# Lincoln City - Lancaster County

# PLANNING COMMISSION AGENDA

## PLANNING COMMISSION

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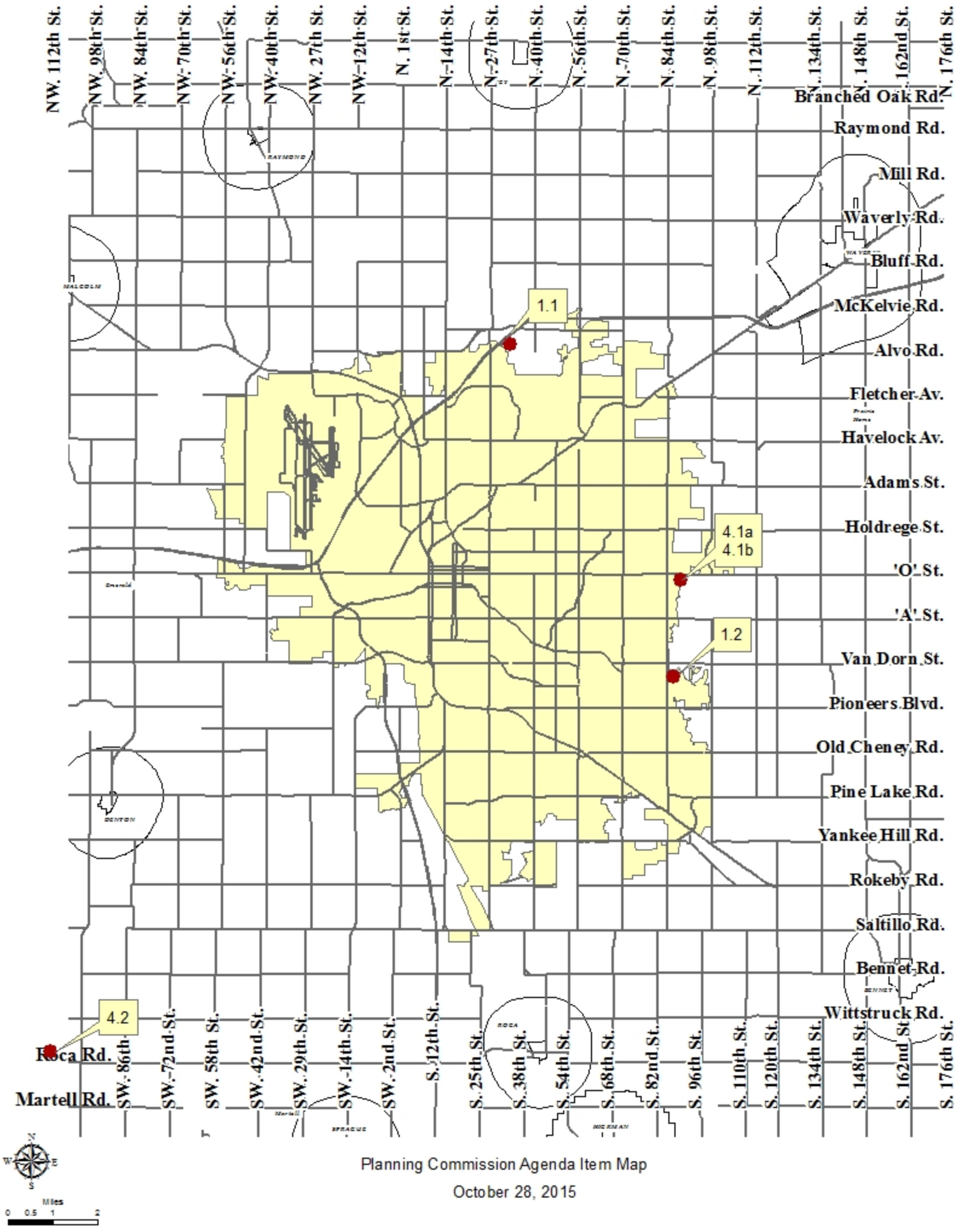
## PLANNING STAFF

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

# October 28, 2015




Planning Commission Agenda Item Map

October 28, 2015

**NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, October 28, 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.**

**The Lincoln/Lancaster County Planning Commission will meet on Wednesday, October 28, 2015, immediately following the regular meeting, in Studio Room 113 of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska, to discuss Complete Streets, Bike Share and N Street Bikeway.**

**The Lincoln/Lancaster County Planning Commission meetings for November and December have been rescheduled due to the upcoming holidays. They will now convene on November 18, 2015; December 2, 2015 and December 16, 2015.**

**<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, OCTOBER 28, 2015

Approval of minutes of the regular meeting held October 14, 2015.

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

**<u>PERMITS:</u>**

1.1 Special Permit No. 15065, to sell alcoholic beverages for consumption on and off the premises, on property generally located at 7353 Husker Circle.
****FINAL ACTION****
**Staff recommendation: Conditional Approval**
**Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov**

1.2 Use Permit No. 107E, to amend Use Permit No. 107 to eliminate the limitation on the number of buildings and eliminate the requirement that at least 35,000 square feet of floor area, or 50% of the total floor area of each building, whichever is greater, has to be occupied by a single tenant, on property generally located at South 84th Street and Firethorn Lane

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**Staff recommendation: Approval**
**Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov**

## 2. REQUESTS FOR DEFERRAL:

## 3. ITEMS REMOVED FROM CONSENT AGENDA (Public Hearing and Administrative Action):

3.1 _____

3.2 _____

## 4. PUBLIC HEARING AND ADMINISTRATIVE ACTION

### ANNEXATION AND RELATED CHANGE OF ZONE:

4.1a Annexation No. 15011, annexing approximately 48.92 acres, more or less, generally located at S. 90th Street and "O" Street.

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**Staff recommendation: Approval**
**Staff Planner: Paul Barnes, 402-441-6372, pbarnes@lincoln.ne.gov**

4.1b Change of Zone No. 15028, Shadow Creek Planned Unit Development, for a change of zone from AG Agricultural to R-3 Planned Unit Development District that will include R-3, R-5 and B-2 uses, and for approval of a development plan which proposes modifications to the Zoning Ordinance and Subdivision Regulations, on property generally located at South 90th Street and O Street.

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**Staff recommendation: Conditional Approval**
**Staff Planner: Paul Barnes, 402-441-6372, pbarnes@lincoln.ne.gov**

### SPECIAL PERMIT:

4.2 Special Permit No. 15064, to allow Avalon Event Paradise, a private property, to be used for special events such as weddings and family reunions, including a request to waive the requirement that parking lots be gravel, and waive the requirement that parking and other related business areas not exceed 15,000 square feet, on property generally located at 12788 West Roca Road.

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**Staff recommendation: Approval**
**Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov**

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

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**Adjournment**

**PENDING LIST:** *None*

**Planning Dept. staff contacts:**


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Ed Zimmer, *Historic Preservation Planner* . . . . . 402-441-6360 . . . . . ezimmer@lincoln.ne.gov


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**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.**

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**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 CITY/LANCASTER COUNTY PLANNING STAFF REPORT**

**for October 28, 2015 PLANNING COMMISSION MEETING**

**P.A.S.:** Special Permit #15065 - TownePlace Suites by Marriott

**PROPOSAL:** To authorize the licenses premises for the sale of alcoholic beverages for consumption on and off the premises per Sections 27.63.680 and 27.63.685.

**CONCLUSION:** This request complies with all applicable criteria for the special permits for the sale of alcohol for consumption on and off the premises. This is an appropriate land use at this location.

**RECOMMENDATION:** Conditional Approval

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 3, Salt Creek Center 4th Addition, Lancaster County, Nebraska.

**LOCATION:** 7353 Husker Circle (North 27th Street and I-80)

**EXISTING ZONING:** H-3 Highway Commercial **EXISTING LAND USE:** Hotel

**SURROUNDING LAND USE AND ZONING:**

| | | |
|---|---|---|
| North: | Commercial | H-3 |
| South: | Commercial | H-3 |
| East: | Vacant | H-3 |
| West: | Vacant | I-1 |

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Comprehensive Plan designates commercial land uses and open green space in this area.

**BACKGROUND:** This is a request to allow the sale of alcohol for consumption both on and off the premises in conjunction with a hotel. The facility will not have a bar/restaurant, but will have a small retail outlet inside the hotel for guests to purchase snacks, quick meals and alcohol. The ability to sell locally produced foods and beverages is also part of the business model. Guests would be able to buy these local products for consumption either on or off the premises. Two outdoor areas are included as part of the licensed premises so guests can consume alcohol outside the hotel.

The provisions for special permits require that separate special permits be granted for each on and off-sale use, recognizing the requirements of each are slightly different. This report contains the reviews of the requirements for both special permits.

**ANALYSIS:**

1. **SPECIAL PERMIT REQUIREMENTS PER LINCOLN MUNICIPAL CODE (LMC) 27.63.680:** The sale of alcoholic beverages for consumption **on** the premises may be allowed in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, I-2, and I-3 zoning districts and on the premises of a restaurant in the O- 3 district upon the approval of a special permit subject to the requirements of the respective districts, all applicable ordinances, and the following conditions:

**(a) Parking shall be in conformance with Chapter 27.67 Parking.**

The required parking for on-sale alcohol is calculated a one space per 100 square feet of floor area. However, in the case of this hotel, there is no area dedicated to on-sale such as a bar or restaurant. In this circumstance, the parking requirement defaults to that for a hotel in the H-3 zoning district, which is one parking space per room, and one space per 100 square feet of accessory use. The site plan shows the parking plan which was approved at the time of building permits, and which provides parking in excess of what the Zoning Ordinance requires.

**(b) The sale of alcoholic beverages for consumption off the premises shall not be permitted without issuance of a permit under LMC Section 27.63.685 of this code.**

The issuance of a separate special permit to allow the sale of alcohol for consumption off the premise has also been requested and is included in the second half of this report.

**(c) The designated area specified in a license issued under the Nebraska Liquor Control Act of any building approved for such activity must be located no closer than (i) 100 feet from the property line of a premises used in whole or in part for a first-floor residential use, day care facility, park, church, or state mental health institution, or (ii) 100 feet from a residential district (except where such use is accessory to a golf course or country club).**

The proposed licensed premises is one of many properties within a larger commercial area zoned H-3, located southeast of the South 27th Street/I-80 interchange. The H-3 zoning in this area extends along South 27th Street and is populated by a variety of intense commercial uses. The licensed premises meets the 100' separation requirement as there is no first-floor residential use, day care facility, park, church, state mental health institution, or residential district located that

close. The nearest of these is R-3 zoning to the west and south, either area being located approximately one-half mile away.

**(d) Any lighting on the property shall be designed and erected in accordance with all applicable lighting regulations and requirements.**

No lighting is shown, but all lighting is subject the City of Lincoln Design Standards and is reviewed at the time of building permits.

**(e) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.**

A drive-through window is not shown as part of this application.

**(f) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.**

No such devices are shown as part of this application.

**(g) No access door to the business, including loading or unloading doors, shall face any residential district if such doors are within 150 feet of the residential district. This shall not apply to emergency exit doors required by building or safety codes. No door facing a residential district shall be kept open during the operation of the establishment.**

The entrance to the facility faces H-3 zoned-property to the south. There is no residential zoning district within 150'.

**(h) Vehicular ingress and egress to and from the property shall be designed to avoid, to the fullest extent possible, disruption of any residential district. Particular attention shall be given to avoiding designs that encourage use of residential streets for access to the site instead of major streets.**

Access to the subject premises is from Husker Circle which is not considered a “residential street” at this location.

**(i) All other regulatory requirements for liquor sales shall apply, including licensing by the state.**

**(j) The City Council may consider any of the following as cause to revoke the special permit approved under these regulations:**

**(1) Revocation or cancellation of the liquor license for the specially permitted premises; or**
**(2) Repeated violations related to the operation of the permittee's business.**
**(3) Repeated or continuing failure to take reasonable steps to prevent unreasonable disturbances and anti-social behavior on the premises related to the operation of the permittee's business including, but not limited to, violence on site, drunkenness, vandalism, solicitation, or litter.**

**2. SPECIAL PERMIT REQUIREMENTS PER LINCOLN MUNICIPAL CODE (LMC) 27.63.685:** Alcoholic beverages may be sold for consumption **off** the premises in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, and I-3 zoning districts upon the approval of a special permit. A special permit for such use may be granted subject to the requirements of the respective districts, all applicable ordinances, and the following conditions:

**(a) Parking shall be in accordance with Section 27.67.020 of the Lincoln Municipal Code.**

In this case, there is no applicable calculation for on-sale given the lack of an area dedicated to either a restaurant or bar. Therefore, parking is based upon the requirement for a hotel in the H-3 zoning district. As previously noted, adequate parking is shown on the site plan.

**(b) The sale of alcoholic beverages for consumption on the premises shall not be permitted without issuance of a permit under LMC Section 27.63.680 of this code.**

The issuance of a separate special permit to allow the sale of alcohol for consumption on the premise has also been requested and is included in the first half of this report.

**(c) The licensed premises of any building approved for such activity must be located no closer than (i) 100 feet from the property line of a premises used in whole or in part for a first-floor residential use, day care facility, park, church, or state mental health institution, or (ii) 100 feet from a residential district.**

As note previously, the proposed licensed premises is one of many properties within a larger commercial area zoned H-3, located southeast of the South 27th Street/I-80 interchange The H-3 zoning in this area extends along South 27th Street and is populated by a variety of intense commercial uses. The licensed premises meets the 100' separation requirement as there is no first-floor residential use, day care facility, park, church, state mental health institution, or residential district located that

close. The nearest of these is R-3 zoning to the west and south, either area being located approximately one-half mile away.

**(d) Any lighting on the property shall be designed and erected in accordance with all applicable lighting regulations and requirements.**

No new lighting is shown, but lighting is reviewed at the time of building permits and must comply with Design Standards at that time.

**(e) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.**

A drive-through window is not being proposed on the site plan.

**(f) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.**

No such devices are proposed as part of this application.

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The entrance to the facility faces H-3 zoned-property to the east.

