	60,000		OFFICE	167	45'
LOT 3	O-3	102 UNITS		DWELLING UNITS	204	45'
LOT 4	O-3	9,077	8700 EXECUTIVE WOODS DR.	OFFICE	31	35'
LOT 5	O-3	3,799	8400 EXECUTIVE WOODS DR.	OFFICE	13	35'
LOT 6	O-3	32 UNITS	8601 EXECUTIVE WOODS DR.	DWELLING UNITS	64	35'
LOT 7	O-3	9,720	8656 EXECUTIVE WOODS DR.	OFFICE	33	35'
LOT 8	O-3	10,000	8646 EXECUTIVE WOODS DR.	OFFICE	34	35'
LOT 9	O-3	9,720	8636 EXECUTIVE WOODS DR.	OFFICE	33	35'
LOT 10	O-3	10,000	8626 EXECUTIVE WOODS DR.	OFFICE	34	35'
LOT 11	O-3	9,720	8640 EXECUTIVE WOODS DR.	OFFICE	33	35'
LOT 12	O-3	9,720	8644 EXECUTIVE WOODS DR.	OFFICE	33	35'
UNASSIGNED OFFICE		62,347				
UNASSIGNED DWELLING UNITS		19 UNITS				
TOTAL:		297 DWELLING UNITS & 174,000 S.F. OF OFFICE OR SOME COMBINATION OF BOTH USES MAY BE BUILT ON THE SITE.			987	

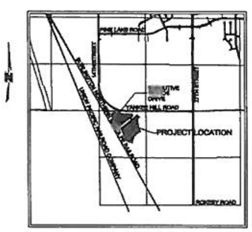


LEGAL DESCRIPTION - USE PERMIT

[illegible]

Curve Table

Curve #	Length	Radius	Delta
C1	101.94	460.00	12.96
C2	74.40	210.96	20.21
C3	77.54	200.00	22.21
C4	188.90	125.00	86.58
C5	99.15	125.00	45.45
C6	21.86	200.00	6.26
C7	81.24	300.02	15.51



VICINITY MAP
NOT TO SCALE

GENERAL NOTES

[illegible]

REVISIONS

DATE	DESCRIPTION

2014

COVER SHEET

WILDERNESS WOODS OFFICE PARK
AMENDED USE PERMIT #126_

LINCOLN, NEBRASKA

drawn by: jdx
checked by: --
approved by: --
project no.: 2015-0141
drawing no.: --
date: 07/21/2015

SHEET
1 OF 1

Civil Design Group, Inc.
8535 EXECUTIVE WOODS DR., SUITE 200
LINCOLN, NEBRASKA 68512
PH. 402-434-8494 FAX 888-218-8747
www.cdgfp.com
CONSULTING ENGINEERS • LAND USE PLANNERS
CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING

Civil Design Group, Inc.
Consulting Engineers & Land Use Planners
Civil Design • Site Development • Planning & Zoning
www.civildg.com

July 21, 2015

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

Re: Wilderness Woods Office Park
Executive Woods Drive & Wilderness Woods Place
CDG Project No. 2015-0141

Dear Mr. Cary:

On behalf of Wilderness Woods Holdings, LLC we submit the above mentioned administrative amendment to Use Permit 126C for your review and approval. With this amendment we request to change Lot 3 from a 51,000 sq ft office to a 102 apartment units and associated parking. Use Permit 126C currently allows for 225,000 square feet of office space and 195 multi-family units. The 102 additional units, in place of the 51,000 square foot office on Lot 3, will bring the total dwelling units on the use permit to 297 (19 unassigned units).

The requested 102 additional units are virtually equivalent to the permitted 51,000 square feet of office space in terms of PM peak traffic, 63.53 for office, 69.46 for apartments. Therefore, we would like to continue to hold our unassigned office space to the existing 52,247 sq ft.

In conjunction with this submittal we submit:

Application for Use Permit Amendment and $792.00 fee
Plans Uploaded via Project Dox

I hope that this letter and the plans provide you with enough information to review this Final Plat. In an effort to facilitate the review process, please call me at (402) 434-8494 if you questions.

Sincerely,

Mike Eckert

Encl

cc: Wilderness Woods Holdings, LLC

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Office 402•434•8494 8535 Executive Woods Dr., Suite 200 • Lincoln, NE 68512 Fax 866•215•8747