**(h) Vehicular ingress and egress to and from the property shall be designed to avoid, to the fullest extent possible, disruption of any residential district. Particular attention shall be given to avoiding designs that encourage use of residential streets for access to the site instead of major streets.**

Access to the subject premises is from Husker Circle which is not considered a “residential street” at this location.

**(i) All other regulatory requirements for liquor sales shall apply, including licensing by the state.**

**(j) The City Council may consider any of the following as cause to revoke the special permit approved under these regulations:**

(1) Revocation or cancellation of the liquor license for the specially permitted premises; or
(2) Repeated violations related to the operation of the permittee's business.
(3) Repeated or continuing failure to take reasonable steps to prevent unreasonable disturbances and anti-social behavior on the premises related to the operation of the permittee's business including, but not limited to, violence on site, drunkenness, vandalism, solicitation, or litter.

**3.** This request for both the sale of alcohol for consumption on and off the premises complies with all applicable requirements of the Zoning Ordinance, and is consistent with the Comprehensive Plan. It is compatible with surrounding uses and is an appropriate use of land at this location.

**CONDITIONS:**

This approval permits the sale of alcohol for consumption both on and off the premises consistent with the approved site plan.

Site Specific:

1. Provide three copies of the site plans to the Planning Department which includes the following:

    1.1 Revise the site plan to indicate the area designated as the licensed premises.

Standard:

2. The following conditions are applicable to all requests:

    2.1 Before the sale of alcohol for consumption on and off the premises, all development and construction is to substantially comply with the approved plans.

    2.2 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.

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

    2.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling

fees therefore to be paid in advance by the applicant. The sale of alcohol shall not commence until the letter of acceptance has been returned.

Prepared by:

_____
Brian Will, AICP, 441-6362, bwill@lincoln.ne.gov
Planner
October 13, 2015

**OWNER:** Salt Creek Hospitality
7502 East Pinnacle Peak Road, Suite B-118
Scottsdale, AZ 85255
480-595-5559

**APPLICANT/ CONTACT:** Dave Wheaton
916 West Washington Place
Lincoln, NE 68522
319-431-3695

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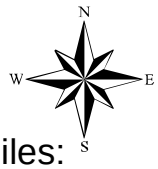
*2013 aerial*

**Special Permit #: SP15065**
**N 27th St & I-80**

## 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 |




Two Square Miles:
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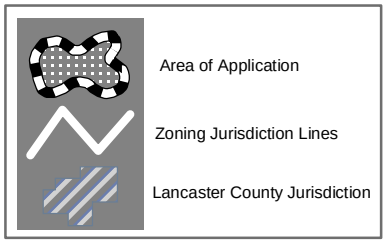
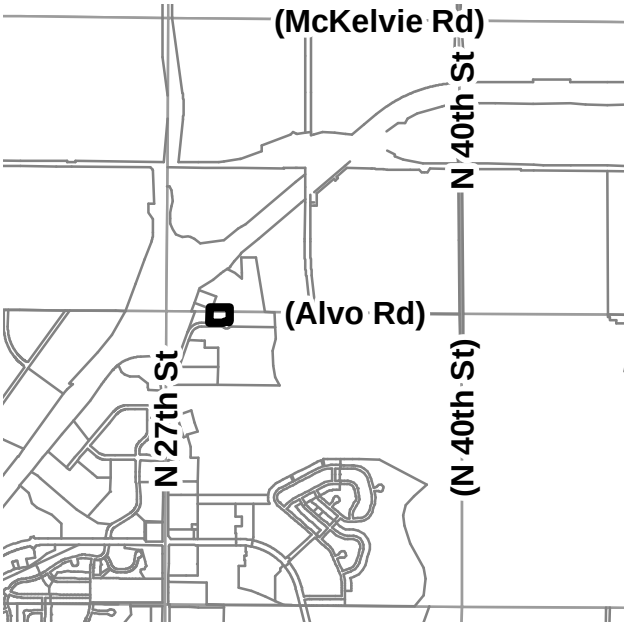
Sec.31 T11N R07E



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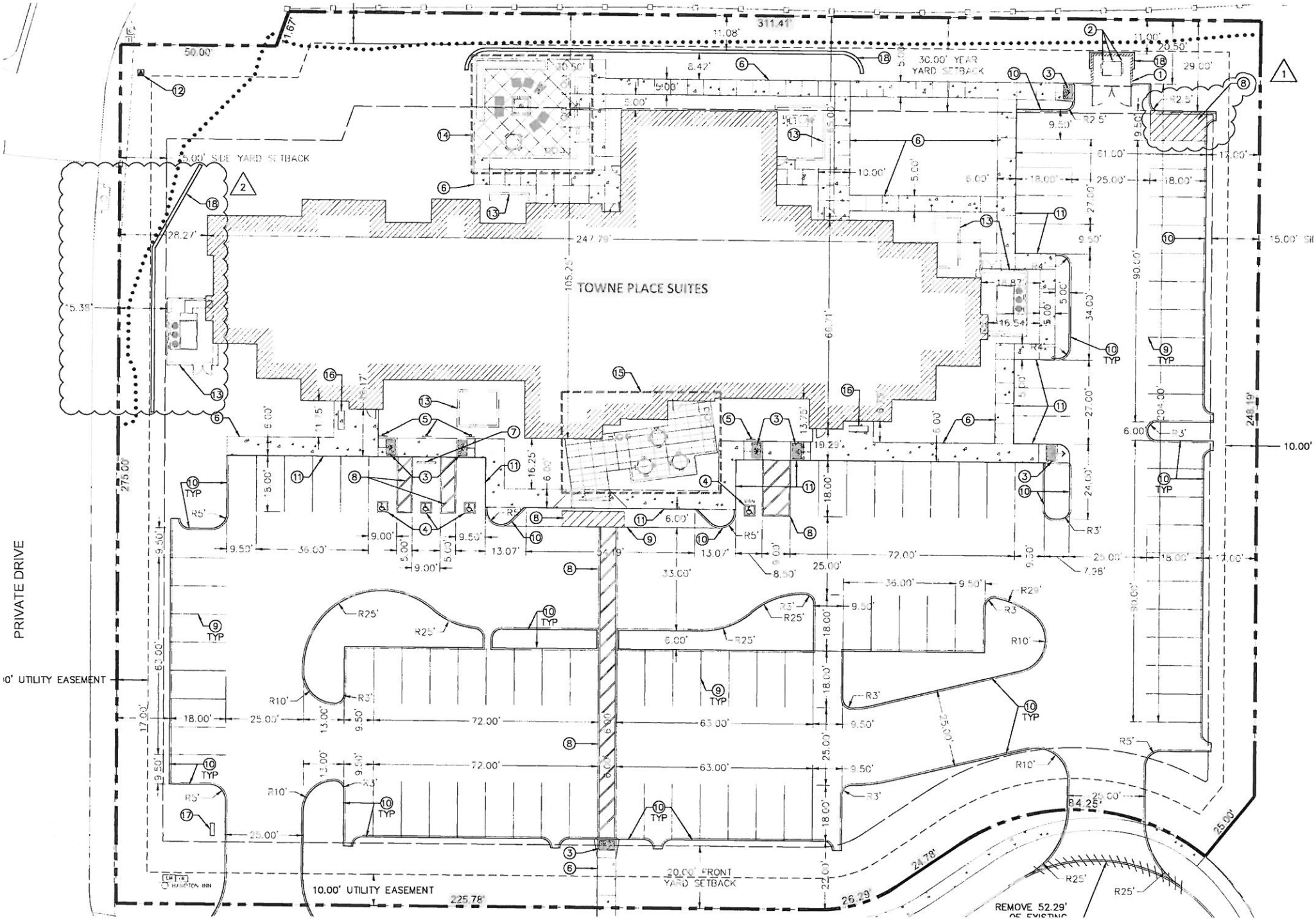
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PRIVATE DRIVE
30.00' YEAR YARD SETBACK
5.00' SIDE YARD SETBACK
10.00' UTILITY EASEMENT
20.00' FRONT YARD SETBACK
REMOVE 52.29' OF EXISTING
311.41'
275.00'
248.19'
225.78'
84.25'
26.29'
24.78'
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HAMPTON INN

To whom it may concern:

The TownePlace Suites by Marriott Lincoln North is an 89 Unit Hotel that will be opening in September of 2015. It is an extended stay hotel, designed for guests staying for more than one night. All the suites come equipped with a full kitchen, and a separate living/sleeping area.

We offer services to our guests that allow them to feel like they are part of the neighborhood. Our guests enjoy amenities such as a free breakfast, indoor fitness center and swimming pool. After a long day our guests are encouraged to relax at our outdoor seating areas with fire pits and gas grills. The Lobby has a business center for all your computer and printing needs, as well as Marriott's "In-a-Pinch" market where you can purchase chips, candy, frozen dinners and ice cream as well as all of your favorite beverages.

As a TownePlace Suites hotel, the ability to allow our guests to relax and enjoy a beer or a glass of wine is very important to making them feel more at home. The Marriott "local flavors" requirement directs each property to sell or provide a locally produced food or beverage item as a way to introduce the guest to each communities local favorites. Even though we do not expect our beer and wine sales to be more than 1-2% of our total revenue, the ability to sell a locally bottled beer or wine to a guest that can then take it home with them is an important marketing tool for the hotel.

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

## for October 28, 2015 PLANNING COMMISSION MEETING

**PROJECT #:** Use Permit #107E - Firethorn Office Park

**PROPOSAL:** To remove the limitations on the maximum number of buildings allowed, along with the minimum floor area requirements for office building tenants.

**LOCATION:** South 84th and Van Dorn Streets

**LAND AREA:** Approximately 48.39 acres

**CONCLUSION:** Part of the rationale for approving this use permit in 1998 was to accommodate a major employer and large office user. As a result, limitations were made part of the use permit to ensure the site would be developed by major office users. The applicant is proposing to develop Lot 4 for office, and with that nearly 75% of the lots within development will be built out. The goal of encouraging large office users to locate here has largely been met, and the limitations no longer appear necessary. This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

**RECOMMENDATION:** Approval

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 3, Block 1, and Outlot C, Firethorn 17th Addition; Lots 1 and 2, and Outlot A, Firethorn 24th Addition; Lots 1 and 2, Firethorn 25th Addition; Outlot C, Firethorn 28th Addition; and Lot 3, Firethorn 41st Addition, all located in the NW 1/4 of Section 2-9-7 of the 6th P.M., Lancaster County, Nebraska

**EXISTING LAND USE:** Undeveloped, Office

**SURROUNDING LAND USE AND ZONING:**

| | | |
|---|---|---|
| North: | Golf Course | AGR (R-1 proposed) |
| South: | Residential, Open Space | AGR, R-1 |
| East: | Golf Course | AGR |
| West: | Church, Residential | AGR, R-3 |

**HISTORY:**

**Apr 1998 -** UP#107 was approved allowing approximately 459,000 square feet of floor area for office use.

**Dec 1999 -** UP#107A was approved adjusting the front setback to allow monument signs in the front yard for the Lincoln Benefit Life office complex.

**Mar 2007 -** UP#107B to eliminate floor area restrictions on individual lots was withdrawn by the applicant. AA#07028 approved the same month making minor adjustments to floor area allowed on individual lots was approved instead.

**Nov 2008 -** UP#107C was approved to adjust the front setback from 20' to 6' for a sign at the National Rural Electric Association office building.

**Mar 2015 -** UP#107D was approved to allow the reconfiguration of Lot 4, which exchanged approximately .32 acres with the Firethorn golf course outlot.

**ANALYSIS:**

1. This is a request to modify the conditions of the Firethorn Office Park Use Permit. It seeks to delete two general notes, one of which prohibits the sale of lots for speculative office space, and another which requires single users to occupy at least 35,000 square feet of floor area or 50% of the floor area of each building. Also part of this request is a modification to the original approving resolution to remove the limit of seven buildings within the use permit.

2. The applicant is an office user that intends to build an office building on Lot 4, but also wants the flexibility to use a portion of the lot to build a second building for lease to other users. The proposal is contrary to Note #19 and #20, and would exceed the maximum number of buildings allowed.

3. For context, the original use permit approved in 1998 was designed to provide a new site for the Lincoln Benefit Life Insurance Company. The proposal included requests for annexation, re-zoning, and a use permit to allow up to 459,000 square feet of office floor area.

4. That this development was allowed was unique in that the area did not gravity-flow into to the City's sanitary sewer system. Instead, it was necessary for the development to use a pump station to lift the discharge to a point where it could flow back into the City's system. Allowing such a system was contrary to the City's long-standing policy regarding lift stations. In this case of this office development, it was clear it was a long-term condition given the property is located in Tier 1, Priority C,

an area where the Stevens Creek trunk sewer is not projected to arrive until after 2040.

5. In part, the rationale for making an exception to the policy for this development was that Lincoln Benefit Life represented a major employer to the City of Lincoln, and that it was important that their offices remain in Lincoln. The intent of the use permit for an office park was that it was to be reserved for major employers. Thus, the limitation on size. The pump station is still in use today.

6. To emphasize the unique circumstances of the exception, specific conditions were added to the use permit to ensure it was clear that the exception was justified in part because it involved a major employer. Those conditions are reflected in Notes #19 and #20 on the approved use permit and read as follows:

   #19. Lots will not be sold for speculative office space.

   #20. At least 35,000 square feet of fllor area of 50% of the total floor area of each building, whichever is greater, shall be occupied by a single user.

   The idea of limiting development within the office park to major employers was also conveyed in the language of the approving resolution. It includes a limit on the maximum number of buildings allowed within the use permit at seven.

   This request seeks to remove Notes #19 and #20 from the use permit, and to remove the cap on the number of buildings allowed.

7. Since it was approved in 1998, two large office users have located within the development. With the applicant (also an office user) developing Lot 4, there will be only one vacant lot remaining within the development. The original intent of accommodating major employers and providing space for large office users has largely been achieved. The owner has held the land for 15 years, and it is appropriate to let them divide the remaining lots for smaller office buildings now.

8. Staff supports deletion of Notes #19 and #20 from the use permit, as well as removal of the cap on the number of buildings allowed. Total overall floor area is still capped and regulated by the use permit. Staff finds that this request complies with the Zoning Ordinance, and is consistent with the Comprehensive Plan.

**CONDITIONS:**

This approval modifies the approving resolution for Use Permit #107 by deleting the limit on the number of buildings allowed, and deletes General Notes #19 and #20 from the site plan.

Site Specific:

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

    1.1 Submit three copies of the revised site plan for the Firethorn Office Park use permit.

Standard:

2. The following conditions are applicable to all requests:

    2.1 Before occupying the buildings all development and construction is to be in substantial compliance 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 owners association approved by the City.

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

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

Prepared by:

_____

Brian Will
bwill@lincoln.ne.gov
Planner
October 14, 2015

**CONTACT:** William Austin
Baylor Evnen
1248 O Street
Lincoln, NE 68508
402-475-1075

**APPLICANT:** Everett Investments, LTD
5931 South 58th Street
Lincoln, NE 68506

**OWNER:** Firethorn Development Corporation
4120 Taliesin Drive
Lincoln, NE 68508
402-489-4934

F:\DevReview\UP\UP107E Firethorn Office Park.bjw.wpd

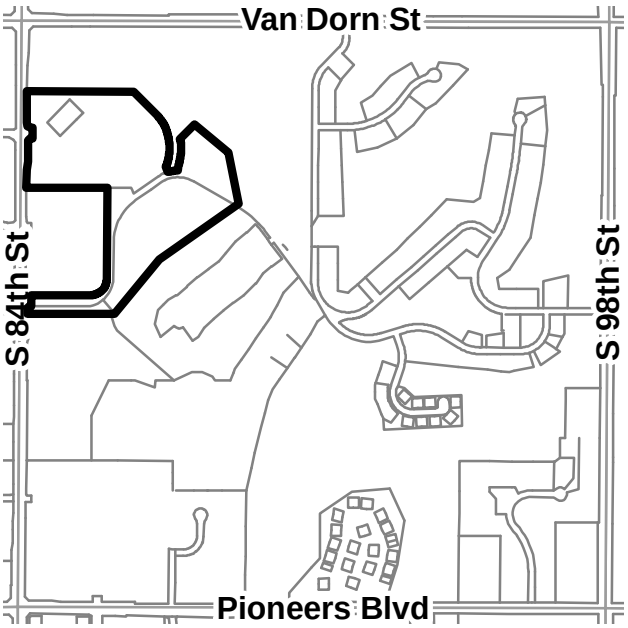
*2013 aerial*

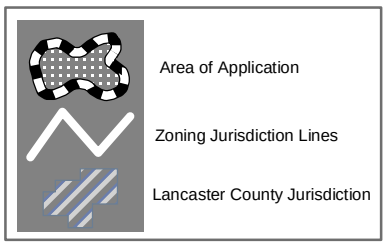
**Use Permit #: UP107E**
**Firethorn Office Park**
**S 84th & Van Dorn St**

## Zoning:

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

One Square Mile:
Sec.02 T09N R07E

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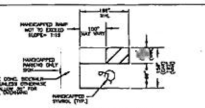
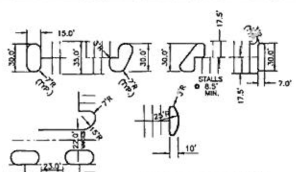
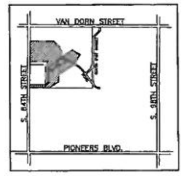



HANDICAPPED PARKING DETAIL
(SEE GENERAL NOTE NO. 13, SHT. 1)
N.T.S.

1. CURB CUTS MUST HAVE A MAXIMUM SLOPE OF 1:12 AND SIDE SLOPE OF 1:12.
2. RAMPS INSIDE OR OUTSIDE OF BUILDINGS MUST HAVE A MAXIMUM SLOPE OF 1:12 WITH NO RISE GREATER THAN 30 INCHES WITHOUT A LANDING.
3. RAMP WIDTH MUST BE A MINIMUM OF 36 INCHES.
4. HANDICAPPED PARKING SPACES SHALL BE A MINIMUM 8 FEET WIDE WITH A 5-FOOT ADJACENT AISLE. (TWO SPACES MAY SHARE ONE AISLE).
5. A SIGN MUST MARK HANDICAPPED PARKING. THE SYMBOL ON THE PAVEMENT IS NOT ADEQUATE.




TYPICAL PARKING DETAILS
N.T.S.




VICINITY MAP

△ DEVELOPMENT AREA

| | |
|---|---|
| TOTAL ACREAGE | 49.0 AC. |
| TOTAL BUILDING AREA | PER O-3 ZONING |
| TOTAL PARKING AREA | PER O-3 ZONING |
| TOTAL OPEN SPACE | PER O-3 ZONING |
| FLOOR AREA RATIO | PER O-3 ZONING |

LAND USE

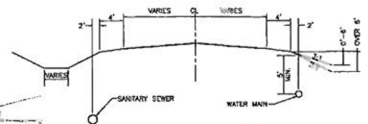
| LOT | ZONE | FLOOR AREA (S.F.) | USE | MIN. REQUIRED PARKING | HEIGHT |
|---|---|---|---|---|---|
| 1 | O-3 | 78,000 | OFFICE | 365 | 45' |
| 2 | O-3 | 78,000 | OFFICE | 365 | 45' |
| 3 | O-3 | 78,000 | OFFICE | 355 | 45' |
| 4 | O-3 | 54,000 | OFFICE | 180 | 45' |
| 5 | O-3 | 95,[illegible] | OFFICE | 317 | 45' |
| 6 | O-3 | 110,[illegible] | OFFICE | 367 | 45' |

# FIRETHORN ADDITION

**ADMINISTRATIVE AMENDMENT TO THE PRELIMINARY PLAT/C.U.P. & USE PERMIT**
**SITE PLAN**

**ENGINEER & PREPARER**
OLSSON ASSOCIATES
1111 LINCOLN MALL
LINCOLN, NE 68501
PHONE: 474-6311

**OWNER & DEVELOPER**
FIRETHORN INVESTMENT, A NEBRASKA GENERAL PARTNERSHIP
RICHARD YOUNG[illegible], MANAGING PARTNER
9301 FIRETHORN LANE
LINCOLN, NE 68520
PHONE: (4[illegible]) 489-4934




TYPICAL ROADWAY SECTION
NOT TO SCALE

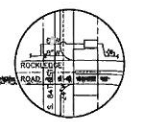
## LEGAL DESCRIPTION
## USE PERMIT

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 25 I.T., AND A PORTION OF THE REMAINING PORTION OF LOT 28 I.T., ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 2, THENCE ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 55 MINUTES 24 SECONDS EAST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 2, A DISTANCE OF 50.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 25 I.T., SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE NORTH 00 DEGREES 23 MINUTES 34 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 25 I.T., SAID LINE BEING 50.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 2, A DISTANCE OF 168.00 FEET TO A POINT, THENCE SOUTH 89 DEGREES 55 MINUTES 24 SECONDS EAST ALONG A LINE 168.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 25 I.T., A DISTANCE OF 559.23 FEET TO A POINT, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 160.00 FEET, ARC LENGTH OF 1[illegible].14 FEET, DELTA ANGLE OF 57 DEGREES 42 MINUTES 17 SECONDS, A CHORD BEARING OF NORTH 67 DEGREES 57 MINUTES 19 SECONDS EAST, AND A CHORD LENGTH OF 154.42 FEET TO A POINT, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 170.00 FEET, ARC LENGTH OF 96.10 FEET, DELTA ANGLE OF 32 DEGREES 23 MINUTES 17 SECONDS, A CHORD BEARING OF NORTH 16 DEGREES 35 MINUTES 13 SECONDS EAST, AND A CHORD LENGTH OF 94.82 FEET TO A POINT OF TANGENCY, THENCE NORTH 00 DEGREES 23 MINUTES 34 SECONDS EAST ALONG A LINE [illegible].00 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF SAID LOT 25 I.T., A DISTANCE OF 817.94 FEET TO A POINT, THENCE NORTH 89 DEGREES 55 MINUTES 24 SECONDS WEST ALONG A LINE 135.00 FEET NORTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 25 I.T., A DISTANCE OF 728.40 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID LOT 28 I.T., THENCE NORTH 00 DEGREES 23 MINUTES 34 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 28 I.T., SAID LINE BEING 50.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 2, A DISTANCE OF 667.57 FEET TO A POINT, THENCE SOUTH 89 DEGREES 36 MINUTES 26 SECONDS EAST, A DISTANCE OF 958.83 FEET TO A POINT, THENCE SOUTH 45 DEGREES 10 MINUTES 26 SECONDS EAST, A DISTANCE OF 302.38 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 329.28 FEET, ARC LENGTH OF 134.19 FEET, DELTA ANGLE OF 23 DEGREES 21 MINUTES 00 SECONDS, A CHORD BEARING OF SOUTH 33 DEGREES 29 MINUTES 56 SECONDS EAST, AND A CHORD LENGTH OF 133.17 FEET TO A POINT OF TANGENCY, THENCE SOUTH 21 DEGREES 43 MINUTES 33 SECONDS EAST, A DISTANCE OF 14.07 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 448.86 FEET, ARC LENGTH OF 355.51 FEET, DELTA ANGLE OF 45 DEGREES 22 MINUTES 48 SECONDS, A CHORD BEARING OF SOUTH 00 DEGREES 51 MINUTES 34 SECONDS WEST, AND A CHORD LENGTH OF 346.29 FEET TO A POINT OF TANGENCY, THENCE SOUTH 23 DEGREES 32 MINUTES 45 SECONDS WEST, A DISTANCE OF 3.09 FEET TO A POINT, THENCE SOUTH 18 DEGREES 11 MINUTES 50 SECONDS EAST, A DISTANCE OF 50.00 FEET TO A POINT, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 340.00 FEET, ARC LENGTH OF 100.38 FEET, DELTA ANGLE OF 16 DEGREES 54 MINUTES 47 SECONDS, A CHORD BEARING OF NORTH 80 DEGREES 15 MINUTES 34 SECONDS EAST, AND A CHORD LENGTH OF 100.00 FEET TO A POINT, THENCE NORTH 01 DEGREES 17 MINUTES 03 SECONDS WEST, A DISTANCE OF 47.39 FEET TO A POINT, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 548.86 FEET, ARC LENGTH OF 2[illegible].55 FEET, DELTA ANGLE OF 26 DEGREES 09 MINUTES 17 SECONDS, A CHORD BEARING OF NORTH 04 DEGREES 27 MINUTES 33 SECONDS EAST, AND A CHORD LENGTH OF 248.38 FEET TO A POINT, THENCE NORTH 44 DEGREES 44 MINUTES 27 SECONDS EAST, A DISTANCE OF 184.08 FEET TO A POINT, THENCE SOUTH 50 DEGREES 08 MINUTES 51 SECONDS EAST, A DISTANCE OF 395.98 FEET TO A POINT, THENCE SOUTH 12 DEGREES 11 MINUTES 19 SECONDS EAST, A DISTANCE OF 483.85 FEET TO A POINT, THENCE SOUTH 55 DEGREES 23 MINUTES 20 SECONDS WEST, A DISTANCE OF 875.74 FEET TO A POINT, THENCE SOUTH 39 DEGREES 54 MINUTES 02 SECONDS WEST, A DISTANCE OF 627.82 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LOT 28 I.T., THENCE NORTH 89 DEGREES 55 MINUTES 24 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOTS 28 I.T., AND 25 I.T., A DISTANCE OF 804.00 FEET TO THE TRUE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 49.016 ACRES, OR 2,135,[illegible]0.47 SQUARE FEET MORE OR LESS.

## CURVE DATA

| CURVE | RADIUS | LENGTH | TANGENT | CHORD | DELTA |
|---|---|---|---|---|---|
| A | 200.00' | 313.06' | 198.90' | 282.08' | 89°41'02" |
| B | 500.00' | 479.93' | 260.26' | 461.72' | 54°59'46" |
| C | 310.00' | 351.68' | 197.49' | 333.13' | 65°00'00" |
| D | 900.00' | 366.63' | 185.89' | 364.10' | 23°20'25" |
| E | 550.00' | 513.56' | 277.[illegible]2' | 495.11' | 53°30'00" |




NOTE:
WATER MAIN TO CONNECT TO 8" MAIN IN ROCKLEDGE RD., WEST SIDE OF 84TH ST.

DETAIL A
NOT TO SCALE

## LEGEND

| | |
|---|---|
| ------W------ | EXISTING WATER MAIN |
| —— W —— | PROPOSED WATER MAIN |
| ------S------ | EXISTING SANITARY SEWER |
| —— S —— | PROPOSED SANITARY SEWER |
| —O— S — | SANITARY SEWER MANHOLE |
| | FIRE HYDRANT |
| | WATER VALVE |
| ---- 15" SS ---- | EXISTING STORM SEWER |
| —— 15" SS —— | PROPOSED STORM SEWER |

## GENERAL NOTES

△1. SANITARY SEWER AND WATER LINES ARE PRIVATE UNLESS OTHERWISE SHOWN AND ARE BUILT TO CITY OF LINCOLN SPECIFICATIONS.

2. ALL PAVING RADII TO BE 20' UNLESS OTHERWISE NOTED.

3. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION AND FURTHER TO SUBMIT A SEEDING AND MAINTENANCE SCHEDULE BEFORE SITE GRADING IS DONE.

4. PUBLIC UTILITIES ARE LOCATED IN ADJACENT PUBLIC STREETS.

△5. THE PROPERTY DESIGNATED AS GOLF COURSE IS CURRENTLY ZONED AGR, AND OUTLOT "M", "N", "O", "S", AND LOTS 1 THROUGH 6 ARE CURRENTLY ZONED O-3.

6. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.

7. DIRECT VEHICULAR ACCESS TO S. 84TH ST., S. 98TH ST., VAN DORN ST., AND PIONEERS BLVD. HAVE BEEN RELINQUISHED EXCEPT AS SHOWN ON THE PLAT.

△8. ALL DRIVE AND PARKING PAVEMENTS TO BE BUILT TO CITY OF LINCOLN STANDARDS.

9. ALL ROADWAYS SHALL BE 27' WIDE TYPICAL UNLESS OTHERWISE NOTED.

10. LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY UP TO 20 FEET.

11. THE APPLICANT SHALL COMPLY WITH ENVIRONMENTAL PERFORMANCE STANDARDS OF THE CITY OF LINCOLN.

12. DETAILS OF ALL SIGNS, INCLUDING TYPE, LOCATION, HEIGHT & SIZE, WILL BE SUBMITTED SEPARATELY FOR REVIEW WITH THE BUILDING PERMIT.

13. ALL DISABLED PARKING STALLS SHALL BE IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, (FEDERAL REGISTER/VOL. 56, NO. 144/RULES AND REGULATIONS).

14. ALL ELEVATIONS ARE TO CITY OF LINCOLN DATUM.

15. ALL LANDSCAPING WILL BE LOCATED OUTSIDE OF THE CRITICAL SITE TRIANGLE.

16. ALL STREET INTERSECTIONS ARE AT 90° UNLESS OTHERWISE NOTED.

17. A COMMON ACCESS EASEMENT HAS BEEN GRANTED OVER ALL DRIVES & PARKING STALLS ON OUTLOT "M", AS SUCH DRIVES & PARKING STALLS MAY EXIST AND LOTS 1, 2, AND 3 NOT BE REQUIRED TO ABUT OR FRONT PRIVATE OR PUBLIC STREETS. A PUBLIC ACCESS EASEMENT WILL BE DEDICATED OVER OUTLOT "S".

18. OUTLOT USAGES:
"M" –PARKING LOT/OFFICE BUILDING
"N" –GREEN SPACE
"O" –GREEN SPACE
"P" –GOLF COURSE/DETENTION CELL
"Q" –GOLF COURSE/DETENTION CELL
"R" –GREEN SPACE
"S" –ROADWAY "T" –ROADWAY

△ ~~19. LOTS WILL NOT BE SOLD FOR SPECULATIVE OFFICE SPACE.~~

△ ~~20. AT LEAST 35,000 SQUARE FEET OF FLOOR AREA OR 50% OF THE TOTAL FLOOR AREA OF EACH BUILDING, WHICHEVER IS GREATER, SHALL BE OCCUPIED BY A SINGLE TENANT.~~

△21. THE STORAGE FACILITY WILL HOLD UP TO 48 HOURS (WHICH WOULD REQUIRE A 15,000 GALLON STORAGE FACILITY) OF STORAGE FOR PROJECTED FLOWS. THE SEWAGE WILL BE PUMPED TO THE CITY SEWER DURING OFF PEAK PERIODS. THE SYSTEM IS DESIGNED TO ALLOW THE CITY TO REGULATE THE DISCHARGE, AND THE CITY CANNOT BE HELD LIABLE FOR THE INABILITY TO ACCEPT FLOW FROM THIS SYSTEM IN THE EVENT OF HIGH FLOWS IN THE DOWNSTREAM SYSTEM.

△ △ 22. LOTS #1 AND #2 WILL HOUSE DIESEL FUEL POWERED GENERATORS TO PROVIDE BACK UP POWER TO OFFICE BUILDINGS #1 AND #2 RESPECTIVELY. GENERATORS ARE 1000 KW GENERATORS WITH 2000 GALLON FUEL TANKS EACH. BUILDINGS ARE APPROXIMATELY 1025 S.F. EACH.

△23. REVISED LANDSCAPING FOR LOTS 4-6 WILL BE SUBMITTED AT TIME OF BUILDING PERMIT.

APPROVED
BY PLANNING COMMISSION
RESOLUTION# [illegible]
DATE [illegible]

OLSSON ASSOCIATES
601 P Street, Suite 200
P.O. Box 84608
Lincoln, NE 68508
TEL 402.474.6311
FAX 402.474.5160

| REV. NO. | DATE | REVISIONS DESCRIPTION |
|---|---|---|
| 1 | [illegible] | SEE NOTE #23 (BY TCW) |
| 2 | [illegible] | RE[illegible] TO GENERAL NOTES [illegible] 5 & 8 [illegible] DEVELOPMENT AREA TABLE, LAND USE TABLE (BY DA) |
| 3 | FEB [illegible] | REVISED LOT 4 BOUNDARY [illegible] LEGAL DESCRIPTION (BY DA) |

REVISIONS

SITE PLAN

FIRETHORN ADDITION ADMINISTRATIVE AMENDMENT TO THE PRELIMINARY PLAT/C.U.P. & USE PERMIT

1997

LINCOLN, NEBRASKA

| | |
|---|---|
| drawn by | MPJ |
| checked by | MHJ/MJC |
| approved by | [illegible] |
| QA/QC by | MCP |
| project no. | 097-0120 |
| drawing no. | |
| date | NOV. 13, 1997 |

SHEET 1 of 4

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DATE: Feb 04, 2015 10:39am XREFS: Lbsite rotate YTPLBLVD 132863_XBASE 141777_VANDORN TOPO

## CURVE DATA

| CURVE | RADIUS | LENGTH | TANGENT | CHORD | DELTA |
|---|---|---|---|---|---|
| A | 200.00' | 313.06' | 198.90' | 282.06' | 89°41'02" |
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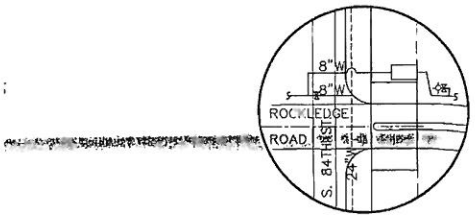
| | | | | | |




NOTE:
WATER MAIN TO CONNECT TO 8" MAIN IN ROCKLEDGE RD., WEST SIDE OF 84TH ST.

## DETAIL A

NOT TO SCALE

## LEGEND

| | |
|---|---|
| -------W------- | EXISTING WATER MAIN |
| ——— W ——— | PROPOSED WATER MAIN |
| -------S------- | EXISTING SANITARY SEWER |
| ——— S ——— | PROPOSED SANITARY SEWER |
| —○— S — | SANITARY SEWER MANHOLE |
| ○⧖— | FIRE HYDRANT |
| ▽ | WATER VALVE |

## GENERAL NOTES

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8. ALL DRIVE AND PARKING PAVEMENTS TO BE BUILT TO CITY OF LINCOLN STANDARDS.

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"O" –GREEN SPACE
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"Q" –GOLF COURSE/DETENTION CELL
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"S" –ROADWAY "T" –ROADWAY

~~19. LOTS WILL NOT BE SOLD FOR SPECULATIVE OFFICE SPACE.~~

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22. LOTS #1 AND #2 WILL HOUSE DIESEL FUEL POWERED GENERATORS TO PROVIDE BACK UP POWER TO OFFICE BUILDINGS #1 AND #2 RESPECTIVELY. GENERATORS ARE 1000 KW GENERATORS WITH 2000 GALLON FUEL TANKS EACH. BUILDINGS ARE APPROXIMATELY 1025 S.F. EACH.

23. REVISED LANDSCAPING FOR LOTS 4–6 WILL BE SUBMITTED AT TIME OF BUILDING PERMIT.

| REV. NO. | DATE | REVISIONS |
|---|---|---|
| 1 | SEPT. 2006 | SEE NOTE #22. |
| 2 | MARCH 2007 | REVISED GENE |
| 3 | FEB 2015 | REVISED LOT 2 |

SITE PLAN

FIRETHORN ADDITION ADMINISTRATIVE AMENDMENT TO THE PRELIMINARY PLAT/C.U.P. & USE PERMIT

1997

LINCOLN, NEBRASKA

drawn by: MRJ
checked by: MRJ, MCP
approved by: RKS
QA/QC by: MCP

BAYLOR EVNEN
BAYLOR, EVNEN, CURTISS, GRIMIT & WITT, LLP

RANDALL L. GOYETTE*
STEPHEN S. GEALY
GAIL S. PERRY
DALLAS D. JONES
JILL GRADWOHL SCHROEDER
DAVID A. DUDLEY
BRENDA S. SPILKER
MARK A. HUNZEKER
WILLIAM G. BLAKE
PETER W. KATT

WILLIAM F. AUSTIN
DARLA S. IDEUS
JARROD S. BOITNOTT
TIMOTHY E. CLARKE*
ANDREW M. LOUDON
CHRISTINA L. BALL**
JENNY L. PANKO
CAROLINE M. WESTERHOLD*
JARROD P. CROUSE
ANDREA D. SNOWDEN

DEREK C. ZIMMERMAN
PAUL T. BARTA*
COLIN A. MUES*
TORREY J. GERDES*
BRETT E. EBERT
STEPHEN J. SCHUTZ
THOMAS B. SHIRES*
EMILY R. MOTTO*
MICHAEL D. SANDS ♦

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

ALSO ADMITTED IN:
*IOWA
**KANSAS
♦ IOWA ONLY

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Planning Department
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October 14, 2015

Lincoln-Lancaster County
Planning Department
ATTENTION: David Cary, Director
555 South 10th Street, #213
Lincoln, Nebraska 68508

RE: Amendment to Use Permit 107 (Revised)

Dear Mr. Cary:

Please consider this a revision to our request to amend Use Permit No. 107 filed on September 30 2015. To be clear, we do wish to also remove from the Use Permit the restriction that limits the maximum number of buildings to be constructed in the area to seven.

Sincerely,

William F. Austin
For the Firm
waustin@baylorevnen.com

WFA/ljd

cc: Brian Will

1233051

BAYLOR EVNEN
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♦ IOWA ONLY

September 30, 2015

Lincoln-Lancaster County
Planning Department
ATTENTION: David Cary, Director
555 South 10th Street, #213
Lincoln, Nebraska 68508

RE: Amendment to Use Permit 107

Dear Mr. Cary:

On behalf of Everett Investments, I am submitting the attached Application to amend Use Permit 107 (Firethorn Office Park) for the purpose of eliminating the old requirement set forth in the authorizing Resolution that at least 35,000 square feet or 50% of the floor area of each building, whichever is greater, be occupied by a single tenant. There are two remaining lots undeveloped in the Use Permit area owned by Firethorn Development and we would like to eliminate the requirement from those lots. Additionally, as regards Lot 3, Firethorn 41st Addition, we would like to revise the site plan to allow more than one building to be constructed on that lot. We will submit a site plan showing the minor revision next week.

I am enclosing the Application and the Use Permit fee in the amount of $792. If anything further is needed please feel free to contact me.

Sincerely,

William F. Austin
For the Firm
waustin@baylorevnen.com

WFA/ljd
Enclosures

cc: Dick Youngscap
Donald Everett, Jr.

1233051

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

**for October 28, 2015 PLANNING COMMISSION MEETING**

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

**PROJECT #:** Change of Zone No. 15028, Shadow Creek PUD
Annexation No. 15011

**PROPOSAL:** To annex property and change the zoning from AG, Agriculture, to R-3, Residential, Planned Unit Development for up to 320 residential units and 40,000 square feet of commercial space

**LOCATION:** Generally located at 90th Street and O Street

**LAND AREA:** CZ15028 48.9 acres, more or less
AN15011 50.5 acres, more or less

**EXISTING ZONING:** AG Agriculture

**CONCLUSION:** This property is adjacent to the city limit, and the full range of municipal services are planned to be constructed adjacent to this property. A change of zone to R-3 PUD is consistent with the Future Land Use Map and is compatible with the adjacent development. The requested waivers will provide flexibility for this development. Both requests comply with the Zoning Ordinance and are consistent with the Comprehensive Plan.

| | |
|---|---|
| **RECOMMENDATION:** | |
| AN15011 | Approval |
| CZ15028 | Conditional Approval |
| **WAIVERS:** | |
| 1. Per Section 27.60.020, to allow increase in height of buildings in Area 1 from 35' to 50'. | Conditional Approval |
| 2. Per Section 27.67.030, to allow parking in the required side yard for Area 2 except when abutting a residential district. | Conditional Approval |
| 3. Per Section 27.67.030, to allow cross parking between lots located in Areas 1 and 2 to meet minimum parking requirements. | Conditional Approval |
| 4. Per Section 27.60.020, to allow residential lots that | Conditional Approval |

exceed the maximum 3 to 1 lot depth to width ratio.

**PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT:** District #2

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lots 9, 28 and 34 of Irregular tracts and part of Lot "C", located in the north ½ of Section 26-10-7, Lancaster County, Nebraska, and more particularly described on the attached exhibit.

**EXISTING LAND USE:** Low-Density Residential and Farmland

**SURROUNDING LAND USE AND ZONING:**

North: Southeast Community College; P, Public
South: Soccer Fields and Open Space; AG, Agriculture
East: Low-Density Residential; AG, Agriculture
West: State Farm; O-3, Office Park District

**HISTORY:**
This property was rezoned from AA, Rural, to AG, Agriculture Use, with the 1979 Zoning Update.

**COMPREHENSIVE PLAN SPECIFICATIONS:**
P. 1.9 - The Future Lane Use Map designates this site for urban density residential land uses.

P. 1.10 - This site is shown in Tier 1, Priority B (2025) on the Growth Tier Map.

P. 12.14 - Annexation Policy of the Comprehensive Plan:

Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan's Vision. Annexation is a necessary and vitally important part of the future growth and health of Lincoln. The annexation policies of the City of Lincoln include but are not limited to the following:

The provision of municipal services must coincide with the jurisdictional boundaries of the City – in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary sewer services) beyond the corporate limits of the City.

The extension of water and sanitary sewer services should be predicated upon annexation of the area by the City. City annexation must occur before any property is provided with water, sanitary sewer, or other potential City services.

The areas within Tier I Priority A that are not annexed serve as the future urban area for purposes of annexation per state statute and are appropriate for immediate annexation upon final plat. These areas have approved preliminary plans.

To demonstrate the City's commitment to the urbanization of land in Tier I Priority B, the City should annex land that is contiguous to the City and generally urban in character, as well as land that is engulfed by the City. Land which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed. Annually the City should review for potential annexation all property in Priority B for which basic infrastructure is generally available or planned for in the near term.

Annexation generally implies the opportunity to access all City services within a reasonable period of time.

Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area. The annexation of large projects may be done in phases as development proceeds.

The character of existing residential areas should be respected as much as possible during the annexation process. When low density "acreage" areas are proposed for annexation due to the City's annexation policy, additional steps should be taken to ease the transition as much as possible, such as public meetings, advance notice and written explanation of changes as a result of annexation. In general, many aspects of acreage life may remain unchanged, such as zoning or covenants. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners.

Annexation to facilitate the installation of improvements and/or possible assessment districts is appropriate if it is consistent with the annexation policies of the Plan listed above.

Plans for the provision of services within the areas considered for annexation shall be carefully coordinated with the Capital Improvements Program of the City and the County.

**UTILITIES & SERVICES:**

The City has plans to construct sanitary sewer and water utilities in 2016/2017 that would serve this property. Full building permits will not be approved for this development until utilities are available.

A. **Sanitary Sewer:** Plans for constructing the sanitary sewer from N. 98th Street and Boathouse Road extended to this property are underway. The City anticipates the sanitary sewer will be constructed in fiscal year 2016/2017.

B. **Water:** A 24 inch water main has been designed in O Street from 84th Street to 98th Street. The eastern 1300' has been constructed to approximately the Hillcrest Golf Course driveway.

C. **Roads:** Public streets and private roads are proposed within this development.

D. **Parks and Trails:** A future trail is proposed on the north side of O Street. There are no other trails or park land associated with this development.

E. **Fire Protection:** After annexation, fire protection will be provided by Lincoln Fire Rescue (LFR).

**TOPOGRAPHY:** This property slopes downward from the west to the east.

**TRAFFIC ANALYSIS:** The Public Works and Utilities Department is reviewing the traffic study that was submitted with this application. No comments have been received as of the writing of this staff report. O Street is a State highway and is classified as a Major Arterial.

**REGIONAL ISSUES:** A small tributary of Stevens Creek cuts through the property on the east and includes floodplain along same area. The property has a low point along the floodplain and increases in elevation to the west.

**ENVIRONMENTAL CONCERNS:** Black Hills Energy has a pipeline along O Street that impacts residential development on this property. The recommended pipeline planning area is 109 feet based on current operating pressure.

**ANALYSIS:**

1. These are related requests for both an annexation and a planned unit development (PUD). The proposal is to develop up to 100 detached and attached single-family units, up to 220 multi-family units and 40,000 square feet of commercial space. The change of zone is from AG agriculture to R-3 PUD and proposes a mix of R-3, R-5 and B-2 land uses.

2. The area to be annexed is within Tier I, Priority B of the Comprehensive Plan. Tier I reflects the "Future Services Limit" where urban services and inclusion in the city limits is anticipated. In certain cases, areas in Priority B have special agreements that include some level of commitment to build infrastructure. In this case, no annexation agreement is needed to build future infrastructure as they are all provided or will be built in the near term. City services and road improvements will be noted in the PUD for this development.

3. This area is located within the Southeast Rural Fire District #1. Under State law, the District can petition for compensation from the annexing municipality for lost revenue based upon the amount of service area annexed. For voluntary annexations such as this one, any costs due to the district are to be borne by the developer. In this case, staff has conducted the financial analysis and there is no money due the District.

4. It is also the developer's responsibility to reach an agreement regarding any compensation due the Rural Water District as a result of the proposed annexation. This property is not located within the Rural Water District, so no compensation agreement is required.

5. This area is shown as Urban Residential on the Future Land Use Map. The R-3 PUD proposes a mix of residential and commercial uses. The R-3 and R-5 densities as proposed are appropriate urban residential districts at this location, and the B-2 area will provide appropriate services fo the area.

6. The City plans to extend sanitary sewer and water utilities that would serve this property. According to the Public Works and Utilities Department, both utilities will be constructed in 2016/2017. If the developer plans to construct the utilities ahead of the City's schedule, they will need to develop an agreement with the City.

7. The existing City limit abuts this property to the north on O Street and to the west. This application will annex additional O Street right-of-way that abuts this property.

8. Access into the development is off O Street at 90th Street which lies directly south of the entrance into Southeast Community College. The Nebraska Department of Roads is currently reviewing the access permit request and turn lane improvements on O Street. It is anticipated that this access point will be approved.

9. This development is divided into three development areas. Area 1 is located adjacent to O Street and the State Farm campus and is proposed for 220 multi-family dwelling units. Area 2 is shown as the neighborhood commercial area and proposes B-2 uses. This area is located approximately 550 feet from the existing Hillcrest residential neighborhood. Uses found in the B-2 zoning district are appropriate for a neighborhood commercial center. Area 3 is comprised of single-family dwellings, both attached and detached. The attached units are located in the northeast corner near O Street and adjacent to the Hillcrest Neighborhood.

   Since the building layouts for the Area 1 and Area 2 are not shown, that will need to be done in the future by administrative amendment. Depending on the building layout, an increase in building setbacks may be recommended at the time of administrative amendment.

10. Public streets and private roadways are proposed within this development. All streets within this development will be public except for S. 91st and S. 92nd Streets which will be private. The private roads are short streets that will serve 10 residential lots each. Red Sky Lane will be built to the edge of this development as a public street and could provide a future connection east to Anthony Lane. This connection would not happen unless the properties on Anthony Lane were redeveloped in the future.

11. This development proposes up to 320 residential units to be built and shows future access points to the east and south. The Hillcrest Neighborhood lies to the east and was platted with a right-of-way stub that was intended to provide access to this property. The location of the right-of-way stub lies directly within the floodplain. This

is not an ideal location for a street and would be very difficult to construct under today's standards. Therefore, the recommended connection to the east is at Red Sky Lane.

The Shadow Creek PUD shows three streets that could be extended to the south if additional development occurs. Connections to the west and east could be provided when future development occurs to the south of the Shadow Creek PUD. A west connection could be provided through the State Farm property. The intersection of Cherrywood Drive and 84th Street is a signalized intersection and serves as an entryway into the State Farm property. Cherrywood turns into a driveway east of 84th and could provide a connection to 84th Street. This connection is conceptual and could only be made with the approval of State Farm. The Hillcrest Neighborhood was platted with a right-of-way stub to the south that would provide an additional connection to the east.

12. The development proposes on and off-sale alcohol sales in the B-2 district, but does not impose the separation requirements from residential zoning districts. The B-2 district requires a minimum 100 foot separation between the door of the licensed premises and the nearest residential district. In this case, the closest residential district to the east will be 90 feet due to the overhead electric easement and detention area. The closest residential district to the south and west would be 75 feet. Given this layout the separation adjustment may not be necessary. However, this adjustment would allow for residential units to be constructed in the commercial area as well.

13. The applicant is asking for several waivers to the Zoning Code and Subdivision Ordinance for this development as listed below.

A. Allow increase in height of buildings in Area 1 from 35' to 50'.

Area 1 is proposed to be developed with R-5 uses. The R-5 district allows buildings up to 35 feet in height, and the proposal is to construct the buildings up to 50 feet in height. Area 1 is adjacent to O Street to the north, the State Farm campus to the west and is separated from future single-family dwellings on the south by the drainageway. Given these circumstances, the increase in building height should have minimal impact on the surrounding properties. Placement of buildings and parking in Area 1 will require a future administrative amendment. Setbacks may be increased based on the location of future buildings.

B. Allow parking in the required side yard for Area 2 except when abutting a residential district.

The Zoning Code prohibits parking in any required side yard in all districts. The required side yard setback for the B-2 zone is 20'. Even if Area 2 is subdivided into separate lots, the entire area should still be treated as one

center. Parking within the side yard setbacks should not be prohibited within the center, except for that portion adjacent to residential development on the east.

C. Allow cross parking between lots located in Areas 1 and 2 to meet minimum parking requirements.

The Planned Unit Development district encourages innovative and efficient land use and preservation of open space. Allowing cross parking between Areas 1 and 2 will support these efforts and will provide flexibility when the multi-family and commercial areas develop.

D. Allow residential lots that exceed the maximum 3 to 1 lot depth to width ratio.

Lots 2, 5, 7 and 10 in Block 4 are shown as flag lots that exceed the maximum lot depth to width ratio. The lot layout of this area provides access to the land adjacent to the drainageway while keeping residential lots fronting on S. 90th Street. This lot arrangement is a more efficient use of the land and doesn't require additional street infrastructure.

14. Relative to this proposed development, a high pressure natural gas pipeline is located along O Street. The Lincoln-Lancaster County Health Department (LLCHD) calculated a pipeline planning area of 154 feet on each side of this pipeline using a federal equation that accounts for the diameter and pressure of the natural gas pipeline which is based on the maximum allowable operating pressure for the pipeline. A Pipeline Planning Area (PPA) is the area in which the potential failure of a pipeline could have significant impact on people or property. The LLCHD recommends against locating vulnerable populations identified in the uses of residential dwellings, schools, hospitals, or childcare facilities within pipeline planning areas.

The applicant has proposed to calculate the pipeline planning area using the current operating pressure for this pipeline thus reducing the pipeline planning area to 109 feet on each side of this pipeline using the formula. The 109 foot setback is depicted as the gas line setback for the proposed multi-family residential and commercial areas (Area 1 & Area 2).

This approach of using the current operating pressure has recently been supported in other new residential developments along Yankee Hill Road as well. However, along Yankee Hill Road the operating pressure was very near the maximum allowable operating pressure. In this case along O Street, the 12 inch pipe is operating well below the maximum allowable operating pressure. According to Black Hills Energy, this pipe could have been sized at 2 to 4 inches, but was oversized to 12 inches to accommodate future growth. Presently, Black Hills doesn't have any plans to increase the operating pressure. They note it would take a significant commercial/industrial user for them to consider increasing the operating pressure.

The 2040 Comprehensive Plan does designate commercial and light industrial uses in the area of 98th and O Street, but this is mostly envisioned as a retail or office area, with perhaps some mini-warehouse or storage uses and is not planned for a significant heavy industrial user that might have large natural gas usage, such as one with large boilers or furnaces.

The 2040 Comprehensive Plan states:

> *P. 7.4 - Provide adequate spacing from pipelines and areas where hazardous chemicals could be used and stored; notify property owners and residents along the pipeline about hazards and emergency actions.*
>
> *P. 7.8 - Neighborhoods and Housing - Revise the regulations or procedures to provide notice to potential buyers about the location of pipelines and hazardous chemical use and storage, and to encourage adequate spacing be provided from pipelines and areas where hazardous chemicals could be used and stored.*

In this case, the applicant has provided a site plan that arranged the land uses in order to increase the setback and reduce the amount of residential use next to the PPA compared to a standard single family subdivision. In the Area 1, the multi-family use will allow for parking and garages to be placed in the PPA. In Area 2, a commercial area is proposed next to the PPA. Thus, the 109 foot pipeline planning area is acceptable due to the current operating pressure and the site plan which meets that setback or provides commercial, parking or garages in the setback. However, it should be understood that if this pipeline's pressure is increased, the PPA would also increase placing residential dwelling units within the PPA.

15. A sidewalk should be shown along the O Street frontage. Currently there is not a sidewalk in this location. The sidewalk should be shown in the future right-of-way area and built once this land is platted.

**CONDITIONS:**

This approval annexes approximately 50.5 acres of land and permits 320 dwelling units and 40,000 sq. ft. of commercial floor area together with modifications to the Zoning Ordinance and Subdivision Regulations as follows:

1. Per Section 27.60.020, to allow increase in height of buildings in Area 1 from 35' to 50'.
2. Per Section 27.67.030, to allow parking in the required side yard for Area 2 except when abutting a residential district.
3. Per Section 27.67.030, to allow cross parking between lots located in Areas 1 and 2 to meet minimum parking requirements.
4. Per Section 27.60.020, to allow residential lots that exceed the maximum 3 to 1 lot depth

to width ratio.

**Annexation #15011** Approval

**CZ #15028** Conditional Approval

**Site Specific**

1. The City Council approves associated request AN15011.

2. Upon approval of the planned unit development by the City Council, the developer shall cause to be prepared and submitted to the Planning Department **3** copies of a revised final plot plan and development plan before receiving building permits or approving a final plat.

   2.1 Revise the second sentence in Note 3 with text that states, “All permitted, conditional and special permitted uses in the R-5 zoning district are permitted by right in Area 1.”

   2.2 Remove Notes 8, 13, 19 and 20.

   2.3 Remove the building envelopes from the site plan.

   2.4 Add a note that states, “The lots fronting Red Sky Lane, S. 91st Street and S. 92nd Street may be developed with attached or detached single-family homes.”

   2.5 Replace Note 17 with the following text, “The sale of alcohol is allowed in Area 2 provided the requirements for the sale of alcohol in the B-2 zoning district are met, except the separation requirements from a residential zoning district shall not apply, including the separation from required parking spaces located in required yards.”

   2.6 Revise the plan to the satisfaction of the Public Works & Utilities Watershed Management Division.

   2.7 Remove the Waiver of Section 26.23.130.

   2.8 Add a 5' sidewalk along the O Street frontage.

   2.9 Modify Note 6 on the plan to state, “Administrative amendments shall be required for future changes to grading, detention, street alignments, utility locations, street profiles etc. Administrative amendments are also required

to show the building layouts for Area 1 and Area 2. Depending on the building layout, an increase in building setbacks may be recommended at the time of administrative amendment. Administrative amendments are not required regarding commercial square footage allocation."

2.10 Add the 10' side yard setback on the south side of Lots 5, 13, 14 and 23, Block 3.

2.11 Modify Note 22 to state, "Residential dwellings, schools, hospitals and childcare facilities are not allowed within the 109 foot pipeline planning area."

3. Before receiving building permits, the developer shall 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 planned unit development has been recorded.

4. Before issuance of building permits, final plat(s) shall be approved by the City.

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

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.

Before a final plat may be approved, Developer agrees, as subdivider, must enter into an agreement with the City whereby Developer agrees:

to complete the street paving of public streets**,** and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of the final plat.

To complete the paving of private roadway**,** and temporary turnarounds and barricades located at the temporary dead-end of the private roadways shown on the final plat within two (2) years following the approval of this final plat.

to complete the installation of sidewalks along both sides of the streets and private roadways along S. 90th Street, Red Sky Lane, S. 91st Street, S. 92nd Street, as shown on the final plat within four (4) years following the approval of the final plat.

to complete the installation of sidewalks along (name the improved major street) as shown on the final plat within two (2) years following the approval of this final plat.

to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.

to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed private drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

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 public street lights within this plat within two (2) years following the approval of the final plat.

to complete the installation of private street lights along the private roadways within this plat within two (2) years following the approval of the final plat.

to complete the planting of the street trees along the public streets and private roadways within this plat within six (6) years following the approval of the final plat.

to complete the installation of the street name signs within two (2) years following the approval of the final plat.

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

to timely complete any other public or private improvement or facility required by the Land Subdivision Ordinance 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 Planned Unit Development.

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 preventative maintenance of the private improvements, on a permanent and continuous basis.

to maintain the plants in the medians and islands, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

to maintain the street trees along the private roadways and landscape screens, including replacement and replanting as reasonably necessary, 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 improvements, 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 constructed within the development and that these additional maintenance issues or costs are the responsibility of the developer.

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, Developer(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) Developer shall not be relieved of Developer'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 shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

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

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

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

Prepared by:

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

**DATE:** October 13, 2015

**APPLICANT:** Lewis-Starostka, Inc.
429 Industrial Lane
Grand Island, NE 68803

**OWNER:** Lewis-Starostka, Inc.
429 Industrial Lane
Grand Island, NE 68803

Raymond Leavitt Trust
8701 O Street
Lincoln, NE

Harry Leavitt
8805 O Street
Lincoln, NE

**CONTACT:** Civil Design Group, Inc.
Mike Eckert
8535 Executive Woods Drive, Suite 200
Lincoln, NE 68512

F:\DevReview\CZ\15000\CZ15028 Shadow Creek.pdb.wpd

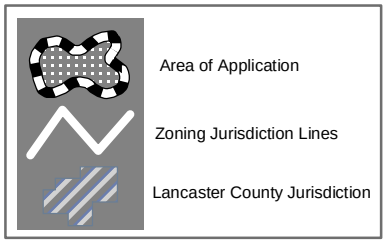
2013 aerial

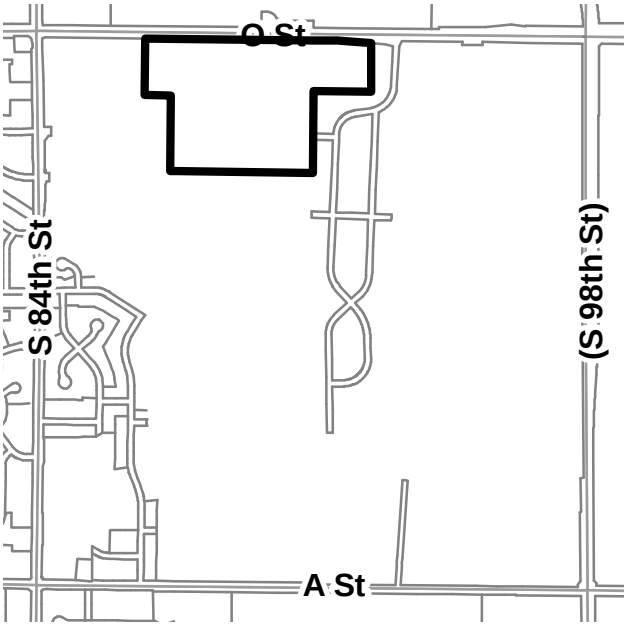
**Change of Zone #: CZ15028**
**Shadow Creek PUD**
**S 90th & O St**

## 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.26 T10N R07E



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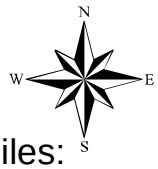
*2013 aerial*

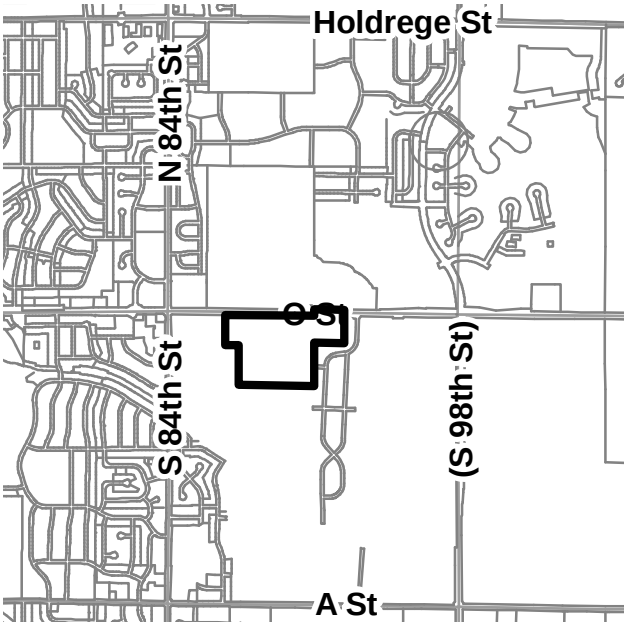
**Annexation #: AN15011**
**Shadow Creek**
**S 90th & O St**

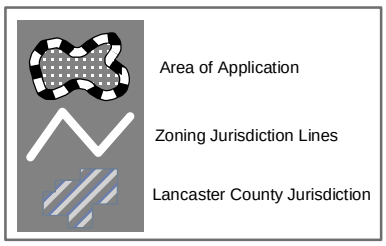
## Zoning:

| | |
|---|---|
| **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 |




Two Square Miles:
Sec.23 T10N R07E
Sec.26 T10N R07E



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22. RESIDENTIAL STRUCTURES SHALL NOT BE PERMITTED IN THE [illegible] GAS LINE SETBACK AREA ALONG "O" STREET.

## WAIVERS

TITLE 26 - SECTION 26.11.[illegible] - TO WAIVE THE INFORMATION ON OR ACCOMPANYING A PRELIMINARY PLAT FOR A PLANNED UNIT DEVELOPMENT FOR AREAS 1 AND 2

INCLUDING: *
- GRADING AND DRAINAGE
- [illegible] PROFILE & CROSS SECTIONS
- STORM WATER DETENTION & STORM SEWER CALCULATIONS
- LOT LAYOUT
- STREET CURVE DATA

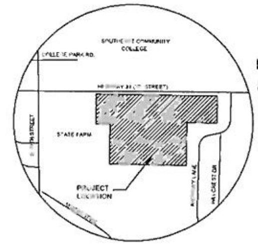
* THE ABOVE INFORMATION SHALL BE SUBMITTED WITH FUTURE ADMINISTRATIVE AMENDMENTS.

TITLE 26 - SECTION 26.23.130 - TO ALLOW BLOCK LENGTH TO EXCEED 1,320 FOR REDISKY LANE AND THE STREETS ABUTTING FLOOD PLAIN & DRAINAGE WAYS

TITLE 27 - SECTION 27.67.020 - TO ALLOW PARKING IN THE REQUIRED SIDE YARD FOR AREA 2 EXCEPT WHEN ABUTTING A RESIDENTIAL DISTRICT.

TITLE 27 - SECTION 27.67.0[illegible] - TO ALLOW CROSS PARKING BETWEEN LOTS LOCATED IN THE AREA 1 AND 2 ZONES TO MEET MINIMUM PARKING REQUIREMENTS.

TITLE 27 - SECTION 27.15.080 - WAIVE AVERAGE LOT WIDTH FROM 50 FEET TO 35 FEET IN THE R-3 ZONING DISTRICT




VICINITY MAP
NO SCALE

# SHADOW CREEK

## PLAN UNIT DEVELOPMENT

### P.U.D. LEGAL DESCRIPTION

Description of a 48.92 acre tract of land consisting of Lots [illegible], 28, and 34 of Irregular tracts and part of Lot "C", located in the North one-half of Section 28, Township 10 North, Range 7 East, of the 6th P.M., Lancaster County, Nebraska, and more particularly described as follows:

Beginning at the Northwest corner of said Lot [illegible] of Irregular tracts, said point being located on the Southerly 60.00' Right-of-Way line of U.S. Highway #34. Thence in a Easterly direction on the North line of said Lots 9, 28 and 34 of Irregular tracts and on the Southerly 60.00' Right-of-Way line of said U.S. Highway #34, and on an assumed bearing of S 85°[illegible]15" E, for a distance of 1610.[illegible] to the Northeast corner of said Lot 34 of Irregular tracts;
Thence [illegible] E on the North line of said Lot "C", and on the Southerly 60.00' Right-of-Way line of said U.S. Highway #34, for a distance of [illegible];
Thence S 68°11'58" E on the Southerly Right-of-Way line of said U.S. Highway #34, for a distance of 320.[illegible] to a point on the West line of Hillcrest Heights;
Thence S 00°11'43" W on the East line of said Lot "C", for a distance of 489.52' to the Southeast corner of said Lot "C" and the Northeast corner of Lot 4, Block 1, Hillcrest Heights;
Thence N 89°24'[illegible] W on the South line of said Lot "C", for a distance of [illegible].01' to the Southwest corner of said Lot "C" and the Northwest corner of Lot 5, Block 1, Hillcrest Heights;
Thence S 00°[illegible] W on the East line of said Lot 34 of Irregular tracts, for a distance of [illegible] to the Southeast corner of said Lot 34 of Irregular tracts and the Northeast corner of the [illegible] 1/4 of the [illegible] of said section 28;
Thence N 89°[illegible] W on the South line of said Lot 34 of Irregular tracts, for a distance of 1318.24' to the Northeast corner of the SE 1/4 of the [illegible] 1/4 of said section 28;
Thence N 89°11'[illegible] W on the South line of said Lot 34 of Irregular tracts, for a distance of [illegible] to the Southwest corner of said Lot 34 of Irregular tracts;
Thence N [illegible]15" E on the West line of said Lot 34 of Irregular tracts, for a distance of [illegible] to a point on the South line of said Lot 9 of Irregular tracts;
Thence N 89°[illegible]49" W on the South line of said Lot 9 of Irregular tracts, for a distance of [illegible] to the Southwest corner of said Lot 9 of Irregular tracts;
Thence N [illegible]19" E on the West line of said Lot 9 of Irregular tracts, for a distance of [illegible] to the POINT OF BEGINNING. Containing a calculated area 48.92 acres, more or less.

Together with and subject to covenants, easements, and restrictions of record.

| CURVE DATA | | | | | | |
|---|---|---|---|---|---|---|
| CURVE # | RADIUS | ANGLE | TANGENT | LENGTH | CH DIST | CH BRG |
| C1 | [illegible] | 22°[illegible]78" | 97.[illegible] | 193.07' | 191.87' | S10°29'32"E |
| C2 | [illegible] | 67°01'38" | 58.33' | [illegible] | [illegible] | N56°[illegible]E |
| C3 | [illegible] | 67°28'21" | [illegible] | [illegible] | 156.61' | S56°51'[illegible] |
| C4 | [illegible] | 21°[illegible] | 57.12' | 112.8[illegible] | 112.[illegible] | S11°[illegible] |
| C5 | [illegible] | 27°2[illegible] | 231.23' | [illegible] | 449.[illegible] | N51°[illegible]W |
| C6 | 150.00' | 93°54'10" | 124.2[illegible] | [illegible] | 209.2[illegible] | S4[illegible] |
| C7 | [illegible] | 27°40'50" | 72.[illegible] | [illegible] | [illegible] | S13°[illegible] |

### PROPERTY OWNERS

LEWIS-STAROSTKA, INC
420 INDUSTRIAL LANE
GRAND ISLAND, NE [illegible]

RAYMOND & BILLIE LEAVITT
[illegible] O STREET
LINCOLN, NE [illegible]

HARRY LEAVITT
[illegible] O STREET
LINCOLN, NE [illegible]

### DEVELOPER

LEWIS-STAROSTKA, INC
420 INDUSTRIAL LANE
GRAND ISLAND, NE [illegible]
(308) [illegible]

### ENGINEER

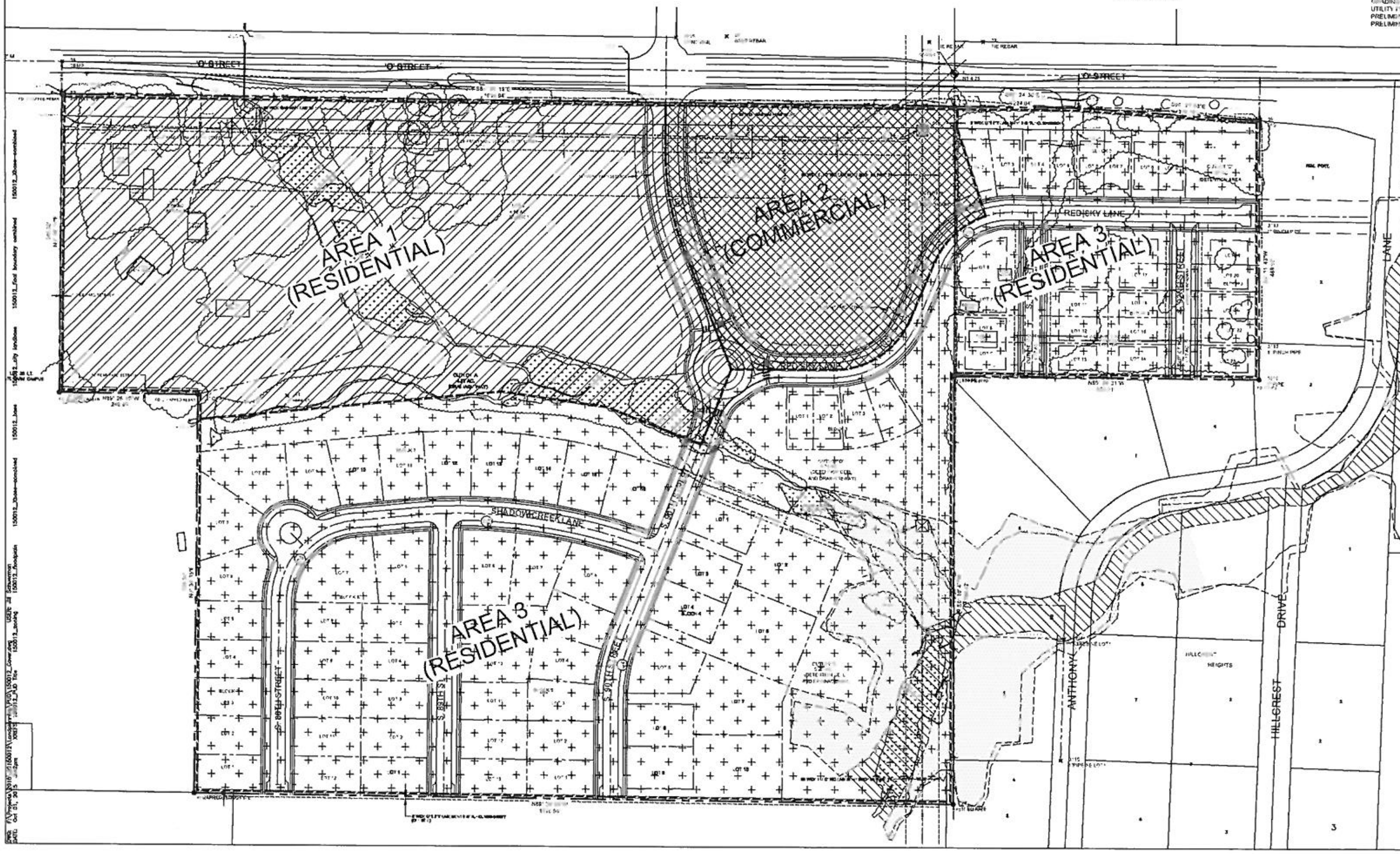
CIVIL DESIGN GROUP, INC
[illegible] EXECUTIVE [illegible]
SUITE [illegible]
LINCOLN, NE 68512
(402) 434-[illegible]

### SURVEYOR

ALLIED SURVEYING & MAPPING, INC
[illegible] EXECUTIVE [illegible]
SUITE [illegible]
LINCOLN, NE [illegible]2
[illegible]

### SHEET INDEX

| | |
|---|---|
| COVER SHEET | SHEET 1 |
| SITE PLAN | SHEET 2 |
| GRADING & DRAINAGE PLAN | SHEET 3 |
| UTILITY PLAN | SHEET 4 |
| PRELIMINARY STREET PROFILES | SHEET 5 |
| PRELIMINARY STREET PROFILES | SHEET 6 |




### LEGEND

- TOWNHOUSE/SINGLE FAMILY (R-3 PUD)
- MULTI-FAMILY (R-5 PUD)
- MIXED USE OFFICE CENTER (B-2 PUD)
- LIMITS OF P.U.D. BOUNDARY
- ZONING DIVISION
- PROPOSED STREET CENTERLINE
- PROPOSED R.O.W.
- PROPOSED R.O.W. (FUTURE BUILDOUT)
- FEMA FLOODPLAIN
- FEMA FLOODWAY
- WETLANDS

### ALLOWED LAND USE

| USE | ALLOWABLE |
|---|---|
| AREA 1, RESIDENTIAL R-5 | 220 UNITS |
| AREA 2, NEIGHBORHOOD COMMERCIAL | 45,[illegible] S.F. |
| AREA 3, RESIDENTIAL R-3 | 10[illegible] UNITS |

| HEIGHT AND AREA TABLE | |
|---|---|
| AREA 1 (RESIDENTIAL) R-5 | [illegible] SETBACK TO "O" STREET<br>15' FRONT YARD SETBACK<br>5' SIDE YARD SETBACK<br>0' INTERNAL SETBACKS<br>[illegible] HEIGHT LIMIT |
| AREA 2 (COMMERCIAL) B-2 | 20' SETBACK TO "O" STREET<br>15' FRONT YARD SETBACK<br>[illegible] SIDE YARD SETBACK<br>0' INTERNAL SETBACKS<br>45' HEIGHT LIMIT |
| AREA 3 (RESIDENTIAL) | 20' FRONT YARD SETBACK<br>5' SIDE YARD SETBACK<br>REAR YARD SMALLER OF 2[illegible] OR [illegible] OF LOT DEPTH<br>35' HEIGHT LIMIT |

Civil Design Group, Inc.
8535 EXECUTIVE [illegible] SUITE 200
LINCOLN, NEBRASKA 68512
Ph 402-434-8494 Fax 866-215-8747
www.civildg.com

CONSULTING ENGINEERS & LAND USE PLANNERS
CIVIL DESIGN & SITE DEVELOPMENT & PLANNING AND ZONING

REVISIONS

| DATE | DESCRIPTION |
|---|---|

SHADOW CREEK
PLANNED UNIT DEVELOPMENT #____

COVER SHEET

2015

LINCOLN, NEBRASKA

| | |
|---|---|
| drawn by: | jds |
| checked by: | - |
| approved by: | - |
| project no.: | 2015-0012 |
| drawing no.: | - |
| date: | 09/30/2015 |

SHEET
1 OF 6

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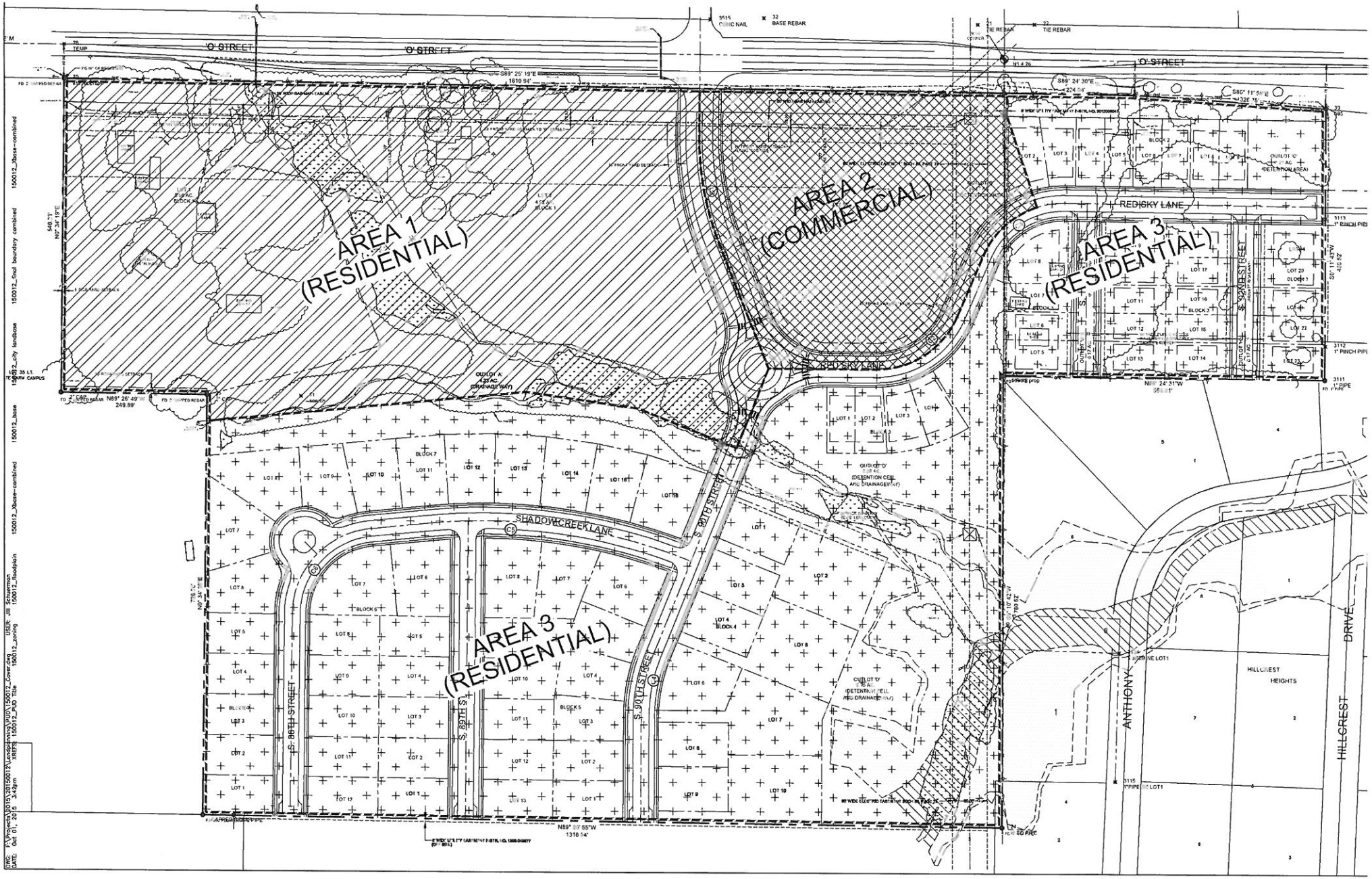
AREA 1
(RESIDENTIAL)
AREA 2
(COMMERCIAL)
AREA 3
(RESIDENTIAL)
AREA 3
(RESIDENTIAL)
'O' STREET
REDISKY LANE
SHADOWCREEK LANE
S. 88TH STREET
S. 90TH STREET
ANTHONY
HILLCREST
DRIVE
HILLCREST
HEIGHTS

Civil Design Group, Inc.

Consulting Engineers & Land Use Planners
Civil Design • Site Development • Planning & Zoning

www.civildg.com

October 16, 2015

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

**Re: Shadow Creek, Planned Unit Development (PUD) application, South 90th Street and "O" Street, CDG Project #2015-0012.**

Dear Mr. Cary:

On behalf of Lewis-Starostka, Inc., we submit the above mentioned Shadow Creek PUD application. This PUD contains 48.9 acres of land that is currently zone AG and is not annexed. We are requesting a change of zone to R-3 PUD and annexation to the City of Lincoln. The PUD will contain R-5, B-2 and R-3 uses as shown on the site plan.

A Traffic Impact Analysis incorporating the conceptual uses and the access point onto "O" Street has been previously submitted and reviewed by the Public Works and Utilities Department and the Nebraska Department of Roads. We are also requesting a modification to the Health Department's "pipeline planning area" residential setback recommendation. The requested setback of 154' was calculated using the maximum operating pressure. We are proposing to reduce it to 109' by using the actual operating pressure as provided by Black Hills Energy.

We request the following waivers with this application with the noted LMC Sections:

1. To allow for the block length to exceed 1,320' for Red Sky Land and for the streets abutting floodplain and drainage ways, per Section 26.23.130.
   Additional connections to the adjacent existing residential development on the east are encumbered by floodplain and floodway areas as we as existing houses.

2. To allow parking in the required side yard for Area 2, except when abutting a residential district, per Section 27.67.030.
   To utilize the land more effectively in the event Area 2 is divided into multiple commercial lots.

3. To allow cross parking between lots located in Area 1 and 2 to meet minimum parking requirements, per Section 26.67.030.
   This would utilize the sharing of opposing parking demands for the multi-family and commercial areas.



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

4. To increase the height from 35' to 50' for Area 1 (R-5 Multi-family), per Section 27.72.020.

   This is a typical waiver due to new construction standards and market demands for current multi-family units.

5. To the 3-to-1 maximum lot depth-to-width ratio for four lots abutting a floodplain area east of S. 90th Street, per Section 26.23.140(a).

   This is for four flag lots that have been created against a floodplain area that was not conducive to further roadway connectivity due to floodway constraints.

In conjunction with this submittal we have included the following:

PUD Fee - $3,720.00
PUD Application Form

We have worked extensively with staff on this application and hope that this letter and associated plan sheets provide you with enough information to review this PUD application. As always, please call me at (402) 434-8494 if you have questions.

Sincerely,

Mike Eckert, AICP

Encl
cc: Lewis-Starostka, Inc.

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**LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**

**for OCTOBER 28, 2015 PLANNING COMMISSION MEETING**

**PROJECT #:** Special Permit No.15064

**PROPOSAL:** A request per Article 13, Section 13.001.27 for Expanded Home Occupation for Avalon Event Paradise

**LOCATION:** 12788 West Roca Road.

**LAND AREA:** 32.43 acres, more or less

**EXISTING ZONING:** AG Agricultural

**CONCLUSION:** This special permit for Expanded Home Occupation to allow large gatherings, such as wedding receptions, should have minimal impact on adjacent properties given the site plan and proposed conditions. The nearest property is approximately 450 feet away. The waiver to exceed the 15,000 square feet limit for outdoor areas is acceptable based on the amount of area needed for parking for most events that would be much smaller. The waiver to allow the parking not be gravel is acceptable since the parking area is grass and any dust would be minimal. In conclusion the use is acceptable with limitation on size and number of large events.

| | |
|---|---|
| **RECOMMENDATION:** | Approval |
| Waivers | |
| 1. To waive the requirement that the parking area be gravel. | Approval |
| 2. Allow the parking and other related business activity to exceed 15,000 sq. ft. | Approval |

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 27 I.T. located in the SW1/4 of Section 17, Township 8 North, range 5 East; Lancaster County, NE

**EXISTING LAND USE:** Single family house.

**SURROUNDING LAND USE AND ZONING:**

| | | |
|---|---|---|
| North: | AG Agricultural | Single family homes |
| South: | AG Agricultural | farm ground |
| East: | AG Agricultural | Single family homes on acreage size lots |
| West: | AG Agricultural | Single family homes |

**HISTORY:**

September 21, 2010 A special permit for expanded home occupation for a medical office located at 12100 West Roca Road was approved by the Lancaster County Board of Commissioners.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

Continue to encourage and permit accessory home businesses, and locate businesses within the commercial areas of incorporated towns as they expand beyond the definition of home occupation. (P.5.5)

**TRAFFIC ANALYSIS:**

This is on and has access to West Roca Road (Highway 33) a two lane paved highway.

**PUBLIC SERVICE:**

This area is served by the Lancaster County Sheriff's Department

**AESTHETIC CONSIDERATIONS:**

Light and noise from events.

**ANALYSIS:**

1. This request is for an expanded Home Occupation to allow the rental of the "boathouse" and adjacent land to allow for gatherings such as wedding receptions and family reunions. The owners of this property have been renting out for large events contrary to zoning.

2. The owner could rent out the boathouse only as a home occupation. Home occupation is a conditional use and would not require this special permit. Due to the receptions and other gatherings, the special permit for Expanded Home Occupation is required.

3. The gatherings/receptions take place in the boathouse and the tent area as shown on the attached site plan. The boat house is approximately 450 feet and the tent area is approximately 540 feet from the nearest neighboring property to the east.

The properties to the east are buffered by a large number of evergreen trees along the east lot line.

4. The outside gatherings are proposed to be held May through October. On average there would be 12 to 15 events held per year. Some busier months may have an event every weekend.

5. The applicant is requesting two waivers. The first is to waive the requirement that the parking lot be gravel. The parking area is grass. The applicant states that the parking area is not irrigated and remains dry. The second waiver is to allow the outside areas to exceed 15,000 sq. ft. The parking area and the tent area is approximately 35,000 sq. ft. They are showing a large parking area to accommodate the occasional large gathering of 200 to 300 persons. . Typically the events have approximately 75 vehicles. The waivers are appropriate since there is no large reception hall or paved lot on site and will be used infrequently. The site will retain its rural character. Due to its large size and extensive landscaping.

6. The county special permit conditions for expanded home occupation are as follows:

(b) On-site sales shall be limited primarily to products grown, manufactured, processed, treated or assembled on the premise.
**This would be a service provided by the residents. There are no sales of goods on site. The service being provided is the use of land and one building.**

(c) No more than two (2) persons, who are not members of the family residing on the premises, may be employed to carry out the occupation or activity on the premises.
**Applicant states that they have one outside employee. People who lease the property are responsible for hiring caterers, people to set up tents, bands and any others for a wedding or other gathering. These people are on site infrequently and thus are not considered employees of Avalon Event Paradise and do not count toward the 2 outside employees.**

(d) The lot area shall be 10 acres or larger
**This is a 32.43 acre premise.**

(e) Driveways and parking areas shall be provided with an all-weather (gravel or rock) surface to minimize dust and mud.
**Parking is shown on a grass area measuring 300' x 100'. The driveway is asphalt. The applicant is requesting a waiver to the gravel requirement.**

(f) No more than 50% of the floor area of the residence may be used for said business. **The residence is 4,068 sq. ft. per the Lancaster County Assessor site. The boathouse is 950 square feet or 23 percent of the floor area.**

(g) The total floor area for all buildings used for said business shall not be more than 10,000 square feet.
**The boat house is the only permanent building and it is 950 sq. ft.**

(h) Outside area used for work area, storage or other business activity (of vehicles, equipment, or materials used in the business) and parking shall not exceed 15,000 square feet.
**There is an area set aside if the event is to have tents. This area is 4,800 sq. ft. The parking area shown on the site plan is 30,000 sq. ft. The applicant is requesting a waiver to allow more than 15,000 sq. ft.**

(I) All outside business related activity shall be located at least 200 feet from all premise property lines and shall be visually screened from public streets and adjacent property lines. Said visual screening shall be approved as part of the special permit
**The boathouse and the tent area is more than 200 feet from the property lines. The parking area is approximately 60 feet from the lot line adjacent Highway 33. The area is screened with a double row of trees.**

(j) Health Department regulations and all other County, State, and Federal rules and regulations shall apply. The Health Department may require dust control of nearby unpaved roads to mitigate the impact of traffic approaching and leaving the premise.
**The only adjacent road is Highway 33.**

(k) Building permits will be obtained as required for all new construction and remodeling of existing buildings under this permit.
**All buildings must meet code and be approved by Building and Safety**.

(l) Only one vehicle/truck over 2.5 tons (gross weight) is permitted on the site. No more than four (4) business vehicles shall be parked or stored outside on the site at any one time.
**No auto or truck storage is requested. Only parking for guests.**

(m) There is no sign other than one non-animated, non-illuminated, non-reflecting nameplate not more than twenty (20) square feet in area, which name plate designates the home occupation carried on within.
**No sign location is shown. There is a current sign located at the entrance drive from Hwy 33.**

(n) A site plan for this special permit shall be approved and followed.
**A site plan was provided (see attached)**

7. Similar uses in the county approved by special permit that have large attendance

such as, Camp Gargano and Camp Sonshine, have limitations on the number of participants at any one time. Camp Sonshine was limited to 300 persons and Camp Gargano was limited to 150 persons. Camp Gargano was also allowed to have up to 500 persons 6 time per year if a separate amusement license is granted by the County Board. This limitation was due in part because of the sites being on gravel roads.

8. To help minimize the impact to adjacent neighbors the number of large events, those between 100 and 350 persons, should be limited to no more than 15 in any calendar year. Having more smaller events would help reduce traffic and noise.

**CONDITIONS OF APPROVAL:**

Per Article 13, Section 13.001.27 this approval permits Expanded Home Occupation for the site in conformance with the attached site plan to be used for rental of the boathouse and/or designated open space for overnight stays, parties, wedding receptions, family reunions and other such gatherings for less than 100 people per event. Each calendar year 15 events are allowed for 100 to 350 people per event. This special permit also waives the condition that the parking lot be gravel and waives that the outside area used for the business not exceed 15,000 square feet.

**Standard Conditions:**

1. The following conditions are applicable to all requests:

   1.1 Before starting the operation all development and construction shall substantially comply with the approved plans.

   1.2 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.

   1.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

   1.4 The applicant shall sign and return the letter of acceptance to the County Clerk. This step should be completed within 60 days following the approval of the special permit. The Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.

Prepared by

Tom Cajka
Planner

**DATE:** October 20, 2015

**APPLICANT:** Viann Martin
2315 Winding Ridge Road
Lincoln, NE 68512
402-540-0792

**OWNER:** Martin Estates LLC
2315 Winding Ridge Road
Lincoln, NE 68512
402-540-0792

**CONTACT:** Same as applicant

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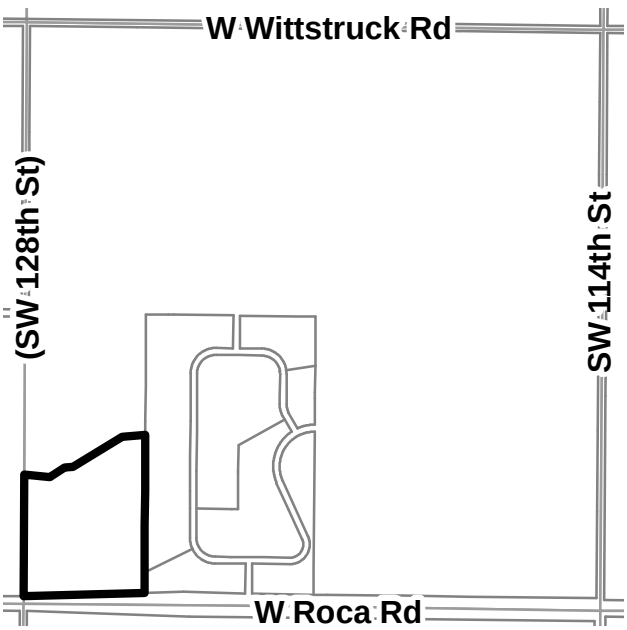
*2013 aerial*

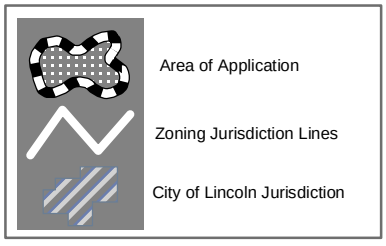
**Special Permit #: SP15064**
**Avalon Event Paradise**
**SW 128th St & W Roca Rd**

One Square Mile:
Sec.17 T08N R05E




## 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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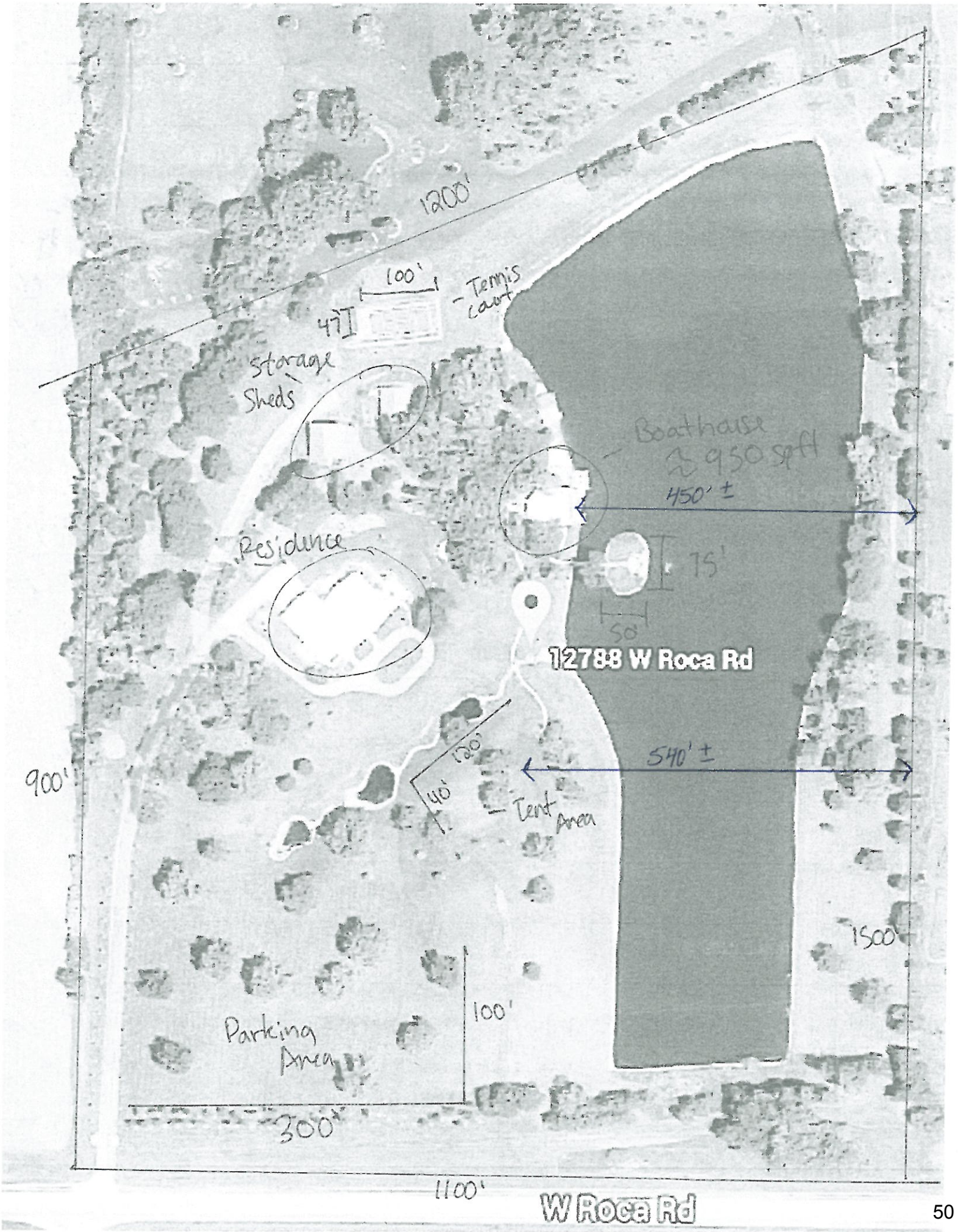
File: F:\DevReview\PlannerPacket\MXD\Agendadrawings.mxd (SP15064)


1200'
100'
Tennis court
47'
storage Sheds
Boathouse
≈ 950 sqft
450' ±
Residence
75'
50'
12788 W Roca Rd
540' ±
120'
40'
Tent Area
900'
1500'
100'
Parking Area
300'
1100'
W Roca Rd

September 25, 2015

Lancaster County Planning Department:

This letter is to request that the planning department approve a special permit for the family business, Avalon Event Paradise, a host site for special events, such as, weddings and family reunions. It is our intent to offer the use of our scenic property for such events on a seasonal basis. The property lends itself nicely to such events as it is private and is located a good distance from other residents. Having held a few such events without prior knowledge of the necessity of needing county approval, we can state unequivocally that they have been orderly and without complaint. To the contrary, many local residents of Crete have commented that they are glad to see that we have restored the property and are keeping it looking so nice. Parking has not been a problem as we provide ample space at the front of the property and we also recommend the use of shuttles from the hotels where guests are staying. This greatly cuts down on the amount of traffic and creates easy access for guests. We have hired one person who works as a private contractor to maintain the property and give tours for prospective clients. The property includes a 12 acre lake with an island setting where weddings are held. It also includes a boathouse for the wedding party to use during events. There is also a reception area designated for tent use if the guests choose to rent a tent structure for events. It is our intent to pay close attention to the needs of neighbors as we operate this business for public enjoyment. The closest neighbors reside to the east of the 12 acre lake approximately 400 yards from the event site and are buffered by a large number of trees and shrubs. Therefore, we have never had a complaint of noise disturbance or any other disturbance as the guests do remain on the west side of the lake where the events are held. It is our sincere request that we be allowed to offer this site as a space for future events and to operate peacefully with respect to the neighboring properties. We appreciate your consideration. Thank you.

Viann Martin

## Tom J. Cajka

**From:** Viann2000 <viann2000@aol.com>
**Sent:** Wednesday, October 14, 2015 1:29 PM
**To:** Tom J. Cajka
**Subject:** Special Waiver

I am requesting a waiver to extend the allotted parking area on our property located at12788 W Roca Rd.
Although most of our weddings only require parking for to-75 vehicles, we highlighted a larger area on the site map in order to accommodate the occasionally larger gathering.
A typical parking spot is 8.5x18' and the 100x300' area we have highlighted on the site map could accommodate up to 200 vehicles.
We are averaging only 1 event per month, and therefore, I also request that we not be required to rock or gravel the area for parking. Again this area is not irrigated and is located on a high point of the property, so it remains very dry and suitable for event parking.

Thank you for your consideration.

Viann Martin
(Owner)

Sent from my iPad